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): 2 April 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2014-03727-BBY

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. 45.15937° N, Long. -93.04185° W
Universal Transverse Mercator: 15
Name of nearest waterbody: Mississippi River
Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region 7010206
☐ 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: February 22, 2018
☐ Field Determination. Date(s): November 7, 2014

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: Although there are multiple wetlands identified on the site, this isolated JD is limited to wetland 3 on the enclosed figures labeled MVP-2014-03727-BBY Page 1 of 3 through Page 3 of 3. Based upon a review of aerial photographs, topographic, hydrologic and NWI maps and the Anoka County Soil Survey, wetland 3 is hydrologically isolated from any surface water connection to a water of the U.S. Wetland 3 is completely surrounded by upland soils and has no inlet or outlet. The waterbody was determined to not be jurisdictional under the CWA because it lacked the links to interstate commerce sufficient to serve as a basis for jurisdiction. The waterbody 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; it does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and it is not known to be used for industrial purposes by industries in interstate commerce. A field visit was conducted on November 7, 2014 and the entire perimeter of wetland 3 was walked by Corps staff. Corps staff found that Wetland 3 has no outlet or inlet. There are no culverts or swales that connects it to the other delineated wetlands. The Corps has determined that site conditions have not changed since the site visit in 2014 and that Wetland 3 is still isolated. This AJD was coordinated with the EPA on January 20, 2015 and the Corps received no response from EPA.

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

¹ Supporting documentation is presented in Section III.F.
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 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 the 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 3: 0.48 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: Wayne Jacobson
   - Office conurs with data sheets/delineation report.
     - Office does not concur with data sheets/delineation report.
   - Data sheets prepared by the Corps:
   - 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: Anoka County Soil Survey
   - National wetlands inventory map(s). Cite name: FWS
   - FEMA/FIRM maps:
     - 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
     - Previous determination(s). File no. and date of response letter:
   - Applicable/supporting case law:
   - Applicable/supporting scientific literature:
   - Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Anoka County LIDAR