

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): FEB 09 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2015-03524-PRH (Harstad Parcel)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Stearns City: Rockville

Center coordinates of site (lat/long in degree decimal format): Lat. 45.51186° N, Long. -94.28997° W.
Universal Transverse Mercator:

Name of nearest waterbody: Sauk River

Name of watershed or Hydrologic Unit Code (HUC): 07010202

- ☒ 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: May 16, 2016
☒ Field Determination. Date(s): June 8, 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.

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 area includes seven aquatic resources. This AJD only covers the following aquatic resources: Wetlands 3, 4, 5, 6, 7, 9, and 10 that were identified in the July 23rd 2015, Harstad Parcel - Rockville Wetland Delineation Report conducted by Kjolhaug Environmental Services. The wetland boundaries follow a change in topography. The LiDAR map has two foot contour lines and shows the wetland mostly conforming to a single elevation within contours. All of the wetlands were identified, in some part, on the updated DNR NWI maps. Wetland 7 is the only wetland in this review located within a mapped hydric soil unit as identified in the wetland delineation report.

A site visit conducted on June 9, 2016, confirmed that although wetlands 3, 4, 5, and 6 demonstrate a hydrologic connection amongst themselves, none of these wetlands in this review have a surface and/or shallow subsurface, hydrologic connection to any navigable waters or their tributaries, and are therefore are geographically isolated.

Wetlands 3, 4, 5, and 6 were all dominated by either cattail, reed canary grass, or both and defined as shallow marsh wetlands. The delineated boundaries followed a change in vegetation from wetland to upland plant communities as well as a distinct change in topography. None of the wetlands in this basin contained any outlets.

Wetland 7 was defined as a Type 7, forested wetland, dominated by sedges, buckthorn and willow shrubs, and has no outlets and does not share a hydrologic connection to Wetland 8 (not considered in this JD.)

Wetlands 9 and 10 were defined as Type 2, fresh wet meadows dominated by reed canary grass, and contain no outlets.

¹ Supporting documentation is presented in Section III.F.

The waterbodies described above, 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 and sold in interstate or foreign commerce; and they are not known to be used for industrial purposes for interstate or foreign commerce.

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: Wetland 3 (0.30 acre), Wetland 4 (0.05 acres), Wetland 5 (0.83 acre), Wetland 6 (0.29 acre), Wetland 7 (0.49 acre), Wetland 9 (0.27), Wetland 10 (0.15) 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:
- ☒ 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: US Dept. of Agriculture, Web Soil Survey
- ☐ National wetlands inventory map(s). Cite name: MnDNR Updated NWI shapefile. Accessed October 2015
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

- ☒ Photographs: ☒ Aerial (Name & Date): FSA 2013
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): Stearns County LiDAR data

B. ADDITIONAL COMMENTS TO SUPPORT JD: The waterbodies described above, 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 and sold in interstate or foreign commerce; and they are not known to be used for industrial purposes for interstate or foreign commerce.

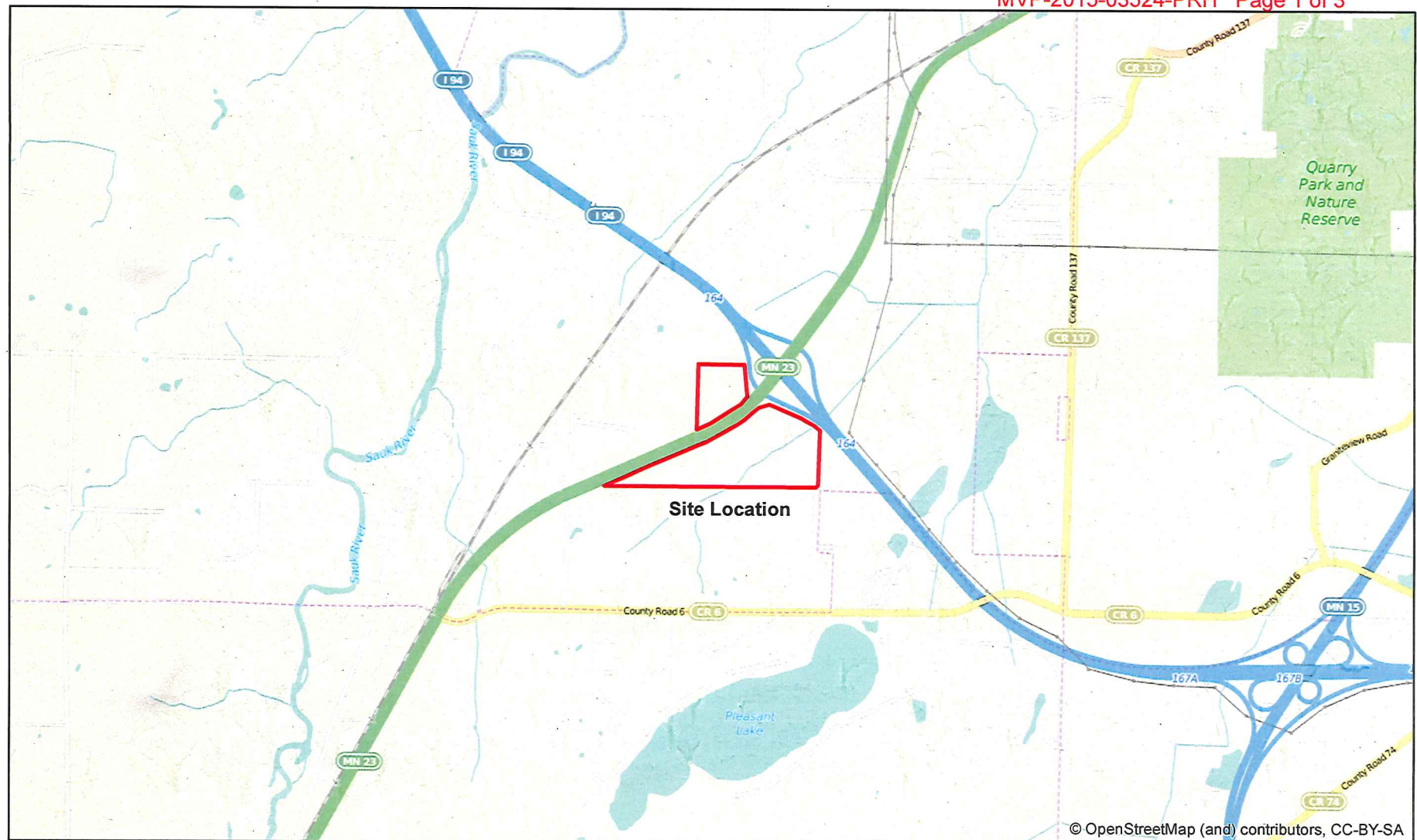


Figure 1 - Site Location



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

N
0 3,000
Feet

**Harstad Parcel (KES 2015-105)
Rockville, Minnesota**

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

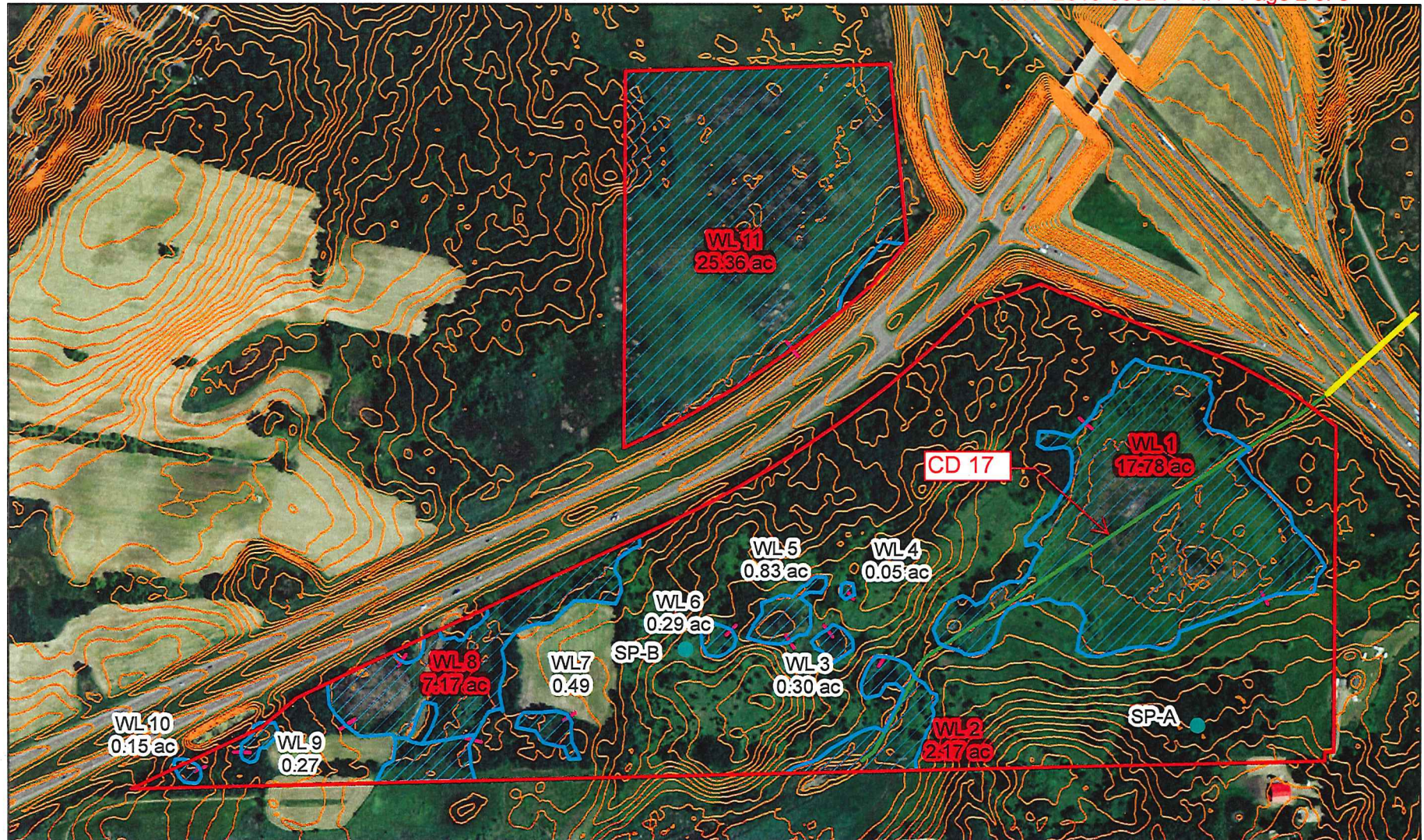
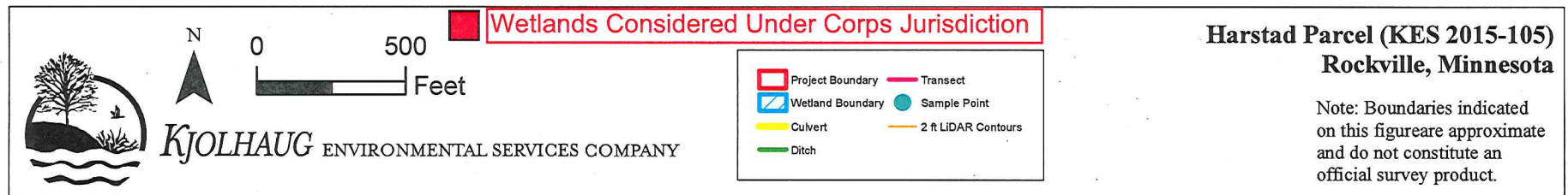


Figure 2 - Existing Conditions (2013 FSA Photograph)



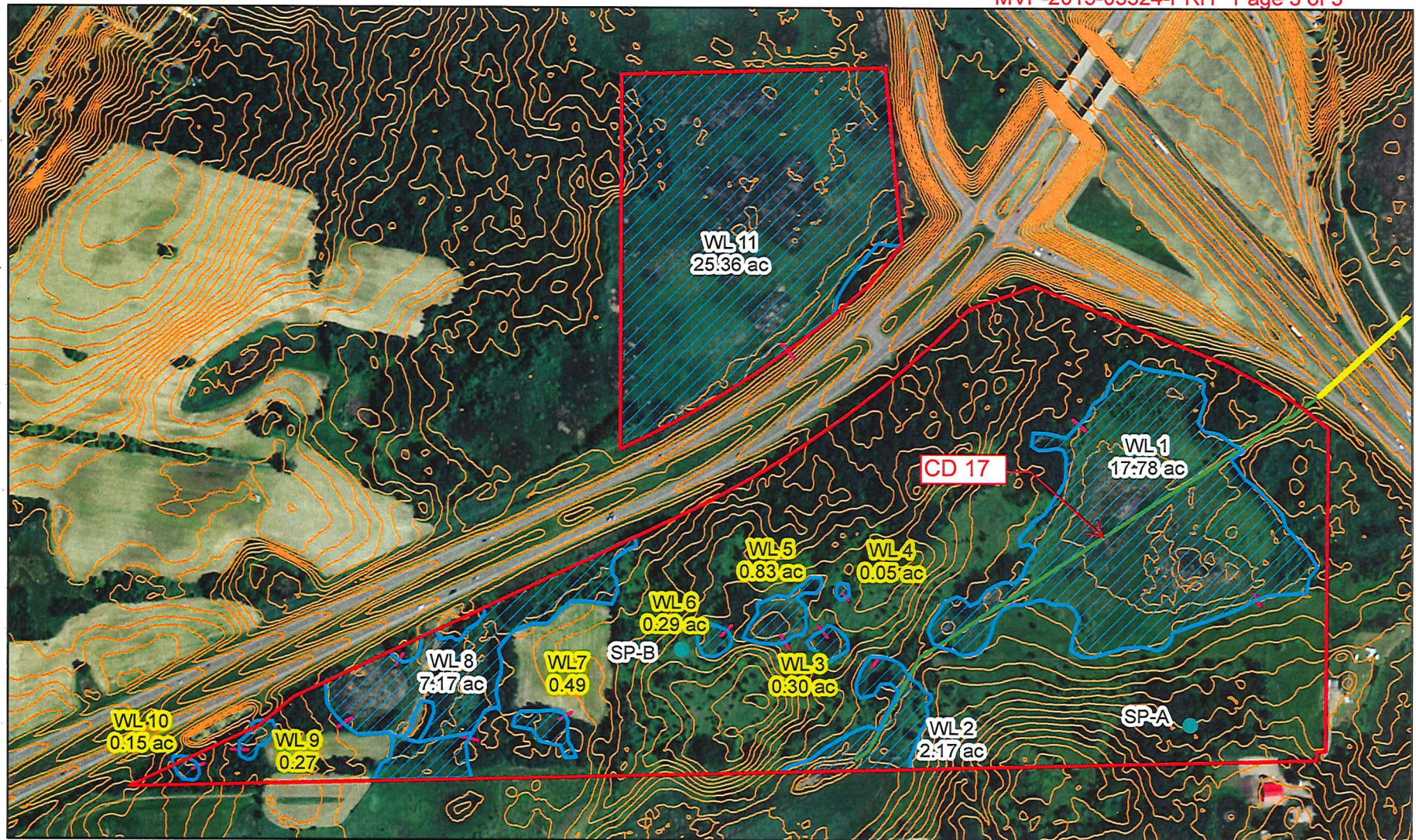


Figure 2 - Existing Conditions (2013 FSA Photograph)

