



Regulatory Program

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 17 September 2019

B. ORM NUMBER IN APPROPRIATE FORMAT: MVP-2018-02687-SRK

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: St. Louis City: Mountain Iron

Center coordinates of site (lat/long in degree decimal format): Lat. 47.526703, Long. -92.739118.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☐ attached ☐ in report/map titled .

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D. REVIEW PERFORMED FOR SITE EVALUATION:

☐ Office (Desk) Determination Only. Date: .

☒ Office (Desk) and Field Determination. Office/Desk Date(s): 7/15/2019 Field Date(s): 4/10/2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Wetland Delineation and Functional Assessment Report: Ontario Extension – October 2018.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.. Title/Date: Wetland Delineation and Functional Assessment Report: Ontario Extension – October 2018..

☐ Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☐ CorpsMap ORM map layers. Title/Date: .

☐ USGS Hydrologic Atlas. Title/Date: .

☐ USGS, NHD, or WBD data/maps. Title/Date: .

☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

☒ USGS maps. Scale & quad name and date: .

☒ USDA NRCS Soil Survey. Citation: USDA NRCS Soils – St. Louis County, MN Enterprise GIS.

☐ USFWS National Wetlands Inventory maps. Citation: .

☒ State/Local wetland inventory maps. Citation: St. Louis County, MN Enterprise GIS.

☐ FEMA/FIRM maps. Citation: .

☒ Photographs: ☒ Aerial. Citation: GoogleEarth Pro 2018. or ☐ Other. Citation: .

☒ LiDAR data/maps. Citation: .

☐ Previous determinations. File no. and date of jurisdictional determination letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab “Aquatic Resources” – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

☐ “navigable waters of the U.S.” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab “(a)(1)” - Required**

☐ This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab “(a)(2)” - Required**

☐ (a)(3): The territorial seas.

- **Complete Spreadsheet Tab “(a)(3)” - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(4)” - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(5)” - Required**

☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab “(a)(6)” - Required**

☐ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(7)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(8)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

☐ The review area is comprised entirely of dry land.

- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

- ☒ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

• **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**

☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.

☐ (b)(2): Prior converted cropland.

☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).

☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.

☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.

☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹

☐ (b)(4)(iv): Small ornamental waters created in dry land.¹

☒ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.

☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹

☐ (b)(4)(vii): Puddles.¹

☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹

☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹

☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

- ☒ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

• **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD: A site visit was performed on 4 April, 2019 to determine if there was any tributaries on site. It was determined that the mapped streams on the southside of the existing pit are no longer tributaries and have no flow, Ordinary High Water Mark or bed and bank. With that information and ground truthing, it was determined that wetlands 2018-01, 2018-02, 2018-03, 2018-06, 2018-07, 2018-08 and 2018-09 are not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Aquatic Resources

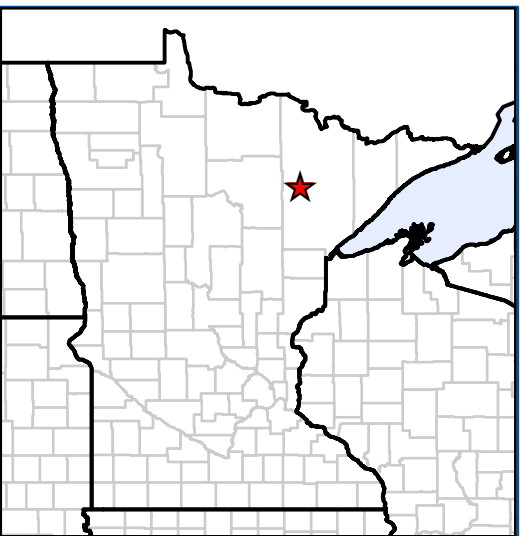
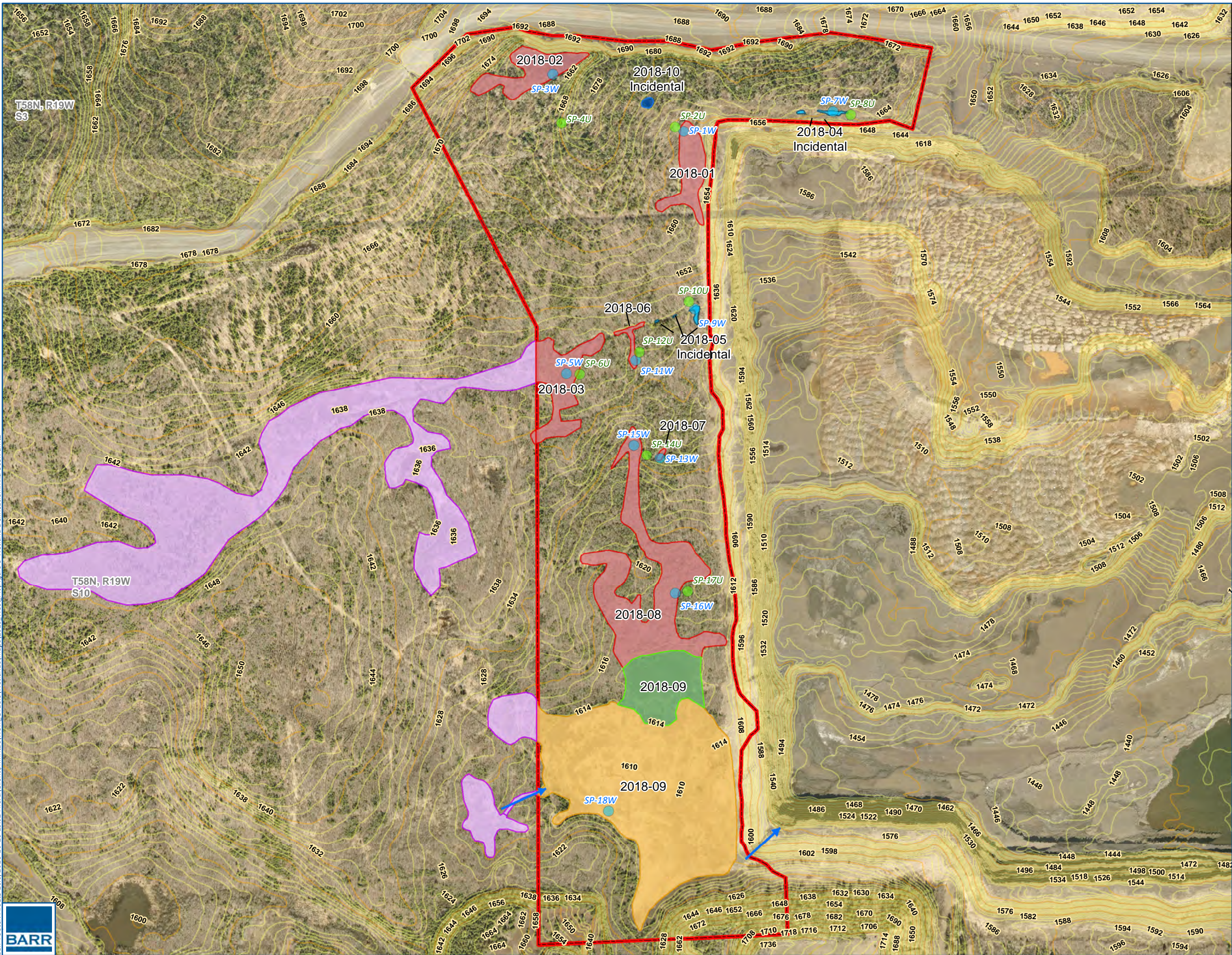
Waters_Name	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
2018-01	PFO1		Area	0.73	ACRE	OTHERDIST	47.52971	-92.7386
2018-02	PFO1		Area	0.87	ACRE	OTHERDIST	47.53055	-92.74079
2018-03	PFO1		Area	1.09	ACRE	OTHERDIST	47.52749	-92.74069
2018-04a	PEM1		Area	0.03	ACRE	EXCLDB4V	47.5304	-92.73555
2018-04b	PEM1		Area	0.01	ACRE	EXCLDB4V	47.5304	-92.73555
2018-05a	PEM1		Area	0.03	ACRE	EXCLDB4V	47.52813	-92.73854
2018-05b	PEM1		Area	0.001	ACRE	EXCLDB4V	47.52813	-92.73854
2018-05c	PEM1		Area	0.002	ACRE	EXCLDB4V	47.52813	-92.73854
2018-06	PFO1		Area	0.1	ACRE	OTHERDIST	47.52796	-92.73979
2018-07	PEM1		Area	0.02	ACRE	OTHERDIST	47.52663	-92.73841
2018-08	PFO1		Area	3.38	ACRE	OTHERDIST	47.52596	-92.7392
2018-09	PSS1		Area	10.76	ACRE	OTHERDIST	47.52372	-92.73893
2018-10	PUB		Area	0.03	ACRE	EXCLDB4V	47.53052	-92.7401

