



**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): 12/2/2020

ORM Number: MVP-2020-02215-BBY

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Arden Hills County/Parish/Borough: Ramsey

Center Coordinates of Review Area: Latitude 45.071772 Longitude -93.169819

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)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				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Unnamed Ditch	200	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The unnamed ditch was constructed prior to 1945 according to historic aerial photos but is not found on a 1902 topographic map. Historic imagery indicates that the unnamed ditch was constructed in non-adjacent unnamed wetland (see below) and waterflow was directed along Old Highway 10. From there, this unnamed ditch joins another ditch which connects Round Lake to Valentine Lake. There is no evidence that the unnamed ditch is a natural stream, a relocated tributary or that it was constructed in a tributary or adjacent wetlands. This was confirmed through desktop review of available historic and current aerial imagery and historic topographic maps. Per the NWPR, the ditch does not meet the definition of a tributary; therefore, the ditch is not a water of the U.S. and is not jurisdictional under the Clean Water Act.
Unnamed Wetland	.23	acre(s)	(b)(1) Non-adjacent wetland.	Google Earth aerial imagery indicates that the unnamed wetland is bordered by uplands, Highway 10, and Old Highway 10. Historic and recent aerial imagery shows that the unnamed wetland basin extends to the western side of Old Highway 10 which cut through the middle of the historic wetland basin when it was constructed. In historic aerial imagery from 1945 and 1960, the entirety of the unnamed wetland was separated from Round Lake by upland areas being used for agricultural purposes. The wetland basin is not found in the 1902 topographic map. The only apparent surface water connection from the unnamed wetland to Round Lake is a ditch that connects Round Lake to Lake Valentine which is not present on a 1902 topographic map. This ditch is not an a(1)-a(3) water. The unnamed wetland has no surface water connection to an a(1)-a(3) water. Therefore, the unnamed wetland is not considered a water of the U.S. under the Navigable Waters Protection Rule.

III. SUPPORTING INFORMATION

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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- 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: [Joint Application signed November 3, 2020 and submitted by Ramsey County Public Works.](#)
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: MHAPO 1945 and 1960. Google Earth Imagery 1991, 2002-2006, 2008-2020.](#)
- ☐ 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: [Title\(s\) and/or date\(s\).](#)
- ☒ USGS topographic maps: [White Bear, MN 1902](#)

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:** [The review area consists of 1 wetland \(Unnamed Wetland\) and one tributary labeled as Unnamed Ditch on the attached figures. The review area is limited to a small portion of the unnamed wetland. The unnamed wetland extends south of the review area and the historic basin extends to the western side of Old Highway 10. The unnamed ditch, in the review area, flows south along the western boundary of the unnamed wetland into another ditch, outside of the review area, which connects Round Lake to Lake Valentine. This ditch appears to have been created through uplands and non-adjacent wetland areas between 1902 and 1945. The ditch cannot be found on the 1902 topographic map even though many other ditches and tributaries in the area are identified on this map. The ditch is noticeable in aerial imagery from 1945. Available resources indicate that this ditch is not a a\(1\) – a \(3\) water. An additional roadside ditch connects to the southeastern portion of the unnamed wetland basin. This roadside ditch was created with the construction of Highway 10 and is not found on the 1902 topographic map or historic aerial imagery from 1945 and 1960. Available resources indicates this roadside ditch is not an a\(1\) – a\(3\) water.](#)