

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 28, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2015-03435-DWW, Hibbing Taconite Company

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

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

Center coordinates of site (lat/long in degree decimal format): Lat. 47.45791° N, Long. -92.90913° W.

Universal Transverse Mercator: Zone 15 North

Name of nearest waterbody:

Name of watershed or Hydrologic Unit Code (HUC): St. Louis, Minnesota, 04010201(HUC_8)

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: 02/24/2016

Field Determination. Date(s): 09/24/2016

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.

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

Other: (explain, if not covered above): **The reviewed Wetlands HTC2015-18 and HTC2015-19 do not have a surface or subsurface connection to a Navigable water of the United States; the reviewed Wetlands HTC2015-18 and HTC2015-19 flow south into an approximately 2.8-acre deep water habitat basin (depression area) that does not have surface or subsurface connection to a Navigable water of the United States because there are no outlets in the basin.**

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):

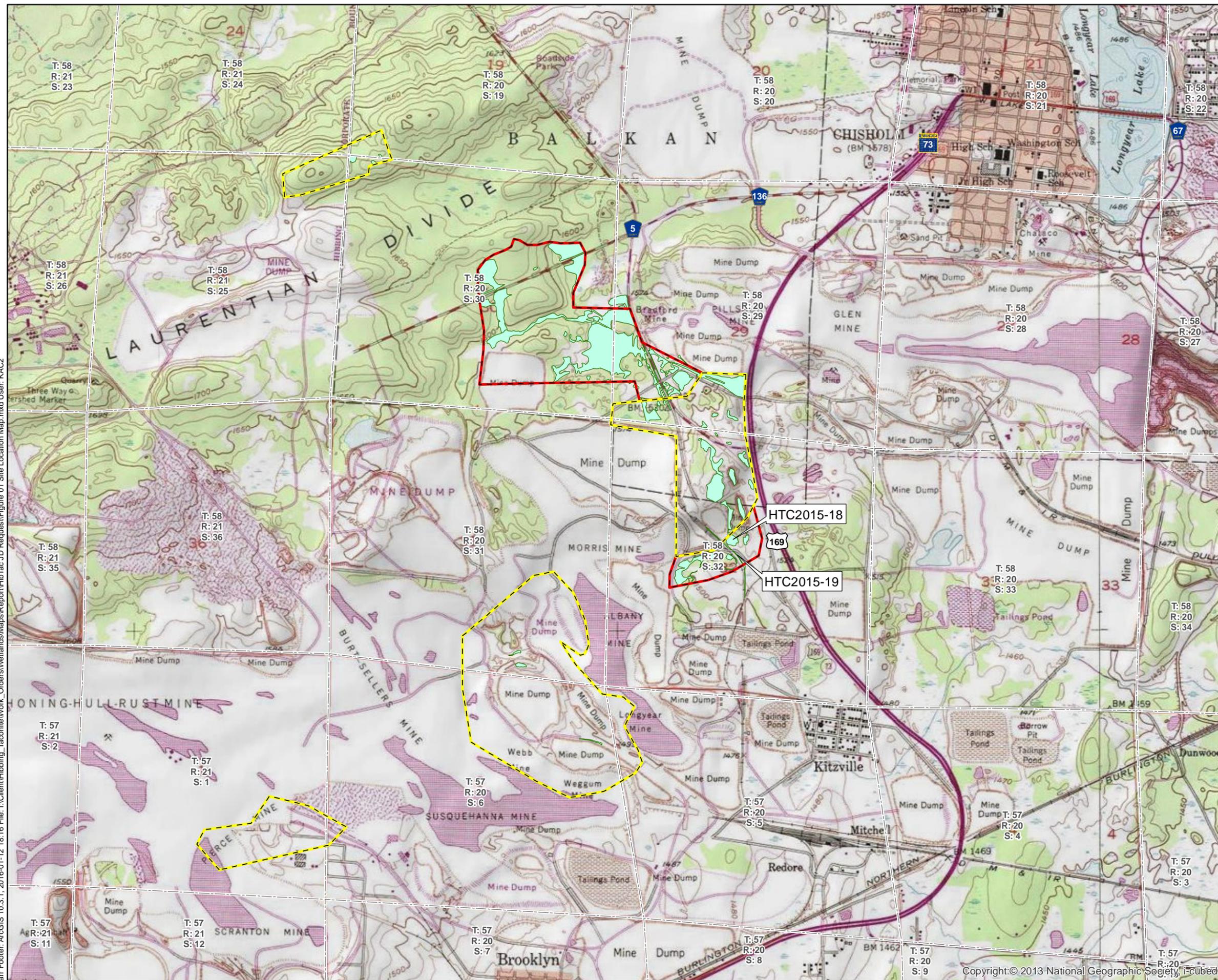
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Barr Engineering wetland delineation report and functional assessment dated October 2015. The flow paths in Figure 4 do not represent tributaries and there is no tributary located near the basin.**
- Data sheets prepared/submitted 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:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): **Minnesota Department of Natural Resources**
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic 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): **Site visit conducted by Corps of Engineers 9/24/2015 to ground truth wetland area(s) and surface water connections. The overall site visit would subsequently confirm Barr Engineering's information about flow patterns and no surface outlets for Wetlands HTC2015-18 and HTC2015-19.**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

