



**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): 8/9/2021

ORM Number: 2021-01131-EJI

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Minnesota City: Cohasset County/Parish/Borough: Itasca

Center Coordinates of Review Area: Latitude 47.276135 Longitude -93.69738

**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	
Wetland 1	7.773	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3)	Wetland 1 is directly adjacent to the Mississippi River to the south. A road bisects the wetland but 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 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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	culvert under the road provides a direct hydrologic connection during a typical year.
Wetland 26	18.489	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland 26 is part of wetland 27. A haul road separates the majority of wetland 26 from wetland 27 except for where they are still connected near highway 6. Both wetland 26 and 27 have a direct hydrologic connection to Blackwater creek which is a perennial stream that flows directly into the Mississippi River. Before reaching Blackwater Creek, the railroad tracks and highway 2 bisect the wetland but two sets of culverts provide a direct hydrologic surface connection in a typical year.
Wetland 27	74.045	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland 27 has a direct hydrologic connection to Blackwater creek which is a perennial stream that flows directly into the Mississippi River. Before reaching Blackwater Creek, the railroad tracks and highway 2 bisect the wetland but two sets of culverts provide a direct hydrologic surface connection in a typical year.
Wetland 28	2.094	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection	Wetland 28 is a mosaic wetland that is a part of wetland 27 which has a direct hydrologic connection to Blackwater creek which is a perennial stream that flows directly into the Mississippi River. Before reaching Blackwater Creek, the railroad tracks and highway 2 bisect the wetland but two sets of culverts provide a direct hydrologic surface connection in a typical year.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
		between the wetland and the (a)(1)-(a)(3) water, in a typical year.	
Wetland 30	1.902	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.
			Wetland 30 is continuous with wetland 27 which has a direct hydrologic connection to Blackwater creek which is a perennial stream that flows directly into the Mississippi River. Before reaching Blackwater Creek, the railroad tracks and highway 2 bisect the wetland but two sets of culverts provide a direct hydrologic surface connection in a typical year.

**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 2	0.408	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland 2 does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 2 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year. Wetland 2 drains into a roadside ditch that is that is not a tributary.
Wetland 3	0.180	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland 3 is an isolated wetland that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features.

<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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Excluded waters ((b)(1) – (b)(12)). <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
				Wetland 3 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 4	1.839	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 4 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year. Wetland 4 drains into a roadside ditch that is that is not a tributary.
Wetland 5	0.533	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is connected to wetland 6 through a swale. Wetland 5 does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 5 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 6	0.795	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 is connected to wetland 5 through a swale. Wetland 6 does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 6 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 7	0.193	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 7 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 7 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 8	0.049	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 8 is an isolated basin that does not meet the definition of an (a)(1) water or



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Excluded waters ((b)(1) – (b)(12)). <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 8 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 9	0.328	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 9 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 9 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 10	0.441	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 10 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 10 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 11	0.197	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 11 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 11 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year. Wetland 11 is connected to wetland 12 by a swale.
Wetland 12	1.040	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 12 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 12 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			year. Wetland 12 is connected to wetland 11 by a swale.	
Wetland 13	0.058	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 13 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 13 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 14	0.278	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 14 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 14 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 15	0.016	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 15 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 15 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 16	3.140	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 16 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 16 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year. Wetland 16 appears to drain offsite via an ephemeral drainage that that does not meet wetland criteria.
Wetland 17	0.021	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 17 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either





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Excluded waters ((b)(1) – (b)(12)). <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 17 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.	
Wetland 18	0.095	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 18 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 18 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 19	1.656	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 19 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 19 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year. Wetland 19 drains into a roadside ditch via a swale that is that is not a tributary.
Wetland 20	1.236	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 20 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 20 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 21	0.081	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 21 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 21 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 22	0.152	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 22 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 22 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 23	0.914	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 23 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 23 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 24	0.123	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 24 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 24 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 25	0.963	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 25 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 25 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.
Wetland 29	0.700	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 29 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 29 is not inundated by flooding from a





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			paragraph (a)(1) through (a)(3) water in a typical year.	
Wetland 31	9.541	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 31 is an isolated basin that does not meet the definition of an (a)(1) water or contribute surface water flow to a water identified in paragraph (a)(1) in a typical year either directly or indirectly through one or more waters identified in paragraph (a)(2), (a)(3), or (a)(4) or through channelized non-jurisdictional features. Wetland 31 is not inundated by flooding from a paragraph (a)(1) through (a)(3) water in a typical year.

### 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: [Huber Engineered Woods Delineation, June 4, 2021](#)

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 and Other: 1947 and 1989 aerial photos and site photos taken 6/15/2021](#)
- ☒ Corps site visit(s) conducted on: [6/15/2021](#)
- ☐ 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: [Web Soil Survey Hydric Soil Map](#)
- ☒ USFWS NWI maps: [MN NWI Update 2015-2018](#)
- ☒ USGS topographic maps: [USGS 24K topo](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [APT included within delineation report and ran for 6/15/2021 site visit date. Antecedent Precipitation was above normal during the delineation on 4/20/2021 and below normal during the 6/15/2021 Corps site visit. Culverts observed on 6/15/2021 under HWY 2 and railroad tracks were inundated with water during moderate drought conditions.](#)

**C. Additional comments to support AJD:** [N/A](#)