



**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): 3/31/2021

ORM Number: MVP-2021-00394-SSC

Associated JDs: N/A

Review Area Location¹: State/Territory: MN City: Blaine County/Parish/Borough: Anoka

Center Coordinates of Review Area: Latitude 45.166453 Longitude -93.185767

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				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	36.70	acre(s)	(b)(1) Non-adjacent wetland.	The nearest a(2) water is Golden Lake, approximately 2.2 miles to the southeast of the review area. Wetland 1 is a large wetland that extends off site and is adjacent to Anoka County Ditch (ACD) 62. The ditch flows east and then south prior to draining into Golden Lake. In addition, four previously approved jurisdictional determinations (AJD) were finalized in June and August of 2020 and January 2021 that excluded ACD 62/ACD 53-62 due to the ditch being constructed in non-adjacent wetlands. Additionally, the ditch is not a natural feature, a relocated tributary, or constructed in a tributary (see Section III. C.). Therefore, Wetland 1 is not a water of the U.S. due to the lack of adjacency to an a(1)-a(3) water.

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: [Memorandum – Level 1 Wetland Delineation and AJD Request dated March 1, 2021](#)

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: MHAPO – 1938, Google Earth 1991-2020](#)

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [MVP-2004-05019-MVM finalized June 22, 2020; MVP-2020-00391-MVM finalized June 22, 2020; MVP-2020-01086-DCR finalized August 31, 2020; MVP-2020-02069-SSC finalized January 13, 2021](#)

☐ 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: [White Bear 1902, Circle Pines 1955](#)

Other data sources used to aid in this determination:

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

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
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: [A USGS topographic map from 1902 does not show the same alignment of ACD 62 as it appears currently along the review area. However, historic aerial imagery from 1938 displays ACD 62 as it currently appears in recent Google Earth imagery as does USGS topographic maps from 1955. The ditch was likely relocated sometime between 1902 and 1938 in non-adjacent wetland in this segment of the ditch. Four previously approved jurisdictional determination \(AJD\), finalized in June 2020, August 2020, and January 2021 under the Navigable Waters Protection Rule, excluded ACD 62 and a downstream ditch \(ACD 53-62\) that ACD 62 confluences with. Specifically, the areas reviewed for MVP-2020-01086-DCR and MVP-2020-02069-SSC are adjacent parcels and within the same wetland complex as Wetland 1. The ditches are the only surface water outlets for the wetlands within the review area. Since they are not jurisdictional tributaries the wetlands are not adjacent and are not waters of the U.S.](#)