

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): March 15, 2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Lonsdale C-Store, MVP-2016-02817-RMH

C. PROJECT LOCATION AND BACKGROUND INFORMATION: This AJD considers one wetland identified as WB-01 within the approximately 8.25 acre property located in Section 25, Township 112 North, Range 21 West.

State: Minnesota

County/parish/borough: Rice County

City: Webster Township

Center coordinates of site (lat/long in degree decimal format): Lat. 44.473175° N, Long. -93.289686° W.

Universal Transverse Mercator: X:476960.063321, Y: 4924470.384804, Zone 15

Name of nearest waterbody: Knowles Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region Watershed (HUC 07004002)

☒ 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: February 3, 2023

☐ 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 limited to the extent of wetland: WB-01, identified as a Type 3 (PEMIC) shallow marsh type wetland. It is located on the western edge of the property and extends beyond the delineation boundary to the west where it is bordered by Hazelwood Avenue. The contour map submitted in the wetland delineation report indicates that WB-01 is a depressional basin, completely surrounded by uplands. Aerial imagery also showed no tributaries in the vicinity of WB-01. The closest tributary, identified by the USGS NHD as intermittent is located approximately 2,000 feet north of WB-01 and it is separated from the wetland by a commercial area, agricultural field and a forested area. The wetland is a depressional basin located within an agricultural field and does 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 Geological Survey (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 wetland is determined to be hydrologically isolated with no surface water connection to a water of the United States (WOUS). The review area is not within a 100-year floodplain. The wetland is 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 WB-01 is an isolated depression and hydrologically separated from other aquatic resources. The surrounding land use comprised of agricultural, commercial, and transportation uses does not provide cover or habitat between the wetland and other aquatic resources. The wetland does not have an ecological connection to a WOUS.**

¹ Supporting documentation is presented in Section III.F.

The wetland 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; does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. The wetland was determined to not be a WOUS and not to be jurisdictional under the CWA.

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: WB-01: 0.18 ac. 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 Lonsdale C-Store submitted by Westwood, dated August 18, 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: Little Chicago
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Rice County 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 imagery from 2006, 2012, 2016, 2018 and 2020 ESRI WMS USA Topo and World Streets Basemaps 2020, Minnesota DNR 2015, USDA NAIP Rice County 2019, USGS NHD 2015, USFWS NWI 2017
- or ☒ Other (Name & Date): Site photos submitted with report
- ☐ 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: