SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 10, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-02471-JTB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota  County/parish/borough: Hennepin  City: Eden Prairie
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.888355° N, Long. -93.460418° W
   Universal Transverse Mercator: 15
   Name of nearest waterbody: Purgatory Creek
   Name of watershed or Hydrologic Unit Code (HUC): 07020012
   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: August 7, 2017
   ☐ 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 for this AJD is located on the enclosed figures labled MVP-2017-02471-JTB Page 1 of 5 through Page 5 of 5.

      Wetland 1 does not have a surface or shallow sub-surface hydrologic connection to any navigable waters or their tributaries. The wetland is surrounded by upland, and has no swales, pipes or other means to connect it to waters of the U.S. Although the wetland is bordered by railroad tracks and a road, the topography shows water does not flow out of this basin. The road and railroad tracks do not have adjacent ditches in this area and don't provide a hydrologic connection to other waters. We have determined this wetland is an isolated depression and not considered to be a water of the U.S.

      Wetland 1 does not support a link to interstate or foreign commerce because it is not known to be used by interstate or foreign travelers for recreation or other purposes; it does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. This wetland does not have an ecological connection to other waters within or adjacent to the review area. The waterbody has been determined to not be jurisdictional under the CWA.

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

¹ Supporting documentation is presented in Section III.F.
C. SIGNIFICANT NEXUS DETERMINATION: N/A

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 - 1.69 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: Critical Connections
☐ 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: 1:24K HOPKINS
☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
☐ National wetlands inventory map(s). Cite name: USFWS NWI and MnDNR 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 2013
       or ☑ Other (Name & Date): Google Earth 03/2016
☐ 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: .
Tiller Corporation: Eden Prairie Site
Wetland Delineation
Site Locator Map
Appendix A, Figure 1
Tiller Corporation: Eden Prairie Site
Wetland Delineation
National Wetland Inventory Map
Appendix A, Figure 2
Tiller Corporation: Eden Prairie Site
Wetland Delineation
SSURGO Soils Hennepin County
Appendix A, Figure 3

Soil Symbol

- L2C - Tomall - Sandy Loam - Somewhat excessively drained
- L2E - Tomall - Sandy Loam - Somewhat excessively drained
- L50A - Houghton Muck - Somewhat excessively drained
- U4A - Urban Soil
- All Hydric
- Project Boundary

Critical Connections
Ecological Services, Inc.
Tiller Corporation: Eden Prairie Site
Wetland Delineation
LIDAR Elevation Data
Appendix A, Figure 4