



**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): 11/24/2020
ORM Number: MVP-2014-04380-RMH
Associated JDs: MVP-2014-04380-RMM completed May 7, 2015
Review Area Location¹: State/Territory: MN City: Lakeville County/Parish/Borough: Dakota
Center Coordinates of Review Area: Latitude 44.634554 Longitude -93.262484

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.	

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.	

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
Wetland 2 Wetland 3	0.47 1.64	acre(s)	(b)(1) Non-adjacent wetland.	The wetlands do not abut at least one point or side of, a paragraph (a)(1)-(a)(3) water. Based on the USGS, and elevation contours they would not be flooded by an (a)(1)-(a)(3) water in a typical year. FEMA maps indicate that the wetlands are located in an area of minimal flood hazard- Zone X which is defined as areas determined to be outside 500-year floodplain determined to be outside the 1% and 0.2% annual chance of floodplains. The wetlands are located in isolated, shallow depressional areas surrounded by agricultural land with no direct hydrologic surface connection to an paragraph (a)(1)-(a)(3) water. The wetlands do not meet the definition of adjacent wetlands therefore, the wetlands are not jurisdictional under the Navigable Waters Protection Rule and Clean Water Act.

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 for Scannell Properties prepared by Wenck Associates, Inc. dated March 2015, Technical Memo completed by Wenck Associates, INC. dated July 22, 2020 and Interstate South Logistics Park AUAR Update prepared by Kimley Horn dated August 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

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

☒ Photographs: [Aerial: Google Earth, 1991 - Present](#)

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2014-04380-RMM dated May 7, 2015.](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Dakota County Web Soil Survey](#)

☒ USFWS NWI maps: [accessed via ORM- November 20, 2020](#)

☒ USGS topographic maps: [Quad Name 1:24K: Orchard Lake](#)

Other data sources used to aid in this determination:

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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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	Dakota County MN Office of Geographic Information Systems website: gis.co.dakota.mn.us/dcgis/ FEMA Flood Hazard Zones Map viewed in CorpsMap on November 24, 2020.

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

C. Additional comments to support AJD: [This approved jurisdictional determination \(AJD\) is only applicable for Wetlands 2 and 3. These wetlands are Previous delineation completed in 2015 was reviewed in the field by Technical Evaluation Panel \(TEP\) members on July 7, 2020 and concurred with the wetland boundaries as delineated. Local Government Unit \(LGU\) approved extending the wetland boundary decision from the 4/9/2015 NOD.](#)