



**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): 3/4/2021

ORM Number: MVP-2020-01736-BGO

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Mahanomen County/Parish/Borough: Mahanomen and Clearwater Counties

Center Coordinates of Review Area: Latitude 47.3236 Longitude -95.736828

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
- ☐ 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 The review area for this determination is limited to the delineated boundaries of 38 wetlands labeled as Wetlands 1C, 2D, 2F, 3C, 3E, 3G, 8-9, 10B, 11, 12B, 12D, 13B, 13D, 13S, 13V, 15B, 15D, 17A, 17.5C, 24A, 25A, 25I, 26B, 28-29, 31A-B, 48B, 48H, 52A, 53C-D, 57, 59, 63B, 64, and 67, and 120 roadside ditches labeled as Wet Ditch 1A-B, 2B-C, 2E, 2G-I, 3B, 3D, 3F, 3H-I, 4B, 4D, 4F, 5, 6A, 10A, 12A, 12C, 12E, 13A, 13C, 13E-F, 13H-I, 13K, 13M-O, 13Q-R, 13T-U, 13W, 14A-B, 15A, 15C, 15E-F, 15H, 15J-K, 16, 17B, 17F, 17H, 17J, 17.5A-B, 20B, 20D, 21-22, 23B, 23D, 24B, 24E, 25B, 25E, 25J, 25M, 26A, 30B, 32A, 32C, 32E, 34A-B, 37, 38B, 39C, 40B, 41-43, 44A, 44C, 44E, 45-46, 47A-B, 48A, 48C, 48E, 48G, 49A, 49C, 49E, 50A, 51A, 51C, 51E, 51G, 51J-K, 52B, 53A-B, 53E, 55B, 55D, 55G, 56, 60A, 60C-E, 61A, 62A, 62C, 62J, 63A, 65A, and 65C-D on the attached figures labeled as 2020-01736-BGO AJD Attachments, Pages 1-38 of 38. All the labels for these waters are also highlighted in yellow on the attached figures.

Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1C (Figure 3, Sheet 1 of 36)	0.07	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 1C is a small wetland basin located on the north side of Trunk Highway (TH) 200. This wetland is surrounded by uplands and non-jurisdictional roadside ditches and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 1C is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 2D, Wetland 2F (Figure 3, Sheets 2-3 of 36)	0.56	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 2D and 2F are two separate wetland areas located on both sides of TH 200. Both wetlands drain west through a series of non-jurisdictional roadside ditches (Wet Ditch 2B, 2C, 2E, 2G, 2H, and 2I) and may contribute surface water flow to Wetlands 2A and 2J, which are adjacent to an unnamed tributary to the White Earth River. However, as discussed below, Wet Ditch 2B, 2C, 2E, 2G, 2H, and 2I were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient</p>

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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				<p>hydrologic connection to meet the adjacency criteria in the Navigable Waters Protection Rule (NWPR).</p> <p>Based on this review, Wetlands 2D and 2F are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 3C, Wetland 3E, Wetland 3G (Figure 3, Sheet 4 of 36)	0.40	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 3C, 3E and 3G are three separate wetland areas located on the south side of TH 200. All three wetlands drain west through a series of non-jurisdictional roadside ditches (Wet Ditch 3B, 3D, 3F, and 3H) and may contribute surface water flow to Wetland 3A, which is adjacent to an unnamed tributary to the Wild Rice River. However, as discussed below, Wet Ditch 3B, 3D, 3F, and 3H were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetlands 3C, 3E, and 3G are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 8 (Figure 3, Sheet 8 of 36)	0.05	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 8 is a small isolated wetland basin located on the north side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p>



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				<p>Based on this review, Wetland 8 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 9 (Figure 3, Sheet 9 of 36)	0.09	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 9 is a small isolated wetland basin located on the north side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 9 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 10B, Wetland 11 (Figure 3, Sheet 9 of 36)	0.50	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 10B and 11 are two separate wetland areas that are bisected by TH 200. There are no culverts located under the highway that would provide a direct hydrologic connection between these areas and both wetlands are surrounded by uplands and non-jurisdictional roadside ditches. Wetland 11 drains northwest and may convey flows into a roadside ditch located along 203rd Ave. However, aerial photography and topographic mapping indicates this ditch is man-made and is not a relocated tributary, is not constructed in a tributary, and is not constructed in adjacent wetlands. Based on this information, the roadside ditch located along 203rd Ave is not considered a tributary and, therefore, does not provide a sufficient hydrologic surface connection to potential downstream waters to</p>



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				<p>meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetlands 10B and 11 are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 12B, Wetland 12D (Figure 3, Sheet 9-10 of 36)	0.25	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 12B and 12D are two separate wetland areas that are connected by a non-jurisdictional roadside ditch on the north side of TH 200. Aerial photography and topographic mapping indicates both wetlands drain north and may convey flows to a large wetland basin that is adjacent to an unnamed tributary to the Wild Rice River. However, there is not a defined channel along this entire flow path and the potential connection includes several upland breaks that physically separate Wetlands 12B and 12D from the unnamed tributary to the Wild Rice River.</p> <p>Based on this review, Wetlands 12B and 12D are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 13B, Wetland 13D, Wetland 13S, Wetland 13V (Figure 3, Sheet 10 of 13)	0.85	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 13B, 13D, 13S, and 13V are four separate wetland areas located on both sides of TH 200. All four wetlands drain east through a series of non-jurisdictional roadside ditches (Wet Ditch 13A, 13C, 13E, 13F, 13Q, 13R, 13T, 13U, and 13W) and may contribute surface water flow to Wetlands 13G and 13P, which are adjacent to an unnamed tributary to the Wild Rice River.</p>



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				<p>However, as discussed below, Wet Ditch 13A, 13C, 13E, 13F, 13Q, 13R, 13T, 13U, and 13W were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetlands 13B, 13D, 13S, and 13V are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 15B, Wetland 15D (Figure 3, Sheet 12-13 of 36)	0.17	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 15B and 15D are two separate wetland areas located on the south side of TH 200. Both wetland areas drain north through a series of non-jurisdictional roadside ditches (Wet Ditch 15C and 15K) and a culvert located under the highway, and may contribute surface water flow to an unnamed tributary to the Wild Rice River located approximately 950 feet north of the intersection with County State Aid Highway (CSAH) 3. However, as discussed below, Wet Ditch 15C and 15K were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetlands 15B and 15D are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>



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Wetland 17A (Figure 3, Sheet 14 of 36)	0.03	acre(s)	(b)(1) Non- adjacent wetland.	<p>Wetland 17A is a small wetland area located on the north side of TH 200. This wetland drains east through a non-jurisdictional roadside ditch (Wet Ditch 17B) and may contribute surface water flow to Wetland 17C, which is adjacent to an unnamed tributary to the Wild Rice River. However, as discussed below, Wet Ditch 17B was constructed in uplands and does not meet tributary flow conditions. Therefore, this non-jurisdictional ditch does not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetland 17A is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 17.5C (Figure 3, Sheet 16 of 36)	0.07	acre(s)	(b)(1) Non- adjacent wetland.	<p>Wetland 17.5C is a small wetland area located on the north side of TH 200. This wetland drains west through a series of non-jurisdictional roadside ditches (Wet Ditch 17.5A and 17.5B) and may contribute surface water flow to Wetland 17D, which is adjacent to an unnamed tributary to the Wild Rice River. However, as discussed below, Wet Ditch 17.5A and 17.5B were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetland 17.5C is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a</p>



