



Identification of Aquatic Resources

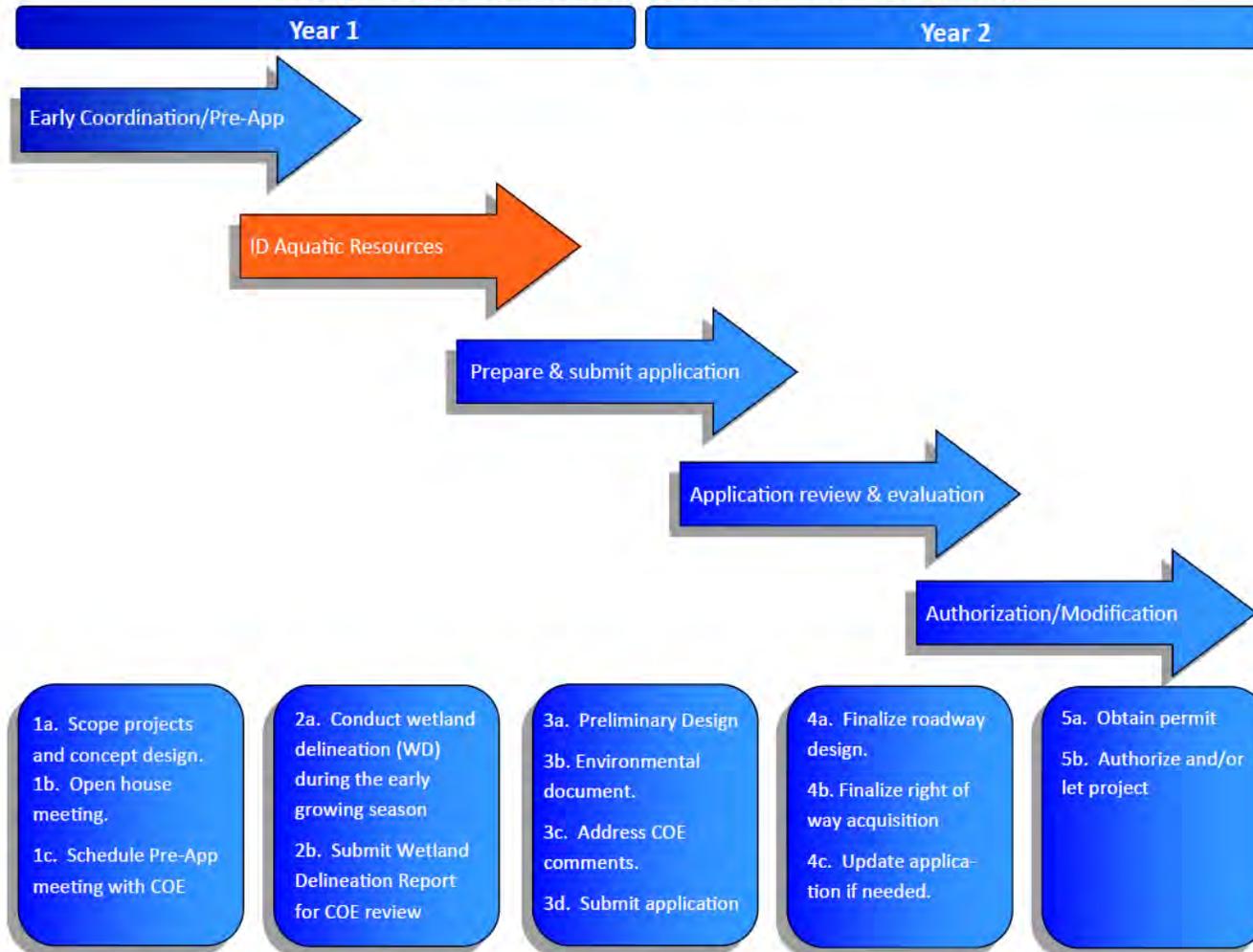
Reference Guide Sections 4.4, 4.5 and 4.6

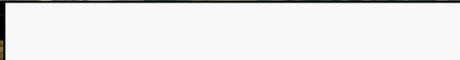
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Presentation Outline

- Identification of Aquatic Resources
- Wetlands
- Non-wetland Waters
- Requesting Approvals

Example Project Schedule for Water Resources Permitting





Aquatic Resources

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Wetland Identification

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Corps of Engineers and EPA definition

Wetlands are sometimes wet areas where people meet to argue.

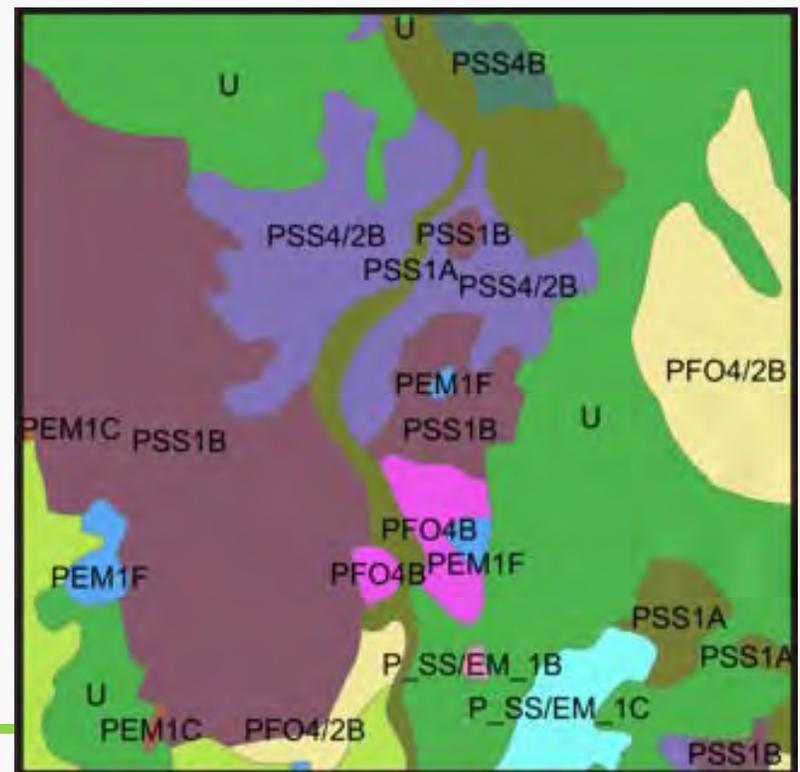
-Greg Larson, Soil Scientist

Wetland Delineation Methods

CAUTION:

National Wetland
Inventory Maps are
NOT a wetland
delineation!

National Wetland Inventory Map

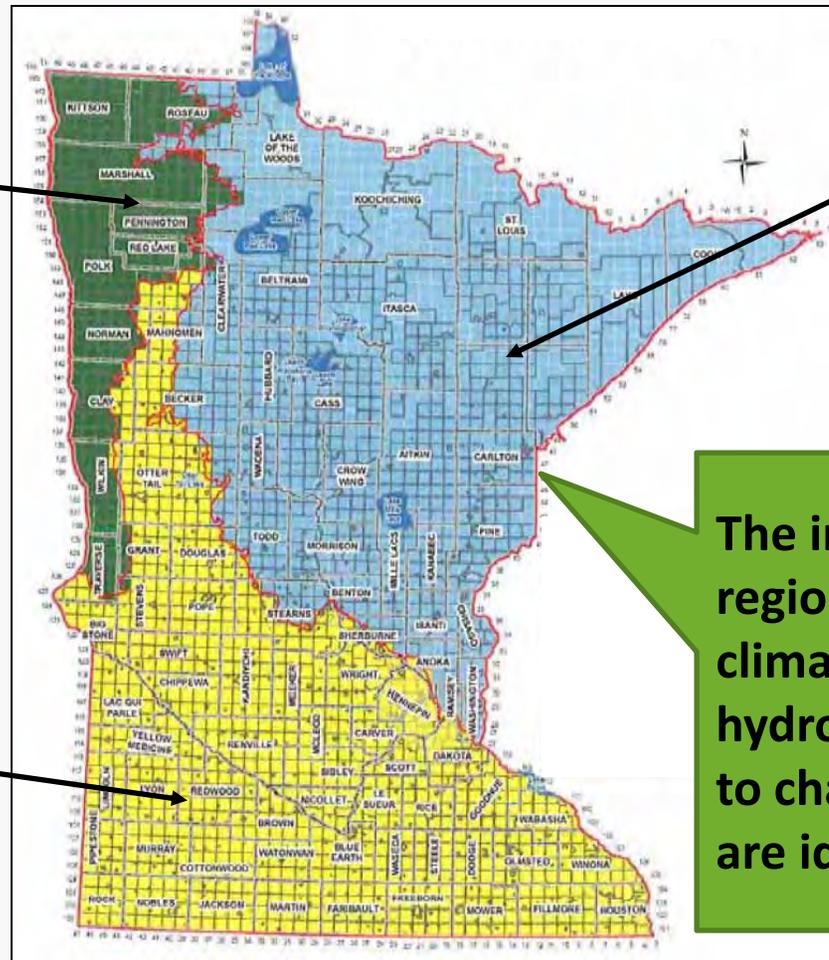
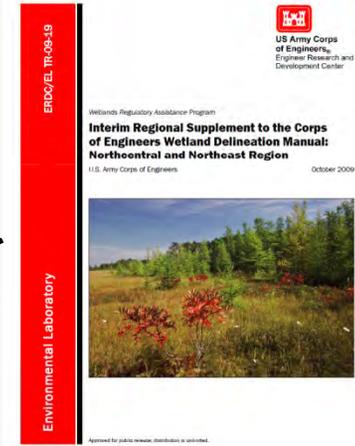


Regional Supplements

Great Plains



North Central/Northeast



Midwest



The intent is to recognize regional differences in climate, geology, soils hydrology and plants, not to change how wetlands are identified.

Wetland Delineation Methods

The Routine Method

Level 1

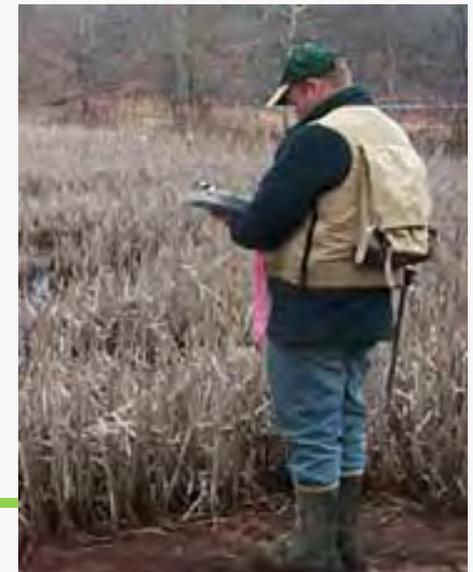
- Onsite Inspection Unnecessary

Level 2

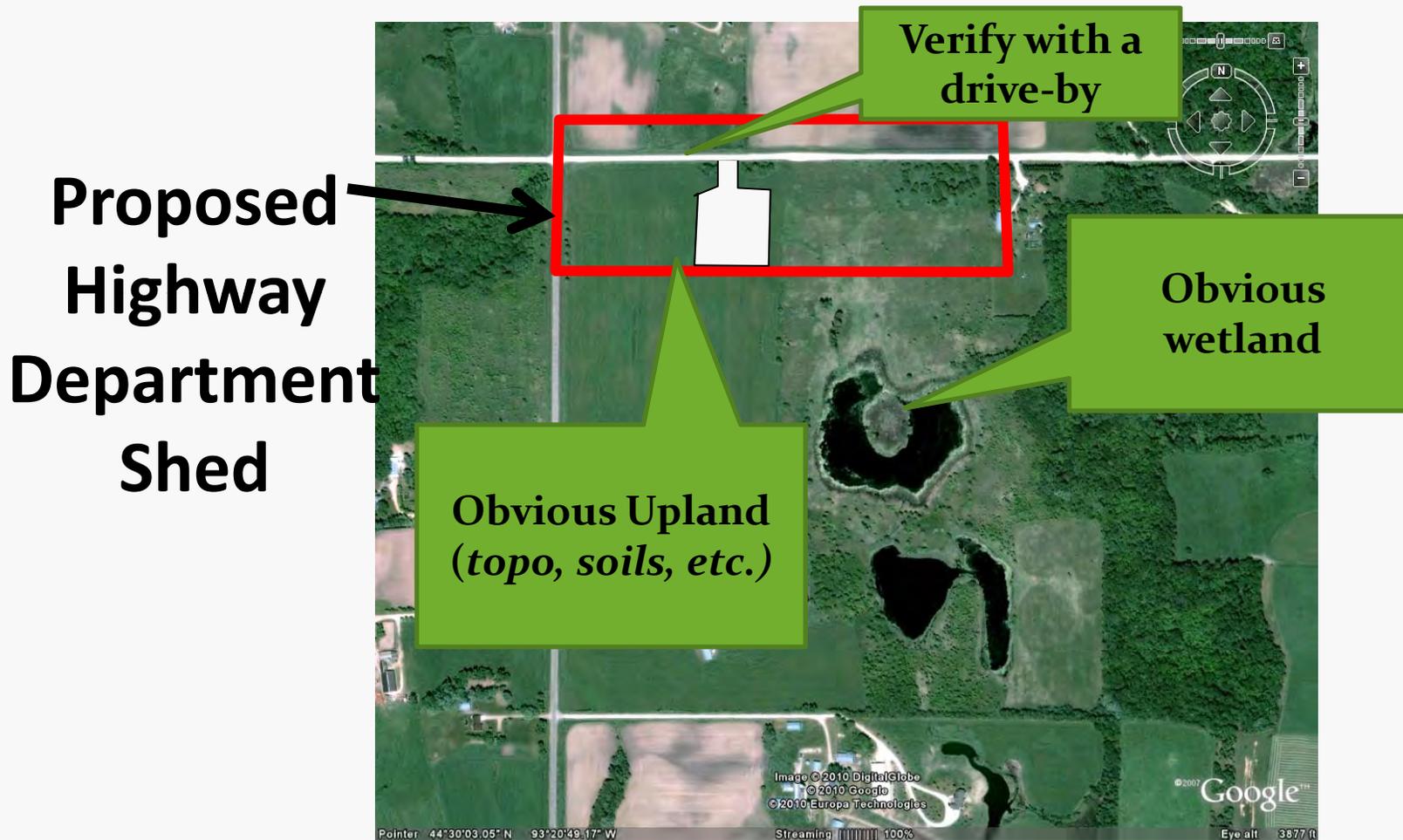
- Onsite Inspection Necessary

Level 3

- Combination of Levels 1 and 2



Routine Level 1 Example



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4/23/2014

Routine Level 1 Example

Proposed road improvement project through large wetland, all acknowledge wetland existence



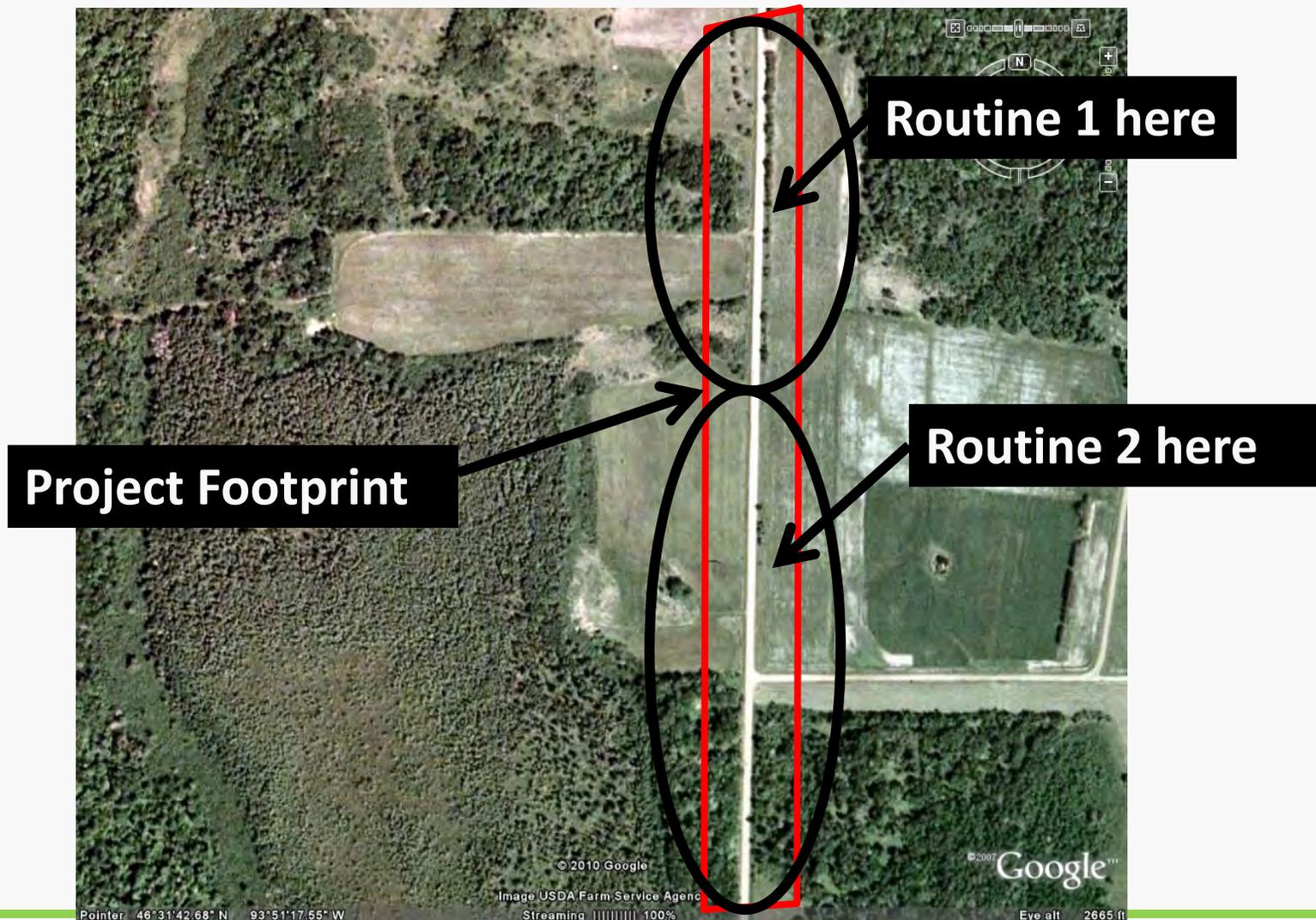
Routine Level 2 Example

Proposed highway upgrade
next to wetlands



Routine Level 2 is most common
wetland delineation method
used for road projects

Routine Level 3 Example



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Pointer 46°31'42.68" N 93°51'17.55" W

© 2010 Google
Image USDA Farm Service Agency
Streaming 100%

Google

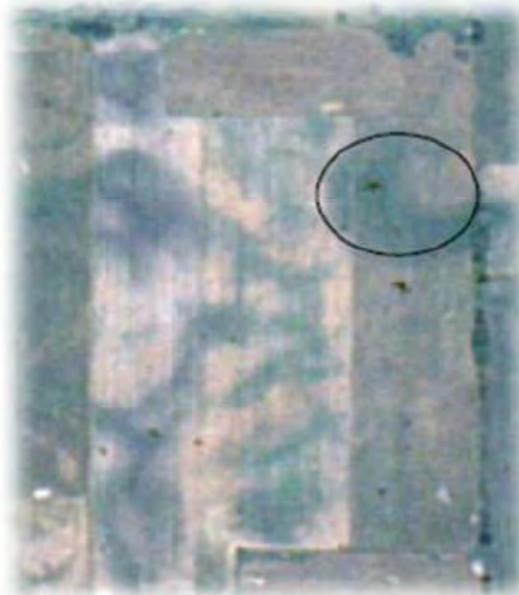
Eye alt 2665 ft

MN Mapping Conventions

Farm Service Agency Aerial Slides (Annual)



1980



1989



2006



Ag land wetlands: Early growing season



Ag land wetlands: Late growing season

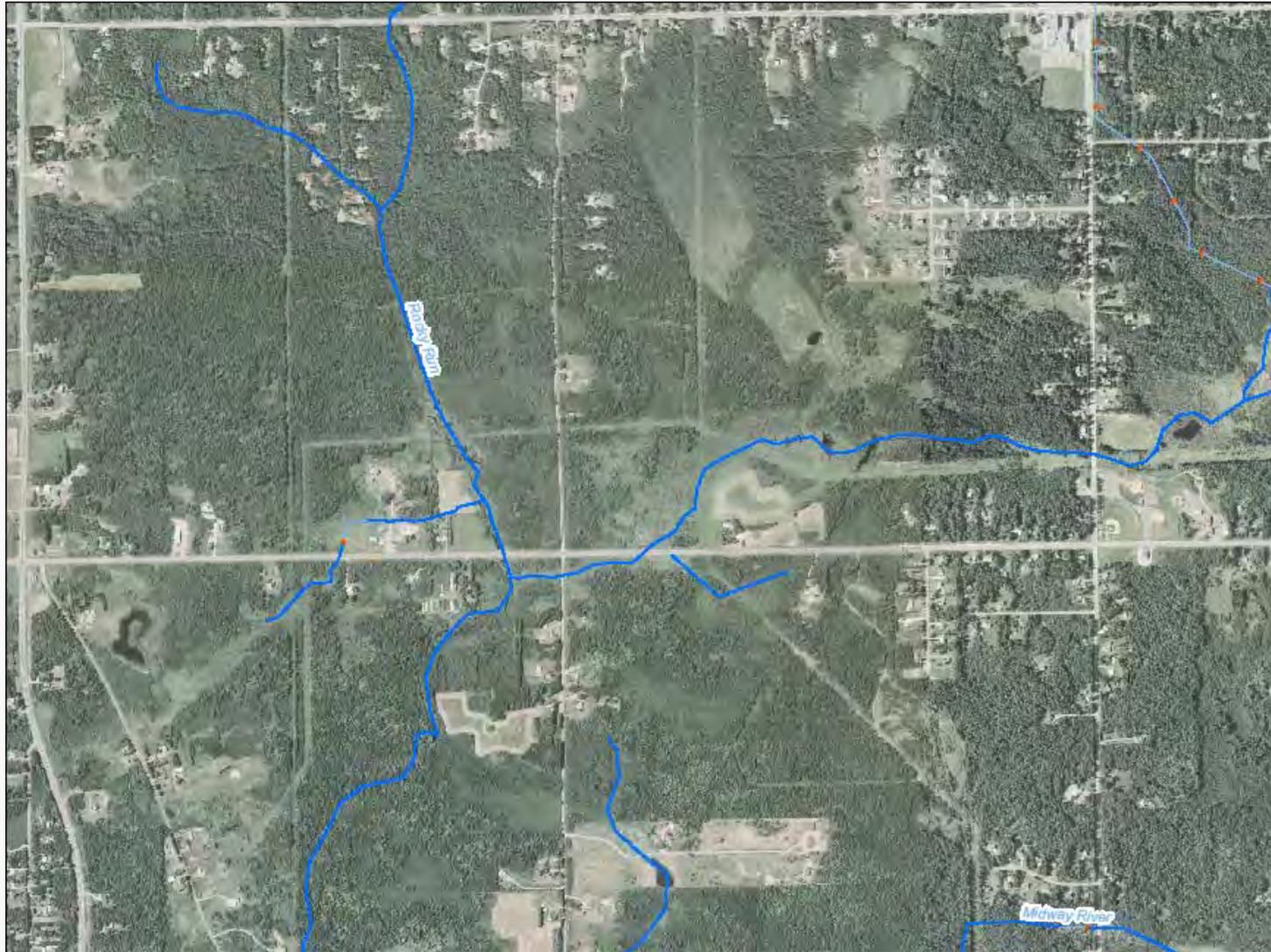
Identification of Other Aquatic Resources

- Rivers, streams, and ditches
- Lakes and ponds



Identification of Other Aquatic Resources

- The National Hydrography Dataset is a great resource for identifying non-wetland aquatic resources within the project area.
- The NHD represents the drainage network with features such as rivers, streams, canals, lakes, ponds, coastline, dams, and streamgages.
- Data can be obtained from the USGS website:
<http://nhd.usgs.gov>



