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): June 12, 2020

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2020-01026-KDZ, Okray Farms AJD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin    County/parish/borough: Portage    City: Grant
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.402628° N, Long. -89.677794° E.
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Twomile Creek
   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: May 01, 2020
   ☐ 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 12.48 acre review area contains five wetland areas totaling 0.73 acres of wetland. The wetlands are identified as Wetland 1 (5,133 sq. ft.), Wetland 2 (11,556 sq. ft.), Wetland 3 (3,009 sq. ft.), Wetland 4 (343 sq. ft.), and Wetland 5 (11,663 sq. ft.) on the attached figure labeled MVP-2020-01026-KDZ: Figure 1. The majority of the review area is comprised of an existing agricultural field with interspersed farmed wetlands and a small woodlot. Wetlands 1-5 are best described as farmed wetlands dominated by reed canary grass as dominant vegetation. There are no observable inlets/outlets which would provide a surface connection between Wetlands 1-5 and a downstream TNW. A review of the USDA Web Soil Survey indicates that all five wetlands are located in partially-hydric Meehan (MnA) and hydric (Newson) soil mapping units. A review of available resources including aerial imagery dating back to the year 1999, WWI mapping, USGS topographic map, and NHD hydrography data, suggests that all five wetland features do not maintain a surface or shallow subsurface hydrologic connection to a downstream TNW, nor are they separated from other WOUS by man-made dikes, barriers, or berms. In addition, the nearest RPW is located approximately 1.5 miles to the south of the review area, and all five wetland features are surrounded entirely by uplands. Due to the existing and surrounding land uses (mainly agriculture), and proximity to other waters, there is likely a tenuous ecological connection between the wetlands and other jurisdictional wetlands or waters. Wetlands 1-5 do not support a link to interstate or foreign commerce, are not known to be used by interstate or foreign travelers for recreation or other purposes, 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 1-5 are isolated features that are not regulated by the Corps under Section 404 of the Clean Water Act.

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.
☐ Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated solely based on the Migratory Bird Rule.
☐ 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: 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: 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:
☐ USES NHD data.
☐ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K WI - Meehan
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Portage 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)
☐ 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: