

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): **OCT 06 2017**

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2016-04240-BBY Stark Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Sherburne City: St. Cloud

Center coordinates of site (lat/long in degree decimal format): Lat. 45.548° N, Long. -94.045° W.

Universal Transverse Mercator: Zone 15

Name of nearest waterbody: Elk River

Name of watershed or Hydrologic Unit Code (HUC): 07010203 Upper Mississippi Region

☒ 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: September 5, 2017

☐ 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:

The review area for this AJD includes 1 wetland labeled as WB-03 on the enclosed figures labeled MVP-2016-04240-BBY Page 1 of 6 through Page 6 of 6. Wetland WB-03 is abandoned gravel pit which was constructed in uplands pre-1953. This was confirmed using historic imagery. The wetland is surrounded by uplands. We have determined this wetland is an isolated depression and not considered to be a waters of the U.S.

Wetland WB-03 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; it does not produce fish or shellfish that could be taken or sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. This wetland does not have an ecological connection to other waters within or adjacent to the review area. This waterbody has been determined to not be jurisdictional under the CWA. Wetland WB-03 was also determined to be isolated in 2004 under file number 04-0161373-YSB.

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

¹ Supporting documentation is presented in Section III.F.

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.
 - ☐ 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: .
- ☒ Wetlands: 0.77 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):

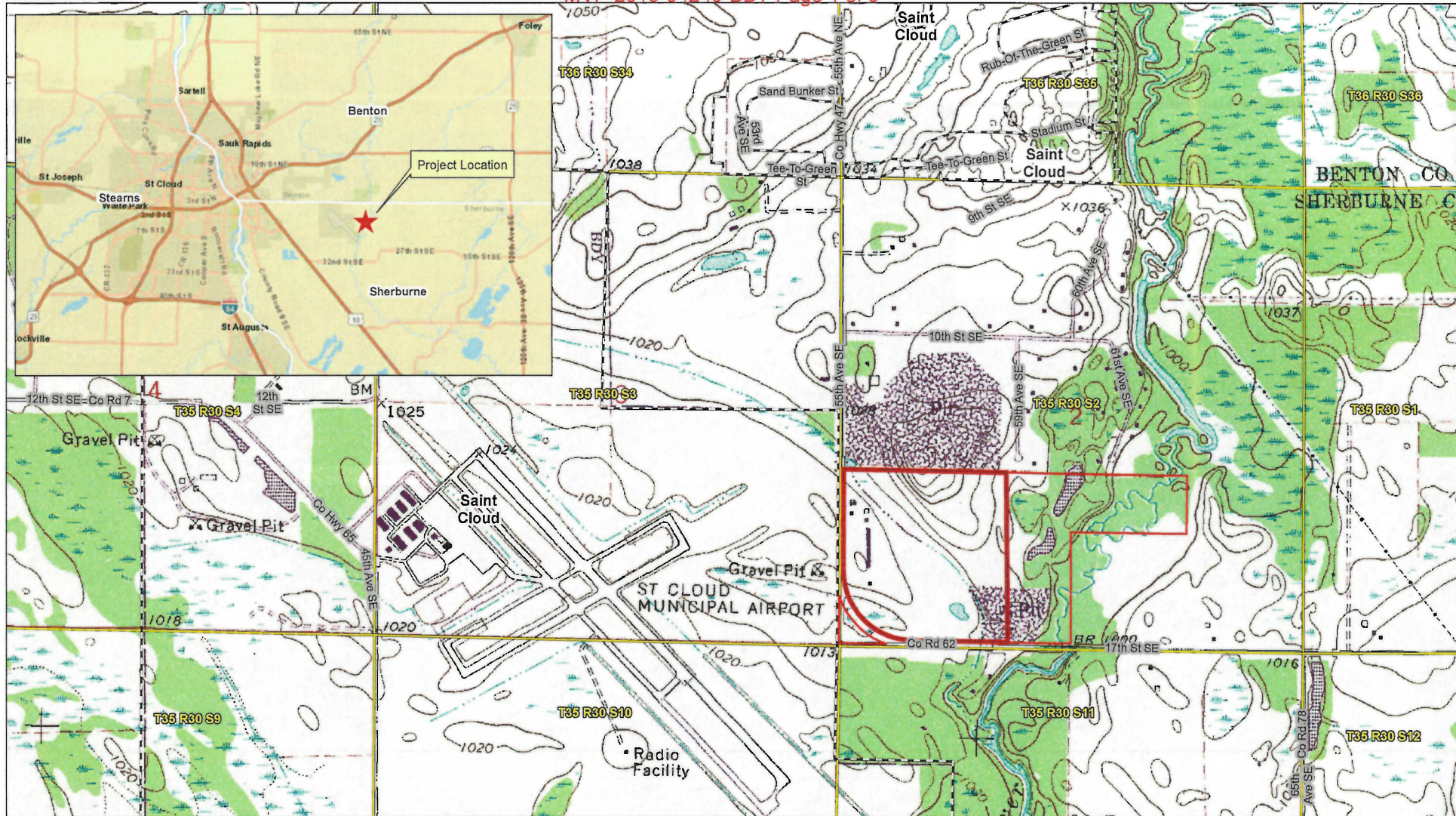
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Westwood
- ☒ 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:
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sherburne County
- ☒ National wetlands inventory map(s). Cite name:
- ☐ 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 2016
or ☒ Other (Name & Date): UM MHAPO aerial photography 1938, 1939, 1953, 1957, 1977, and 1991.
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Sherburne County LIDAR

B. ADDITIONAL COMMENTS TO SUPPORT JD:



Data Source(s): ESRI USGS Topography
base map (accessed 2016), MNDNR (2010),
MnDOT (2003), MnDOT (2009)

