



**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): 7/20/2020

ORM Number: MVP-2020-01132-SLV

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Forest Lake County/Parish/Borough: Washington

Center Coordinates of Review Area: Latitude 45.274559 Longitude -93.009111

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	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	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	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	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 included the wetlands shown on the Project Drawings and described below.				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	1	acre	(b)(1) Non-adjacent wetland.	Wetland 1 is an isolated, forested wetland with no hydraulic connection to any (a)(1) – (a)(3) jurisdictional waters.
Wetland 2	0.64	acre	(b)(1) Non-adjacent wetland.	Wetland 2 is connected to Wetland 3, which includes a drainage ditch that serves as an intermittent stream; however, the drainage ditch is not a natural feature and does not meet the definition of an (a)(2) tributary. Therefore, Wetland 2 has no hydraulic connection to any (a)(1) – (a)(3) jurisdictional waters.
Wetland 3	1.76	acres	(b)(1) Non-adjacent wetland.	Wetland 3 is a larger wetland with a drainage ditch identified as an intermittent stream running through the middle. The ditch is not a natural feature and does not meet the definition of an (a)(2) tributary. Therefore, Wetland 3 has no hydraulic connection to any (a)(1) – (a)(3) jurisdictional waters.
Wetland 4	0.24	acre	(b)(1) Non-adjacent wetland.	Wetland 4 lies east of Wetland 3, separated by Everton Ave N. The drainage ditch in Wetland 3 continues under Everton Ave N and through Wetland 4; however, the ditch does not meet the definition of a (a)(2) tributary and Wetland 4 has no hydraulic connection to any (a)(1) – (a)(3) jurisdictional waters.
Wet Ditch 1	0.03	acre	(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).	Wet Ditches 1 – 5 are roadside ditches for drainage and runoff with no culverts providing hydraulic connection and no natural paths or barriers to any (a)(1) – (a)(3) jurisdictional waters.
Wet Ditch 2	0.32	acre		
Wet Ditch 3	0.01	acre		
Wet Ditch 4	0.55	acre		
Wet Ditch 5	0.02	acre		
Storm Pond 1	0.11	acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Storm Ponds 1 – 3 are upland impoundments intended for stormwater runoff and have no hydraulic connection to any (a)(1) – (a)(3) jurisdictional waters.
Storm Pond 2	0.06	acre		
Storm Pond 3	0.03	acre		

III. SUPPORTING INFORMATION

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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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: [Permit application project drawings; wetland delineation report](#)

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 images](#)
- ☐ 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: [provided as part wetland delineation report](#)
- ☒ 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:

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](#)