

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): MAY 22 2017

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

MVP-2016-04031-RMM Koosman Construction, Inc. / Holasek Property Delineation

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

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

Center coordinates of site (lat/long in degree decimal format): Lat. 44.79287° N, Long. -93.62394° W.

Universal Transverse Mercator:

Name of nearest waterbody: Chaska Creek

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

☒ 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:

☒ Field Determination. Date(s): April 20, 2017

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: There are two wetlands within the project review area, identified as Wetlands 1 and 2 on the enclosed figures labeled MVP-2016-04031-RMM Page 1 of 4 through 4 of 4. Wetland 1 is a 0.07 acre Type 1 (PEMAf) seasonally inundated wetland swale in the southern part of the site receiving water from a culvert draining from under adjacent County Road 140. Though a portion of Wetland 1 was mapped with hydric soils (Cordova-Webster complex), it was not indicated on the National Wetlands Inventory or as a waterbody on National Hydrography Data. Wetland 2 is a 0.15 acre Type 1/2 (PEMAf/Bf) wetland farmed with corn and surrounded by farmed upland. The wetland is predominantly hydric soils (Cordova clay loam) but also not mapped on NWI, PW, or NHD figures. A site visit was conducted on April 20, 2017, and both wetlands were determined to be isolated basins with no surface or shallow subsurface hydrologic connections to any navigable waters or their tributaries. The wetlands are surrounded by upland with no swales, pipes, or other means to connect it to waters of the United States. We have determined that Wetlands 1 and 2 are isolated depressions and not waters of the United States.

Wetlands 1 and 2 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 interstate or foreign commerce. The wetlands do not have an ecological connection to other waters within the review area. Wetlands 1 and 2 are determined not to be jurisdictional under the CWA.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

¹ Supporting documentation is presented in Section III.F.

- 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 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 1, 0.07 acres, and Wetland 2, 0.15 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.

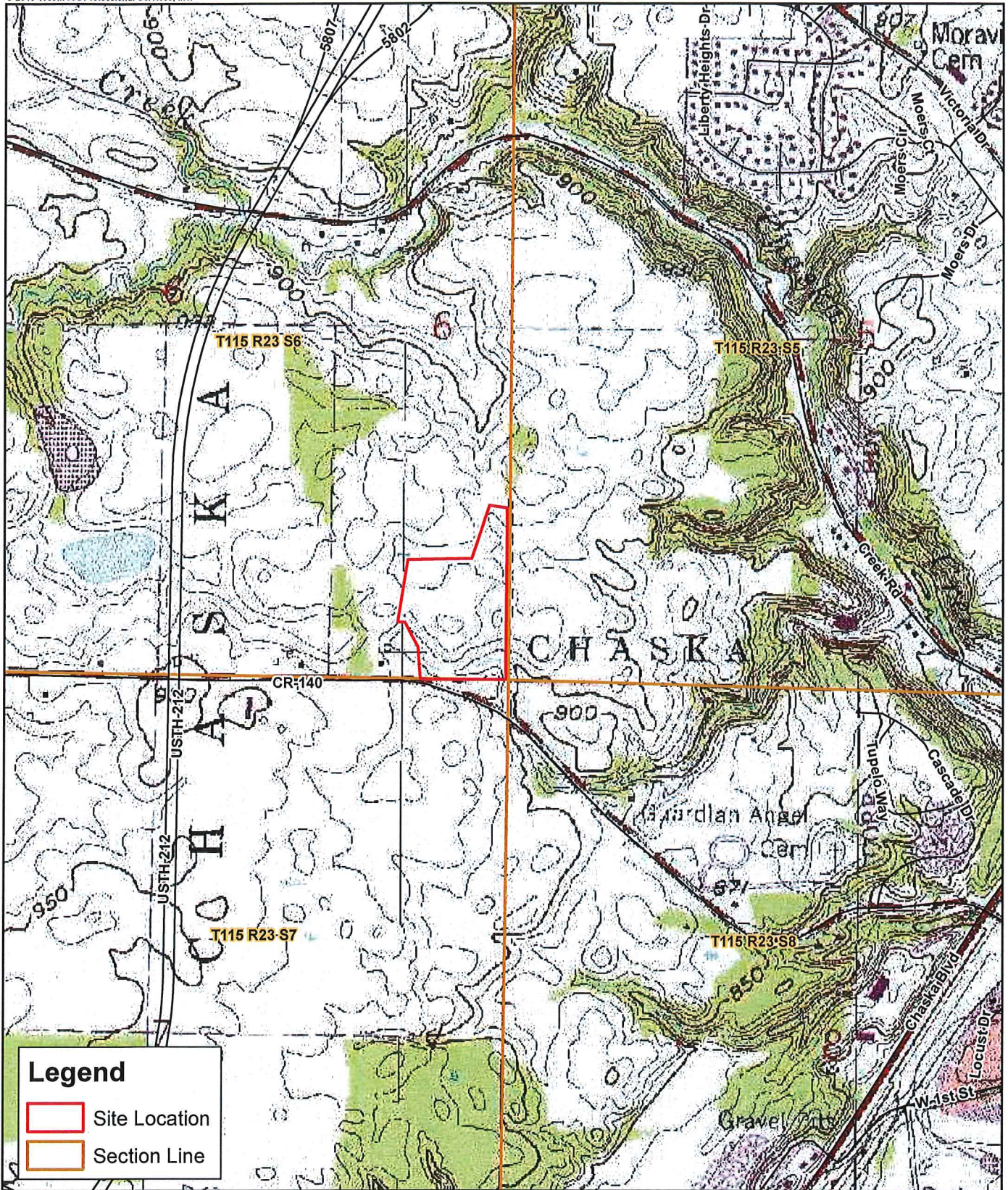
SECTION IV: DATA SOURCES.

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 Holasek Property Wetland Delineation Report (11/7/2016)
- ☒ 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: 1:24K MN-SHAKOPEE
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Carver County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS NWI & MnDNR PWI, NHD
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial Photographs: 1991-2015
 - or ☒ Other (Name & Date): Google Earth December 2015
- ☒ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Carver County LiDAR data

B. ADDITIONAL COMMENTS TO SUPPORT JD:

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Data Source(s): USAD-NRCS (2002), MNDOT Roads (2014), Westwood (2016).

Legend

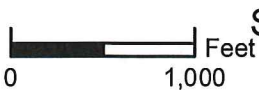
- Site Location
- Section Line

Holasek Property

Chaska, Carver County, Minnesota

Westwood

Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.



Site Location and USGS Topography

EXHIBIT 1

