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 08 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Kr County Line Road, MVP-2017-04050-ANM (isolated)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: WI County/parish/borough: Racine & Kenosha 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 29 intrastate wetlands (W-13, W-14, W-19, W-31b, W-35, W-36, W-38, W-43, W-45, W-61a, W-63, W-64, W-65, W-66, W-67, W-68, W-69, W-70, W-86, W-88, W-89a, W-89b, W-91, W-94, W-95, AW-09, AW-13a, AW-13b, and S-04) delineated by TRC Solutions in 2017, a portion of which were field-reviewed by Corps staff. The 29 wetlands are isolated with no surface or shallow subsurface connection to the Kilbourn Road Ditch or unnamed tributaries of the North and South Branch Pike River. S-04 is an ephemeral feature with no defined bed and bank that originates and terminates between W-89a and W-89b. None of these aquatic resources border, neighbor or are contiguous with another water of the U.S. They are not separated from other WOUS by man-made dikes, barriers, or berms. The surrounding land use consists mostly of agricultural with some residential and transportation uses. The disturbance of surrounding land uses precludes an ecological connection to a WOUS.

   These aquatic resources 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 these wetlands 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: see attached spreadsheet for 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 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:
   - USGS navigable waters’ study:
     - 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 & Kenosha County
   - National wetlands inventory map(s). Cite name:
   - FEMA/FIRM maps:
   - 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
   - Photographs: Aerial (Name & Date): Google Earth (2000-2017)
   - or Other (Name & Date): ground level photos in delineation
   - 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 SAMPLE LOCATION
UPLAND SAMPLE LOCATION
CULVERT
STREAM CENTERLINE
TRC DELINEATED WETLAND
STUDY AREA

NOTES
1. BASE MAP IMAGERY FROM GOOGLE EARTH PRO & PARTNERS, APRIL 2017.
2. SAMPLE POINT NUMBERS SP-218 THROUGH SP-224 WERE NOT USED.

EXHIBIT A-14

REVIEWS AREA COVERED BY USACE AJD IN RED
**LEGEND**
- Wetland Sample Location
- Upland Sample Location
- Culvert

**Legend Notes**
1. Base map imagery from Google Earth Pro & Partners, April 2017.
2. Sample point numbers 8P-218 through 8P-224 were not used.

**Notes**
- Review area covered by USACE AJD

**Base Map Image**
Base map image from Google Earth Pro & Partners, April 2017.

**Development Roads**

**Wetland and Waterway Delineation Map - CTH KR**

**Exhibit A-16**

150 North Linn St., Suite 180
Iowa City, IA 52240-1820
Phone: 319-356-1300
www.trcengineers.com
Reviews area covered by USACE AID in red.
MVP-2017-04050-ANM Figure 4 of 6

LEGEND
- WETLAND SAMPLE LOCATION
- UPLAND SAMPLE LOCATION
- CULVERT
- TRC DELINEATED WETLAND
- STUDY AREA

NOTES
1. BASE MAP IMAGERY FROM GOOGLE EARTH PRO & PARTNERS, APRIL 2017.
2. SAMPLE POINT NUMBERS SP-218 THROUGH SP-224 WERE NOT USED.

Review areas covered by USACE AJD in red

DEVELOPMENT ROADS

WETLAND AND WATERWAY DELINEATION MAP - CTH KR

EXHIBIT A-17
WETLAND SAMPLE LOCATION
UPLAND SAMPLE LOCATION
CULVERT
TRC DELINEATED WETLAND
STUDY AREA

NOTES
1. BASE MAP IMAGERY FROM GOOGLE EARTH PRO & PARTNERS, APRIL 2017.
2. SAMPLE POINT NUMBERS SP-218 THROUGH SP-224 WERE NOT USED.

DEVELOPMENT ROADS

REV. 0

WETLAND AND WATERWAY DELINEATION MAP - CTH KR

EXHIBIT A-18
<table>
<thead>
<tr>
<th>Aquatic Resource</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-13 (RAPANOS \ DELINEATE)</td>
<td>.51 acre</td>
</tr>
<tr>
<td>W-14 (RAPANOS \ DELINEATE)</td>
<td>.83 acre</td>
</tr>
<tr>
<td>W-19 (RAPANOS \ DELINEATE)</td>
<td>.04 acre</td>
</tr>
<tr>
<td>W-31b (RAPANOS \ DELINEATE)</td>
<td>.33 acre</td>
</tr>
<tr>
<td>W-35 (RAPANOS \ DELINEATE)</td>
<td>.01 acre</td>
</tr>
<tr>
<td>W-36 (RAPANOS \ DELINEATE)</td>
<td>.02 acre</td>
</tr>
<tr>
<td>W-38 (RAPANOS \ DELINEATE)</td>
<td>.48 acre</td>
</tr>
<tr>
<td>W-43 (RAPANOS \ DELINEATE)</td>
<td>.29 acre</td>
</tr>
<tr>
<td>W-45 (RAPANOS \ DELINEATE)</td>
<td>.03 acre</td>
</tr>
<tr>
<td>W-61a (RAPANOS \ DELINEATE)</td>
<td>1.25 acre</td>
</tr>
<tr>
<td>W-63 (RAPANOS \ DELINEATE)</td>
<td>.21 acre</td>
</tr>
<tr>
<td>W-64 (RAPANOS \ DELINEATE)</td>
<td>.07 acre</td>
</tr>
<tr>
<td>W-65 (RAPANOS \ DELINEATE)</td>
<td>.02 acre</td>
</tr>
<tr>
<td>W-66 (RAPANOS \ DELINEATE)</td>
<td>.07 acre</td>
</tr>
<tr>
<td>W-67 (RAPANOS \ DELINEATE)</td>
<td>.16 acre</td>
</tr>
<tr>
<td>W-68 (RAPANOS \ DELINEATE)</td>
<td>.23 acre</td>
</tr>
<tr>
<td>W-69 (RAPANOS \ DELINEATE)</td>
<td>.49 acre</td>
</tr>
<tr>
<td>W-70 (RAPANOS \ DELINEATE)</td>
<td>.05 acre</td>
</tr>
<tr>
<td>W-86 (RAPANOS \ DELINEATE)</td>
<td>.04 acre</td>
</tr>
<tr>
<td>W-88 (RAPANOS \ DELINEATE)</td>
<td>.16 acre</td>
</tr>
<tr>
<td>W-89a (RAPANOS \ DELINEATE)</td>
<td>.13 acre</td>
</tr>
<tr>
<td>W-89b (RAPANOS \ DELINEATE)</td>
<td>.01 acre</td>
</tr>
<tr>
<td>W-91 (RAPANOS \ DELINEATE)</td>
<td>.12 acre</td>
</tr>
<tr>
<td>W-94 (RAPANOS \ DELINEATE)</td>
<td>.07 acre</td>
</tr>
<tr>
<td>W-95 (RAPANOS \ DELINEATE)</td>
<td>.01 acre</td>
</tr>
<tr>
<td>AW-09 (RAPANOS \ DELINEATE)</td>
<td>.2 acre</td>
</tr>
<tr>
<td>AW-13a (RAPANOS \ DELINEATE)</td>
<td>.11 acre</td>
</tr>
<tr>
<td>AW-13b (RAPANOS \ DELINEATE)</td>
<td>.02 acre</td>
</tr>
<tr>
<td>S-04 (RAPANOS \ DELINEATE)</td>
<td>.01 acre</td>
</tr>
</tbody>
</table>