



**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): 4/23/2021

ORM Number: MVP-2021-00291-BBY

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 44.833843 Longitude -93.282487

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)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.



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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
Oxboro Lake	19.5	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.	Oxboro Lake is a depressional basin that is bordered on all sides by upland areas which consist of residential developments, commercial developments, and Syndicate Avenue to the west. Oxboro Lake is not a traditional navigable water (TNW) (see Section III.C). The “Cover Letter Oxboro” submitted by the City of Bloomington states that early topographic maps shows that the lake is a depressional basin with no identified outlets. The letter goes on the state that the lake was connected to the city’s storm sewer system in 1957. The Corps confirmed that no surface water channel exits the lake by reviewing topographic maps and historic aerial imagery. Oxboro Lake is not an a(1)-a(3) water and has no surface water connection to an a(1)-a(3) water. Oxboro Lake does not contribute surface water flow directly or indirectly to an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Therefore, Oxboro Lake is not considered a water of the U.S. under the Navigable Waters Protection Rule.

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: This information included the Minnesota Joint Application and a document entitled “Cover Letter Oxboro” submitted by the Civil Engineer from the City of Bloomington.

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 1937 and 1956. Google Earth Imagery 1985, 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).**

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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☒ USGS topographic maps: [Minneapolis MN 1896](#), [Saint Paul MN 1953](#), and [Bloomington MN 2019](#)

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.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: [The review area for this AJD consists Oxboro Lake. Oxboro Lake is not eligible for consideration as a case-specific TNW. The Corps found no evidence that supported the possibility that Oxboro Lake was susceptible to use in interstate or foreign commerce. Oxboro lake is approximately 20 acres in size and surrounded by upland areas which consist of residential developments, commercial developments, and Syndicate Avenue to the west. Aerial imagery shows that the lake has no public or private docks and provided no evidence indicating the lake was being utilized for recreation-based commerce. The lake was connected to the city's storm sewer system in 1957 which is greatly impacted the quality of lake, it is estimated that there is 100,000 cubic yards of accumulated sediment within the ~20-acre lake. Given this information, it is highly unlikely that the lake provides quality fish habitat.](#)