

**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 15, 2019

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** Foxconn Area 3 railroad east, MVP-2018-03170-MHK (Wetland 9 ditch)

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: WI County/parish/borough: Racine City: Mount Pleasant

Center coordinates of site (lat/long in degree decimal format): Lat. 42.66992° N, Long. -87.89489° E.

Universal Transverse Mercator: Zone 16 (X 426669.63, Y 4724649.39)

Name of nearest waterbody: Pike River

Name of watershed or Hydrologic Unit Code (HUC): Great Lakes Region (04040002)

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: March 20, 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):**<sup>1</sup>

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **The review area contains 1 roadside ditch on the west side of 90th Street, north of County Road KR (Wetland 9). This aquatic resource was delineated by TRC Environmental Corporation in 2018 and is 0.09 acre total in size. This is a continuation of a right-of-way ditch (W37) which was determined to be non-jurisdictional (MVP-2017-04050-ANM, March 8, 2018). The ditch is constructed wholly in uplands and drains only uplands. This ditch does not have a relatively permanent flow of water and is not a water of the U.S. The determination of no jurisdiction is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330) and the 2008 Rapanos Guidance.**

**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

<sup>1</sup> Supporting documentation is presented in Section III.F.

**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): **See Section II B(2).**

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):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **TRC Environmental Corporation "Area 3 Mount Pleasant, WI 53117" wetland delineation report November 14, 2018**
- 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-Sturtevant**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Racine County**
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): **Wisconsin Wetland Inventory**
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): **ground level photos and 2000, 2005, 2010, 2015, 2017 aerial photos in 2018 TRC delineation report**  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: **MVP-2017-04050-ANM AJD dated March 8, 2018 for W37.**
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): **Racine County GIS 2-foot contour map**

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

TRC - GIS

Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet (Foot US)  
Map Projection: UTM

Plot Date: 11/12/2018 09:45:59 AM by: SJAJOR - L:\OUT\ANSI\B11\177  
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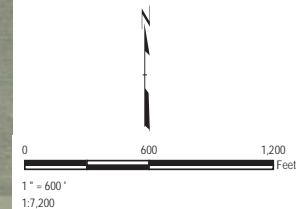


**LEGEND**

- Ditch JD review area (W9)
- TRC DELINEATED WETLAND 2017
- TRC DELINEATED WETLAND TRC
- DELINEATED WETLAND (TID5) TRC
- DELINEATED PONDS
- TRC DELINEATED STREAM

**NOTES**

1. BASE MAP IMAGERY FROM DIGITALGLOBE WEBSERVICE LAYER, 2017.
2. INFORMATION FOR THE 2017 DELINEATED WETLANDS CAN BE FOUND IN THE DEVELOPMENT ROADS WETLAND AND WATERWAY DELINEATION REPORT PREPARED BY TRC DATED DECEMBER 22, 2017.
3. INFORMATION FOR THE TID 5 PROJECT AREA CAN BE FOUND IN THE TID5 SANITARY SEWER: CTH H TO PIKE RIVER GRAVITY CONVEYANCE (GS-1) WETLAND AND WATERWAY DELINEATION REPORT PREPARED BY TRC DATED MAY 24, 2018.



<b>PROJECT</b>	
<b>AREA 3 RACINE COUNTY, WISCONSIN</b>	
<b>TITLE:</b> <b>WETLAND AND WATERWAY DELINEATION MAP</b>	
DRAWN BY:	S. MAJOR PROJ. NO.: 307994
CHECKED BY:	A. LARSEN
APPROVED BY:	A. LARSEN
DATE:	NOVEMBER 2018
<b>EXHIBIT A</b>	
150 North Patrick Blvd., Suite 180 Brookfield, WI 53005 Phone: 262.879.1212 www.trcsolutions.com	
FILE NO.:	307994-014\wldlin_sans\SP.mxd