SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 8, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-3753-MHK, Aurora Health Care Sheboygan

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin  County/parish/borough: Sheboygan  City: Kohler
   Center coordinates of site (lat/long in degree decimal format): Lat. 43.73274450° N, Long. -87.75415150° E
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Sheboygan River
   Name of watershed or Hydrologic Unit Code (HUC): 04030101
   [ ] 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: 01/24/2018
   [ ] 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 contains four wetlands (Wetland 6, 7, 9, &14).  The wetland delineation report submitted by Stantec Consulting Services depicts these wetlands as closed depressions.

   Wetland 6, 0.04 acres in size, was identified as a wooded ephemeral basin wetland.  This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms.

   Wetland 7, 0.06 acres in size, was identified as a wooded ephemeral basin wetland.  This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms.

   Wetland 9, 0.11 acres in size, is a wooded ephemeral wetland basin in the north central portion of the property.  This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms.

¹ Supporting documentation is presented in Section III.F.
Wetland 14, 0.09 acres in size, is a wooded ephemeral wetland basin in the west portion of the property. This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms.

Wetlands 6, 7, 9, & 14 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. The closest tributary is approximately 0.3 miles to the northwest. The surrounding land use consists mostly of commercial and transportation uses. The disturbance resulting from surrounding land uses precludes an ecological connection to a WOUS. Furthermore, the areas are hydrologically isolated with no surface or shallow subsurface connections to a water of the United States. Therefore, the Corps has determined that Wetlands 6, 7, 9, & 14 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
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: 0.3 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 platt submitted by or on behalf of the applicant/consultant: Wetland Delineation Report: September 27, 2017 by Stantec Consulting 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 WI- Sheboygan South
USDA Natural Resources Conservation Service Soil Survey. Citation:
National wetlands inventory map(s). Cite name:
State/Local wetland inventory map(s):
FEMA/FIRM maps:
100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
Photographs: Aerial (Name & Date): FSA slide review in Google Maps
or Other (Name & Date): Ground level photos in delineation report
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:
Figure No. 5

**Field Collected Data**

Client/Project:
M.A. Mortenson Company
Aurora Kohler

Project Location:
T15N, R23E, S28

Prepared by bt on 2017-09-20
Technical Review by jm on 2017-09-20
Ind. Review by bl on 2017-09-27

Notes:
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources include: Stantec, WisDOT, WDNR
3. Orthophotography: NAIP 2015

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.

Legend:
- Approximate Project Boundary
- Wetlands Approved by WDNR
- Culvert
- Sample Point
- Field Delineated Wetland Area
- 2ft Elevation Contour

Legend:
- DNR 24k Hydrography
- Perennial Stream
- Intermittent Stream
- Waterbody

*No Features Within Data Frame

Notes:
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