Legend

- Property Boundary
- Section Boundary
- Portion of Property to be Delineated
- Municipal Boundary
- county



0 1,000 Feet

Westwood

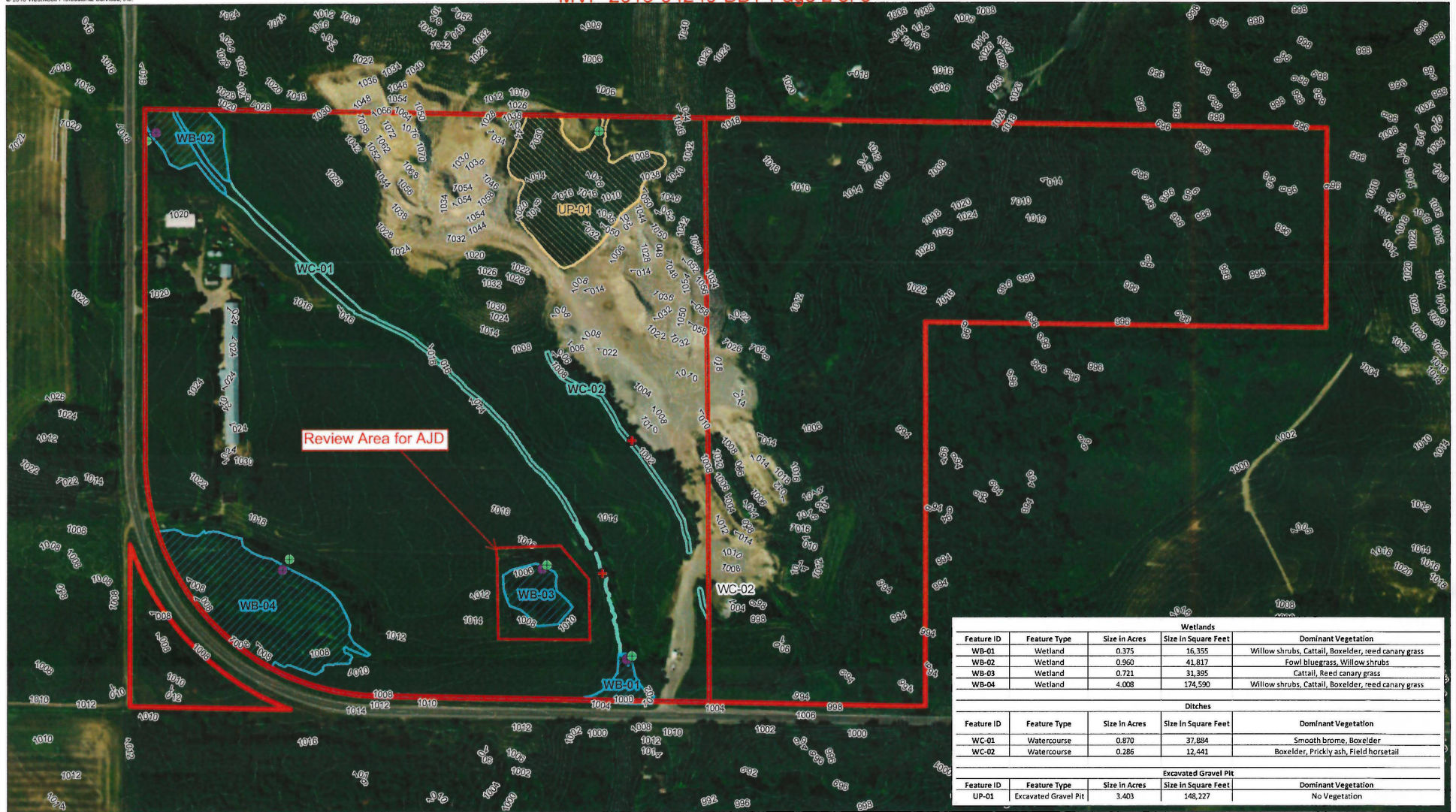
Toll Free (800) 837-8100 www.westwoodps.com
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Stark Property

Sherburne County, Minnesota

Site Location &
USGS Topography

Exhibit 1



Wetlands				
Feature ID	Feature Type	Size In Acres	Size In Square Feet	Dominant Vegetation
WB-01	Wetland	0.375	16,355	Willow shrubs, Cattail, Boxelder, reed canary grass
WB-02	Wetland	0.960	41,817	Fowl bluegrass, Willow shrubs
WB-03	Wetland	0.721	31,395	Cattail, Reed canary grass
WB-04	Wetland	4.008	174,590	Willow shrubs, Cattail, Boxelder, reed canary grass
Ditches				
Feature ID	Feature Type	Size In Acres	Size In Square Feet	Dominant Vegetation
WC-01	Watercourse	0.870	37,884	Smooth brome, Boxelder
WC-02	Watercourse	0.286	12,441	Boxelder, Prickly ash, Field horsetail
Excavated Gravel Pit				
Feature ID	Feature Type	Size In Acres	Size In Square Feet	Dominant Vegetation
UP-01	Excavated Gravel Pit	3.403	148,227	No Vegetation

Data Source(s) Westwood (2016), ESRI Imagery BaseMap (accessed 2016), MN Topo (accessed 2016)

Westwood

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Legend	
	Property Boundary
	Portion of Property to be Delineated
	Excavated Gravel Pit
	Delineated Ditch
	Delineated Wetland
	2 ft Contour
	Upland Sample Point
	Wetland Sample Point
	Watercourse Sample Point



0 300 Feet

Stark Property
Sherburne County, Minnesota
Delineated Wetlands
and Ditches

Exhibit 4