



**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): 8/25/2021

ORM Number: MVP-2021-01413-MCG

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MN City: Sverdrup Township County/Parish/Borough: Otter Tail

Center Coordinates of Review Area: Latitude 46.3100 Longitude -95.8700

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup> The review area for this determination is identified as Wetlands 1, 4, and 6-7 on the attached figures labeled 2021-01413-MCG AJD Attachments, Pages 1-4 of 4.				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.11	acre(s)	(b)(1) Non-adjacent wetland.	This feature is an isolated wetland basin with no outflow to another water of the U.S. or non-jurisdictional conveyance feature. This feature is not inundated by flooding from another water of the U.S. in a typical year, nor is it only separated from another water of the U.S. by a natural feature. It is bordered by active agriculture and roadbed on all sides.
Wetland 4	23.65	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This feature is surrounded by active agriculture on all sides. Investigations show that there is no outfall, whether by jurisdictional or non-jurisdictional feature, to establish a connection to another water of the U.S. The next nearest water of the U.S. is greater than 1,000' to the northeast and there is no flow path, nor is the feature inundated by flooding from the water of the U.S.
Wetland 6	5.94	acre(s)	(b)(1) Non-adjacent wetland.	This feature is an isolated wetland basin with no outflow to another water of the U.S. or non-jurisdictional conveyance feature. This feature is not inundated by flooding from another water of the U.S. in a typical year, nor is it only separated from another water of the U.S. by a natural feature. It is bordered by active agriculture and roadbed on all sides. It borders upland forest on the southeast side.
Wetland 7	0.76	acre(s)	(b)(1) Non-adjacent wetland.	This feature is an isolated wetland basin with no outflow to another water of the U.S. or non-jurisdictional conveyance feature. This feature is not inundated by flooding from another water of the U.S. in a typical year, nor is it only separated from another water of the U.S. by a natural feature. It is bordered by active agriculture and roadbed on all sides.

**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.

<sup>4</sup> 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.

<sup>5</sup> 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**

- ☒ Information submitted by, or on behalf of, the applicant/consultant: Wetland Delineation Report, CSAH 35 Project – Otter Tail County, Underwood, MN, August 27, 2019

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

Rationale: **NA**

- ☐ 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: **Title(s) and/or date(s)**.
- ☐ 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
<b>USGS Sources</b>	<b>N/A.</b>
<b>USDA Sources</b>	<b>N/A.</b>
<b>NOAA Sources</b>	<b>N/A.</b>
<b>USACE Sources</b>	<b>N/A.</b>
<b>State/Local/Tribal Sources</b>	<b>N/A.</b>
<b>Other Sources</b>	<b>N/A.</b>

**B. Typical year assessment(s):** **N/A**

**C. Additional comments to support AJD:** **N/A**