

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): April 22, 2019

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Village of Lawrence (Portions of Wetlands 4, 5, 12, 14-17) / 2017-03434-JRS

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Brown** City: **Lawrence**

Center coordinates of site (lat/long in degree decimal format): Lat. **44.2249° N**, Long. **-88.0834° E**.

Universal Transverse Mercator: **Zone 16**

Name of nearest waterbody: **Unnamed Tributary of Ashwaubenon Creek**

Name of watershed or Hydrologic Unit Code (HUC): **Lower Fox (04030204)**

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: **April 16, 2019**

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 areas contain seven aquatic resources: Wetlands 4-5, 12 and 14-17. Portions of Wetlands 4-5, 12 and 14-16 and all of Wetland 17 are ditches constructed in uplands. There are natural portions to wetlands 4-5, 12 and 14-16 that are not being assessed in this determination. The attached maps shows these resources. The ditch portions of these wetlands are highlighted, on the maps, in yellow. Review of site photos and aerial photography indicate these ditches do not convey a relatively permanent flow. 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; non-tidal drainage ditches excavated on dry land. Further clarification is provided in the December 2, 2008 Revised Guidance on Clean Water Act Jurisdiction following the Supreme Court Decision in Rapanos v. U.S. and Carabell v. U.S. issued jointly by the Corps and EPA which indicates that ditches excavated wholly in and draining only uplands and do not carry a relatively permanent flow are not waters of the United States. Wetlands 1-3, 6-11 and 13 were previously reviewed by the Corps and determined not to be jurisdictional waters of the United States (October 18, 2018).**

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

¹ Supporting documentation is presented in Section III.F.