Excluded Waters or Features

EXCLUDED WATERS OR FEATURES		
(b) Excluded Feature/Water Name	(b) Exclusion Criteria	Rationale for (b) Excluded feature and Additional Discussion.
2018-04a	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-04a is located completely within an old road corridor that was developed between 1998 and 2003 when the pit was extended to its current western extent. Evidence of this road is visible on the ground due to the linear forested clearing and compacted soils. The wetland was likely created due to the constructed road, which has been developed across the otherwise steeply-sloped surface. The slightly concave portion of the road has developed into a wetland.
2018-04b	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-04b is located completely within an old road corridor that was developed between 1998 and 2003 when the pit was extended to its current western extent. Evidence of this road is visible on the ground due to the linear forested clearing and compacted soils. The wetland was likely created due to the constructed road, which has been developed across the otherwise steeply-sloped surface. The slightly concave portion of the road has developed into a wetland.
2018-05a	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-05a is located completely within a road corridor or adjacent to the berm at the edge of the west pit stripping area, suggesting it formed as a result of mining activities. This created compacted soils and linear concave depressions within the road. Per site observation and review of PWI, NHD, and topography data, this wetland appears to be within a completely enclosed depression with no apparent surface water outlets.
2018-05b	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-05b is located completely within a road corridor or adjacent to the berm at the edge of the west pit stripping area, suggesting it formed as a result of mining activities. This created compacted soils and linear concave depressions within the road. Per site observation and review of PWI, NHD, and topography data, this wetland appears to be within a completely enclosed depression with no apparent surface water outlets.
2018-05c	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-05c is located completely within a road corridor or adjacent to the berm at the edge of the west pit stripping area, suggesting it formed as a result of mining activities. This created compacted soils and linear concave depressions within the road. Per site observation and review of PWI, NHD, and topography data, this wetland appears to be within a completely enclosed depression with no apparent surface water outlets.
2018-10	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland 2018-10 is located in a small depression that appears to have been a former mining test pit. It was likely created by excavation. This is apparent due to the lack of vegetation and steep banks. No soil data were collected because of the steep and obvious break from upland to shallow, standing water.

Other NonJurisdictional Waters/Features

OTHER NONJURISDICTIONAL WATERS/FEATURES		
Other NonWater of US Waters /Features	NonWaters/Other NJD Criteria	Rationale for NonWater of US/Feature and Additional Discussion
2018-01	Outside distance threshold or 100 yr floodplain	2018-01 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-02	Outside distance threshold or 100 yr floodplain	2018-02 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-03	outside distance threshold or 100 yr floodplain	2018-03 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-06	Outside distance threshold or 100 yr floodplain	2018-06 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-07	Outside distance threshold or 100 yr floodplain	2018-07 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-08	Outside distance threshold or 100 yr floodplain	2018-08 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.
2018-09	Outside distance threshold or 100 yr floodplain	2018-09 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water.



★ Project Location

Study Area

Wetland Determination Plot

● Upland

● Wetland

→ Flow Directions

Delineated Wetlands (Eggers and Reed)

Desktop Wetlands

Deep Marsh

Fresh (Wet) Meadow

Shrub - Carr

Alder Thicket

Hardwood Swamp

Elevation Contours, St Louis County North, 2011

10-Foot Contour

2-Foot Contour



0 175 350 700
Feet

WETLAND DELINEATION
2018 WEST PIT DELINEATION
U. S. Steel - Minntac
St. Louis County, Minnesota

FIGURE 5

