

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): JUL 24 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: The Cove at Northwoods Park
MVP-2010-03895-MMJ

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Hennepin City: Brooklyn Park

Center coordinates of site (lat/long in degree decimal format): Lat. 45.15025° N, Long. -93.37981° W.

Universal Transverse Mercator: X:470145.359048201, Y: 4999711.65166634

Name of nearest waterbody: Mississippi River

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:

☒ Field Determination. Date(s): 5/16/2017

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: This determination is for the wetland labeled as Wetland 1 on the enclosed figure labeled as MVP-2010-03895-MMJ, AJD Figure 2. Wetland 1 is a depressional basin that does not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries, as confirmed in the Cove at Northwoods Park Wetland Delineation Report dated April 26, 2017, and in the field by Corps staff during a site visit on May 16, 2017. Wetland 1 is an isolated basin surrounded by upland to the west, south and east, and is bordered by a road to the north. There is an inlet pipe that provides hydrology to the wetland from a stormwater pond across the road to the north, but Wetland 1 does not have an outlet including swales, pipes or other means to connect it to any downstream waters of the U.S. The entire Cove at Northwoods Park parcel is approximately 19.09 acres in size. The NWI map indicates that there are two larger wetland basins located on the property, however these wetlands no longer exist, as documented in the delineation report completed for the parcel. For unknown reasons the average ground water table elevations within the City of Brooklyn Park/the Shingle Creek sub-watershed have decreased significantly over the past few decades, adversely affecting wetland hydrology in the area. Wetland 1 is a remnant of the larger wetland basins on the parcel, and exists only because of the hydrologic support it receives from the stormwater pond across the street. The NHD indicates that there are no hydrologic features located on the parcel. Wetland 1 does not support a link to interstate or foreign commerce because it is not known to be used by interstate or foreign travelers for recreation or other purposes; does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. This wetland does not have an ecological connection to other waters within the review area. Wetland 1 was determined to be isolated and not jurisdictional under the CWA.

¹ Supporting documentation is presented in Section III.F.

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 1 = 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: MN-ANOKA
- ☒ 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): FSA 1991-2016
 - 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: Based on the wetland delineation report and field verification on May 16, 2017, Wetland 1 is an isolated wetland and is therefore not jurisdictional and not regulated under Section 404 of the Clean Water Act.

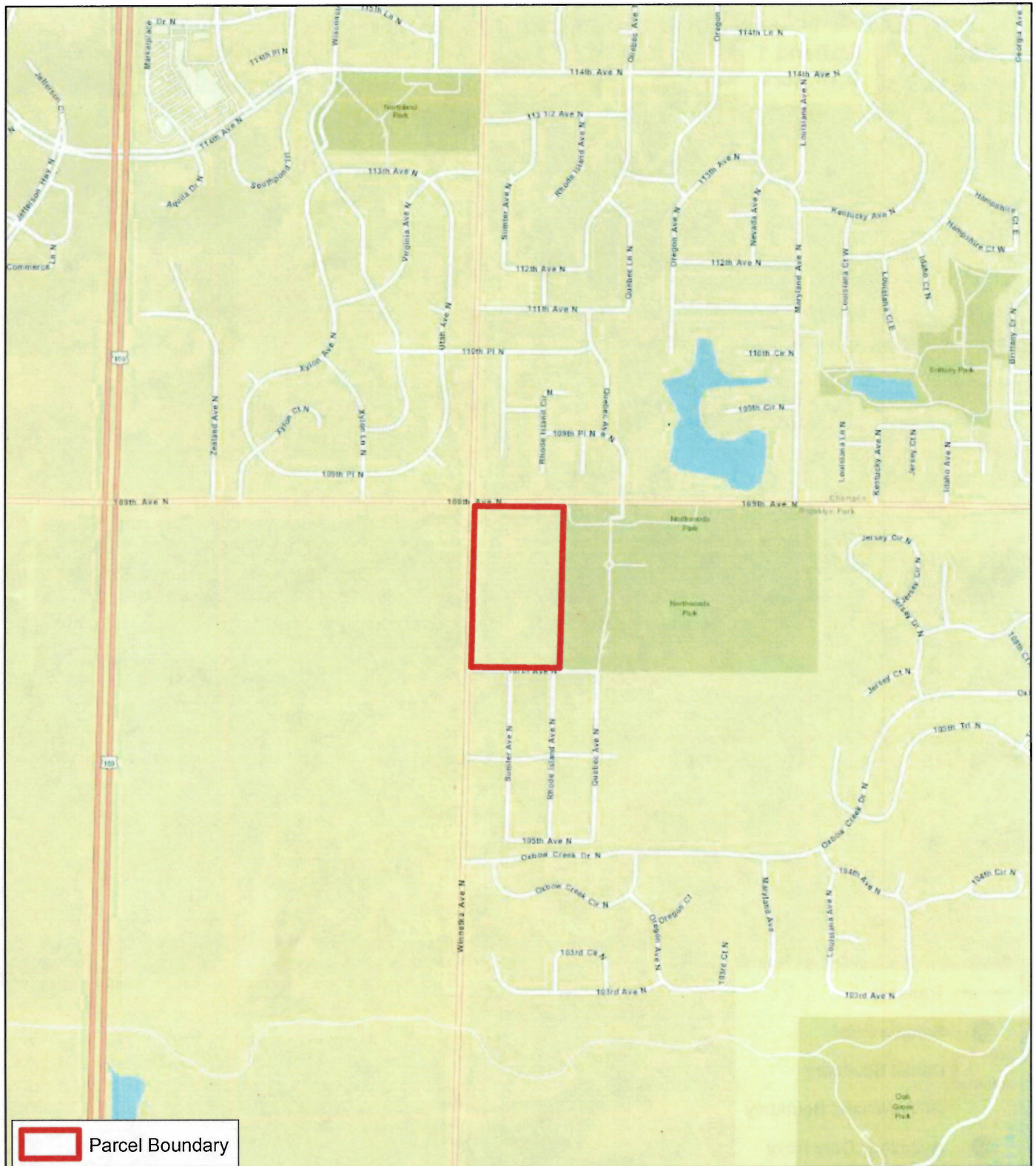
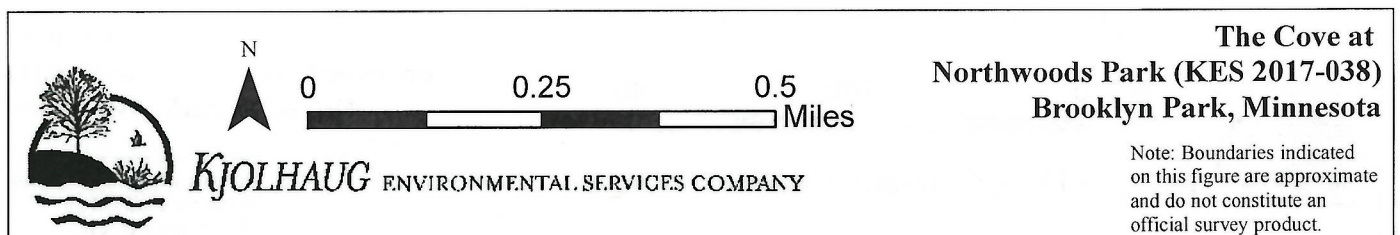


