



**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): 1/13/2021

ORM Number: MVP-2020-02069-SSC

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Blaine County/Parish/Borough: Anoka

Center Coordinates of Review Area: Latitude 45.165926 Longitude -93.191938

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.	

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.	

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
Wetlands 1 and 1a	Total = 28.94	acre(s)	(b)(1) Non-adjacent wetland.	The nearest a(2) water is Golden Lake, approximately 2.25 miles to the southeast of the review area. Anoka County Ditch (ACD) 62 is adjacent to the wetland complex of Wetlands 1 and 1a and flows north through a series of ditches prior to draining into Golden Lake. Historic aerial imagery displays ACD 62 as it currently appears in recent imagery as does USGS topographic maps from 1902. In addition, three previously approved jurisdictional determinations (AJD) were finalized in June and August of 2020 that excluded ACD 62 and downstream ditch ACD 53-62 that confluences with ACD 62 due to the ditches being constructed in wetlands that are not adjacent wetlands. Therefore, Wetlands 1 and 1a are not waters of the U.S. due to the lack of adjacency to an a(1)-a(3) 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: 109th Avenue NE, Wetland Delineation Report dated October 20, 2020 and Revised Figure 2 – Existing Conditions dated December 7, 2020.

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 1938, 1947; Google Earth Imagery 1991-2020
- ☐ Corps site visit(s) conducted on: Date(s).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): MVP-2004-05019-MVM finalized June 22, 2020; MVP-2020-00391-MVM finalized June 22, 2020; MVP-2020-01086-DCR finalized August 31, 2020
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☐ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ☒ USFWS NWI maps: viewed November 16, 2020
- ☒ USGS topographic maps: White Bear 1902

Other data sources used to aid in this determination:

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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Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
CorpsMap ORM Map Layers	National Hydrography Dataset viewed 10/28/2020
State/Local/Tribal Sources	Rice Creek Watershed District Map Viewer
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [Anoka County Ditch \(ACD\) 62 is adjacent to the wetland complex of Wetlands 1 and 1a and flows north through a series of ditches prior to draining into Golden Lake. Historic aerial imagery displays ACD 62 as it currently appears as does USGS topographic maps from 1902. In addition, three previously approved jurisdictional determination \(AJD\), finalized in June and August 2020 under the Navigable Waters Protection Rule, excluded ACD 62 and a downstream ditch \(ACD 53-62\) that ACD 62 confluences with. Specifically, the area reviewed for MVP-2020-01086-DCR is an adjacent parcel and within the same wetland complex as Wetlands 1 and 1a. The ditches are the only surface water outlets for the wetlands within the review area. Since they are not tributaries the wetlands are not adjacent and are not waters of the U.S.](#)