



**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): 8/20/2021

ORM Number: MVP-2021-01498-SSC

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Ramsey County/Parish/Borough: Anoka

Center Coordinates of Review Area: Latitude 45.28007 Longitude -93.4501

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.	

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 The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as MVP-2021-01498-SSC, Pages 1-2.				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands 1, 2, and 3	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 1, 2, and 3 are small depressional wetlands located with an agricultural field. The wetlands are surrounded by upland, as viewed on 2-foot LiDAR contours submitted in the wetland delineation report. Review of Google Earth imagery (April 2018, March 2016, April 2012) and the National Hydrography Dataset (NHD) does not show any surface water connection to an a(1)-a(3) water. Based on this information, Wetlands 1, 2, and 3 are not waters of the U.S. under the Navigable Waters Protection Rule (NWPR).
Wetlands 7, 7a, and 7b	1.09	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 7, 7a, and 7b are connected via culvert and drain to a larger wetland by way of an ephemeral gully (see Gully 1 determination below). These wetlands are surrounded by upland, as viewed on the 2-foot LiDAR contours submitted in the wetland delineation report. Wetland 7 extends offsite to the north, however, review of Google Earth imagery (April 2018, March 2016, April 2012) and the National Hydrography Dataset (NHD) does not show any surface water connection to an a(1)-a(3) water. Based on this information, Wetlands 7, 7a, and 7b are not waters of the U.S. under the NWPR.
Wetland 8	0.43	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 8 is located in the north central region of the site. The 2-foot LiDAR contours show that the wetland extends out from the base of an upland area to the northwest. From there the area is relatively flat. Review of Google Earth imagery (April 2018, March 2016, April 2012) and the National Hydrography Dataset (NHD) does not show any surface water connection to an a(1)-a(3) water. Based on this information, Wetland 8 is not a water of the U.S. under the NWPR.
Gully 1	270	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Gully 1 drains to the east from Wetland 7b to Wetland 5. The agent supplied site visit photos of the gully (Normal Conditions) that depicts a bed but no defined banks. The bed contains debris but no water flow. The gully is not visible

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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Excluded waters ((b)(1) – (b)(12)): ⁴ The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as MVP-2021-01498-SSC, Pages 1-2.			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
			in aerial imagery and is not defined on the NHD or on USGS topographic Maps. After weighing all of the evidence, Gully 1 is determined to only have surface water present in response to a precipitation event and is therefore ephemeral.

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: [Trott Brook North Property – Wetland Delineation Report dated July 26, 2021](#); [Site photo of Gully 1 from 6/2/2021 site visit](#)

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 2018, March 2016, April 2012](#)
- ☐ 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: [St. Francis 1916, Nowthen 1974, Nowthen 2016](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	The National Map – NHD layer viewed August 13, 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](#)