



**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): 7/13/2021

ORM Number: MVP-2019-01165-ARC

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Gull Lake County/Parish/Borough: Cass

Center Coordinates of Review Area: Latitude 47.4984 Longitude -92.3966

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	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).	Wetland 1 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 2	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 (a)(4) water that do not satisfy the conditions of (c)(1).	Wetland 2 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 3	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).	Wetland 3 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 4	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).	Wetland 4 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland 5	0.04	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 5 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 6	0.002	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 6 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 7	0.03	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 7 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland 8	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).	Wetland 8 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland 9	0.05	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).	Wetland 9 consists of a ditch excavated in uplands to contain the precipitation runoff from County Road 77 to the opposite side of Gull Lake. This ditch was excavated in uplands, does not contain permanent or intermittent flow, does not relocate a tributary, was not constructed in a tributary, and was not constructed in an (a)(4) adjacent wetland.
Wetland B	0.004	acre(s)	(b)(1) Non-adjacent wetland	Wetland B is a wetland basin that extends outside of the road corridor and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland, county road and private driveway into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland C	0.06	acre(s)	(b)(1) Non-adjacent wetland	Wetland C is a wetland basin that extends outside of the road corridor and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland, county road and private driveway into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland D	0.01	acre(s)	(b)(1) Non-adjacent wetland	Wetland D is a small depressional basin that extends outside of the road corridor and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland and county road into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland E	0.02	acre(s)	(b)(1) Non-adjacent wetland	Wetland E is a small depressional basin that is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland and county road into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland F	0.02	acre(s)	(b)(1) Non-adjacent wetland	Wetland F is a wetland basin that extends outside of the road corridor and is surrounded by upland and does not contain an outlet under the county road. Precipitation flows from the surrounding upland, county road and private driveway into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland H	0.26	acre(s)	(b)(1) Non-adjacent wetland	Wetland H is a wetland basin that extends outside of the road corridor to the west and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland, county road and private driveways into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland J	0.19	acre(s)	(b)(1) Non-adjacent wetland	Wetland J is a wetland basin that extends outside of the road corridor to the northwest and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland, county road and private driveway into the basin where it pools and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland K	0.02	acre(s)	(b)(1) Non-adjacent wetland	Wetland K is a wetland basin that extends outside of the road corridor and is surrounded by upland and does not contain an outlet. Precipitation flows from the surrounding upland into the basin where it pools along the county road and slowly filters into the water table; there is no outflow to Gull Lake on the opposite side of the roadway and does not contribute a surface flow directly or indirectly to an (a)(1) water.
Wetland L	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland L is a wetland basin that is contained on the north side of County Road 77 and does not contain an outlet or culvert to Gull Lake. Precipitation flows from the surrounding upland into the wetland where it ponds along the roadway and slowly filters into the water table; there is no outflow and does not contribute a surface flow directly or indirectly to an (a)(1) water.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland M	0.28	acre(s)	(b)(1) Non-adjacent wetland
			Wetland M is a wetland basin that is contained on the northwest side of County Road 77 and does not contain an outlet or culvert to Gull Lake. Precipitation flows from the surrounding upland into the wetland where it ponds along the roadway and slowly filters into the water table; there is no outflow and does not contribute a surface flow directly or indirectly to an (a)(1) 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: [Bolton & Menk Delineation Report and Wetland Application - 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

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

☒ Photographs: [Other: Bolton & Menk Delineation Photo Documentation](#)

☐ 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 mapping](#)

☐ USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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	The National Map Viewer
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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.](#)

C. Additional comments to support AJD: [Wetlands B, C, D, E, F, H, J, K, L and M are not abutting a water identified in paragraph \(a\)\(1\)-\(a\)\(3\) of the NWPR, are not contributing a surface water flow directly or indirectly to an \(a\)\(1\) water, and are not inundated by flooding from an \(a\)\(1\)-\(a\)\(3\) water in a typical year. Wetlands 1, 2, 3, 4, 5, 6, 7, 8 and 9 are not \(a\)\(1\) or \(a\)\(2\) waters, were not constructed in an \(a\)\(4\) water, do not relocate tributaries, were not constructed in tributaries and were not constructed in an adjacent](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

wetland. All 19 wetlands are located on the opposite side of County Road 77 from Gull Lake and meet the exclusions as defined in the NWPR.