



**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): 7/29/2020

ORM Number: MVP-2019-02013-DAS, MVP-2019-02014-DAS, MVP-2019-02015-DAS

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Waseca County/Parish/Borough: Waseca County

Center Coordinates of Review Area: Latitude 44.096221 Longitude -93.509739

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.	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.

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 AW-1	0.23	acre(s)	(b)(1) Non-adjacent wetland.	Wetland AW-1 is physically separated from any a(1) through a(3) waters.
Wetland AW-2	0.86	acre(s)	(b)(1) Non-adjacent wetland.	Wetland AW-2 is physically separated from any a(1) through a(3) waters.
Wetland AW-3	0.48	acre(s)	(b)(1) Non-adjacent wetland.	Wetland AW-3 is physically separated from any a(1) through a(3) waters.
Wetland AW-4	0.52	acre(s)	(b)(1) Non-adjacent wetland.	Wetland AW-4 is physically separated from any a(1) through a(3) waters.
A-S1	220	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A-S1 is an ephemeral rill that appears to convey water to Wetland AW-3 following a runoff event. The feature is not identified on the USGS Topographic Quadrangle.
Wetland BW-1 Wetland BW-2 Wetland BW-3 Wetland B-B	1.39 0.04 0.38 0.05	acre(s)	(b)(1) Non-adjacent wetland	Wetlands BW-1, BW-2, BW-3, B-B are physically separated from any a(1) through a(3) waters.
Wetland CW-1	6.49	acre(s)	(b)(12) Waste treatment system.	Wetland CW-1 was constructed in the 1980's as a waste treatment system. Construction drawings were provided by the applicant.

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 dated August 22 2019.](#)

This information is sufficient for purposes of this AJD.

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

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial: 1991, 1996-1998, 2002-2006, 2008-2011, 2013, 2015, and 2017](#)

☐ 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: [1:24K Topographic Quadrangle](#)

Other data sources used to aid in this determination:

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 Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
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): N/A

C. Additional comments to support AJD: Aerial photos taken May 2017, April 2015, August 2012, June 2010, October 2009, June 2009, May 2008, May 2006, August 2004, May 2003, and April 1991 were reviewed as part of this AJD. The rill present in the location of A-S1 was observed in several years; however, no surface was present in any of the aerial photos. Water was observed in A-S1 at the time of the delineation (July 18, 2019). The delineation was conducted during wetter than normal conditions for the three prior months, which resulted in rainfall of more than 6 inches above normal for the three prior months; therefore, conditions at the time of the delineation are not considered typical.