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): September 1, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Minnesota
County/parish/borough: Dodge
City: Kasson
Center coordinates of site (lat/long in degree decimal format): Lat. 44.02036° N, Long. -92.74815° W.
Universal Transverse Mercator:
Name of nearest waterbody: unnamed tributary
Name of watershed or Hydrologic Unit Code (HUC): 07040004
☐ 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 25, 2017
☒ Field Determination. Date(s): August 16, 2017

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: This approved jurisdictional determination (AJD) is only applicable for the area within the boundaries of the waterbodies that are identified as Ditch 2 within the project area and thus excludes the remainder of the project area. All other areas within the project area, including Wetlands 1, 2 North, and 3 are covered with a preliminary jurisdictional determination (PJD). Ditch 2 is approximately 0.15 acre in size within the project area. The ditch contains wetland characteristics and was delineated as a wetland (Wetland 2 South) within a ditch. It is situated to the east of South Mantorville Avenue (245th Avenue) and south of an access road located at approximately latitude 44.02078 and longitude -92.7490. The ditch was created as a result of the construction of South Mantorville Avenue. The soils within the area of Ditch 2 have been identified by the Natural Resource Conservation Service as predominantly non-hydric. The United States Geologic Survey did not identify any historical aquatic resources in the area of Ditch 2. The ditch is currently fed by the stormwater pond that is located approximately 700 feet southeast of the beginning of Ditch 2 (latitude 44.0200, longitude -92.7490). In 2003, when the stormwater pond was created in upland, excavation of the ditch occurred in order to allow it to transmit overflow from the stormwater pond. This is likely when hydrology allowed wetland characteristics to form in the ditch. The ditch and the wetlands that are a part of the ditch were created in upland. The preamble of the 1986 Regulations of 33 CFR Parts 320 through 330 states, with respect to the interpretation of the definition of waters of the U.S. given by 33 CFR 328.3, that non-tidal drainage and irrigation ditches excavated on dryland are generally not intended to be considered waters of the U.S. Further clarification is provided in the December 2, 2008 Revised Guidance on Clean Water Act Jurisdiction following the Supreme Court Decision in Rapanos v. U.S. and Carabell v. U.S. issued jointly by the Corps and EPA which indicates that ditches excavated wholly in and draining only uplands that do not carry a relatively permanent flow of water are not waters of the U.S. The ditch, which exhibits wetland characteristics, was created in upland, drains uplands, and does not carry a relatively permanent flow of water. Therefore, it is not considered a

¹ Supporting documentation is presented in Section III.F.
water of the U.S. and is not jurisdictional for the Corps. See the enclosed drawings labeled MVP-2017-01812-MJB (Approved Jurisdictional Determination) Page 1-2 of 2 for the ditch and associated wetland identified.

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

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): See Section II. B. 2.

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: WHKS application and delineation
   - Office concurs with data sheets/delineation report.
   - Office does not concur with data sheets/delineation report.
   - Data sheets prepared by the Corps:
   - U.S. Geological Survey Hydrologic Atlas:
   - U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Quad Byron
   - USDA Natural Resources Conservation Service Soil Survey. Citation: Dodge County Soil Survey
   - National wetlands inventory map(s). Cite name:
   - FEMA/FIRM maps:
   - USGS 8 and 12 digit HUC maps.
   - Previous determination(s). File no. and date of response letter:
   - Applicable/supporting case law:
B. ADDITIONAL COMMENTS TO SUPPORT JD:
FIGURE 2.1
PROJECT LOCATION MAP

SOUTH MANTORVILLE AVENUE
WETLAND DELINEATION

WHKS No. 8316
FIGURE 3.1
FINDINGS MAP

SOUTH MANTORVILLE AVENUE
WETLAND DELINEATION

WHKS No. 8316

Legend
Sample Points
- Upland
- Wetland
- Delineated Wetlands

Continuation of waterway to the north
Wetland 2 North
Access Road that divides Wetland 2 North and Ditch 2/Wetland 2 South. Where Ditch 2 drains into waterway
Ditch 2/Wetland 2 South

USGS waterway, no OHWM
Wetland 1

Ditch

Wetland 3

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