

**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): 8-25-2015**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2014-03482-ERH**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota

County/parish/borough: Blue Earth City: Mankato

Center coordinates of site (lat/long in degree decimal format): Lat. 44.150302° N, Long. -93.945013° W.

Universal Transverse Mercator: Zone 15 X: 424425Y: 4889000

Name of nearest waterbody: Le Sueur River

Name of watershed or Hydrologic Unit Code (HUC): 07020011

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: 3-17-2015

Field Determination. Date(s): 4-17-2015

**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):<sup>1</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

**The review area for this jurisdictional determination is located in the S 1/2 of the SW 1/4 of Section 15; E 12/ of the NE 1/4 of Section 21; and the NW 1/4 of Section 22, Township 108 N., Range 26 W., Blue Earth County, Minnesota. There are 15 wetland basins numbered 1-15 within the review area (Figure 1) However, the project plans do not include any impacts to wetland basins 6, 12, 13, or 14 and the applicant did not ask for a jurisdictional determination of these four wetland basins (shown on Figure 1 with an orange boundary). Accordingly, these four wetland basins are not included in this approved jurisdictional determination.**

**The remainder of the delineated wetlands (1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15) are the subject of this approved jurisdictional determination. Preliminary desktop review of aerial imagery, the Blue Earth County soils map and available LiDAR imagery did not provide sufficient information for a conclusive determination regarding wetland presence or extent for the 11 wetlands identified in the delineation report. The preliminary determination did elude to the isolated nature of wetland basins 1, 4, 5, 8, 9, 10, and 11 assuming reasonable accuracy of the wetland delineation, but a preliminary determination regarding wetland basins 2, 3, or 7 was not possible due to their proximity to a forested area that could potentially hold a tributary or ditch connecting to County Ditch 12. As a result, a field site visit was conducted on April 16, 2015 to verify delineated wetland boundaries and evaluate jurisdiction for all 11 wetland basins. Results of that site visit confirmed wetland presence and boundaries for all 11 wetland basins and further**

<sup>1</sup> Supporting documentation is presented in Section III.F.

verified the isolated nature for all 11 wetland basins, including wetland basins 2, 3, and 7 (see photos in Appendix B for more info). Therefore, wetland basins 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15 are geographically isolated, completely surrounded by upland, and have no surface or subsurface hydrologic connection to other waters of the United States. Since there is no evidence that any of these wetland basins 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 by industries in interstate commerce, we conclude that wetlands (1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15) are not jurisdictional under the Clean Water Act.

**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 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 "SWAN/CC," 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: 0.10 acres; Wetland 2: 0.13 acres; Wetland 3: 0.15 acres; Wetland 4: 0.33 acres; Wetland 5: 0.15 acres; Wetland 7: 0.17 acres; Wetland 8: 0.14 acres; Wetland 9: 0.08 acres; Wetland 10: 0.15 acres; Wetland 11: 0.31 acres; Wetland 15: 0.08 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: ISG Consulting Group Wetland Delineation
- 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 - Mankato East 1:24,000**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Blue Earth County**
- National wetlands inventory map(s). Cite name: **Minnesota**
- 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, 2003, 2006, 2009, 2010, 2011, 2012, 2013.**  
or  Other (Name & Date): **2011 LiDAR**
- 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:** See Figures 1 and 2 and Appendix A and B for more info.

