

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): November 8, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Ramy Tile Project, MVP-2015-04705-RMH

C. PROJECT LOCATION AND BACKGROUND INFORMATION: This AJD considers wetlands identified as Basins A, B, C, D, E and F located within the approximately 156 acre property located in Section 29, Township 107 North, Range 29 West.

State: Minnesota County/parish/borough: Blue Earth County City: Lincoln Township

Center coordinates of site (lat/long in degree decimal format): Lat. 44.044241° N, Long. -94.335404° W.

Universal Transverse Mercator: X:393014.43379, Y: 4877653.461176, Zone 15

Name of nearest waterbody: Watonwan River

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region Watershed (HUC 07020010)

☒ 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: November 8, 2022

☐ 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 review area for this jurisdictional determination is the extent of the aquatic resources identified as Basins A-F within the review area. Basins B and D are closed depressional areas located entirely within the review area. Basins A, C, E and F are connected to wetland complexes that extend beyond the review area. A review of MNDNR Hillshade and aerial imagery did not indicate a surface water connection or known shallow subsurface connections to downstream waters. A review of 2-foot lidar contours showed closed contours thus confirming that the wetland complexes are isolated depressional areas. In addition, the wetlands are not mapped within the 100-year floodplain. The wetlands are depressional basins located within an agricultural area and do not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries. Based upon a review of aerial photographs, United States Geographical Society (USGS) 1:24K Quad and its associated National Hydrography Dataset (NHD), Natural Resource Conservation Service (NRCS) soil survey, National Wetland Inventory (NWI) maps, topography data, and the materials submitted, the wetlands have been determined to be hydrologically isolated with no surface water connection to any waters of the United States (WOUS). The Watonwan River is located approximately 1.8 miles southwest of the site, a review of imagery did not show any evidence of a surface water connection. The wetlands are surrounded by upland, and has no swales, ditches, pipes, or other means that would provide a surface or subsurface connection to a WOUS. We have determined that Basins A-F are isolated depressions and hydrologically separated from other aquatic resources. The surrounding land use comprised of agricultural uses does not provide cover or habitat between the wetlands and other aquatic resources. The wetlands do not have an ecological connection to a WOUS. Basins A-F are not navigable and do not support a link to interstate or**

¹ Supporting documentation is presented in Section III.F.

foreign commerce because they 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. Basins A-F were determined to not be jurisdictional under the CWA because the wetlands lack links to interstate commerce sufficient to serve as a basis for jurisdiction.

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

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: Basin A: 3.4 ac, Basin B: 3.1 ac, Basin C: 6.9 ac, Basin D: 1.1 ac, Basin E: 0.6 ac, Basin F: 1.0 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: Wetland Delineation Report for Ramy Wetland Bank, dated May 15, 2017 and Joint Application for Activities Affecting Water Resources in Minnesota dated August 8, 2022.
- ☒ 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: USGS 1:24K Quad Name: Perth
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Blue Earth County Soil Survey

- ☒ National wetlands inventory map(s). Cite name: National Regulatory Viewer <https://arcportal-ucop-corps.usace.army.mil/s0portal/apps/MapSeries/index.html?appid=3511c6ce82904c779e105a89a7bf4cd9>
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): MNGEO Photo Imagery 2022
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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: