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): AUG 02 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2013-02037-RMM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: MN  County/parish/borough: Yellow Medicine  City: Granite Falls
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.80539° N, Long. 95.54392° W.
   Universal Transverse Mercator:
   Name of nearest waterbody: Minnesota River
   Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Minnesota River
   Name of watershed or Hydrologic Unit Code (HUC): 070200040207
   ☑ 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: 2 June 2016
   ☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.
   ☐ Waters subject to the ebb and flow of the tide.
   ☑ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

   Explain: The Minnesota River is considered a navigable water throughout its entire length (22 December 1972 Navigability Study).

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “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.
   a. Indicate presence of waters of U.S. in review area:
      ☑ TNWs, including territorial seas

   b. Identify (estimate) size of waters of the U.S. in the review area:
      Non-wetland waters; 50 linear feet; 245 width (ft) and/or _______ acres.
      Wetlands; _______ acres.

   c. Limits (boundaries) of jurisdiction based on: Not Applicable.

   Elevation of established OHWM (if known):

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW

   Identify TNW: Minnesota River

   Summarize rationale supporting determination: A Navigability Study conducted in 1972 by USACE has determined the entire length of the Minnesota River to be a navigable water.

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):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
   ☑ TNWs: 50 linear feet 245 width (ft), Or,  acres.

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): N/A

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: Project location map
   ☐ 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: "Navigable Status of the Minnesota River, Minnesota" (22 December 1972)
   ☑ 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: Granite Falls Quadrangle, 1:12000
   ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
   ☐ National wetlands inventory map(s). Cite name:
   ☑ State/Local wetland inventory map(s): MN DNR PWI
   ☐ FEMA/FIRM maps:
   ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
   ☑ Photographs: ☑ Aerial (Name & Date): 2013 FSA, 2013 Picometry
      or ☑ Other (Name & Date): Site photos from application
   ☐ 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 Minnesota River has supported interstate and/or foreign commerce for hundreds of years. The navigability of the Minnesota River was officially formalized with a Navigability Study published by USACE in 1972, confirming that the entire length of the Minnesota River is navigable and subject to US Army Corps of Engineers regulation by the Rivers and Harbors Act of 1899.