SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 13, 2017


C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota  County/parish/borough: Washington  City: Grant
   Center coordinates of site (lat/long in degree decimal format): Lat. 45.118517° N, Long. -92.902827° W
   Universal Transverse Mercator:
   Name of nearest waterbody: Silver Creek
   Name of watershed or Hydrologic Unit Code (HUC): 07030005 Upper Mississippi Region
   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: November 17, 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): ☑
      Explain: There is one wetland, Wetland A, within the project area on the enclosed figures labeled MVP-2017-03838-MMW Pages 1 through 4, identified as a Palustrine Emergent (PEMBx) wetland, that extends off the site to the east and southeast, where it joins into a larger wetland basin with open water. Directly to the north across 117th Street North, there is an open water wetland mapped on the US Fish and Wildlife National Wetland Inventory (NWI) as PABG and PEM1 wetland, that continues to extend to the west across Keats Avenue North. A review of aerial and historic photography, the NWI, the USDA-NCSS Soil Survey, and topography determined that Wetland A within the project area, while connected to surrounding wetlands, has no surface or subsurface hydrologic or ecological connections to a water of the US. The waterbody 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; 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. We have determined that Wetland A within the project area is isolated from any waters of the US and therefore not jurisdictional under the Clean Water Act.

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

1 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):

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 A, approximately 1.76 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: Bopray Environmental Wetland Delineation Report, 4-Acre Building Site, Keats Ave N and 117th St N, October 27, 2017
   - 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 White Bear Lake East
   - USDA Natural Resources Conservation Service Soil Survey. Citation: Washington County Soil Survey
   - National wetlands inventory map(s). Cite name: USFWS NWI & 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): Google Earth
     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): Washington County LiDAR data, MnTOPO

B. ADDITIONAL COMMENTS TO SUPPORT JD: