

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): March 17, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2016-00029-DWW, Kiewit Infrastructure Company

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: St. Louis City: Virginia

Center coordinates of site (lat/long in degree decimal format): Lat. 47.515232° N, Long. -92.5071799° W.

Universal Transverse Mercator: Zone 15 North

Name of nearest waterbody: Rouchleau Pit; The Rouchleau Pit was determined to not be a water of the United States since it meets the exclusion in the preamble to 1986 Final Rule for the Regulatory Programs of the Corps of Engineers. Corps of Engineers Headquarters and Environmental Protection Agency coordination completed in June 2015.

Name of watershed or Hydrologic Unit Code (HUC): St. Louis, Minnesota, 04010201

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: 02/24/2016

Field Determination. Date(s): 01/22/2016

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.

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 reviewed Wetlands N-1, N-2, N-3, N-4, N-5, N-6, N-7, N-8, and K-1 that flow into the Rouchleau Pit basin do not have a surface or subsurface connection to a Navigable water of the United States because there are no outlets in the basin; the reviewed Wetland S-1 does not have a surface or subsurface connection to a Navigable water of the United States because it is a depression area in the landscape with no outlets.**

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: NTS Environmental Science and Engineering wetland determination information dated January 18, 2016; and SEH Inc. sub-watershed information dated February 9, 2016.
- 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:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s): Minnesota Department of Natural Resources
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
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): Site visit conducted by the Corps of Engineers January 22, 2016, to ground truth wetland determination information. Site visit completed during winter. The wetland boundaries have deep/sharp contours in the landscape. In addition, SEH Inc. provide flow mapping and LiDAR information with the sub-watershed information dated February 9, 2016.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The reviewed Wetlands N-1, N-2, N-3, N-4, N-5, N-6, N-7, N-8, and K-1 that flow into the Rouchleau Pit basin do not have a surface or subsurface connection to a Navigable water of the United States because there are no outlets in the basin.

The nine (9) wetlands include the following acreages and vegetation types: Wetland N-1 (0.11 acre forested swamp), Wetland N-2 (0.23 acre alder thicket), Wetland N-3 (0.84 acre forested swamp), Wetland N-4 (0.62 acre shrub-carr), Wetland N-5 (0.83 acre forested swamp), Wetland N-6 (0.17 acre forested swamp), Wetland N-7 (0.32 acre alder thicket), Wetland N-8 (0.33 acre alder thicket), and Wetland K-1 (3.27 acres forested swamp).

The Rouchleau pit is a man-made groundwater fed basin that has a water surface area of approximately 295 acres with no outlet. The pit was created by mine activity. As mining in the Rouchleau Pit declined in the 1980's, water levels in the pit began to rise with the elimination of mine dewatering systems. There is no public access for the Rouchleau Pit that could support recreational activities. The pit is not a state public water. The land adjacent to the south end of the Rouchleau Pit is owned by the State of Minnesota, and RGGs Land and Mineral LTD LP.

We reviewed available desktop resources such as aerial photography, LiDAR derived elevation models and contours, and the culvert location and flow path information, and stream and wetland mapping to make an approved isolated determination of the wetlands. We determined that the 9 wetlands flow into the Rouchleau Pit. The pit does not have an outlet, therefore there is no hydrologic connection for the wetlands and ponds with and a Navigable water of the U.S.

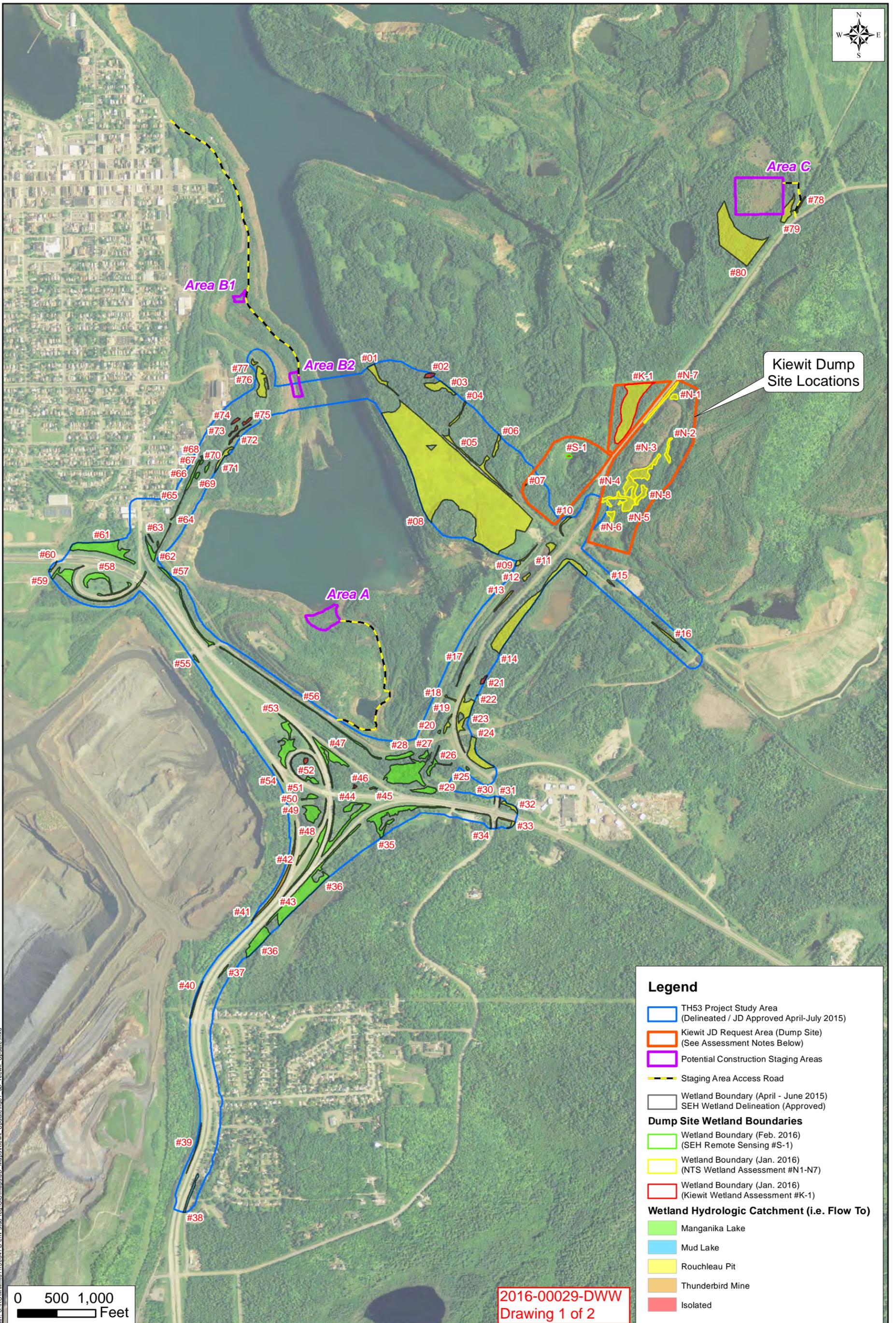
The wetlands do not support a link to interstate or foreign commerce because they are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in the interstate commerce. The wetlands were determined to not be jurisdictional under the CWA because the wetlands and ponds lacked links to interstate commerce sufficient to serve as a basis for jurisdiction.

Wetland S-1 isolated in the landscape: Wetland S-1 does not have a surface or subsurface connection to a Navigable water of the United States because it is a depression area in the landscape with no outlets.

The Wetland S-1 has the following acreage and vegetation type: Wetland S-1 (0.05 acre shallow marsh).

We reviewed available desktop resources such as aerial photography, LiDAR derived elevation models and contours, and the culvert location and flow path information, and stream and wetland mapping to make an approved isolated determination of the wetland. We determined that this wetland is a depression area in the landscape and has no outlet, therefore there is no hydrologic connection between the wetland and a Navigable water of the U.S.

The wetland 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; do 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 the interstate commerce. The wetland was determined to not be jurisdictional under the CWA because the wetland lacked links to interstate commerce sufficient to serve as a basis for jurisdiction.



Kiewit Dump Site Locations

Legend

- TH53 Project Study Area (Delineated / JD Approved April-July 2015)
- Kiewit JD Request Area (Dump Site) (See Assessment Notes Below)
- Potential Construction Staging Areas
- Staging Area Access Road
- Wetland Boundary (April - June 2015) SEH Wetland Delineation (Approved)

Dump Site Wetland Boundaries

- Wetland Boundary (Feb. 2016) (SEH Remote Sensing #S-1)
- Wetland Boundary (Jan. 2016) (NTS Wetland Assessment #N1-N7)
- Wetland Boundary (Jan. 2016) (Kiewit Wetland Assessment #K-1)

Wetland Hydrologic Catchment (i.e. Flow To)

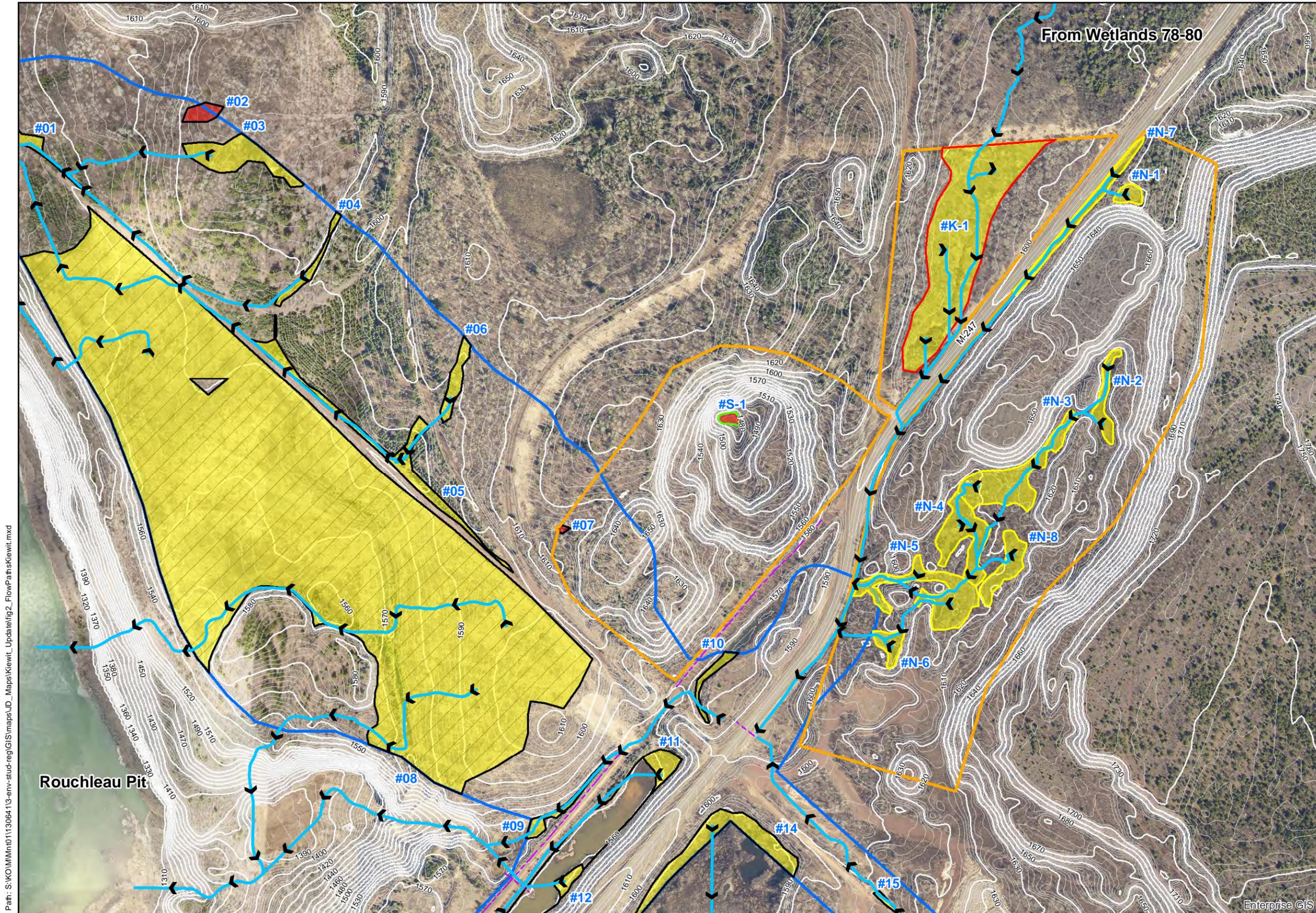
- Manganika Lake
- Mud Lake
- Rouchleau Pit
- Thunderbird Mine
- Isolated

0 500 1,000 Feet

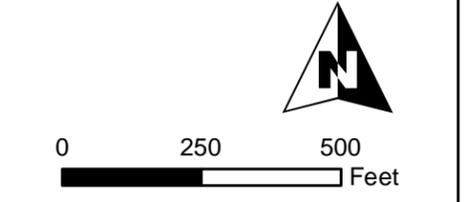
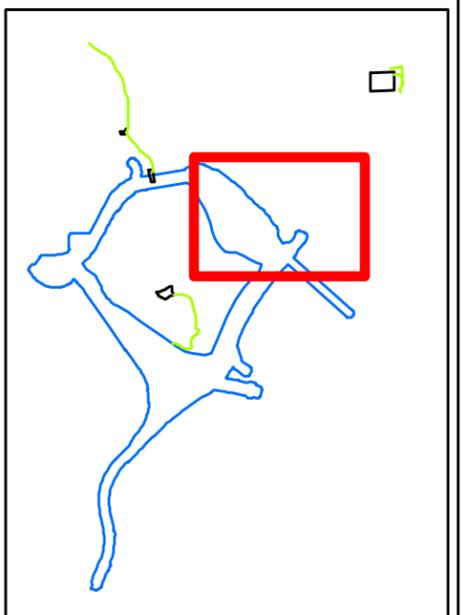
2016-00029-DWW
Drawing 1 of 2

	<p>418 W. SUPERIOR ST., SUITE 200 DULUTH, MN 55802-1512 PHONE: (218) 279.3000 FAX: (888) 908.8166 TF: (888) 722.0547 www.sehinc.com</p>	<p>Project: MNT01 130641 Print Date: 2/8/2016</p> <p>Map by: btolcser Projection: MN St. Louis Co. Central Source: MnDNR, SEHinc, Kiewit, NTS Background: 2013 FSA</p>	<p>Jurisdictional Determination Request for Kiewit Soil Dump Site Locations</p> <p>TH 53 Relocation Project St. Louis County, Minnesota</p>	<p>Figure 1</p>
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This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



- Legend**
- TH53 Study Area (Delineated/Approved Apr.-June 2015)
 - Kiewit JD Request Area (Dump Site) (See Assessment Notes Below)
- Existing Features**
- Manmade Feature
 - Upland/Wetland Mosaic
 - Wetland Boundary (April - June 2015)
 - SEH Wetland Delineation (Approved)
- Dump Site Wetland Boundaries**
- Wetland Boundary (Feb. 2016) (SEH Remote Sensing #S-1)
 - Wetland Boundary (Jan. 2016) (Kiewit Wetland Assessment #K-1)
 - Wetland Boundary (Jan. 2016) (NTS Wetland Assessment #N1-N7)
- Flow Paths
- Hydrologic Catchment (i.e. Flow To)**
- Rouchleau Pit
 - Isolated



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Path: S:\KOW\Mn1011306413-env-stud-reg\GIS\maps\UD_Maps\Kiewit_Update\fig2_FlowPathsKiewit.mxd



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Project: MNT01 130641
Print Date: 2/8/2016
Map by: B. Tolcser
Projection: NAD83 UTM 15N
Source: MnDOT, MNDNR, SEHinc
NTS, Kiewit
Background: 2013 St. Louis Co.

TH 53 RELOCATION PROJECT

(Kiewit Soil Dump Site Locations)

St. Louis County, Minnesota

2016-00029-DWW
Drawing 2 of 2

**Jurisdictional Determination
Request -
Flow Direction Map**

**Figure
2**