



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): 8/27/2020

ORM Number: MVP-2010-03444-RMH

Associated JDs: MVP-2010-03444-AJD01

Review Area Location¹:

State/Territory: MN City: Worthington County/Parish/Borough: Nobles County

Center Coordinates of Review Area: Latitude 43.635304 Longitude -95.561467

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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland Ditch 1	0.05 acres	(b)(1) Non-adjacent wetland	The subject waters do not meet the definition of "adjacent wetlands". A review of available resources confirmed the wetlands investigated are located within enclosed depressions that have no surface water connections to intermittent or perennial tributaries. The investigated wetlands are physically removed from the nearest A(1)-A(3) water, and there is no evidence that they are directly abutting an A(1) – A(3) water. The investigated wetlands were determined to be hydrologically isolated and are therefore not regulated by the Corps under Section 404 of the Clean Water Act. The wetlands do not abut at least one point or side of, a paragraph (a)(1)-(3) water.
Wetland Ditch 2	0.11 acres		
Wetland Ditch 3	0.06 acres		

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: AJD Request submitted by Kimley-Horn and Associates, Inc. on 7/15/2020

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).*

 x Photographs: Aerial and Other: See photos in AJD Request

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

 x Previous Jurisdictional Determinations (AJDs or PJDs): MVP-2010-03444-AJD01 dated 12/1/2010.

 Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

 USDA NRCS Soil Survey: *Title(s) and/or date(s).*

 x USFWS NWI maps: NWI accessed via ORM on August 19, 2020.

 x USGS topographic maps: 1:24K Worthington North

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	MnTOPO state topography information
Other Sources	N/A.

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

C. Additional comments to support AJD: This approved jurisdictional determination (AJD) is only applicable for Wetland Ditch 1, Wetland Ditch 2 and Wetland Ditch 3. These wetlands are not jurisdictional because they are isolated basins that do not have a direct surface connection to a navigable water nor are they subject to inundation from a navigable water.

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