



**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): 5/13/2021

ORM Number: MVP-2021-00699-DWW

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Baldwin Township County/Parish/Borough: Sherburne

Center Coordinates of Review Area: Latitude 45.539057937606 Longitude -93.6196927109598

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	0.053	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Wetland in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Wetland Basin 1 would not be considered an (a)(4) water.
Ditch	41.9	linear feet	(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).	Private ditch that connects to a County Ditch 18 system that was constructed in 1916.
County Ditch 18	114	linear feet	(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).	Ditch system that was not excavated in a natural tributary.

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: **Thomas Lorentz**
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: **Select. Title(s) and/or date(s).**
- ☐ 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).**

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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- ☒ USFWS NWI maps: [USFWS NWI mapping](#)
- ☒ USGS topographic maps: [USGS Sherburne County](#)

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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.](#)

C. Additional comments to support AJD: [As a result of the Corps review with the most available desktop resources, the Wetland is not adjacent to an \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\) waterway, is not inundated by flooding of a \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\) waterway, and does not connect to an \(a\)\(1\) water through an \(a\)\(2\) or \(a\)\(3\) waterway.](#)

[The private ditch is approximately 41.9 linear feet before emptying into County Ditch 18. The County Ditch 18 was excavated in 1916. The ditch is shown on the Sherburn County Ditch Maintenance map and is also identified as CTY Ditch 18 on the GIS layers/Topo map. The ditch length in review area is approximately 114 linear feet in length. The overall ditch is approximately 0.71-mile in total length from project site to Battle Brook Tributary in Sherburne County. According to Sherburne County Public Works Department, it is a maintained ditch. The ditch was partially constructed in wetlands \(0.38-mile\) and uplands \(0.33-mile\) between the project site and Battle Brook Tributary. The County Ditch 18 flows south and may empty into a natural tributary setting \(0.69-mile downstream\) and about 105 linear feet in length before emptying into Battle Brook.](#)