



**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): 5/12/2021

ORM Number: 2014-01435-MMJ – Oakview Acres AJD for Wetland 3

Associated JDs: NA

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

Center Coordinates of Review Area: Latitude 45.258785 Longitude -93.298953

**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.                               |  |

| 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> The review area for this AJD is limited to the excluded waters described below, Wetland 3, shown on the enclosed figures labeled as 2014-01435-MMJ, AJD Figures 1-2.

| Exclusion Name | Exclusion Size |         | Exclusion <sup>5</sup>                                                                                                  | Rationale for Exclusion Determination                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------|----------------|---------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wetland 3      | 0.04           | acre(s) | (b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories. | Wetland 3 is a depressional wetland that is physically separated from potential downstream (a)(1)-(a)(3) waters. It is not inundated by flooding by an (a)(1)-(a)(3) water in a typical year, and it is 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. Wetland 3 is hydrologically isolated and physically remote and does not qualify as an (a)(1)-(a)(4) water. This was confirmed by reviewing 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. The wetland delineation that was recently completed for this property indicates that Wetland 3 is an isolated basin with no inlets or outlets. Wetland 3 is a non-jurisdictional excluded (b)(1) water as described in 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: [KES delineation 2017 & 2019](#).

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: 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 Cedar](#)

**Other data sources used to aid in this 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 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              | NA.                                             |

**B. Typical year assessment(s):** NA

**C. Additional comments to support AJD:** Wetland 3, described above and shown on the enclosed figures, is an excluded water under the Navigable Waters Protection Rule; it is not a jurisdictional water of the U.S.