

**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):** FEB 26 2018

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:**

MVP-2017-03646-LMG Hayden Hills

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota County/parish/borough: Hennepin City: Dayton

Center coordinates of site (lat/long in degree decimal format): Lat. 45.193772° N, Long. -93.429011° W.  
Universal Transverse Mercator:

Name of nearest waterbody: Mississippi River

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: December 11, 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):<sup>1</sup>

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: There are four wetlands within the review area as shown on the enclosed figures labeled MVP-2017-03646-LMG Page 1 of 5 through Page 5 of 5. Wetlands 1, 2, 3 and 4 are isolated basins. Wetland 2 outlets to Wetland 1, which has no outlet. Wetland 3 has no outlet. Wetland 4 developed over time due to the construction of a cart path on the golf course. A culvert was installed with an elevation 12 inches above the wetland which does not allow water to flow out of Wetland 4 during normal precipitation events. In the event of high precipitation, water may be able to flow through the culvert but the wetland would still not connect to any navigable waters or tributaries. Wetlands 1, 2, 3, and 4 are therefore depressional basins that do not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries, as confirmed in the Hayden Hills Wetland Delineation Report dated October 10, 2017. These wetlands are surrounded by upland, and has no swales, pipes or other means to connect them to WOUS. We have determined that these wetlands are isolated depressions and not WOUS.

Wetlands 1, 2, 3 and 4 do not support a link to interstate or foreign commerce because they are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate or foreign commerce. These wetlands do not have an ecological connection to other waters within the review area. These waterbodies were determined to not 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

<sup>1</sup> 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): **Wetland 1 is not a water of the US pursuant to the preamble to the**

**Corps 1986 regulations (33 CFR Parts 320-330).**

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 2 = 0.08, Wetland 3 = 0.68, Wetland 4 = 0.11 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.

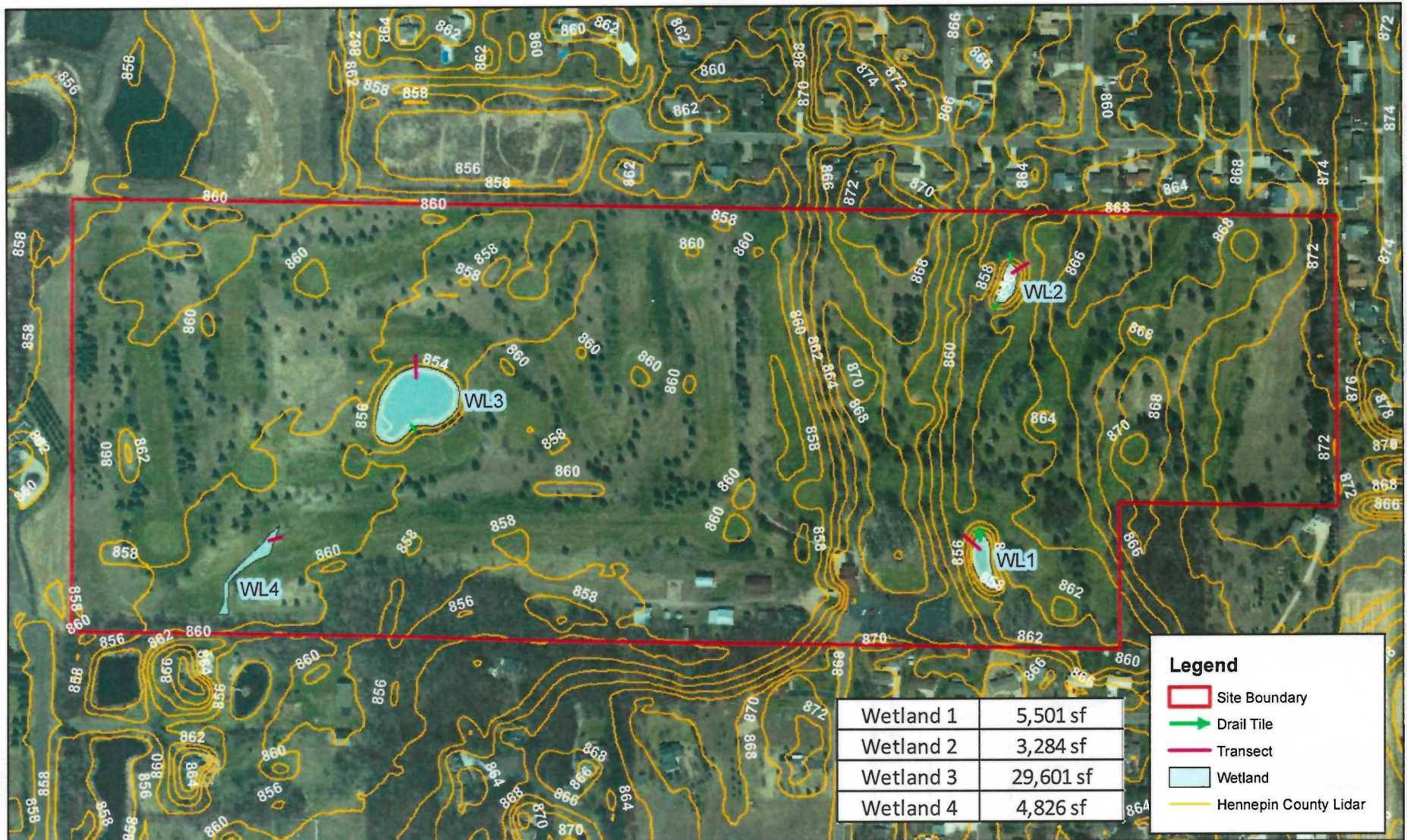
#### SECTION IV: DATA SOURCES.

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: Kjolhaug Environmental Services
- ☒ 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-Anoka
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Hennepin County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS NWI & 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): FSA 1937-1994
  - or ☒ Other (Name & Date): Google Earth 1991-2017
- ☒ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Hennepin County LiDAR data

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Wetlands 1, 2, 3 and 4 were not constructed in uplands. Based on aerial imagery, mapped hydric soils and topography wetlands 1, 2, 3 and 4 were constructed in wetland.





**Figure 2 - Existing Conditions (2016 MnGEO Photo)**



**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
Source: ESRI Streets Basemap



0 500  
Feet

**Hayden Hills (KES 2017-171)  
Dayton, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.