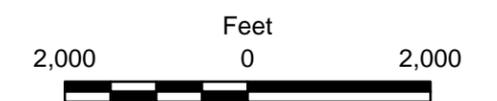
We reviewed available desktop resources such as aerial photography, LiDAR derived elevation models and contours, and the culvert location and flow path information, and stream and wetland mapping to make an approved isolated determination of the Wetlands HTC2015-18 and HTC2015-19.

Wetland HTC2015-18 is 1.03 acres of shrub-carr wetland and HTC2015-19 is 0.23-acre of shrub-carr wetland. The wetlands flow south into an approximately 2.8-acre deep water habitat basin (depression area) that does not have surface or subsurface connection to a Navigable water of the United States because there are no outlets in the basin.

The wetlands 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 by industries in the interstate commerce. The wetlands were determined to not be jurisdictional under the CWA because the wetlands lacked links to interstate commerce sufficient to serve as a basis for jurisdiction.



- Wetland Delineation Study Areas (2012)
- Wetland Delineation Study Areas (2015)
- Delineated Wetlands (2012 and 2015)
- Public Land Survey Sections

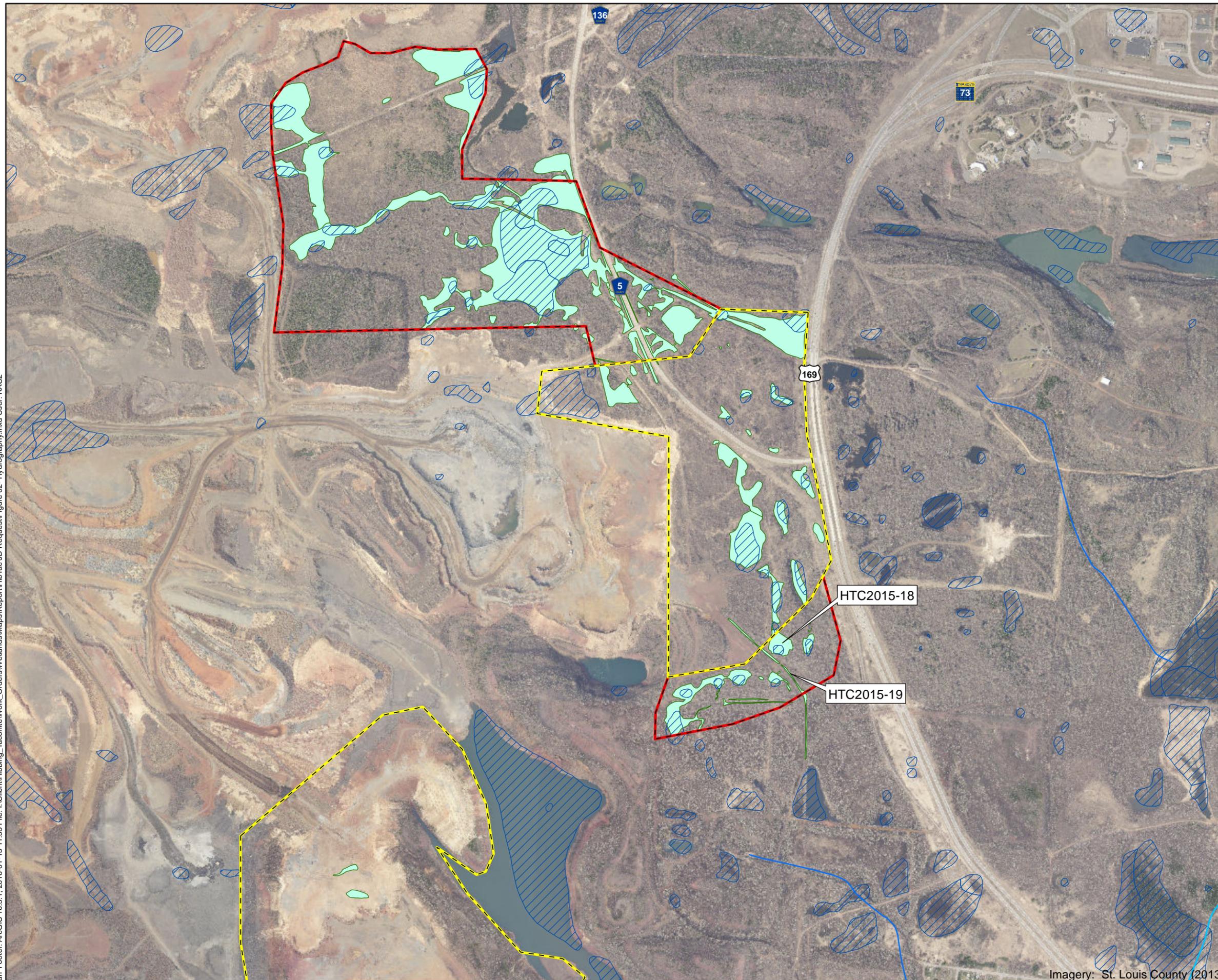


2015-03435-DWW
Drawing 1 of 4

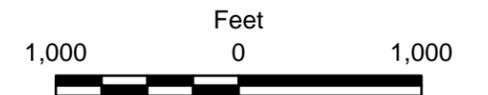
Figure 1

SITE LOCATION MAP
Hibbing Taconite Company
St. Louis County, Minnesota

Barr Footer: ArcGIS 10.3.1, 2016-01-13 11:55 File: I:\Client\Hibbing_Taconite\Work_Orders\Wetlands\Maps\Report\HibTac.JD_Request\Figure 02- Hydrography.mxd User: KACZ



-  Wetland Delineation Study Areas (2012)
-  Wetland Delineation Study Areas (2015)
-  Delineated Wetlands (2012 and 2015)
-  Wetlands (National Wetlands Inventory)
-  Public Waters Inventory (PWI)
-  National Hydrography Dataset (NHD)

