



**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): 6/1/2021

ORM Number: MVP-2021-00769-JRH

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MN City: Larkin Township County/Parish/Borough: Nobles

Center Coordinates of Review Area: Latitude 43.6740 Longitude -95.8848

**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> The review area for this determination is limited to the delineated boundaries of one unnamed tributary on the attached figures labeled as 2021-00769-JRH AJD Attachments, pages 1-2.

Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Unnamed Tributary to Kanaranzi Creek	150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The unnamed tributary to Kanaranzi Creek drains southwest into Kanaranzi Creek, an a(2) water that drains into the Missouri River (via the Big Sioux River). The unnamed tributary drains from agricultural fields to the northwest. A desktop review of MHAPO 1938 historic aerial imagery does not have any water in the channel and appears to be a natural drainage feature. Additional review of Google Earth Imagery (May 1992, June 2003, August 2004, June 2006, June 2008, July 2009, July 2011) does not show any water flow in the drainageway. A typical year assessment using the Antecedent Precipitation Tool (APT) was used to determine the flow regime of the unnamed tributary, discussed below. Based on the above information and typical year assessment, the unnamed tributary to Kanaranzi Creek is determined to be ephemeral and is therefore not a water of the U.S. under the Navigable Waters Protection Rule.

**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: **Title(s) and date(s)**  
This information **Select.** 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: Minnesota Historical Aerial Photographs Online 1938, Google Earth Imagery 1992-2015**
- ☐ 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: **Title(s) and/or date(s).**

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NA
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):** Google Earth Imagery was reviewed for the unnamed tributary to Kanaranzi Creek for June 2003. The APT was utilized to determine the precipitation conditions from this date. The tool generated an output figure for the date that determined the conditions were wetter than normal for the preceding 30 days. The June 2003 image did not show any water in the channel. Therefore no flowing water was present during wet conditions. This finding is consistent with a stream flowing only in direct response to precipitation and is therefore determined to be ephemeral.

**C. Additional comments to support AJD:** N/A