



**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): 8/17/2020

ORM Number: MVP-2018-02917-BGO

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Ortonville County/Parish/Borough: Big Stone and Swift Counties

Center Coordinates of Review Area: Latitude 45.298155 Longitude -96.312150

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.	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
Wetland 1A, Wetland 1B, Wetland 2, Wetland 72 (Sheet 1)	2.72 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 1A and 1B are connected by a culvert located under Trunk Highway (TH) 12 and Wetlands 2 and 72 are part of a separate wetland basin located on the north side of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 1W, Wetland Ditch 2W, Wetland Ditch 3W, Wetland Ditch 4W (Sheet 1)	0.37 acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 3A, Wetland 3B, Wetland 74 (Sheet 2)	1.42 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 3A and 74 are part of the same wetland basin located on the south side of TH 12 and Wetland 3B is a separate wetland basin located on the north side of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 5W, Wetland Ditch 6W, Wetland Ditch 7W, Wetland Ditch 8W (Sheet 2)	0.25 acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 4A, Wetland 4B,	5.02 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 4A-4D are all connected by culverts and are part of the same larger wetland area

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 4C, Wetland 4D (Sheets 2 and 3)				located on the south side of TH 12. A review of the data sources in Section III.A indicates that this larger wetland area drains south across an agricultural field and may convey flows through several farmed wetland basins and eventually to an unnamed tributary to the Minnesota River. However, this connection is primarily overland sheet flow and includes several upland breaks between the farmed wetlands and the unnamed tributary to the Minnesota River. Based on this information, Wetlands 4A-4D do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland 7, Wetland 76 (Sheet 3)	0.30	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 7 and 76 are two separate wetland basins located on the north and south sides of TH 12. A review of the data sources in Section III.A indicates that both of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 9W, Wetland Ditch 10W, Wetland Ditch 11W (Sheet 3)	0.29	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 8A, Wetland 8B, Wetland 9A, Wetland 9B, Wetland 9C, Wetland 10A, Wetland 10B, Wetland 10C, Wetland 79, Wetland 80, Wetland 81 (Sheet 4)	3.93	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 8A and 8B are part of the same wetland basin located on the north side of TH 12 and Wetlands 9A-9C, 10A-10C, and 79-81 are nine separate wetland basins located along both sides of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 12W, Wetland	0.51	acre(s)	(b)(5) Ditch that is not an (a)(1) or	Ditches constructed in uplands that are now linear wetlands.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 13W, Wetland Ditch 14W, Wetland Ditch 15W, Wetland Ditch 16W, Wetland Ditch 17W (Sheet 4)			(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	
Wetland 13A, Wetland 13B, Wetland 88 (Sheet 5)	0.37	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 13A is a small wetland basin located on the north side of TH 12 and Wetlands 13B and 88 are part of a separate wetland basin located on the south side of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland 14A, Wetland 14B, Wetland 14C, Wetland 92, Wetland 93, Wetland 94 (Sheet 5)	1.00	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 14A-14C and 92-94 are all connected by culverts and are part of the same larger linear wetland area located on the south side of TH 12. A review of the data sources in Section III.A indicates that this larger linear wetland area drains south across an agricultural field and may convey flows to several larger wetland basins located near the Stony River. However, those larger wetland basins are surrounded by uplands and do not have a direct hydrologic surface connection to the Stony River. Based on this information, Wetlands 14A-4C and 92-94 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 18W, Wetland Ditch 19W (Sheet 5)	0.08	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 16, Wetland 97 (Sheet 6)	0.23	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 16 and 97 are connected by a culvert located under TH 12 and are part of a larger linear wetland area that drains south across an agricultural field and may convey flows to a large



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			wetland complex that is connected to the Stony River. A review of the data sources in Section III.A indicates that this connection is primarily overland sheet flow and includes several upland breaks separating Wetlands 16 and 97 from the large wetland complex that is connected to the Stony River. Based on this information, Wetlands 16 and 97 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 20W, Wetland Ditch 21W, Wetland Ditch 22W (Sheet 6)	0.25	acre(s)	(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). Ditches constructed in uplands that are now linear wetlands.
Wetland 98, Wetland 99 (Sheet 7)	0.80	acre(s)	(b)(1) Non-adjacent wetland. Wetlands 98 and 99 are connected by a culvert located under TH 12 and are part of a larger linear wetland area that drains south across an agricultural field and may convey flows into a large wetland complex that is connected to the Stony River. A review of the data sources in Section III.A indicates that this connection is primarily overland sheet flow and includes several upland breaks separating Wetlands 98 and 99 from the large wetland complex that is connected to the Stony River. Based on this information, Wetlands 98 and 99 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland 101 (Sheet 8)	0.07	acre(s)	(b)(1) Non-adjacent wetland. Wetland 101 is a small linear wetland located on the south side of TH 12 that drains southeast across an agricultural field and may convey flows into a large wetland complex that is connected to the Stony River. A review of the data sources in Section III.A indicates that this connection is primarily overland sheet flows and includes an upland break that separates Wetland 101 from the large wetland complex that is



