

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): 4-19-2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District, Mary Kidwiler JD Request, NWO-2012-483-PIE

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Isolated Wetlands

UTM Zone	14
UTM X Coordinate	664553.91
UTM Y Coordinate	4833979.71
PLSS Meridian	Fifth Principal
PLSS Township	102 N
PLSS Range	51 W
PLSS Section	16

State: South Dakota County/parish/borough: Minnehaha City: Hartford
Center coordinates of site (lat/long in degree decimal format): Lat. 43.64061° N, Long. -96.95984° W.

Universal Transverse Mercator: 14

Name of nearest waterbody: NRCS identified "PC"/"FW" wetlands

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None (Waters are Isolated)

Name of watershed or Hydrologic Unit Code (HUC): 10170203

- 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:
 Field Determination. Date(s): March 14, 2012

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. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

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. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

2. **Non-regulated waters/wetlands (check if applicable):³**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The review area includes three isolated wetland complexes (Sites # 1, 2 & 3) in an approximate ¼ section of agricultural property that are landlocked by undulating topography with no surface water drainage outlets. The topography at each of these sites is gradual sloping to (toward) the depressional areas (“pc” “fw” wetlands/ditches) located at low points in the landscape where hydrology is seasonally concentrated – surrounded by uplands. It is apparent that these wetlands are drained by subsurface agricultural drain tile systems that have been in place for years. There is no recreational or industrial use of the wetland or associated ties to interstate commerce. There is no information available to show the wetland (1) is or could be used by interstate or foreign travelers for recreational or other purposes, (2) produces fish or shellfish which are or could be taken and sold in interstate or foreign commerce, or (3) is or could be used for industrial purposes by industries in interstate commerce in any measureable capacity

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: Site #2 consisting of two interconnected NRCS “PC” wetlands - .2 acre
Site #3 consisting of one NRCS “PC” wetland and drainage ditch terminating in upland - .5 acre
Site #4 consisting of two interconnected NRCS “PC” and “FW” wetlands - .8 acre

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: [Approved JD request](#)
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. [NRCS Wetland Map](#)
 - 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 : 24,000 – [Hartford, SD](#).
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: [Hartford](#).
- 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 2012](#)
or Other (Name & Date): [Field Visit 3/14/12](#).
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .

³ Supporting documentation is presented in Section III.F.

Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: [See NRCS wetland map attached.](#)

