

**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):** NOV 01 2017
- B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2017-01620-MLV Loves Travel Center Site
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**  
State: Minnesota County/parish/borough: Wright City: Otsego  
Center coordinates of site (lat/long in degree decimal format): Lat. 45.23946° N, Long. -93.64453° E.  
Universal Transverse Mercator: Zone: 15; X: 449413.450726, Y: 5009751.018107  
Name of nearest waterbody: Crow River  
Name of watershed or Hydrologic Unit Code (HUC): 0701203 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: September 13, 2017  
☒ Field Determination. Date(s): September 5, 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):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: This approved jurisdictional determination was assessed for Wetland A, Wetland B, and Ditch D within the review area shown on the enclosed figure labeled MVP-2017-01620-MLV Page 2 of 2. A field visit was conducted on September 5, 2017. The east side of the "wetland/ditch" was inspected and found to terminate outside the review area at the corner of Maciver Avenue Northeast and 60th Street Northeast with no outlet. The northwest side of Wetland A was also inspected and no surface hydrologic connections to waters of the U.S. were observed. The nearest TNW is Mud Lake, approximately 0.2 mile northwest of the site. The distance between the aquatic resources in question and the TNW precludes a shallow subsurface connection. The land between the TNW and the review area is developed and lacks any natural corridor that could support an ecological connection. Therefore, the site visit confirmed that the aquatic resources have no pipes, swales, or other means to connect them to waters of the U.S. Wetland A, Wetland B, and Ditch D are isolated waters and are not waters of the U.S.

**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

<sup>1</sup> Supporting documentation is presented in Section III.F.

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 A 0.33 acre, Wetland B 0.02 acre, Ditch D 0.18 acre 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):

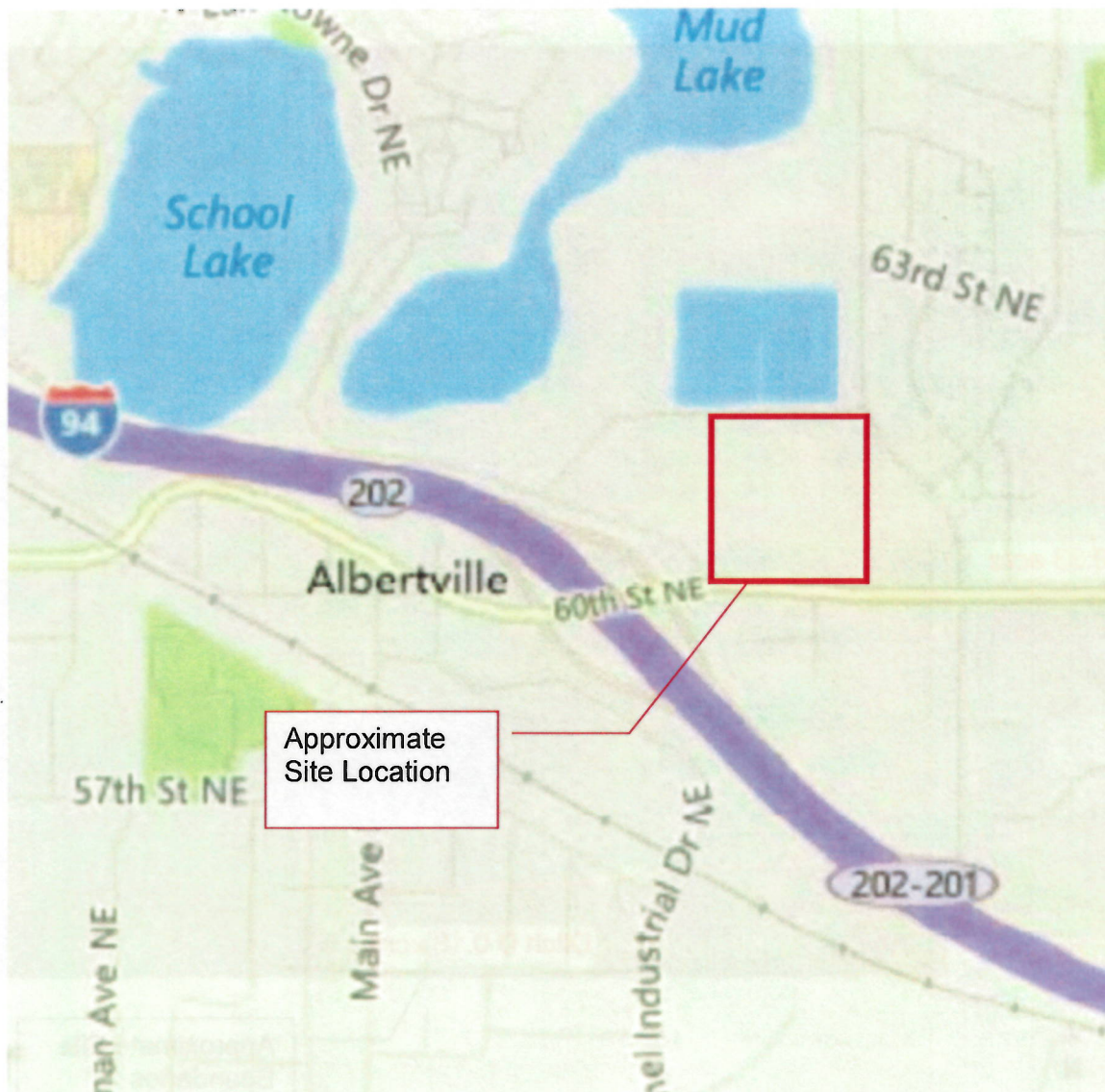
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

