

**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):** **OCT 19 2017**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** CEMVP-OP-R, 2014-01624-BGO

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

State: Minnesota County/parish/borough: Brown and Nicollet City: New Ulm

Center coordinates of site (lat/long in degree decimal format): Lat. 44.325° N, Long. -94.449° W.

Universal Transverse Mercator: UTM Zone 15N

Name of nearest waterbody: Minnesota River

Name of watershed or Hydrologic Unit Code (HUC): 07020007

☒ 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: 27 Sep 17

☐ 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):<sup>1</sup>

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetland Basin 16, as shown on the attached figures labeled MVP-2014-01624-BGO 28 SEP 17 AJD Attachments, Page 1-7 of 7, is a 1.23 acre stormwater pond that was designed and constructed in uplands by the Minnesota Department of Transportation in 1995 and, therefore, is not jurisdictional under the CWA. This was confirmed by reviewing historical aerial photography from 1991, which shows the stormwater pond was constructed where the Trunk Highway 14 roadway corridor was located prior to 1995. The non-jurisdictional determination for this stormwater pond is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), which states that the Corps generally does not consider the following waters to be Waters of the United States; "Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing."

Please note that the remainder of the aquatic resources shown on the attachments have been addressed in other jurisdictional determinations. The review area for this jurisdictional determination is limited to the delineated boundaries of Wetland 16, as shown on the attached Figure 6G (MVP-2014-01624-BGO 28 SEP 17 AJD Attachments, Page 7 of 7).

**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

<sup>1</sup> 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): **Wetland Basin 16 is a stormwater pond that was constructed in uplands and, therefore, is not a Water of the United States pursuant to the preamble to the Corps 1986 regulations (33 CFR Parts 320-330).**

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:      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):

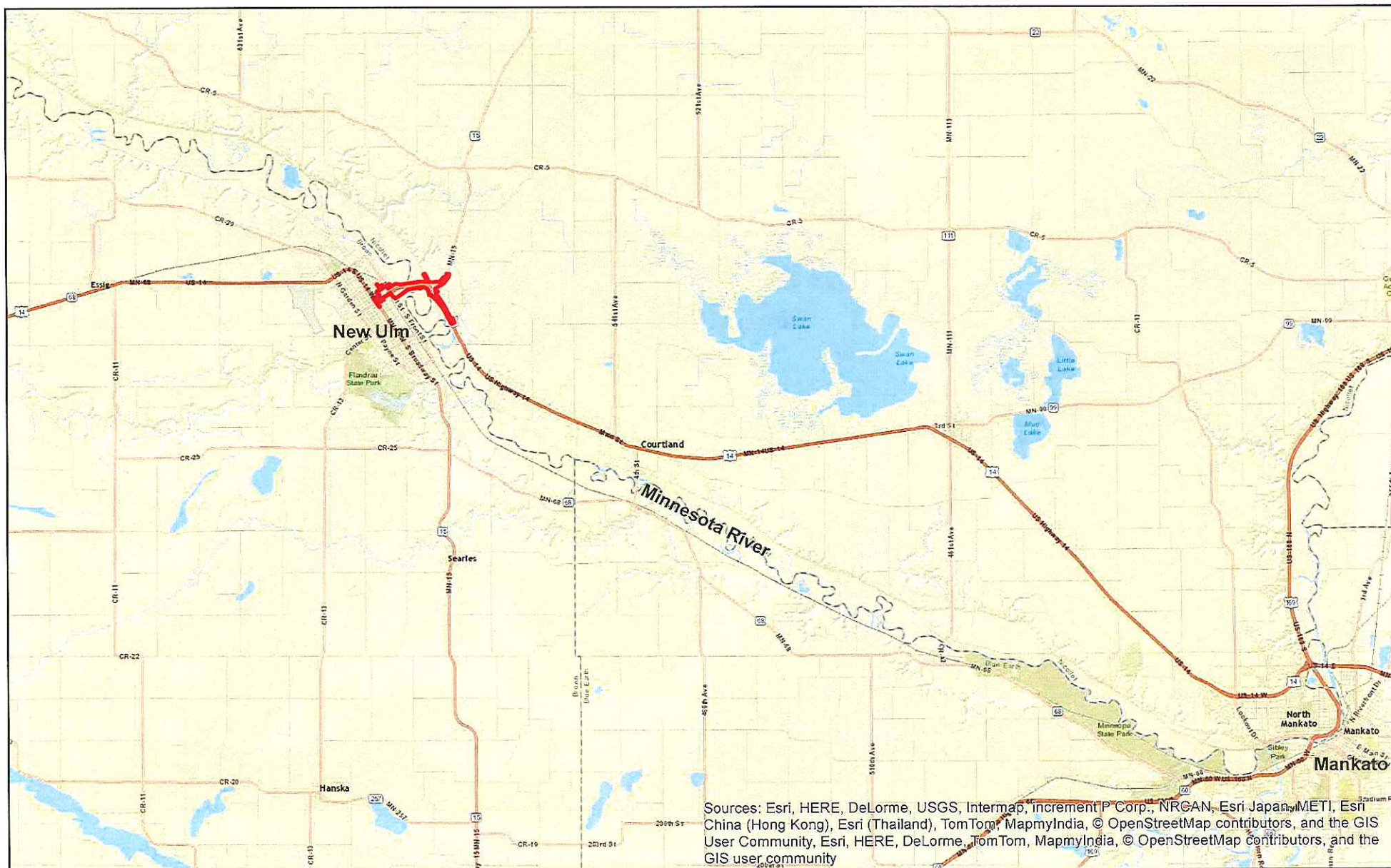
- ☐ Non-wetland waters (i.e., rivers, streams):      linear feet,      width (ft).
- ☐ Lakes/ponds:      acres.
- ☐ Other non-wetland waters:      acres. List type of aquatic resource:      .
- ☐ Wetlands:      acres.

