



**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): 10/8/2020

ORM Number: MVP-2020-01388-MAD

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: St. Michael County/Parish/Borough: Wright

Center Coordinates of Review Area: Latitude 45.197464 Longitude -93.689707

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
Wetland 4A, Wetland 5, Wetland 6, & Wetland 7	0.63	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).	Evidence of these wetlands was not found in historic imagery or maps before road construction, and there is similarly no record of a tributary in these locations. Topographic maps show these ditches are in linear low points along the road that do not extend away from the roadway. These wetlands are located within ditches that were constructed in upland and are not relocated tributaries or constructed in a tributary or adjacent wetland. They occur as a result of the construction of County Road 35/ 30th St NE.
Wetland 4	1.82	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 does not meet the definition of adjacent wetland. It does not abut a traditional navigable water, tributary, or a lake, pond or impoundment of a jurisdictional water in a typical year. Wetland 4 abuts Wetland 4A, which connects to Wetlands 5 and 7, but all three of these wetlands are (b)(5) exclusion waters. It would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural or artificial berm, bank, dune or similar feature solely separating it from an (a)(1)-(3) water. The nearest (a)(1)-(3) water is the tributary in Wetland 1. This wetland is in partially hydric soils. Hydric soils do not extend from Wetland 4 to the jurisdictional tributary in Wetland 1 to the west along 30th Street. Hydric soils do extend from Wetland 4 to Wetlands 2 and 3, however aerial imagery and topographic maps do not suggest there is a hydrologic connection between them.

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: [Wetland Delineation Report: 30th Street Northeast, St. Michael, Wright County, Minnesota. July 30, 2020. Figure 2 – Existing Conditions updated 9/11/2020.](#)

This information [is and is not](#) sufficient for purposes of this AJD.

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

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 sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial: Historical imagery: 1937 Google Earth imagery 4/5/2017, 05/14/2018, 10/25/2019](#)
- ☐ 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: [Wetland Delineation Report, July 30, 2020](#)
- ☒ USFWS NWI maps: [Wetland Delineation Report, July 30, 2020](#)
- ☒ USGS topographic maps: [Wetland Delineation Report, July 30, 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	topoView maps 1955, 1958
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): [A typical year assessment using local climate data and the Antecedent Precipitation Tool \(APT\) were used to determine the flow regime of the tributary. Google Earth imagery from October 25, 2019, May 14, 2018, and April 5, 2017 all show water in the tributary. Those same dates in the APT show only minor rain events in the week proceeding the 2017-2018 photos and both photo dates were from periods when the 30-day rolling average was drier than the 30-year normal range. The 2019 photo was taken shortly after a 1"+ rainfall and was when the 30-day rolling average was wetter than the 30-year normal range.](#)

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