



**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-2015-03931-EJW)

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Minnesota City: Dayton County/Parish/Borough: Hennepin

Center Coordinates of Review Area: Latitude 45.165544 Longitude -93.504822

**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 1	0.35	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year.
Wetland 2	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 5	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 6	0.18	acre(s)	(b)(1) Non-adjacent wetland	Wetland 6 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 8	0.16	acre(s)	(b)(1) Non-adjacent wetland	Wetland 8 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 10	0.03	acre(s)	(b)(1) Non-adjacent wetland	Wetland 10 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 12	0.14	acre(s)	(b)(1) Non-adjacent wetland	Wetland 12 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 13	0.33	acre(s)	(b)(1) Non-adjacent wetland	Wetland 13 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 14	0.26	acre(s)	(b)(1) Non-adjacent wetland	Wetland 14 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 15	0.31	acre(s)	(b)(1) Non-adjacent wetland	Wetland 15 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 16	0.33	acre(s)	(b)(1) Non-adjacent wetland	Wetland 16 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 17	0.06	acre(s)	(b)(1) Non-adjacent wetland	Wetland 17 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year
Wetland 19	0.07	acre(s)	(b)(1) Non-adjacent wetland	Wetland 19 does not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year

<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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**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: [French Lake Golf Course Wetland Delineation Report March 24, 2015](#)

This information [is and is not](#) sufficient for purposes of this AJD.

Rationale: [This was partially sufficient in that it described the wetlands in review including hydrologic connections for each.](#)

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

☒ Photographs: [Aerial: Google Earth 1991-2020](#)

☐ 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: [Hennepin County Soil Survey](#)

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

☒ USGS topographic maps: [1:24K Rogers](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Stream stats</a>	<a href="#">USGS Stream stats</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 are Wetlands 1, 2, 3, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, and 19 shown on the attached figures labeled MVP-2015-03931-EJW Pages 1 of 3 through Page 3 of 3. The review area for this determination included the area outlined in blue on the attached figures labeled MVP-2015-03931-EJW Page 2. The nearest (a)(3) water is French Lake located approximately 1,800 feet to the north.

A thorough desktop review was conducted to determine potentially jurisdictional waters. Wetlands 1, 2, 3, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, and 19 have no hydrological surface connection to any waters of the US. Wetlands 8, 12, 13, 14, 15, 16, 17, and 19 drain into an ephemeral swale that runs diagonally through the property and drains into wetlands 1, 7A, 7, and 6. From Wetland 6, a manmade perennial ditch provides a hydrologic connection to French Lake and a wetland that abuts it. This perennial ditch is not considered a tributary or a relocated tributary and therefore cannot render any of the connecting wetlands as adjacent wetlands or (a)(4) waters.

Based upon information gathered as a result of the desktop review and the wetland delineation report, Corps staff determined Wetlands 3 and 10 are wholly surrounded by uplands and lack an unbroken surface connection to a water of the water of the United States. Wetlands 1, 6, 8, 12, 13, 14, 15, 16, 17, and 19 are only hydrologically connected to a wetland adjacent to French Lake via a manmade perennial ditch (not a



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tributary) and are therefore not rendered adjacent wetlands. Therefore, Wetlands 1, 2, 3, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, and 19 do not abut a TNW, tributary, lake, pond, or impoundment of a jurisdictional water in a typical year are not determined to be jurisdictional waters of the US under the Clean Water Act.