



**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): 10/21/2020

ORM Number: 1992-07701-MMJ; County Ditch 6 (CD 6) & Judicial Ditch 1 (JD 1) Improvement Project

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: MN City: Grove Lake Township County/Parish/Borough: Pope Co.

Center Coordinates of Review Area: Latitude 45.657913 Longitude -95.170273

**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: NA
- ☐ 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.	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.

<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.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup> The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as 1992-07701-MMJ, NWPR AJD Figures 1-6. The review area is specifically outlined on Figure 3.				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
County Ditch 6 (CD 6) & Judicial Ditch 1 (JD 1)	5,595	linear feet	(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).	The ditch feature in the review area for this AJD is labeled on the attached figures as CD 6 west of Krantz Lake and JD 1 east of Krantz Lake. As detailed on the enclosed map labeled 1992-07701-MMJ NWPR AJD Figure 3, the portion of CD 6 & JD 1 located within the review area for this AJD spans approximately 5,595 linear feet. The CD 6 and JD 1 ditch system was constructed in approximately 1907. A review of historic maps of the project area indicate that the portion of ditch located within the review area was likely constructed in a historic wetland basin (now known as Krantz Lake), and that this wetland was likely isolated and not adjacent to any downstream navigable [(a)(1)-(a)(3)] waters. The 1859 surveyors map and Pope Co. soil survey indicate that the post-glacial drainage pattern in the project area prior to ditch construction was non-integrated with numerous isolated depressions and linear wetlands, all lacking outlets to downstream waters. The historic document review for this project also confirmed that the ditch system located upstream of the review area was constructed in upland and through isolated/non-adjacent wetland basins, reaffirming the non-jurisdictional status of the ditch feature in the review area. The ditch feature in the review area is not an (a)(1) or (a)(2) water; it was not constructed in a tributary, does not relocate a tributary, and was not constructed in an adjacent (a)(4) wetland.
Wetlands adjacent to CD 6 and JD 1.	0.99	acre	(b)(1) Non-adjacent wetland.	The wetlands located within the defined review area for this AJD, shown on the attached Figure 3, are adjacent to a non-jurisdictional ditch feature as described above. Therefore, the wetlands within the review area are also non-jurisdictional; they do not qualify as adjacent (a)(4) waters.

**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: [ISG delineation completed in 2019.](#)

<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.



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

Rationale: **NA**

- ☐ Data sheets prepared by the Corps: **Title(s) and/or date(s)**.
- ☒ Photographs: **Aerial: Historic aerials 1964-2017 (NETR online) & Google Earth imagery 1991-2020**
- ☐ 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: **Pope County**
- ☒ USFWS NWI maps: **MnDNR**
- ☒ USGS topographic maps: **1:24k Westport (1966, 2013 & 2016)**

**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>Historic survey map dated 1857, Pope County plat map dated 1904, historic ditch records and construction plans dated back to 1907.</b>

**B. Typical year assessment(s):** **NA**

**C. Additional comments to support AJD:** The aquatic resources located within the review area for this AJD, described above and shown on the enclosed Figure 3, are excluded waters under the Navigable Waters Protection Rule; they are not jurisdictional waters of the U.S.