



**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): 4/30/2021

ORM Number: MVP-2021-00042-KAL

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Minnesota City: Mountain Iron County/Parish/Borough: St. Louis

Center Coordinates of Review Area: Latitude 47.525 Longitude -92.750

**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)<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>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Rana-01	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-01 is a seasonally flooded basin located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a storage pad. The wetland historically drained from the northeast to southwest but with the construction of a storage pad the wetland became impounded. The impoundment does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3). The wetland does not extend outside of the review area.
Rana-02	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-02 is a mix of seasonally flooded basin and hardwood swamp wetlands located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by impoundments created from haul roads. There is a culvert located in the southwest portion of the wetland however it does not drain during a normal season. The impoundments do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-03	4.12	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-03 is a mix of deep marsh, shallow marsh, and hardwood swamp wetlands located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a road on the west side and a stockpile on the east side. The road and stockpile do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-04	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-04 is a hardwood swamp wetland located at the south eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a stockpile. There was no direct hydrology observed during the delineation, but the wetland met secondary hydrology. The stockpile does not allow for a direct hydrologic surface

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).	
Rana-05	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-05 is a hardwood swamp wetland located at the south eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a hillslope. The hillslope does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-06	5.35	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-06 is a mix of alder thicket and hardwood swamp wetlands located at the south eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a hillslope and historic road. The wetland surface slopes to the south and east and outlets into Wetland 2018-09 another non jurisdictional wetland. The hillslope and road do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-07	0.22	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-07 is an alder thicket wetland located at the eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3). The wetland is a depressional feature with no apparent hydrological connection to surrounding waters. The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-08	0.37	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-08 is a shrub carr wetland located at the central portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a stockpile and haul road. The construction of the haul road led to the creation of the wetland which is impounded. The stockpile and haul road do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-09A	0.25	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-09 is a hardwood swamp wetland located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetland lies in a low area of the review area with no apparent hydrological connection to surrounding waters.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).	
Rana-09B	0.23	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-09 is a hardwood swamp wetland located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetland lies in a low area of the review area with no apparent hydrological connection to surrounding waters. The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-09C	0.57	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-09 is a hardwood swamp wetland located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetland lies in a low area of the review area with no apparent hydrological connection to surrounding waters. The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-10	5.93	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-10 is a mix of coniferous bog and alder thicket wetlands located at the central portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetlands outlet into Rana-08 which is impounded by a haul road and stockpile. The haul road and stockpile does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-11	3.21	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-11 is an alder thicket wetland located at the eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a road. Due to the construction of the road the wetland outlets into Rana-10. The road does not allow for a direct hydrologic surface connection



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			between the wetland and a water identified in paragraph (a)(1), (2), or (3).	
Rana-12	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-12 is a shrub carr wetland located at the central portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetland is a depressional feature with no apparent hydrological connection to surrounding waters. The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-13	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-13 is a hardwood swamp wetland located at the north eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a the surrounding topography and nearby haul road and does not have an outlet. The surrounding topography and nearby haul road do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-14	0.97	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-14 is a sedge meadow and deep marsh located at the northern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a stockpile. The wetland outlets into a coarse haul road during periods of high water and not during a typical year. The stockpile does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-15	1.99	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-15 is a hardwood swamp wetland located at the northern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography. The wetland outlets to the southwest during periods of high water and not during a typical year. The wetland has no apparent inlet. The surrounding topography does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-16	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-16 is a hardwood swamp wetland located at the northern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a hillslope adjacent to an old road. The hillslope



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			and adjacent road do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).	
Rana-17	0.06	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-17 is a seasonally flooded wetland located at the northern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by a hillslope. The hillslope does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-22	0.17	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-22 is a shallow marsh wetland located at the western portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3). The wetland is located in a ditch which does not outlet outside of the review area and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
Rana-24	1.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Rana-24 is an alder thicket wetland located at the southern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography and a stockpile. The wetland is situated approximately 15 feet higher in elevation than the surrounding site and has no apparent outlet. The surrounding topography and stockpile do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
2018-03	0.34	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2018-03 is a hardwood swamp wetland located at the eastern portion of the review area and is physically separated from a water identified in paragraph (a)(1), (2), or (3) by the surrounding topography and adjacent trail. The wetland extends offsite and this jurisdictional determination is solely for the portion of wetland in the review area. The surrounding topography and trail do not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).

### 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.





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- ☒ Information submitted by, or on behalf of, the applicant/consultant: [October U.S. Steel Minntac Rana Extension Delineation](#)

This information [is](#) sufficient for purposes of this AJD.

Rationale: [N/A](#)

- ☐ Data sheets prepared by the Corps: [N/A](#)
- ☒ Photographs: [Aerial and Other: Aerial photos and photos included in the delineation report.](#)
- ☐ Corps site visit(s) conducted on: [N/A](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [October U.S. Steel Minntac Rana Extension Delineation](#)
- ☒ USFWS NWI maps: [October U.S. Steel Minntac Rana Extension Delineation](#)
- ☒ USGS topographic maps: [October U.S. Steel Minntac Rana Extension Delineation](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** [Based on a review of topography and aerial imagery, Wetlands Rana-1 through Rana-17, Rana-22, Rand-24, and 2018-3 are contained primarily to the review area and Mining site. These wetlands have no known outlet or surface connection to other wetlands or waterbodies. Mining activities over time, which includes the construction and expansion of the tailings basin, have significantly effected the hydrology of the surrounding landscape to remove any connection to downstream waters. The site allows for little direct hydrologic surface connections to downstream waters. Between the historic and ongoing activities and the surrounding topography the wetlands identified above would be considered non jurisdictional under the Navigable Waters Protection Rule.](#)