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): June 7, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2015-00538-SJW-City of Eau Claire
Former Wastewater Outfall

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Wisconsin
County/parish/borough: Eau Claire
City: Eau Claire
Center coordinates of site (lat/long in degree decimal format): Lat. 44.78422° N, Long. -91.54466° W.
Universal Transverse Mercator: Zone 15

Name of nearest waterbody: Chippewa River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Chippewa River
Name of watershed or Hydrologic Unit Code (HUC): 07050005
☐ 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 11, 2016
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

☐ Waters subject to the ebb and flow of the tide.
☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: The Chippewa River is a federal navigable waterway under Section 10 of the Rivers and Harbors Act.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “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.
   a. Indicate presence of waters of U.S. in review area (check all that apply): ¹
      ☒ TNWs, including territorial seas
      ☒ Wetlands adjacent to TNWs

   b. Identify (estimate) size of waters of the U.S. in the review area:
      Non-wetland waters: linear feet: width (ft) and/or 1.54 acres.
      Wetlands: 0.01 acres.

   c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual
      Elevation of established OHWM (if known): unknown.

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.
1. **TNW**
   Identify TNW: **Chippewa River**

   Summarize rationale supporting determination: The Chippewa River is a federal navigable waterway which is regulated under Section 10 of the Rivers and Harbors Act.
2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: The wetlands within the review area are abutting to and sustain a continuous surface hydrologic connection with the Chippewa River.

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):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
   - ☒ TNWs: linear feet width (ft), Or, 1.54 acres.
   - ☒ Wetlands adjacent to TNWs: 0.01 acres.

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): N/A

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: Montgomery Associates.
   - ☒ 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.
   - ☒ USGS NHD data.
   - ☒ USGS 8 and 12 digit HUC maps.
   - ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K WI-Eau Claire West.
   - ☒ 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 2010 Orthophotos. 
     or ☐ Other (Name & Date):
   - ☒ 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: The Chippewa River is a federal navigable waterway, and is regulated under Section 10 of the Rivers and Harbors Act. The wetlands on the site are abutting to the Chippewa River (TNW), and therefore are jurisdictional wetlands regulated under Section 404 of the Clean Water Act. The proposed dredging work and discharges of dredged and fill material would be regulated under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
Figure 3-A1 – Dredge Schematic Plan

Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin

Legend
- Turbidity Barrier
- Targeted Dredge Area Dummy
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- Fence
- Landfill approved

1 inch = 50 feet
0 12.525 50

Coordinate System: 1983 HARN Eau Claire Co. Coordinates–Feet
Metadata Included in the Report

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MVP-2015-00538-SJW
Page 3 of 10
Figure 3-A2 – Dredge Schematic Plan

Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin

Legend
- Turbidity Barrier
- Targeted Dredge Area
- Fence
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- landfill approved

Turbidity Barrier to Isolate Area A from Area B
Former Outfall

Coordinate System: 1983 HARN Eau Claire Co. Coordinates-Feet
Copyright: © 2013 National Geographic Society

1 inch = 50 feet
0 12.525 50

1/16/2015
Coordinate System: 1032 HARN Eau Claire Co. Coordinates-Feet
Metadata Included in the Report
Figure 3-A3 – Dredge Schematic Plan

Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin

Legend
- Targeted Dredge Area
- Turbidity Barrier
- Fence
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- landfill approved

Turbidity Barrier to Isolate Area A from Area B

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1 inch = 50 feet
Figure 3-B1 – Dredge Schematic Plan

Legend
- Targeted Dredge Area
- Turbidity Barrier
- Fence
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- landfill approved

Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin
Figure 3-B2 – Dredge Schematic Plan

Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin

Legend
- Targeted Dredge Area
- Turbidity Barrier
- Fence
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- landfill approved

Coordinate System: 1983 HARN Eau Claire Co. Coordinates-Feet

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MVP-2015-00538-SJW Page 7 of 10
Turbidity Barrier to Isolate Area A from Area B

Figure 3-B3 –Dredge Schematic Plan
Former Water Water Outfall
City of Eau Claire | Eau Claire, Wisconsin

Legend
- Targeted Dredge Area
- Turbidity Barrier
- Fence
- OHWM
- Sample Transect Lines
- Sediment Staging Areas
- Construction Access
- Tracking Pad
- landfill approved

1 inch = 50 feet
0 12.525 50

Coordinate System: 1983 HARN Eau Claire Co. Coordinates-Feet
Metadata Included in the Report

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5/18/2015

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MVP-2015-00538-SJW
Page 8 of 10