SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 04/18/2018

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2018-00488-MMJ; Crosby Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: MN
County/parish/borough: Hennepin
City: Medina

Center coordinates of site (lat/long in degree decimal format): Lat. 45.038737° N, Long. -93.581222° W.

Universal Transverse Mercator: X:454221.689778, Y: 4987417.910028

Name of nearest waterbody: Elm Creek

Name of watershed or Hydrologic Unit Code (HUC): 07010206

☒ 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 22, 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: This determination is for the wetlands labeled as Wetlands 1-5 on the enclosed map labeled MVP-2018-00488-MMJ, AJD Figure 2. Wetlands 1-5 are farmed seasonally flooded depressional wetland basins that do not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries, as confirmed on the topographic survey that was recently completed on the property and in the Crosby delineation report that was previously approved for this property in the fall of 2013. The wetlands on this property do not have any swales, pipes or other means to connect them to waters of the U.S. (WOUS). Wetland 2 is mapped as an isolated basin on the updated National Wetland Inventory (NWI). Wetlands 1, 3, 4 & 5 are not mapped on the NWI. All of the wetlands are located within an isolated unit of hydric soil (L23A) as confirmed on the Hennepin County Soil map. We have determined that Wetlands 1-5 are isolated depressions and are not WOUS. Wetlands 1-5 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 they are not known to be used for industrial purposes by industries in interstate or foreign commerce. These wetlands do not have a significant ecological connection to other waters within the review area. Wetlands 1-5 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

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 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 = 0.24 acre, Wetland 2 = 0.56 acre, Wetland 3 = 0.10 acre, Wetland 4 = 0.10 acre, Wetland 5 = 0.15, total 1.15 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: KES
☐ 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: MN-Hamel
☐ 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 1991-2016
☐ or ☐ Other (Name & Date): Google Earth 2016-2018
☐ 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: Based on the wetland delineation report, Wetlands 1-5 are isolated wetlands and are therefore not jurisdictional and not regulated under Section 404 of the Clean Water Act.