

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): 10 April 2019

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2019-00345-JMB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Sawyer** City: **Hayward**
Center coordinates of site (lat/long in degree decimal format): Lat. **46.01676° N**, Long. **-91.46937° W**.
Universal Transverse Mercator:

Name of nearest waterbody: **Hawyard Lake - Namekagon River (0.37 miles South)**

Name of watershed or Hydrologic Unit Code (HUC): **07030002 (8-digit HUC)**

- ☒ 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: **14 March 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: **Wetland 1 (approximately 3.01 acres) is located in a concave depression surrounded by commercial developments to the north and west, and by vacant, undeveloped lands to the south and east. The wetland is located approximately 0.37 miles north of Hayward Lake (Namekagon River). A prior isolated AJD was completed for the site in 2007, and was referenced during this determination. A review of available resources confirmed the wetland is located within an enclosed depression that has no surface water connections; this included aerial imagery dated 2008, 2013, 2015, 2017, and LiDAR contours. The wetland does have one inlet from the northwest, which drains stormwater from an adjacent Walmart parking lot. No other outlets were identified, and abrupt topographic breaks that were described by the wetland delineator along most of the upland/wetland boundary were confirmed using LiDAR contours and site photos. The project site is not mapped within the 100-year flood plain. Although the wetland is adjacent (neighboring) to another small pond located immediately offsite and to the east, it is separated by naturally occurring uplands. The small offsite pond was also determined to likely be depressional/isolated, based on a review of available topographic maps and LiDAR contours. Wetland 1 is not separated from other WOUS by man-made dikes or barriers, natural river berms, or beach dunes. Due to the distance between Wetland 1 and the nearest tributary, there is no science-based inference (ex. does not support life cycles of amphibians or anadromous and catadramous fish) that supports an ecological connection. Additionally, there is no link to interstate or foreign commerce and they are not used by interstate or foreign travelers for recreation or other purposes. This wetland does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and is not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetland 1 is hydrologically isolated and is 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

¹ Supporting documentation is presented in Section III.F.

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: 3.01 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):

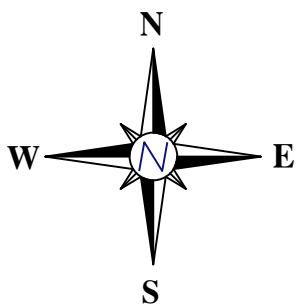
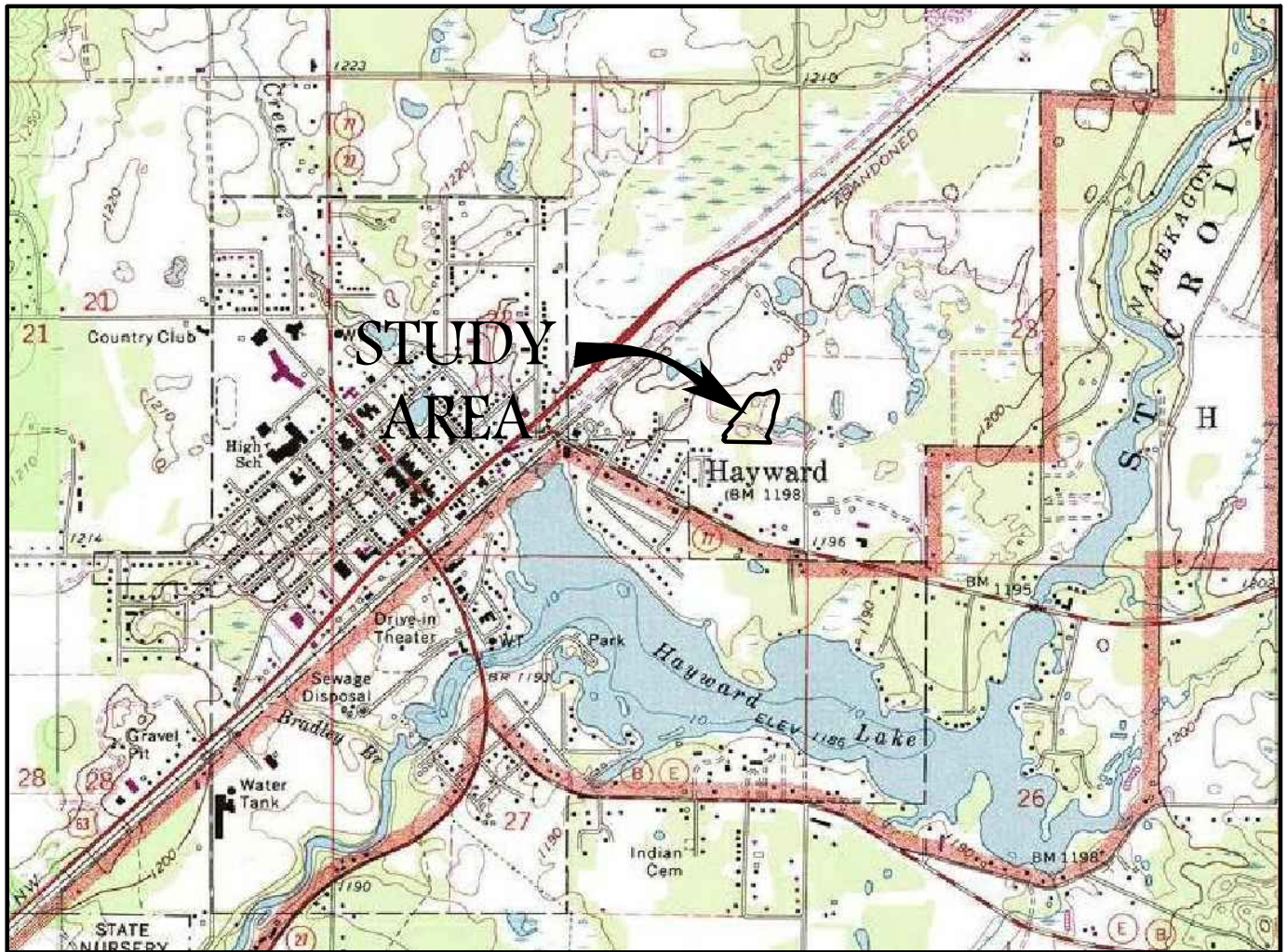
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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: Wetland Delineation Report for Hexum Lot 2 submitted 12/12/2018
- ☒ 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 - Hayward
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS soils data
- ☐ 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): Air photos available from Surface Water Data Viewer (2008, 2013, 2015, and 2017)
or ☒ Other (Name & Date): Site photos from delineation report taken 8 October 2018
- ☒ Previous determination(s). File no. and date of response letter: 2007-1566-WMS (3 April 2007)
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The Corps has determined that the Wetland 1 onsite is hydrologically isolated, and is therefore not regulated by the Corps under Section 404 of the Clean Water Act.



SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929



QUADRANGLE LOCATION

BASE MAP SOURCE: USGS 7.5 MINUTE QUADRANGLE, HAYWARD, WISCONSIN, 1979 (NATIONAL GEOGRAPHIC HOLDINGS, INC.)

SITE LOCATION & LOCAL TOPOGRAPHY

HEXUM LOT 2
SEC. 22, T41N, R9W, CITY OF HAYWARD,
SAWYER COUNTY, WISCONSIN

APPROVED BY:
AMK

DRAWN BY:
NLB

DATE:
10-7-18

SCALE:
1"=2000'

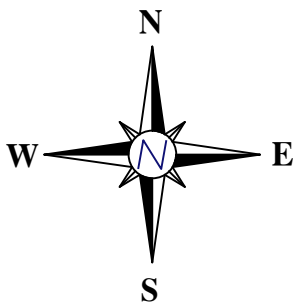
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FURNISHED.



PROJECT NUMBER:
510


FIGURE NO.

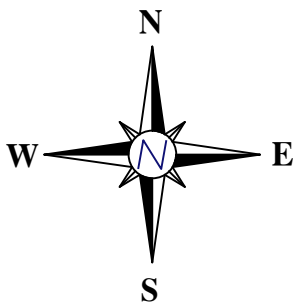
1



QUADRANGLE LOCATION

BASE MAP SOURCE: SAWYER COUNTY GIS

<p>SAWYER COUNTY 2' CONTOUR MAP</p>	<p>APPROVED BY: AMK</p> <p>DRAWN BY: NLB</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>	 <p>Wetlands & Waterways LLC</p>	<p>PROJECT NUMBER: 510</p>
<p>HEXUM LOT 2 SEC. 22, T41N, R9W, CITY OF HAYWARD, SAWYER COUNTY, WISCONSIN</p>	<p>DATE: 10-7-18</p> <p>SCALE: NONE</p>			<p>FIGURE NO. 2</p>



QUADRANGLE LOCATION

BASE MAP SOURCE: WISCONSIN WETLAND INVENTORY MAP

WISCONSIN WETLAND INVENTORY MAP	APPROVED BY: AMK	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.	PROJECT NUMBER: 510
	DRAWN BY: NLB		
HEXUM LOT 2 SEC. 22, T41N, R9W, CITY OF HAYWARD, SAWYER COUNTY, WISCONSIN	DATE: 10-7-18		FIGURE NO. 4
	SCALE: NONE		





WETLAND LOCATION MAP		Wetlands & Waterways LLC		PROJECT NUMBER: 510
HEXUM LOT 2 SEC. 22, T41N, R9W, CITY OF HAYWARD, SAWYER COUNTY, WISCONSIN		FIGURE NO. 3		
APPROVED BY: AMK		THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.		
DRAWN BY: NLB				
DATE: 10-10-18				
SCALE: 1"=80'				