

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): MAR 08 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2015-04052-MMJ; Oldcastle Building Product site - AJD for: Wetlands 1A, 2 and OAR 2 (not waters of the U.S.)

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. 45.09033° N, Long. -93.38586° W.
Universal Transverse Mercator: X: 469636.54 Y: 4993057.39

Name of nearest waterbody: Shingle Creek

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: 03/01/2016
 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): **This JD is for the waters labeled as Wetlands 1A & 2, and OAR 2 on the attached figure. These aquatic resources are not jurisdictional waters of the U.S. because they are marginal wetland and drainage features that have formed incidental to ongoing construction activities occurring on the Oldcastle project site. Wetland 2 has formed on top of a concrete slab, and Wetland 1A and AOR 2 are part of a drainageway that formed on top of historic fill material due to altered hydrologic conditions on the project site. This was confirmed by reviewing the delineation report that was completed for the site; the datasheets completed for Wetland 1A and 2 describe soil profiles of less than 6" consisting of sediment material terminating at impenetrable concrete/rock. Photos included in the Oldcastle delineation report clearly show that Wetland 1A, 2 and OAR 2 have formed on top of historic fill material. The non-jurisdictional determinations for these basins was completed in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps generally does not consider certain waterbodies to be waters of the U.S., including: Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States**

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: **Sambatek**
- 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 - Osseo**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Hennepin Co.**
- National wetlands inventory map(s). Cite name: **2013/2014**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **1937-2014**
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: Wetlands 1A, 2 and OAR 2 formed in upland areas incidental to ongoing construction activities, and are not waters of the U.S.

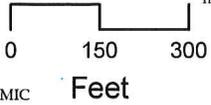


Delinedated Wetlands

Oldcastle Building Products, Inc.
8201 Brooklyn Blvd.

Legend
 — OAR
Wetland Boundary
 — Incidental Wetland
 — WETLAND

Sources: MetroGIS, NRCS, LMIC



Sambatek

This map was created using Sambatek's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Sambatek is not responsible for any inaccuracies contained herein.