



**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): 5/26/2021

ORM Number: MVP-2019-01647-SSC

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 45.128113 Longitude -93.604857

**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)<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 water described below and shown on the enclosed figures labeled as MVP-2019-01647-SSC, Pages 1-2. |                |         |                              |  |
|--|----------------|---------|------------------------------|--|
| Exclusion Name   | Exclusion Size |         | Exclusion <sup>5</sup>       | Rationale for Exclusion Determination  |
| Wetland 1  | 0.46           | acre(s) | (b)(1) Non-adjacent wetland. | Wetland 1 is a partially farmed, wet meadow wetland that is located along the eastern side of Bechtold Road. The wetland delineation report and de minimis application submitted for this site include 2-foot Lidar contours that show Wetland 1 as being surrounded by upland. The National Hydrography Dataset (NHD) was also reviewed and did not show any surface water connection to an a(1)-a(3) water. The wetland delineation report also notes that there were no inlets or outlets observed during the wetland delineation onsite. Wetland 1 extends offsite to the north and south, however, recent Google Earth aerial imagery does not show a surface water connection to an a(1)-a(3) water (April 2017, April 2018, October 2019, October 2020). Based on this information, Wetland 1 is not a water of the U.S. under the Navigable Waters Protection Rule (NWPR). |

**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: *De Minimis Application – Ebert Field Access Road submission dated May 19, 2021 and the County Road 30 Site Wetland Delineation Report dated July 17, 2019*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ☒ Photographs: *Aerial: Google Earth - April 2017, April 2018, October 2019, October 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).*
- ☐ USGS topographic maps: *Title(s) and/or date(s).*

**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               | The National Map – NHD layer viewed May 25, 2021 |
| 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:** N/A