



## Regulatory Program

### **APPROVED JURISDICTIONAL DETERMINATION FORM**

#### **U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** May 15, 2019

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** MVP-2018-03623-MJB

### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: MN County/parish/borough: Rice Township: Forest

Center coordinates of site (lat/long in degree decimal format): Lat. 44.38498, Long. -93.283869.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☐ in report/map titled .

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

☒ Office (Desk) Determination Only. Date: January 11, 2019.

☐ Office (Desk) and Field Determination. Office/Desk Date(s): . Field Date(s): .

### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: CSAH 76 Application 2018 NOV 26

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.. Title/Date: County Road 76 (Acorn Trail) and Baseline Road Reconstruction by ISG dated 7 NOV 2017

☐ Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☐ CorpsMap ORM map layers. Title/Date: .

☐ USGS Hydrologic Atlas. Title/Date: .

☒ USGS, NHD, or WBD data/maps. Title/Date: USGS NHD 2018.

☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

☒ USGS maps. Scale & quad name and date: 1:24K Little Chicago

☒ USDA NRCS Soil Survey. Citation: Rice County Soil Survey.

☒ USFWS National Wetlands Inventory maps. Citation: USFWS NWI

☐ State/Local wetland inventory maps. Citation: .

☐ FEMA/FIRM maps. Citation: .

☒ Photographs: ☐ Aerial. Citation: . or ☒ Other. Citation: Google Earth 1991 - 2018.

☒ LiDAR data/maps. Citation: Rice County LiDAR data.

☐ Previous determinations. File no. and date of jurisdictional determination letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

### **SECTION III: SUMMARY OF FINDINGS**

#### **Complete Spreadsheet Tab “Aquatic Resources” – Required for All AJDs**

##### **A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

☐ “navigable waters of the U.S.” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

**NOTE:** If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

##### **B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION:** “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab “(a)(1)” - Required**

☐ This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab “(a)(2)” - Required**

☐ (a)(3): The territorial seas.

- **Complete Spreadsheet Tab “(a)(3)” - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(4)” - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(5)” - Required**

☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab “(a)(6)” - Required**

☐ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(7)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(8)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

### C. NON-WATERS OF THE U.S. FINDINGS:

#### **Check all that apply.**

- ☐ The review area is comprised entirely of dry land.
- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
  - **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
  - **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- ☒ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
  - **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
  - ☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
  - ☐ (b)(2): Prior converted cropland.
  - ☒ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
  - ☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
  - ☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
  - ☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
  - ☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
  - ☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>
  - ☐ (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>
  - ☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
  - ☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>
  - ☐ (b)(4)(vii): Puddles.<sup>1</sup>
  - ☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>
  - ☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>
  - ☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- ☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
  - **Complete Spreadsheet Tab “NonWaters-Other” - Required**

### D. ADDITIONAL COMMENTS TO SUPPORT JD:

The review area for this determination contains 11 wetlands labeled Wetlands Q, Ra, Ta, U, V, W, Y, Z, Aa, Bb, and Cc on the enclosed figures labeled MVP-2018-03623-MJB Page 1 of 23 through Page 5 of 23.

The aquatic resources in question are roadside ditches consisting of fresh (wet) meadow and seasonally flooded basin wetland communities that were constructed in uplands, drain only uplands, and do not carry intermittent or perennial flow of water into waters of the U.S. (WoUS). This was confirmed by reviewing aerial photography, elevation data, and waterbody mapping tools including the USGS National Hydrography Dataset (NHD).

<sup>1</sup> In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

LEGEND

EXISTING

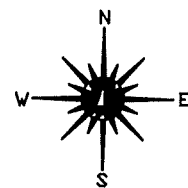
	RIGHT OF WAY LINE
	PROPERTY/LOT LINE
	CENTERLINE
	ASPHALT
	GRAVEL
	CONCRETE
	WETLAND BOUNDARY
	FENCE LINE
	CULVERT
	UNDERGROUND TELEPHONE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	UNDERGROUND TV
	GAS
	UNDERGROUND FIBER OPTIC
	CONTOUR (MAJOR)
	CONTOUR (MINOR)
	DECIDUOUS TREE
	CONIFEROUS TREE
	TREE LINE
	MANHOLE
	POWER POLE
	UTILITY PEDESTAL

PROPOSED

	RIGHT OF WAY LINE
	TEMPORARY EASEMENT
	DRAINAGE EASEMENT
	CENTERLINE
	ASPHALT
	GRAVEL
	CONTOUR (MAJOR)
	CONTOUR (MINOR)
	CULVERT
	FILTRATION CELL
	SUBDRAIN

BENCHMARK: MN/DOT CONTROL POINT 6612 G  
MN/DOT NAME: 6612 G  
NORTHING: 169545.376  
EASTING: 461210.550  
ELEVATION: 1057.819

STOPPING SIGHT DISTANCE BASED ON:  
HEIGHT OF EYE.....3.5'  
HEIGHT OF OBJECT.....2.0'



NO.	BY	DATE	REVISIONS

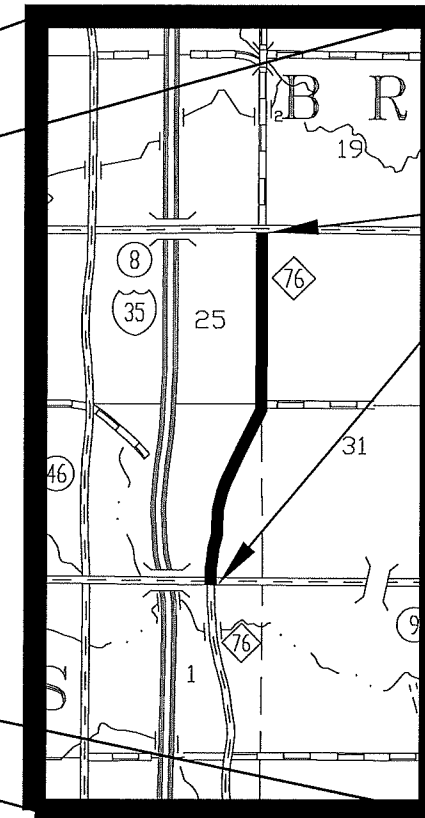
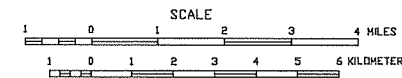
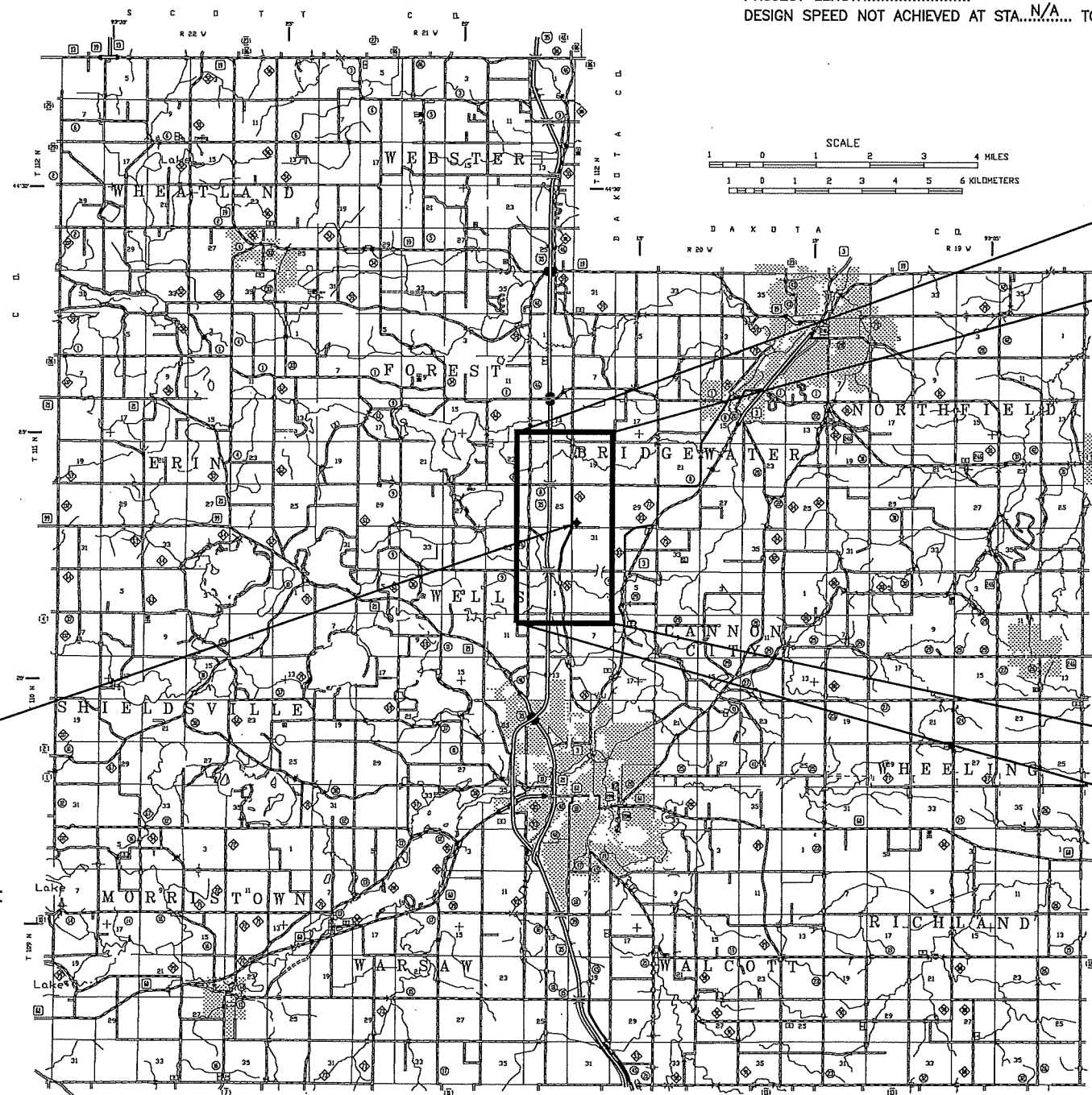
MINNESOTA DEPARTMENT OF TRANSPORTATION  
COUNTY OF RICE

S.A.P. 066-676-002

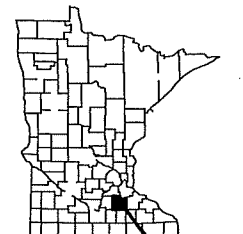
CONSTRUCTION PLAN FOR: CSAH 76 RECONSTRUCT  
LOCATED ON...CSAH 76...BETWEEN...CSAH 9...AND...CSAH 8.....  
LOCATED .....IN FOREST TWP.....(Geographic Description)  
FROM.....SEC. 36, T111N, R21W.....TO.....SEC. 25, T111N, R21W.....  
S.A.P. 066-676-002 (Legal Description)  
GROSS LENGTH.....10,886.24 FEET.....2.062 MILES  
BRIDGES-LENGTH.....0.00 FEET.....0.000 MILES  
EXCEPTIONS-LENGTH.....0.00 FEET.....0.000 MILES  
NET LENGTH.....10,886.24 FEET.....2.062 MILES

DESIGN DESIGNATION

Proj. No.....066-676-002.....  
ROADWAY CLASSIFICATION.....  
MAJOR COLLECTOR.....  
DESIGN SPEED.....45 MPH.....  
ADT (2019)=.....1,200.....  
Proj. ADT (2039)=.....3,600.....  
Proj. HCAAT (2039)=.....320.....  
DESIGN ESALS.....777,000.....  
R VALUE.....15.....  
SOIL FACTOR.....100.....  
ROAD DESIGN.....10.....TON  
SHOULDER WIDTH.....8' BIT.....  
NO. OF TRAFFIC LANES.....2.....  
NO. OF PARKING LANES.....0.....  
PROJECT LENGTH.....10,886.24'.....  
DESIGN SPEED NOT ACHIEVED AT STA...N/A... TO STA...N/A.....



