

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): DEC 04 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-03537-BBY Crosstown Properties

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Anoka County City: Ham Lake

Center coordinates of site (lat/long in degree decimal format): Lat. 45.286124° N, Long. -93.259667° W.
Universal Transverse Mercator:

Name of nearest waterbody: Ward Lake

Name of watershed or Hydrologic Unit Code (HUC): 07010206 Upper Mississippi Region

☒ 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: November 2, 2017

☒ Field Determination. Date(s): October 18, 2017

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 areas for this AJD includes 4 wetlands labeled as Wetland 1, Wetland 3, Wetland 4 and Wetland 5 (includes portion labeled as WL5a) on the enclosed figures labeled MVP-2017-03537-BBY Page 1 of 7 through Page 7 of 7. Wetland 1 is located on the Eastern Parcel of the property and Wetland 3, Wetland 4 and Wetland 5 are located on the Western Parcel.

Wetlands 1, 3, 4 and 5 do not have surface or shallow sub-surface hydrologic connections to any navigable waters or tributaries. The wetlands are surrounded by uplands, and have no swales, pipes, or other means to connect them to waters of the U.S. Wetland 5 continues outside of the review area but does not have a hydrologic to a TNW. This was confirmed by Corps staff with a site visit that took place on October 18, 2017. We have determined these wetlands are isolated depressions and not considered to be a waters of the U.S.

Wetlands 1, 3, 4 and 5 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; they do not produce fish or shellfish that could be taken or sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate or foreign commerce. These wetlands do not have an ecological connection to other waters within or adjacent to the review area. These waterbodies have been determined to not 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

¹ Supporting documentation is presented in Section III.F.

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: Wetland 1: 0.73 acre, Wetland 3: 0.27 acre, Wetland 4: 0.57 acre, Wetland 5 (includes WL5a): 1.32 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: Kjolhaug
- ☒ 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: Anoka County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): MNGEO, ESRI Imagery provided by Kjolhaug 1991, 1997, 2000, 2003, 2006, 2008, 2009, 2010, 2012, 2013, 2015 and 2016.
 - 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): Anoka County LIDAR, MNDNR Public Waters Inventory

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

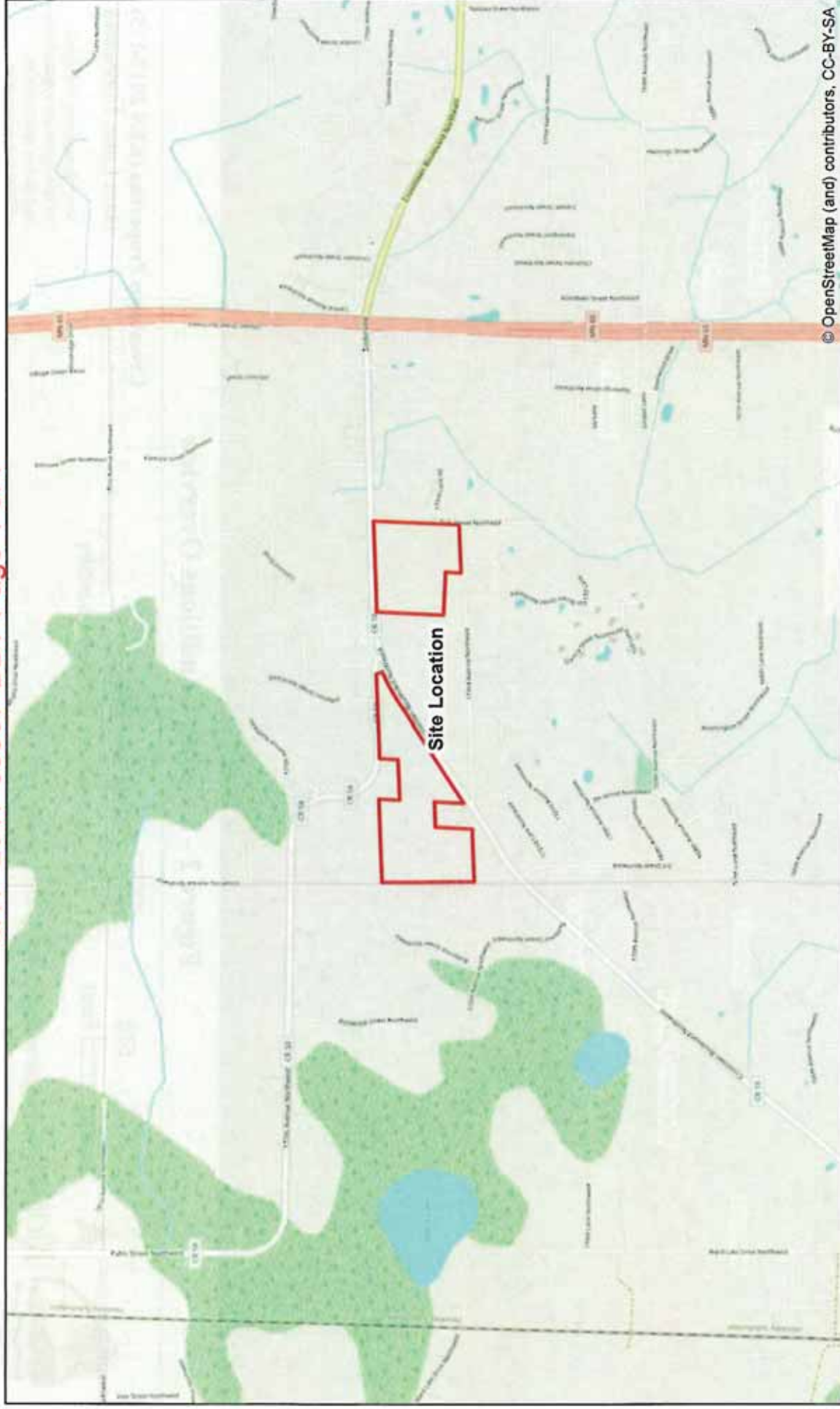


Figure 1 - Site Location

**Crosstown Properties (KES 2017-175)
Ham Lake, Minnesota**


Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: ESRI Streets Basemap




Figure 2 - Existing Conditions Overview





KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: Minnesota DNR (2013)


Crosstown Properties (KES 2017-175)
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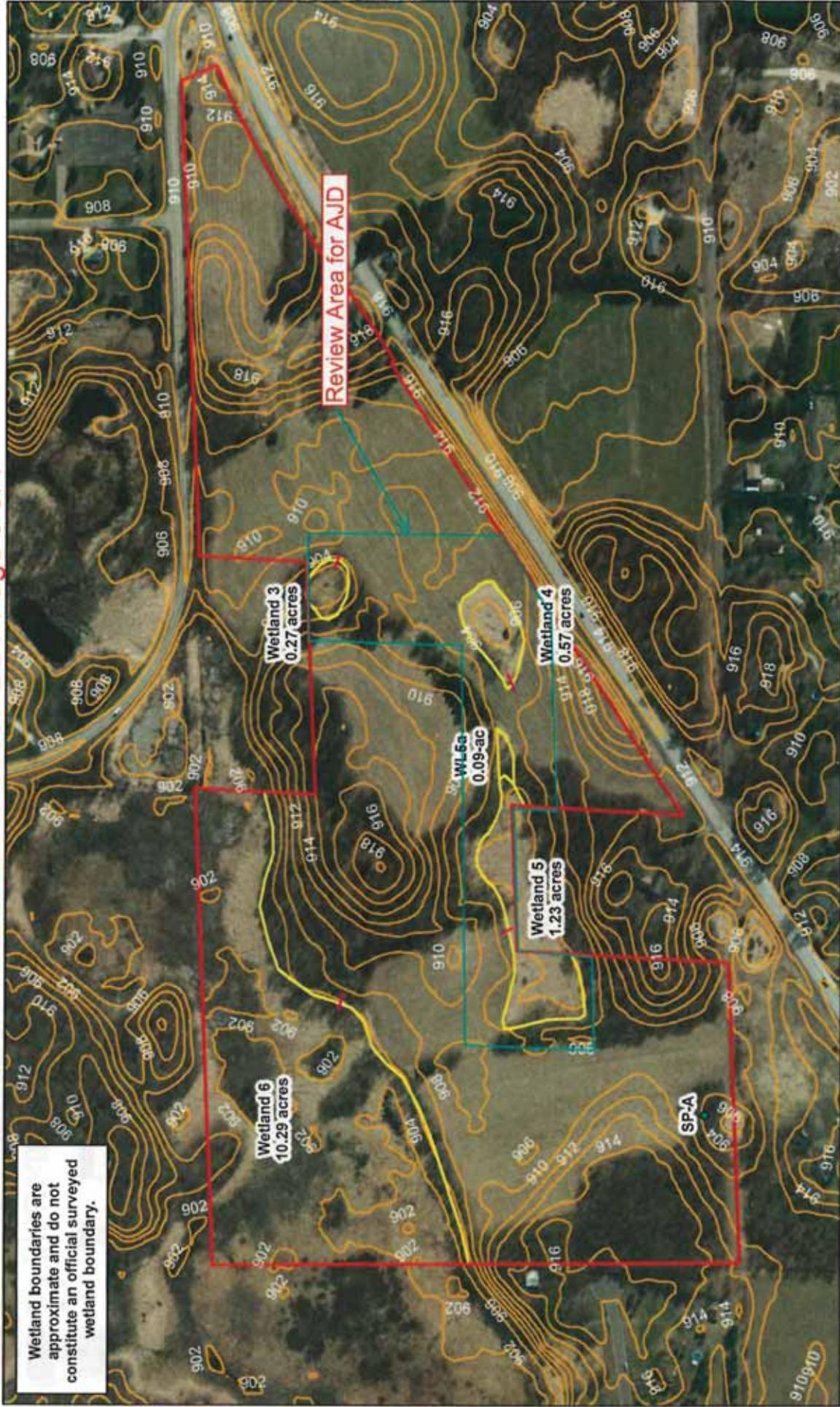
Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

