



**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): 12/17/2020

ORM Number: MVP-2020-01775-MVM

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Minnesota City: Greenfield County/Parish/Borough: Hennepin

Center Coordinates of Review Area: Latitude 45.077384 Longitude -93.68038

**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)<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 1	0.9	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is a closed depressional wetland with no inlets or outlets. The wetland consists of wet meadow and shallow marsh vegetation communities and hydrology is saturated to shallow inundation in the deepest center portion of the basin. The wetland boundary follows a slight topographic rise around the entire basin and the delineated boundaries are similar to boundaries identified on the National Wetland Inventory (NWI) map. An unnamed tributary and Wetland 2 which abuts the tributary shown on the enclosed figure is present approximately 300 feet due west of Wetland 1. A sampling point included in the Fulton property delineation report documented the area between Wetland 1 and Wetland 2 is upland. Furthermore, Lidar indicates Wetland 1 is situated approximately 10 feet higher in elevation than Wetland 2. FEMA Flood Hazard data indicate Wetland 1 is not within a flood zone; therefore, Wetland 1 is not flooded by the unnamed tributary in a typical year. Per the information provided above, Wetland 1 is not adjacent to an a(1)-(3) water and is not a water of the U.S.
Wetland 3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is a small isolated depression surrounded by upland forest with no inlets or outlets. This is confirmed by Lidar, NWI, National Hydrography Dataset (NHD) and soil survey maps included in the Fulton Property delineation report. Wetland 3 does not abut an a(1)-a(3) water and has no surface water connections to other waters. Therefore, Wetland 1 is not a water of the U.S.

**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: [Fulton Property Delineation Report by Kjolhaug Environmental Services, dated September 17, 2020.](#)

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

Rationale: [Additional desktop sources were consulted for this jurisdictional determination.](#)

<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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- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☐ Photographs: [Select. Title\(s\) and/or date\(s\)](#).
- ☐ 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: [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
<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="#">CorpsMap ORM Map Layers</a>	<a href="#">FEMA National Flood Hazard Layer, USGS NHD layer.</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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.](#)
- C. Additional comments to support AJD:** [The unnamed creek on the property is intermittent according to the NHD and connects to the Crow River, a TNW, via Lake Sarah and Sarah Creek.](#)