

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): 07/18/2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:

Kandiyohi County - SAP 034-604-027 - CSAH 4, MVP-2017-03686-OMO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota

County/parish/borough: Kandiyohi County City: CITY

Center coordinates of site (lat/long in degree decimal format): Lat. 45.184927° N, Long. 94.858149° W.

Universal Transverse Mercator: 15N 354021.42 E 5005173.31 N

Name of nearest waterbody: Diamond Lake

Name of watershed or Hydrologic Unit Code (HUC): Crow (HUC8: 07020204)

☒ 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: June 22, 2018

☐ 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.

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 general location of the aquatic resources is shown on the attached map labeled: MVP-2017-03686-OMO, Page 1 of 11, Enclosure 6. The review area for this determination is limited to the boundaries of multiple roadside linear ditches (ditches) as summarized in the enclosed table labeled MVP-2017-03686-OMO, Page 1 of 1, Enclosure 5, and shown on the enclosed figures labeled MVP-2017-03686-OMO, Pages 2 to 11 of 11, Enclosure 6. The total area of non-regulated ditches is approximately 6.45 acres. The ditches are labeled as follows: Wet Ditch 1, Wet Ditch 2, Wet Ditch 3, Wet Ditch 4, Wet Ditch 5, Wet Ditch 6, Wet Ditch 7, Wet Ditch 8, Wet Ditch 9, Wet Ditch 10, Wet Ditch 11, Wet Ditch 12, Wet Ditch 13, Wet Ditch 14, Wet Ditch 15, Wet Ditch 16, Wet Ditch 17, Wet Ditch 18, Wet Ditch 19, Wet Ditch 20, Wet Ditch 21, Wet Ditch 22, Wet Ditch 22b, Wet Ditch 23, Wet Ditch 24, Wet Ditch 25, Wet Ditch 26, Wet Ditch 27, Wet Ditch 28, Wet Ditch 29, Wet Ditch 30, Wet Ditch 31, Wet Ditch 32, Wet Ditch 33, Wet Ditch 34, Wet Ditch 35, and Wet Ditch 36. The ditches are constructed in uplands, do not convey relatively permanent flow, and do not laterally drain a wetland or other water of the U.S. (WOUS). Per the Rapanos decision the drainage ditch is not a WOUS.

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: 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: **Kandiyohi County 2018**
- ☐ 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: **Spicer 1:24,000**
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: **USFWS NWI and 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): **Google Earth 2017**
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:

Table: Summary of non-waters of the U.S. and review areas			
Figure	Aquatic Resource Label	Resource Type	Resource area (ac)
1	Wet Ditch 1	Wet Ditch	0.31
1	Wet Ditch 2	Wet Ditch	0.23
1	Wet Ditch 3	Wet Ditch	0.27
1	Wet Ditch 4	Wet Ditch	0.21
1	Wet Ditch 5	Wet Ditch	0.11
1	Wet Ditch 6	Wet Ditch	0.16
2	Wet Ditch 7	Wet Ditch	0.1
2	Wet Ditch 8	Wet Ditch	0.12
2	Wet Ditch 9	Wet Ditch	0.02
2	Wet Ditch 10	Wet Ditch	0.04
3	Wet Ditch 11	Wet Ditch	0.03
3	Wet Ditch 12	Wet Ditch	0.03
3	Wet Ditch 13	Wet Ditch	0.01
4	Wet Ditch 14	Wet Ditch	0.81
4	Wet Ditch 15	Wet Ditch	0.2
4	Wet Ditch 16	Wet Ditch	0.06
5	Wet Ditch 17	Wet Ditch	0.05
5	Wet Ditch 18	Wet Ditch	0.05
5	Wet Ditch 19	Wet Ditch	0.03
5	Wet Ditch 20	Wet Ditch	0.05
5	Wet Ditch 21	Wet Ditch	0.09
5	Wet Ditch 22	Wet Ditch	0.19
5	Wet Ditch 22b	Wet Ditch	0.14
5	Wet Ditch 23	Wet Ditch	0.16