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			connected to the Stony River. Based on this information, Wetland 101 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland is physically separated and lacks a sufficient hydrologic connection to an otherwise jurisdictional water.	
Wetland 19A, Wetland 19B (Sheet 8)	0.51	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 19A and 19B are connected by a culvert under TH 12 that conveys flows into a drainage ditch located south of Wetland 19B. A review of the data sources in Section III.A indicates that the drainage ditch located south of Wetland 19B is man-made and is not a relocated tributary, is not constructed in a tributary, and is not constructed in adjacent wetlands. Based on this information, the man-made ditch is not considered a tributary and, therefore, Wetlands 19A and 19B do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 23W (Sheet 8)	0.10	acre(s)	(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).	Ditch constructed in uplands that is now a linear wetland.
Wetland 21A, Wetland 21B, Wetland 21C (Sheet 9)	3.17	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 21A-21C are three separate wetland basins located on the north and south sides of TH 12. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 24W, Wetland Ditch 25W, Wetland Ditch 26W (Sheet 9)	0.13	acre(s)	(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	Ditches constructed in uplands that are now linear wetlands.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			conditions of (c)(1).	
Wetland 22 (Sheet 10)	0.42	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 22 is part of a larger wetland area located on the south side of TH 12. A review of the data sources in Section III.A indicates that this larger wetland area drains southeast across an agricultural field and may convey flows to a large wetland complex that is connected to an unnamed tributary the Minnesota River. However, this connection is primarily overland sheet flow and includes an upland break that separates Wetland 22 from the large wetland complex that is connected to the unnamed tributary to the Minnesota River. Based on this information, Wetland 22 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland is physically separated and lacks a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 27W, Wetland Ditch 28W (Sheet 10)	0.10	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 24G (Sheet 11)	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 24G is a small wetland basin located on the north side of TH 12. Based on available information, there are no culverts located along this segment of TH 12 that would provide a direct hydrologic connection between Wetland 24G and Wetland 24B on the west side of 670th Ave or Wetland 24F on the south side of the highway. In addition, a review of the data sources in Section III.A indicates that Wetland 24G is surrounded by uplands to the north and east, and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 29W (Sheet 11)	0.03	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch	Ditch constructed in uplands that is now a linear wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).		
Wetland 27A, Wetland 27B, Wetland 27C (Sheet 12)	2.76	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 27A and 27B are connected by a culvert located under TH 12 and Wetland 27C is a separate wetland basin located on the north side of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 30W, Wetland Ditch 31W, Wetland Ditch 32W (Sheet 12)	0.36	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 29F, Wetland 29G, Wetland 30A, Wetland 30B, Wetland 116 (Sheet 13)	5.10	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 29F, 29G, 30A, 30B, and 116 are five separate wetland basins located along both sides of the highway. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 33W, Wetland Ditch 34W, Wetland Ditch 35W, Wetland Ditch 36W (Sheet 13)	1.05	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 31 (Sheet 14)	0.77	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 31 is part of a larger linear wetland area located between TH 12 and County Road (CR) 77 to the southeast. A review of the data sources in Section III.A indicates that this larger linear wetland area may convey flows south along the CR 77 roadside ditch and towards the



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			Minnesota River floodplain. However, the data sources in Section III.A also indicate that the CR 77 roadside ditch is man-made and is not a relocated tributary, is not constructed in a tributary, and is not constructed in adjacent wetlands. Based on this information, the CR 77 roadside ditch is not considered a tributary and, therefore, Wetland 31 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland is physically separated and lacks a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland 120 (Sheet 15)	0.13	acre(s)	(b)(1) Non-adjacent wetland.
Wetland Ditch 37W, Wetland Ditch 38W, Wetland Ditch 39W, Wetland Ditch 40W (Sheet 15)	0.18	acre(s)	(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).
Wetland Ditch 41W, Wetland Ditch 42W, Wetland Ditch 43W (Sheet 16)	0.80	acre(s)	(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).
Wetland Ditch 44W, Wetland Ditch 45W,	0.11	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and



