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): APR 08 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2005-00218-ADB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota  County/parish/borough: Anoka  City: Columbus

Center coordinates of site (lat/long in degree decimal format): Lat. 45.23792° N  Long. -93.03437° W

Universal Transverse Mercator: 15

Name of nearest waterbody: Rice Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region 07010206

☐ 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: March 28, 2016

☒ Field Determination. Date(s): August 17, 2015

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: There are multiple wetlands within the review area, but this isolated JD is only regarding waterbodies 7, 8, 9, 10, 11, 12, 13, 14, 15, 25, 30, 31, 34 and the storm pond. The agent submitted additional information regarding the history of the site and pipe connections on March 2, 2016. Based upon the additional information, a review of aerial photographs, topographic, hydrologic and NWI maps, Ramsey County Soil Survey and a site visit on August 17, 2015 these waterbodies are hydrologically isolated from any surface water connection to a water of the U.S. They are completely surrounded by upland soils. They are determined to not be jurisdictional under the CWA because they lack the links to interstate commerce sufficient to serve as a basis for jurisdiction. The waterbodies do not support a link to interstate or foreign commerce because they are not known to be used by interstate or foreign travelers for recreation or other purposes; they do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. These waterbodies were excavated in upland areas in the mid 1960's as part of a trout rearing business. The storm pond was excavated in uplands when Gander Drive was constructed.

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

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

¹ Supporting documentation is presented in Section III.F.
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: 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: 7=0.1ac, 8=0.2ac, 9=0.1ac, 10=0.1ac, 11=0.1ac, 12=0.1ac, 13=0.1ac, 14=0.1ac, 15=0.1ac, 25=0.3ac, 30=0.1ac, 31=0.1ac, 34=0.1, storm pond=0.2acres.

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:
☒ Date 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:
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name:
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:
☒ National wetlands inventory map(s). Cite name:
☒ State/Local wetland inventory map(s):
☒ FEMA/FIRM maps:
☒ 100-year Floodplain Elevation is: [National Geodetic Vertical Datum of 1929]
☒ Photographs: ☐ Aerial (Name & Date);
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:
Figure 6a
2007 and 2015 Wetland Delineation Boundaries
Overlaid on 2014 Aerial Photo

Project Number 2015-012
Trout Air
Columbus, MN
Figure 6b
2007 and 2015 Wetland Boundaries
Overlaid on 2014 Aerial Photo

2007 Wetland Boundary
2015 Wetland Boundary
Stormwater Pond
6 inch LiDAR contours

Project Area
Sampling Points

2007 and 2015 Wetland Boundaries
Overlaid on 2014 Aerial Photo

Project Number 2015-012
Trout Air
Columbus, MN

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community