

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): 23 July 2019

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2019-00302-WMS

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Ashland City:

Center coordinates of site (lat/long in degree decimal format): Lat. 46.37216° N, Long. -90.75190° E.

Universal Transverse Mercator:

Name of nearest waterbody: Billy Creek

Name of watershed or Hydrologic Unit Code (HUC): 04020300

☒ 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: July 1, 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: A desktop review of the site was conducted for Milestone Materials, an aggregate minerals quarry located on 120 acres in Ashland County, WI. This Jurisdictional Determination is for Wetlands 6-14. Wetlands 1-5 and 15 are waterfilled depressions created in dry land incidental to pits excavated in dry land for the purpose of obtaining gravel and area not WOUS. The site is mapped Pence Sandy Loam, Manitowish Sandy Loam, Gogebic-Metonga-Rock Outcrop Complex, and Gogebic Fine Sandy Loam, which are all non-hydric soils. Billy Creek, on the northeast corner of the property, is an intermittent waterway located within a ravine with steep banks. Billy Creek eventually flows into the Marengo River, approximately 4-miles north. Another waterway mapped on the northwest corner of the site appears to have been a manmade ditch. Wetlands 6-14 are located within depressions in the landscape and are wholly surrounded by uplands. Wetlands 6-14 are not adjacent (bordering, contiguous, or neighboring) to another WOUS and are not separated from other WOUS by man-made dikes or barriers, natural river berms, or beach dunes. Due to the topographic setting of these wetlands and the nearest waterbody there is no science-based inference that supports an ecological connection. Additionally, there is no link to interstate or foreign commerce and they are not used by interstate or foreign travelers for recreation or other purposes. Wetlands 6-14 do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetlands 6-14 are hydrologically isolated and are 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

¹ Supporting documentation is presented in Section III.F.

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: 2.08 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.

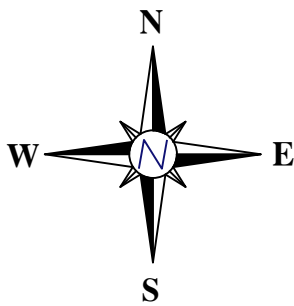
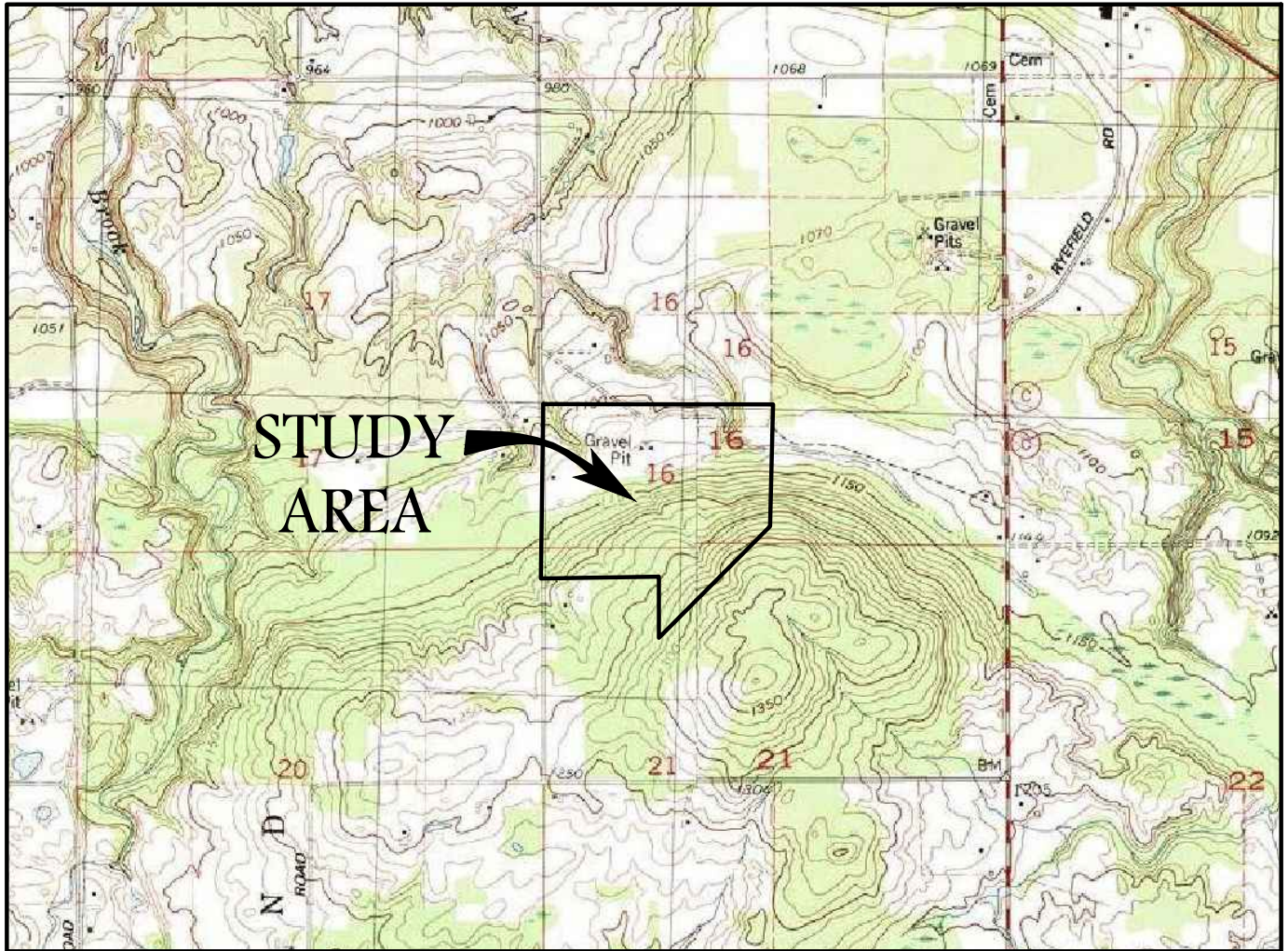
SECTION IV: DATA SOURCES.

