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): June 11, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-02559-LMG Lever Street Improvements

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Minnesota  County/parish/borough: Anoka  City: Blaine
Center coordinates of site (lat/long in degree decimal format): Lat. 45.199676° N, Long. -93.15253° W
Universal Transverse Mercator:
Name of nearest waterbody: Coon Creek
Name of watershed or Hydrologic Unit Code (HUC): 07010206 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: March 9, 2018
☐ Field Determination. Date(s): August 10, 2017

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: This determination is for wetland 7 within the review area as shown on the enclosed figures labeled MVP-2017-02559-LMG Page 2 of 3. This wetland does not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries, as confirmed in the Lever Street Northeast Improvements Delineation Report dated July 20, 2017. This wetland is surrounded by uplands and has no swales, pipes or other means to connect it to waters of the U.S. (WOUS). We have determined that this wetland is an isolated depression and not a water of the U.S.

Wetland 7 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. This 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.

The drainage ditches labeled Wetland 1a, 1b, 4a, 4b, W4c, W4d, and the portion of Wetland 2 identified on the figure labeled MVP-2017-02559-LMG Page 3 of 3 were constructed wholly in uplands, drain only uplands and have less than permanent flow. Per the Rapanos decision these ditches are not WOUS.

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

¹ Supporting documentation is presented in Section III.F.
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: Wetland 1a = 0.03, Wetland 1b = 0.1, Wetland 2 = 0.08, Wetland 4a = 0.17, Wetland 4b = 0.04, Wetland 4c = 0.05, Wetland 4d = 0.06, Wetland 7 = 0.05 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: Bolton & Menk

☐ 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-Circle Pines

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Anoka County Soil Survey

☐ National wetlands inventory map(s). Cite name: USFWS 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):

☐ 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): Anoka County LiDAR data

B. ADDITIONAL COMMENTS TO SUPPORT JD:
Lever Street Northeast Improvements

Figure 2: Project Layout

February 2018

Legend

- Construction Limits
- Approved Wetlands
- Approved Ditch
- Proposed Storm Sewer
- Proposed Culvert
- Proposed Water Main
- Proposed Sanitary Sewer
- Proposed Manhole
- Proposed Trail
- Proposed Sidewalk
- Stormwater Pond

Source: Google Satellite Imagery (2017)
Figure 3c: Proposed Impacts
March 2018

Legend
- Construction Limits
- Proposed Sanitary Line
- NWI Wetlands
- Proposed Manhole
- Proposed Impacts - Road
- Proposed Flared End
- Permitted Impacts
- Proposed Water Main
- Approved Wetlands
- Proposed Trail
- Proposed Storm Sewer
- Proposed Sidewalk

Source: Google Satellite Imagery (2017)

BMI W1b: Type 2
0.10 ac

BMI W4b:
Proposed Impacts: 397 sf
Impacts Previously Mitigated For: 190 sf

BMI W1b: Type 2
0.10 ac

BMI W1a: Type 2
0.01 ac

BMI W2: Type 2
0.02 ac

BMI W2: Type 2
0.10 ac

only this portion of BMI W2 covered by AJD