

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): September 18, 2019

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2018-02010-RJH Wetland Areas A, B & C

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Wisconsin** County/parish/borough: **Sheboygan** City: **Sheboygan**
Center coordinates of site (lat/long in degree decimal format): Lat. **43.77929° N**, Long. **-87.73303° W**.
Universal Transverse Mercator: **Zone 16**

Name of nearest waterbody: **Pigeon River**

Name of watershed or Hydrologic Unit Code (HUC): **04030101**

- 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: **August 13, 2019**
 Field Determination. Date(s): **August 12, 2019**

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 review area contains 3 wetlands: Wetland Area A (3.17 acres), Wetland Area B (328 square feet) and Wetland Area C (584 square feet). These features are identified as landscape depressions, described as disturbed partially wooded, fresh wet meadows, with no hydrologic connection to another water of the U.S. The boundaries of Wetland Area A continue outside of the study area flowing to the southeast and potential connections were considered. Additional data was provided by the applicant and a site visit was conducted. No connections to other waters of the U.S. could be identified. The wetlands are not adjacent (bordering, contiguous, or neighboring) to another water of the U.S. and they are not separated from another water of the U.S. by man-made dikes or barriers, natural river berms, or beach dunes. The review area is a rapidly developing commercial/industrial area and the wetlands within the review area are 1,936 linear feet from the nearest tributary, precluding any ecological interconnection with another jurisdictional water. There is no link to interstate or foreign commerce and the wetlands are not used by interstate or foreign travelers for recreation or other purposes. The wetlands do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and are not used for industrial purposes. Therefore, the Corps has determined that the subject wetlands are isolated and 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

¹ Supporting documentation is presented in Section III.F.

