



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
ST. PAUL DISTRICT OFFICE
332 MINNESOTA STREET SUITE E1500
ST. PAUL MINNESOTA 55101

CEMVP-RD

April 20, 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the “Revised Definition of ‘Waters of the United States’”; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,¹ MVP-2022-01266 [MRF 1 of 1]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
Wetland 1	Non-Jurisdictional	None
Wetland 2	Non-Jurisdictional	None
Wetland 3	Non-Jurisdictional	None
Wetland 4	Non-Jurisdictional	None
Wetland 6	Non-Jurisdictional	None
Wetland 7	Non-Jurisdictional	None
Wetland 8A	Non-Jurisdictional	None
Wetland 8B	Non-Jurisdictional	None

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- d. Memorandum To the Field Between the U.S. Department Of The Army, U.S. Army Corps Of Engineers And The U.S. Environmental Protection Agency Concerning The Proper Implementation Of 'Continuous Surface Connection' Under The Definition Of "Waters Of The United States" Under The Clean Water Act" (March 12, 2025)

3. REVIEW AREA.

- a. Project Area Size (in acres): 1.476
- b. Location Description: The project/review area is located in Section 02, Township 031N, Range 023W, Anoka County, Minnesota.

CEMVP-RD

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2022-01266

- c. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 45.209890 Longitude: -93.175690
- d. Nearest City or Town: Blaine
- e. County: Anoka
- f. State: Minnesota
- g. Other associated Jurisdictional Determinations (including outcomes):

Action ID	Type	Outcome
MVP-2022-01266-JST	Delineation Concurrence	All waters were considered as jurisdictional under Delineation Concurrence.

- 4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A⁶
- 5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A
- 6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸
N/A
- 7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court’s decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

“waters of the United States” in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A
- e. Tributaries (a)(3): N/A
- f. Adjacent Wetlands (a)(4): N/A
- g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹ N/A
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Wetlands 1, 2, 3, 4, 6, 7, 8A, and 8B are not TNWs, territorial seas, or interstate waters and therefore are not (a)(1) waters. Wetlands 1, 2, 6, 7, 8A, and 8B are seasonally (temporarily) flooded palustrine, emergent wetlands located within concave depressions within the Corps review area on the 131st Ave NE Parcel.

⁹ 88 FR 3004 (January 18, 2023)

Wetlands 3 and 4 are wet meadow mosaic wetlands located in the northwest portion of the review area. Wetlands 6, 7, 8A, and 8B have been subject to disturbed or unnatural soil conditions in the past due to till/plow methods through normal farming practices. Wetland 1 has been subject to disturbed or unnatural soil conditions in the past due construction 131st Ave NE. Based on our review of the 131st Ave NE City of Blaine, Anoka County, Minnesota Wetland Delineation Report dated 14 July 2022, NRV contours, DEM and Hillshade, USDA Web Soil Survey, and Google Earth aerial imagery indicate that all wetlands are depressional wetlands, surrounded by uplands. None of the wetlands physically abut a relatively permanent paragraph (a)(2) impoundment or a jurisdictional (a)(3) tributary and are not separated from a jurisdictional water by a natural berm, bank, dune, or similar natural landform. The closest waterway to wetland 7 is Tributary 1 located approximately 127 feet to the west, and the closest waterway to wetland 6 is Tributary 1 located approximately 310 feet to the west. There are no ditches, swales, pipes, or culverts that provide a surface connection from any of the wetlands to Tributary 1 or any other RPW or TNW. All wetlands are non-tidal wetlands that lack continuous surface connections to a relatively permanent water and as such they do not meet the definition of adjacent and cannot be evaluated as (a)(4) adjacent wetlands; therefore, Wetlands 1, 2, 3, 4, 6, 7, 8A, and 8B are not jurisdictional under the 2023 Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 Final Rule.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. USACE Office Evaluation conducted on April 17, 2026.
 - b. 131st Ave NE City of Blaine, Anoka County, Minnesota Wetland Delineation Report dated 14 July 2022.
 - c. Google Earth Accessed: April 7, 2026. Imagery from: April 1992, Sep 2003, Dec 2004, Sept 2006, Sept 2008, Sept 2009, April 2010, April 2011, May 2011, Sept 2011, Sept 2012, April 2015, June 2016, May 2017, May 2018, May 2020, June 2021, Aug 2022, and Sept 2024.
 - d. USACE National Regulatory Viewer Accessed: April 17, 2026.

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be

CEMVP-RD

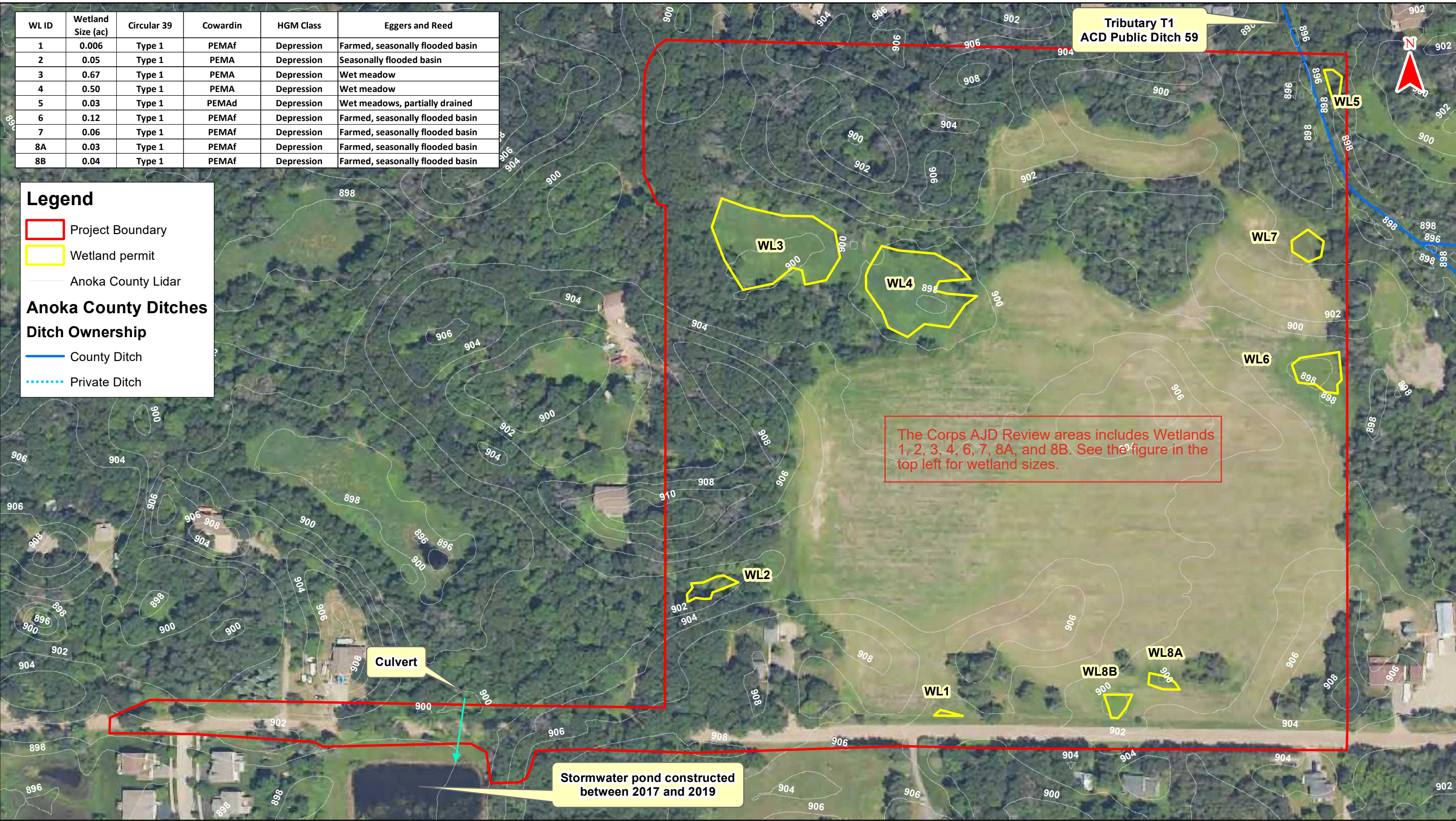
SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2022-01266

subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

WL ID	Wetland Size (ac)	Circular 39	Cowardin	HGM Class	Eggers and Reed
1	0.006	Type 1	PEMAf	Depression	Farmed, seasonally flooded basin
2	0.05	Type 1	PEMA	Depression	Seasonally flooded basin
3	0.67	Type 1	PEMA	Depression	Wet meadow
4	0.50	Type 1	PEMA	Depression	Wet meadow
5	0.03	Type 1	PEMAf	Depression	Wet meadows, partially drained
6	0.12	Type 1	PEMAf	Depression	Farmed, seasonally flooded basin
7	0.06	Type 1	PEMAf	Depression	Farmed, seasonally flooded basin
8A	0.03	Type 1	PEMAf	Depression	Farmed, seasonally flooded basin
8B	0.04	Type 1	PEMAf	Depression	Farmed, seasonally flooded basin