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:
- ☒ 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:
- ☐ 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):
 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):

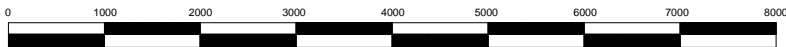
B. ADDITIONAL COMMENTS TO SUPPORT JD: The wetland delineation mapped wetlands 6-14, totaling 2.08 acres, are located within depression in the landscape adjacent to an existing minerals quarry. Wetlands 6-14 are not adjacent (bordering, contiguous, or neighboring) to another WOUS and are not separated from other WOUS by man-made dikes or barriers, natural river berms, or beach dunes. Due to the topographic setting of these wetlands and the nearest waterbody there is no science-based inference that supports an

ecological connection. Additionally, there is no link to interstate or foreign commerce and they are not used by interstate or foreign travelers for recreation or other purposes. Wetlands 6-14 do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that Wetlands 6-14 are hydrologically isolated and are not regulated by the Corps under Section 404 of the Clean Water Act.



SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929



QUADRANGLE LOCATION

BASE MAP SOURCE: USGS 7.5 MINUTE QUADRANGLE, MELLE, WISCONSIN, 1980 (NATIONAL GEOGRAPHIC HOLDINGS, INC.)

SITE LOCATION & LOCAL TOPOGRAPHY

HIGHBRIDGE QUARRY 386
SEC. 16, T45N, R3W, TOWN OF ASHLAND,
ASHLAND COUNTY, WISCONSIN

APPROVED BY:
AMK

DRAWN BY:
NLB

DATE:
9-8-18

SCALE:
1"=2000'

