

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): February 5, 2019

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: City of Verona - Public Works Site
2018-03501-KJH**

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Dane County** City: **Verona**

Center coordinates of site (lat/long in degree decimal format): Lat. **42.971604° N**, Long. **-89.526016° W**.

Universal Transverse Mercator:

Name of nearest waterbody: **Badger Mill Creek**

Name of watershed or Hydrologic Unit Code (HUC): **Sugar (07090004)**

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: **January 22, 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: **The review area includes twelve aquatic features identified as Wetland 2 (0.23 acre), Wetland 3 (0.01 acre), Wetland 4 (0.01), Wetland 5a (0.03 acre), Wetland 5b (0.05 acre), Wetland 5c (0.17 acre), Wetland 5d (0.02 acre), Wetland 6 (0.28 acre), Wetland 7 (0.10 acre), Wetland 8 (0.22 acre), Wetland 9 (0.02 acre), Wetland 10 (0.04 acre), Wetland 11 (0.11 acre), and Wetland 12 (0.06 acre).**

Wetlands 2 and 11 are existing stormwater ponds that were constructed in uplands by excavating and/or diking dry land to collect and retain water. 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; artificial lakes or ponds created by excavating and/or diking dry land and which are used for such purposes as stock watering, irrigation, settling basins, or rice growing.

The aquatic resources identified as Wetlands 3, 5a, and 9 are road ditches. The ditches are located within Troxel silt loam and Dodge silt loam map units which are a non-hydric soil. The ditches were determined to be constructed in dry land and have less than relatively permanent flow. These ditches are not a water of the U.S. This determination of no jurisdiction is in accordance with the preamble to the 1986 Corps Regulations (33CFR Parts 320-330) and the 2008 Rapanos Guidance.

Wetlands 4, 5b, 5c, 5d, 6, 7, 8, 10, and 12 are wetlands that formed in a depressions created by on-site excavation and grading activities within uplands. 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; waterfilled depressions created in dry land incidental to construction activity.

¹ Supporting documentation is presented in Section III.F.

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 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): **Refer to Section II.B.2 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: 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: **MSA Professional Services, Mark Gonzalez**
- 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 Quad WI - Verona**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **NRCS Web Soil Survey**
- 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): **Google Earth 2014, 2012, 2010, 2008, 2006, 2005, 2003, and 2000**
or Other (Name & Date): **Wisconsin Historic Aerial Imagery Finder 1937**
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:

Other information (please specify): 2018 & 2002 Wetland Delineation Reports and 2001 Stormwater permits

B. ADDITIONAL COMMENTS TO SUPPORT JD: