

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 10/18/2022**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2022-01458-MWV (SP 034-644-007 CSAH 44 road project)**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: **Minnesota** County/parish/borough: **Kandiyohi and Renville** City: **Lake Lillian Township**

Center coordinates of site (lat/long in degree decimal format): Lat. **44.909078° N**, Long. **94.981688° W**.

Universal Transverse Mercator: **343565.692324, 4974760.433165**

Name of nearest waterbody: **Buffalo Creek**

Name of watershed or Hydrologic Unit Code (HUC): **Upper Mississippi-Crow-Rum HUC-8 07010205**

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- ☒ Office (Desk) Determination. Date: **10/17/2022**  
☐ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A**

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A**

**C. SIGNIFICANT NEXUS DETERMINATION: N/A**

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A**

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A**

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers  
☒ Other: (explain, if not covered above):

The review area contains 3 aquatic resources, labeled Wet Ditch #1 (129 linear feet), Wet Ditch #2 (191 linear feet), and Wet Ditch #3 (316 linear feet). The aquatic resources listed above are linear drainage ditches constructed in upland based on a review of aerial imagery from years 1947 to 2020, County maps (NWI, elevation contours, etc.), 3DEP Hillshade and DEM maps, MNDNR 2-foot contour maps, MNDNR NWI Wetland Finder/NWI maps, NHD data, and NRCS hydric soil data. Recent aerial photos do not show relatively permanent flow in the aforementioned aquatic resources. Based on the desktop resources reviewed, Wet Ditch #1, Wet Ditch #2, and Wet Ditch #3 are linear drainage ditches constructed in upland.

In accordance with the 2008 Rapanos guidance and the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330), the Corps does not generally consider non-tidal drainage and irrigation ditches excavated on dry land to be waters of the U.S. Further clarification is provided in the December 2, 2008 Revised Guidance on Clean Water Act Jurisdiction

following the Supreme Court Decision in *Rapanos v. U.S.* and *Carabell v. U.S.* issued jointly by the Corps and EPA which indicates that ditches excavated wholly in and draining only uplands and do not carry a relatively permanent flow are not waters of the United States.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
  - ☒ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name:
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Kandiyohi County**
- ☒ National wetlands inventory map(s). Cite name: **USFWS National Wetland Inventory**
- ☒ State/Local wetland inventory map(s): **MNDNR Wetland Finder**
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **Minnesota Historical Aerial Photographs Online (1955, 1963, 1991)**
  - or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): **USGS Hillshade 3DEP and DEM maps**

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**