Legend

- Project Boundary
 - Wetland permit
 - Anoka County Lidar
- Anoka County Ditches**
- Ditch Ownership**
- County Ditch
 - Private Ditch



**Tributary T1
ACD Public Ditch 59**



The Corps AJD Review areas includes Wetlands 1, 2, 3, 4, 6, 7, 8A, and 8B. See the figure in the top left for wetland sizes.

Culvert

**Stormwater pond constructed
between 2017 and 2019**



Figure 2 - Existing Conditions (2025 FSA Photo)

**Montean Meadows (KES 2025-067)
Blaine, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

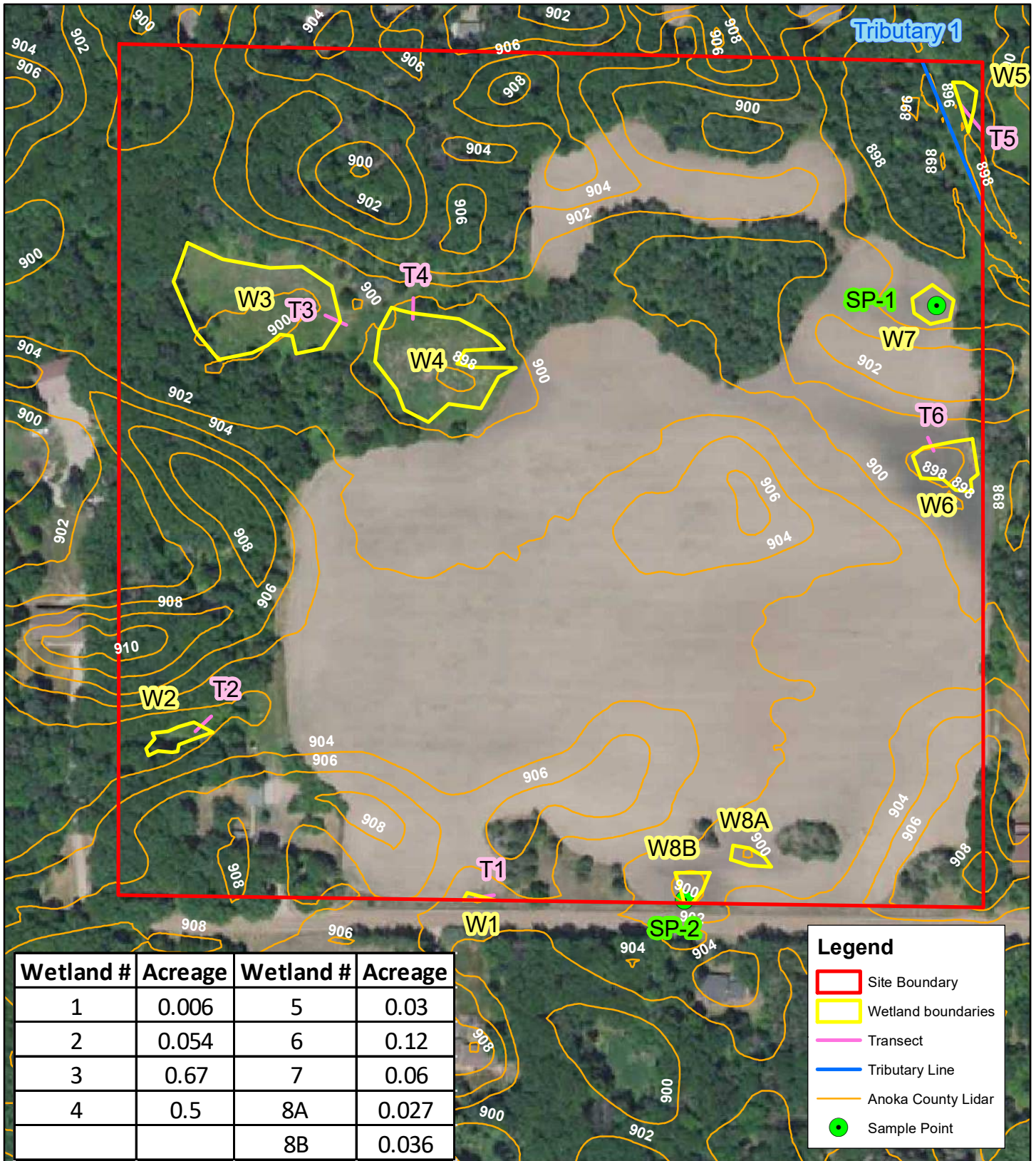




Figure 2 - Existing Conditions (2021 FSA Photo)




N

0 500



Feet

131st Ave NE (KES 2022-045)
Blaine, Minnesota



KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: MNGEO Spatial Commons

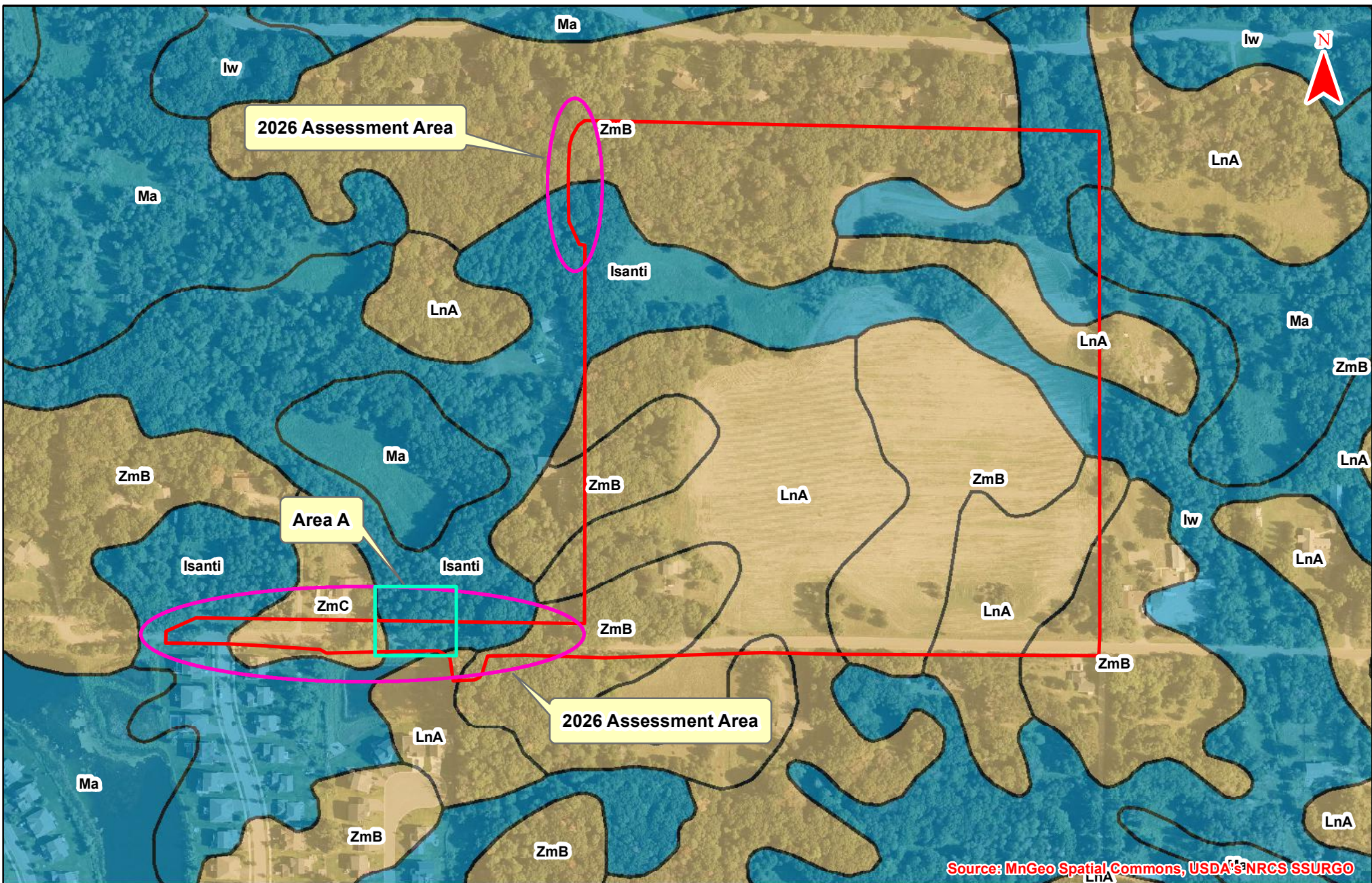
Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.



