



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): 11/23/2020

ORM Number: MVP-2013-02591-EJW

Associated JDs: 2013-02591-EJW, 2013-02591-MMJ

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

State/Territory: MN City: Dayton County/Parish/Borough: Hennepin County

Center Coordinates of Review Area: Latitude 45.157825 Longitude -93.472057

**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
WL 22	0.12 acres	(b)(1) Non-adjacent wetland	. The closest (a)(2) water is Rush Creek, located approximately 598 feet southeast of WL 22. Based upon information gathered as a result of the desktop review, the delineation report addition from 2013, as well as the Corps permit issued July 2014 and delineation concurrence for the aquatic resources on site in delineation a concurrence from July 2019, Corps staff determined that WL 22 is wholly surrounded by uplands and does not have an unbroken surface water connection to Rush Creek or any other water of the US.. The delineation report, permit application and aerial imagery indicate WL 22 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year. It does not meet the definition of an adjacent wetland and is not a water of the US (WOUS) under the NWPR.

**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: Sundance Woods Wetland Delineation Report (May 7, 2007 with June 17, 2013 Revisions/Additions), Memorandum – Updated FSA Review – Sundance Woods, Dayton, MN (September 13, 2013), and Sundance Woods – Phase 1 Wetland Permit Application (November 26, 2013)

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

Rationale: The delineation report contained information about WL 22, but considered it non-wetland. The Memorandum to the report contained revisions, figures, and the revision that determined Area H (WL 22) as wetland.

☐ 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 (AJD) 2013-02591-EJW (7/6/2020)

☐ 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, Anoka

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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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:**

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