

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 03 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2016-04257-RMM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Dakota City: Burnsville

Center coordinates of site (lat/long in degree decimal format): Lat. 44.72684° N, Long. -93.31997° W.

Universal Transverse Mercator:

Name of nearest waterbody: Credit River

Name of watershed or Hydrologic Unit Code (HUC): 07020012 Upper Mississippi River

☒ 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: January 9, 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): Review of historical aerial photos confirms that Pond MH3-F (0.11 acre) was historically dry land prior to the basin being excavated. There is no evidence of any wet signatures. 1991, 2003, 2004, 2005, and 2006 aerial photo shows Pond MH3-F to be dry land. The soils in Pond MH3-F are mapped as Kingsley, Mahtomedi, Spencer, Kennebec--non-hydric soils--according to the Dakota County soil survey. Pond MH3-F was constructed in 2008 in dry land for the purposes of treating stormwater; therefore, Pond MH3-F is not a water of the US.

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: 1:24K MN-ORCHARD LAKE
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Dakota County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS NWI 2016
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Pond MH3-F was constructed sometime between 2002 in dry land for the purposes of treating stormwater; therefore, Pond MH3-F is not a water of the US.

Document Path: K:\101880-630GIS\Mapas\Individual_Ponds\MH3-F.mxd Date Saved: 11/17/2016 12:14:29 PM

