

**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): 05/13/2020**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2019-02820-EJW Nadeau Property**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota

County/parish/borough: Anoka

City: Lino Lakes

Center coordinates of site (lat/long in degree decimal format): Lat. 45.148453° N, Long. -93.043556° W.

Universal Transverse Mercator: x: 496576.027205, y: 4999442.729738

Name of nearest waterbody: Clearwater Creek

Name of watershed or Hydrologic Unit Code (HUC): HUC 12: 070102060303 Clearwater Creek

☒ 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: April 6, 2020

☐ 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):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **A desktop review of the 32.15 acre site was conducted on April 6, 2020 to review potentially jurisdictional waters: Wetland 1 (0.05 ac) as requested by Kjolhaug Environmental on behalf of BL Holdings, Inc. This jurisdictional determination form is for Wetland 1 only. Corps staff have determined that Wetland 1 is an isolated wetland with no hydrologic connection to a Water of the United States. The review area for this jurisdictional determination is limited to the boundaries of Wetland 1 only as shown on the attached figures MVP-2019-02820-EJW Pages 1 of 2 through Page 2 of 2.**

**A thorough desktop review was conducted to identify any culverts and/or other hydrologic connections within and adjacent to the project site. The closest surface water found is a private tributary (ditch) located along the northern boundary of the site connecting to Clearwater Creek. Clearwater Creek flows west to Peltier Lake which continues west to the Mississippi River. Wetland 1 does not have surface or shallow subsurface connections to the private tributary (ditch) or Clearwater Creek. Wetland 1 is a Type 1 PEMA wet meadow wetland.**

**Based upon information gathered as a result of the desktop review and the wetland delineation report, Corps staff determined that Wetland 1 is wholly surrounded by uplands and lacks unbroken surface or shallow sub-surface connections to a water of the United States. Wetland 1 has no physical separations by man-made dikes or barriers, natural river berms, beach dunes, and the like from jurisdictional waters. The surrounding land use comprised of agricultural, residential, and transportation uses do not provide cover or habitat between the wetland and other aquatic resources. Wetland 1 does not have ecological connections to a WOUS due to the lack of ecological resources and distance between the wetland and the nearest tributary.**

<sup>1</sup> Supporting documentation is presented in Section III.F.

The waterbody described above, Wetland 1 does not support a link to interstate or foreign commerce because it is not known to be used by interstate or foreign travelers for recreation or other purposes; it does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and it is not known to be used for industrial purposes for interstate or foreign commerce. Wetland 1 has been determined to be non-jurisdictional under the Clean Water Act because the wetlands lack connections and/or relationships 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: 0.05 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: Nadeau Property Wetland Delineation Report, October 29, 2019
- ☐ 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, Centerville
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Anoka County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS National Wetlands Inventory
- ☒ State/Local wetland inventory map(s): DNR Public Waters Inventory

- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date):  
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:**