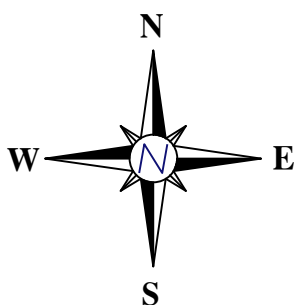
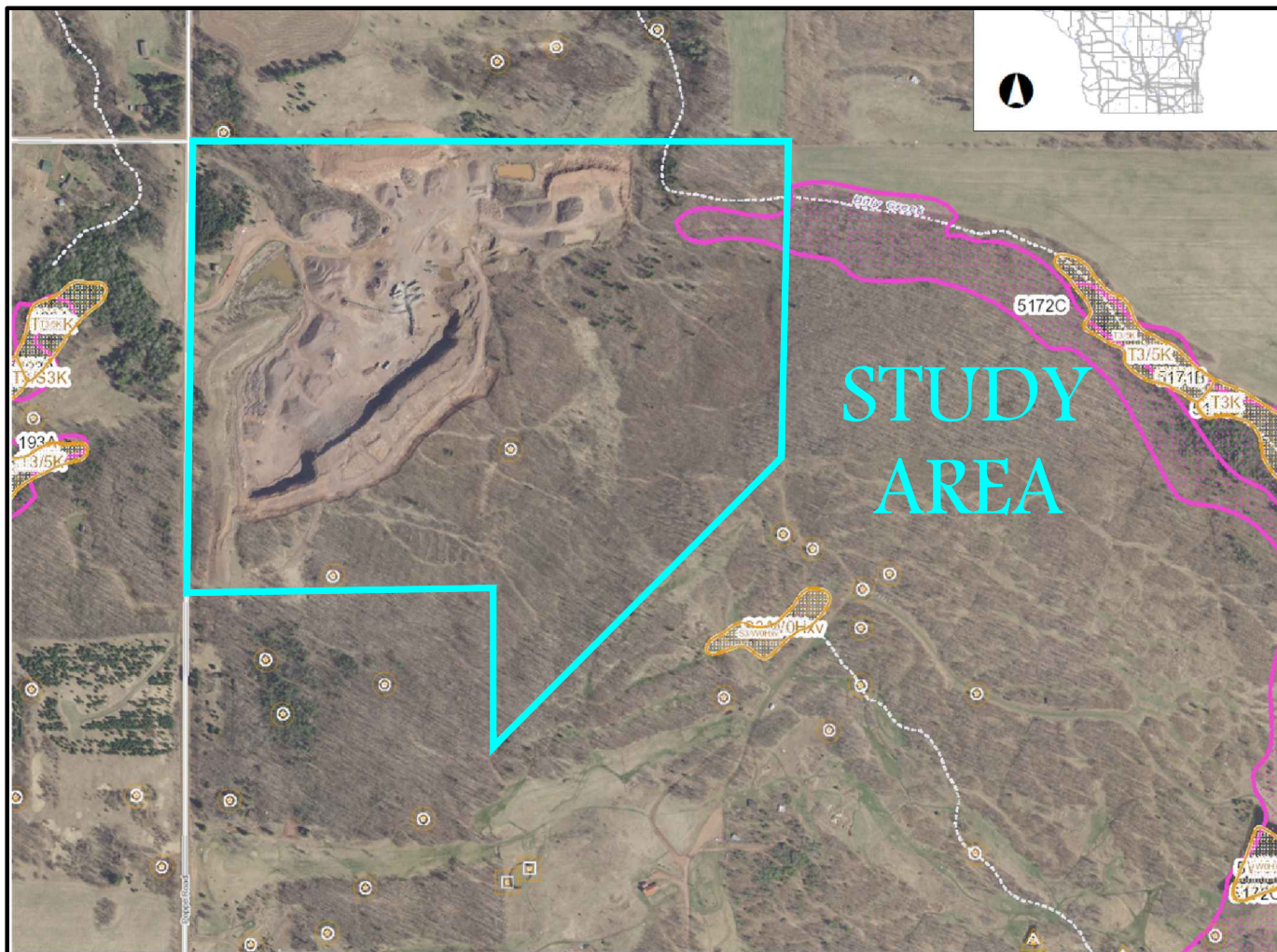
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PROJECT NUMBER:
505

FIGURE NO.

1



QUADRANGLE LOCATION

BASE MAP SOURCE: WISCONSIN WEETLAND INVENTORY MAP

WISCONSIN WETLAND
INVENTORY MAP

MILESTONE MATERIALS - HIGHBRIDGE QUARRY 386
SEC. 16, T45N, R3W, TOWN OF ASHLAND,
ASHLAND COUNTY, WISCONSIN

APPROVED BY:
AMK

DRAWN BY:
NLR

DATE:
9-8-18

SCALE:
NONE

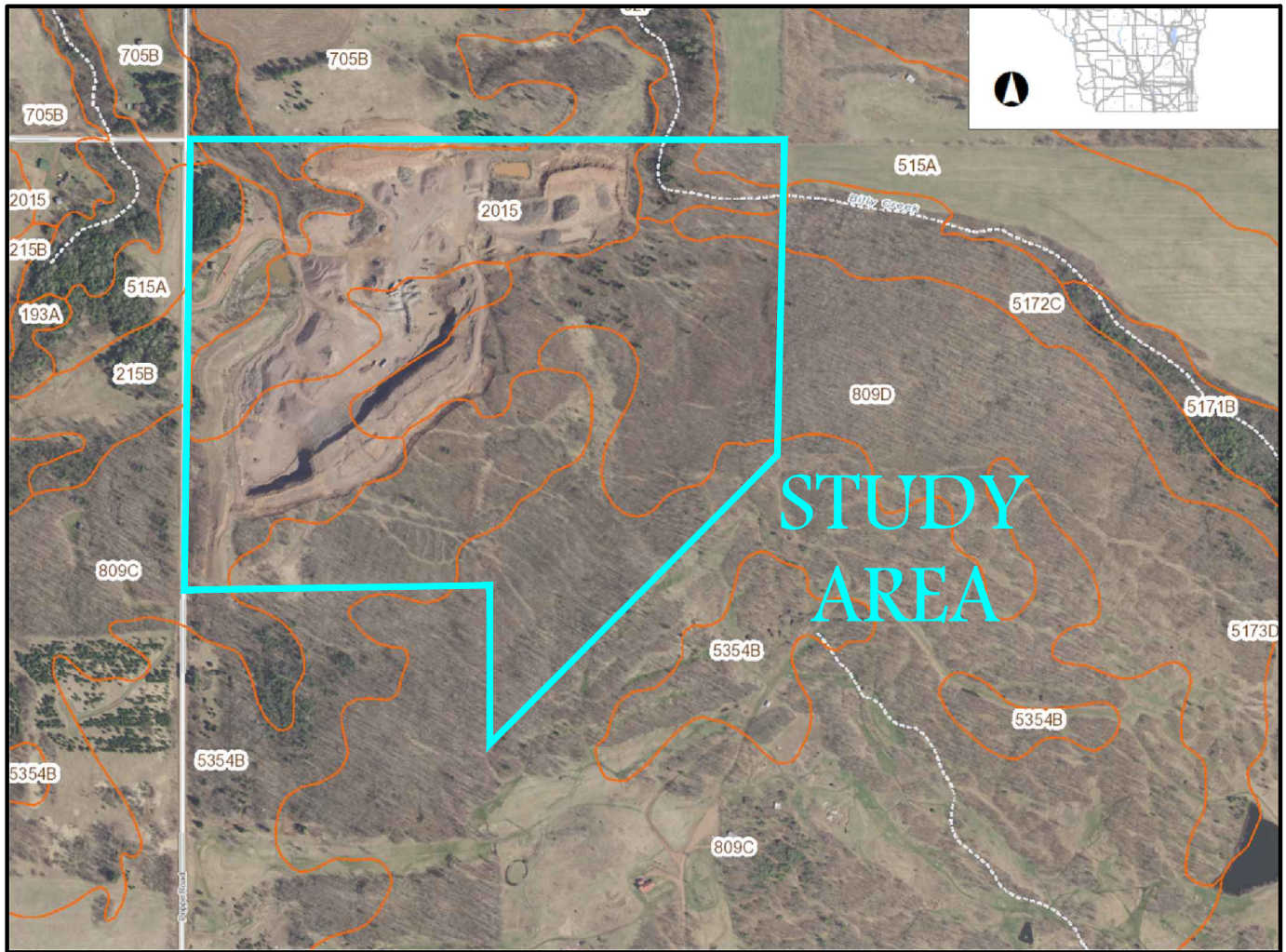
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PROJECT NUMBER:
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FIGURE NO.

3



SOILS LEGEND:

92F
Udorthents, ravines and escarpments, 25 to 60 percent slopes

215B
Pence sandy loam, 0 to 6 percent slopes

515A
Manitowish sandy loam, 0 to 3 percent slopes

705B
Cublake-Croswell-Ashwabay complex, 0 to 6 percent slopes

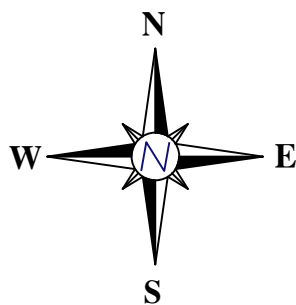
809C
Gogebic-Metonga-Rock outcrop complex, 6 to 18 percent slopes, very stony

809D
Gogebic-Metonga-Rock outcrop complex, 10 to 35 percent slopes, very stony

2015
Pits

5172C
Gogebic, very stony-Pence, very stony-Cathro complex, 0 to 18 percent slopes