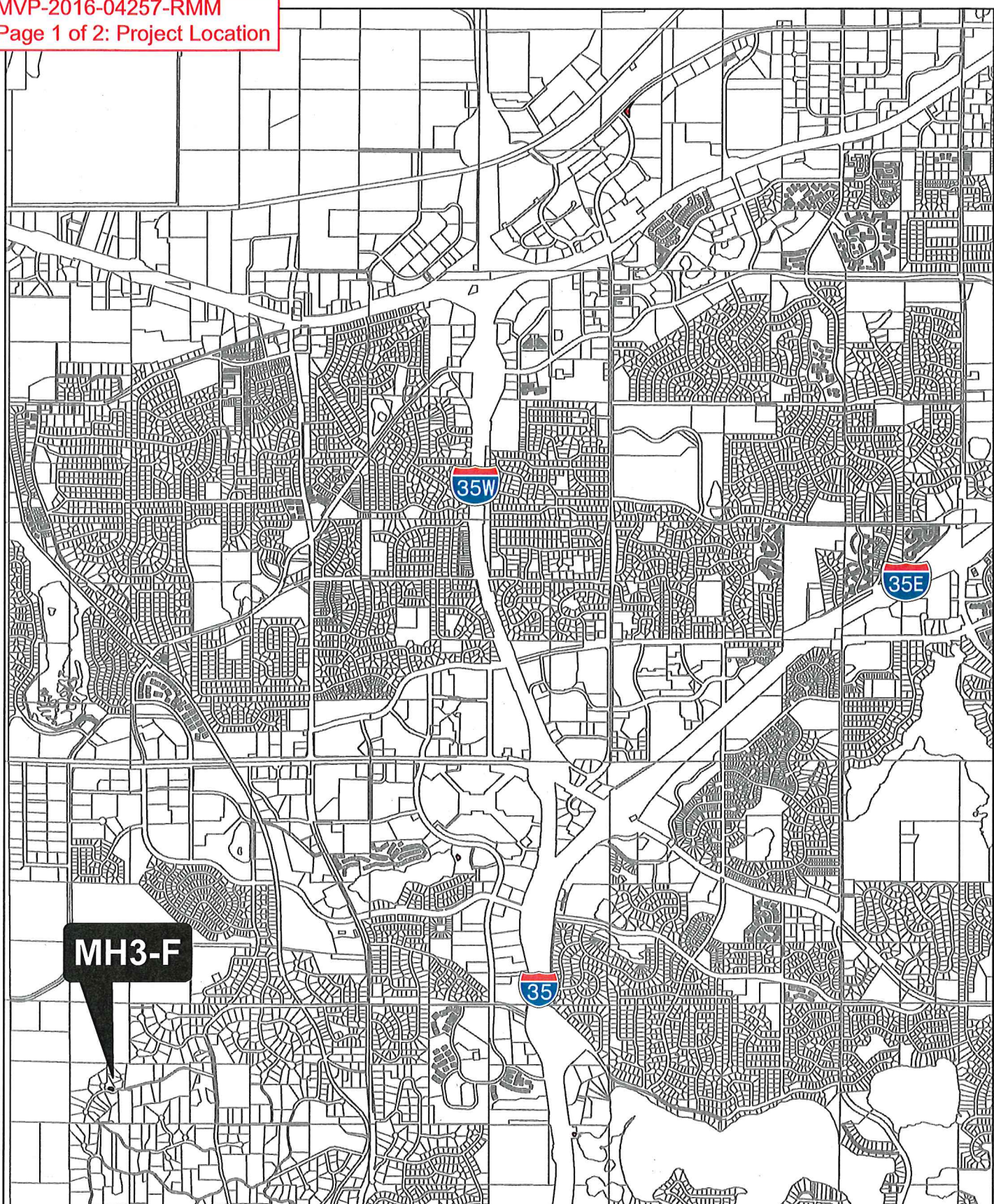
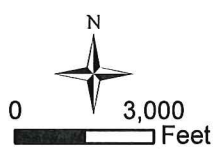
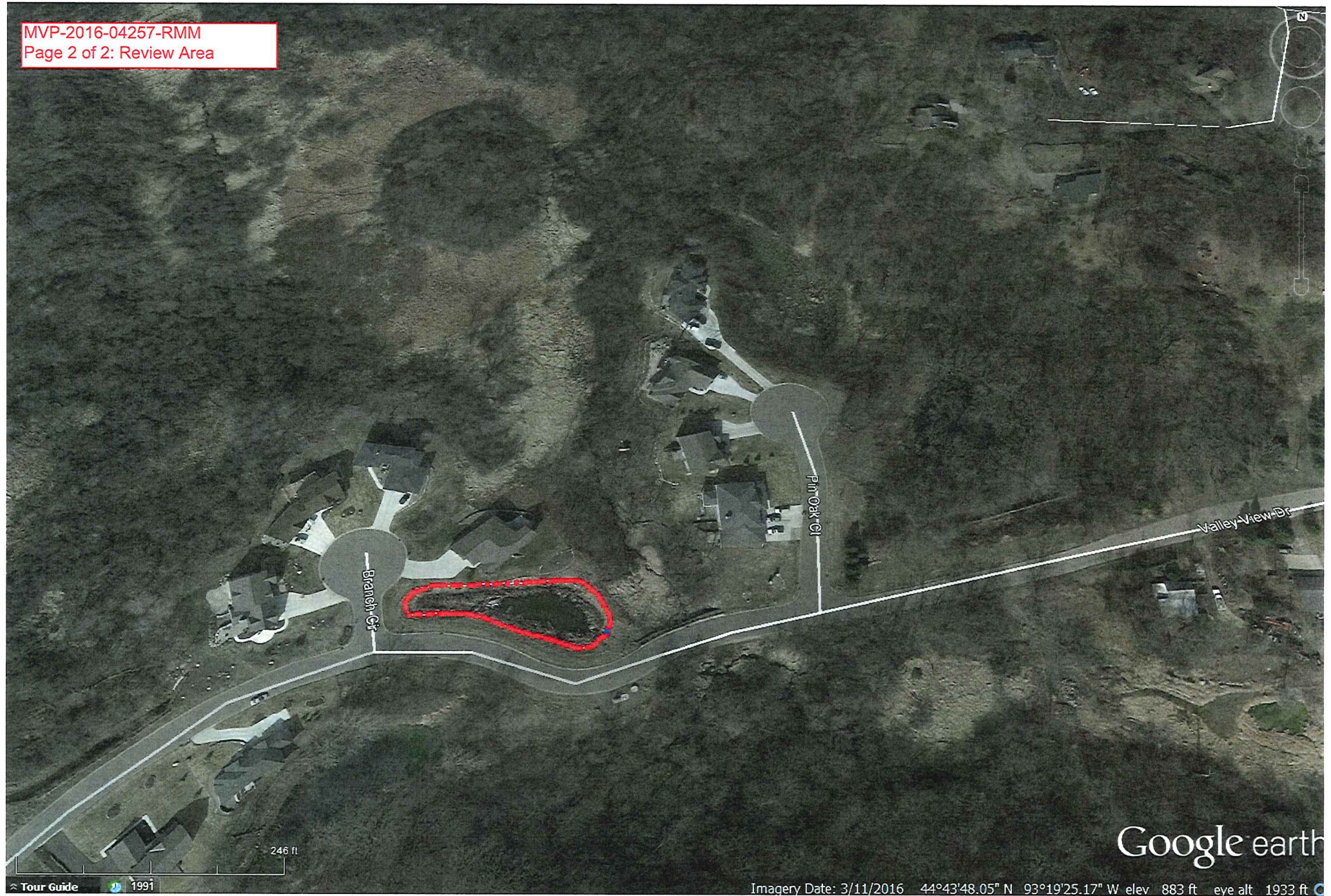


Figure 1 - Project Location
2016 Pond Improvements
City of Burnsville





Google earth

Imagery Date: 3/11/2016 44°43'48.05" N 93°19'25.17" W elev 883 ft eye alt 1933 ft