



**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): 1/21/2021

ORM Number: MVP-2019-02459-DWW

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: St. Cloud County/Parish/Borough: Sherburne

Center Coordinates of Review Area: Latitude 45.5543669082533 Longitude -94.1279459062154

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.	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
Basin B1	0.25	acre(s)	(b)(1) Non-adjacent wetland.	Basin B1 in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Basin B1 would not be considered an (a)(4) water. Basin B1 is an isolated depressional, seasonally flooded basin with no natural or constructed outlets. There is a topographic elevation rise around the wetland complex.
Basin B2	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Basin B2 in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Basin B2 would not be considered an (a)(4) water. Basin B2 is an isolated depressional, seasonally flooded basin with no natural or constructed outlets. There is a topographic elevation rise around the wetland complex.
Basin B3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Basin B3 in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Basin B3 would not be considered an (a)(4) water. Basin B3 is an isolated depressional, seasonally flooded basin with no natural or constructed outlets. There is a topographic elevation rise around the wetland complex.
Basin B4	0.28	acre(s)	(b)(1) Non-adjacent wetland.	Basin B4 in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Basin B4 would not be considered an (a)(4) water. Basin B4 is an isolated depressional, seasonally flooded basin with no natural or constructed outlets. There is a topographic elevation rise around the wetland complex.
Basin B5	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Basin B5 in the review area is not adjacent to a (a)(1), (a)(2), or (a)(3) waterway, is not

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
			inundated by flooding of a (a)(1), (a)(2), or (a)(3) waterway, and does not connect to an (a)(1) water through an (a)(2) or (a)(3) waterway. Basin B5 would not be considered an (a)(4) water. Basin B5 is an isolated depressional, seasonally flooded basin with no natural or constructed outlets. There is a topographic elevation rise around the wetland complex.

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: [Sherburne Soil and Water Conservation District](#)

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: [Select. Title\(s\) and/or date\(s\)](#).

☐ 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: [USGS Sherburne County](#)

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.
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: [As a result of the Corps review with the most available desktop resources, Basin B1, Basin B2, Basin B3, Basin B4, and Basin B5, are not adjacent to an \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\) waterway, are not inundated by flooding of a \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\) waterway, and are not connected to an \(a\)\(1\) water through an \(a\)\(2\) or \(a\)\(3\) waterway. The wetlands are isolated depressional, seasonally flooded basins with no natural or constructed outlets. There is a topographic elevation rise around the wetland complexes.](#)