



**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): 12/31/2020
 ORM Number: 2017-03749-EJI
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Minnesota City: N/A County/Parish/Borough: Crow Wing
 Center Coordinates of Review Area: Latitude 46.456565 Longitude -94.263300

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
Sugar Bush Creek (Bishop Creek)	105 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Sugar Bush Creek is a perennial stream that flows directly into Round Lake which is tributary to Gull Lake which is a Section 10 water.

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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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
Wetland E	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E is directly abutting Sugar Bush Creek which is a perennial stream that flows directly into Round Lake which is tributary to Gull Lake which is a Section 10 water.
Wetland F	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F is directly abutting Sugar Bush Creek which is a perennial stream that flows directly into Round Lake which is tributary to Gull Lake which is a Section 10 water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wet Ditch A	0.003	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).	Wet Ditch A is a roadside ditch constructed in uplands.
Wetland G	0.12	N/A.	(b)(1) Non-adjacent wetland.	Wetland G is an isolated depressional wetland surrounded by upland forest, county road 115 and residential development that does not abut a (a)(1)-(3) water. USGS Topo, LIDAR and historic aerial imagery show that the wetland is not flooded by an (a)(1)-(3) water in a typical year. The wetland is not physically separated from a (a)(1)-(3) water by only a natural berm, bank, dune or similar natural feature. Wetland G is not an adjacent wetland under the Navigable Waters Protection Rule.
Wet Ditch E	0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	Wet Ditch E is a roadside ditch constructed in uplands.

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
			(a)(4) water that do not satisfy the conditions of (c)(1).	
Wet Ditch D	0.01	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).	Wet Ditch D is a roadside ditch constructed in uplands.
Wetland C	0.12	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is an isolated depressional wetland surrounded by upland forest, county road 115 and residential development that does not abut a (a)(1)-(3) water. USGS Topo, LIDAR and historic aerial imagery show that the wetland is not flooded by an (a)(1)-(3) water in a typical year. The wetland is not physically separated from a (a)(1)-(3) water by only a natural berm, bank, dune or similar natural feature. Wetland C is not an adjacent wetland under the Navigable Waters Protection Rule.
Wetland B	0.14	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is an isolated depressional wetland surrounded by upland forest, county road 115 and residential development that does not abut a (a)(1)-(3) water. The wetland is not connected to Bass Lake to the north based on the review of aerial imagery, soils and elevation data. USGS Topo, LIDAR and historic aerial imagery show that the wetland is not flooded by an (a)(1)-(3) water in a typical year. The wetland is not physically separated from a (a)(1)-(3) water by only a natural berm, bank, dune or similar natural feature. Wetland B is not an adjacent wetland under the Navigable Waters Protection Rule.

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: [County Road 115 Wetland Delineation 10/20/2017, Updated 11/10/2017](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)



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- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: CWC Web Map 2010, 2013, 2016, 2019](#)
- 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: [Crow Wing County](#)
- USFWS NWI maps: [MN NWI update](#)
- USGS topographic maps:

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.
LiDAR data/maps	Crow Wing County Interactive Mapping Service 12/28/2020
FEMA/FIRM maps	Crow Wing County Interactive Mapping Service 12/28/2020

B. Typical year assessment(s): [Used antecedent precipitation data from above referenced delineation report.](#)

C. Additional comments to support AJD: [N/A](#)