



**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): 8/26/2021

ORM Number: 2006-06699-MMJ; Harmony Estates 2nd Addition AJD

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: MN City: Ham Lake County/Parish/Borough: Anoka Co.

Center Coordinates of Review Area: Latitude 45.249546 Longitude -93.198507

**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: NA
- ☐ 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.	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.

<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> The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as 2006-06699-MMJ, AJD Figures 1-2.			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
UD-1, UD-2, UD-3, UD-4, UD-5	0.33 acre	(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).	The features labeled as UD-1, UD-2, UD-3, UD-4, UD-5 on the enclosed figures are linear ditch features that were constructed in upland. They are not (a)(1) waters, they were not constructed in a tributary, do not relocate a tributary, and were not constructed in an adjacent wetland. This was confirmed by reviewing historic topographic maps, the delineation completed for the project corridor, Lidar imagery, the National Hydrography Dataset (NHD), historic and current aerial imagery, and National Wetland Inventory (NWI) and Anoka County soil mapping for the project site.
WL-E, WL-Z, WL-F/W & WD-6, WL-H, and WL-Y	1.31 acre	(b)(1) Non-adjacent wetland.	Wetlands WL-E, WL-Z, WL-F/W & WD-6, WL-H, and WL-Y are wetlands that are physically separated from potential downstream (a)(1)-(a)(3) waters. They are not inundated by flooding by an (a)(1)-(a)(3) water in a typical year, and they are not physically separated from an (a)(1)-(a)(3) water by an artificial dike, barrier, or similar artificial structure that would allow for a direct hydrologic surface connection between the waterbodies and any potential downstream (a)(1)-(a)(3) waters, in a typical year. Wetlands WL-E, WL-Z, WL-F/W & WD-6, WL-H, and WL-Y are hydrologically isolated and physically remote and do not qualify as an (a)(1)-(a)(4) water. This was confirmed by reviewing the delineation that was completed for the project corridor, reviewing Lidar imagery, the NHD, historic and current aerial imagery, the NWI, and Anoka County soil mapping for the project site.
Pond 1 and Pond 2	1.47 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.	Ponds 1 & 2 are stormwater management ponds that were constructed in upland. This was confirmed by reviewing historic aerial photos spanning 1947-2020, and the wetland delineation that was completed for the project corridor. Ponds 1 & 2 are non-jurisdictional excluded (b)(10) waters as described in the Navigable Waters Protection Rule.

<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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**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: [Kjolhaug updated wetland delineation dated May 07, 2021.](#)

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

Rationale: [NA](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial: Historic: 1947, 1991, & 2017 and Google Earth imagery: 1991-2020.](#)
- ☐ 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: [Anoka County](#)
- ☒ USFWS NWI maps: [MnDNR](#)
- ☒ USGS topographic maps: [1:24k Coon Lake Beach – Historic topo maps: 1956, 1976, 1993](#)

**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="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">NA.</a>

**B. Typical year assessment(s):** [NA](#)

**C. Additional comments to support AJD:** UD-1, UD-2, UD-3, UD-4, UD-5, WL-E, WL-Z, WL-F/W & WD-6, WL-H, and WL-Y, Pond 1 and Pond 2, described above and shown on the enclosed figures, are excluded waters under the Navigable Waters Protection Rule; they are not jurisdictional waters of the U.S.