



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

CEMVP-RD

17 February 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the “Revised Definition of ‘Waters of the United States’”; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,¹ MVP-2026-00199, MFR 1 of 1.²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

¹ While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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1. SUMMARY OF CONCLUSIONS.

a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

i. Wetland 1 (4.14 acres) non-jurisdictional

2. REFERENCES.

a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")

b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023)

c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

d. "Memorandum to the Field Between the U.S. Department of The Army, U.S. Army Corps of Engineers and The U.S. Environmental Protection Agency Concerning the Proper Implementation Of 'Continuous Surface Connection' Under the Definition Of "Waters of The United States" Under the Clean Water Act" (March 12, 2025)

3. REVIEW AREA. The Corps review area is 3.24-acres located at the 217 US Hwy 12-16 site in the Town of Camp Douglas, Juneau County, WI in Section 28, Township 17 North, Range 2 East (Lat: 43.9202, Long: -90.2614) and is shown on the enclosed figures labeled 2026-00199-TRS, AJD Figures Page 1 of 10.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A⁶

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

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6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
 - b. The Territorial Seas (a)(1)(ii): N/A
 - c. Interstate Waters (a)(1)(iii): N/A
 - d. Impoundments (a)(2): N/A
 - e. Tributaries (a)(3): N/A
 - f. Adjacent Wetlands (a)(4): N/A
 - g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

- a. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
- Wetland 1 (W1) is classified as an Emergent/Wet Meadow Wetland (E2K) as labeled on the Wisconsin Surface Water Data Viewer (SWDV). W1 extends outside the corps review area, yet the entirety of W1 is included in this AJD. W1 is surrounded by roadways. Interstate 90 (I90) surrounds W1 from the north and east. US Highway 12 borders W1 to the west, and a BP gas station is just to the south, which includes uplands, parking pads, and impervious surfaces. W1 is not a TNW, territorial sea, or interstate water; therefore, W1 is not category (a)(1) waters. Current and historic aerial photos indicate W1 is not a tributary and was not created by impounding a water of the U.S.; therefore, W1 is not category (a)(2) or (a)(3) waters. Based on review of the wetland delineation map and additional referenced material from Section 9 in this MFR, W1 does not directly abut a jurisdictional water identified in paragraph (a)(1), (a)(2), or (a)(3), of the conforming rule. The closest catalogued waterway is an unnamed stream (WBIC 1306200) located approximately 0.78 miles southeast of the Corps review area. W1 is surrounded by uplands and roadway surfaces, and there are no ditches, swales, pipes, or culverts that provide a continuous surface connection from W1 to the nearest unnamed stream. W1 is a non-tidal wetland that does not have a continuous surface connection to a relatively permanent water and as such does not meet the definition of adjacent and cannot be evaluated as (a)(4) adjacent wetlands; therefore, W1 is not jurisdictional under the 2023 Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 Final Rule.

A surface ditch was identified and mapped east of W1 (outside of the review area) and leads to a culvert southeast, exiting the review area. The culvert travels under I90 and into a ditch further to the east. After reviewing historical and current imagery, along with site photos provided by the applicant, it was confirmed that the surface ditch does not have a defined bed and bank or ordinary high water mark, and does not carry a relatively permanent flow of water. It therefore does not provide a continuous surface connection to any identified RPW.

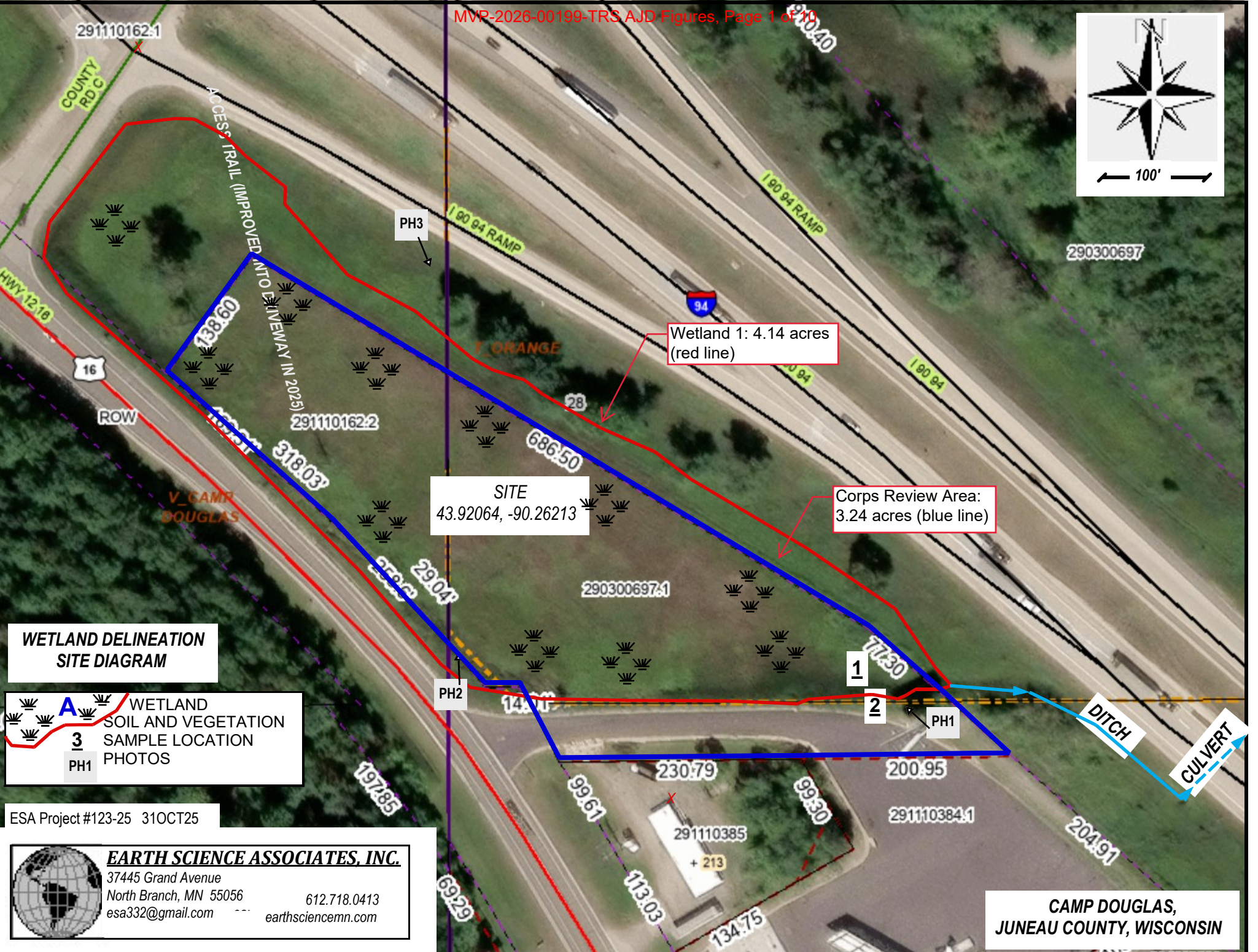
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9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. Earth Science Associates. Inc. Jurisdictional Determination Information Dated October 31, 2025, for the 217 US Highway 14-16 site.
 - b. USACE National Regulatory Viewer Accessed: February 13, 2026.
 - c. WDNR - Surface Water Data Viewer Accessed: February 13, 2026.
 - d. Google Earth Imagery Accessed: February 13, 2026.
 - e. Wisconsin Wetland Inventory, USDA Web Soil Survey, and USGS NHD and Topographic Maps Accessed: February 13, 2026.
 - f. USGS 1:24K Quad Name: Camp Douglas
 - g. Office evaluation conducted on: February 13, 2026

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



**WETLAND DELINEATION
SITE DIAGRAM**

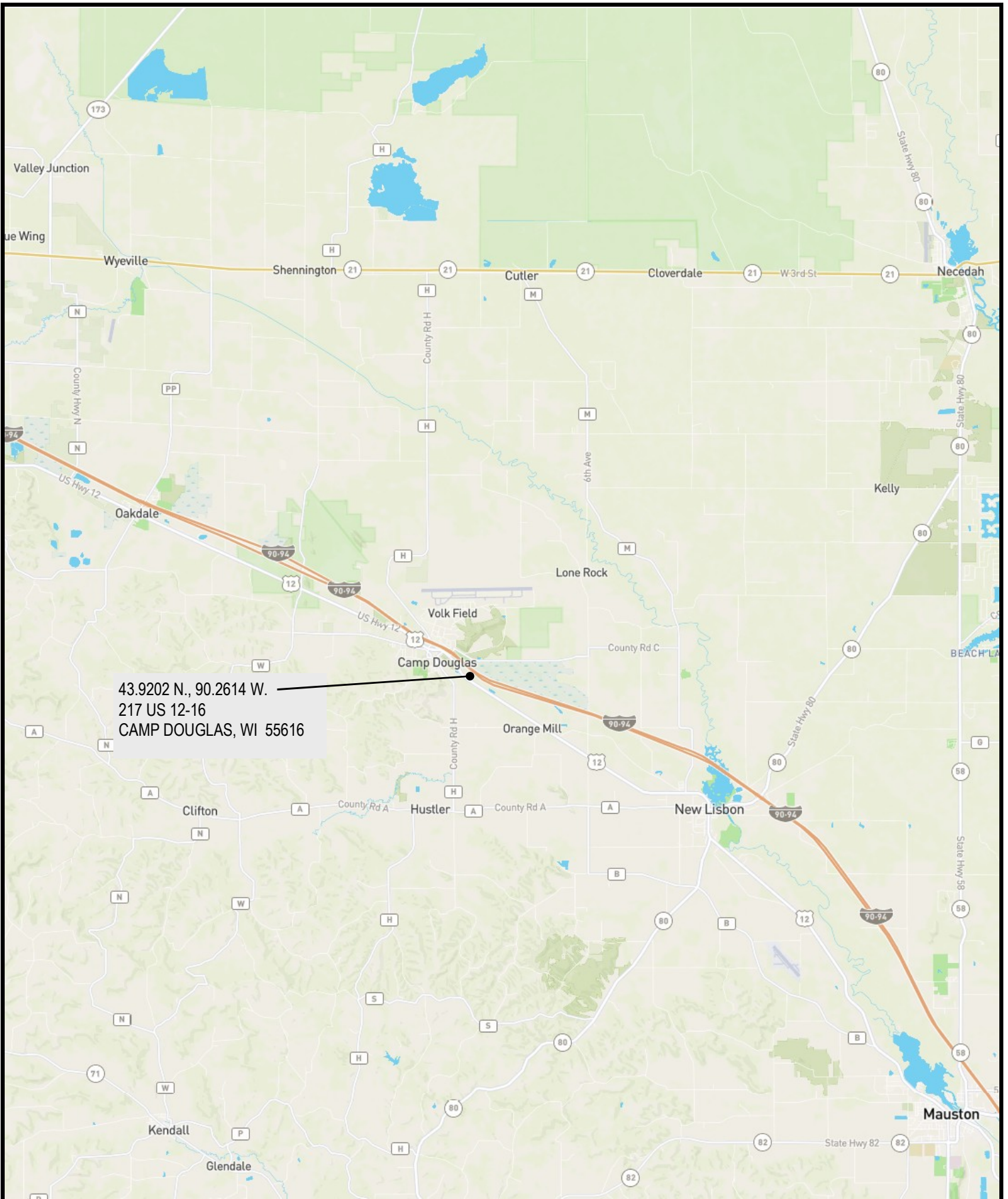
A WETLAND SOIL AND VEGETATION SAMPLE LOCATION PHOTOS

3 PH1

ESA Project #123-25 31OCT25

EARTH SCIENCE ASSOCIATES, INC.
 37445 Grand Avenue
 North Branch, MN 55056 612.718.0413
 esa332@gmail.com earthsciencemn.com

**CAMP DOUGLAS,
JUNEAU COUNTY, WISCONSIN**



43.9202 N., 90.2614 W.
217 US 12-16
CAMP DOUGLAS, WI 55616



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**FIGURE 1
SITE LOCATOR MAP**

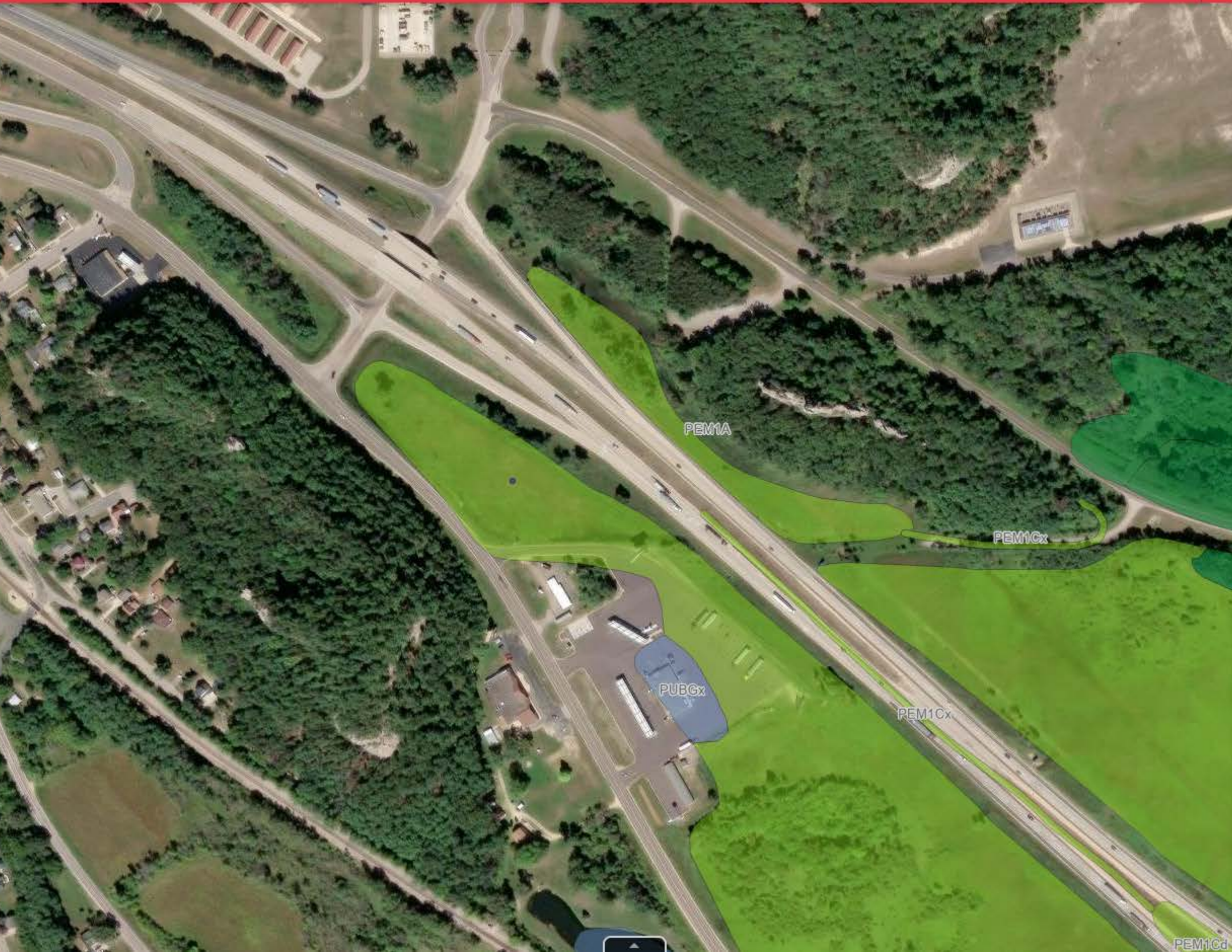


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Figure 3 USGS 7.5" Topographic Map

43.9202, -90.2614
Show search results for 43.9202, -90.2614



Reference Layers

National Layers

- NPS Boundary Layer
- USDA MLRA 2022
- Upper Mississippi River Pool Boundaries
- USFWS National Wildlife Refuge System Boundaries
- Topo Quad Index (7.5 Minute)
- National Wetland Inventory (NWI)
- NHD Plus HR

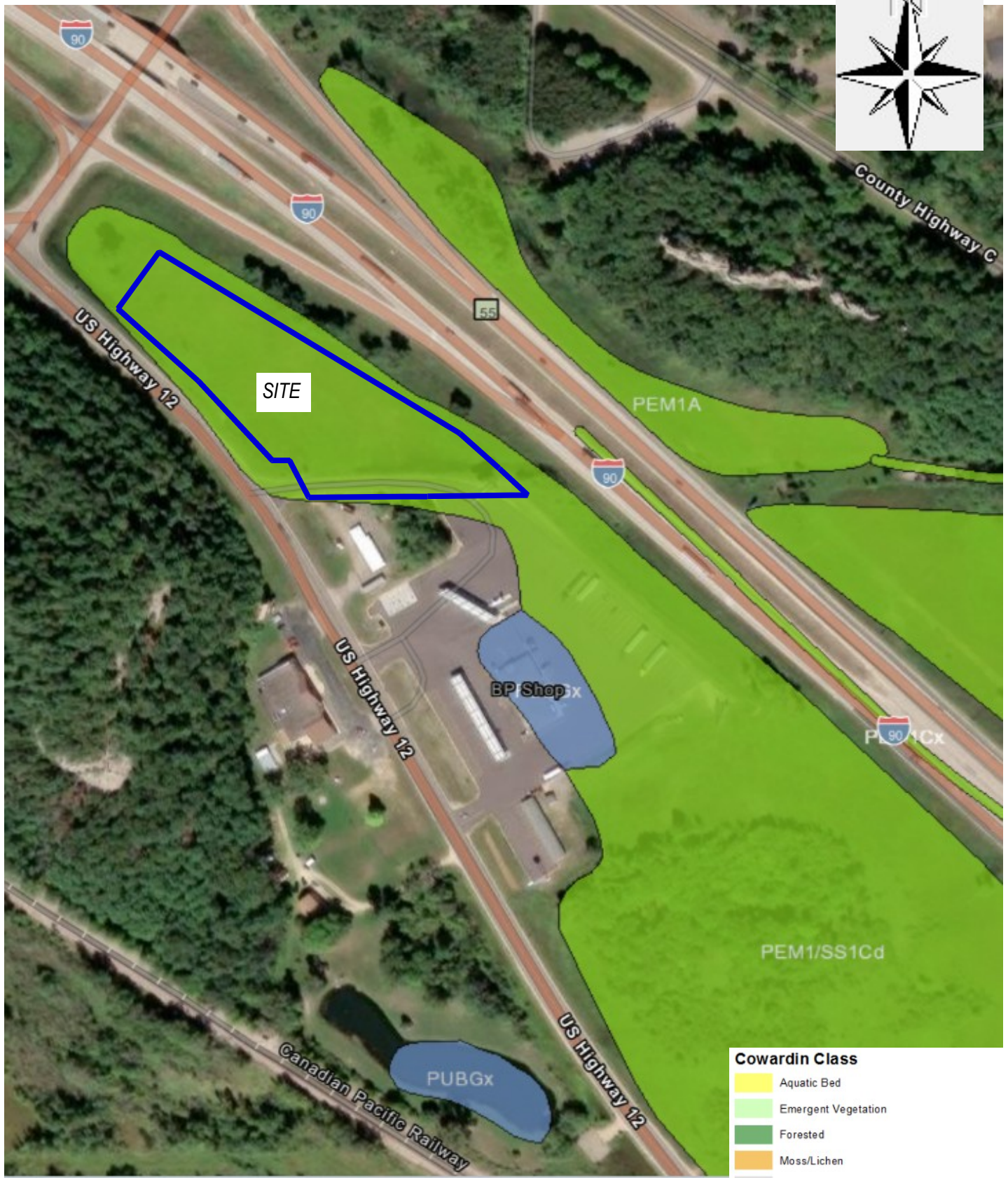
USACE Regulatory

- ORM: Project Waters
- ORM: Project Locations
- ORM: All Impacts
- ORM: Compliance Eligibility Reports
- Regulatory Areas of Responsibility (AOR)
- USACE District Boundaries and State EEZ

State Layers

Layers

- WI 24k Hydro Flowlines Stream Order
- Airport Locations (center point of airport)
- Wisconsin DNR - 24k Hydro Shoreline (Banks)
- Wisconsin Wetland Inventory - Wetland Class
- Wisconsin Wetland Inventory - Hydrologic Description



Cowardin Class

	Aquatic Bed
	Emergent Vegetation
	Forested
	Moss/Lichen
	Rock Bottom
	Rocky Shore
	Streambed (Intermittent)
	Scrub-Shrub
	Unconsolidated Bottom (Open Water)
	Unconsolidated Shore (Banks & Sandbars)



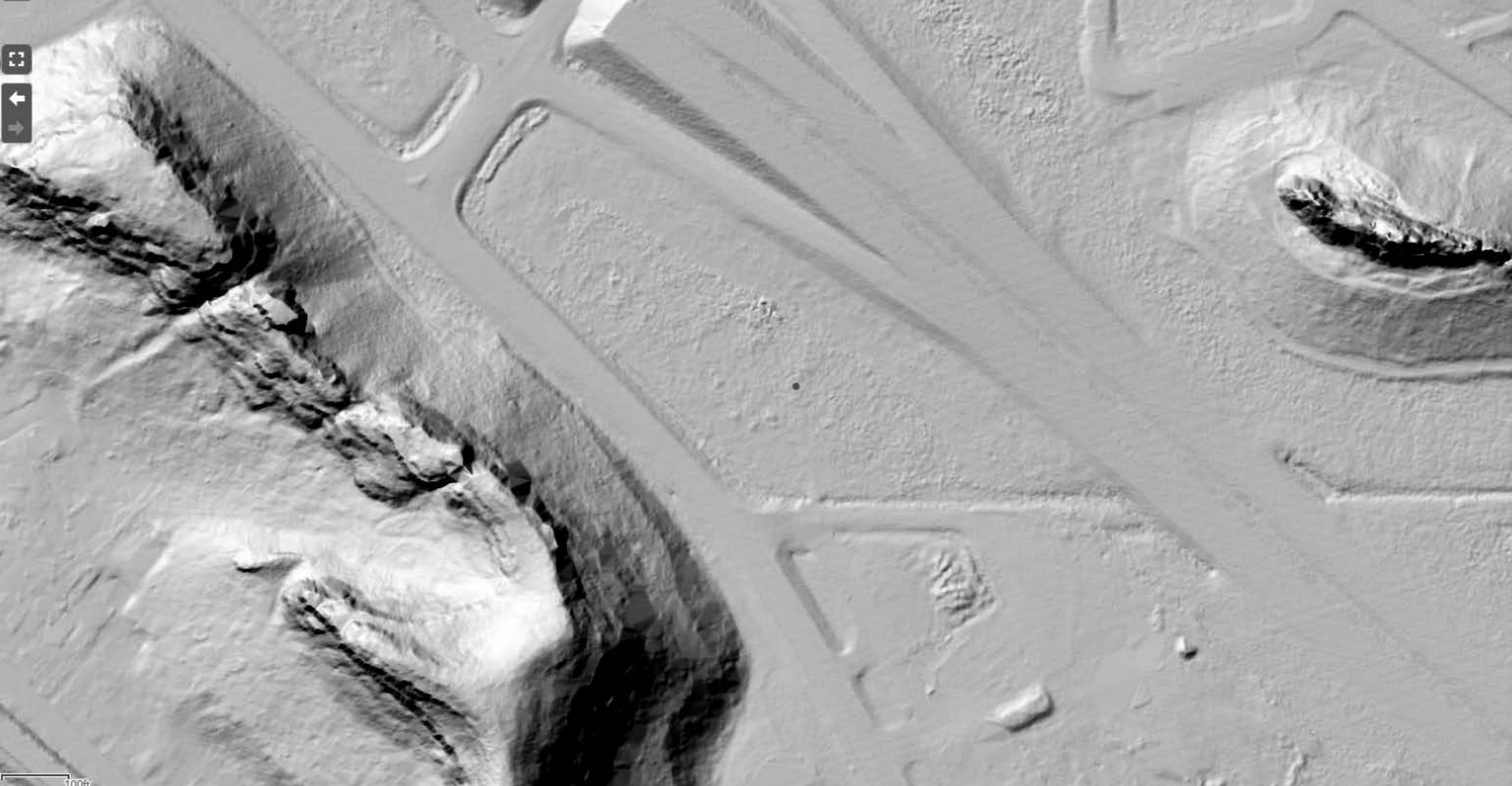
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Figure 5 National Wetlands Inventory (NWI) Map

43.9202, -90.2614

Show search results for 43.9202, -90....

[Home] [Layers] [Layers] [Layers] [Layers] [Layers]



Imagery

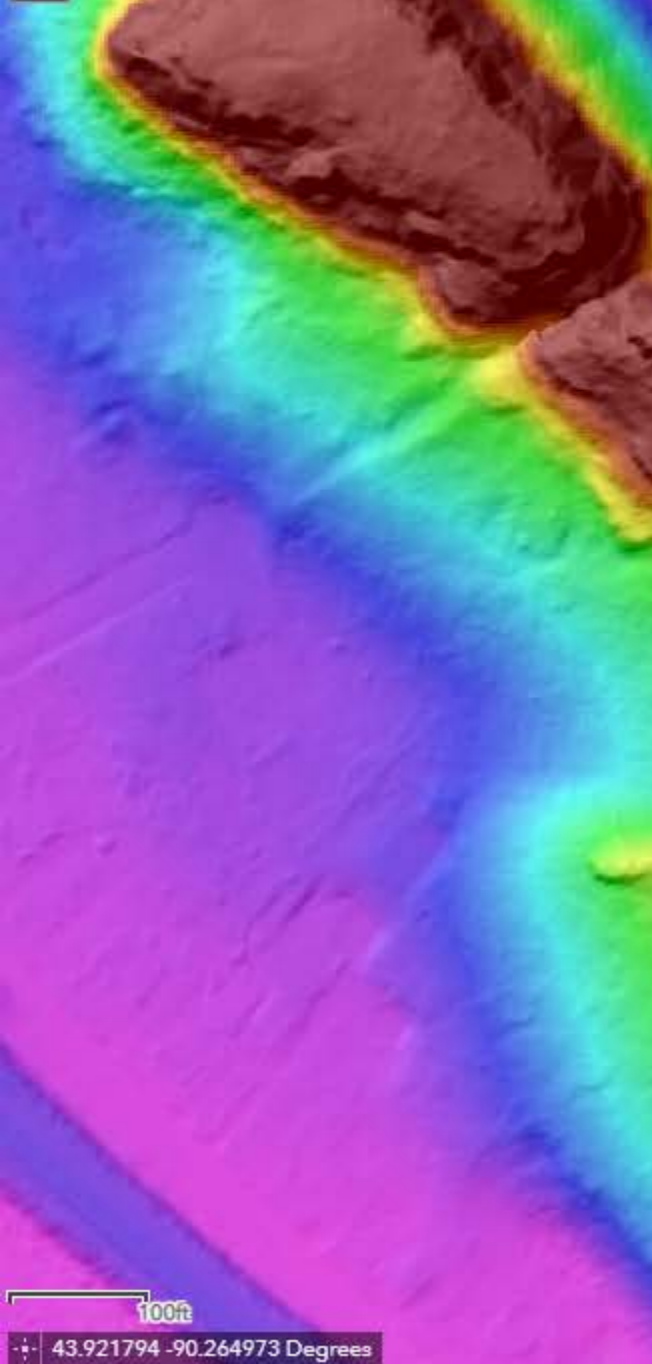
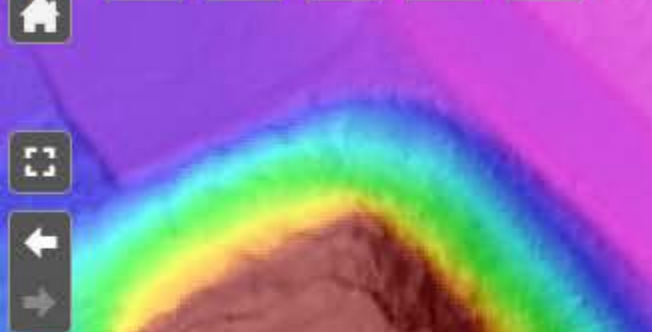
Lidar

- WI DNR 2ft Contour from LiDAR ...
- 3DEP 2-ft Contour ...
- 3DEP 5-ft Contour ...
- 3DEP 10-ft Contour ...
- 3DEP 25-ft Contour ...
- 3DEP Slope ...
- 3DEP Hillshade ...
- 3DEP Digital Elevation Model (DEM) ...
- Wisconsin DNR - Hillshade ...
- Wisconsin DNR - DEM ...

Satellite and Aerial Imagery

- WIDNR Imagery - 2013 Leaf On ...
- WIDNR Imagery - 2010 Leaf Off ...
- WIDNR Imagery - 2008 Leaf On ...
- WIDNR Imagery - 2005 Leaf On ...
- WIDNR Imagery -1990s Leaf Off ...
- WIDNR Imagery-1930s Leaf Off ...
- USA NAIP Imagery: Natural Color ...
- USA NAIP Imagery: Color Infrared ...
- USA NAIP Imagery: NDVI ...
- World Imagery With Metadata ...

43.9202, -90.2614
Show search results for 43.9202, -90....



Imagery

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Satellite and Aerial Imagery

