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): JUL 21 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:
MVP-2014-03949-LMG (Lennar Homes - Lahn Site)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Minnesota
County/parish/county: Wright
City: Otsego
Center coordinates of site (lat/long in degree decimal format): Lat. 45.23505° N, Long. -93.53082° W.
Universal Transverse Mercator:
Name of nearest waterbody: Crow River
Name of watershed or Hydrologic Unit Code (HUC): 07010203
☐ 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: June 7, 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: There are 17 wetlands in the project area; however, this JD is only for the wetland labeled as F on the enclosed figures labeled MVP-2014-03949-LMG Page 4 of 6 through Page 6 of 6. Wetland F is located on the Lennar Homes Lahn property and is 1.03 acre. Wetland F has a culvert that connects it to a stormwater pond west of Randolph Avenue North. The stormwater pond was constructed in 2004 and is approximately 1,100 linear feet from the Crow River and is situated 25 feet in elevation higher than the river. The pond bottom was determined to be sand that extends to a depth of 35 feet as indicated by soil boring data. Since construction of the stormwater pond, there have been 8 precipitation events that have met the 24 hour - 2 year storm event and 1 event that met the 24 hour - 10 year storm event. During these storm events, water was not observed flowing out of the pond. Elevation for each of these storm events is listed on the figure labeled MVP-2014-03949-LMG Page 6 of 6. Wetland F does not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries. Wetland F has no swales, pipes or other means to connect it directly to waters of the U.S. (WOUS). We have enough information to make the determination that Wetland F is isolated and not a water of the U.S.

   The waterbody does not support a link to interstate or foreign commerce because it is not known to be used by interstate or foreign travelers for recreation or other purposes; does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. The wetland does not have an ecological connection to other waters within the review area. The waterbody was determined to not be jurisdictional under the CWA.

SECTION III: CWA ANALYSIS

¹ Supporting documentation is presented in Section III.F.
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.
  - [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: 1.03 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: Terracon
- [X] 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: 1:24K MN-ROGERS
- [X] USDA Natural Resources Conservation Service Soil Survey. Citation: Wright County Soil Survey
- [X] National wetlands inventory map(s). Cite name: USFWS NWI & MnDNR NWI Update
- [ ] State/Local wetland inventory map(s):
- [ ] FEMA/FIRM maps:
- [ ] 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- [X] Photographs: [ ] Aerial (Name & Date): FSA 2013
  - [ ] Other (Name & Date): Google Earth
- [ ] Previous determination(s). File no. and date of response letter:
- [ ] Applicable/supporting case law:
- [ ] Applicable/supporting scientific literature:
- [X] Other information (please specify): Wright County LiDAR data

B. ADDITIONAL COMMENTS TO SUPPORT JD: