SECTION I: BACKGROUND INFORMATION
\[AUG 02 2016\]


C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: MN County/parish/borough: Carver City: Victoria
Center coordinates of site (lat/long in degree decimal format): Lat. 44.86514° N, Long. -93.64176° W.
Universal Transverse Mercator: X:449291.821706817, Y:4968172.7182896
Name of nearest waterbody: Bluff 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: 06/06/2016
☐ 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: Wetland Basins 1 & 2 (WB-01 & WB-02), as shown on the attached figures, are isolated wetland basins that do not have a surface, or shallow subsurface, hydrologic connection to any navigable waters or their tributaries, as confirmed by the wetland delineation report that was completed for the parcel by Westwood Professionals in the fall of 2015. WB-01 is approximately 1.53 acres in size, and is shown as isolated on the updated 2014 National Wetland Inventory (NWI), and on the Carver Co. soil maps. WB-01 has been avoided by surrounding farming activities as far back as the 1991 FSA photos, and possibly longer. WB-01 is a depressional basin surrounded by predominantly non-hydratic soils, confirmed by the delineation that was completed for the property as well as hillshade lidar imagery. In addition, the NHD does not indicate that there are any streams/drainageways on this parcel connecting WB-01 to any surrounding waters. WB-02 is also an isolated basin, approximately 0.033 acre in size. There is a new residential development located directly east of WB-02, and the larger Vincent Villas property, which severs the potential for any hydrologic connection between the Vincent Villas property and the stream feature that is located to the east. There are no stormwater features connecting the two properties. WB-01 is located approximately 800 feet from the nearest stream feature, and WB-02 is located approximately 400 feet from the stream. The attached photos taken as part of the wetland delineation for the parcel confirm that WB-01 and WB-02 are isolated, with no hydrologic surface, subsurface, or ecological connections to downstream waters.

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

¹ Supporting documentation is presented in Section III.F.
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):
- [X] 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.
  - [X] Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - [X] 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:
- [X] Wetlands: WB-01 = 1.53 acres, WB-02 = 0.033 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:
- [X] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Westwood delineation
- [X] Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- [X] Office concurs with data sheets/delineation report.
- [ ] Office does not concur with data sheets/delineation report.
- [ ] Data sheets prepared by the Corps:
- [X] Corps navigable waters’ study:
- [X] U.S. Geological Survey Hydrologic Atlas:
- [X] USGS NHD data.
- [ ] USGS 8 and 12 digit HUC maps.
- [X] U.S. Geological Survey map(s). Cite scale & quad name: 1:24k - MN - VICTORIA
- [X] USDA Natural Resources Conservation Service Soil Survey. Citation: Carver Co.
- [X] National wetlands inventory map(s). Cite name: 2014 NWI
- [ ] State/Local wetland inventory map(s):
- [ ] FEMA/FIRM maps:
- [ ] 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- [X] Photographs: [X] Aerial (Name & Date): FSA 1991-2013, Google Maps, Lidar
  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 waterbodies 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 wetlands do not have an ecological connection to other downstream waters. These waterbodies have been determined to be non-jurisdictional under the Clean Water Act because they lack connections and/or relationships sufficient to serve as a basis for jurisdiction.