

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 12, 2019

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: City of Mondovi Mirror Lake Dredging Project, MVP-2019-00975-DJM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Buffalo County City: Mondovi
Center coordinates of site (lat/long in degree decimal format): Lat. 44.573564° N, Long. -91.667532° W.
Universal Transverse Mercator: Zone 15

Name of nearest waterbody: Brownlee Creek

Name of watershed or Hydrologic Unit Code (HUC): (07040003)

- 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: September 11, 2019
 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 5-acre review area contains 2 wetland areas identified as (Wetland 1 and 2) totalling approximately 0.04-acre in size. The review area has been used as a dredged material disposal site for past operations and is currently surrounded by agricultural land that has been in production since as far back as 1938 according to aerial photography. According to historical aerial imagery for May 1992, the area entirely consisted of agricultural land. Wetlands 1 and 2 appear to have first shown up in the mid 2000s following the construction of an embankment with a 24-inch drainage pipe sometime around 2000. At the time, the site was used as a dredged material disposal site, and following the removal of the dredged material from the site, two low-lying areas (Wetland 1 and 2) formed and remain near the drainage pipe.**

Information provided in the September 2018 Wetland Delineation Report indicates that the subject wetlands do not have a relatively permanent flow of water and are not Waters of the United States.

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:
- Other (explain, if not covered above): **The review area identified on the enclosed figures contain 2 wet areas identified as (Wetlands 1 and 2). Wetland 1 and 2, for which this form has been prepared formed as a result of stormwater run-off into a former dredged material disposal site surrounded by an embankment. The area within the embankment drains to a 24-inch pipe, and since the previous dredged material has been removed, the low-lying areas around the pipe hold water following storm events. While the wetlands may hold water during storm events, they do not carry relatively permanent flows of water and do not drain a water of the United States. The wetlands should not be considered Waters of the United States.**

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: 0.04 acres. List type of aquatic resource: wetlands formed as a result of stormwater run-off and excavation of previous dredged material disposal site.
- 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: September 2018 Wetland Delineation Report prepared by Rob Wayne of Ayres Associates.
- 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 (Mondovi)
- USDA Natural Resources Conservation Service Soil Survey. Citation: Buffalo County Web Soil Survey
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Aerial Maps May 1992, December 2003, June 2006, June 2008, June 2010, October 2011, April 2014, and April 2017.
 - 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): WDNR Surface Water Data Viewer

B. ADDITIONAL COMMENTS TO SUPPORT JD: