SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): FEB 06 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Braun Road, MVP-2017-04050-ANM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: WI County/parish/borough: Racine City: Sturtevant
Center coordinates of site (lat/long in degree decimal format): Lat. 42.678105° N, Long. -87.924341° W.
Universal Transverse Mercator: Zone 16 (X 424266.1543, Y 4725484.090157)
Name of nearest waterbody: Kilbourn Road Ditch
Name of watershed or Hydrologic Unit Code (HUC): Great Lakes Region (04040002) to the east; Upper Mississippi Region (07120004) to the west
☐ 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 7, 2017
☐ Field Determination. Date(s): November 2 & 28, 2017

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 19 ditches (W-04, W-05, W-07, W-08, W-09, W-10, W-25, W-26a, W-26b, W-39, W-42b, W-75a, W-75b, W-76a, W-76b, W-77a, W-77b, W-77c, W-78) and one artificial pond (P-01) constructed in upland and are not waters of the U.S. All of these aquatic resources were delineated by TRC Solutions in 2017 and were field reviewed by Corps staff. None of the ditches have relatively permanent flow of water and have been formed in upland during road construction before 1937. The pond was constructed in upland between 2000-2002. The determination of no jurisdiction for the ditches and stormwater detention basin is in accordance with the 2008 Rapanos guidance and the preamble to the 1985 Corps Regulations (33 CFR Parts 320-330), which states that the Corps does not generally consider the following to be waters of the U.S.: non-tidal drainage and irrigation ditches excavated on dry land and artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

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

¹ Supporting documentation is presented in Section III.F.
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): Wetlands W-04, W-05, W-07, W-08, W-09, W-10, W-25, W-26a, W-26b, W-39, W-42b, W-75a, W-75b, W-76a, W-76b, W-77a, W-77b, W-77c, W-78, and P-01 are not waters of the U.S. pursuant to the 2008 Rapanos guidance and the preamble to the Corps 1986 regulations (33 CFR Parts 320-330).

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: 2017 TRC Solutions draft 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 WI-Sturtevant
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Racine County
☐ National wetlands inventory map(s). Cite name:
☒ State/Local wetland inventory map(s): Wisconsin Wetland Inventory
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth (2000-2017), Wisconsin Historic Aerial Imagery Finder (1937 aerials)
☐ 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:
Review area covered by USACE AJD.
Review areas covered by USACE AJD

NOTES
1. BASE MAP IMAGERY FROM GOOGLE EARTH PRO & PARTNERS, APRIL 2017.
2. SAMPLE POINT IDs WILL BE UPDATED AND ARE NOT CONSIDERED FINAL.
Review area covered by USACE AJD
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