



**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): 1/19/2021

ORM Number: 2020-02231-RQM

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: N/A County/Parish/Borough: Otter Tail County

Center Coordinates of Review Area: Latitude 46.696434 to 46.555288 Longitude -95.725867 to -96.083253

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.	

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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W2	0.93	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland W2 is bisected by an intermittent tributary of the Pelican River, which is tributary to the Otter Tail River which is tributary to the Bois De Sioux River and the Red River of the North.
W8	0.54	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland W8 is bisected by an intermittent tributary of the Pelican River, which is tributary to the Otter Tail River which is tributary to the Bois De Sioux River and the Red River of the North.
W21a (PWI 56074702)	0.86	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W21a abuts the South Arm of Lida Lake, which has public access subjecting it to interstate commerce.
W21b	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W21b abuts the South Arm of Lida Lake, which has public access subjecting it to interstate commerce.
M34	0.52	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 M34 is adjacent to Little McDonald Lake; which has public access subjecting it to interstate commerce.
M29 (PWI 56033300)	4.32	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 M29 is connected to Big McDonald Lake via county ditch #25; which has public access subjecting it to interstate commerce.



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M30	0.56	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 30 is adjacent to Walde lake which is adjacent to Big McDonald lake which has public access subjecting it to interstate commerce.
M33	1.91	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland M34 is adjacent to Little McDonald Lake; which has public access subjecting it to interstate commerce.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands (M1, M3, M4, M5, M6, M7, M8, M9, M10, M11, M12, M20, W1, W3, W4a, W4b, W5, W6, W7, W11, W12, W13, W14, W15, W16, W17, W18a, W18b, W19, W20, W22, W23)	N/A		acre(s)	(b)(1) Non-adjacent wetland. Wetlands (M1, M3, M4, M5, M6, M7, M8, M9, M10, M11, M12, M20, W1, W3, W4a, W4b, W5, W6, W7, W11, W12, W13, W14, W15, W16, W17, W18a, W18b, W19, W20, W22, W23) are entirely surrounded by uplands in agricultural, transportation and rural use with no discernable adjacency to a1-a3 waters and are therefore not considered waters of the United States.
Wetlands (M2, M16, M17, M18, M19, M21, M22, M23, M24, M26, M27, M31, M32, M35)	N/A		acre(s)	(b)(1) Non-adjacent wetland. Wetlands (M2, M16, M17, M18, M19, M21, M22, M23, M24, M26, M27, M31, M32, M35) are entirely surrounded by uplands in agricultural, transportation and rural use with no discernable adjacency to a(1)-a(3) waters and are within a basin which is depicted with hatched contour lines, indicating they are isolated. These wetlands are therefore not considered waters of the United States.
Wetlands (M13, M14, M15, M25, M28, M36a, M36b, W9, W10a, W10b)	N/A		acre(s)	(b)(1) Non-adjacent wetland. Wetlands (M13, M14, M15, M25, M28, M36a, M36b, W9, W10a, W10b) are adjacent to a waterbody which is named a lake (on USGS Topo Maps) which is depicted with hatched contour lines indicating the lake does not contribute surface water flow to an a(1)-a(3) water, and are therefore not waters of the United States.
N/A.	N/A.	N/A.	N/A.	N/A.

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: **OTC Middle and West Trail Permit Application**

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: MNGeo WMS Service Statewide Aerial Photography**

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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- ☐ 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: [National Wetland Inventory GIS server](#)
- ☒ USGS topographic maps: [LMIC WMS server Quad sheet scanned 24K DRG](#)

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	MPCA altered watercourse GIS layer

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: [See table above.](#)