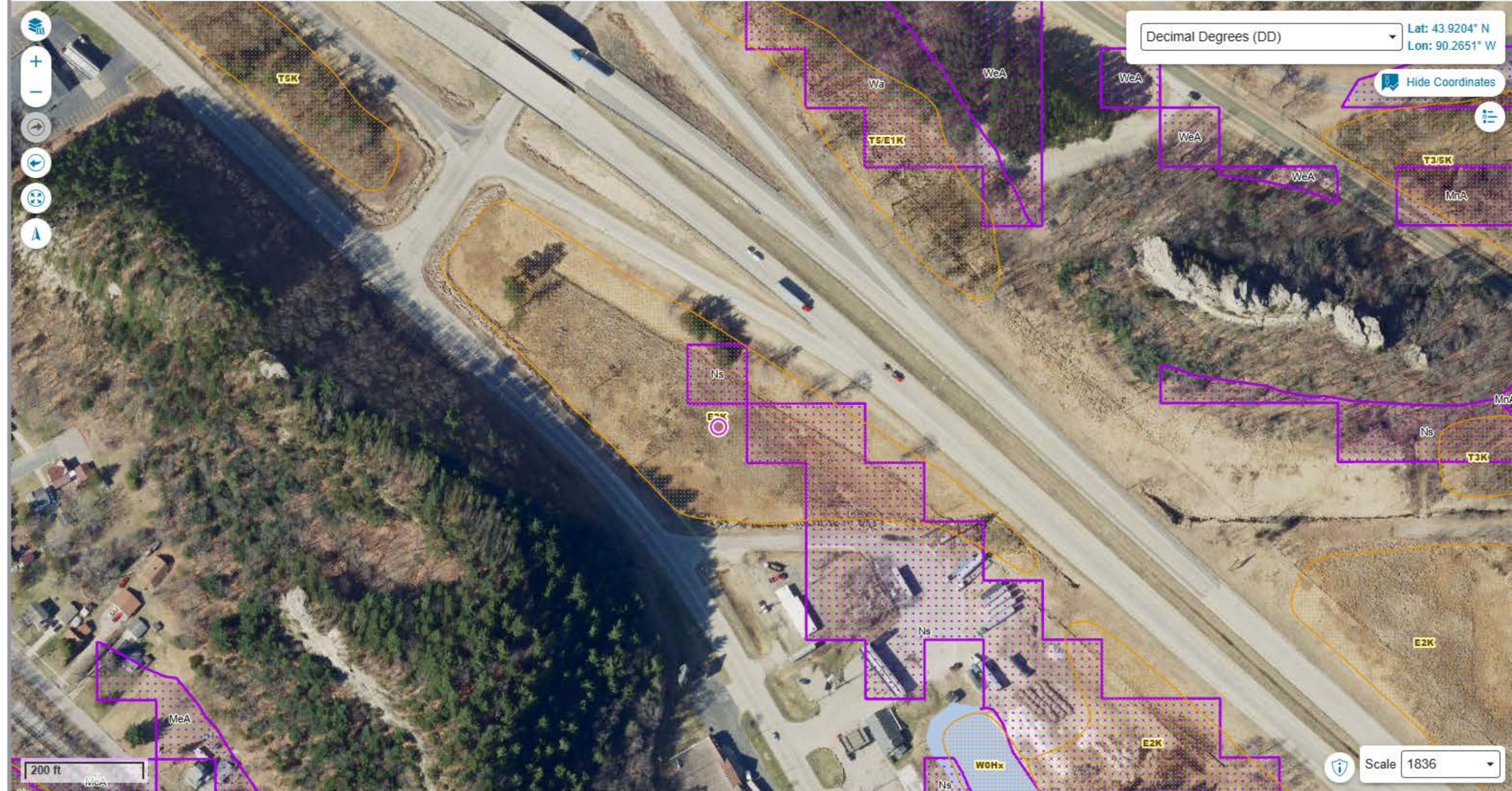
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- WIDNR Imagery - 2010 Leaf Off
- WIDNR Imagery - 2008 Leaf On
- WIDNR Imagery - 2005 Leaf On
- WIDNR Imagery -1990s Leaf Off
- WIDNR Imagery-1930s Leaf Off
- USA NAIP Imagery: Natural Color
- USA NAIP Imagery: Color Infrared
- USA NAIP Imagery: NDVI
- World Imagery With Metadata



Filter layers by title ...

Identify Tools Query Find Locations Address Find Coordinates Plot Coord. & Note Clear All

- > Monitoring Sites & Data
- > Watershed Boundaries
- > Boat Access & Shore Fishing
- > Dams & Floodplains
- > Clean Water Act Standards & Uses
- > Assessments & Impairments
- > Priority Navigable Waterways
- > Fisheries Management
- > Fish Consumption Advice
- > Grant Locations
- > Output & Determinations^
- > Wetland Inventory
- > Wetland Indicators & Soils^
- > Wild Rice Waters
- > Surface Water
- > Administrative, Political & Cadastral
- > Base Maps



43.9202, -90.2614

Show search results for 43.9202, -90.2614



Polylines: Juneau

NR_CNTY_CODE	29
NR_CNTY_NAME	Juneau
REGISTERED_DATE_TEXT	04/15/2013
ORIGINAL_WETCODE	E2K
CURRENT_WETCODE	E2K
WETLAND_CLASS_DESC	Emergent/wet meadow
WETLAND_SUBCLASS_DESC	Narrow-leaved persistent
HYDROLOGIC_MODIFIER	Wet soil, Palustrine
SPECIAL_MODIFIER_DESC	
UPDATED_DATE_TEXT	
UPDATE_CHANGE_DESC	
UPDATE_REASON_DESC	

[Zoom to](#)

Reference Layers

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- Wisconsin Wetland Inventory - Wetland Class
- Wisconsin Wetland Inventory - Hydrologic Description



Map Unit Symbol	Map Unit Name
1599A	Ponycreek-Dawsil complex, lake plain, 0 to 1 percent slopes

Soil Rating Polygons

- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)



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Figure 4 NRCS Soils Map