 Project Boundary

 Approximate Wetland Boundary

N 

0 575 Feet 



Revised Figure 2B - Existing Conditions Western Parcel



KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: Minnesota DNR (2013)

Crosstown Properties (KES 2017-175)
Ham Lake, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

- Sample Point
- Transect
- Project Boundary
- Anoka County Lidar
- Anoka County Lidar
- Approximate Wetland Boundary



Figure 2A - Existing Conditions East Parcel

Crosstown Properties (KES 2017-175)
Ham Lake, Minnesota



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: Minnesota DNR (2013)



Figure 3 - National Wetlands Inventory



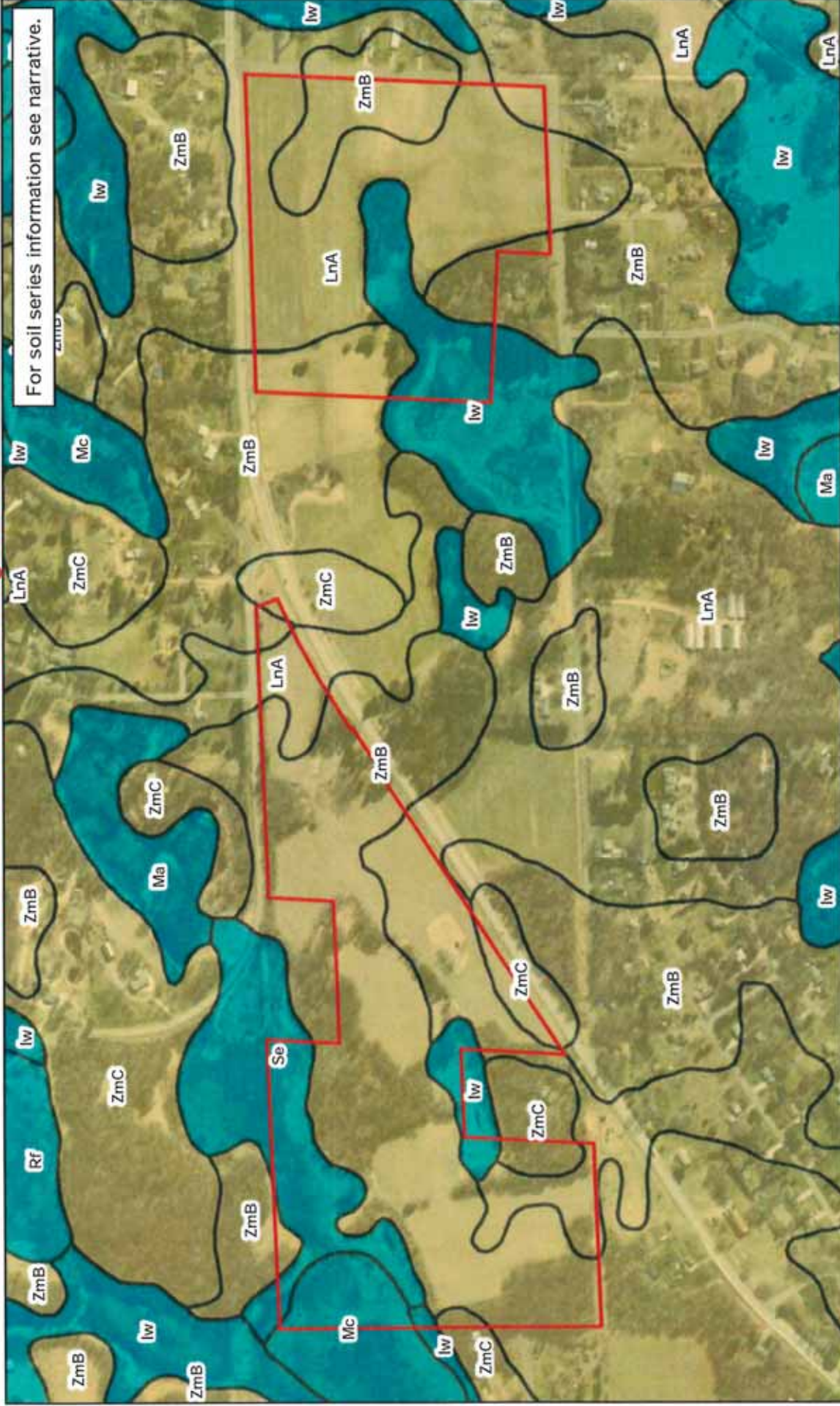




Figure 4 - Soil Survey




KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: USDA, NRCS

N



0 575 Feet



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Hydric/Predominantly Hydric

Predominantly Non-Hydric/Non-Hydric




Figure 5 - DNR Public Waters Inventory




KJOLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: Minnesota DNR


N




0 575 Feet



Public Waters



Public Watercourse



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