



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): 2/22/2021

ORM Number: MVP-2020-01944-RMH

Associated JDs: N/A

Review Area Location¹:

State/Territory: MN City: Lakeville County/Parish/Borough: Dakota County

Center Coordinates of Review Area: Latitude 44.645183 Longitude -93.264913

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream-001	50 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature appears to receive water from Wetland 001 to the north (see below) and flows south through a wooded area and outlets into an agricultural field. There is not sufficient evidence to suggest it carries intermittent or perennial flow. While the erosion channel can be seen in aerial imagery in some years, it is not consistently visible and does not have clear and consistent flow.
Wetland 001	0.11 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	The report states that Wetland 001 is on the fringe of a stormwater pond that appears to be functioning as a retention pond for surrounding commercial properties. Google Earth Imagery confirmed that the pond was constructed in uplands prior to 2003 therefore it is excluded from Corps jurisdiction under the NWPR.
Wetland 002	0.04 acres	(b)(1) Non-adjacent wetland	Wetlands 002-010 are located in depressional areas surrounded by residential and commercial developments with transportation corridors. These wetlands are physically separated from any (a)(1) through (a)(3) waters and there is no evidence that any of the wetlands are directly abutting an (a)(1)– (a)(3) water. Topographic, FEMA and hill shade maps do not indicate above ground direct surface hydrological connection and support that the wetlands are not likely to be inundated by flooding from a paragraph (a)(1)-(3) water in a typical year. NHD and NWI maps confirm no surface hydrological connection to the wetlands. The closest tributary as shown on the USGS Topographic map is Marion Branch South Creek located approximately 1550 feet north of Wetland 10. 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, therefore, do not meet the definition of adjacent wetlands under the NWPR and are not waters of the US.
Wetland 003	0.27 acres	(b)(1) Non-adjacent wetland	
Wetland 004	0.26 acres	(b)(1) Non-adjacent wetland	
Wetland 005	0.51 acres	(b)(1) Non-adjacent wetland	
Wetland 006	0.02 acres	(b)(1) Non-adjacent wetland	
Wetland 007	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 008	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 009	0.14 acres	(b)(1) Non-adjacent wetland	
Wetland 010	0.94 acres	(b)(1) Non-adjacent wetland	

III. SUPPORTING INFORMATION

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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 for 210th Street and Lakeville Boulevard Improvements submitted by Midwest Natural Resources, Inc. dated September 17, 2020.

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

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

☒ Photographs: Aerial and other submitted with delineation report.

☐ 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: Dakota County Soil Survey

☒ USFWS NWI maps: Corpsmap Layer accessed via ORM on February 15, 2021.

☒ USGS topographic maps: 1:24 K Farmington

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD via ORM on February 22, 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro Imagery 1991, 2003, 2010, 2012-2018, 2020.

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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