



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): January 21, 2021

ORM Number: MVP-2020-02166-DAS

Associated JDs: MVP-2020-02166-DAS dated November 18, 2020.

Review Area Location¹:

State/Territory: MN City: Rochester County/Parish/Borough: Olmsted County

Center Coordinates of Review Area: Latitude 43.897201 Longitude -92.505397

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)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

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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 8MH Wetland 9MH Wetland 10MH Wetland 11MH Wetland 13MH Wetland 14MH	0.606 acres 0.069 acres 0.097 acres 1.932 acres 0.079 acres 1.199 acres	(b)(1) Non-adjacent wetland	Wetlands 8, 9, 10, 11, 13, and 14 are physically separated from any a(1) through a(3) waters. These wetlands are located in grassed swales along the east side of Runway 2/20 and are surrounded by open space with no intermittent or perennial surface water connection to a downstream water. No surface water is visible in the swale in aerial photos taken in 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015; surface flow in the swale is determined to be ephemeral. The wetlands are approximately 4,000 linear feet from surface water as observed in the aerial photos. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US.
Wetland 12MH Wetland 17MH	2.335 acres 0.196 acres	(b)(1) Non-adjacent wetland	Wetlands 12 and 17 are physically separated from any a(1) through a(3) waters. Wetlands 12 and 17 are in valley segments on the north end of the Rochester International Airport. A golf course is located immediately north of the wetlands. No surface water is visible in the valley in aerial photos taken in 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015; surface flow in the valley is determined to be ephemeral. The closest tributary with observed surface water is Willow Creek at least 2,600 feet north of Wetland 17. Wetlands 12 and 17 are at least 80 feet in elevation above Willow Creek and are separated by commercial and residential development with no evidence of intermittent or perennial surface water connection. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US.
Wetland 15MH Wetland 16MH Wetland 19MH	0.021 acres 1.413 acres 0.955 acres	(b)(1) Non-adjacent wetland	Wetlands 15, 16, and 19 are physically separated from any a(1) through a(3) waters. These wetlands are located in grassed swales along the northwest side of Runway 2/20 and are surrounded by open space with no intermittent or perennial surface water connection to a downstream water. No surface water is visible in the swale in aerial photos taken in 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015; surface flow in the swale is determined to be ephemeral. The wetlands are approximately 4,500 linear feet from surface water as observed in the aerial photos. These wetlands do

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			not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US.
Wetland 1MH Wetland 2MH Wetland 3MH Wetland 5MH	0.119 acres 0.035 acres 0.056 acres 0.010 acres	(b)(1) Non-adjacent wetland	Wetlands 1, 2, 3, and 5 are physically separated from any a(1) through a(3) waters. These wetlands are in depressional areas along the taxiway of the Rochester International Airport. The closest tributary with observed surface water is Willow Creek approximately 9,600 feet north. These wetlands are approximately 160 feet in elevation above Willow Creek. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Wetlands 1, 2, 3, and 5 appear to be ditches constructed along an airport taxiway. No wetlands or tributaries were present in the area prior to the construction of the ditches.
Wetland 20MH Wetland 21MH Wetland 23MH Wetland 24MH	0.009 acres 0.313 acres 0.176 acres 0.224 acres	(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)	Wetlands 20, 21, 23, and 24 are in ditch segments along 31 st Avenue SW and 90 th Street SW. No wetlands or tributaries were present in the area prior to the construction of the ditches. Therefore, these wetlands are not waters of the US.
Wetland 22MH	1.372 acres	(b)(1) Non-adjacent wetland	Wetland 22 is physically separated from any a(1) through a(3) waters. The closest tributary with observed surface water is Willow Creek approximately 4,600 feet northwest. Wetland 22 is approximately 40 feet in elevation above Willow Creek. No surface water is visible in aerial photos taken in 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015 in or near Wetland 22; surface flow downgradient of Wetland 22 is determined to be ephemeral. Wetland 22 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and is not inundated by flooding from any waterbody. Wetland 22 also includes areas within a ditch segment constructed along 90 th Street SW.
Wetland 18MH Wetland 25MH Wetland 26MH	0.438 acres 3.642 acres 0.560 acres	(b)(1) Non-adjacent wetland	Wetlands 18, 25, and 26 are physically separated from any a(1) through a(3) waters. The closest tributary with observed surface water is an unnamed tributary to the North Branch Root River approximately 5,000 feet east of Wetland 18. Wetland 18 is approximately 48 feet in elevation above the unnamed tributary. No surface water is visible in aerial photos taken in 1991, 2003, 2004, 2006, 2008, 2009, 2010, or 2011 in or near the wetlands; surface flow downgradient of Wetland 18 is determined to be ephemeral. Wetlands 18, 25, and 26 do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Wetlands