#### 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: TH 14 and 15 Interchange and Bridge Replacement Wetland Delineation Report, Amended January 2016
- ☒ 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 New Ulm Quad
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Nicollet 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 1991 and 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



## Legend

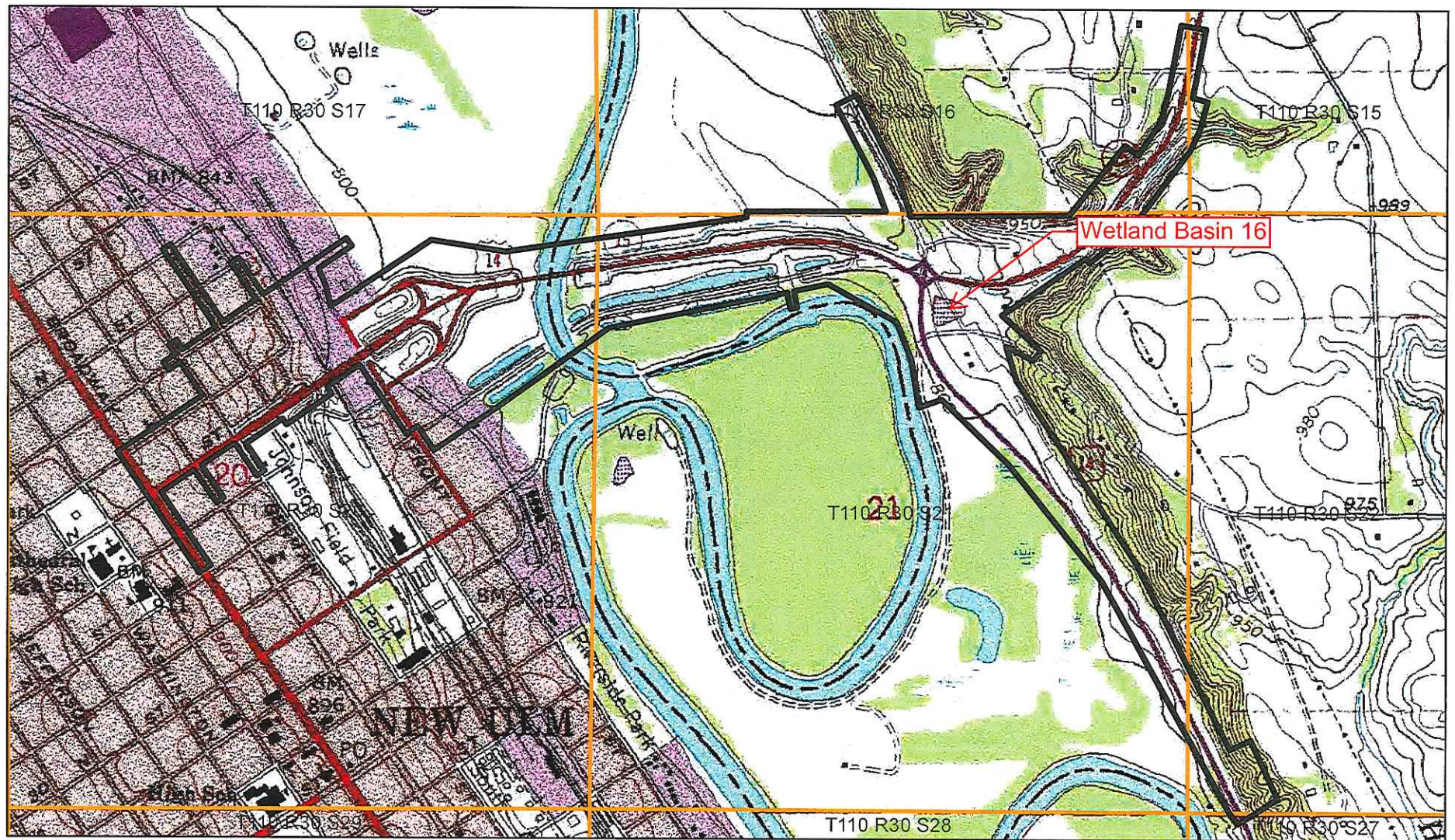
Project Limits

## Minnesota Department of Transportation New Ulm - TH 14/15 Intersection Improvement Project Location Figure 1



0 1 2 4 6 Miles





## Legend

-  Project Limits
-  Public Land Sections



Minnesota Department of Transportation  
 New Ulm - TH 14/15 Intersection Improvement  
 Project Location / USGS Topography  
 Figure 2





## Legend

- Project Limits
- PWI Wetlands
- NWI Wetlands

L2UBG: Lacustrine/Littoral/Unconsolidated Bottom/Intermittently Exposed  
 PEMA: Palustrine Emergent/Temporarily Flooded  
 PEMC: Palustrine Emergent/Seasonally Flooded  
 PEMF: Palustrine Emergent/Semipermanently Flooded  
 PFO1C: Palustrine Forested/Deciduous/Seasonally Flooded  
 PSS-C: Palustrine Shrub Scrub/Seasonally Flooded  
 PUB: Palustrine Unconsolidated Bottom  
 R2UBH: Riverine/Unconsolidated Bottom/Permanently Flooded

Minnesota Department of Transportation  
 New Ulm - TH 14/15 Intersection Improvement  
 National Wetland Inventory (NWI) Wetlands  
 Figure 3



