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): August 18, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Dennis Rysdahl; Gitchi Gami State Trail Expansion; MVP-2017-01628-ARC

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Cook City: Tofte

Center coordinates of site (lat/long in degree decimal format): Lat. 47.57639° **N**, Long. -90.83083° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: Lake Superior

Name of watershed or Hydrologic Unit Code (HUC): 4010101

☒ 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: June 1, 2017

☒ Field Determination. Date(s): June 1, 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):**[1]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The wetland that was assessed is bordered by Highway 61 to the west and northwest, the Coho Café parking lot to the north and northeast, a townhome rental access road and parking lot to the south and southeast, and an upland ridge to the east. During precipitation events water runs off the impervious 4,000 square-foot section of the Coho Café parking lot and is contained in the shallow depressional area as a result of a low gradient. The southern boundary of the wetland, before the parking lot, contains a small upland ridge visible on the two foot contour maps. The entire wetland boundary was ground truthed in the field and there were no signs of surface or subsurface hydrologic connectivity or ecological connectivity to downstream waters or navigable waters of the United States.**

We have reviewed available desktop resources such as aerial photography, LIDAR derived elevation models and contours, flow path information, and stream and wetland mapping to make an approved isolated determination of the wetlands. We determined that the wetlands have no hydrologic or ecologic connection with a Navigable water of the U.S..

The nearest Traditional Navigable water is 330 feet to the east and is separated by an upland ridge and a commercial parking lot. The wetland within the review area is not known to be used by interstate or foreign travelers for recreation or other purposes; and is not known to be used for industrial purposes by industries in interstate commerce. The wetland is geographically isolated and does not support a link to interstate or foreign commerce. Therefore the wetland in the review area, is not a water of the United States.

[1] Supporting documentation is presented in Section III.F.

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: 0.04 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: Tim Lederle - Hayes Surveying and Mapping
- ☒ 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:
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): MnGEO WMS service (multiple photos)
  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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The 1,560 square-foot wetland is located between Highway 61, Coho Café parking lot, a townhome rental access road and parking lot, and an upland sloping ridge. We reviewed available desktop resources such as aerial photography, LiDAR derived elevation models and contours, flow path information, and stream and wetland mapping to aid in making an approved isolated determination of the wetland. We determined that the wetland formed over time as a result of impervious surface runoff following precipitation events, and has no hydrologic connection to a Traditional Navigable Water of the United States.

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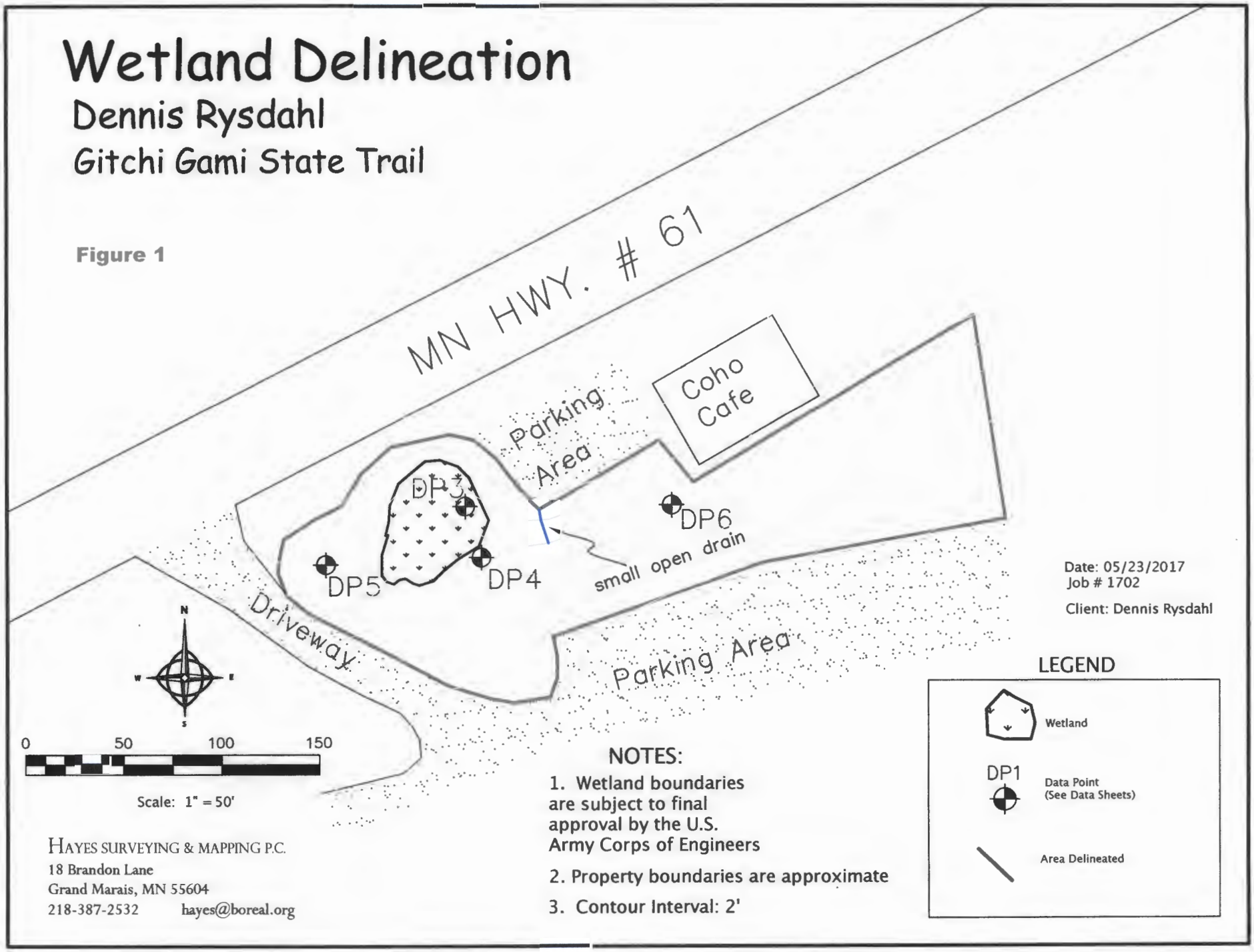
Wetland Delineation

Dennis Rysdahl

Gitchi Gami State Trail

Figure 1



NOTES:

1. Wetland boundaries are subject to final approval by the U.S. Army Corps of Engineers
2. Property boundaries are approximate
3. Contour Interval: 2'

HAYES SURVEYING & MAPPING P.C.
18 Brandon Lane
Grand Marais, MN 55604
218-387-2532 hayes@boreal.org