S.A.P. 066-676-002  
END STA 10+68.75  
BEGIN STA 119+54.99



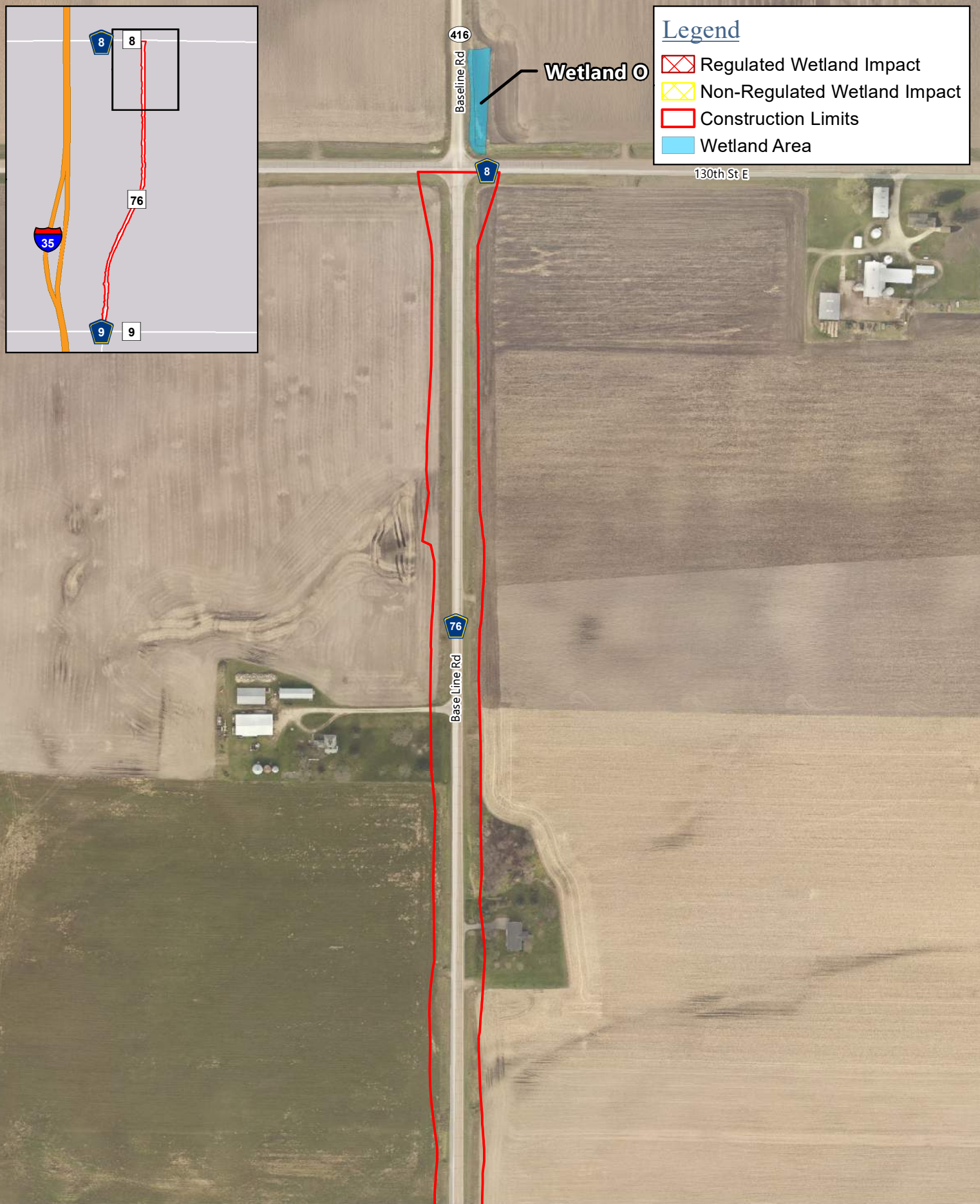
RICE COUNTY  
Outline Map of Minnesota showing  
location of the County within the State.

I hereby certify that this plan was prepared by me or under my direct supervision, and I am  
a duly licensed Professional Engineer under the laws of the State of Minnesota.  
Date: 06/01/2018 License number 43881

Approved: Rice County Engineer Date: .....  
District State Aid Engineer: Reviewed for Compliance with State-Aid Rules/Policy Date: .....  
State Aid Engineer: Approved for State Aid Funding Date: .....



S:\Projects\20000 PROJ\20385 Rice Co CR 76 Wetland Delineation\MapDocs\20385 MapDocs\20385 WD Figure 2 - Wetland Impact Map.mxd



ISG

PN: 17-20385

Source(s):

Orthophoto (Rice County, 2016)

Wetland Delineation (ISG, July 2017)