0 500 1,000 2,000 3,000 Feet





 Project Limits  
 Public Land Survey Sections

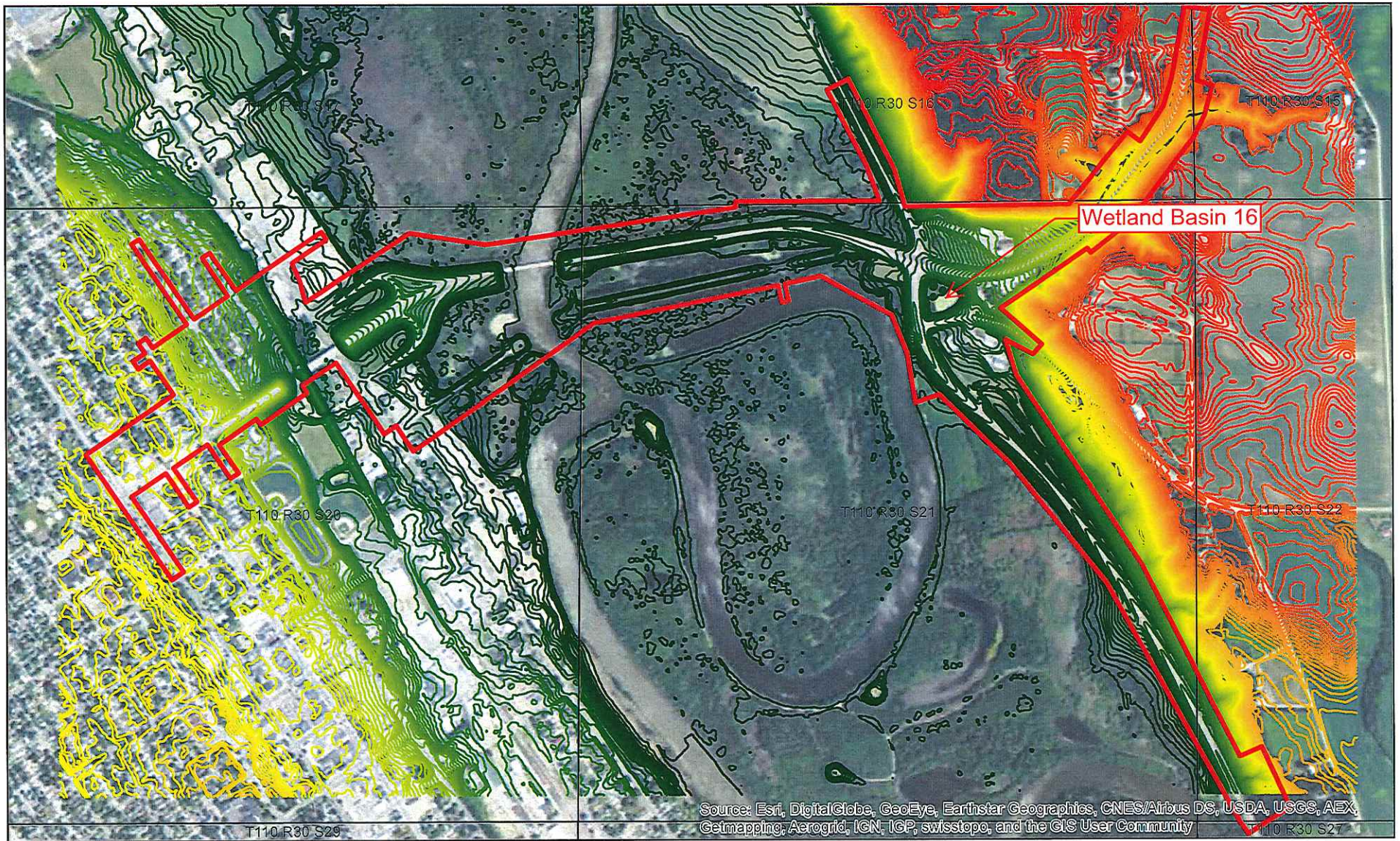
Hydric (100%)  
Mostly Non-Hydric Soils (1 to 32%)  
Not Hydric (0%)  
Predominantly Hydric (66 to 99%)  
Water

