



**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): 11/6/2020
 ORM Number: MVP-2014-04206-MVM
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Minnesota City: Gluek County/Parish/Borough: Chippewa
 Center Coordinates of Review Area: Latitude 45.00917 Longitude -95.53572

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
Fields 23, 25, 25A	4.3	acre(s)	(b)(1) Non-adjacent wetland.	Field 23 and 25 on the attached figure are prior-converted cropland/ non-wetland areas per the NRCS certified wetland determination completed on November 25, 2014. Field 25A is an artificially created wetland according to the NRCS. Soils in the review area consist of the Colvin-Quam complex, 0-1 percent slopes which is a predominately hydric. These soil types are poorly drained and often cannot be cultivated without artificial drainage. Google Earth imagery from 1992-2020 shows visible saturation and inundation and little to no row cropping in most of the available photos. The National Wetland Inventory has mapped the majority of the review area as palustrine emergent and palustrine scrub-shrub wetland. Therefore, the Corps concludes the entire review area is wetland based on desktop assessment. Field 23, 25, and 25A does not abut an a(1)-a(3) water. The area surrounding the review area (Field 27) is prior-converted cropland and non-wetland and was determined to be non-jurisdictional under the Clean Water Act per an AJD issued by the St. Paul District on May 5, 2015 (2014-04206-BGO). The only potential surface water outlet is a swale that may carry overland flows immediately following heavy rainfall to a county ditch south of the review area. A review of historic imagery showed no evidence of surface water within the swale. Therefore, the swale is an ephemeral feature that does not provide a surface water connection to waters of the U.S. in a typical year. Furthermore, a review of historic topographic maps and historic aerial imagery dating back to 1938 found no evidence to support the county ditch parallel to 10th Street Southeast was once a natural stream, relocated tributary or was constructed within a tributary. Therefore, we conclude that Field 23, 25, and 25A are not adjacent wetlands and are not waters of the U.S.

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: [NRCS Certified Wetland Determination submitted by applicant, dated November 25, 2014.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [The certified determination did not separate prior-converted areas from non-wetland areas and therefore could not solely be used to determine jurisdiction as it doesn't identify boundaries of all aquatic resources within the review area.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial: MHAPO 1938, 1950; Google Earth 1992, 2003, 2004, 2006, 2008, 2009, 2011, 2015, 2020](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2014-04206-BGO, May 5, 2015.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Web Soil Survey, Chippewa County Soil Survey](#)

USFWS NWI maps: [USFWS NWI](#)

USGS topographic maps: [Saint Cloud, MN 1953; 1:250,000](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset.
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](#)