

**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 29, 2022

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2021-01966-MMJ; 67th St. NE

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

State: Minnesota County/parish/borough: Wright City: Albertville

Center coordinates of site (lat/long in degree decimal format): Lat. 45.24786° N, Long. -93.6715° W.

Universal Transverse Mercator: Zone 15

Name of nearest waterbody: School Lake

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region HUC: 07010203

☒ 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: March 04, 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):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The 67th Street NE Site contains numerous aquatic resources; this AJD is for Wetlands 2 & 4. These wetlands are depressional basins located on an undeveloped lot, as shown on the 2-foot contour map provided in the attached figures (labeled as 2021-01966-MMJ, AJD Figures 1-10). Wetlands 2 & 4 do not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries. Based on review of historic and recent aerial photography, the National Wetland Inventory (NWI), USGS topographic maps, and the wetland delineation report submitted by the requestor, we have determined that the wetlands identified above are hydrologically isolated with no surface water connection to a water of the United States (WoUS). These wetlands are not located within a 100-year floodplain. The wetlands are surrounded by non-jurisdictional upland, and there are no swales, ditches, pipes, or other means that would provide a surface or subsurface connection to a WoUS, and these wetlands do not have an ecological connection to a WoUS. The wetland boundaries on this site were verified in the field by local county and state regulatory staff. Historically Wetland 2 & Wetland 4 flowed into the drainage ditch to the north. This hydrologic connection was severed due to historic farming practices and more recent grading activities on the property. Historic photos of the site are provided in the attached AJD Figures 8-10.**

**Regarding Wetlands 2 & 4 specifically the consultant provided the following additional information: "Land along most of the south site boundary (excluding the very SE corner of the site) goes up in elevation around Wetland 2 as is shown by the lidar contours. Wetlands 2 and 4 are closed depressions surrounded by upland on all sides. It's possible that if conditions are wet enough, Wetland 4 could drain to WL2 (the lower wetland). Wetland 2 does not have an outlet, water flows to and is confined in the lowest/wettest area which is the center of Wetland 2. Out in the field the rise and confining nature of the topography around these wetlands is actually quite apparent."**

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

Wetlands 2 & 4 do not support a link to interstate or 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. Wetlands 2 & 4 are hydrologically and ecologically isolated and the Corps has determined that these wetlands is not regulated by the Corps under Section 404 of the Clean Water Act.

### 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: W2: 0.39 ac. & W4: 0.10 ac.; Total 0.49 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: 67th Ave NE Delineation Report dated September 21, 2021.
- ☒ 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 - St. Michael
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Wright County
- ☒ National wetlands inventory map(s). Cite name: NWI
- ☐ 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 & Historic 1940, 1957, & 1963  
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: NA**