**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: Bopray Environmental
- ☒ 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 SAINT MICHAEL
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Wright 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): Google Earth May 12, 2017
  - or ☒ Other (Name & Date): FSA 1979 - 2014
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Wright County Lidar

B. ADDITIONAL COMMENTS TO SUPPORT JD:



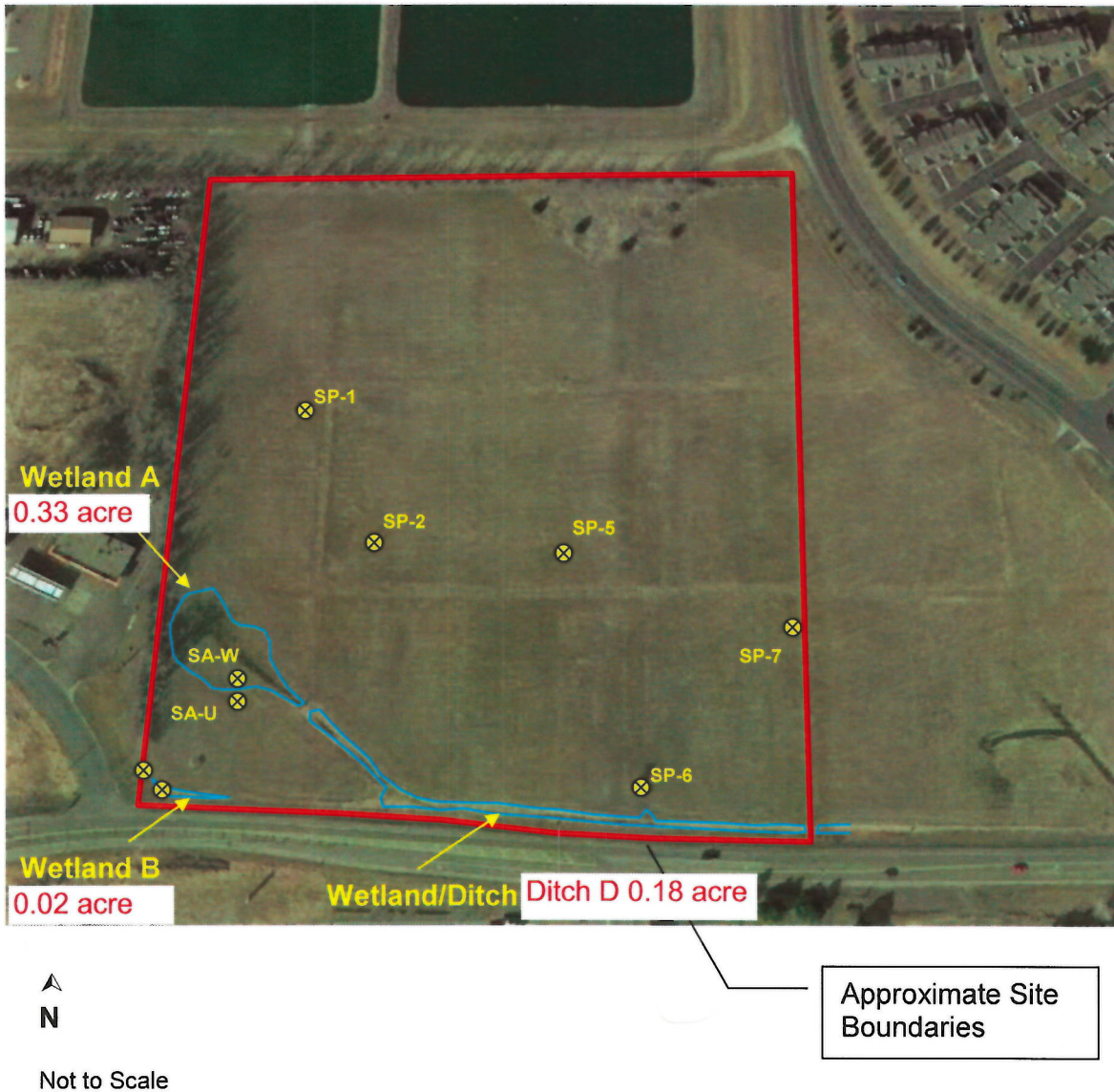
▲  
N

Not to Scale



**Figure 1. Location Map**  
Loves Travel Center Site  
Otsego, Minnesota

Project No. 2016.069



**Figure 3. Aerial Photo With  
Approximate Wetland Boundaries**  
Loves Travel Center Site  
Otsego, Minnesota

