SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 11, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: St. Paul, 2017-00671-EMN, Mountview Lane and Park View Lane Reconstruction - Village of Athens Municipal Development

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin   County/parish/borough: Marathon   City: Village of Athens
   Center coordinates of site (lat/long in degree decimal format): Lat. 45.01699° N, Long. -90.07094° W
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Potato Creek
   Name of watershed or Hydrologic Unit Code (HUC): 0707000207
   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 21, 2017
   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: Based upon a review of the Marathon County Soil Survey, Wisconsin Wetland Inventory, and a wetland delineation report submitted by MSA Professional Services, we have determined that Wetlands 1, 2, and 5 are roadside ditches that were constructed wholly within uplands and drain only uplands within the review areas shown on the attached figures (Review Areas 1-3). In addition, the two wetland depressions labeled "Wetland 9 Pockets" were created as a result of man-made disturbance on the upslope side of a berm surrounding the north and west sides of a stormwater pond constructed wholly within uplands. The "Wetland 9 Pockets" do not have a surface water connection to a water of the United States (see attached figures).

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

¹ Supporting documentation is presented in Section III.F.
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): Wetlands 1, 2, and 5 are roadside ditches that are constructed wholly within uplands and drain only uplands within their review areas (see attached maps/figures).

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: 0.002 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: February 22, 2017

☒ 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:

☐ US Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☐ U.S. Geological Survey map(s). Cite scale & quad name:

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Marathon County

☐ National wetlands inventory map(s). Cite name:

☐ Wisconsin Wetland Inventory

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2015 Aerial Photo (Wisconsin DNR Surface Water Data Viewer) 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: Wetlands 1, 2, and 5 are roadside ditches that are constructed wholly within uplands and drain only uplands within their review areas (see attached maps/figures Review Areas 1-3). Wetland 9 is comprised of two isolated basins (totaling 91 square feet in size) that do not have a surface water connection to a water of the United States. These isolated wetlands were created on the upslope side of a berm surrounding the north and west sides of a stormwater pond that was constructed in the early 2000's as part of a commercial development on Park View Lane.
Figure 2 - Soils Map

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: http://dnr.wi.gov/legal/

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Legend
- NRCS Wetspots
- Wetland Indicators
- NRCS Wisconsin Soils
- Soil Mapping Unit
- Water
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
- Interstate Highway
- State Highway
- US Highway
- County and Local Roads
- County HWY
- Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water
- 2010 Air Photos (WROC)

Notes

NAD_1983_HARN_Wisconsin_TM
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LEGEND

- Sample Plot
- Inferred Wetland
- Wetland Boundary
- Storm Water Quality Basin
- Culvert
- Project Area

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geoamap, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
WETLAND BOUNDARY MAP
FIGURE 4C

LEGEND
- Wetland Areas
- Storm Water Quality Basin
- Wetland Boundary
- Sample Plot
- Culvert
- Project Area

Source: Esri, DigitalGlobe, SeeEys, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

VILLAGE OF ATHENS
MARATHON COUNTY, WI