

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): **MAR 16 2018**

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-02662-BBY

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin

County/parish/borough: Milwaukee

City: Franklin

Center coordinates of site (lat/long in degree decimal format): Lat. 42.91693° N, Long. -88.01752° E.

Universal Transverse Mercator:

Name of nearest waterbody: Root River

Name of watershed or Hydrologic Unit Code (HUC): 04040002 Great Lakes Region

☒ 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: November 3, 2017

☐ 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: **There are 16 wetlands and 14 ditches within the review area; however, this determination is only for Wetlands 1, 2, 6, 7, 8, 9, 10, 11, 12, 14 and 15 and all 14 ditches on the enclosed figures labeled MVP-2017-02662-BBY Page 1 of 5 through 5 of 5.**

Wetlands 1, 2, 6, 7, 8, 9, 10, 11, 12, 14 and 15 do not have surface or shallow subsurface hydrologic connections to any navigable waters or their tributaries, as confirmed in the Ballpark Commons Wetland Delineation Report dated May 19, 2016. These wetlands are surrounded by uplands and have no swales, pipes or other means to connect them to waters of the U.S. (WOUS). We have determined that these wetlands are isolated depressions and not WOUS.

These wetlands do not support a link to interstate or foreign commerce because they 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 or foreign commerce. These wetlands do not have an ecological connection to other waters within the review area. These wetlands were determined to not be jurisdictional under the CWA.

The 14 ditches within the review area were excavated in dry land and drain only dry land and has less than permanent flow. Per the Rapanos decision the drainage ditch is not a water of the U.S (WOUS).

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

¹ Supporting documentation is presented in Section III.F.

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: Wetland 1 = 0.1; Wetland 2 = 0.01; Wetland 6 = 0.07; Wetland 7 = 0.03; Wetland 8 = 0.34; Wetland 9 = 0.02; Wetland 10 = 0.04; Wetland 11 = .3; Wetland 12 = 0.02; Wetland 14 = 0.02; Wetland 15 = 0.01 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: JSD Professional Services
- ☒ 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 Hales Corners
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Milwaukee County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS NWI
- ☒ State/Local wetland inventory map(s): WI DNR Surface Water Data Viewer
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth April 7, 2017
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Milwaukee County LiDAR data

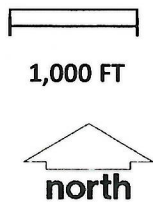
B. ADDITIONAL COMMENTS TO SUPPORT JD:

Ballpark Commons Wetland Delineation
JSD Project No. 14-6548

May 19, 2016

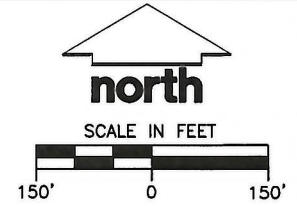


Source: Google Maps, 2016

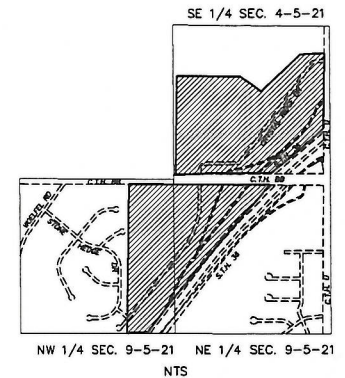


APPENDIX 1. LOCATION MAP

MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHERFINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.



