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): MAY 08 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Faithway Reserve, MVP-2016-00337-ANM (W-2)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Wisconsin  County/parish/borough: Milwaukee  City: Franklin
   Center coordinates of site (lat/lon in degree decimal format): Lat. 42.90586° N, Long. -88.01227° W.
   Universal Transverse Mercator: Zone 16
   Name of nearest waterbody: Legend 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: December 14, 2016
   ☐ 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):
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: Within the 4.4-acre site, a 0.26-acre stormwater detention basin (W-2) was constructed in uplands in 2005 and is not a water of the U.S. This was confirmed by reviewing the 2001 Thompson & Associates Wetland Services delineation, 2003 Corps notification letter for file #03-07092-HJE, 2004 Barrientos Design & Consulting grading plan, and aerial photographs from 2000, 2005, 2010, and 2015. The 2001 delineation shows the area of the current basin to be an upland swale. The 2003 Corps letter for #03-07092-HJE authorizes activities related to development of the Faith Community Church and includes a determination that the proposed detention basin was to be located in uplands. The 2004 Barrientos Design & Consulting grading plan indicates the detention basin location is outside of the identified wetland boundary. The non-jurisdictional determination for this stormwater detention basin is in accordance with 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.; artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

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).
- ☐ Other (explain, if not covered above): The 0.26-acre stormwater basin (W-2) is not a water of the U.S. pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330).

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):
- ✗ 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: 1:24K WI-Hales Corners
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s): Wisconsin Wetland Inventory
- ☐ FEMA/FIRM maps:
  - 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
  - Photographs: ☒ Aerial (Name & Date): Milwaukee County (2000, 2005, 2010, and 2015) or ☐ Other (Name & Date):
  - Previous determination(s). File no. and date of response letter: Corps 03-07092-HJE dated July 21, 2003
  - Applicable/supporting case law:
  - Applicable/supporting scientific literature:
- ☒ Other information (please specify): Barrientos Design & Consulting, LLC 2004 grading plan

B. ADDITIONAL COMMENTS TO SUPPORT JD: The stormwater detention basin (W-2) was constructed in uplands and is not a water of the U.S. as detailed in Section II.B.2.
LOCATION: Faith Community Church, 7700 S. 76th Street, Franklin, Wisconsin

LEGAL DESCRIPTION:
Parcel 1, CERTIFIED SURVEY MAP 7051, being a part of the lands in the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

WETLAND EXHIBIT

FAITH DRIVE

NE 1/4 Sec. 9
T5N, R21E

WEST FAITH DRIVE

SOUTH 76TH STREET

SOUTH 76TH STREET C.T.H. "U"

Areas covered by USACE PJD (WW-1, W-1, W-3)

Area covered by USACE AJD (W-2)

Review area

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