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 22, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Former Bueges Gravel Pit, MVP-2016-04416-MHK

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: WI  County/parish/borough: Waukesha  City: New Berlin
   Center coordinates of site (lat/long in degree decimal format): Lat. 42.96437° N, Long. -88.17398° E.
   Universal Transverse Mercator: 16 x 404255.73222171 y 4757527.09507218
   Name of nearest waterbody: Mill Creek
   Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region (07120006)
   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 14, 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):*
      ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The review area contains four intrastate wetlands (W-1, W-2, W-3 with two ponds, and W-4). All four aquatic resources were created as a result of former sand and gravel quarry operations. The four aquatic resources do not have any inlets or outlets. These wetlands are not within the 100-year floodplain. W-1, 2, 3, and 4 are not bordering, contiguous or neighboring another WOUS nor are these aquatic resources separated from other WOUS by man-made dikes, barriers, or berms. The closest NHD mapped tributary is approximately 1500 feet to the southeast.

      Wetland 1, 2, 3, and 4 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 Wetland 1, 2, 3 and 4 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

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

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* 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:
☐ 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: W-1 is 0.04 acre, W-2 is 0.10 acre, W-3 is 0.89 acre and W-4 is 0.14 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: Stantec Delineation 2016
☒ 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: 1:24K WI-Muskego
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Waukesha County
☒ National wetlands inventory map(s). Cite name: Wisconsin Wetland Inventory
☒ 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): ground level photos in delineation report
☒ 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: Wetland 1, 2, 3, and 4 are hydrologically isolated and have no connection to any water of the U.S.
Notes
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources Include: Stantec, WDOT, WDNR
3. Orthophotography: 2015 NAIP

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Legend
- Yellow: Approximate Project Boundary
- Blue: Review Area
- Green: 2ft Elevation Contours
- Red: Sample Point
- Light Green: Field Delineated Wetland Area
- Purple: Additional Field Delineated Wetland Area
- Blue: Open Water Area

Field Collected Data

Client/Project
EWM Consulting
Wetland Delineation

Project Location

Field Data Collected

Prepared by / Date: 2016-09-19
Technical Review by / Date: 2016-09-19
Independent Review by / Date: 2016-10-31

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