

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-2017-01950-MLV 7423 Kadler Avenue
- 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. 45.257617° N, Long. -93.689061° W.
Universal Transverse Mercator:
Name of nearest waterbody: Mississippi 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: September 12, 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):¹

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **This approved jurisdictional determination is only applicable to Wetland 1 and Wetland 6 within the review area shown on the enclosed figure labeled MVP-2017-01950-MLV Page 2 of 2. Wetland 1 continues north outside of the review area and no field delineation is available. Aerial photography review indicates wetness signatures extending roughly 100 linear feet north of the review area boundary in wet year photos. Steep topography north of the Wetland 1 basin prevents a connection between Wetland 1 and an open water wetland to the north. The nearest water of the U.S. to Wetland 1 is approximately 300 feet north. Wetland 6 is a closed depression located entirely within the review area and topography prevents any surface connection to any nearby waters of the U.S. There is no known drain tile within the vicinity of either Wetland 1 or Wetland 6. Wetland 1 and Wetland 6 are surrounded by upland, and have no swales, pipes, or other means to connect them to waters of the U.S. The nearest TNW is School Lake, which is approximately 1.63 miles southeast of the site. The distance between the nearest TNW and the aquatic resources in question precludes a shallow subsurface connection. The area between the TNW and the wetland basins is characterized by agriculture and development and lacks any natural corridor that could support an ecological connection. The wetlands 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. The wetlands were determined to be isolated waters. Therefore, Wetland 1 and Wetland 6 are not waters of the U.S., and are not jurisdictional under the CWA.**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

¹ Supporting documentation is presented in Section III.F.

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: Wetland 1 (0.58 acre), Wetland 6 (0.74 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):

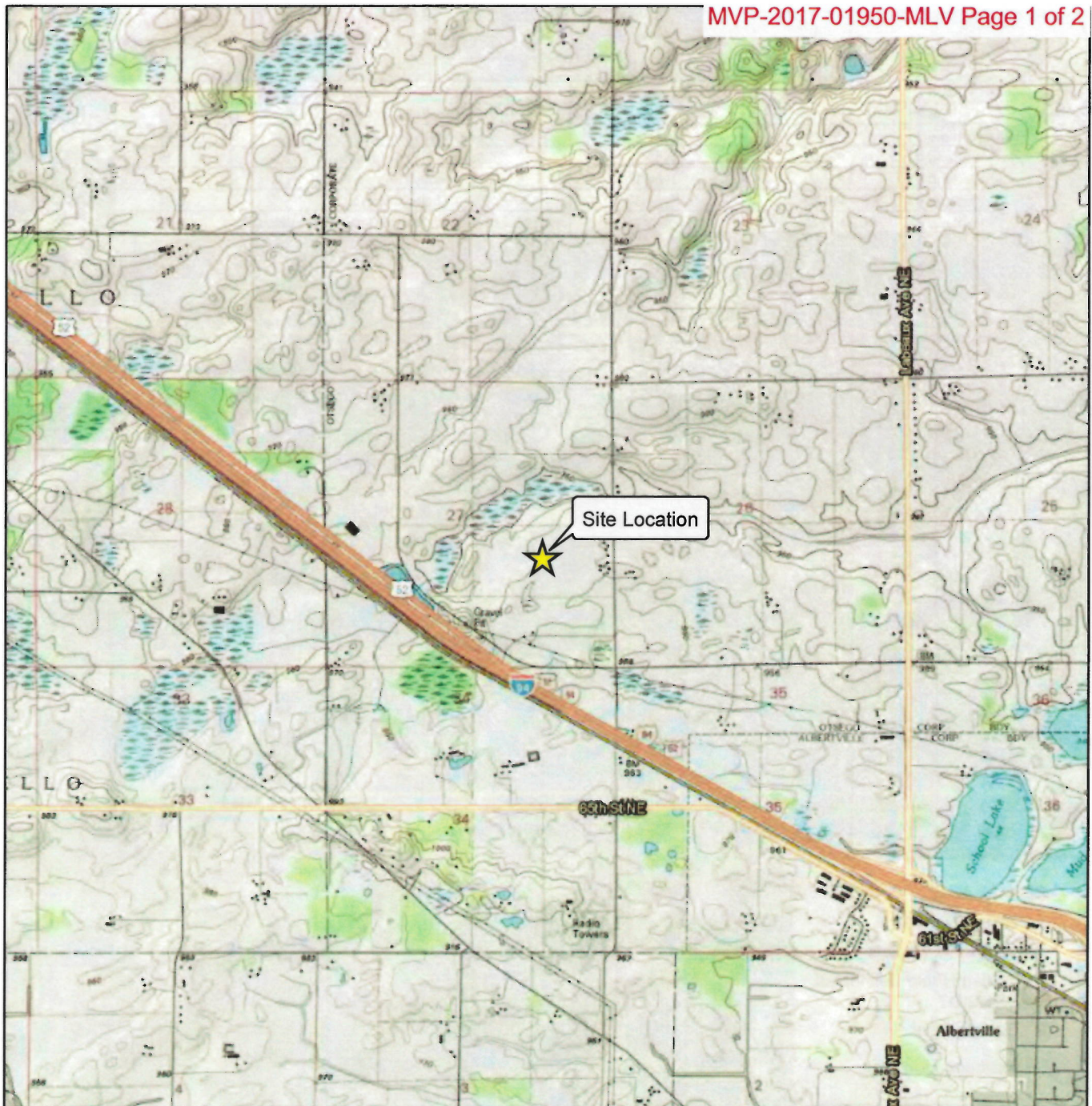
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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):

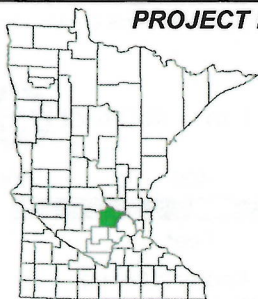
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Anderson Engineering
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation 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 BIG LAKE
- ☒ 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): Anderson Engineering 1999 - 2017; Google Earth 2017
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): Wright County Lidar

B. ADDITIONAL COMMENTS TO SUPPORT JD:

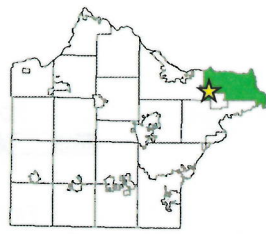


PROJECT LOCATION

SOURCE: MN DNR, USDA, ESRI, TIGER, Bing, Wright Co., Anderson Engineering



Wright County
State of Minnesota



City of Otsego
Wright County, MN

1 in = 0.5 miles



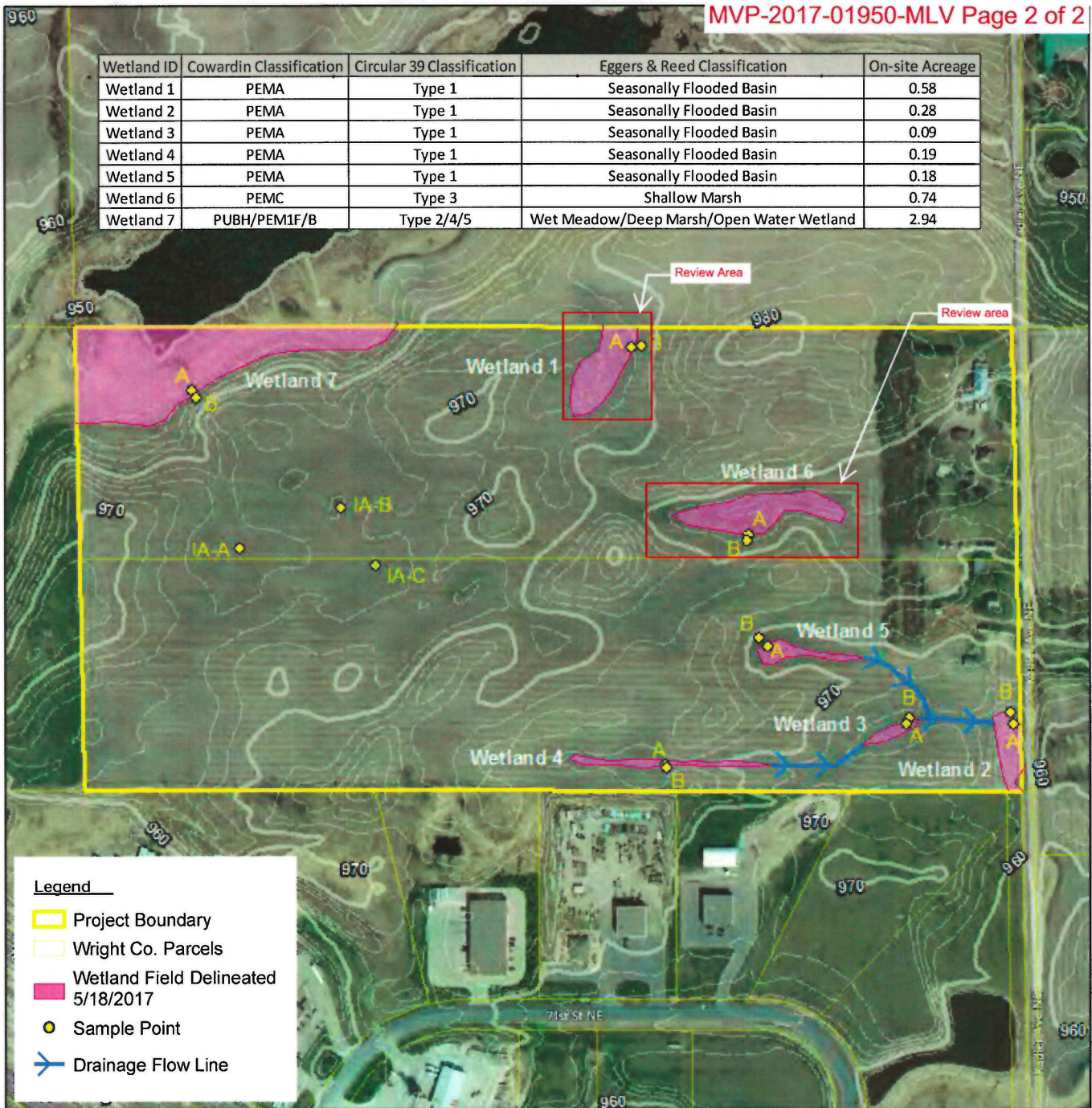
7423 Kadler Avenue
Otsego, Wright County, MN
PID: 118800274100 & 118800274101



Anderson Engineering of Minnesota, LLC
13605 1st Avenue North
Suite 100
Plymouth, MN 55441
763-412-4000 (o) 763-412-4090 (f)
www.ae-mn.com

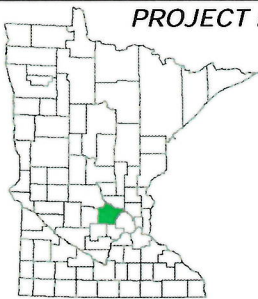
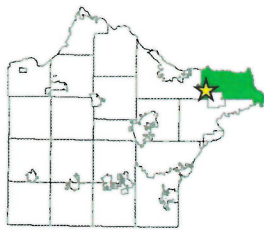
LOCATION - FIGURE 1
BURY INDUSTRIES, LLC
WETLAND DELINEATION

AE Comm.# 14685 Date: 5/18/2017 By: JLA



PROJECT LOCATION

SOURCE: MN DNR, USDA, ESRI, TIGER, Bing, Wright Co., Anderson Engineering

Wright County
State of MinnesotaCity of Otsego
Wright County, MN

1 in = 400 feet



0 200 400 800
Feet

7423 Kadler Avenue
Otsego, Wright County, MN
PID: 118800274100 & 118800274101



Anderson Engineering of Minnesota, LLC
13605 1st Avenue North
Suite 100
Plymouth, MN 55441
763-412-4000 (o) 763-412-4090 (f)
www.ae-mn.com

DELINEATION - FIGURE 5 BURY INDUSTRIES, LLC WETLAND DELINEATION

AE Comm.# 14685 Date: 5/18/2017 By: JLA