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): MAR 8 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: DeBack Business Park, MVP-2016-00343-ANM (Wetland H#2)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin  County/parish/borough: Racine  City: Caledonia
   Center coordinates of site (lat/long in degree decimal format): Lat. 42.78256° N, Long. -87.94522° W
   Universal Transverse Mercator: Zone 16 (Sec.30, T.4N., R.22E.)
   Name of nearest waterbody: Husher Creek
   Name of watershed or Hydrologic Unit Code (HUC): Great Lakes Region (04040002)
   □ 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: February 2, 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: Within the review area, a 0.04-acre ditch (Wetland H#2) was constructed in upland and is not a water of the U.S. This determination was confirmed by reviewing the Wisconsin Wetland Inventory (WWI) map, SWDV aerials from 2008, 2013, 2015, and Google Earth images from 2000-2017. The ditch does not have relatively permanent flow of water, does not appear in the WWI map, and is located within the non-hydric Beecher silt loam (BCA) soils. It does not exhibit wet signatures in any of the aerial maps and appears to have been constructed between 2013-2014. A copy of the 2013 WDNR stormwater permit was submitted by the applicant, which includes the approved 2013 Nielsen Madsen & Barber plans. These plans show the ditch to be constructed as an outlet control structure for a new retention basin located west of the ditch. The determination of no jurisdiction for this ditch is in accordance with 2008 Rapanos guidance and the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps does not generally consider the following to be waters of the U.S.; non-tidal drainage and irrigation ditches excavated on dry land.

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

¹ Supporting documentation is presented in Section III.F.
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: Wetland H#2 was constructed in upland and is not a water of the U.S. as detailed in Section II.B.2.

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: 2013 Nielsen Madsen & Barber grading plan, 2013 WDNR stormwater permit, and 2015 Wetland & Waterway Consulting delineation
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- 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: 1:24K Franksville
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey in Racine County
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): WWI
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- or Other (Name & Date): Ground level photos in delineation
- 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:
GROSS LAND AREA
7,719,631 SQ. FT. 177.22 ACRES

WETLANDS
PINNACLE ENGINEERING GROUP
15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

PLAN | DESIGN | DELIVER
WWW.PINNACLE-ENGR.COM/PEG PEG JOB#390.10

12/30/15

WETLANDS DELINEATED BY WETLAND & WATERWAY CONSULTING, LLC.
SEPTEMBER 24, 2015

USACE AJD review area