

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:** 2016-00202-MMJ; 1700 Shoreline Drive
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**
State: MN County/parish/borough: Hennepin City: Orono
Center coordinates of site (lat/long in degree decimal format): Lat. 44.95963° N, Long. -93.56665° W.
Universal Transverse Mercator: X:455323.958357242 Y:4978580.78542126
Name of nearest waterbody: Lake Minnetonka
Name of watershed or Hydrologic Unit Code (HUC): 7010206
 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: 1/22/2016
 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.

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 AJD is for two isolated wetland basins located on a property located at 1700 Shoreline Drive, in the City of Orono. We have determined that the wetlands identified as Wetland 2 and Wetland 4 on the attached figures are small isolated depressional basins that do not have a surface hydrologic connection to any navigable waters or their tributaries. These wetlands are small depressions located in a forested area on the property. All of the abovementioned basins were described as isolated in the delineation report completed for the project site and they all appear to be isolated on the 1-foot contour survey map completed for the property. The contour map for the property shows that the boundaries of Wetland 4 are located at an elevation of approximately 940'. Countours also show that the only potential outlet for the basin would be surface water flow over an upland area towards the north, which crests at 944'-946'. Water levels in Wetland 4 would have to rise approximately 4-6 feet to reach this outlet elevation, which is improbable considering that the majority of run off to this basin has been reduced via the stormwater management system associated with the adjacent residential development to the west of the property. Wetland 2 is also isolated. Countours indicate that this basin is a perched isolated wetland located in a forested area at an elevation of approximately 968'; it is surrounded by upland.**

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: Wetland 4 - 0.50 acre; Wetland 2 - 0.30 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: Svoboda delineation report.
- 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-Excelsior
- USDA Natural Resources Conservation Service Soil Survey. Citation: Hennepin 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 Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): 1991-2014, & Google Earth
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 wetlands 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.

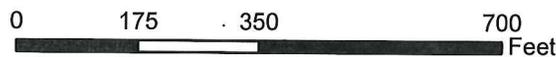


T117N R23W S10

Approximate Wetland Boundaries

Figure 5

Overlaid on 2014 Aerial Photo



2015-004
1700 Shoreline Dr
Orono, Minnesota