6	Wet Ditch 24	Wet Ditch	0.28
6	Wet Ditch 25	Wet Ditch	0.2
6	Wet Ditch 26	Wet Ditch	0.04
9	Wet Ditch 27	Wet Ditch	0.01
9	Wet Ditch 28	Wet Ditch	0.06
9	Wet Ditch 29	Wet Ditch	0.03
10	Wet Ditch 30	Wet Ditch	0.11
10	Wet Ditch 31	Wet Ditch	0.79
11	Wet Ditch 32	Wet Ditch	0.66
11	Wet Ditch 33	Wet Ditch	0.25
11	Wet Ditch 34	Wet Ditch	0.07
12	Wet Ditch 35	Wet Ditch	0.2
12	Wet Ditch 36	Wet Ditch	0.28
		TOTAL:	6.45

MINNESOTA DEPARTMENT OF TRANSPORTATION

THE COUNTY OF **KANDIYOHI**

CONSTRUCTION PLAN FOR GRADING AND AGGREGATE BASE, STORM SEWER, CURB AND GUTTER

LOCATED ON.....CSAH 4 FROM TH 12 TO CSAH 10.....(GEOGRAPHIC DESCRIPTION)

FROM	TO	(LEGAL DESCRIPTION)

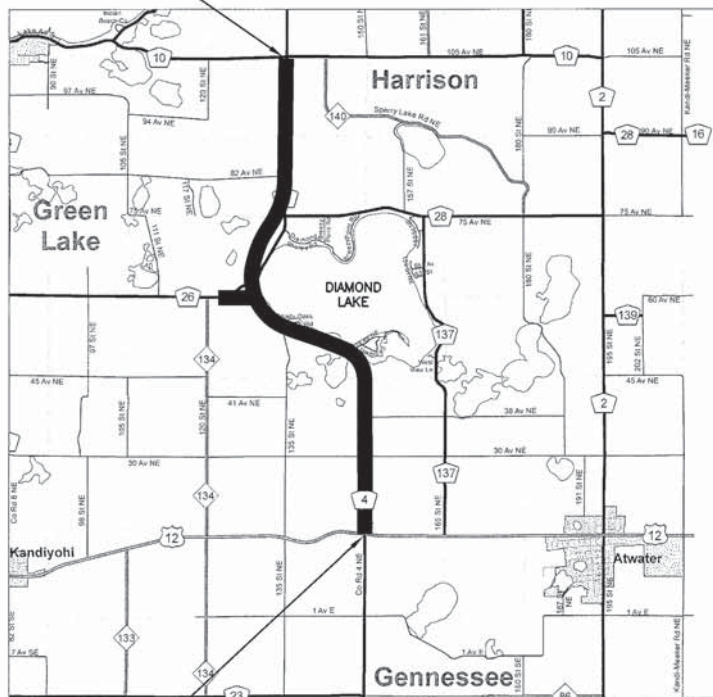
SCALES

PLAN	100	
PROFILE	100 HOR	10 VERT
INDEX MAP	4150	

STATE AID PROJ. NO. SAP 034-604-027

GROSS LENGTH	ft	miles
BRIDGES-LENGTH	ft	miles
EXCEPTIONS-LENGTH	ft	miles
NET LENGTH	ft	miles

END SP 034-604-027



BEGIN SP 034-604-027

MN. PROJ. NO.

GOVERNING SPECIFICATIONS

The 2016 edition of the Minnesota Department of Transportation "Standard Specifications for Construction" shall apply.

