

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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):** February 28, 2022

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Minnetonka Community Education Center, MVP-2021-00951-RMH

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** The site includes approximately 3.5 acres as identified in the Wetland Delineation Report submitted by Bopray Environmental Services LLC, dated May 3, 2021.

State: Minnesota County/parish/borough: Hennepin County City: Excelsior

Center coordinates of site (lat/long in degree decimal format): Lat. 44.919484 °, Long. -93.523891 °

Universal Transverse Mercator: X: 458651.548509 Y: 4974139.666166 Zone 15

Name of nearest waterbody: Purgatory Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region Watershed HUC: 07010206

- ☒ Check if map/diagram of review area is 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: February 28, 2022
- ☐ Field Determination. Date(s): [Click here to enter a date.](#)

**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: 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: Wetland Delineation Report submitted by Bopray Environmental Services LLC, dated May 3, 2021.
- ☒ 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: [Click here to enter text.](#)
- ☐ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad Name: Excelsior
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Hennepin County Soil Survey
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Historic photos from 1937, 1945, 1956, 1967, 1989, 2000 and 2018, submitted with report.
- ☐ or ☒ Other (Name & Date): Site photos taken on April 21, 2021 and submitted with delineation report
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Applicable/supporting case law: [Click here to enter text.](#)
- ☐ Applicable/supporting scientific literature: [Click here to enter text.](#)
- ☒ Other information (please specify): Minnesota Public Waters Inventory, National Wetlands Inventory map, USGS NHD Map, 2-foot Lidar Contours layers accessed via National Regulatory Viewer <https://arcportal-ucop-corps.usace.army.mil>

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** According to the delineation report, the site has been used as an athletic field as far back as the earliest photos. Photos from 1947, 1956 and 1967 show grading in and around the site. The topography of the site is nearly flat, surrounded by steep slopes according to the U.S.G.S. quadrangle topographic map. No watercourses, basins, or wetlands are identified on the National

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

Wetlands Inventory or the MN DNR Public Waters Inventory. The NWI does identify a wetland just east of the site but based on a review of aerial imagery and 2ft LIDAR contours, there is not a surface water connection. The soil survey indicated that the majority of the site is mapped as Klossner, Okoboji and Glencoe soils (L15A) soil map units which are hydric soils, but a sample point taken indicated that the soils did not meet hydric soil indicators. Redox features were present at 15 inches but were too deep to meet the hydric soils criteria. According to the report, the soil profile is consistent with the aerial photos and shows evidence of several historic fill events that eliminated wetland conditions in the site. In addition, the site lacked a dominance of hydrophytic vegetation, and no wetland hydrology indicators were observed.