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Wetland Ditch 46W (Sheet 17)			those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	
Wetland 37 (Sheet 19)	0.39	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 37 is a small wetland basin located on the north side of TH 12. A review of the data sources in Section III.A indicates that this wetland is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland 127 (Sheet 20)	0.31	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 127 is a small wetland basin located on the south side of TH 12. A review of the data sources in Section III.A indicates that this wetland is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland 128 (Sheets 21)	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 128 is a small wetland basin located on the south side of TH 12. A review of the data sources in Section III.A indicates that this wetland is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 49W (Sheet 21)	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Ditch constructed in uplands that is now a linear wetland.
Wetland 129 (Sheet 22)	0.43	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 129 is part of a larger wetland basin located on the south side of TH 12. A review of the data sources in Section III.A indicates that this wetland is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland 130 (Sheet 22)	2.87	acre(s)	(b)(1) Non-adjacent wetland.	Both portions of Wetland 130 are connected by a culvert located under TH 12 and are part of the same larger wetland area located on the south side of the highway. A review of the data sources in Section III.A indicates that this larger wetland area drains south across an agricultural field and may convey flow into an unnamed tributary to County Ditch No 2. However, this connection is primarily overland sheet flow and includes an upland break that separates Wetland 130 from the unnamed tributary to County Ditch No 2. Based on this information, Wetland 130 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			wetland is physically separated and lacks a sufficient hydrologic connection to an otherwise jurisdictional water.	
Wetland 40A, Wetland 40B, Wetland 40C, Wetland 40D (Sheet 23)	3.31	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 40A-40D are all connected by culverts and are part of the same larger wetland area located on the south side of TH 12. A review of the data sources in Section III.A indicates that this larger wetland area drains south across an agricultural field and may convey flows to an unnamed tributary to County Ditch No 2. However, this connection is primarily overland sheet flow and includes several upland breaks that separate Wetlands 40A-40D from the unnamed tributary to County Ditch No 2. Based on this information, Wetlands 40A-40D do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 50W, Wetland Ditch 51W (Sheet 23)	0.07	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 41A, Wetland 41B, Wetland 136 (Sheet 24)	1.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 41A, 41B, and 136 are connected by a culvert under TH 12 and are part of the same larger wetland area located on the south side of the highway. A review of the data sources in Section III.A indicates that this larger wetland area is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 52W, Wetland Ditch 53W (Sheet 24)	0.44	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 42A, Wetland 42B, Wetland 42C, Wetland 42D, Wetland 42E, Wetland 137 (Sheets 24 and 25)	7.41	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 42A-42E and 137 are all connected by culverts and are part of the same larger wetland area located on the south side of TH 12. A review of the data sources in Section III.A indicates that this larger wetland area drains east across an agricultural field and may convey flows to a large wetland complex that is connected to an unnamed tributary to County Ditch No 10. However, this connection is primarily overland sheet flow and includes an upland break that separates Wetlands 42A-42E and 137 from the large wetland complex that is connected to the unnamed tributary to County Ditch No 10. Based on this information, Wetlands 42A-42E and 137 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection to an otherwise jurisdictional water.
Wetland Ditch 54W, Wetland Ditch 55W (Sheet 25)	0.06	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland Ditch 56W, Wetland Ditch 57W, Wetland Ditch 58W, Wetland Ditch 59W (Sheet 26)	0.06	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 46A, Wetland 46B (Sheet 27)	0.95	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 46A and 46B are connected by a culvert under TH 12 and are part of the same larger wetland area located on the north side of the highway. A review of the data sources in Section III.A indicates that this larger wetland area is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland 147 (Sheet 29)	0.46	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 147 is a small wetland basin located on the east side of TH 12. A review of the data sources in Section III.A indicates that this wetland is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 60W, Wetland Ditch 61W, Wetland Ditch 62W (Sheets 32 and 33)	0.29	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland Ditch 63W, Wetland Ditch 64W, Wetland Ditch 65W, Wetland Ditch 66W, Wetland Ditch 67W (Sheet 35)	0.57	acre(s)	(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).	Ditches constructed in uplands that are now linear wetlands.
Wetland 58A, Wetland 58B (Sheet 37)	1.52	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 58A and 58B are connected by a culvert under TH 12 and are part of a larger wetland area that extends north and south of the highway. A review of the data sources in Section III.A indicates that this larger wetland area is surrounded by uplands and does not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland 59, Wetland 161, Wetland 163, Wetland 164, Wetland 165, Wetland 166 (Sheet 38)	2.39	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 59, 161, and 163-166 are six separate wetland basins located along both side of TH 12. A review of the data sources in Section III.A indicates that all of these wetlands are surrounded by uplands or other non-jurisdictional waters, and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 68W, Wetland Ditch 69W, Wetland Ditch 70W, Wetland Ditch 71W	0.28	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	Ditches constructed in uplands that are now linear wetlands.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
(Sheet 38)		(a)(4) water that do not satisfy the conditions of (c)(1).	
Wetland 60A, Wetland 60B (Sheet 39)	1.85	acre(s)	(b)(1) Non-adjacent wetland. Wetlands 60A and 60B are two separate wetlands basins located on the north and south sides of TH 12. A review of the data sources in Section III.A indicates that both of these wetlands are surrounded by uplands and do not have a direct hydrologic surface connection to an otherwise jurisdictional water.
Wetland Ditch 72W, Wetland Ditch 73W (Sheet 39)	0.06	acre(s)	(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). Wetland Ditches 72W and 73W are part of a longer drainage ditch that flows from an agricultural field located on the north side of TH 12 to the south along the roadside ditch of TH 59. A review of the data sources in Section III.A indicates that this drainage ditch is man-made and does not meet the conditions of a tributary under paragraph (a)(2) because the ditch did not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland.

