

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): APR 14 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-00464-MMJ; Shingle Creek/West Mississippi WMC, Creekview Park Iron and Biochar Enhanced Sand Filter Project

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Hennepin City: Minneapolis

Center coordinates of site (lat/long in degree decimal format): Lat. 45.04474° N, Long. -93.29994° W.

Universal Transverse Mercator:

Name of nearest waterbody: Ryan Creek

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

☒ 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 16, 2017

☐ 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.

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 review area includes one wetland feature. The wetland in the project area is a stormwater pond that was excavated in an upland area; it is not a jurisdictional water of the U.S. under Section 404 of the CWA. This was confirmed by reviewing historic aerial photographs, the NWI, and the Hennepin County soils map. Historic aeriels from the 1930s through the 2000s show that the wetland located within Creekview Park was constructed in approximately 2006 in an upland area. The wetland is identified on the NWI, however the Hennepin County soil survey identifies there are no hydric soils within the area. The wetland is not identified as a DNR Public Water Basin. The non-jurisdictional determination for this wetland was completed pursuant to the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps does not generally consider the following to be waters of the U.S.: non-tidal drainage and irrigation ditches excavated on dry land or artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. The wetland in the project area is not jurisdictional because it is a wetland constructed in upland that is used as a settling 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: **Wenck and Associates**
- ☒ 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: **MN-MINNEAPOLIS NORTH**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Hennepin County Soil Survey**
- ☒ National wetlands inventory map(s). Cite name: **USFWS NWI & MnDNR 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): **1938, 1940, 1945, 1957, 1960, 1967, 1971, 1991, 1997, 2000, 2006, 2010-2015**
 - or ☒ Other (Name & Date): **Google Earth**
- ☐ 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: According to the preamble to the Corps 1986 regulations the wetland feature referenced above, and shown on the attached figures, is not waters of the U.S. and is not regulated under Section 404 of the CWA.



