

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): **APR 05 2018**

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-3903-RJH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin

County/parish/borough: Manitowoc

City: Manitowoc

Center coordinates of site (lat/long in degree decimal format): Lat. 44.075786° N, Long. -87.684429° E.

Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Manitowoc River

Name of watershed or Hydrologic Unit Code (HUC): 04030101

☒ 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: 11/30/2017

☐ 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 area contains three wetlands (Wetland 1, 2 & 5). The wetland delineation report submitted by MACH IV Engineering depicts these wetland as closed depressions. Wetland 1, 2.274 acres in size, was identified as a wetland formed in a closed depression by overland flow. This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms. The closest tributary is approximately 7,485.9 feet to the northwest.**

Wetland 2, 0.07 acres in size, was identified a wetland formed in a closed depression by overland flow. This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms. The closest tributary is approximately 7,678.60 feet to the northwest.

Wetland 5, 0.16 acres in size, was identified as a wetland formed in a closed depression by overland flow. This wetland is not within the 100-year floodplain and is not bordering, contiguous or neighboring another WOUS nor is this aquatic resource separated from another WOUS by man-made dikes, barriers, or berms. The closest tributary is approximately 7,809.9 feet to the northeast.

Wetland 1, 2 & 5 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. The surrounding land use consists mostly of commercial and transportation uses. The disturbance of surrounding land uses precludes an ecological connection to a WOUS. Furthermore, the areas are hydrologically isolated with no surface or shallow subsurface

¹ Supporting documentation is presented in Section III.F.

connections to a water of the United States. Therefore, the Corps has determined that Wetlands 1, 2 & 5 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

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: 2.503 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: Assured Wetland Delineation Report for Lakeside Foods, September 29, 2017- MACH IV Engineering
- ☒ 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-Manitowoc
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): FSA slide review in Google Maps
or ☒ Other (Name & Date): Ground level photos in delineation report
- ☐ 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:



PROJECT INFORMATION
1601 S. 30TH STREET • MANITOWOC, WI 54220

MASTER PLANNING FOR:
LAKESIDE FOODS INC.

PROFESSIONAL SEAL

NOT FOR CONSTRUCTION
PRELIMINARY DATES
SEPT. 27, 2015
OCT. 15, 2015
NOV. 16, 2016
DEC. 5, 2016
DEC. 19, 2016
DEC. 21, 2016
DEC. 23, 2016
JAN. 18, 2017
APR. 13, 2017
NOV. 1, 2017

SHEET INFORMATION
OVERALL FIRST FLOOR
SHEET NUMBER

A1.1



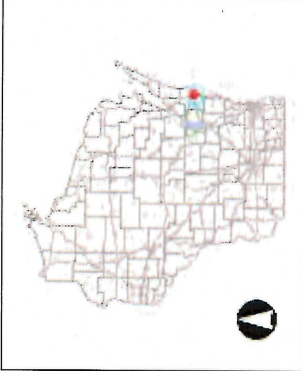
OVERALL FIRST FLOOR PLAN - OPTION 4
SCALE: 1"=50'

SECOND FLOOR PLAN - OPTION 4
SCALE: 1"=50'