Figure 1 - Project Location Map



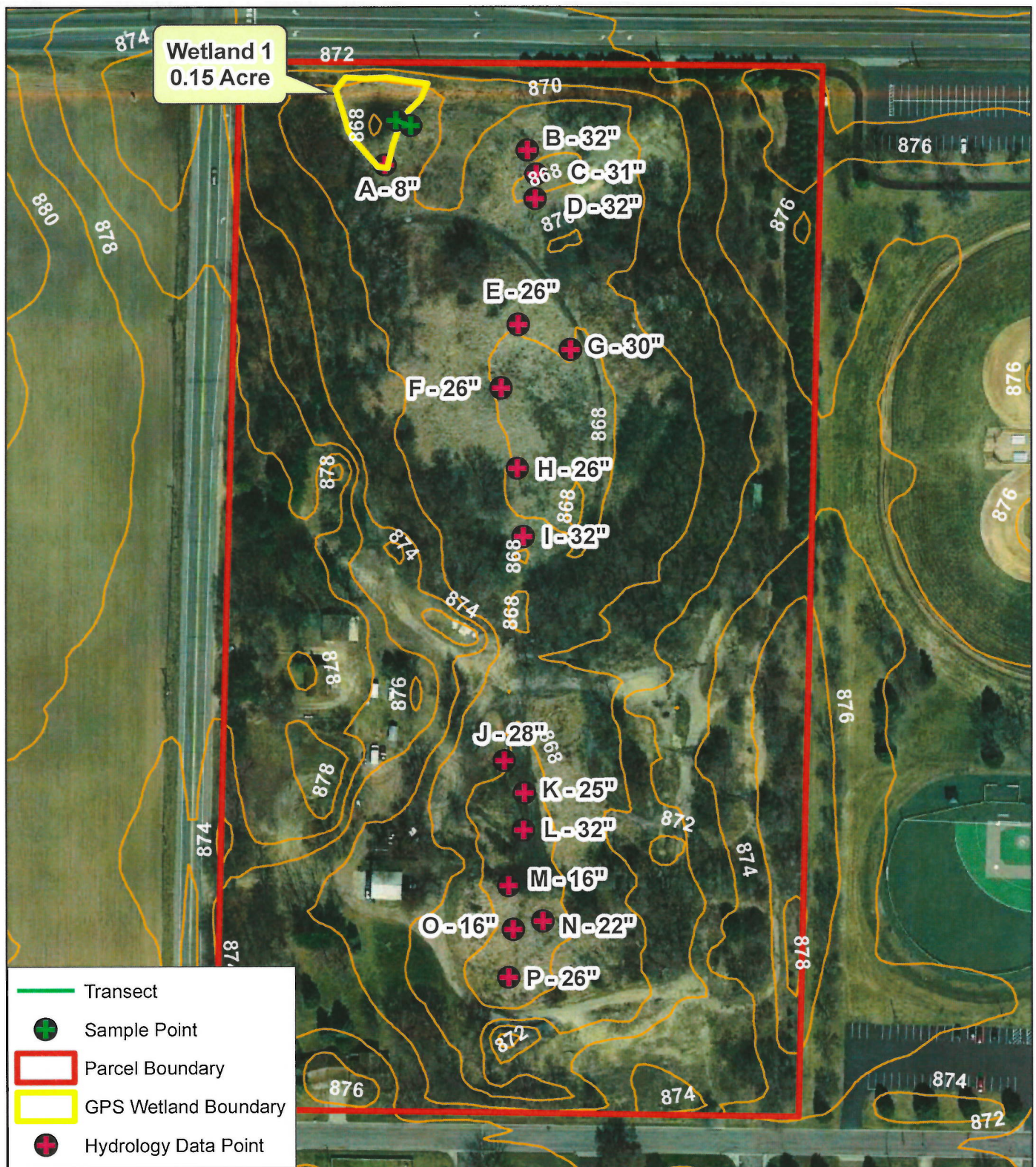


Figure 2 - Existing Conditions Map (2016 Imagery)