JSD Professional Services, Inc.
 1405548 • 1405548 • 1405548
 MILWAUKEE REGIONAL OFFICE
 N22 W2201 NANCY'S COURT SUITE 3
 WAUKESHA, WISCONSIN 53186
 262.513.0669 PHONE | 262.513.1232 FAX
 www.jsdinc.com

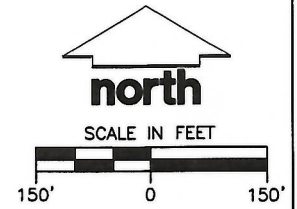
PROJECT:
BALLPARK COMMONS
 CITY OF FRANKLIN, WI

SHEET TITLE:
WETLAND MAP EXHIBIT
SHEET 1 OF 4

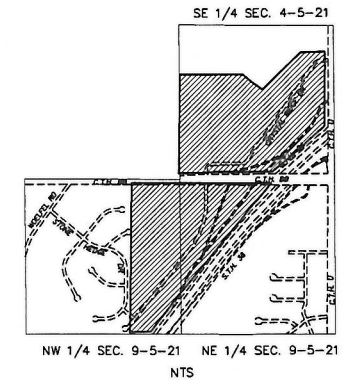
JSD PROJECT NUMBER:
14-6548
 DRAWN BY: CHECKED BY:
SJK/KAS
 DATE:
5-16-16/07-18-16

SHEET NUMBER:
EX-1A

MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHERFINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.



JSD Professional Services, Inc.
 Wisconsin • Illinois • Minnesota
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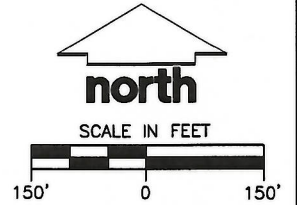
PROJECT:
BALLPARK COMMONS
 CITY OF FRANKLIN, WI

SHEET TITLE:
**WETLAND MAP EXHIBIT
 SHEET 2 OF 4**

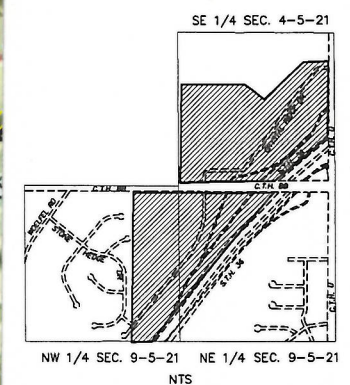
JSD PROJECT NUMBER:
14-6548
 DRAWN BY: CHECKED BY:
SJK/KAS
 DATE:
5-16-16/07-18-16

SHEET NUMBER:
EX-1B

MADISON | MILWAUKEE | KENOSHA | APPLETON



WETLAND DELINEATED BY KRISTI SHERFINSKI OF JSD PROFESSIONAL SERVICES, INC. ON APRIL 29, 2016 AND MAY 3, 2016.



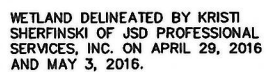
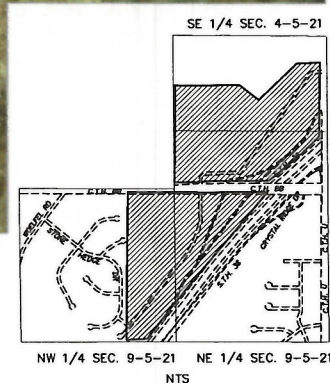
JSD Professional Services, Inc.
 Environmental Engineering & Planning
 MILWAUKEE REGIONAL OFFICE
 N22 W2201 NANCY'S COURT SUITE 3
 WAUKESHA, WISCONSIN 53186
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PROJECT:
BALLPARK COMMONS
 CITY OF FRANKLIN, WI

SHEET TITLE:
**WETLAND MAP EXHIBIT
 SHEET 3 OF 4**

JSD PROJECT NUMBER:
 14-6548
 DRAWN BY: CHECKED BY:
 SJK/KAS
 DATE:
 5-16-16/07-18-16

SHEET NUMBER:
EX-1C



JSD Professional Services, Inc.
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PROJECT:
BALLPARK COMMONS
CITY OF FRANKLIN, WI

SHEET TITLE:
WETLAND MAP EXHIBIT
SHEET 4 OF 4

JSD PROJECT NUMBER:	14-6548
DRAWN BY: CHECKED BY:	SJK/KAS
DATE:	5-16-16/07-18-16

SHEET NUMBER:	
EX-1D	