SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 06/16/2020
B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2019-02055-MMJ; Lenneman-Dehmer/Legacy Bay Residential Development AJD
C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: MN   County/parish/borough: Wright   City: St. Michael
   Center coordinates of site (lat/long in degree decimal format): Lat. 45.186093° N, Long. -93.702743° W.
   Universal Transverse Mercator: X:444792.669155, Y:5003863.440439
   Name of nearest waterbody: Crow River
   Name of watershed or Hydrologic Unit Code (HUC): 07010204
   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: January 17, 2020
   ☐ 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 includes an approximately 555-acre parcel. The review area contains numerous wetlands, but this AJD is only for the wetlands listed below, also shown on enclosed figures labeled 2019-02055-MMJ AJD Figures 1-9: Wetland 1, 2, 3, 9, 10, 15, 16, 19, 19-A, 20, 31, 32, 33, and 35.
      The majority of these wetlands are depressional farmed seasonally flooded and wet meadow type wetland basins. Wetlands 1, 15, 16 and 31 are not in active production, and contain more undisturbed hydrophytic vegetation and woody species. All of the wetlands referenced above are described in more detail on the enclosed table labeled 2019-02055-MMJ AJD Figure 9. All of these wetlands are isolated basins with no direct hydrologic connections to downstream waters. This was confirmed by Corps staff during a site visit on September 17, 2019. This was also confirmed after reviewing the wetland delineation that was completed for the project, NWI and soils maps, and after reviewing available historic and current aerial and lidar imagery for the project site. According to available tile maps found for the parcel these wetland basins do not contain any known drainage infrastructure that could potentially connect them to downstream waters. Wetlands with known tile or surface water connections to downstream waters are not included in this AJD request.

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: 0.65 acre, Wetland 2: 0.15 acre, Wetland 3: 0.04 acre, Wetland 9: 0.16 acre, Wetland 10: 0.11 acre, Wetland 15: 0.10 acre, Wetland 16: 0.11 acre, Wetland 19: 0.07 acre, Wetland 19-A: 0.01 acre, Wetland 20: 0.13 acre, Wetland 31: 0.76 acre, Wetland 32: 0.48 acre, Wetland 33: 0.04 acre (on-site) Wetland 35: 0.03 acre (on-site) 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:
- 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:
- USGS 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 - St. Michael
- USDA Natural Resources Conservation Service Soil Survey. Citation: Wright County
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

B. ADDITIONAL COMMENTS TO SUPPORT JD: The waterbodies described above 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 for interstate or foreign commerce. Furthermore, these wetlands are hydrologically isolated with no surface or shallow subsurface 
connections to a water of the United States and do not have an ecological interconnection due to existing 
disturbance and agricultural activities on the property. The waterbodies have been determined to be non-
jurisdictional under the Clean Water Act because the wetlands lack connections and/or relationships 
sufficient to serve as a basis for jurisdiction.