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				direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.
Wetland 24A (Figure 3, Sheet 18 of 36)	0.18	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 24A is a small wetland area located on the north side of TH 200. This wetland drains east through a non-jurisdictional roadside ditch (Wet Ditch 24B) and may contribute surface water flow to Wetland 24C, which is adjacent to Twin Creek. However, as discussed below, Wet Ditch 24B was constructed in uplands and does not meet tributary flow conditions. Therefore, this non-jurisdictional ditch does not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetland 24A is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 25A (Figure 3, Sheet 19 of 36)	0.37	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 25A is a small wetland area located on the north side of TH 200. This wetland drains east through a non-jurisdictional roadside ditch (Wet Ditch 25B) and may contribute surface water flow to Wetland 25C, which is adjacent to Twin Creek. However, as discussed below, Wet Ditch 25B was constructed in uplands and does not meet tributary flow conditions. Therefore, this non-jurisdictional ditch does not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetland 25A is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a</p>



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				direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.
Wetland 25I (Figure 3, Sheet 20 of 36)	0.08	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 25I is a small wetland area located on the south side of TH 200. This wetland drains west through a non-jurisdictional roadside ditch (Wet Ditch 25J) and may contribute surface water flow to Wetland 25K, which is adjacent to Twin Creek. However, as discussed below, Wet Ditch 25J was constructed in uplands and does not meet tributary flow conditions. Therefore, this non-jurisdictional ditch does not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetland 25I is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 26B (Figure 3, Sheet 20 of 36)	0.03	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 26B is a small wetland basin located on the north side of TH 200. This wetland is surrounded by uplands and non-jurisdictional roadside ditches and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 26B is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>



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Wetland 28 (Figure 3, Sheet 20 of 36)	0.11	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 28 is a small isolated wetland basin located on the north side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 28 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 29 (Figure 3, Sheet 21 of 36)	0.06	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 29 is a small isolated wetland basin located on the south side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 29 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 31A, Wetland 31B (Figure 3, Sheet 21-22 of 36)	0.11	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 31A and 31B are two separate wetland areas that are connected by a culvert located under TH 200. Both wetlands are surrounded by uplands and do not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetlands 31A and 31B are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are</p>



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				not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.
Wetland 48B, Wetland 48H (Figure 3, Sheet 25 of 36)	0.53	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 48B and 48H are two separate wetland areas that are bisected by TH 200. Both wetland areas drain east through a series of non-jurisdictional roadside ditches (Wet Ditch 48A, 48C, and 48G) and may contribute surface water flow to Wetlands 48D and 48F, which are adjacent to an unnamed tributary to Schimmelhorn Creek. However, as discussed below, Wet Ditch 48A, 48C, and 48G were constructed in uplands and do not meet tributary flow conditions. Therefore, these non-jurisdictional ditches do not provide a sufficient hydrologic connection to meet the adjacency criteria in the NWPR.</p> <p>Based on this review, Wetlands 48B and 48H are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 52A (Figure 3, Sheet 28 of 36)	0.04	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 52A is a small wetland basin located on the north side of TH 200. This wetland is surrounded by uplands and non-jurisdictional roadside ditches and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 52A is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or</p>



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				impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.
Wetland 53C, Wetland 53D (Figure 3, Sheet 28 of 36)	0.20	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 53C and 53D are two separate wetland areas that are bisected by TH 200. Both wetlands are surrounded by uplands and non-jurisdictional roadside ditches and do not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetlands 53C and 53D are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 57 (Figure 3, Sheet 30 of 36)	0.09	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 57 is a small isolated wetland basin located on the south side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 57 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 59 (Figure 3, Sheet 31 of 36)	0.08	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 59 is a small isolated wetland basin located on the south side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p>



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				<p>Based on this review, Wetland 59 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 63B, Wetland 64 (Figure 3, Sheet 34 of 36)	0.08	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands 63B and 64 are two separate wetland areas that are bisected by TH 200. Both wetlands are surrounded by uplands and non-jurisdictional roadside ditches and do not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetlands 63B and 64 are not jurisdictional because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetlands do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.</p>
Wetland 67 (Figure 3, Sheet 36 of 36)	0.13	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 67 is a small isolated wetland basin located on the south side of TH 200. This wetland is surrounded by uplands and does not have a direct hydrologic surface connection to potential downstream waters.</p> <p>Based on this review, Wetland 67 is not jurisdictional because it meets the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1). The assessed wetland does not abut jurisdictional waters, is not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and is not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a</p>



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				direct hydrologic surface connection. This was confirmed by reviewing the data sources in Section III.A.
Wet Ditch 1A, 1B, 2B, 2C, 2E, 2G, 2H, 2I, 3B, 3D, 3F, 3H, 3I, 4B, 4D, 4F, 5, 6A, 10A, 12A, 12C, 12E, 13A, 13C, 13E, 13F, 13H, 13I, 13K, 13M, 13N, 13O, 13Q, 13R, 13T, 13U, 13W, 14A, 14B, 15A, 15C, 15E, 15F, 15H, 15J, 15K, 16, 17B, 17F, 17H, 17J, 17.5A, 17.5B, 20B, 20D, 21, 22, 23B, 23D, 24B, 24E, 25B, 25E, 25J, 25M, 26A, 30B, 32A, 32C, 32E, 34A, 34B, 37, 38B, 39C, 40B, 41, 42, 43, 44A, 44C, 44E, 45, 46, 47A, 47B, 48A, 48C, 48E, 48G, 49A, 49C, 49E, 50A, 51A, 51C, 51E, 51G, 51J, 51K, 52B, 53A, 53B, 53E, 55B, 55D, 55G, 56, 60A, 60C, 60D, 60E, 61A, 62A, 62C, 62J, 63A, 65A, 65C and 65D (Figure 3, Sheet 1, 3-6, 9-30, and 32-35 of 36)	9.88	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 1A-B, 2B-C, 2E, 2G-I, 3B, 3D, 3F, 3H-I, 4B, 4D, 4F, 5, 6A, 10A, 12A, 12C, 12E, 13A, 13C, 13E-F, 13H-I, 13K, 13M-O, 13Q-R, 13T-U, 13W, 14A-B, 15A, 15C, 15E-F, 15H, 15J-K, 16, 17B, 17F, 17H, 17J, 17.5A-B, 20B, 20D, 21-22, 23B, 23D, 24B, 24E, 25B, 25E, 25J, 25M, 26A, 30B, 32A, 32C, 32E, 34A-B, 37, 38B, 39C, 40B, 41-43, 44A, 44C, 44E, 45-46, 47A-B, 48A, 48C, 48E, 48G, 49A, 49C, 49E, 50A, 51A, 51C, 51E, 51G, 51J-K, 52B, 53A-B, 53E, 55B, 55D, 55G, 56, 60A, 60C-E, 61A, 62A, 62C, 62J, 63A, 65A, and 65C-D were constructed in uplands to convey runoff from the adjacent roadway and agricultural fields, and are now linear wetlands that meet the definition of "ditch" under paragraph (c)(2). In addition, the ditches are not (a)(1) waters, are not relocated tributaries, are not constructed in a tributary, and are not constructed in an adjacent wetland. This was confirmed by reviewing aerial photography, national hydrography data, and the wetland delineation report. Based on this review, the assessed ditches are not jurisdictional under the NWPR because they meet the requirements of the exclusion for ditches under paragraph (b)(5).

III. SUPPORTING INFORMATION



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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: [MnDOT SP 4402-22/TH 200 Wetland Delineation Report, August 2020](#)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial: 2017 FSA and Google Earth Imagery, 1991-2019](#)
- ☐ 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: [Title\(s\) and/or date\(s\)](#).
- ☒ USFWS NWI maps: [USFWS NWI of MN, 1974-1978](#)
- ☒ USGS topographic maps: [USGS Topographic Quads \(USA Topo Maps\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	National Hydrography Dataset (USGS Service)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	DNR NWI Update – MN, 2010-2018
Other Sources	2-Foot Contours Minnesota (LIDAR Service)

B. Typical year assessment(s): [N/A](#)

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