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):

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2013-03130-RAN, Riverview Corporate Park South development

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin  County/parish/borough: Kenosha  City: Pleasant Prairie
   Center coordinates of site (lat/long in degree decimal format): Lat. 42.503° N, Long. 87.943° W
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Des Plaines River
   Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region (07120004)
   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):
   x Office (Desk) Determination. Date: 12/6/2016
   x Field Determination. Date(s): 5/29/2014

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.

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
   □ Other: (explain, if not covered above):

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):
   x Maps, plans or plat submitted by or on behalf of the applicant/consultant: Wetland & Waterway Consulting, LLC (Delineation Report 1-8-13) and Clayco-Venture One (project plans 8-1-16).
   x 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:
B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area for this determination is approximately 47-acres and is identified in red on the enclosed figure labeled MVP-2013-03130-RAN Figure 1. Within the review area there is a mapped USGS NHD feature identified as an intermittent waterway. A delineation was conducted and identified the area was not wetland. A site visit was conducted on 5-29-14 and confirmed the feature was not wetland and also determined that the feature did not contain a OHWM or bed and bank. The feature was determined to be an erosional feature; therefore not a water of the U.S. The review area is an upland area and does not contain any wetlands or waters of the U.S. The area is not designated on the WWI.