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DESIGN ENGINEER: I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

..... LIC. NO. 24962 DATE
Melvin W. Odens PE, Kondiyohi County Engineer

Approved: Kandiyohi County Engineer _____ DATE _____

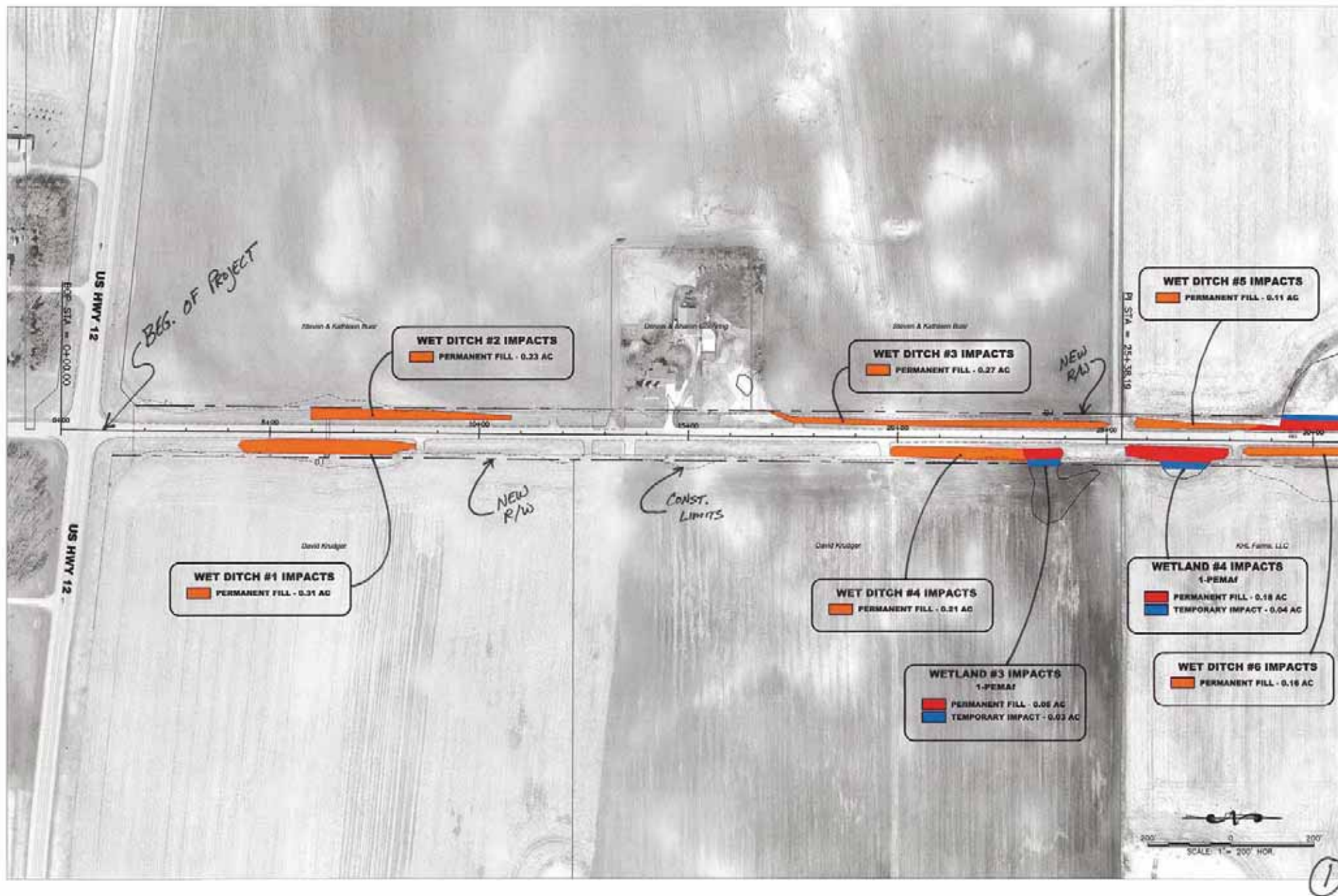
STATE AID APPROVALS:

