SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Veridian Homes - Smiths Crossing Phase 18 2017-02327-KJH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin   County/parish/borough: Dane County   City: Sun Prairie
   Center coordinates of site (lat/long in degree decimal format):  Lat. 43.16081° N, Long. -89.25680° W
   Universal Transverse Mercator:
   Name of nearest waterbody: Koshkonong Creek
   Name of watershed or Hydrologic Unit Code (HUC): Middle Rock (07090002)
   ☑ 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: July 18, 2018
   ☐ 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):1
      ☑ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
      Explain: The review area includes two aquatic features identified as Wetland 1 (0.73 acre) and Wetland 2 (0.20 acre). Wetland 1 is a stormwater pond that was constructed in uplands. Wetland 2 formed due to rough grading that was performed for Leopold Way and Butterfly Circle in 2005. Wetland 2 is a small wetland that formed in a depression created due to on-site grading causing water to be retained on site. In accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), the Corps does not generally consider the following waters to be waters of the United States; ponds created by excavating and/or diking dry land to collect and retain water and which are used for such purposes as settling basins, and waterfilled depressions created in dry land incidental to construction activity.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

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):

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1 Supporting documentation is presented in Section III.F.
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): Refer to Section II.B.2 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: 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: Heartland Ecological Group, Inc. Jeff Kraemer
- 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 NHDA data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24k Quad WI - DeForest
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): WWI
- FEMA/FIRM maps:
  - 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: ✓ Aerial (Name & Date): WDNR Surface Water Data Viewer 2010 & 2015
  or ✓ Other (Name & Date): Google Earth
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): 1997 and 2015 Wetland Delineation Reports

B. ADDITIONAL COMMENTS TO SUPPORT JD: