



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 6/22/2020

ORM Number: MVP-2019-02496-SSC

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MN City: Maple Grove County/Parish/Borough: Hennepin

Center Coordinates of Review Area: Latitude 45.069272 Longitude -93.488086

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1A	0.0239	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C.
Wetland 3	0.0921	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C.
Wetland 4	0.1809	acre(s)	(b)(1) Non-adjacent wetland.	See Section III.C.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Elm Road Area Project Wetland Delineation Report – October 15, 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☐ Photographs: [Select. Title\(s\) and/or date\(s\)](#).

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Figure 4 – Soil Survey](#)

☒ USFWS NWI maps: [Figure 3 – National Wetlands Inventory](#)

☒ USGS topographic maps: [Figure 2 – Existing Conditions](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** [The aquatic resources being evaluated include Wetlands 1A, 3, and 4, shown in the review area on the attached figure labeled MVP-2019-02496-SSC Page 1 of 3 through 3 of 3. The nearest a\(2\) water is Elm Creek approximately 0.30 miles to the west of Wetlands 3 and 4 and 0.6 miles to the west of Wetland 1A. Wetlands 3 and 4 were mapped as Lester loam and Angus loam,](#)

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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predominantly non-hydric soils that both drain to the east into a sloped ravine. Wetlands 3 and 4 also do not abut a TNW or a lake, pond, tributary, or impoundment of a jurisdictional water. These wetlands are not inundated by flooding from a TNW, a tributary, or a lake, pond, or impoundment of a jurisdictional water in a typical year and there are no physical separations by only a natural feature/artificial structure from a TNW, a tributary, lake, pond or impoundment of a jurisdictional water. Wetland 1A was mapped as a Glencoe clay loam, hydric soil. Wetland 1A is connected to Wetland 1 through a culvert beneath a driveway, which drains to the northeast through a culvert beneath Elm Road. Wetland 1A is a small, seasonally flooded basin that is unlikely to contribute or receive a direct hydrologic surface connection in a typical year. This wetland also does not abut a TNW or a lake, pond, tributary, or impoundment of a jurisdictional water. In addition, it is not inundated by flooding from a TNW, a tributary, or a lake, pond, or impoundment of a jurisdictional water in a typical year and there are no physical separations by only a natural feature/artificial structure from a TNW, a tributary, lake, pond or impoundment of a jurisdictional water.