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): 18 May 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: CSAH 11, MVP-2017-03161-BBY

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Minnesota
County/parish/borough: Sherburne County
City: Santiago Township

Center coordinates of site (lat/long in degree decimal format): Lat. 45.523767° N, Long. -93.820134° W

Universal Transverse Mercator: 15N 5041464.020157 E 435952.577057 N

Name of nearest waterbody: St. Francis 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: May 8, 2018
☐ 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 general locations of the aquatic resources are shown on the attached maps labeled MVP-2017-03161-BBY Page 1 of 3. The review area for this determination contains seven roadside ditches labeled as Basin 13, Basin 39, Basin 40, Basin 41, Basin 42, Basin 43, and Basin 45 on the enclosed figure labeled MVP-2017-03161-BBY Page 2-3 of 3. The linear ditches were constructed in uplands, do not convey relatively permanent flow, and do not laterally drain a wetland or another water of the United States. Per the Rapanos decision these drainage ditches are not waters of the U.S (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

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.

¹ Supporting documentation is presented in Section III.F.
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: 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: Sherburne County Public Works
- 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: USFWS NWI and MnDNR 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): Google Earth 2009, 2011, 2013, and 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): Sherburne County LIDAR

B. ADDITIONAL COMMENTS TO SUPPORT JD:
Sta. 0+00 to Sta. 53+00

Wetland Delineation
Sherburne CSAH 11,
Csa 16 to Benton Co line
Sec. 27-T35-R28

Figure 2

Basin 10 Type 2 Flags W24-W27
Basin 16 Type 2 Flags W28-W21
Basin 9 Type 2 Flags W21-W23
Basin 9 Type 3 Flags W18-W21
Basin 6 Type 2 Flags W14-W17
Basin 5 Ditch Bottom Flags W11-W13
Basin 5 Type 2 Flags W10-W11
Basin 5 Ditch Bottom Flags W8-W10
Basin 2 Ditch Bottom Flags W5-W7
Basin 2 Type 2 Flags W1-W6
Basin 15 Ditch Bottom Flags E29-E32
Basin 14 Type 3 Flags E28-E29
Basin 13 Ditch Bottom Flags E26-E28
Basin 12 Ditch Bottom Flags E23-E25
Basin 11 Type 3 Flags E21-E23
Basin 8 Type 2 Flags E17-E20
Basin 7 Type 2 Flags E13-E16
Basin 4 Type 2 Flags E9-E12
Basin 3 Type 2 Flags E5-E8
Basin 1 Type 2 Flags E1-E4

Review Area Basin 13

On site completed on 8/21,24,28,29/17 by William Bronder, Sherburne SWCD #1166

Wetland Map

- Delineation Boundary
- Wetland Boundary
- Ditch Bottom/Incidental