



**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): 3/16/2021

ORM Number: 2016-03859-MMJ; St. Claire Lakes AJD

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: MN City: Columbus County/Parish/Borough: Anoka Co.

Center Coordinates of Review Area: Latitude 45.252919 Longitude -93.036604

**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: NA
- ☐ 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	
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.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup> The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as 2016-03859-MMJ, AJD Figures 1-9.				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch feature	300	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 ditch feature within the review area for this AJD spans approximately 300 linear feet and is located between Wetland 5 and Wetland 4, as shown on the enclosed map labeled 2016-03839-MMJ; AJD Figure 6. Historic aerials for the project site indicate that this ditch was likely constructed sometime before 1965. There are no historic or existing tributary features mapped within the review area, and the ditch feature does not appear to have been constructed through a wetland that would be considered adjacent to any downstream jurisdictional waters. Existing topography on the site indicates that Wetland 5 is surrounded by upland and was likely an depressional isolated wetland basin prior to the construction of the ditch feature on its northern boundary; Wetland 5 is located at an elevation of approximately 896' (see Figure 7), which is approximately 6 feet higher than the approximate boundary for downstream Wetland 4. The soil map for the review area indicates that the ditch may have been constructed within a hydric soil unit, but the National Wetland Inventory (NWI) and the delineation completed for the project site indicate that the portion of ditch between Wetland 5 and Wetland 4 is surrounded by upland. In addition, the delineation report and recent photos taken on-site document that the ditch feature is usually dry, and it does not have intermittent flow. This ditch feature is not an (a)(1) or (a)(2) water; it was not constructed in a tributary, does not relocate a tributary, and it was not constructed in an adjacent (a)(4) wetland.
Wetland 5	0.50	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is adjacent to the non-jurisdictional ditch feature described above and shown on the enclosed figures. Wetland 5 is also a non-jurisdictional feature; it does not qualify as an adjacent (a)(4) water.

**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: [Jacobson delineation](#).

This information [is](#) sufficient for purposes of this AJD.

<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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Rationale: [NA](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial](#): [Historic: 1965 & Google Earth imagery 1991-2020](#).
- ☐ 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: [Anoka County](#)
- ☒ USFWS NWI maps: [MnDNR](#)
- ☒ USGS topographic maps: [1:24k Linwood](#)

**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="#">NA.</a>

**B. Typical year assessment(s):** [NA](#)

**C. Additional comments to support AJD:** Wetland 5 and the ditch feature described above and shown on the enclosed figures, are excluded waters under the Navigable Waters Protection Rule; they are not jurisdictional waters of the U.S.