Figure B - MnDNR National Wetlands Inventory Update

**Montean Meadows (KES 2025-067)
Blaine, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.



Legend

- Project Boundary
- Hydric/Predominantly Hydric
- Predominantly Non-Hydric/Non-Hydric



Figure C - Soil Survey

**Montean Meadows (KES 2025-067)
Blaine, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

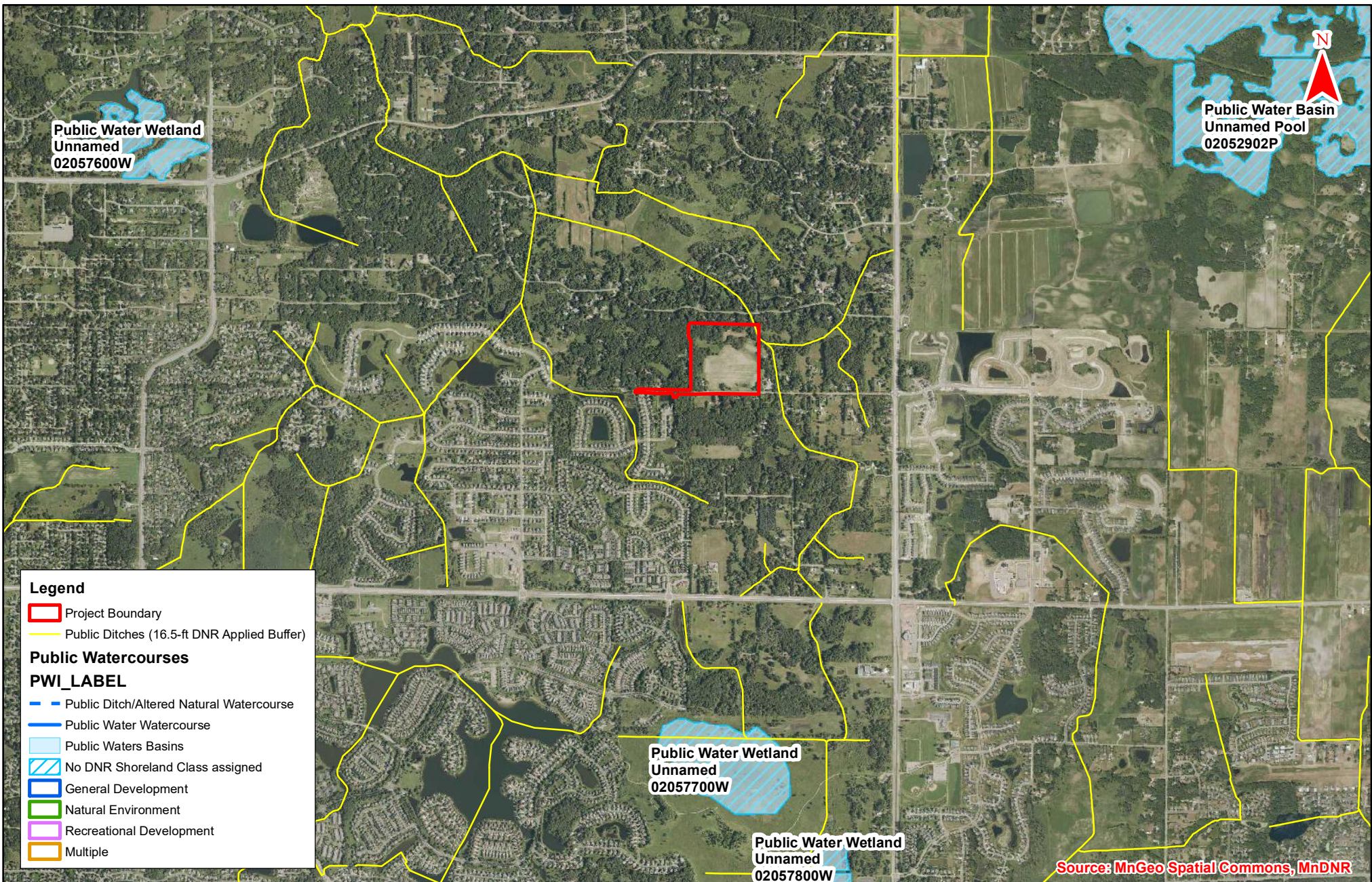