0 75 150 300  
1 inch = 300 feet  
Feet

Wednesday, November 7, 2018

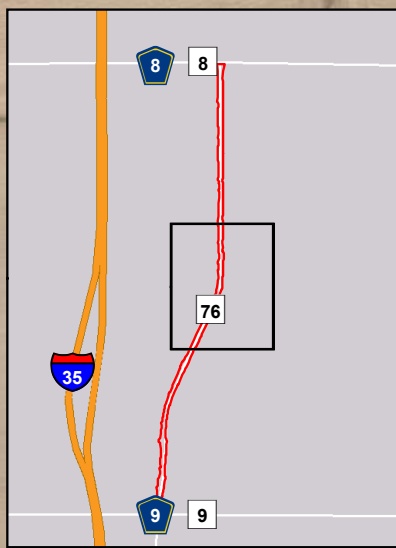
Figure 2a

### Wetland Impact Map

County Road 76 Reconstruction  
Forest Twp, Rice County, Minnesota



S:\Projects\20000 - PROJ\20385-2039\20385 Rice Co CR 76 Wetland Delineation\20385 Rice Co CR 76 Wetland Delineation\20385 MapDocs\20385 Permit\20385 WD Figure 2 - Wetland Impact Map.mxd



### Legend

- Regulated Wetland Impact
- Non-Regulated Wetland Impact
- Construction Limits
- Wetland Area

Wetland P

Wetland P

Wetland Q

Wetland Ra

Wetland Rb

Wetland Tb

Wetland Ta

Wetland Tb

Base Line Rd

428 140th St E

Acorn Tr

Wetland S

Wetland ID	Regulated Impact (acres)	Non-Regulated Impact (acres)
P	0.1	0
Q	0	0.02
R	0.07	0.08
S	0.11	0
T	0.15	0.08
<b>Total</b>	<b>0.43</b>	<b>0.18</b>

ISG

PN: 17-20385

Source(s):

Orthophoto (Rice County, 2016)

Wetland Delineation (ISG, July 2017)