# Mankato Middle School AJD

Figure 1



Sec. 15, 21, 22 T. 108 N., R. 26 W.  
 Blue Earth County, Minnesota

Projection: NAD 83 UTM Zone 15N  
 Imagery: 2013 FSA



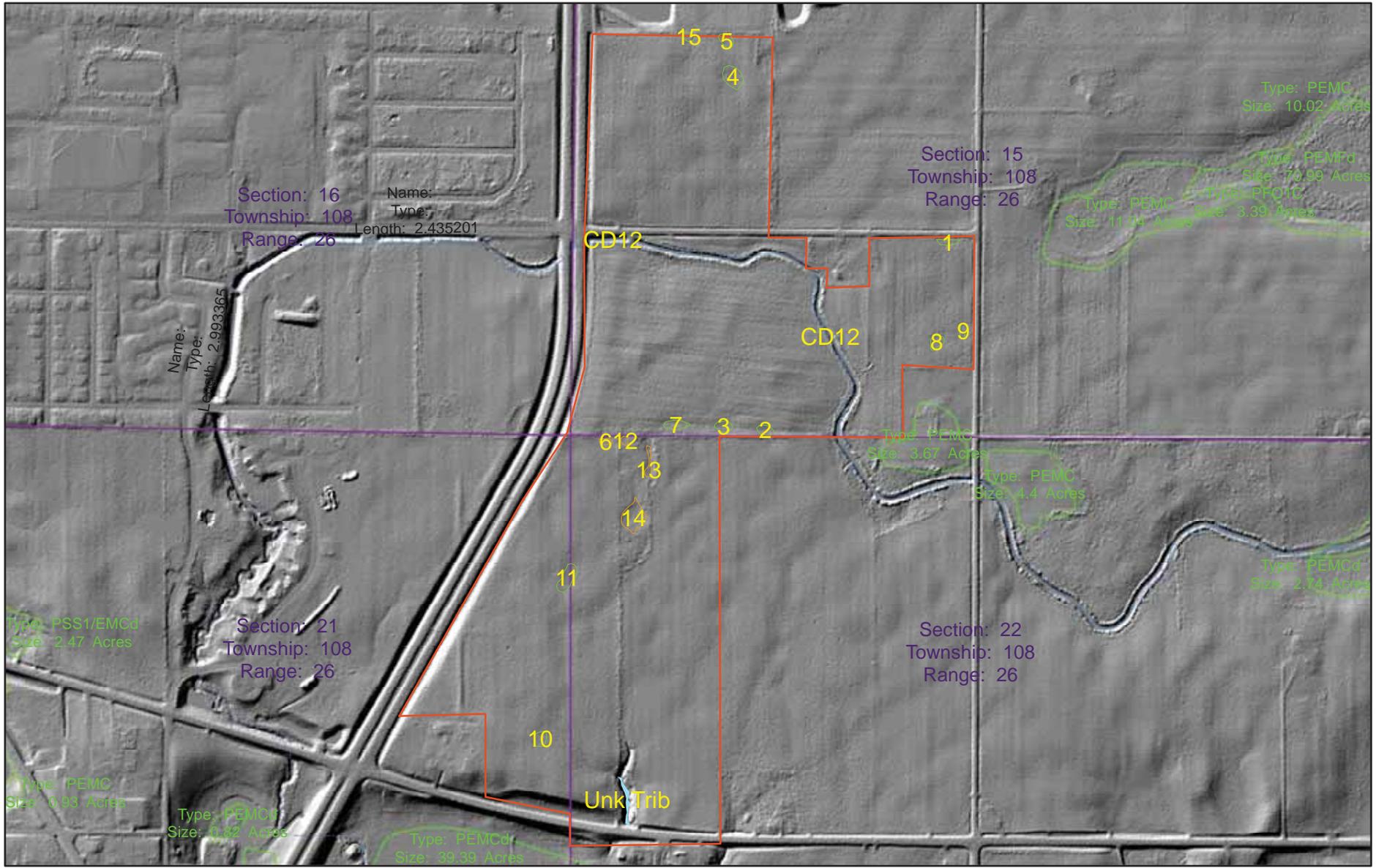
St. Paul District  
 Regulatory Branch  
 US Army Corps  
 of Engineers



Legend	
Name	
	Delineated Wetlands (under review)
	Unnamed Tributary
	Delineated Wetlands (not under review)
	Review Area

# Mankato Middle School AJD

Figure 2



Sec. 15, 21, 22 T. 108 N., R. 26 W.  
 Blue Earth County, Minnesota

Projection: NAD 83 UTM Zone 15N  
 Imagery: 2013 FSA



St. Paul District  
 Regulatory Branch  
 US Army Corps  
 of Engineers

**Legend**

**Name**

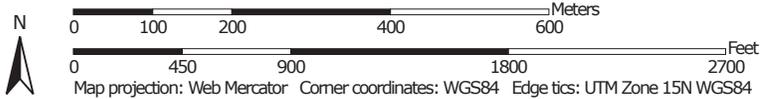
- Delineated Wetlands (under review)
- Unnamed Tributary
- Delineated Wetlands (not under review)
- Review Area

**Appendix A**  
**Soil Survey Info**

Hydric Rating by Map Unit—Blue Earth County, Minnesota



Map Scale: 1:9,490 if printed on A portrait (8.5" x 11") sheet.



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

#### Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

#### Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

### Background

-  Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Blue Earth County, Minnesota  
 Survey Area Data: Version 12, Sep 16, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 8, 2011—Sep 10, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydric Rating by Map Unit

Hydric Rating by Map Unit— Summary by Map Unit — Blue Earth County, Minnesota (MN013)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
106C	Lester loam, 6 to 10 percent slopes	5	3.3	1.1%
109	Cordova clay loam	100	2.1	0.7%
110	Marna silty clay loam	100	75.4	24.0%
211	Lura silty clay	100	12.5	4.0%
239	Le Sueur clay loam, 1 to 3 percent slopes	5	15.4	4.9%
286	Shorewood silty clay loam, 1 to 6 percent slopes	5	31.0	9.9%
287	Minnetonka silty clay loam	96	104.4	33.2%
997	Marna-Barbert complex	100	24.4	7.8%
998	Minnetonka-Barbert complex	97	45.5	14.5%
<b>Totals for Area of Interest</b>			<b>314.0</b>	<b>100.0%</b>

## Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

### References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

## Rating Options

*Aggregation Method:* Percent Present

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Lower

## **Appendix B**

### **Site Photos**



Wetland Basin 2



Wetland Basin 3



Wetland Basin 7