

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): January 03, 2020

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2018-00609-SJW: Kwik Trip Expansion WD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Wood County City: Wisconsin Rapids

Center coordinates of site (lat/long in degree decimal format): Lat. 44.401901° N, Long. -89.855082° E.

Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Mocassin Creek

Name of watershed or Hydrologic Unit Code (HUC): 07070003 - Upper Mississippi Region

☒ 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: 11/21/2019

☒ Field Determination. Date(s): 10/19/2017

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 approximately 4 acre review area includes one 0.36-acre intrastate wetland which is identified as Wetland 1 on the attached figure labeled MVP-2018-00609-SJW: Page 5 of 6. A review of the USDA-NRCS Web Soil Survey indicates that the review area contains three mapped soil units including Friendship loamy sand - moderately well drained non-hydric soil with 0-3% slopes and a depth to water table of 42-60 inches, Meehan loamy sand - non-hydric somewhat poorly drained with 0-3% slopes and a depth to water table of 12 to 36 inches, and Newsom mucky loamy sand - poorly drained hydric soil with 0-1% slopes and a depth to water table of 0-12 inches. A review of the Wisconsin Wetland Inventory mapping shows a mapped forested wetland in the northwestern portion of the review area (see attached figure labeled MVP-2018-00609-SJW: Page 3 of 6). However, based on the results of the wetland delineation completed by Star Environmental Inc., no other aquatic resources (besides Wetland 1) were identified within the review area. An on-site review conducted by the Corps on October 19, 2017 confirmed the Star Environmental, Inc wetland delineation report findings were accurate and also that Wetland 1 was a closed depression which did not extend westerly outside of the review area. Further, additional site investigation indicates that a large portion of the site was historically filled/graded which converted the land around Wetland 1 to upland. Based on a review of the data presented in the wetland delineation report completed by Star Environmental, Inc., USGS NHD data, Wisconsin Wetland Inventory Mapping, and a site visit conducted on October 19, 2017, the Corps has determined that Wetland 1 is an isolated intrastate water which does not maintain a surface or shallow subsurface hydrologic connection or ecological connection connection to a downstream TNW, nor is it separated from other WOUS by man-made dikes, barriers, or berms. Wetland 1 is not/has not been utilized for interstate or foreign commerce, and is not used by interstate or foreign travelers for recreation or other purposes. In addition, Wetland 1**

¹ Supporting documentation is presented in Section III.F.

does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and is not used for industrial purposes. Therefore, the Corps has determined that Wetland 1 is an isolated feature that 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

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: 0.36 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: Dalton Lehman - Star Environmental Inc.
- ☒ 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 WI-Wisconsin Rapids North
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Wood County
- ☐ 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): 2008, 2013, 2015, 2017
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: