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): October 5, 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2016-02769-MJB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota
   County/parish/borough: Blue Earth County
   City: McPherson Township
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.05618° N, Long. -93.83561° W
   Universal Transverse Mercator:
   Name of nearest waterbody: Le Sueur River
   Name of watershed or Hydrologic Unit Code (HUC): 07020011
   ☑ 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: August 12, 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 is one wetland measuring 4.94 acres and identified as a seasonally flooded basin, type 1 wetland, within the review area. The wetland is a depressional basin located within a farm field and does not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries. Based upon a review of aerial photographs, United States Geographical Society (USGS) 1:24K Quad and its associated National Hydrography Dataset (NHD), National Wetland Inventory (NWI) maps, topography data, and the materials submitted, the wetland was determined to be hydrologically isolated with no surface water connection to a water of the United States (WOUS). An unnamed tributary, identified by the USGS NHD is located approximately 3,880 feet southwest of the identified wetland. The Le Sueur River is located approximately 7,000 feet northeast of the identified wetland. Farm fields are located between these tributaries and the wetland. A review of the surrounding topography indicates the wetland is within an isolated depression with no topographic connection to any other waterbody. The review area is not within a floodplain. The wetland is surrounded by upland, and has no swales, ditches, pipes, or other means that would provide a surface or subsurface connection to a WOUS. The northeastern edge of the wetland is bordered by a road side ditch which drains to the northwest. The northwest drainage is intercepted by a roadway that prevents a connection to any downstream waters, as the topography increases on the other side of the road and no surface or subsurface connection exists to downstream waters. We have determined that this wetland is an isolated depression and hydrologically separated from other aquatic resources. The surrounding land use is farm field and does not provide cover or habitat between the wetland and other aquatic resources. This wetland does not have an ecological connection to a WOUS.

      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

¹ Supporting documentation is presented in Section III.F.
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 waterbody was determined to not be a WOUS and not to be jurisdictional under the CWA.

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 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: 4.94 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: Hubmer Property Wetland Delineation

☒ 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:

☒ National wetlands inventory map(s). Cite name: 2015 NWI

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): FSA NAIP 2015

☐ 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:
W1: Type 1
Seasonally Flooded Basin
4.94 acres

Legend

- Study Area
- Transect
- Delineated Wetland
- Photo Reference Point
- Soil Boring

Source: Google Imagery (2013)