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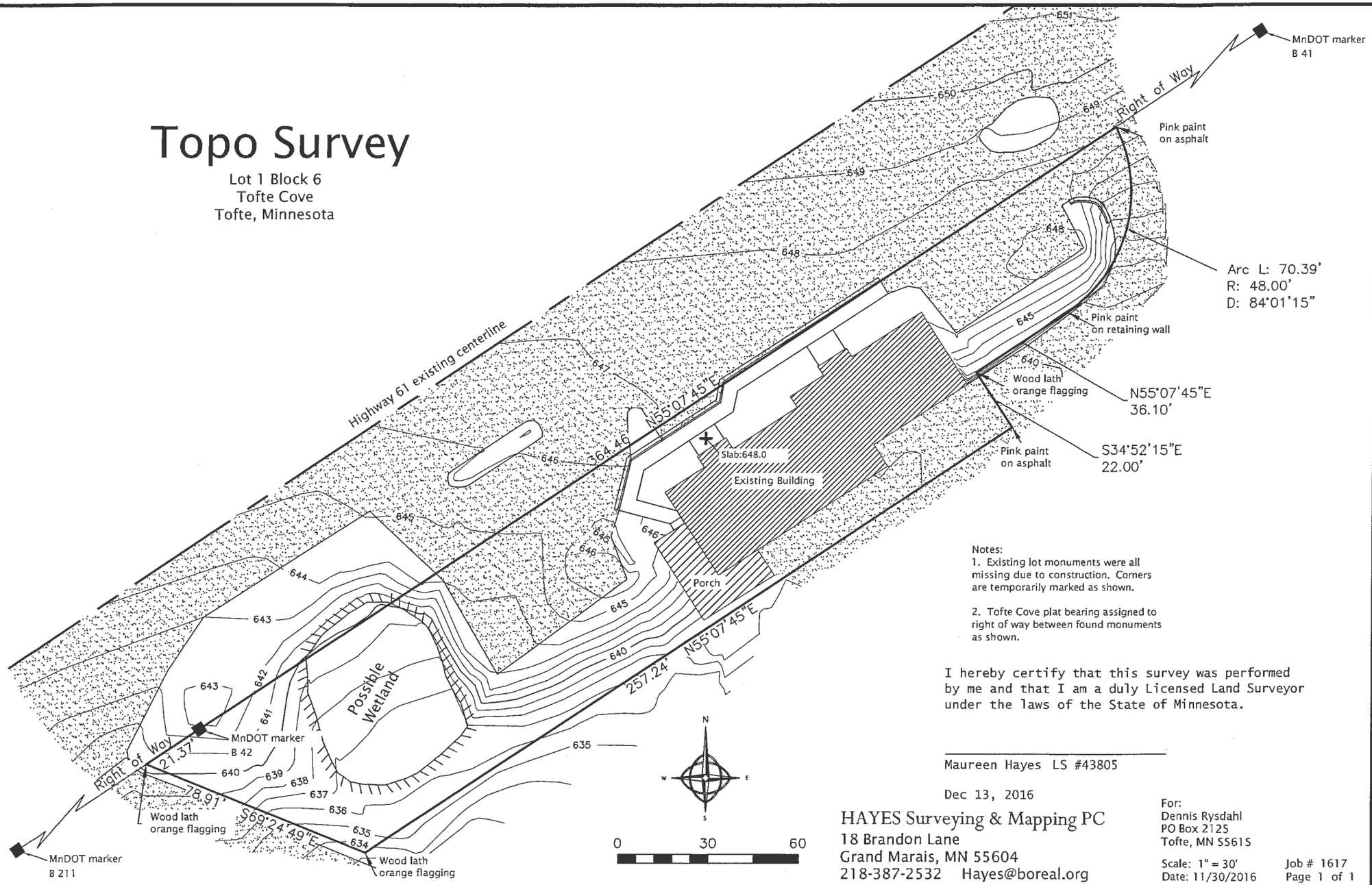
Topo Survey

Lot 1 Block 6
Tofte Cove
Tofte, Minnesota



Notes:
1. Existing lot monuments were all missing due to construction. Corners are temporarily marked as shown.

2. Tofte Cove plat bearing assigned to right of way between found monuments as shown.

I hereby certify that this survey was performed by me and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Maureen Hayes LS #43805

Dec 13, 2016

HAYES Surveying & Mapping PC
18 Brandon Lane
Grand Marais, MN 55604
218-387-2532 Hayes@boreal.org

For:
Dennis Rysdahl
PO Box 2125
Tofte, MN SS615

Scale: 1" = 30'
Date: 11/30/2016

Job # 1617
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Figure 3

Local Topography

The State of Minnesota and the Minnesota Department of Natural Resources makes no representations or warranties expressed or implied, with respect to the use of mapper geographic data provided herewith regardless of its format or the means of its transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data "as is."

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Note: Elevation images and contours were generated from LIDAR derived elevation surfaces acquired 2007-2012.

Scale:1:3,960

N

Created on 5/23/2017

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