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 Instruction Guidebook.

SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): JUL 20 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: BNSF Railway Company, Culvert 53.21, MVP-2016-02009-MLV

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
  State: MN  County/parish/borough: Wright  City: Howard Lake
  Center coordinates of site (lat/long in degree decimal format): Lat. 45.06232° N, Long. -94.07628° W.
  Universal Transverse Mercator:
  Name of nearest waterbody: Howard Lake
  Name of watershed or Hydrologic Unit Code (HUC): 0701020406 North Fork Crow River
  ☑ 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 18, 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.

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):

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:
  ☐ 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 NHX data.
  ☐ USGS 8 and 12 digit HUC maps.
B. ADDITIONAL COMMENTS TO SUPPORT JD: The applicant submitted sufficient information to demonstrate the review area identified in the figure labeled "MVP-2016-02009-MLV Page 1 of 2" contains no aquatic resources. Site photographs confirmed that the culvert within the review area is located within a railroad ditch that lacks wetland characteristics and an Ordinary High Water Mark. Therefore, the review area does not contain waters of the U.S.
CU 53.21, LS 22 - Permit Impacts

Temporary Impacts = 0.95 acres
Permanent Impacts = 0 acres
Wetlands Impacts = 0 acres

Legend
- BNSF Right-of-Way
- Bore Pit
- CU 53.21, LS 22
- Permanent Impacts
- Temporary Impacts
- Wetlands

Existing Clay Pipe (to be plugged)

Proposed 48-inch Smooth Steel Pipe (jacked and bored)