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): April 30, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): MVP-2018-03712-MMW

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Minnesota  County/parish/borough: Washington County  City: Woodbury
Center coordinates of site (lat/long in degree decimal format): Lat. 44.94333, Long. -92.887065.
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: April 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: Wetland Delineation Report of 10998 – 10608 Hudson Road, Washington County, Minnesota for Dale Properties (December 14, 2018)
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report. Title/Date: Wetland Delineation Report of 10998 – 10608 Hudson Road, Washington County, Minnesota for Dale Properties (December 14, 2018)
☐ 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 8, 10 and/or 12 digit HUC maps. HUC number: .
☐ USGS maps. Scale & quad name and date: .
☒ USDA NRCS Soil Survey. Citation: Washington County Soil Survey, 2016.
☒ USFWS National Wetlands Inventory maps. Citation: National Wetland Inventory, NRCS 2016.
☐ State/Local wetland inventory maps. Citation: .
☐ FEMA/FIRM maps. Citation: .
☒ Photographs: ☒ Aerial. Citation: . or ☐ Other. Citation: Google Earth.
☐ LiDAR data/maps. Citation: .
☐ Previous determinations. File no. and date of jurisdictional determination letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify): NRCS 2016 Contour Map, Public Waters Inventory.

SECTION III: SUMMARY OF FINDINGS

April 30, 2019
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
- 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
- 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
- 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 wetland basins included in this AJD are further than 4,000 feet from a water identified in paragraphs (a)(1)-(a)(5) and are not located within the 100-yr flood plain of a water identified in paragraphs (a)(1)-(a)(3). Ditches do not flow through the wetlands identified in this AJD. The wetlands are not waters of the US due to exceeding the distance threshold.

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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.

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## Aquatic Resources

<table>
<thead>
<tr>
<th>Waters Name</th>
<th>Cowardin Code</th>
<th>Meas Type</th>
<th>Amount</th>
<th>Units</th>
<th>Waters Type</th>
<th>Longitude</th>
<th>Latitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>PEM-PALUSTRINE, EMERGENT</td>
<td>Area</td>
<td>0.54</td>
<td>ACRE</td>
<td>OTHERDIST</td>
<td>-92.88352</td>
<td>44.94313</td>
</tr>
<tr>
<td>Wetland 2</td>
<td>PEM-PALUSTRINE, EMERGENT</td>
<td>Area</td>
<td>0.47</td>
<td>ACRE</td>
<td>OTHERDIST</td>
<td>-92.88504</td>
<td>44.94268</td>
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<tr>
<td>Wetland 3</td>
<td>PEM-PALUSTRINE, EMERGENT</td>
<td>Area</td>
<td>0.64</td>
<td>ACRE</td>
<td>OTHERDIST</td>
<td>-92.88678</td>
<td>44.94289</td>
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</tbody>
</table>
### OTHER NONJURISDICTIONAL WATERS/FEATURES

<table>
<thead>
<tr>
<th>Other NonWater of US Waters/Features</th>
<th>NonWaters/Other NJD Criteria</th>
<th>Rationale for NonWater of US/Feature and Additional Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland 1</td>
<td>Outside distance threshold or 100 yr floodplain</td>
<td>Wetland 1 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water. The closest potential (a)(1)-(a)(5) water to Wetland 1 is Powers Lake, located approximately 6,300 feet to the southwest of Wetland 1. This wetland is not a water of the US due to exceeding the distance threshold.</td>
</tr>
<tr>
<td>Wetland 2</td>
<td>Outside distance threshold or 100 yr floodplain</td>
<td>Wetland 2 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water. The closest potential (a)(1)-(a)(5) water to Wetland 2 is Powers Lake, located approximately 6,600 feet to the southwest of Wetland 2. This wetland is not a water of the US due to exceeding the distance threshold.</td>
</tr>
<tr>
<td>Wetland 3</td>
<td>Outside distance threshold or 100 yr floodplain</td>
<td>Wetland 3 is not located in a 100 year floodplain of an (a)(1)-(a)(3) water and occurs outside of the 4000 foot threshold of an (a)(1)-(a)(5) water. The closest potential (a)(1)-(a)(5) water to Wetland 3 is Powers Lake, located approximately 6,800 feet to the southwest of Wetland 3. This wetland is not a water of the US due to exceeding the distance threshold.</td>
</tr>
</tbody>
</table>