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): SEP 15 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2013-04581-BGO, Willmar Rail Connector and Industrial Access Project

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota  City: Willmar
   County/parish/borough: Kandiyohi County
   Center coordinates of site (lat/long in degree decimal format): Lat. 45.125° N, Long. -95.104° W
   Universal Transverse Mercator: UTM Zone 15
   Name of nearest waterbody: Hawk Creek
   Name of watershed or Hydrologic Unit Code (HUC): 07020004
   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: July 19, 2017
   ☒ Field Determination. Date(s): August 10, 2016

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: Five emergent wetlands were examined, including a review of aerial photography, topographic maps, National Wetland Inventory maps, and observations recorded during a site inspection. The data does not indicate a surface or shallow groundwater connection between these features to waters of the U.S. A site visit on August 10, 2016 confirmed that the waterbodies are geographically isolated. The waterbodies do not support a link to interstate or foreign commerce. The waterbodies are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not jurisdictional under the CWA because the isolated waters lack links to interstate commerce sufficient to serve as a basis for jurisdiction. The five wetland areas described below, and identified in the attachments, are geographically isolated and, therefore, not jurisdictional under the CWA.

Wetland 10 (0.36 acre) and Wetland 46 (0.10 acre) - Wetland 10 is a seasonally flooded basin (Type 1) wetland located north of Trunk Highway (TH) 12 and directly east of 45th St NW, in the northern part of the project area. Wetland 46 is a fresh (wat) meadow (Type 2) wetland that is confined to the bed and banks of the existing roadside ditch located along the east side of 45th St NW. Wetland 10 and Wetland 46 are connected to each other and drain to the south into another wetland area (Wetland 55) that is confined to the bed and banks of the existing drainage ditch located along the north side of the Burlington Northern Santa Fe Railway tracks. Surface flows from Wetland 55 continue to drain east along the drainage ditch located on the north side of the railroad tracks and may continue to two other wetland areas that are also located on the north side of TH 12 (Wetland 13 and Wetland 14). Wetland 55, Wetland 13, and Wetland 14 were previously evaluated as isolated waters and determined to not be jurisdictional under the CWA.

¹ Supporting documentation is presented in Section III.F.
because they lacked links to interstate commerce sufficient to serve as a basis for jurisdiction. These isolated waters were documented in a separate approved jurisdiction determination that was completed on August 25, 2015. Based on this information, Wetland 10 and Wetland 46 have also been determined to be isolated waters that are not jurisdictional under the CWA because they lack links to interstate commerce sufficient to serve as a basis for jurisdiction.

Wetland 21 (0.38 acre) - Wetland 21 is a seasonally flooded basin (Type 1) wetland located on the east side of County State Aid Highway (CSAH) 5, in the central portion of the project area. Wetland 21 appears to flow south along the roadside ditch on the east side of CSAH 5 and into an unnamed tributary to Hawk Creek. However, there is a slight upland rise between Wetland 21 and the unnamed tributary that indicates the upland portions of the roadside ditch actually convey surface runoff to the north, into Wetland 21. There is also a field road located along the north bank of the unnamed tributary that further separates the wetland area from the unnamed tributary. No culverts were located along this segment of the field road during the August 10, 2016 site visit. Based on this information, Wetland 21 has been determined to be an isolated water that is not jurisdictional under the CWA because it lacks links to interstate commerce sufficient to serve as a basis for jurisdiction.

Wetland 22 (0.37 acre) and Wetland 24 (0.07 acre) - Wetland 22 and Wetland 24 are seasonally flooded basin (Type 1) wetlands located on the edge of an agricultural field on the west side of CSAH 5, in the central portion of the project area. The two wetland basins are separated by upland; however, Wetland 24 appears to flow overland into Wetland 22. Based on field observations recorded during the August 10, 2016 site visit, both of these wetland areas are geographically isolated and there are no other outlets that could convey flows from Wetland 22. Based on this information, Wetland 22 and Wetland 24 have been determined to be isolated waters that are not jurisdictional under the CWA because they lack links to interstate commerce sufficient to serve as a basis for jurisdiction.

Please note that the remainder of the aquatic resources shown on the attachments have been addressed in other jurisdictional determinations, including the previous approved jurisdiction determination that was completed on August 25, 2015. The review area for this jurisdictional determination is limited to the delineated boundaries of Wetland 10, Wetland 46, Wetland 21, Wetland 22, and Wetland 24, as shown on the attached figures labeled MVP-2013-04581-BGO, Page 1-6 of 6.
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: July 2016 Wetland Delineation Report
☒ 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: USGS 1:24K Solomon Lake Quad
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Kandiyohi County
☒ National wetlands inventory map(s). Cite name: 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 2015
☐ 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: N/A
Willmar Rail Connector & Industrial Access Project
S.P. 3403-74
Figure 2: USGS Project Location
Willmar, MN