



**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): 12/7/2020

ORM Number: 2020-02140-AJK

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Mound County/Parish/Borough: Hennepin

Center Coordinates of Review Area: Latitude 44.93665 Longitude -93.66830

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.	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.	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.	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.	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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W-1 W-2 W-4	0.058 0.004 0.070	acre(s)	(b)(1) Non-adjacent wetland.	Based on review of topography, aerial photographs, NWI, floodplains, and an NRCS hydric soils map, W-1, 2, and 4 are located within depressional basins surrounded by upland. W-1 is a wet meadow with steep topographic rises to the north and west. The wetland continues off-site. The off-site extent of W-1 was determined by reviewing elevation contours, aerial photographs, and hydric soils maps. The wetland is constrained to the north by the Dakota Rail Trail (the Trail does not intersect the wetland in a way where it would be an artificial barrier to a jurisdictional water; there is no evidence of wetland north of the Trail- lack of hydric soil, steep elevation). The wetland is constrained to the west by a steep hill. The area along the hill has steep contours and lacks hydric soil, and aerial photographs do not show signs of wet signature (some tree cover has been removed for a powerline cut over the hill). W-1 is located approximately 200 feet from Langdon Lake and about 6 feet higher in elevation. Based on an NRCS soils map, the soil surrounding the wetland is predominantly non-hydric. W-2 and W-4 are approximately 130 feet from Langdon Lake and about 3 feet higher in elevation. W-4 receives surface water flow primarily from the parking lot runoff directly south. Based on FEMA floodplain maps, W-1 and W-2 are located outside of the floodplain of Langdon Lake and would not be flooded by an (a)(1)-(a)(3) water in a typical year. W-4 partially overlaps the FEMA Zone AE flooplain, but based on the elevation difference, aerial photographs, and the fact that Langdon Lake contains an overflow outlet culvert to Langdon Bay Creek and Lake Minnetonka, it would not be flooded by an (a)(1)-(a)(3) water in a typical year. There are no natural berms, banks, dunes, or similar natural features physically separating these wetlands from a paragraph (a)(1)-(a)(3) water.

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			nor are they physically separated from one by an artificial barrier.

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: [Wetland Delineation Report by Kjolhaug Environmental Services Company, Inc., October 26 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

☒ Photographs: [Aerial and Other: Google Earth aerial photographs \(2003-2019\), ground level site photos from 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: [Hennepin County](#)

☒ USFWS NWI maps: [Hennepin County](#)

☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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	Hennepin County LiDAR
FEMA/FIRM maps	Flood Zones
Other state/local data (specify)	MN DNR Public Waters Inventory

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

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