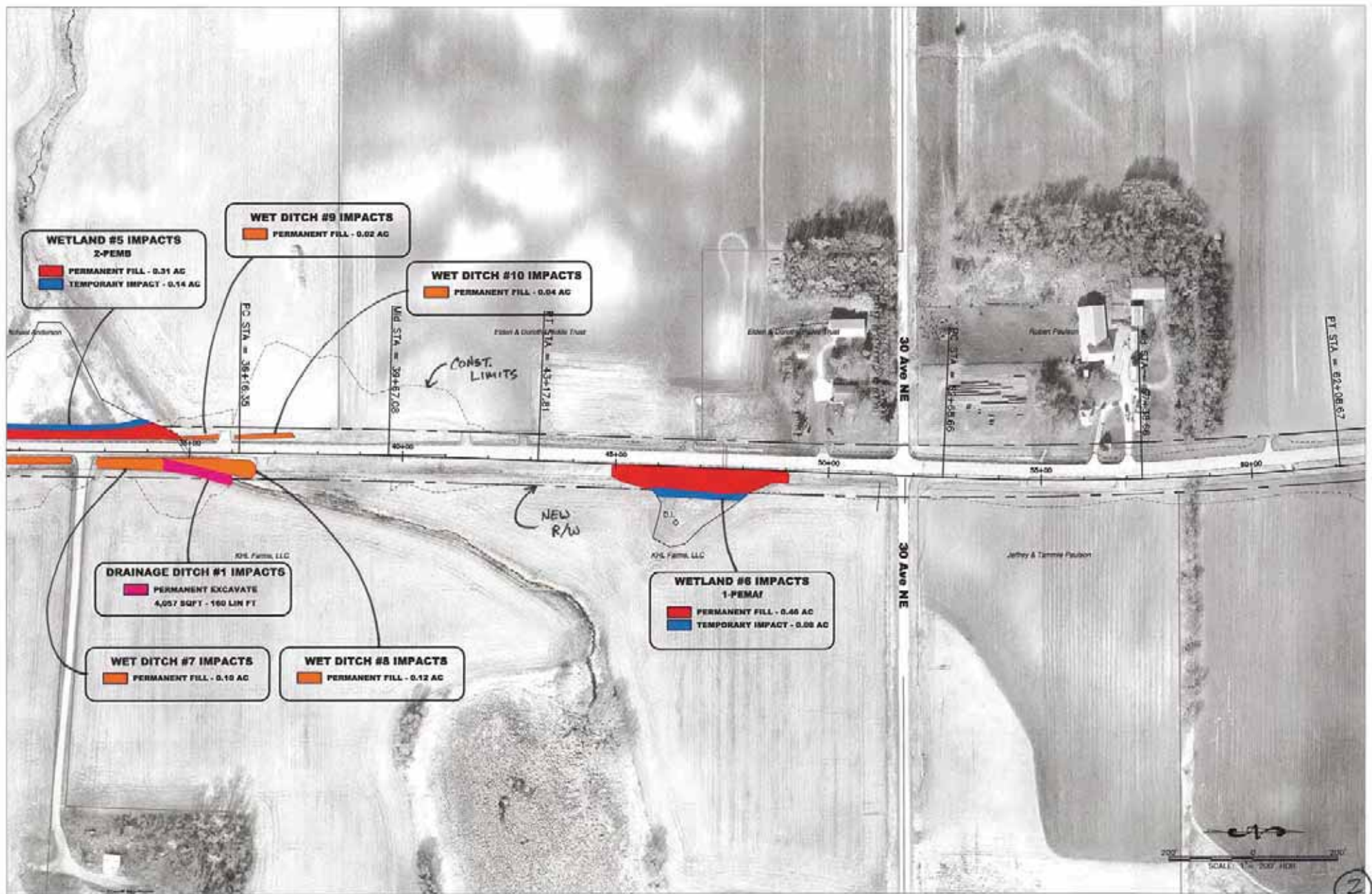
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District State Aid Engineer: Reviewed for Compliance with State-Aid Rules/Policy

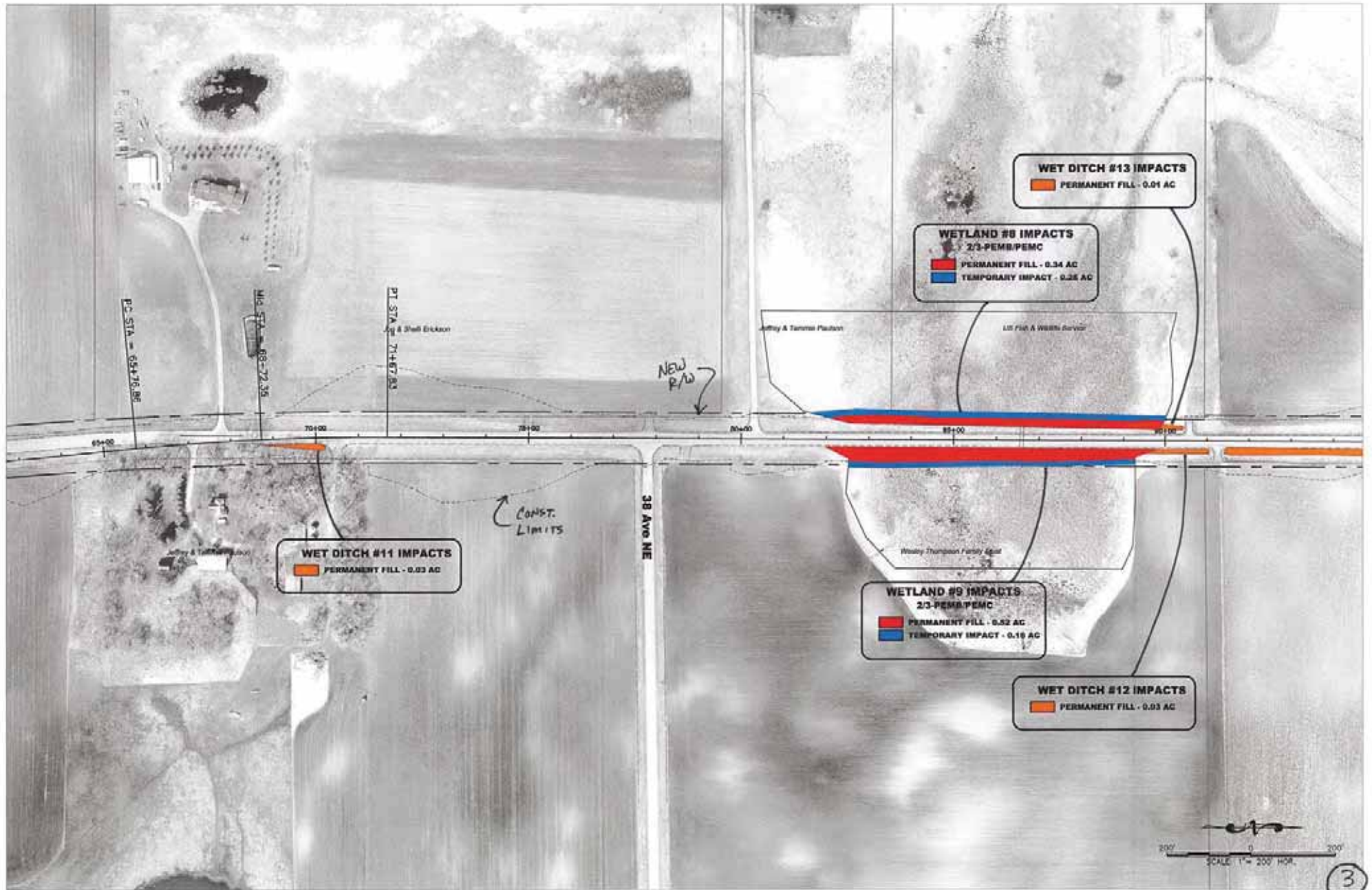
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State Aid Engineer: Approved for State Aid and Federal Funding

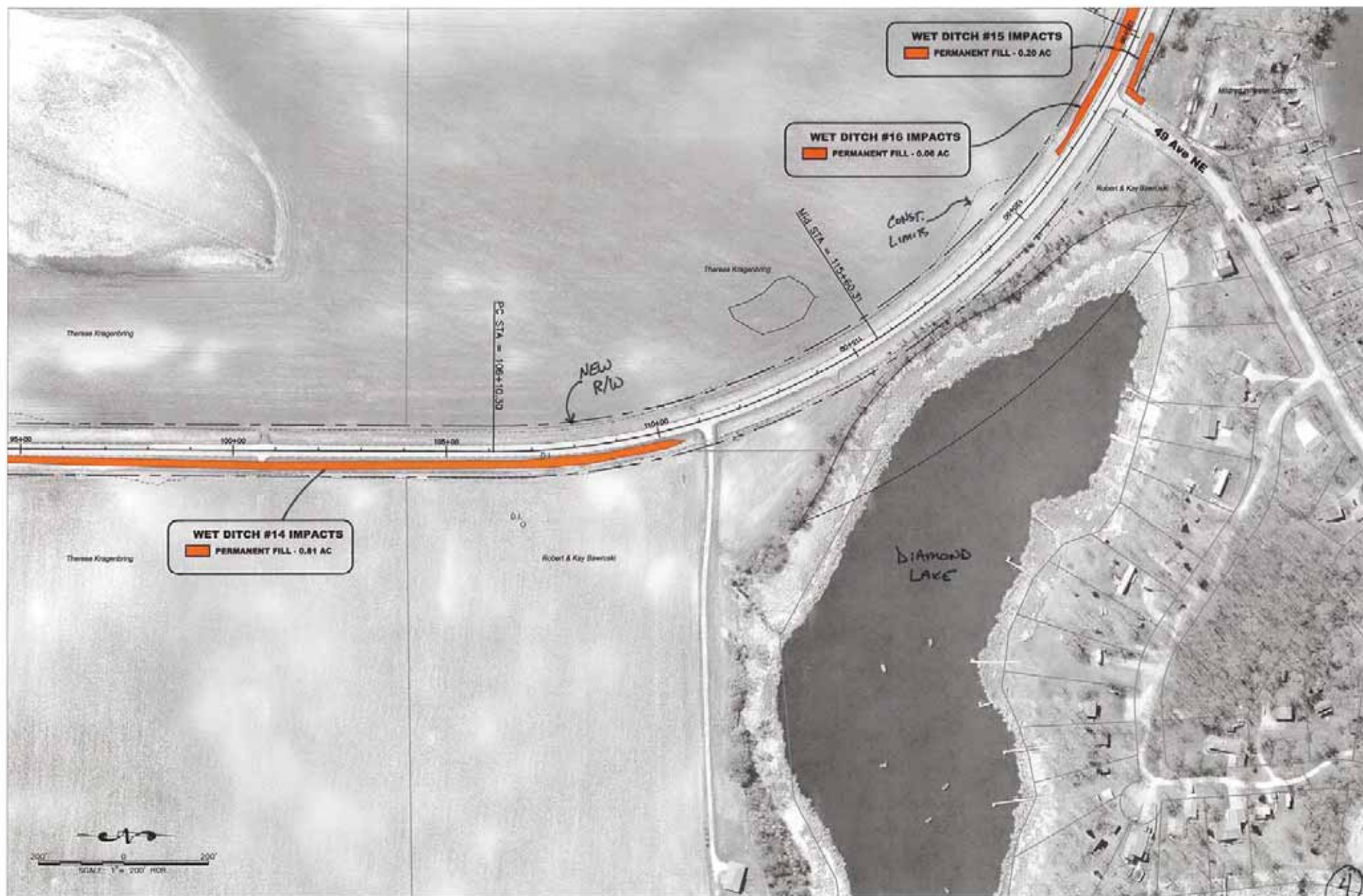
KANDIYOHI COUNTY, MN. SAP 034-604-027