5354B
Gogebic fine sandy loam, 1 to 6 percent slopes, very stony, rocky



QUADRANGLE LOCATION

BASE MAP SOURCE: ASHLAND COUNTY SOIL SURVEY MAP

ASHLAND COUNTY SOIL SURVEY MAP

MILESTONE MATERIALS - HIGHBRIDGE QUARRY 386
SEC. 16, T45N, R3W, TOWN OF ASHLAND,
ASHLAND COUNTY, WISCONSIN

APPROVED BY:
AMK

DRAWN BY:
NLB

DATE:
9-8-18

SCALE:
NONE

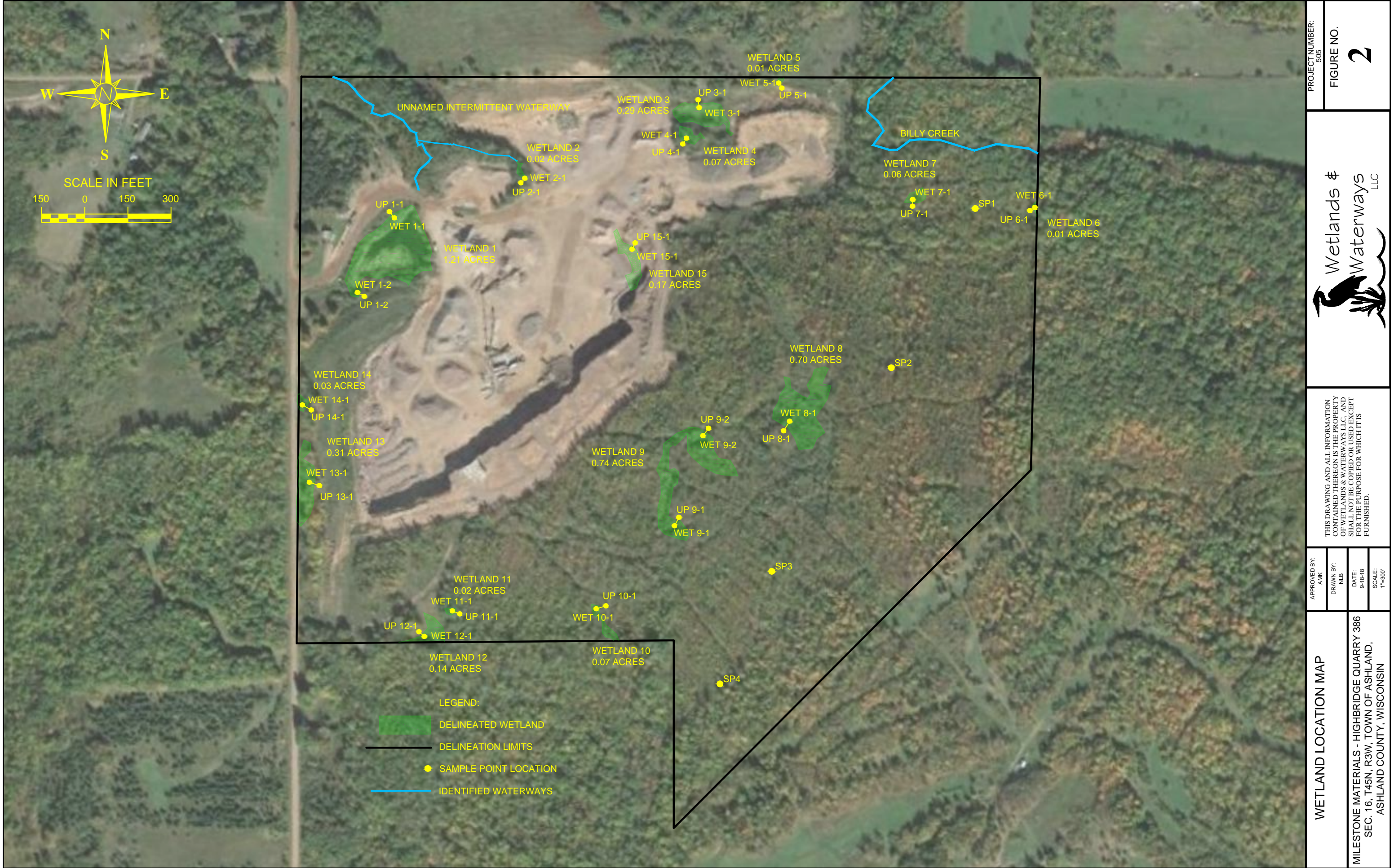
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PROJECT NUMBER:
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FIGURE NO.

4



WETLAND LOCATION MAP	APPROVED BY: AMK		THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.	 Wetlands & Waterways LLC	PROJECT NUMBER: 505
	DRAWN BY: NLB				
	DATE: 9-18-18				
MILESTONE MATERIALS - HIGHBRIDGE QUARRY 386 SEC. 16, T45N, R3W, TOWN OF ASHLAND, ASHLAND COUNTY, WISCONSIN	SCALE: 1"=300'		FIGURE NO. 2		