HBR



0    550    1,100    2,200    3,300

Feet



# Legend

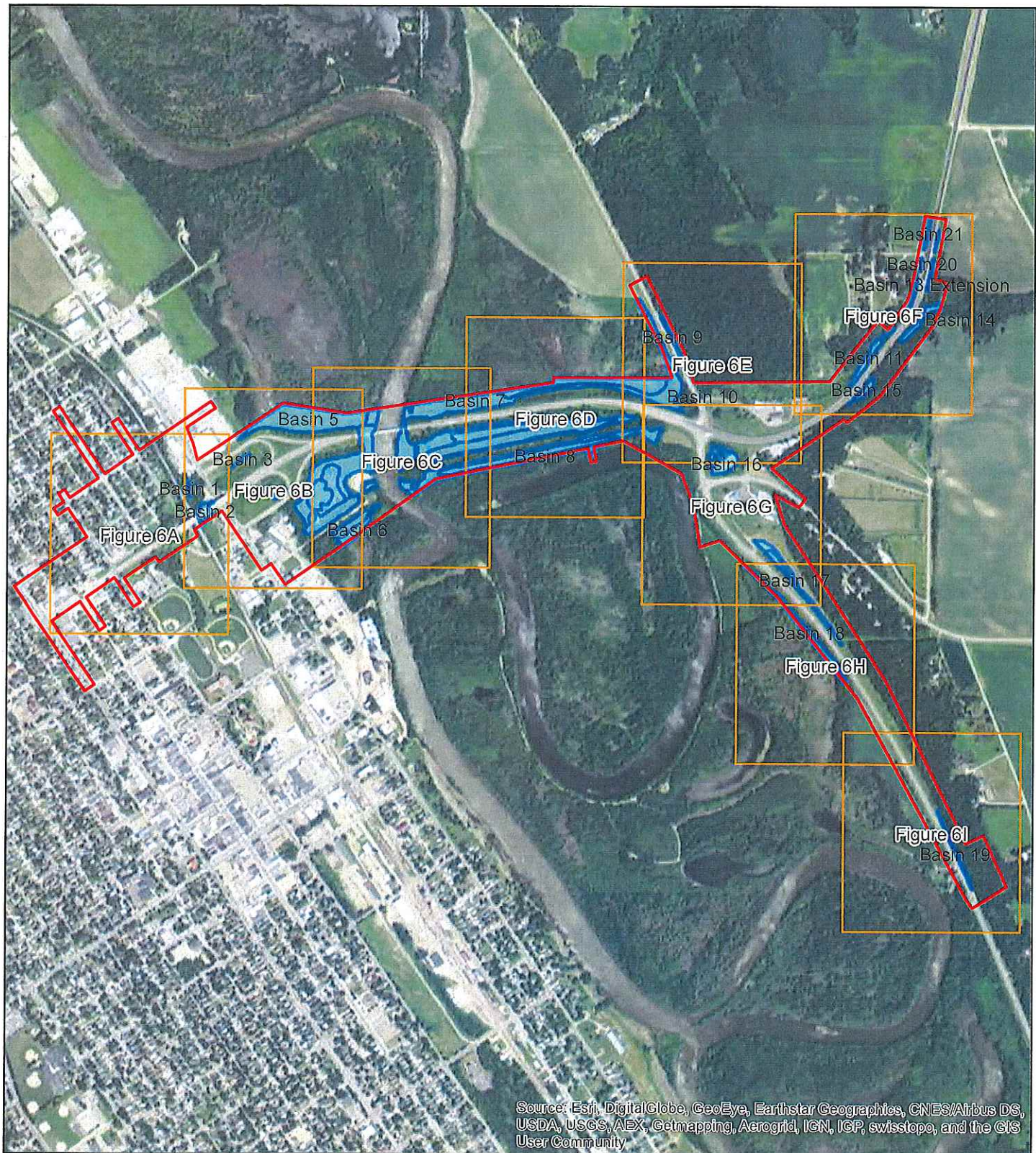


Minnesota Department of Transportation  
New Ulm - TH 14/15 Intersection Improvement  
2 Foot Contours (Lidar)  
Figure 5



0 550 1,100 2,200 3,300 Feet





Minnesota Department of Transportation  
 New Ulm - TH 14/15 Intersection Improvement  
 Delineated Wetlands and Wet Basins  
 Figure 6

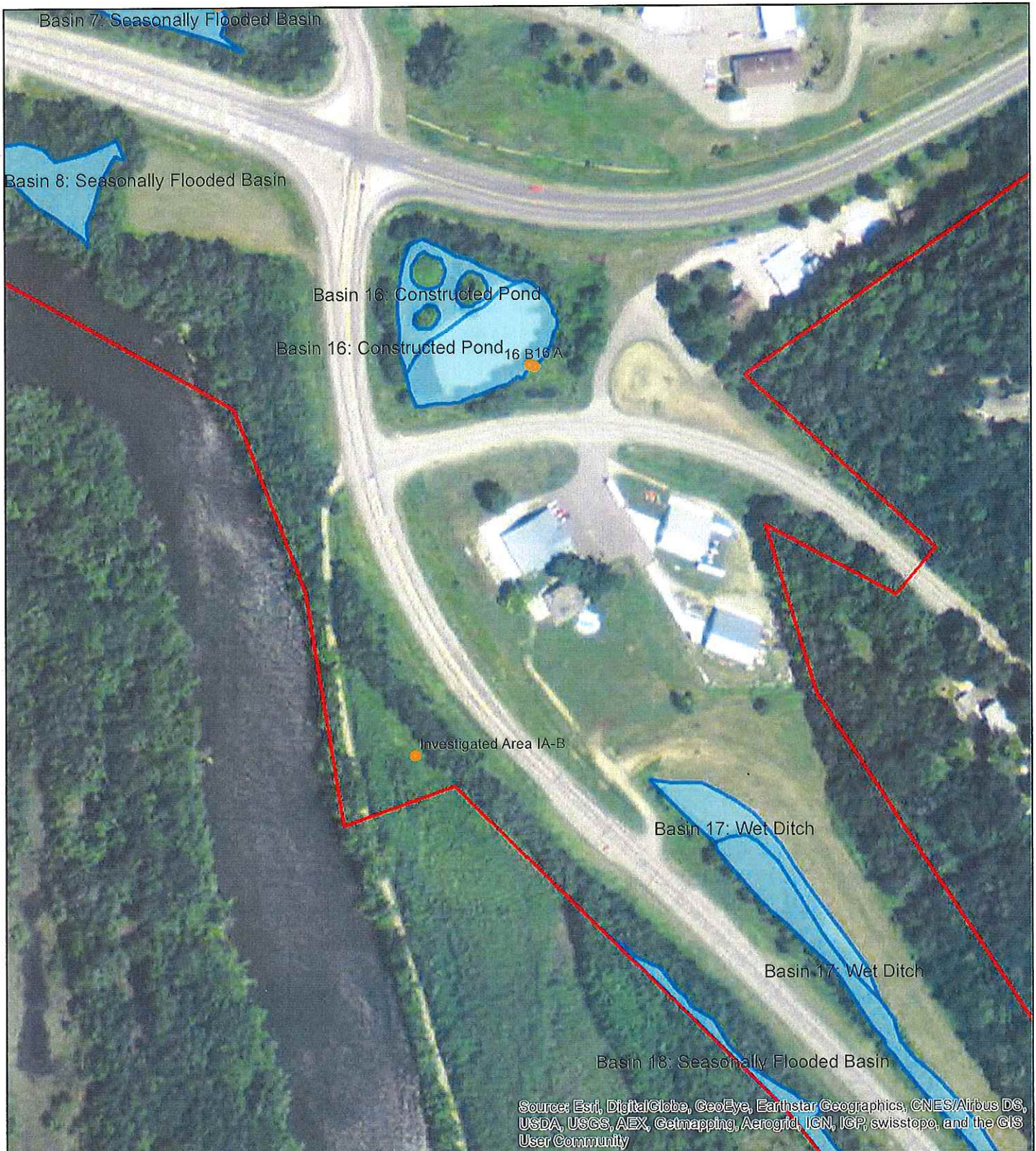
# Legend

 Delineated Wetlands



0 950 1,900 3,800 5,700 Feet





## Legend

- Sample Points
- Project Limits
- Delineated Wetlands



0 170 340 680 1,020  
Feet

Minnesota Department of Transportation  
New Ulm - TH 14/15 Intersection Improvement  
Delineated Wetlands NW

Figure 6G