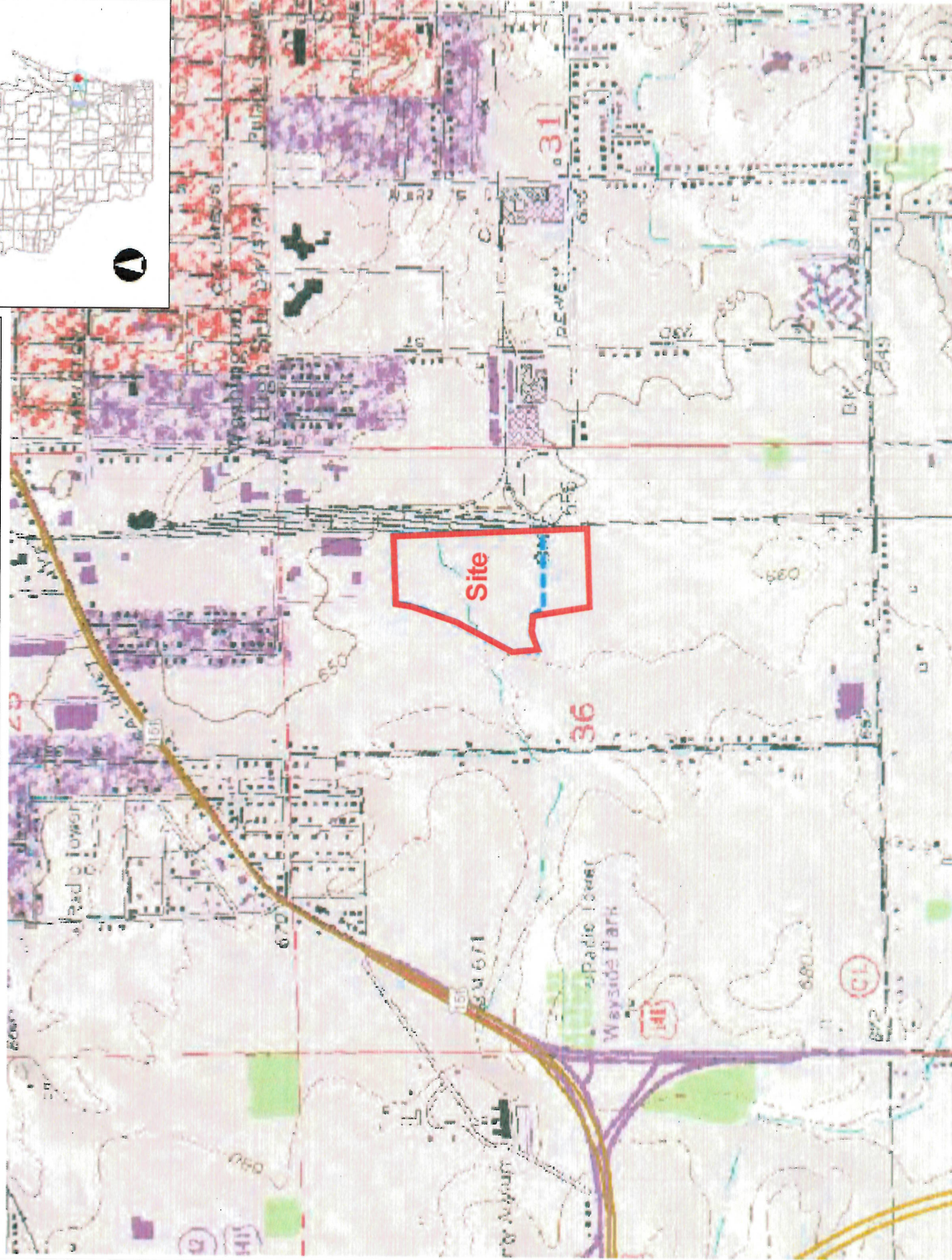
EXPANSION BUILDING SQUARE FOOTAGES	
AREA DESCRIPTION	AREA S.F.
PROCESS AREA	40,377 S.F.
FINISHED FREEZER AREA	132,425 S.F.
OFFICE / EMPLOYEE AREAS	6,825 S.F.
DRY STORAGE	7,593 S.F.
CORRIDOR	13,151 S.F.
SOUTH DOCK AREA (RECEIVING DOCK & DOCK)	6,895 S.F.
MAINTENANCE/TOTE BREAKDOWN	3,777 S.F.
MECHANICAL UTILITY AREA	9,283 S.F.
TOTAL FIRST FLOOR ADDITION AREA	220,326 S.F.
SECOND FLOOR PROCESS AREA	9,033 S.F.
SECOND FLOOR UTILITY CORRIDOR	8,694 S.F.
SECOND FLOOR OFFICE AREA	5,163 S.F.
TOTAL BUILDING ADDITION AREA	243,216 S.F.
EXISTING ALTERNATION BUILDING SQUARE FOOTAGES	
EXISTING DRY WAREHOUSE TO BOILER	2,540 S.F.
RENOVATE EXISTING BLEND	3,074 S.F.
EXISTING PACKAGING TO COB LINE	15,775 S.F.
WETLAND IMPACT AREA	30,219 S.F.
EXISTING WETLAND AREA	



Quadrangle Map



Legend



Notes

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

0.5 0 0.25 0.5 Miles

NAD_1983_HARN_Wisconsin_TM

1: 15,840