



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): December 11, 2020

ORM Number: MVP-2020-01812-EJW

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: MN Township: Buffalo County/Parish/Borough: Wright County

Center Coordinates of Review Area: Latitude 45.193651 Longitude -93.827094

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 11	0.06 acres	(b)(1) Non-adjacent wetland	The review area includes Wetlands 1A, 1B, 2, 4A, 4B, 4C, 5, 8, and 11 which are located adjacent to a 12,400 linear-foot long stretch of Dague Avenue NE. The nearest (a)(2) water is Lake Pulaski which is located 0.69 miles west of Dague Avenue NE. Wetlands 1A, 1B, 2, 4A, 4B, 4C, 5, 8, and 11 have no surface water connection to Lake Pulaski or any of its adjacent wetlands. . Aerial imagery and LIDAR provided in the Delineation Report indicate that it is surrounded by uplands with no surface connection to WOUS. The public waters inventory map and National Wetlands Inventory Maps provided with the delineation indicate none of the wetlands in this review have a surface connection to any WOUS. Based on the findings of this AJD review, Wetlands 1A, 1B, 2, 4A, 4B, 4C, 5, 8, and 11 all meet the definition of non-adjacent wetlands under the NWPR, qualify for the (b)(1) exclusion and are therefore not waters of the US.
Wetland 1A	0.25 acres	(b)(1) Non-adjacent wetland	
Wetland 1B	0.02 acres	(b)(1) Non-adjacent wetland	
Wetland 2	0.07 acres	(b)(1) Non-adjacent wetland	
Wetland 4A	0.19 acres	(b)(1) Non-adjacent wetland	
Wetland 4B	0.04 acres	(b)(1) Non-adjacent wetland	
Wetland 4C	0.03 acres	(b)(1) Non-adjacent wetland	
Wetland 5	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 8	0.06 acres	(b)(1) Non-adjacent wetland	

**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: Bolton & Menk - Dague Ave NE & 30<sup>th</sup> St NE Reconstruction Wetland Delineation Report, September 22, 2020.  
This information (is and is not) sufficient for purposes of this AJD.  
Rationale: While information provided in the Delineation Report was the primary resource utilized in this review, Aerial imagery from Google Earth was also utilized.
- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- ☒ Photographs: (aerial) Google Earth 1991-2020
- ☐ Corps Site visit(s) conducted on: *Date(s)*.
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs):
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: Wright County Soils Survey
- ☒ USFWS NWI maps: National Wetlands Inventory Map
- ☐ 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.

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<sup>5</sup> 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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USACE Sources	N/A.
State/Local/Tribal Sources	MN DNR Public Waters Inventory
Other Sources	N/A.

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

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

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