



**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): 4/29/2021

ORM Number: MVP-2019-01659-SSC

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Columbus County/Parish/Borough: Anoka

Center Coordinates of Review Area: Latitude 45.237027 Longitude -93.024575

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 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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland D	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D was previously determined to be non-jurisdictional under AJD MVP-2012-05457-SSC that was issued September 21, 2020 under the NWPR. The wetland does not share a surface water connection to an a(1)-a(3) water, as supported by review of Google Earth images (October 2020, April 2018, April 2017). The wetland drains to the south into a non-wetland delineated area. Based on this information, Wetland D is not a water of the U.S. under the NWPR.
Wetland E	0.12	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Wetland E is a long, linear ditch feature that is located along the west side of Hornsby St. NE. SoilWeb mapping characterizes the soils as Braham loamy fine sand, 2 to 6 percent slopes (moderately well drained, non-hydric) along the southern portion of Wetland E and Webster loam (poorly drained, hydric) along the northern portion of Wetland E. Review of the submitted applicant materials does not denote a culvert that runs under Hornsby St. NE. There is a driveway culvert to the north of Wetland E that drains into a non-wetland delineated area. Portions of this wetland were likely constructed in wetland, however, the feature does not currently share a surface water connection to an a(1)-a(3) water. Based on this information, Wetland E is not a water of the U.S. under the NWPR.
Wetlands F and I	Total = 0.50	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Wetlands F and I are long, linear ditch features that are located along the east side of Hornsby St. NE. The soils within these wetlands are a mixture of hydric and non-hydric soils. Review of historic aerial imagery from 1938, 1947, and 1953 depict mostly non-wetland signature within these wetlands. There are several portions that were constructed in historic wetlands; however, the wetlands were not adjacent at that time. The northern portion of Wetland I extends offsite to the east. A previous delineation was completed in this area for a different project and delineated the offsite portion more fully. It confirms that this

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			offsite portion of Wetland does not have a surface water connection to an a(1)-a(3) water. Additionally, USGS topographic maps from 1902, 1952, and 1967 do not map the area as wetland. Based on this information, Wetlands F and I are not waters of the U.S. under the NWPR.	
Wetlands G, H, J, K, and L	Total = 0.23	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Wetlands G, H, J, K, and L are long, linear ditch features that are located along the east side of Hornsby St. NE. The soils within these wetlands are a mixture of hydric and non-hydric soils. Review of historic aerial imagery from 1938, 1947, and 1953 depict mostly non-wetland signature within these wetlands. There are several portions that were constructed in historic wetlands; however, the wetlands were not adjacent at that time. Wetland H connects via culvert under Hornsby St. NE to Wetland I. This wetland, as described above, is not jurisdictional. Additionally, USGS topographic maps from 1902, 1952, and 1967 do not map the area as wetland. Based on this information, Wetlands G, H, J, K, and L are not waters of the U.S. under the NWPR.
Wetland N	0.01	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Wetland N is a long, linear ditch feature that is located along the west side of Hornsby St. NE. There is a driveway culvert to the south of Wetland N that drains into a non-wetland delineated area. Additionally, review of historic aerial imagery from 1938 and 1947 do not show a wet signature. Based on this information, Wetland N is not a water of the U.S. 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: [Hornsby Street Reconstruction, LGRWRP Application – Amendment 1 dated April 21, 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

☒ Photographs: [Aerial: MHAPO – 1938, 1947, 1953; Google Earth - October 2020, April 2018, April 2017](#)

☐ Corps site visit(s) conducted on: [Date\(s\)](#).



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- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2012-05457-SSC issued Sept. 21, 2020](#)
- ☐ 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: [White Bear 1902, Centerville 1952, Centerville 1967](#)

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.
LiDAR data/maps	MnTOPO - viewed February 26, 2021 Rice Creek Watershed District Map Viewer – viewed April 23, 2021
Other Sources	Wetland Delineation Report dated May 18, 2018 (MVP-2018-01654-MJB)

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

C. Additional comments to support AJD: [N/A](#)