0 75 150 300  
1 inch = 300 feet

Wednesday, November 7, 2018

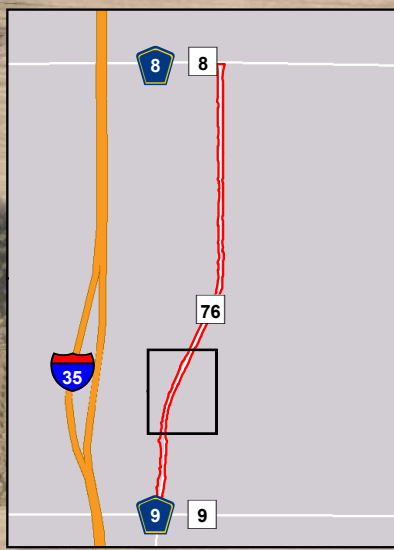
Figure 2b

### Wetland Impact Map

County Road 76 Reconstruction  
Forest Twp, Rice County, Minnesota

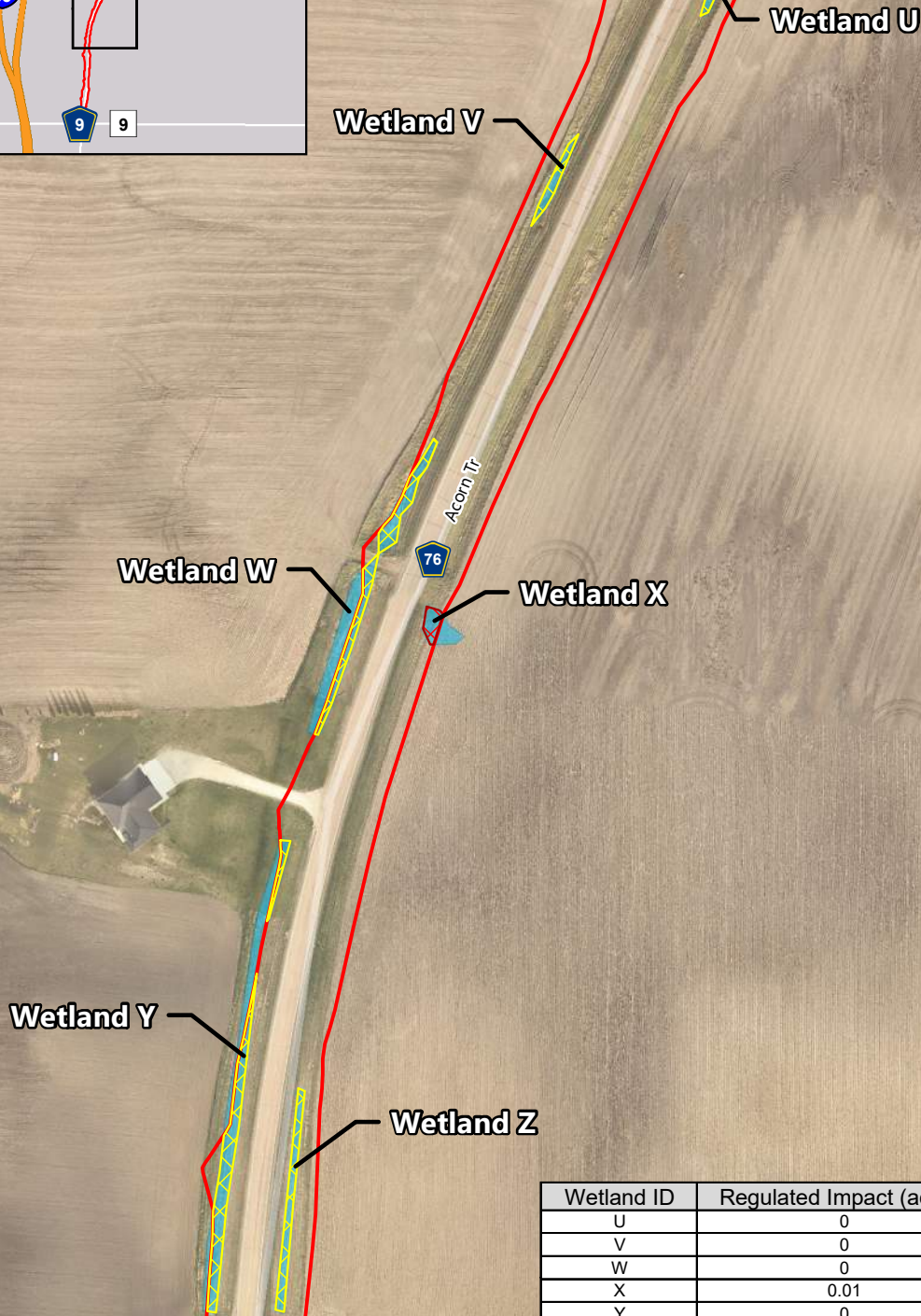


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### Legend

- Regulated Wetland Impact
- Non-Regulated Wetland Impact
- Construction Limits
- Wetland Area



Wetland ID	Regulated Impact (acres)	Non-Regulated Impact (acres)
U	0	0.11
V	0	0.02
W	0	0.07
X	0.01	0
Y	0	0.1
Z	0	0.05
<b>Total</b>	<b>0.01</b>	<b>0.35</b>

ISG

PN: 17-20385

Source(s):

Orthophoto (Rice County, 2016)  
Wetland Delineation (ISG, July 2017)



0 50 100 200  
1 inch = 200 feet  
Feet

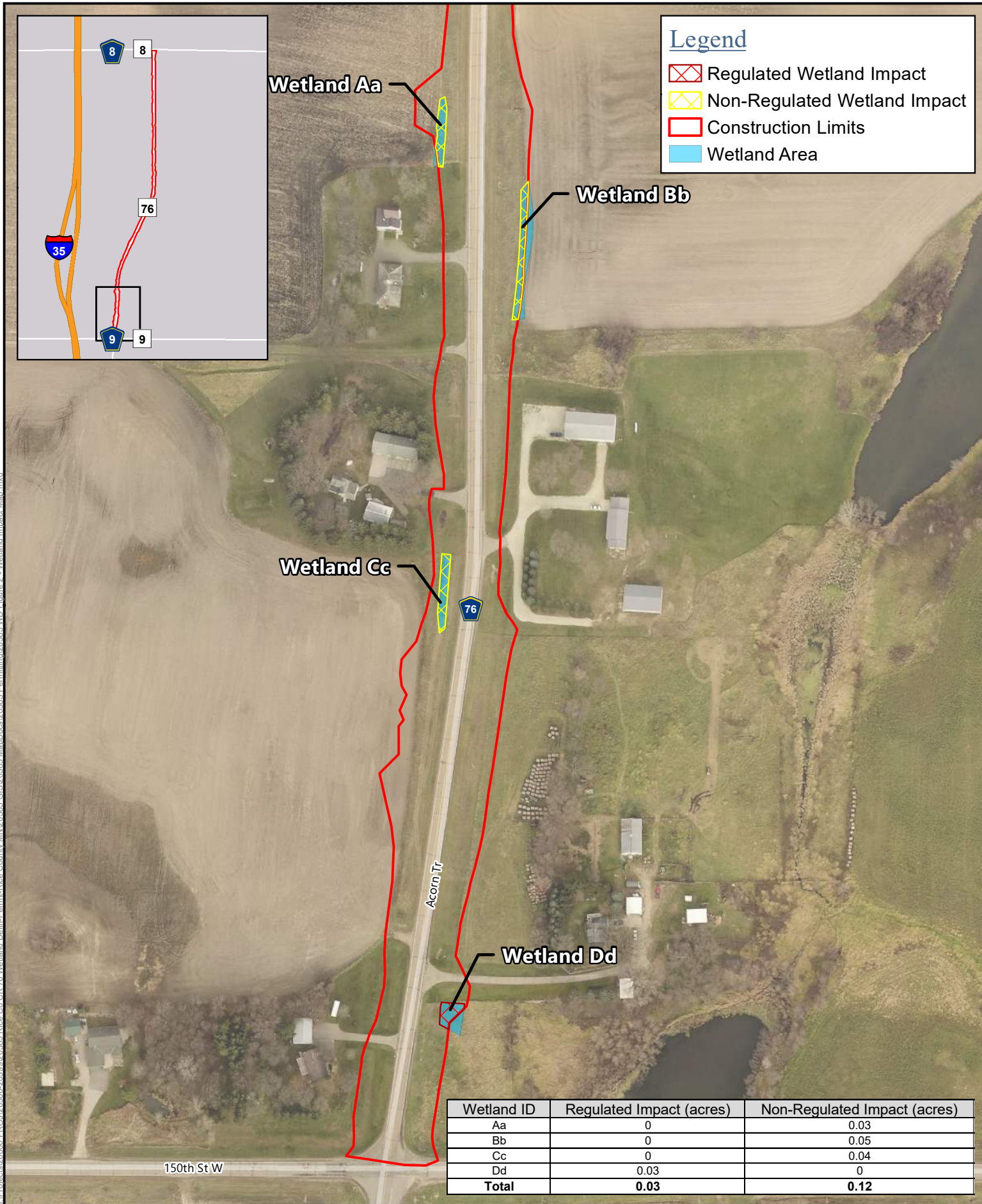
Wednesday, November 7, 2018

Figure 2c

**Wetland Impact Map**  
County Road 76 Reconstruction  
Forest Twp, Rice County, Minnesota



S:\Projects\20000 - PROJ\20385 - 20385\20385 Rice Co CR 76 Wetland Deline-Permit-Rice County MN\20385 GIS\20385 MapDocs\20385 Permit\20385 WD Figure 2 - Wetland Impact Map.mxd



ISG

PN: 17-20385

Source(s):

Orthophoto (Rice County, 2016)  
Wetland Delineation (ISG, July 2017)



0 50 100 200  
1 inch = 200 feet  
Feet

Wednesday, November 7, 2018

Figure 2d

**Wetland Impact Map**  
County Road 76 Reconstruction  
Forest Twp, Rice County, Minnesota



Waters_Name	State	Cowardin Code	Hgm Code	Meas Type	Amount	Units	Waters_Type	Latitude	Longitude
Wetland Aa	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.03	ACRES	EXCLDB3I	44.3754	-93.2872
Wetland Bb	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.05	ACRES	EXCLDB3I	44.37475	-93.2868
Wetland Cc	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.04	ACRES	EXCLDB3I	44.37325	-93.2872
Wetland Q	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.02	ACRES	EXCLDB3I	44.38673	-93.2819
Wetland Ra	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.07	ACRES	EXCLDB3I	44.38532	-93.2821
Wetland Ta	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.15	ACRES	EXCLDB3I	44.38234	-93.2839
Wetland U	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.11	ACRES	EXCLDB3I	44.38055	-93.2848
Wetland V	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.02	ACRES	EXCLDB3I	44.37945	-93.2858
Wetland W	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.07	ACRES	EXCLDB3I	44.37839	-93.2864
Wetland Y	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.1	ACRES	EXCLDB3I	44.37688	-93.287
Wetland Z	MN	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.05	ACRES	EXCLDB3I	44.37665	-93.2868