



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): January 20, 2021

ORM Number: MVP-2020-02187-EJW

Associated JDs: N/A

Review Area Location¹:

State/Territory: MN **City:** Maple Grove **County/Parish/Borough:** Hennepin County

Center Coordinates of Review Area: Latitude 45.147424 Longitude -93.519591

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)²

§ 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)³

(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

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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 independent 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.

⁴ 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.

⁵ 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Drainageway 1	290 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The nearest (a)(1)-(a)(3) waters are Rush Creek 0.33 miles north of the AJD Review Area and South Fork Rush Creek 0.70 miles southeast of the AJD Review Area. The desktop review of the Delineation Report and Aerial Imagery concluded that Drainageways 1 and 2 are Ephemeral drainageways. They occur in non-hydric soils, are not in the DNR PWI or NHD maps from the delineation report, do not meet the definition of tributaries and are not waters of the US (WOUS) under the NWPR.
Drainageway 2	417 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	
Wetland 1	2.81 acres	(b)(1) Non-adjacent wetland	The nearest (a)(1)-(a)(3) waters are Rush Creek 0.33 miles north of the AJD Review Area and South Fork Rush Creek 0.70 miles southeast of the AJD Review Area. Wetlands 1-5 have no surface water connection to Rush Creek or South Fork Rush Creek as observed in aerial imagery from 1991-2021 and the delineation report. The delineation report confirms that Wetlands 1-5 are surrounded by uplands. They do not fit the definition of adjacent wetlands and are not WOUS under the NWPR rule.
Wetland 2	0.05 acres	(b)(1) Non-adjacent wetland	
Wetland 3	0.02 acres	(b)(1) Non-adjacent wetland	
Wetland 4	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 5	0.03 acres	(b)(1) Non-adjacent wetland	

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.

 X Information submitted by, or on behalf of, the applicant/consultant: 10650 Brockton Lane North Wetland Delineation Report submitted by Kjolhaug Environmental Services Company, Inc. (October 28, 2020).

This information (*is and is not*) sufficient for purposes of this AJD.

Rationale: Aerial imagery was used to review Drainageways 1 and 2 as well as checking Wetland 2 for a surface water connection offsite of the boundaries from the Delineation Report.

 Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

 X Photographs: (*aerial*) Google Earth 1991-2021

 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: *Title(s) and/or date(s)*.

 USFWS NWI maps: *Title(s) and/or date(s)*.

 USGS topographic maps: *Title(s) and/or date(s)*.

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A

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