APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 9, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Ancient Oaks, 2016-03903-MHK (Wetland 1, Wetland 2)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Wisconsin County/parish/borough: Waukesha City: Sussex
Center coordinates of site (lat/long in degree decimal format): Lat. 43.1428° N, Long. 88.21642° E.
Universal Transverse Mercator: 16
Name of nearest waterbody: Unnamed Tributary to the Spring Creek
Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region (07120006)
☐ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date: December 6, 2016
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):
☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

The review area contains two intrastate wetlands (Wetland 1 and 2). These wetlands are within a field which was farmed until the 1970s. Wetland 1 is currently within a forested area. Both wetlands are located within an area mapped with Brookston silt loam (BsB) which is hydric and Lamartine silt loam (LmB) which is an upland soil with Pella and Ossian hydric inclusions. The Wisconsin Wetland Inventory map indicates one wetland smaller than 2 acres on the east side of Wetland 1. Both wetlands are not within the 100-year floodplain. Site hydrology drains from east to west through the middle of the site as seen in the topographic map. The delineator indicated that stormwater from the end of Donna Drive enters the east end of Wetland 1 and sheetflows to the center of the wetland. There is no defined outlet for Wetland 1 though sheetflow may exit Wetland 1 into Wetland 2 after heavy rain, but hydrology would terminate at Wetland 2. There are no ditches along Donna Drive as this street has a curb and gutter system. Both wetlands are not bordering, contiguous or neighboring another WOUS. Wetland 1 and 3 are not separated from other WOUS by man-made dikes, barriers, or berms. The closest tributary is to the east, approximately 2180 feet from Wetland 1. Wetland 1 and 2 do not support a link to interstate or foreign commerce; are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetland 1 and 2 are not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

1 Supporting documentation is presented in Section III.F.
B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: 
- Wetlands: W-1 is 0.78 acre and W-2 is 0.35 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: 
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Stantec wetland delineation
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:
- U.S. Geological Survey Hydrologic Atlas:
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Quad: WI-Sussex
- USDA Natural Resources Conservation Service Soil Survey. Citation: Waukesha County
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): Wisconsin Wetland Inventory
- FEMA/FIRM maps: from Waukesha County GIS
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- or Other (Name & Date): Stantec Delineation photos
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):
B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 1 and 2 are hydrologically isolated and have no connection to any water of the United States.
**Legend**
- **Review area**
- **Sample Point**
- **Field Delineated Wetland**

**DNR 24k Hydrography**
- **Perennial Stream**
- **Intermittent Stream**
- **Waterbody**

*No Hydrography visible in map extent.*

**Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4603 Feet
2. Data Sources Include: Stantec, WDNR, USGS, WDOT
3. Orthophotography: 2013 NAIP

**Disclaimer:** Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

**Figure No.**

5

**Title**

Field Collected Data

**Client/Project**

Carity 40-Acre Parcel

Wetland Delineation

**Project Location**

193704059

TN: 819E, 523

V. of Sussex

Prepared by FM on 2015-10-19

Technical Review by MP on 2015-10-19

Independent Review by EP on 2015-10-20

**Orthophotography:** 2013 NAIP

0 300

0 150

0 0

Scale: 1:3,600 (at original document size of 8.5x11)