

**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): December 3, 2019**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2007-03991-RJH Wetlands 1C-X, 1C-Y, 2, 3, & 4**

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

State: **Wisconsin** County/parish/borough: **Winnebago** City: **Village of Fox Crossing**

Center coordinates of site (lat/long in degree decimal format): Lat. **44.212427° N**, Long. **-88.497223° W**.

Universal Transverse Mercator: **Zone 16**

Name of nearest waterbody: **Unnamed Tributary to Little Lake Butte des Morts**

Name of watershed or Hydrologic Unit Code (HUC): **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: **November 15, 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 areas include three aquatic feature identified as Wetland 2, Wetland 3, and Wetland 4. These features are small wetlands that formed in depressions created due to on-site grading associated with on-going development activities that have occurred in the years 2005, 2010, 2011 and 2017 as seen on aerial photography. 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; water filled depressions created in dry land incidental to construction activity.**

**Based on the information provided in a recent wetland delineation report, the Corps has determined that the roadside ditch depicted within the review area as shown on MVP-2007-03991-RJH Page 2 of 3 and identified as Wetland 1C-Y and Wetland 1C-X, were excavated wholly in and drain dry land only. Additionally, it has been determined that the subject ditches do not have relatively permanent flow. In accordance with the Corps/EPA Memorandum Regarding CWA Jurisdiction Following Rapanos, these ditch segments are not waters of the United States.**

**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**

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