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Google Maps

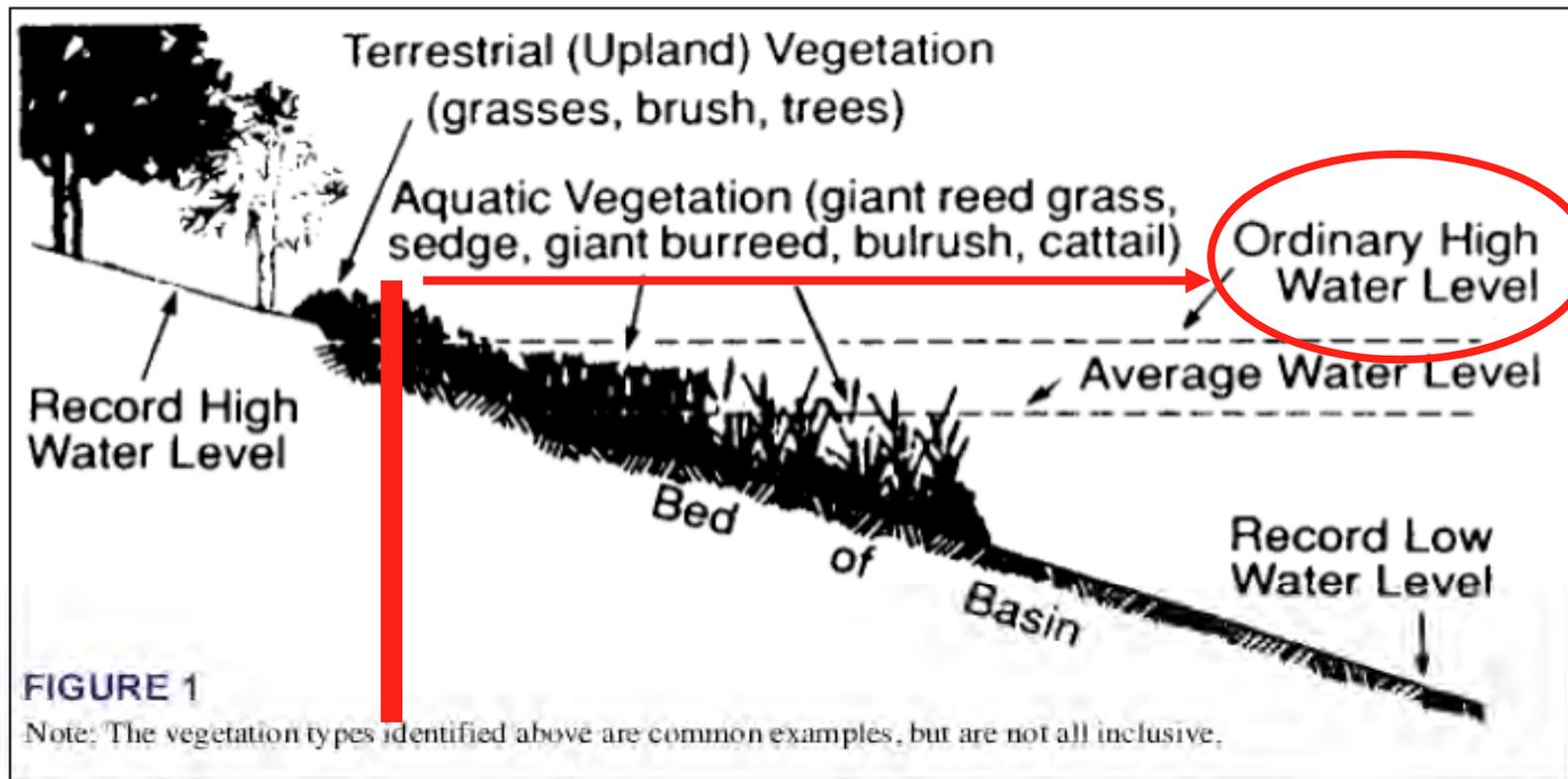


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Extent of State Jurisdiction on Non-wetland Waters

- Determined by DNR based on average elevation where natural vegetation changes from predominantly aquatic to predominantly terrestrial species
- Single elevation for lakes and wetlands
- ‘top of the bank’ for streams
- ‘Normal pool’ elevation for reservoirs

Extent of State Jurisdiction on Non-wetland Waters



Extent of State Jurisdiction on Non-wetland Waters



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Extent of State Jurisdiction on Non-wetland Waters



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Extent of Federal Jurisdiction on Non-wetland Waters

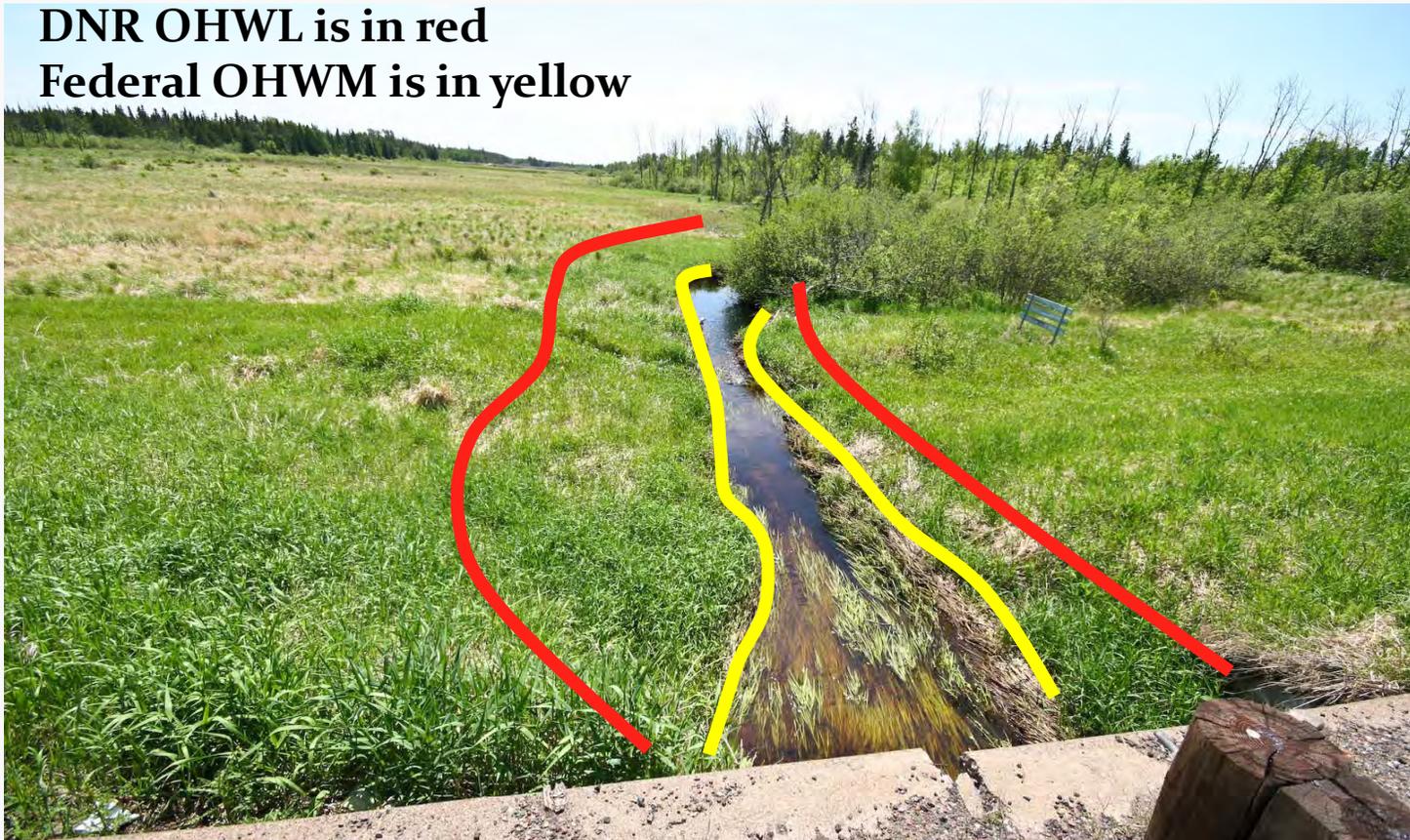
- In the absence of adjacent wetlands the lateral extent of CWA jurisdiction over non-tidal waters extends to the *ordinary high water mark*.
 - “....that line on the shore established by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (33 CFR 328.3(e)).”

Extent of Federal Jurisdiction on Non-wetland Waters

- The Federal process relies on site specific physical indicators although other information (gage data, historic records) and statistical evidence can also be used.
- In general, the OHWL established by the DNR is going to be higher on the bank than the Federal OHWM but in some cases they may be identical.

Extent of State Jurisdiction on Non-wetland Waters

DNR OHWL is in red
Federal OHWM is in yellow



How to Accomplish Resource Identification Work:

1) Utilize or develop internal expertise

2) Hire a consultant

3) Develop an agreement with SWCD

Requesting Approval of Delineations

Submit parts 1, 2, 5, and Attachment A of the joint application form when you have completed a delineation for the identification of all aquatic resources in the project area.

Providing these to the agencies well in advance of the permit application is preferred.

Project Name and/or Number: [Click here to enter text.](#)

Attachment A: Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

Wetland Type Confirmation

Delineation Concurrence. Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

Preliminary Jurisdictional Determination. A preliminary jurisdictional determination (PID) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PID will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PIDs are advisory in nature and may not be appealed.

Approved Jurisdictional Determination. An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013) (<http://www.mvp.usace.army.mil/regulatory/>).

Requesting Approval of Delineations

Wetland Delineation Concurrence: Verification of the boundaries identified in the delineation report. The verification/concurrence does not address the jurisdictional status of the resources identified in the report.

Preliminary Jurisdictional Determination: a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States

Approved Jurisdictional Determination: an official Corps determination that jurisdictional waters of the United States are either present or absent on the property.

Requesting Approval of Delineations



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Image USDA Farm Service Agency
Streaming 100%

Google
Eye alt 2665 ft

Aquatic Resources in the Context of Road Projects

Summary:

- 1) Plans must show accurate representation of ALL AQUATIC RESOURCES potentially impacted by project
- 2) Submit report early enough to allow for regulatory concurrence (by multiple agencies) during the growing season
- 3) Wetlands occur on ag lands; off-site review can identify the extent.
- 4) Several options exist to get wetland delineations or determinations done.