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: [MnDOT SP 0603-16/TH 12 Joint Application Form, August 2020 and Wetland Delineation Report, July 2018](#)

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: 2017 FSA and 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [USFWS NWI of MN, 1974-1978](#)
- USGS topographic maps: [1:24k DRG – Ortonville, Odessa, Akron, Shible, and Moyer, 2003](#)

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	NHD – High Resolution – MN, 2015
USDA Sources	N/A.
NOAA Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
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: The review area for this determination is limited to the delineated boundaries of 86 wetlands labeled as Wetlands 1A-1B, Wetland 2, Wetlands 3A-3B, Wetlands 4A-4D, Wetland 7, Wetlands 8A-8B, Wetlands 9A-9C, Wetlands 10A-10C, Wetlands 13A-13B, Wetlands 14A-14C, Wetland 16, Wetlands 19A-19B, Wetlands 21A-21C, Wetland 22, Wetland 24G, Wetlands 27A-27C, Wetlands 29F-29G, Wetlands 30A-30B, Wetland 31, Wetland 37, Wetlands 40A-40D, Wetlands 41A-41B, Wetlands 42A-42E, Wetlands 46A-46B, Wetlands 58A-58B, Wetland 59, Wetlands 60A-60B, Wetland 72, Wetland 74, Wetland 76, Wetlands 79-81, Wetland 88, Wetlands 92-94, Wetlands 97-99, Wetland 101, Wetland 116, Wetland 120, Wetlands 127-130, Wetlands 136-137, Wetland 147, Wetland 161 and Wetlands 163-166, and 71 ditches labeled as Wetland Ditches 1W-46W and Wetland Ditches 49W-73W on the attached figures labeled 2018-02917-BGO AJD Attachments, Pages 1-40 of 40. All of the labels for these waters are also highlighted in yellow on the attached figures. The total area of non-jurisdictional waters within the review area is approximately 58.19 acres.

All of the wetlands within the review area meet the definition of “wetlands” under paragraph (c)(16) and are not (a)(4) waters because they do not meet the definition of “adjacent wetlands” under paragraph (c)(11). The assessed waters primarily include physically remote or small isolated wetlands that do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing aerial photography, national hydrography and wetland inventory data, 2-foot LIDAR contours, and the wetland delineation report. Based on this review, the assessed wetlands are not jurisdictional under the Navigable Waters Protection Rule because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1).

All of the ditches within the review area were constructed in uplands to convey runoff from the adjacent roadway and agricultural fields, and are now linear wetlands that meet the definition of “ditch” under paragraph (c)(2). In addition, the ditches are not (a)(1) waters, are not relocated tributaries, are not constructed in a tributary, and are not constructed in an adjacent wetland. This was confirmed by reviewing aerial photography, national hydrography data, and the wetland delineation report. Based on this review, the assessed ditches are not jurisdictional under the Navigable Waters Protection Rule because they meet the requirements of the exclusion for ditches under paragraph (b)(5).