

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 17 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2015-03494-MMJ; Chaska Investments Ltd. Partnership - AJD for Wetlands 2, 4 & 5

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Carver City: Chaska

Center coordinates of site (lat/long in degree decimal format): Lat. 44.83092° N, Long. -93.61444° W.

Universal Transverse Mercator: X:451466.693240724 , Y: 4964326.24640626

Name of nearest waterbody: Lake Hazeltine

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

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: 12/11/2015

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: **Wetlands 2, 4 and 5, as shown on the attached figures, are isolated wetland basins that do not have a surface hydrologic connection to any navigable waters or their tributaries. These wetlands are not identified on the updated 2014 NWI. The Carver Co. soils map indicates that Wetland 4 is remnant of a historically larger isolated wetland basin that has been impacted/disected by a road, and Wetland 5 is located in upland soils. Soils mapping shows that Wetland 2 could potentially be connected to surrounding jurisdictional wetlands but the delineation completed for the parcel includes a transect on the northwestern side of the Wetland 2 basin that documents upland soils and vegetation, disproving any potential connection to surrounding waters. All three of these wetlands are depressional basins surrounded by upland. In addition, the NHD does not indicate that there are any streams on this parcel connecting these basins to any surrounding waters. Wetlands 1 and 3 on the attached figure are connected to the waterbody to the north via culverts and are jurisdictional waters of the U.S., but Wetlands 2, 4 and 5 do not have any culvert connections to surrounding waterbodies.**

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

¹ Supporting documentation is presented in Section III.F.

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: ~2 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):

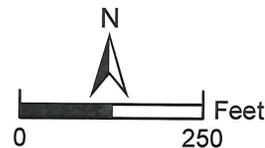
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Westwood
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets 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-Shakopee
- USDA Natural Resources Conservation Service Soil Survey. Citation: Carver Co.
- National wetlands inventory map(s). Cite name: 2014 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 1991-2013, Google Maps, Lidar
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: 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. These waterbodies have been determined to be non-jurisdictional under the Clean Water Act because these wetlands lack connections and/or relationships sufficient to serve as a basis for jurisdiction.



Data Source(s): ESRI World Imagery (2014) Westwood (2015)

| Legend | |
|--------|-------------------------|
| | Delineated Wetlands |
| | Project Boundary |
| | Upland |
| | Wetland |
| | Original WB 02 Boundary |



Chaska Investments Ltd. Partnership

Chaska, Minnesota

Delineated Wetland Boundaries

REVISED EXHIBIT 4

Westwood

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Westwood Professional Services, Inc.