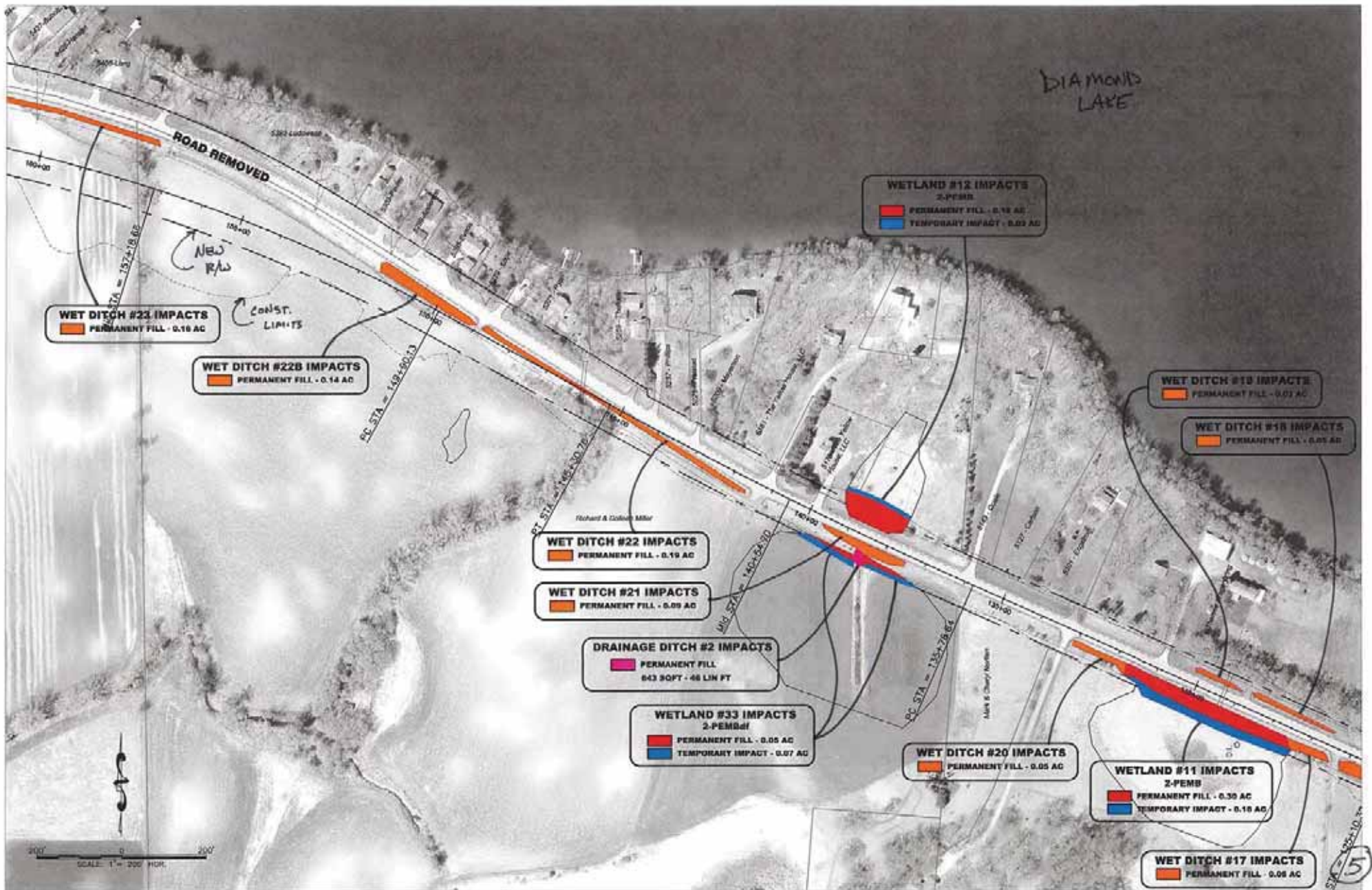
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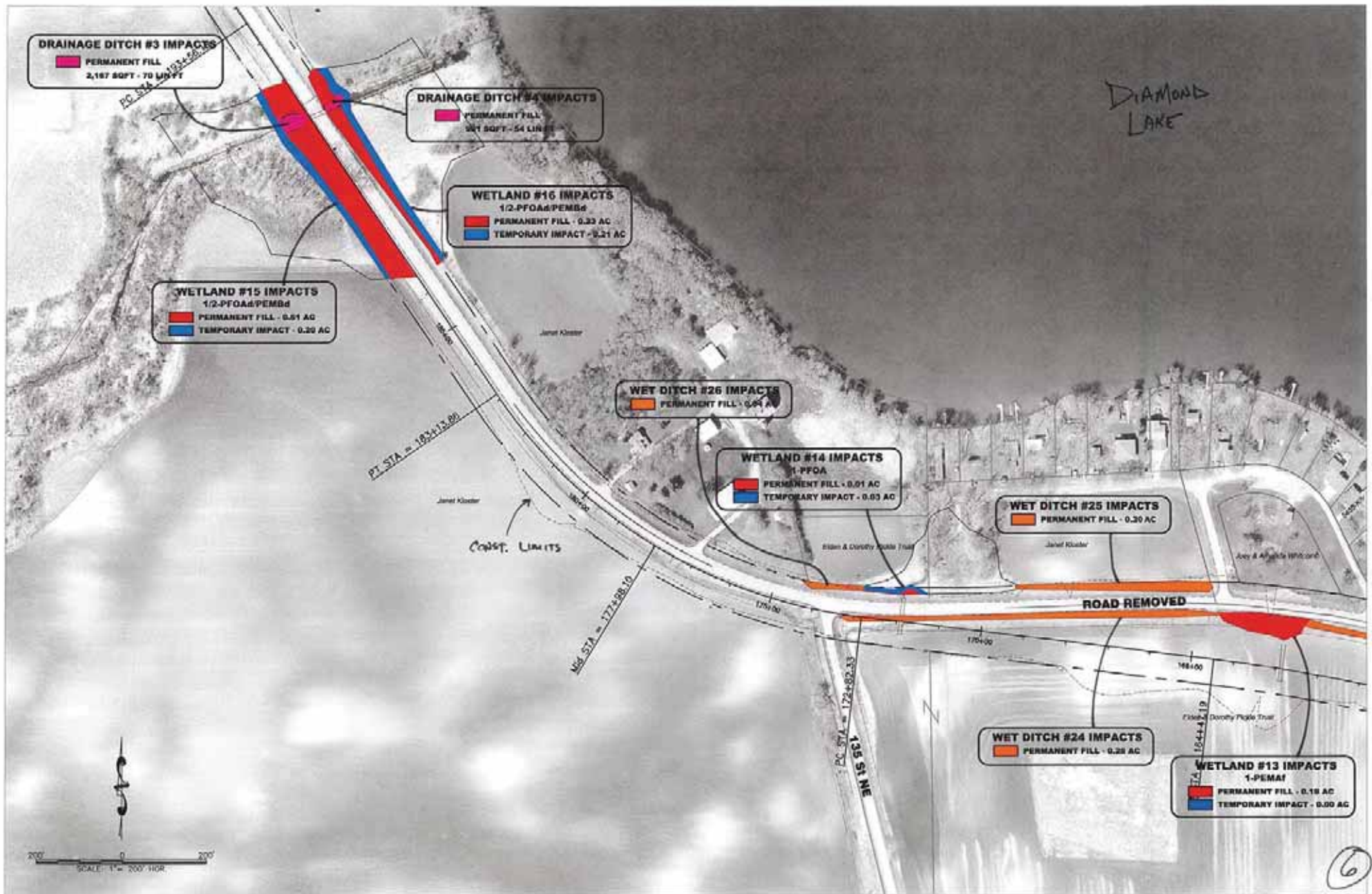
















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