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			18, 25, and 26 include areas within ditch segments constructed along 90th Street SW and 31 st Avenue SW.
Wetland 27MH Wetland 28MH Wetland 29MH Wetland 32MH Wetland 33MH Wetland 34MH Wetland 35MH Wetland 36MH Wetland 37MH Wetland 38MH	0.109 acres 0.406 acres 0.269 acres 0.108 acres 0.026 acres 0.032 acres 0.09 acres 0.009 acres 0.032 acres 0.191 acres	(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)	Wetlands 27, 28, 29, 32, 33, 34, 35, 36, 37, and 38 are in ditch segments along 31 st Avenue SW and 95 th Street SW. No wetlands or tributaries were present in the area prior to the construction of the ditches. Therefore, these wetlands are not waters of the US
Wetland 1S Wetland 2S Wetland 3S Wetland 4S Wetland 5S Wetland 6S	0.50 acres 0.24 acres 0.88 acres 0.074 acres 0.123 acres 0.138 acres	(b)(1) Non-adjacent wetland	Wetlands 1S, 2S, 3S, 4S, 5S, and 6S are physically separated from any a(1) through a(3) waters. These wetlands are located in depressional areas along Runway 2/20 of the Rochester International Airport and are surrounded by open space with no surface water connection to a downstream water. The closest tributary as shown on the USGS Topographic map is an unnamed stream approximately 600 feet southeast of Wetland 3S. These wetlands are approximately 16 feet in elevation above the unnamed stream and are separated by an upland ridge approximately 5 feet higher in elevation and a grassed area maintained as part of the airport operation with no evidence of surface water connection. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US. Wetlands 1S, 2S, 3S, 4S, 5S, and 6S are ditches constructed along an airport runway. No wetlands or tributaries were present in the area prior to the construction of the ditches.
Wetland 30MH	0.514 acres	(b)(1) Non-adjacent wetland	Wetland 30 is physically separated from any a(1) through a(3) waters. The closest tributary with observed surface water is an unnamed tributary to the North Branch Root River approximately 5,900 feet east. Wetland 30 is approximately 73 feet in elevation above the unnamed tributary. No surface water is visible in aerial photos taken in 2003, 2004, 2006, 2008, 2009, 2010, or 2011 in or near Wetland 30; surface flow downgradient of Wetland 30 is determined to be ephemeral. Wetland 30 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and is not inundated by flooding from any waterbody.
Wetland 31MH	0.361 acres	(b)(1) Non-adjacent wetland	Wetland 31 is physically separated from any a(1) through a(3) waters. Wetland 31 is located in a grassed swale south of 95 th Street SW and is surrounded by an agricultural field with no intermittent or perennial surface water connection to a downstream water. No surface water is visible in the swale in aerial

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			photos taken in 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015; surface flow in the swale is determined to be ephemeral. Wetland 31 is approximately 5,300 linear feet from surface water as observed in the aerial photos. Wetland 31 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and is not inundated by flooding from any waterbody. Therefore, Wetland 31 does not meet the definition of an adjacent wetland under the NWPR and is not a water of the US.
Wetland 4MH Wetland 6MH Wetland 7MH	0.012 acres 0.079 acres 1.151 acres	(b)(1) Non-adjacent wetland	Wetlands 4, 6, and 7 are physically separated from any a(1) through a(3) waters. These wetlands are located in depressional areas along Runway 13/31 of the Rochester International Airport and are surrounded by open space with no surface water connection to a downstream water. The closest tributary as shown on the USGS Topographic map is an unnamed stream approximately 2,400 feet southeast of Wetland 6. These wetlands are approximately 41 feet in elevation above the unnamed stream and are separated by an upland ridge approximately 5 feet higher in elevation and a grassed area maintained as part of the airport operation with no evidence of surface water connection. These wetlands do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year; and are not inundated by flooding from any waterbody. Therefore, these wetlands do not meet the definition of an adjacent wetland under the NWPR and are not waters of the US. Wetlands 4, 6, and 7 appear to be ditches constructed along an airport runway. No wetlands or tributaries were present in the area prior to the construction of the ditches

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.

X Information submitted by, or on behalf of, the applicant/consultant: *Wetland Delineation Report Rochester International Airport Runway 2-20 Planning Study* prepared by Mead & Hunt dated October 2020 and *Rochester International Airport Master Plan Update Wetland Delineation Report* prepared by Sambatek, Inc. dated July 25, 2019 and updated September 2, 2020.

This information is sufficient for purposes of this AJD.

Rationale: *N/A*.

 Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

X Photographs: Aerial Historical Aerial Photographs provided by applicant and Google Earth 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, or 2015.

 Corps Site visit(s) conducted on: *Date(s)*.

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- ___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- ___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- X USDA NRCS Soil Survey: *Olmsted County Soil Survey*
- X USFWS NWI maps: *CorpsMap viewed December 14, 2020.*
- X USGS topographic maps: *1:24K Quad Name Simpson.*

Other data sources used to aid in this determination:

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	N/A.

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

C. Additional comments to support AJD: N/A.

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