



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 15, 2021

ORM Number: MVP-2017-04173-DAS

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: MN City: Prior Lake County/Parish/Borough: Scott County

Center Coordinates of Review Area: Latitude 44.750221 Longitude -93.436419

**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 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.

<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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**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
Wet A Wet D Wet F Wet G	0.35 acres 0.42 acres 0.45 acres 0.1 acres	(b)(1) Non-adjacent wetland	Wetlands A, D, F, and G are physically separated from any a(1) through a(3) waters. Wetland A is surrounded by an agricultural field with no surface water connection to a downstream water. Wetland D, F, and G are located in depressional areas surrounded by a largely undeveloped wooded area with no surface water connection to a downstream water. The closest tributary as shown on the USGS Topographic map is an unnamed stream approximately 800 feet east of Wetland A and 450 feet west of Wetland D. Wetland A is approximately 50 feet in elevation above the stream. Pike Lake is 500 linear feet northeast of Wetland D. Wetland D is also 27 feet in elevation above Pike Lake. A review of 24 aerial photos taken between 1992 and 2020 showed no evidence of surface water connection between Wetlands A, D, F, and G and any a(1) through a(3) waters. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. This is confirmed by USGS Topographic map, National Wetland Inventory, and National Hydrography Dataset, that do not identify any surface water feature connected to Wetland A, D, F, or G. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US.

**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: *Amended Wetland Permit Application* prepared for GRAEF and Parkhaven Holdings LLC by Kjolhaug Environmental Services Company, Inc. dated September 25, 2020.

This information is sufficient for purposes of this AJD.

Rationale: *N/A*.

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

  X   Photographs: Aerial: Google Earth 1992 through 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.*

  X   USDA NRCS Soil Survey: Scott County Soil Survey.

  X   USFWS NWI maps: Viewed in CorpsMap on January 13, 2021.

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  X   USGS topographic maps: Viewed in CorpsMap on January 13, 2021.

**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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