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): April 16, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2018-00147-EMN, Bluebird Ridge RDF Expansion - Marathon County Landfill

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin
County/parish/borough: Marathon
City: Town of Ringle

Center coordinates of site (lat/long in degree decimal format): Lat. 44.887057° N, Long. -89.376415° E

Universal Transverse Mercator: Zone 16

Name of nearest waterbody: Plover River

Name of watershed or Hydrologic Unit Code (HUC): 07070003

☒ 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 13, 2018
☐ 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: A desktop review was conducted on March 13, 2018 to review the wetland delineation conducted by SEH that was included in the pre-construction notification received on January 11, 2018 from the Marathon County Solid Waste Department. Corps staff determined that Wetland X (0.02-acre), Wetland XB (0.12-acre), and Wetland XC (0.18-acre) are isolated wetlands with no hydrologic connection to a water of the United States. These wetlands are located in small, depressional areas as shown in the topographic survey included in the attachments. Based upon information in the wetland delineation report and photos of each wetland, Corps staff determined that these four wetlands are wholly surrounded by uplands and lack a jurisdictional connection to a water of the United States.

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):

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: 0.38 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:  

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: Received wetland delineation report on January 11, 2018
☒ 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: Figure 1 - USGS Quadrangle 7.5 Minute
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 8 - Marathon County Soil Survey
☐ 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):
  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 X, XA, XB, and XC are located in closed, depressional basins within the review area and are wholly surrounded by uplands. The Corps did not identify a jurisdictional connection to a water of the United States using off-site mapping tools during a desktop review on March 13, 2018.
Review Area 70 acres
MARATHON COUNTY LANDFILL

Legend

Property Boundary

Soils Data

MUSYM, muname

AbB_Alban loam, 1 to 6 percent slopes
Ad_Altorf mucky silt loam, 0 to 2 percent slopes
Ch_Cathro muck, 0 to 1 percent slopes
CkC_Rosholt sandy loam, 6 to 15 percent slopes
FfC_Fenwood silt loam 2 to 15 percent slopes, stony
FgB_Fenwood-Rozellville silt loams, 2 to 6 percent slopes
HyB_Hatley silt loam, 1 to 6 percent slopes
HyB_Hatley cobbly silt loam, 1 to 6 percent slopes, bouldery
KaB_Kennan sandy loam, 2 to 8 percent slopes
KaC_Kennan sandy loam, 8 to 15 percent slopes
KeB_Kennan sandy loam, 2 to 8 percent slopes, bouldery
KeC_Kennan sandy loam, 8 to 15 percent slopes, bouldery
KeE_Kennan sandy loam, 15 to 30 percent slopes, bouldery
LDF_Landfill
MgA_Meadland loam, 0 to 3 percent slopes
MhA_Meadland loam, 0 to 3 percent slopes, stony
Mn_Minocqua sandy loam, 0 to 2 percent slopes
MsB_Mosinee sandy loam, 2 to 6 percent slopes
Oe_Oesterle loam, 0 to 2 percent slopes
Po_Plover sandy loam, 0 to 2 percent slopes
RcB_Rietbrock silt loam, 1 to 6 percent slopes
ReB_Rietbrock silt loam, 1 to 8 percent slopes, stony
RoB_Rosholt sandy loam, 2 to 6 percent slopes
ScA_Scott Lake sandy loam, 0 to 3 percent slopes
Se_Seelyeville muck, 0 to 1 percent slopes
ShA_Sherry silt loam, 0 to 3 percent slopes
UoB_Udorthents, loamy, gently sloping
W_Water

Data Sources

SOURCE: Soil Survey Geographic (SSURGO) by the United States Department of Agriculture’s Natural Resources Conservation Service

Coordinate System: NAD 1983 UTM Zone 16N

NOTE: BRRDF is located on property classified as Kennan Series, including Kennan Sandy Loam (KaB) laden with boulders.

MARATHON COUNTY SOLID WASTE DEPARTMENT
BLUEBIRD RIDGE RDF EXPANSION
TOWN OF RINGLE, MARATHON COUNTY, WISCONSIN
WETLANDS PERMIT
NRCS SOIL MAP

FIGURE NO. 8
PROJECT NO. 113363

Photograph No. 3: Wetland XB, looking South. Photo taken by SEH on 7/27/2016.

Photograph No. 4: Wetland XB, looking West. Photo taken by SEH on 7/27/2016.
Photograph No. 5: Wetland XC, looking West. Photo taken by SEH on 7/27/2016.


Photograph No. 9: View of the proposed expansion area, looking West from active area of existing BRRDF landfill. Photo taken by MCSWD on 7/22/2016.

Photograph No. 10: View of the proposed expansion area, looking Northwest from southern perimeter of existing BRRDF landfill. Photo taken by MCSWD on 7/22/2016.