

**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):** April 1, 2022

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2022-00066-MJB

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

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

Center coordinates of site (lat/long in degree decimal format): Lat. 45.20057° N, Long. -93.42392° W.

Universal Transverse Mercator: X: 466705.46 Y: 5005319.

Name of nearest waterbody: Bassett 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: April 1, 2022

☐ 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 jurisdictional determination is applicable to the stormwater pond, identified as Wetland 1 in the application and figures, in the review area. The pond was constructed by 2003 according to aerial imagery. Available historical aerial imagery prior to 2003 does not show any evidence of wet signatures within or in the immediate vicinity of Wetland 1. The basin was evident on aerial imagery at the same time as the adjacent commercial facility. The Natural Resource Conservation Service mapped the soils within the site as Hubbard loamy sand and non-hydric. The basin was excavated in upland. Wetland 1 has the typical uniform depressional contours at a consistent slope indicative of the designs of a settling basin or stormwater pond. The preamble of the 1986 Regulations of 33 CFR Parts 320 through 330 states, with respect to the interpretation of the definition of waters of the U.S. given by 33 CFR 328.3, that artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing are not generally considered waters of the U.S. The review area, specific to the stormwater pond, was excavated in dry land to exclusively retain water as a stormwater pond and settling basin. Therefore, it is not considered a water of the U.S. and is not jurisdictional for the Corps.**

**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: Title of application: **Level 1 Wetland Delineation and WCA Incidental Wetland Determination**

☐ 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: **The USGS National Map accessed April 1, 2022**

☒ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K Anoka**

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Hennepin County Soil Survey**

☒ National wetlands inventory map(s). Cite name: **NWI accessed April 1, 2022**

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): **Google Earth 1991 and 2003, MHAPC photos 1945, 1971, 1991 USGS, 2003 FSA**  
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:**