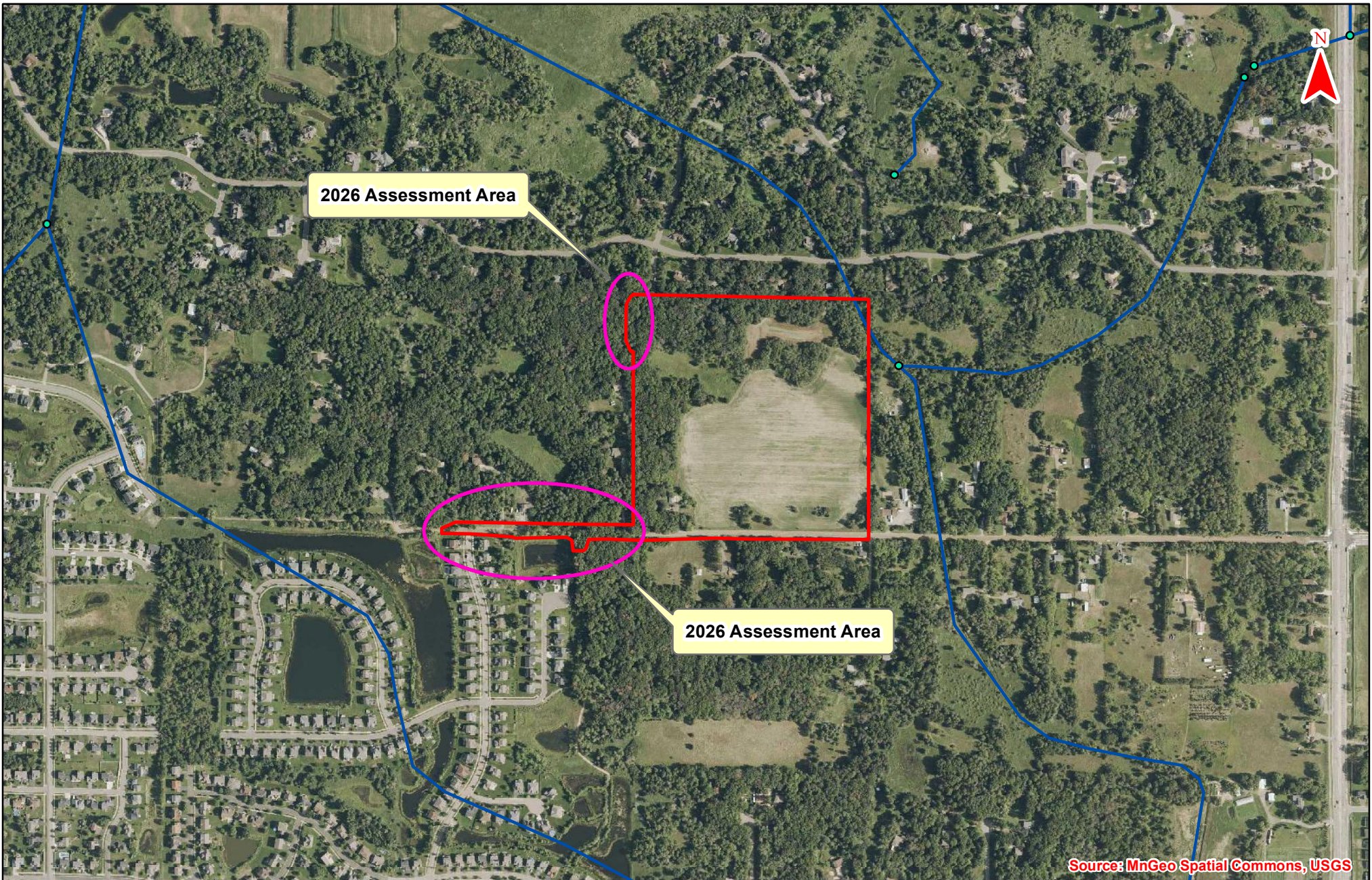


Figure D - DNR Public Waters Inventory

**Montean Meadows (KES 2025-067)
Blaine, Minnesota**



Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.



Source: MnGeo Spatial Commons, USGS



Legend

- Project Boundary
- Hydro Junction
- Canal/Ditch

Figure E - National Hydrography Dataset

**Montean Meadows (KES 2025-067)
Blaine, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.