



**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): [Select](#).

ORM Number: [MVP-2021-00424-JRH](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [MN](#) City: [Walden Township](#) County/Parish/Borough: [Pope](#)

Center Coordinates of Review Area: Latitude [45.5715](#) Longitude [-95.7376](#)

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 for this determination is limited to the delineated boundaries of four wetlands labeled as Wetlands 1, 2, 3, and 4 on the attached figures labeled as 2021-00424-JRH AJD Attachments, pages 1-3.				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands 1 and 2	0.42	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 1 is located on the north side of CSAH 18 and Wetland 2 is located on the south side of CSAH 18. Wetland 2 flows to wetland 1 through a culvert through CSAH 18 which acts as an artificial barrier. Wetland 1 is a part of a larger wetland/Lake basin. A review of the data sources in Section III.A. indicates that this larger wetland/Lake basin is geographically isolated and physically separated from potential downstream waters, is surrounded by uplands and does not have a direct surface water connection to downstream waters.</p> <p>Based on this review, wetlands 1 and 2 are not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1) and it does not meet the definition of adjacent wetlands under paragraph (c)(1). This was confirmed by reviewing the supporting information in III(A) below.</p>
Wetlands 3 and 4	0.28	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 3 and 4 are a part of the same wetland basin. Wetland 3 is located on the south side of CSAH 18 and Wetland 4 on the north side of CSAH 18. Although CSAH 18 bisects this basin and there is a hydrologic surface connection between the two through a culvert through the artificial barrier both Wetland 2 and 3 are surrounded by upland and does not have a direct surface water connection to downstream waters.</p> <p>Based on this review, wetlands 3 and 4 are not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1) and it does not meet the definition of adjacent wetlands under paragraph (c)(1). This was confirmed by reviewing the supporting information in III(A) below.</p>

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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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: [Title\(s\) and date\(s\)](#)
This information [Select](#). 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: [Aerial: Google Earth Imagery 1985-2016](#)
- ☐ 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\(s\)](#).
- ☒ USFWS NWI maps: [USFWS NWI of MN, 1974-1978](#)
- ☒ USGS topographic maps: [USGS Topographic Quads \(USA Topo Maps\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	National Hydrography Dataset (USGS Service)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	DNR NWI Update – MN, 2010-2018
Other Sources	2-foot contours Minnesota (LiDAR Service)

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

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