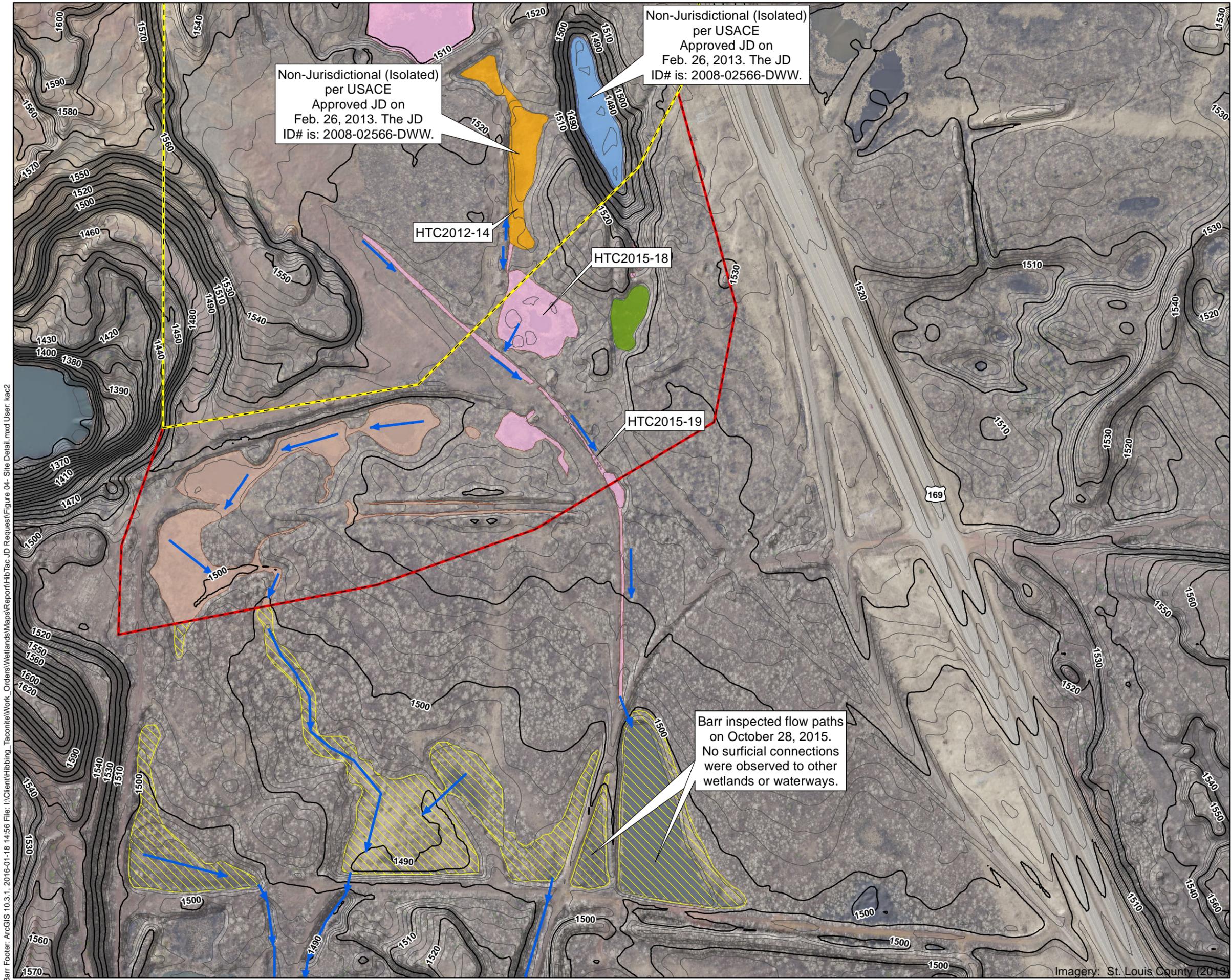


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Drawing 2 of 4

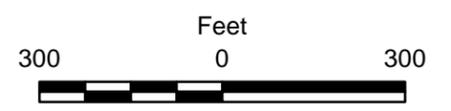
Figure 2

HYDROGRAPHY
Hibbing Taconite Company
St. Louis County, Minnesota

Imagery: St. Louis County (2013)



- Wetland Delineation Study Areas (2012)
 - Wetland Delineation Study Areas (2015)
 - 10ft Contour
 - 2ft Contour
- Delineated Wetlands (2012 and 2015)
- Shallow Marsh
 - Deepwater Habitat
 - Deep Marsh
 - Shrub-carr
 - Hardwood Swamp
 - Estimated Wetlands
 - Flow Paths (Barr)

