



**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): 8/17/2021

ORM Number: MVP-2016-01452-MCG

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MN City: New London, Roseville, Burbank Townships

County/Parish/Borough: Kandiyohi County

Center Coordinates of Review Area: Latitude 45.330958 Longitude -94.840354

**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
- ☐ 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.	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.

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup> The review area for this determination is identified as Wetlands 1-3, 5-9, 11-12, and 15 on the attached figures labeled 2016-01452-MCG Attachments, Pages 1-9 of 9.				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1, 2	4.63	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 1 and 2 are a portion of a large emergent wetland complex located in the southern portion of the project area. This wetland extends outside the project area but elevation contours show it is an isolated basin. The wetland is fully encapsulated by contour 1220 while the delineated boundary is at approximately 1214. One culvert exists under Highway 23 which connects to the stormwater pond on the west side. This stormwater pond does not have any jurisdictional connection to a water of the U.S.
Wetland 3	0.30	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is an emergent wetland located on the south side of 115th Street NE at its intersection with State Highway 23. Wetland 3 is separated from Wetland 4 (Long Lake) by 115th Street NE and no observed culverts connecting these wetlands. Wetland 3 is bowl shape with no observed outlet. Wetland 3 appears to be geographically isolated wetland basin and does not have any jurisdictional connection to any waters of the U.S.
Wetland 5	1.12	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is located on the south side of State Highway 23. No culverts were observed under the rail grade trail in this area. This is a wetland basin with no surface connection to Wetland 10 (Raemer Lake). It appears as if the rail grade trail has isolated this basin.
Wetland 6	1.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 is located in an agricultural field and does not have a surface connection to any tributary or other waters of the U.S., and therefore appears to be an isolated depressional basin with no jurisdictional connection to any other water of the U.S.
Wetland 7	0.77	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 7 is located at the eastern most portion of the project area. This wetland is in an agricultural field and does not have a surface connection to any tributary or other waters of the U.S., and therefore appears to be an isolated depressional basin with no jurisdictional connection to any other water of the U.S..

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup> The review area for this determination is identified as Wetlands 1-3, 5-9, 11-12, and 15 on the attached figures labeled 2016-01452-MCG Attachments, Pages 1-9 of 9.				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 8	0.98	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 8 is located on the north side of State Highway 23. This basin appears to be geographically isolated and is not a tributary to any waters of the U.S., therefore appears to be an isolated depressional basin with no jurisdictional connection to any other water of the U.S.
Wetland 9	2.75	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 9 is located on the north side of State Highway 23. This basin appears to be geographically isolated and is not a tributary to any waters of the U.S., therefore appears to be an isolated depressional basin with no jurisdictional connection to any other water of the U.S.
Wetland 11, 12	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 11, and 12 are depressional areas adjacent to the trail near Raemer Lake. These wetlands appear isolated from Wetland 10 (Raemer Lake), since no culverts were observed in the area providing surface connection wetlands to Raemer Lake. Therefore, they are isolated depressional basins with no jurisdictional connection to any other water of the U.S.
Wetland 15	0.71	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 15 is a wetland located in the bottom of a deep basin with no observed culverts. This appears to be an isolated basin, therefore a depressional basin with no jurisdictional connection to any other water of the U.S.

### 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: Trunk Highway 23 Expansion Wetland Delineation, July 2016

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:** Trunk Highway 23 Expansion Wetland Delineation, July 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: **Kandiyohi County**
- ☒ USFWS NWI maps: **Kandiyohi County**
- ☒ USGS topographic maps: **Kandiyohi County**



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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	N/A.

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

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