

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): 16 June 2015

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Highway 53 Relocation; 2011-00769-DWW

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: St. Louis County City: Virginia

Center coordinates of site (lat/long in degree decimal format): Lat. 47.5026° N, Long. 92.5177° W.

Universal Transverse Mercator:

Name of nearest waterbody: N/A

Name of watershed or Hydrologic Unit Code (HUC): St. Louis, Minnesota 04010201

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: 11 June 2015

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 preamble to the 1986 Final Rule for Regulatory Programs of the Corps of Engineers includes several categories of waters generally not considered to be waters of the United States, including “waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.” For this exclusion to apply such water must have been created in dry land as a result of construction or mining activities and currently used for that purpose. The Rouchleau Pit is an approximately 300-acre waterfilled depression created as a result of mining activities at the site. It has no inlets or outlets connecting it to other waters. After cessation of pumping the pit filled with water to its present condition. A review of historic information suggests that the pit was excavated in dry land. The pit is currently subject to mining uses by Cliffs United Taconite and has not been abandoned. The pit is located next to current mining facilities and within Cliffs United Taconite’s permit to mine - meaning that the area could be mined under state law without additional permitting. For these reasons, it is determined the Rouchleau Pit is not a water of the United States.**

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

¹ Supporting documentation is presented in Section III.F.