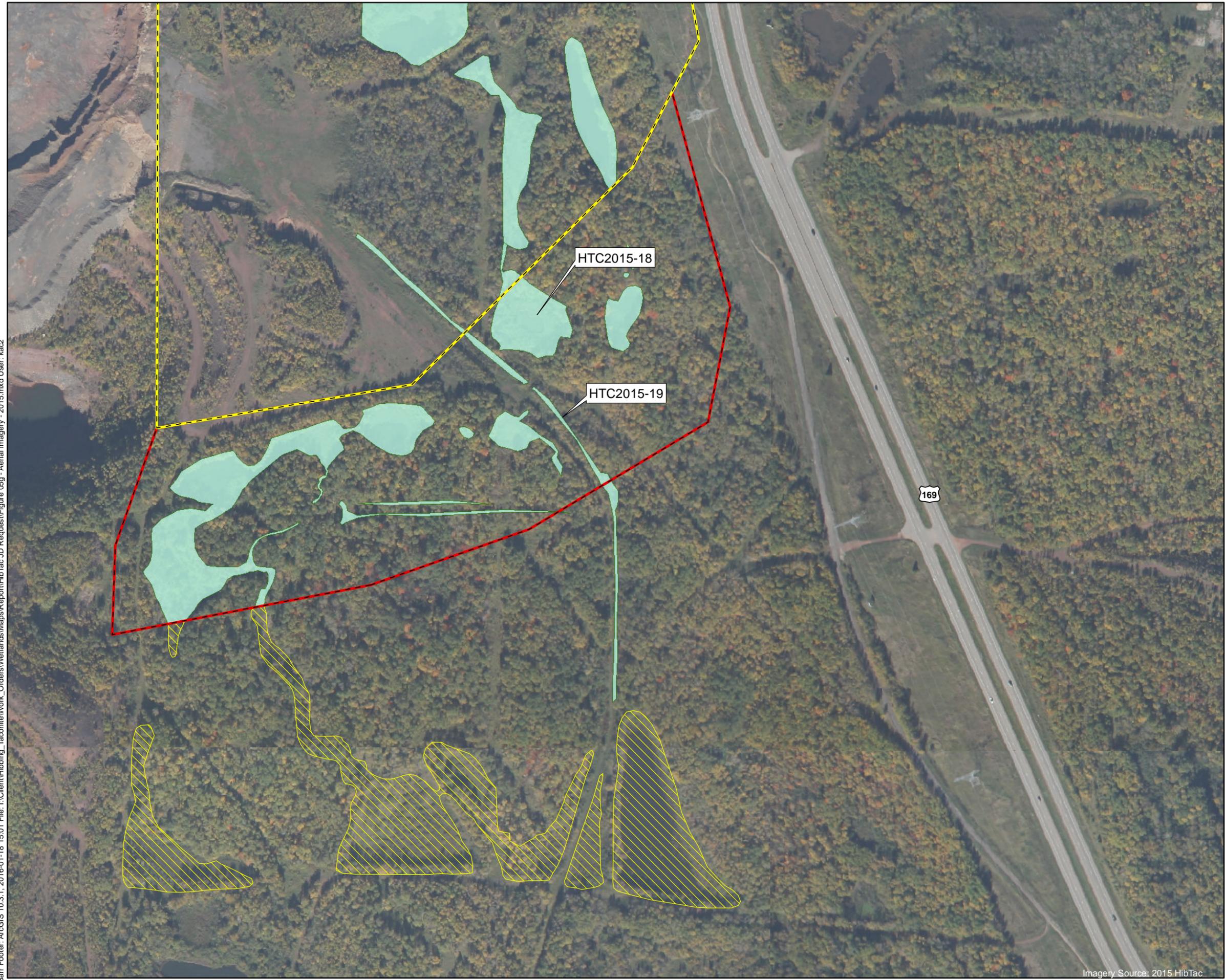


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Drawing 3 of 4

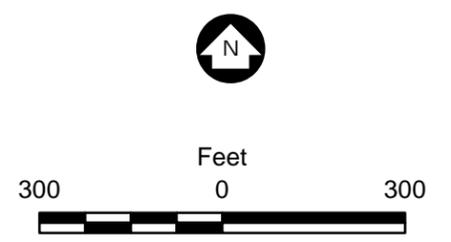
Figure 4

SITE DETAIL
Hibbing Taconite Company
St. Louis County, Minnesota

Barr Footer: ArcGIS 10.3.1, 2016-01-18 15:01 File: I:\Client\Hibbing_Taconite\Work_Orders\Wetlands\Reports\HibTac.JD.Request\Figure 05g - Aerial Imagery - 2015.mxd User: kac2



-  Wetland Delineation Study Areas (2012)
-  Wetland Delineation Study Areas (2015)
-  Delineated Wetlands (2012 and 2015)
-  Estimated Wetlands



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Drawing 4 of 4

Figure 5g

AERIAL IMAGERY - 2015
Hibbing Taconite Company
St. Louis County, Minnesota

Imagery Source: 2015 HibTac