



**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): 12/2/2020

ORM Number: MVP-2018-01646-BBY

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MN City: Corcoran and Maple Grove

County/Parish/Borough: Hennepin

Center Coordinates of Review Area: Latitude 45.090281 Longitude -93.524241

**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
- ☐ 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 A	9.3	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland A, also known as Cook Lake, is a depressional basin bordered by upland areas to the west, south, and east. Wetland A is not a TNW. An unnamed pond/lake is located north of Wetland A and separated from Wetland A by a berm-like earthen structure with a paved road running across it. This unnamed pond/lake is not an a(1)-a(3) water and has no surface water connection to an a(1)-a(3) water (See Section III.C). Wetland A does not contribute surface water flow directly or indirectly to an a(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Therefore, Wetland A is not considered a water of the U.S. under the Navigable Waters Protection Rule.
Wetlands B, C, D, E, F, G, H, and I.	1.42	acre(s)	(b)(1) Non-adjacent wetland.	The contour map submitted in the wetland delineation report indicates that Wetlands B, C, F, H, and I are depressional basins, surrounded by upland areas. They share no surface water connection to a a(1)-a(3) water. Wetlands D, E, and G share a surface water connection with Wetland A (Cook Lake) through channelized waterways. However, Wetland A is not an a(1)-a(3) water (see above). Wetlands D, E, and G share no other surface water connections with any other potential a(1)-a(3) waters. Therefore, Wetlands B, C, D, E, F, G, H, and I are not considered a waters of the U.S. under the Navigable Waters Protection Rule.
Channel 1	300	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Channel 1 begins at Wetland D and connects to Wetland E before ending in Wetland A (Cook Lake). The wetland delineation report states that the channel provides ephemeral water flow to Wetland A. Wetland A is not an a(1) water and does not contribute surface water flow directly or indirectly to an a(1) water (see above). Therefore, Channel 1 is not considered a water of the U.S under the Navigable Waters Protection Rule.

**III. SUPPORTING INFORMATION**

<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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**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: [Wetland Delineation Report Edgewater \(Maple Grove & Corcoran\) Larkin Road & County Highway 101 site in Corcoran and Maple Grove, Minnesota dated June 11, 2018 and submitted by MNR.](#)

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

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial: MHAPO 1945 and 1967. Google Earth Imagery 1991, 2003-2006, 2008-2020.](#)
- ☐ 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: [Title\(s\) and/or date\(s\).](#)
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- ☒ USGS topographic maps: [Rockford, MN 1909](#)

**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 review area consists of 9 wetlands labeled as Wetlands A, B, C, D, E, F, G, H, and I on the attached figure MVP-2018-01646-BBY Page 2 of 2. Wetland A, also known as Cook Lake, is surrounded on three sides by upland areas and small depressional wetlands. Some of these small depressional wetlands provide surface water flow to Wetland A through channelized waterways. Wetland A is separated from another pond to the north by a berm-like structure with a paved road on it. Historic aerial imagery and topography maps \(1909\) indicate that these two ponds/lakes could have been part of a much larger wetland basin that extended northwest to South Fork Rush Creek but this connection no longer exists. The Rush Creek Golf Club has been constructed between these two ponds/lakes and South Fork Rush Creek, severing any connection that might have existed in the past. Currently, these two ponds/lakes share no surface water connection to South Fork Rush Creek.](#)