SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 16, 2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-04196-JTB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota   County/parish/borough: Scott   City: Jordan
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.646061° N, Long. -93.647107° W.
   Universal Transverse Mercator: 15
   Name of nearest waterbody: Sand Creek
   Name of watershed or Hydrologic Unit Code (HUC): 07020012
   ☒ 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: March 6, 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 review area for this AJD includes four wetlands and two storm water basins; All aquatic resources are identified on the enclosed figures labeled MVP-2017-04196-JTB Figure 1 of 6 through Figure 6 of 6.
      Wetlands 1 and 2 are historically isolated wetlands. In the early 2000s, the wetlands were excavated and deepened as part of a housing development on the site. Wetland 1 is located in hydric soil but contains no outlet. Wetland 2 is surrounded by upland and non-hydric soil and does not contain an outlet. These wetlands do not have a surface or shallow subsurface hydrologic connection to any navigable water or their tributaries. We have determined these wetlands are isolated depressions and not waters of the US.
      Wetlands identified as Incidental Wetland 1 and 2 have formed on the site in association with construction activities related to a housing development. Stormwater Ponds 1 and 2 were constructed to serve the development which was never finished. NWI does not show either of the two "incidental" wetlands but does reflect the other four aquatic resources. Both incidental wetlands ultimately formed as a result of construction activities compacting soil and creating ponding of water. Scott County Lidar shows Wetlands 1 & 2 as well as both stormwater facilities are isolated basins without outlets. We have determined these 4 aquatic resources are isolated and not considered to be waters of the US.
      The aquatic resources on the site 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; they 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

¹ Supporting documentation is presented in Section III.F.
have an ecological connection to other waters within or adjacent to the review area. These waterbodies have been 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

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 - 1.59 acre, Wetland 2 - 0.43 acre, Incidental Wetland 1 - 0.14 acre, Incidental Wetland 2 - 0.10 acre, Stormwater Pond 1 - 0.22 acre. Stormwater Pond 2 - 0.16 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-JORDAN WEST
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: USFWS NWI
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): FSA 2013
or Other (Name & Date): Google Earth 04/2016

☐ 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: .
Figure 1 - Site Location

Stonebridge Site (KES 2017-209)
Jordan, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 2 - Existing Conditions

Stonebridge Site (KES 2017-209)
Jordan, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 3 - National Wetlands Inventory

Stonebridge Site (KES 2017-209)
Jordan, Minnesota

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