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): May 24, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Wade Cattell Pond 2018-00393-KJH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

- State: Wisconsin
- County/parish/borough: Dane County
- City: Town of Blooming
- Center coordinates of site (lat/long in degree decimal format): Lat. 43.06548° N, Long. -89.29069° W
- Universal Transverse Mercator:
- Name of nearest waterbody: Yahara River
- Name of watershed or Hydrologic Unit Code (HUC): Middle Rock (07090002)

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
- Office (Desk) Determination. Date: May 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):
   - Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   - Explain: The review area includes one aquatic features identified as Cattell Pond which is approximately 0.5 acre in size. The Cattell pond is a pond that was constructed in uplands by diking dry land. 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; artificial lakes or ponds created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.

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.

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1 Supporting documentation is presented in Section III.F.
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: 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:

Map, plans, plots or plat submitted by or on behalf of the applicant/consultant: Consultant D’Onofrio Kottke and Associates Nate Oswald

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 Quad WI - Madison East
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 Geodetic Vertical Datum of 1929)
Photographs: Aerial (Name & Date): WDNR Surface Water Data Viewer
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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: