



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

MVP

March 14, 2025

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) ,<sup>1</sup> MVP-2025-00081 (SP 3405-97, 3412-76, 3411-96) MFR 1 of 1<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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),<sup>5</sup> the 2023 Rule as amended,

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<sup>1</sup> 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.

<sup>2</sup> 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.).

<sup>3</sup> 33 CFR 331.2.

<sup>4</sup> Regulatory Guidance Letter 05-02.

<sup>5</sup> 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.

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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).
  - i. Wet Ditch EB-07, 0.067 acre, non-jurisdictional
  - ii. Wet Ditch EB-08, 0.219 acre, non-jurisdictional
  - iii. Wet Ditch EB-10, 0.038 acre, non-jurisdictional
  - iv. Wet Ditch EB-11, 0.084 acre, non-jurisdictional
  - v. Wet Ditch EB-12, 0.55 acre, non-jurisdictional
  - vi. Wet Ditch EB-14-1, 0.079 acre, non-jurisdictional
  - vii. Wet Ditch EB-15, 1.358 acre, non-jurisdictional
  - viii. Wet Ditch M-01, 0.015 acre, non-jurisdictional
  - ix. Wet Ditch M-02, 0.032 acre, non-jurisdictional
  - x. Wet Ditch M-03, 0.021 acre, non-jurisdictional
  - xi. Wet Ditch M-04, 0.087 acre, non-jurisdictional
  - xii. Wet Ditch M-05, 0.398 acre, non-jurisdictional
  - xiii. Wet Ditch M-06, 0.071 acre, non-jurisdictional
  - xiv. Wet Ditch WB-06, 0.106 acre, non-jurisdictional
  - xv. Wet Ditch WB-07, 0.149 acre, non-jurisdictional
  - xvi. Wet Ditch WB-11, 0.208 acre, non-jurisdictional
  - xvii. Wet Ditch WB-12, 0.076 acre, non-jurisdictional
  - xviii. Wet Ditch WB-14, 0.008 acre, non-jurisdictional
  - xix. Wet Ditch WB-15, 0.481 acre, non-jurisdictional
  - xx. Wet Ditch WB-16, 0.066 acre, non-jurisdictional
  - xxi. Wet Ditch WB-17, 4.334 acre, non-jurisdictional
  - xxii. Wet Ditch WB-18, 0.192 acre, non-jurisdictional
  - xxiii. Wet Ditch WB-19, 0.8 acre, non-jurisdictional
  - xxiv. Wet Ditch WB-22, 1.572 acre, non-jurisdictional
  - xxv. Wet Ditch WB-23, 0.153 acre, non-jurisdictional
  - xxvi. Wet Ditch WB-27, 0.251 acre, non-jurisdictional
  - xxvii. Wet Ditch WB-28, 0.032 acre, non-jurisdictional
  - xxviii. Wet Ditch WB-31, 0.758 acre, non-jurisdictional
  - xxix. Wet Ditch WB-32, 1.161 acre, non-jurisdictional

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## 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. \_\_\_, 143 S. Ct. 1322 (2023)
3. REVIEW AREA. The review area for this determination includes 29 roadside ditches labeled as, Wet Ditch EB-07, Wet Ditch EB-08, Wet Ditch EB-10, Wet Ditch EB-11, Wet Ditch EB-12, Wet Ditch EB-14-1, Wet Ditch EB-15, Wet Ditch M-01, Wet Ditch M-02, Wet Ditch M-03, Wet Ditch M-04, Wet Ditch M-05, Wet Ditch M-06, Wet Ditch WB-06, Wet Ditch WB-07, Wet Ditch WB-11, Wet Ditch WB-12, Wet Ditch WB-14, Wet Ditch WB-15, Wet Ditch WB-16, Wet Ditch WB-17, Wet Ditch WB-18, Wet Ditch WB-19, Wet Ditch WB-22, Wet Ditch WB-23, Wet Ditch WB-27, Wet Ditch WB-28, Wet Ditch WB-31, and Wet Ditch WB-32 on the attached figures labeled as 2025-00081-TJH Figures 1 of 22 through 22 of 22. A wetland delineation report was completed on September 16, 2024. The review area for this determination is located along approximately 8-miles of Trunk Highway (TH) 23 and 71 in Sections 1, 12, 13, 23, 24, and 26-30, Township 119 and 120 North, Range 35 West, Kandiyohi County, Minnesota. The approximate center coordinates of the site (in decimal degrees) are Latitude: 45.141820, Longitude: -95.055310. There are no other JDs associated with this review area.
4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A
6. SECTION 10 JURISDICTIONAL WATERS<sup>6</sup>: 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

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<sup>6</sup> 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.

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resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.<sup>7</sup>  
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 "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

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<sup>7</sup> 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.



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within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).<sup>8</sup>

Wet Ditch EB-07, Wet Ditch EB-08, Wet Ditch EB-09, Wet Ditch EB-10, Wet Ditch EB-11, Wet Ditch EB-12, Wet Ditch EB-14-1, Wet Ditch EB-15, Wet Ditch M-01, Wet Ditch M-02, Wet Ditch M-03, Wet Ditch M-04, Wet Ditch M-05, Wet Ditch M-06, Wet Ditch WB-06, Wet Ditch WB-07, Wet Ditch WB-11, Wet Ditch WB-12, Wet Ditch WB-14, Wet Ditch WB-15, Wet Ditch WB-16, Wet Ditch WB-17, Wet Ditch WB-18, Wet Ditch WB-19, Wet Ditch WB-22, Wet Ditch WB-23, Wet Ditch WB-27, Wet Ditch WB-28, Wet Ditch WB-31, and Wet Ditch WB-32 are roadside ditches constructed in upland within the TH 23 and 71 right of way based on review of the wetland delineation report and desktop resources including US Geological Service 3DEP Hillshade and DEM maps; MNDNR 2-foot contour maps; MNDNR NWI Wetland Finder/NWI maps; NHD data; and NRCS hydric soil data; and aerial imagery from Google Earth Pro. Recent aerial photos do not show relatively permanent flow. Based on the wetland delineation and desktop resources reviewed, these aquatic resources were excavated wholly in and draining only uplands and do not carry a relatively permanent flow and, according to exclusion (b)(3) of the 2023 Rule, as amended, are not waters of the United States.

- 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). N/A
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. Anderson Engineering of Minnesota, LLC Wetland Delineation Report dated September 16 2024
  - b. Desktop evaluation conducted March 5, 2025
  - c. USGS LiDAR, 3DEP Elevation Model, USGS TNM – National Hydrography Dataset, USFWS NWI Maps, and USDA/NRCS Soil Survey Maps

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<sup>8</sup> 88 FR 3004 (January 18, 2023)

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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 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.

MINNESOTA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION PLAN FOR GRADING, BITUMINOUS & CONCRETE SURFACING, HIGH TENSION CABLE GUARDRAIL  
LOCATED ON TH 23 FROM 2200' WEST OF CSAH 5 TO THE SOUTH JCT. OF TH 71  
AND ON TH 71 FROM THE SOUTH JCT. OF TH 23 TO THE JCT. OF BUSINESS 71

STATE PROJ. NO. 3405-97 (TH 23)  
GROSS LENGTH 17213.33 FEET 3.260 MILES  
BRIDGES-LENGTH FEET MILES  
EXCEPTIONS-LENGTH FEET MILES  
NET LENGTH 17213.33 FEET 3.260 MILES  
REF. POINT 141+00.217 TO REF. POINT 144+00.477  
LENGTH AND DESCRIPTION IS BASED ON THE  
WB23 ALIGNMENT

STATE PROJ. NO. 3411-96 (TH 71)  
GROSS LENGTH 16526.78 FEET 3.130 MILES  
BRIDGES-LENGTH FEET MILES  
EXCEPTIONS-LENGTH FEET MILES  
NET LENGTH 16526.78 FEET 3.130 MILES  
REF. POINT 120+00.931 TO REF. POINT 123+00.964  
LENGTH AND DESCRIPTION IS BASED ON THE  
WB23 ALIGNMENT

STATE PROJ. NO. 3412-76 (TH 71)  
GROSS LENGTH 13012.63 FEET 2.465 MILES  
BRIDGES-LENGTH FEET MILES  
EXCEPTIONS-LENGTH 559.74 FEET 0.106 MILES  
NET LENGTH 12452.89 FEET 2.359 MILES  
REF. POINT 123+00.964 TO REF. POINT 126+00.473  
LENGTH AND DESCRIPTION IS BASED ON THE  
WB23 ALIGNMENT

FED. PROJ. NO. NHPP ----(---)

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION  
"STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

INDEX

- 1 TITLE SHEET  
2-3 CERTIFICATION OF MULTI-DIMENSIONAL FILES  
4-6 GENERAL LAYOUT  
7-11 ESTIMATED QUANTITIES  
12 SOILS & CONSTRUCTION NOTES, STANDARD PLATES  
13-20 EARTHWORK TABULATIONS  
21-30 TABULATIONS  
31-47 TYPICAL SECTIONS  
48-57 MISCELLANEOUS DETAILS  
58-122 STANDARD PLANS  
123-133 TEMPORARY CONSTRUCTION PLANS  
134-138 ALIGNMENT TABULATIONS  
139-159 INPLACE UTILITIES PLANS  
160-179 REMOVAL PLANS  
180-219 CONSTRUCTION PLAN & PROFILE  
220 CONCRETE PAVING PLAN  
221-241 DRAINAGE PLANS  
242-247 DRAINAGE TABULATIONS AND PROFILES  
248-252 DRAINAGE DETAILS  
253-255 ENVIRONMENTAL MANAGEMENT PLAN  
256-258 STORM WATER POLLUTION PREVENTION PLAN  
259-278 EROSION CONTROL & TURF ESTABLISHMENT  
279-288 TRAFFIC BARRIER PLANS  
289-356 TRAFFIC CONTROL PLANS  
357-405 SIGNING & PAVEMENT MARKING PLANS  
X1-X231 CROSS SECTIONS

THIS PLAN CONTAINS 636 SHEETS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER  
MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.



SIGNATURE: \_\_\_\_\_  
PRINTED NAME: AARON D. CAMERON  
DATE: 10/25/2024 LTC. NO. 56592

**WARNING!**  
HIGH PRESSURE PETROLEUM  
AND NATURAL GAS PIPELINES

**BEGIN SP 3405-97 (TH 23)**  
WB23 STA. 508+35.64  
R.P. 141+00.217

**END SP 3412-76 (TH 71)**  
WB23 STA. 462+77.77  
R.P. 126+00.473

BRIDGE NO. 34024 (EXCEPTION)  
STA. 441+62.90 TO STA. 444+45.84  
LENGTH = 282.94'

BRIDGE NO. 34011 (EXCEPTION)  
STA. 399+40.83 TO STA. 402+17.63  
LENGTH = 276.80'

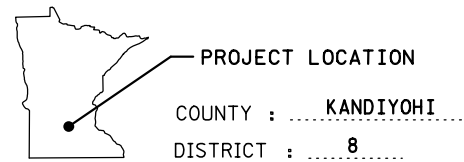
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**BEGIN SP 3412-76 (TH 71)**  
WB23 STA. 334+80.00  
R.P. 123+00.964

WB23 EQUATIONS

525+56.36 (BK) = 14+63.59 (AH)  
64+65.45 (BK) = 64+64.96 (AH)  
154+13.35 (BK) = 154+10.64 (AH)  
188+92.33 (BK) = 188+92.80 (AH)  
328+54.86 (BK) = 328+54.61 (AH)  
393+58.69 (BK) = 393+58.39 (AH)  
441+13.98 (BK) = 438+99.42 (AH)  
463+06.05 (BK) = 463+06.85 (AH)

FOR PLANS AND UTILITIES SYMBOLS SEE TECHNICAL MANUAL

STATE PROJ. NO.	CHARGE IDENTIFIER
3412-76	
3405-97	
3411-96	



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INDEX MAP	4000'
GENERAL LAYOUT	600'

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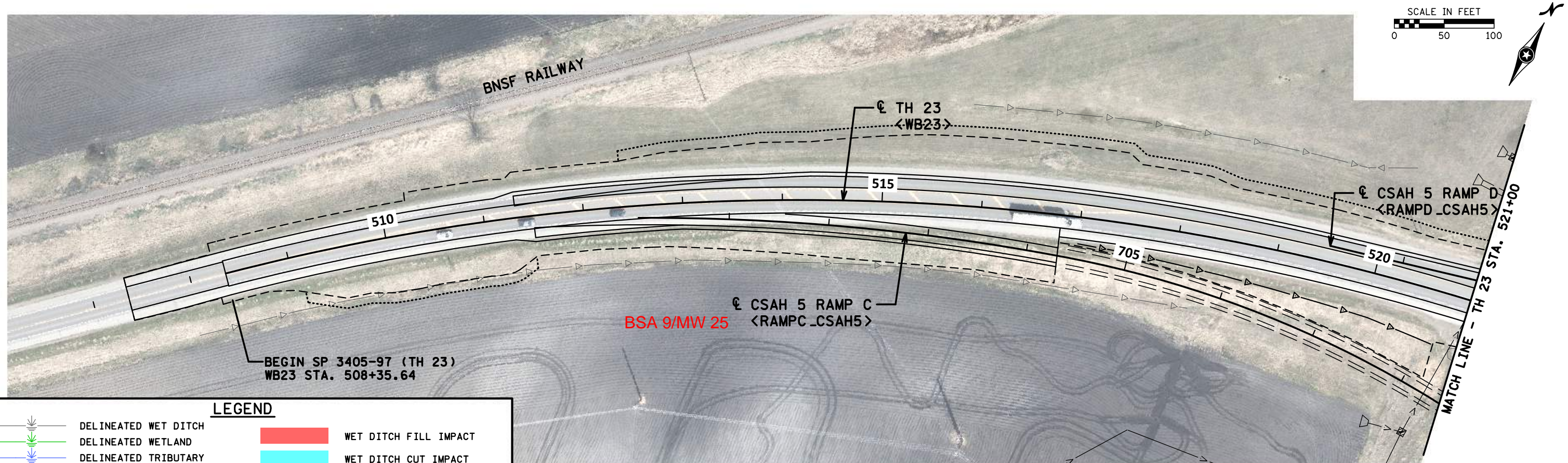
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ADT (Future Year) 2048  
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Functional Classification  
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No. of Parking Lanes  
ESALS (20 Year)  
Design Speed  
Based on Sight Distance  
Height of Eye / Object  
Design Speed not Achieved:

SP 3405-97 (TH 23)	SP 3411-96 (TH 71)	SP 3412-76 (TH 71)
12	12	12
5,670	8,760	10,590
6,700	11,550	13,570
10 TON	10 TON	10 TON
PRINCIPAL ARTERIAL	PRINCIPAL ARTERIAL	PRINCIPAL ARTERIAL
2	4	4
0	0	0
9,604,000	8,292,000	10,399,000
70	70	70
STOPPING	STOPPING	STOPPING
3.5'/2.0'	3.5'/2.0'	3.5'/2.0'
NA	NA	NA

**END SP 3405-97 (TH 23)**  
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R.P. 144+00.477  
**BEGIN SP 3411-96 (TH 71)**  
WB23 STA. 169+53.00  
R.P. 120+00.931

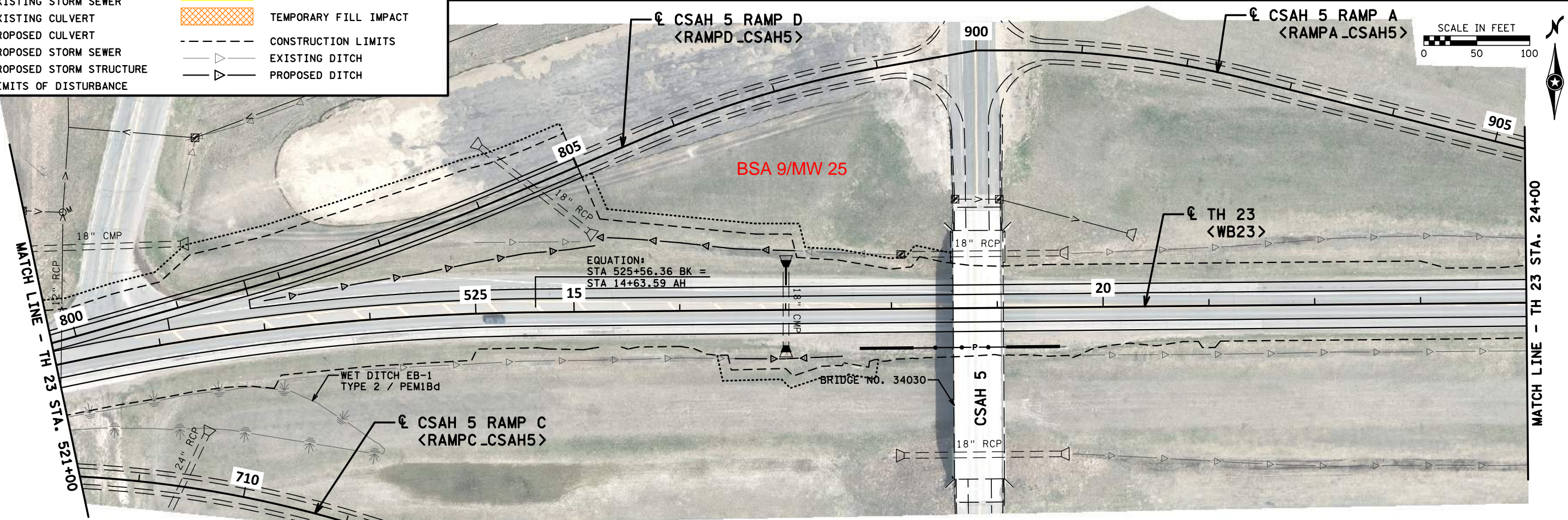


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### LEGEND

	DELINEATED WET DITCH		WET DITCH FILL IMPACT
	DELINEATED WETLAND		WET DITCH CUT IMPACT
	DELINEATED TRIBUTARY		WET DITCH HYDROLOGY IMPACT
	EXISTING STORM STRUCTURE		TEMPORARY FILL IMPACT
	EXISTING STORM SEWER		CONSTRUCTION LIMITS
	EXISTING CULVERT		EXISTING DITCH
	PROPOSED CULVERT		PROPOSED DITCH
	PROPOSED STORM SEWER		
	PROPOSED STORM STRUCTURE		
	LIMITS OF DISTURBANCE		



NO.	DATE	BY	DESCRIPTION OF REVISIONS

DES: MAW	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		
DRW: AIM	SIGNATURE: _____	LIC. NO. _____	DATE: _____
CHK: MAW			



TH 23 STA. 508+36 TO STA. 24+00

STATE PROJ. NO. 3412-76 (TH 71)

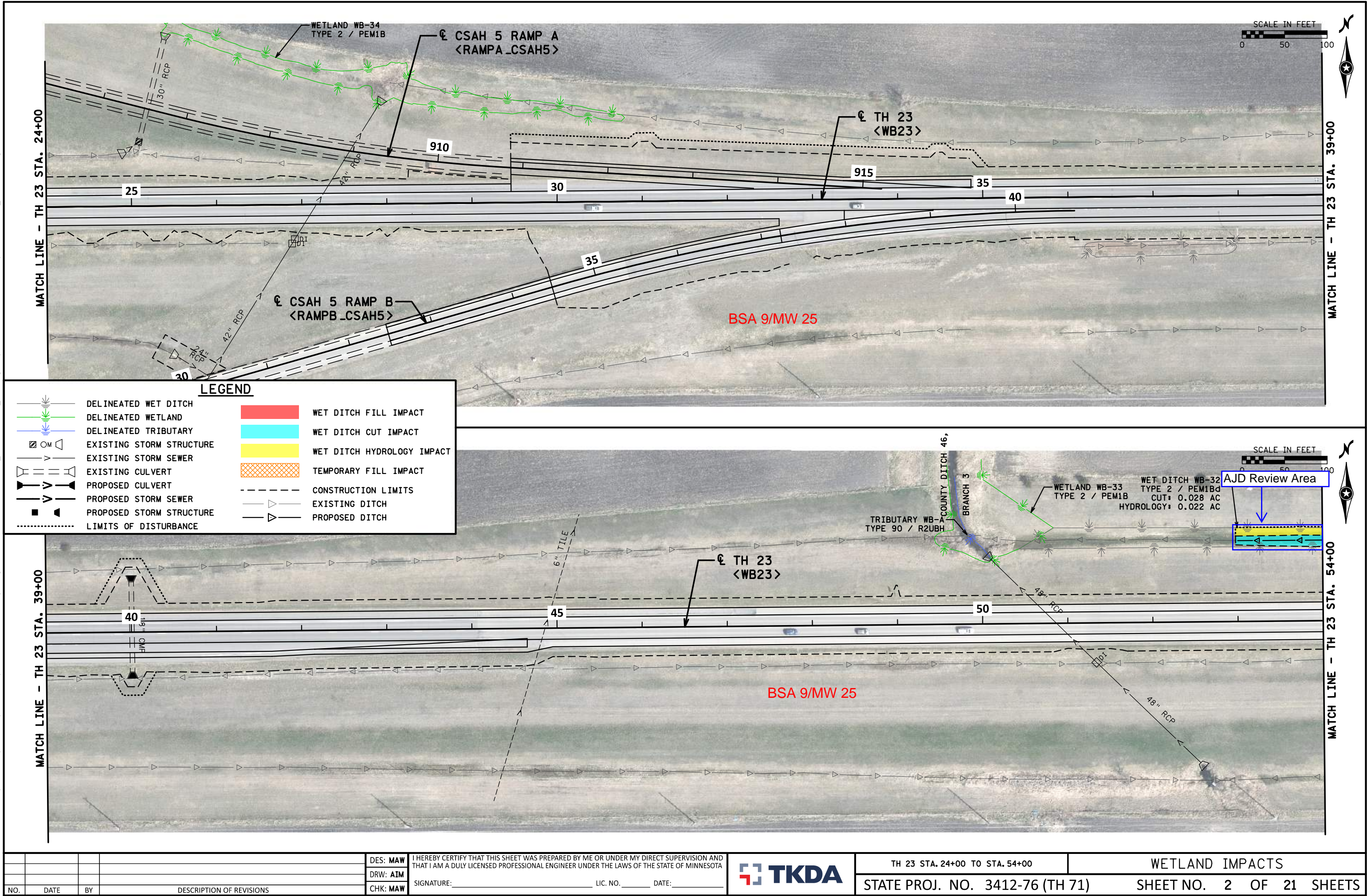
WETLAND IMPACTS

SHEET NO. 1 OF 21 SHEETS



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				DRW: AIM
				CHK: MAW
NO.	DATE	BY	DESCRIPTION OF REVISIONS	

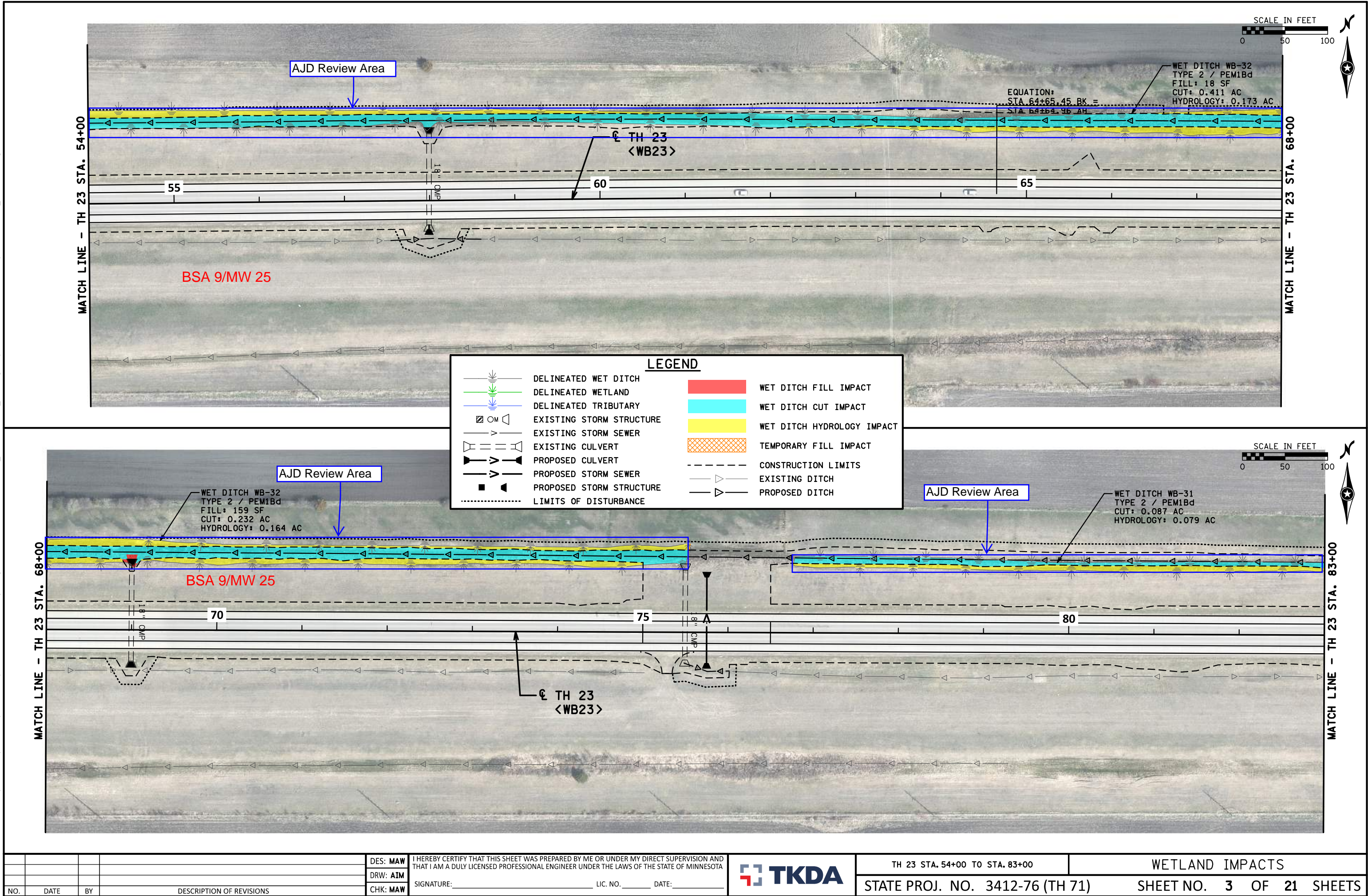
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SIGNATURE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_ DATE: \_\_\_\_\_



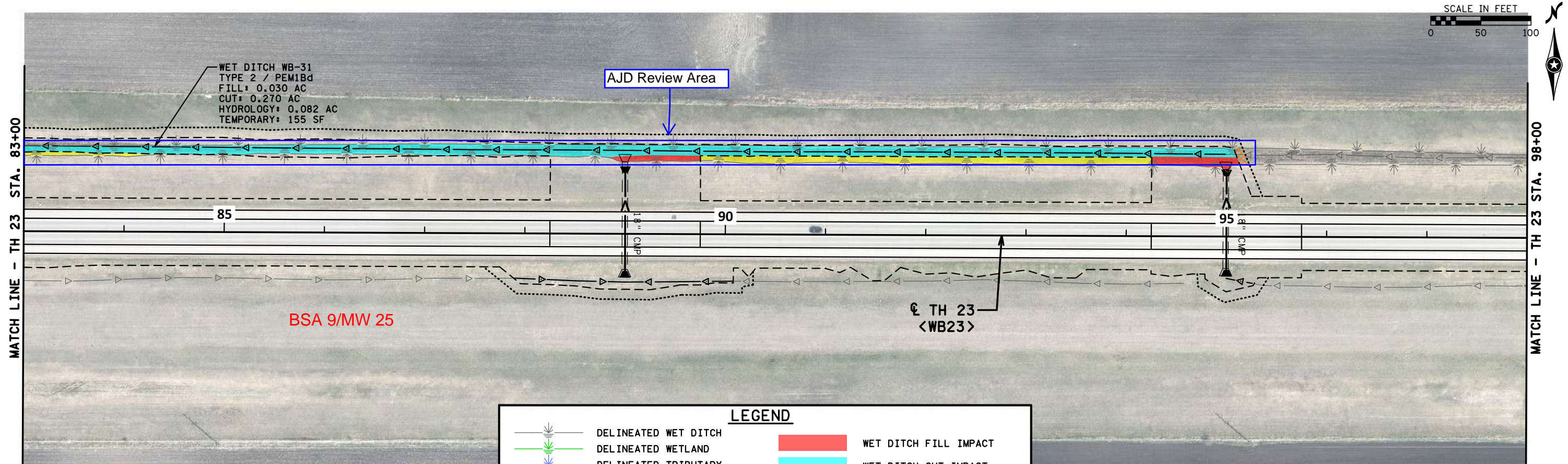


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BSA 9/MW 25

LEGEND

DELINEATED WET DITCH

DELINEATED WETLAND

DELINEATED TRIBUTARY

EXISTING STORM STRUCTURE

EXISTING STORM SEWER

EXISTING CULVERT

PROPOSED CULVERT

PROPOSED STORM SEWER

PROPOSED STORM STRUCTURE

LIMITS OF DISTURBANCE

WET DITCH FILL IMPACT

WET DITCH CUT IMPACT

WET DITCH HYDROLOGY IMPACT

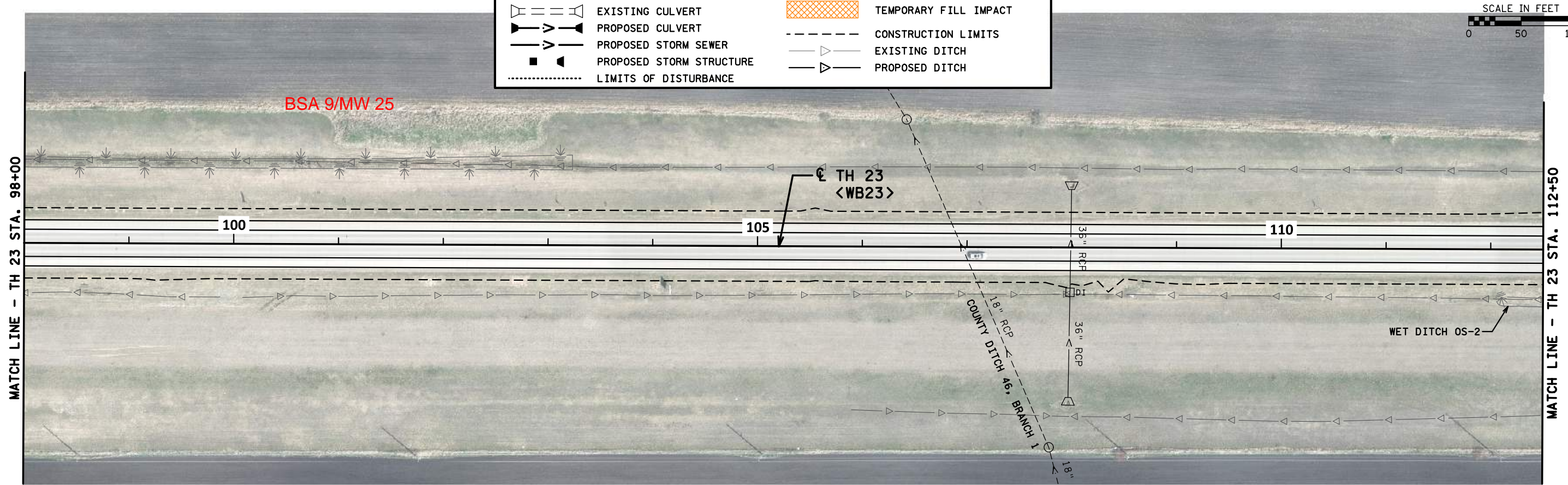
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CONSTRUCTION LIMITS

EXISTING DITCH

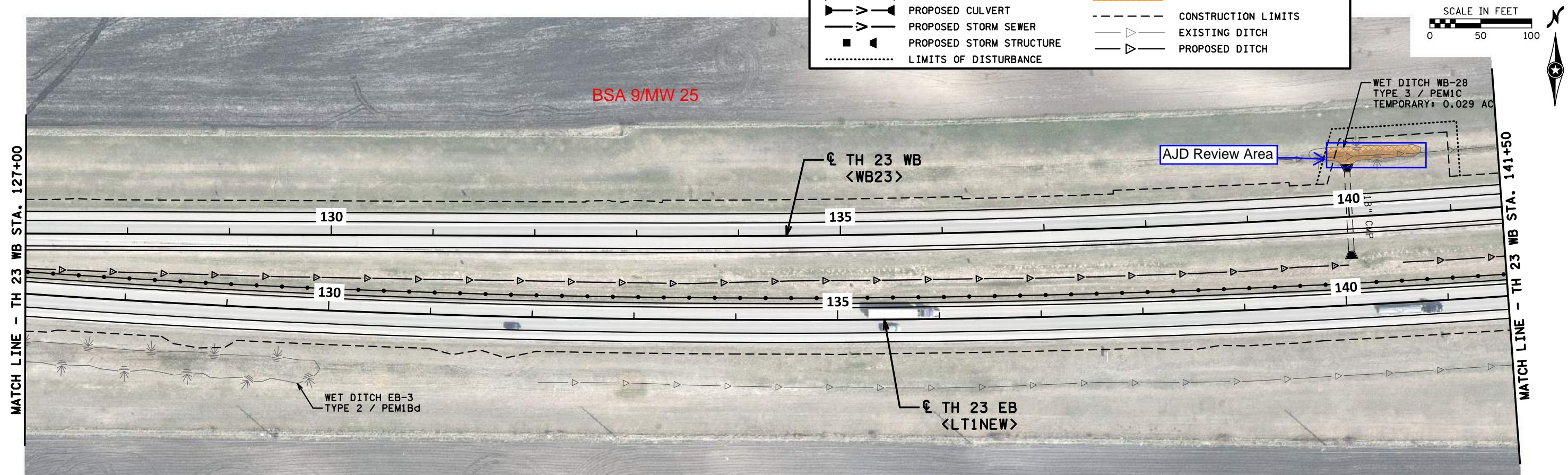
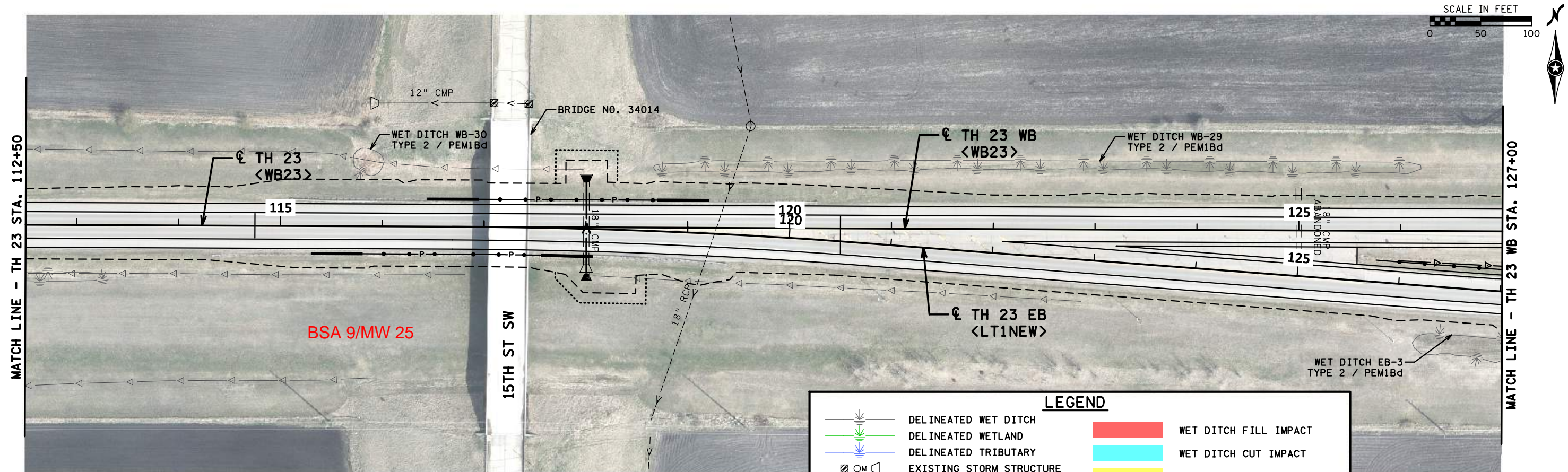
PROPOSED DITCH

BSA 9/MW 25



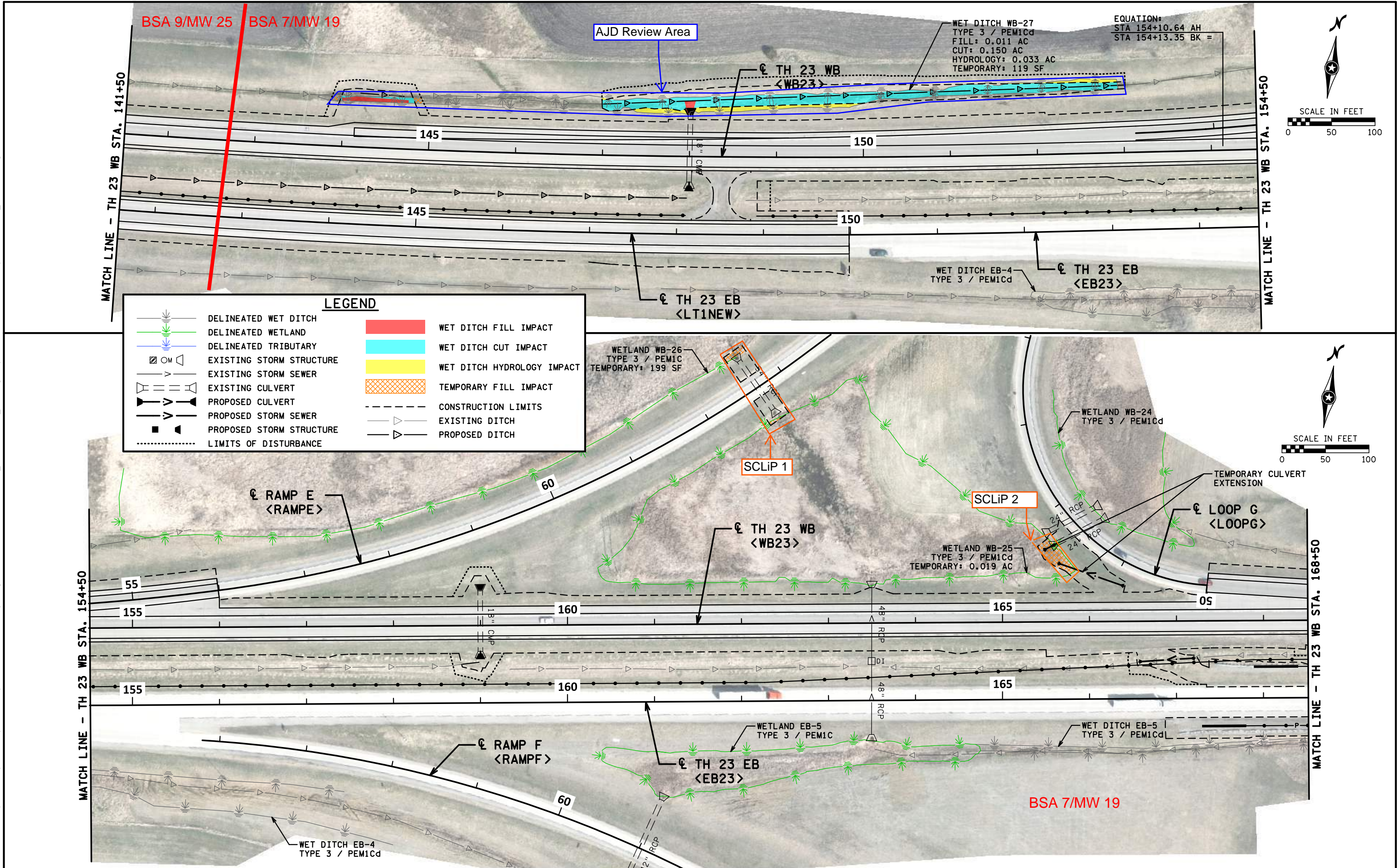



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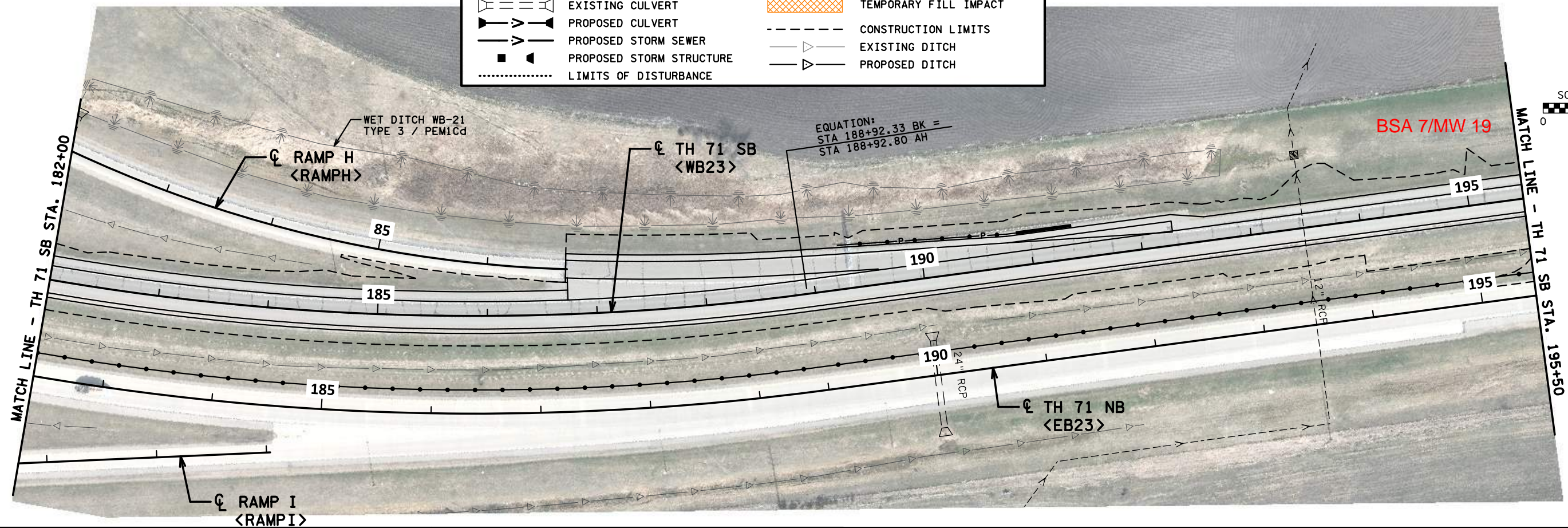
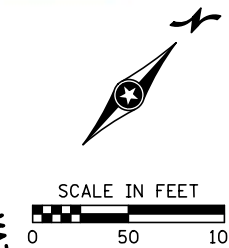
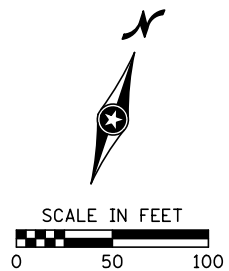
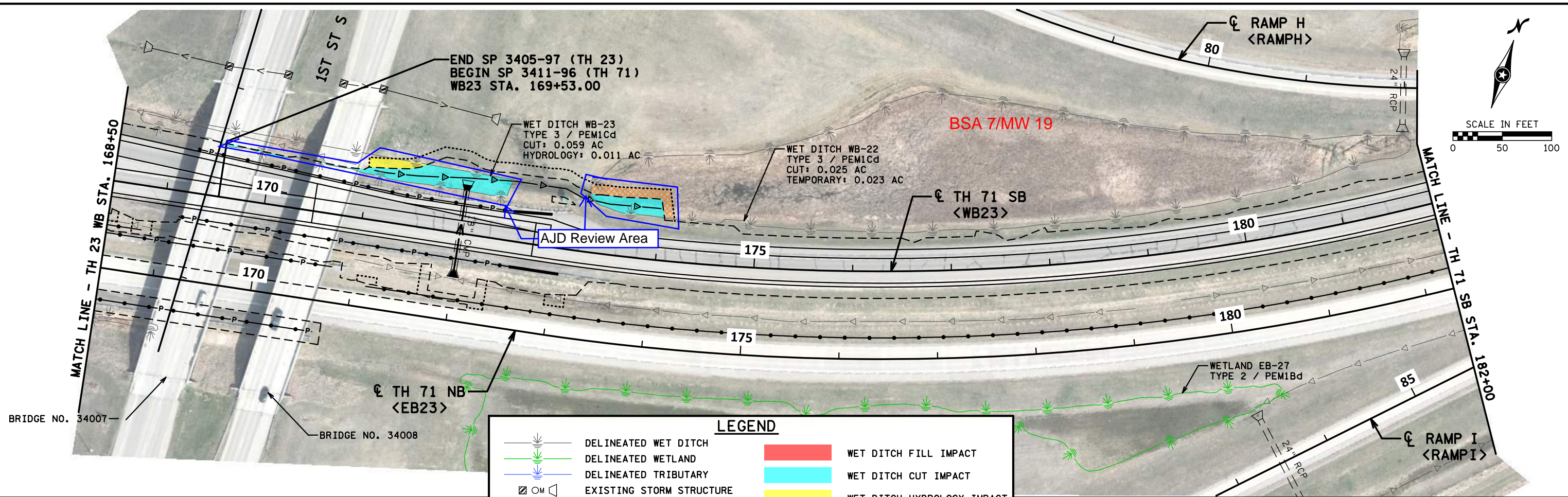


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				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		TH 23 WB STA. 141+50 TO STA. 168+50		WETLAND IMPACTS	
				DRW: <b>AIM</b>			STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 6 OF 21 SHEETS	
				CHK: <b>MAW</b>						
NO.	DATE	BY	DESCRIPTION OF REVISIONS	SIGNATURE: _____ LIC. NO. _____ DATE: _____						





NO.	DATE	BY	DESCRIPTION OF REVISIONS

DES: MAW	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		
DRW: AIM	SIGNATURE: _____	LIC. NO. _____	DATE: _____
CHK: MAW			



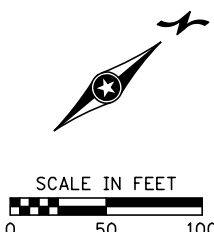
TH 23 WB / TH 71 SB STA. 168+50 TO STA. 195+50


STATE PROJ. NO. 3412-76 (TH 71)

WETLAND IMPACTS

SHEET NO. 7 OF 21 SHEETS

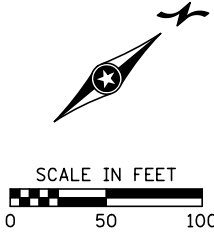
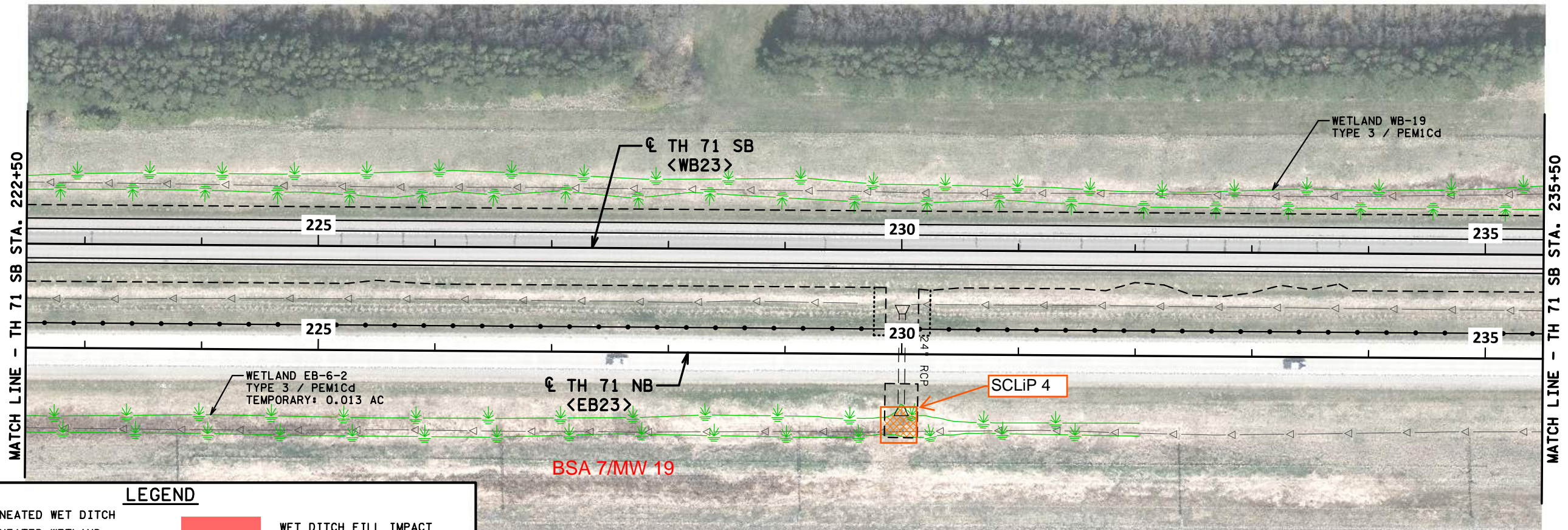




				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA  SIGNATURE: _____ LIC. NO. _____ DATE: _____		TH 71 SB STA. 195+50 TO STA. 222+50		WETLAND IMPACTS			
				DRW: <b>AIM</b>								
				CHK: <b>MAW</b>								
NO.	DATE	BY	DESCRIPTION OF REVISIONS				STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 8 OF 21 SHEETS			

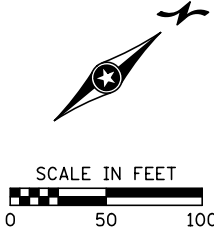
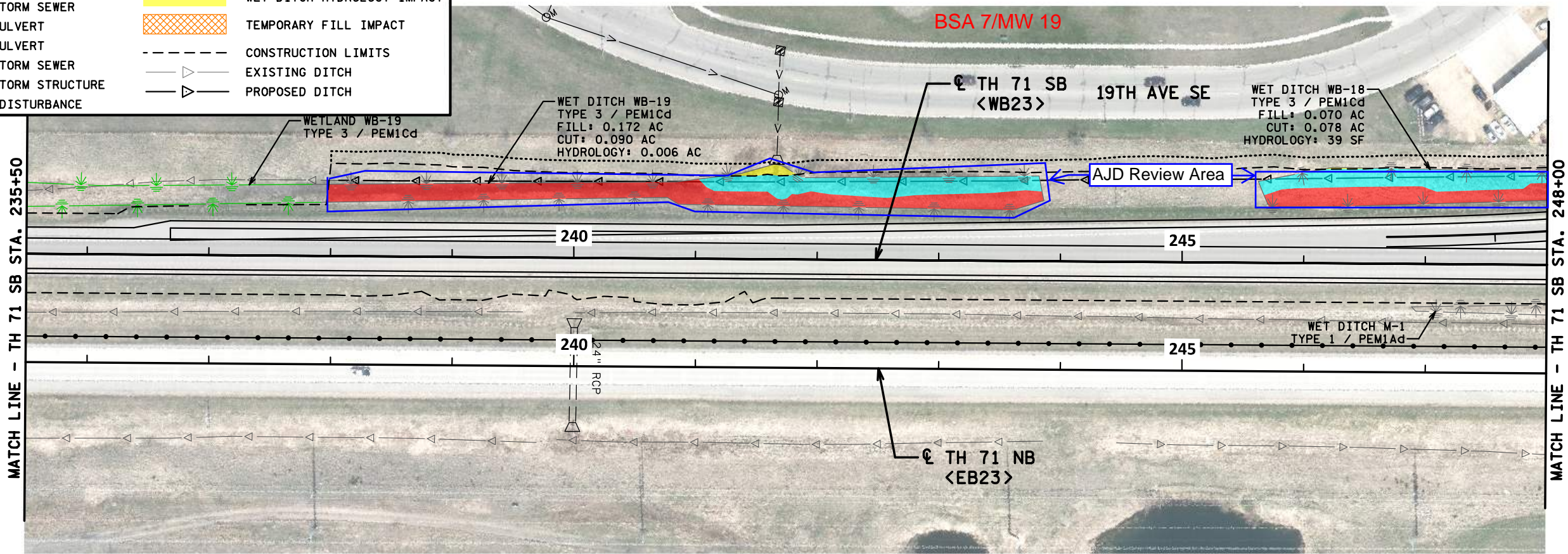


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**LEGEND**

	DELINEATED WET DITCH		WET DITCH FILL IMPACT
	DELINEATED WETLAND		WET DITCH CUT IMPACT
	DELINEATED TRIBUTARY		WET DITCH HYDROLOGY IMPACT
	EXISTING STORM STRUCTURE		TEMPORARY FILL IMPACT
	EXISTING STORM SEWER		CONSTRUCTION LIMITS
	EXISTING CULVERT		EXISTING DITCH
	PROPOSED CULVERT		PROPOSED DITCH
	PROPOSED STORM SEWER		
	PROPOSED STORM STRUCTURE		
	LIMITS OF DISTURBANCE		



NO.	DATE	BY	DESCRIPTION OF REVISIONS

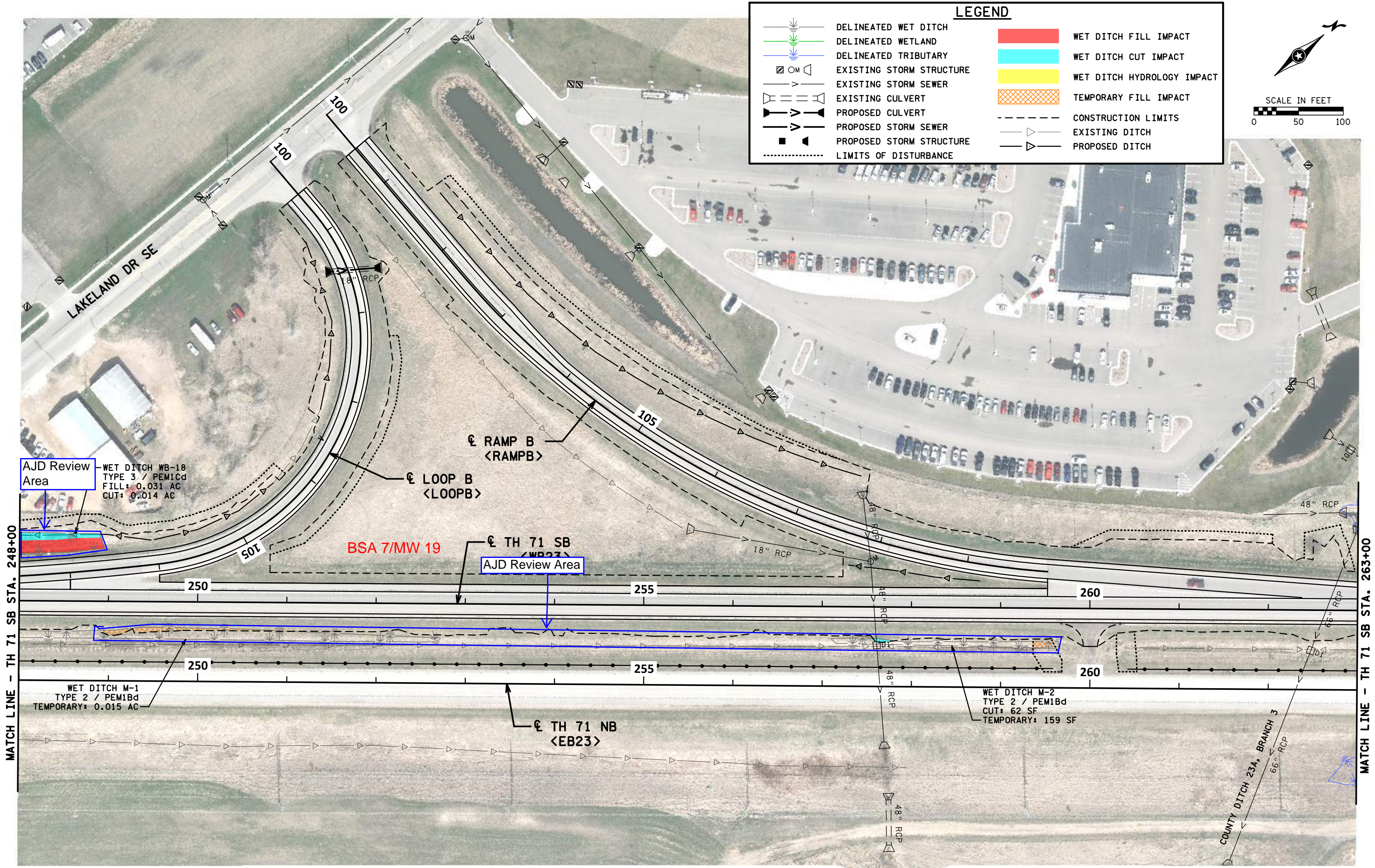
DES: MAW	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		
DRW: AIM	SIGNATURE: _____	LIC. NO. _____	DATE: _____
CHK: MAW			



TH 71 SB STA. 222+50 TO STA. 248+00	WETLAND IMPACTS
STATE PROJ. NO. 3412-76 (TH 71)	SHEET NO. 9 OF 21 SHEETS

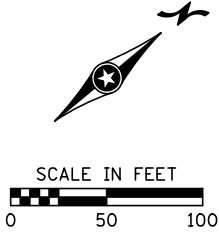



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**LEGEND**

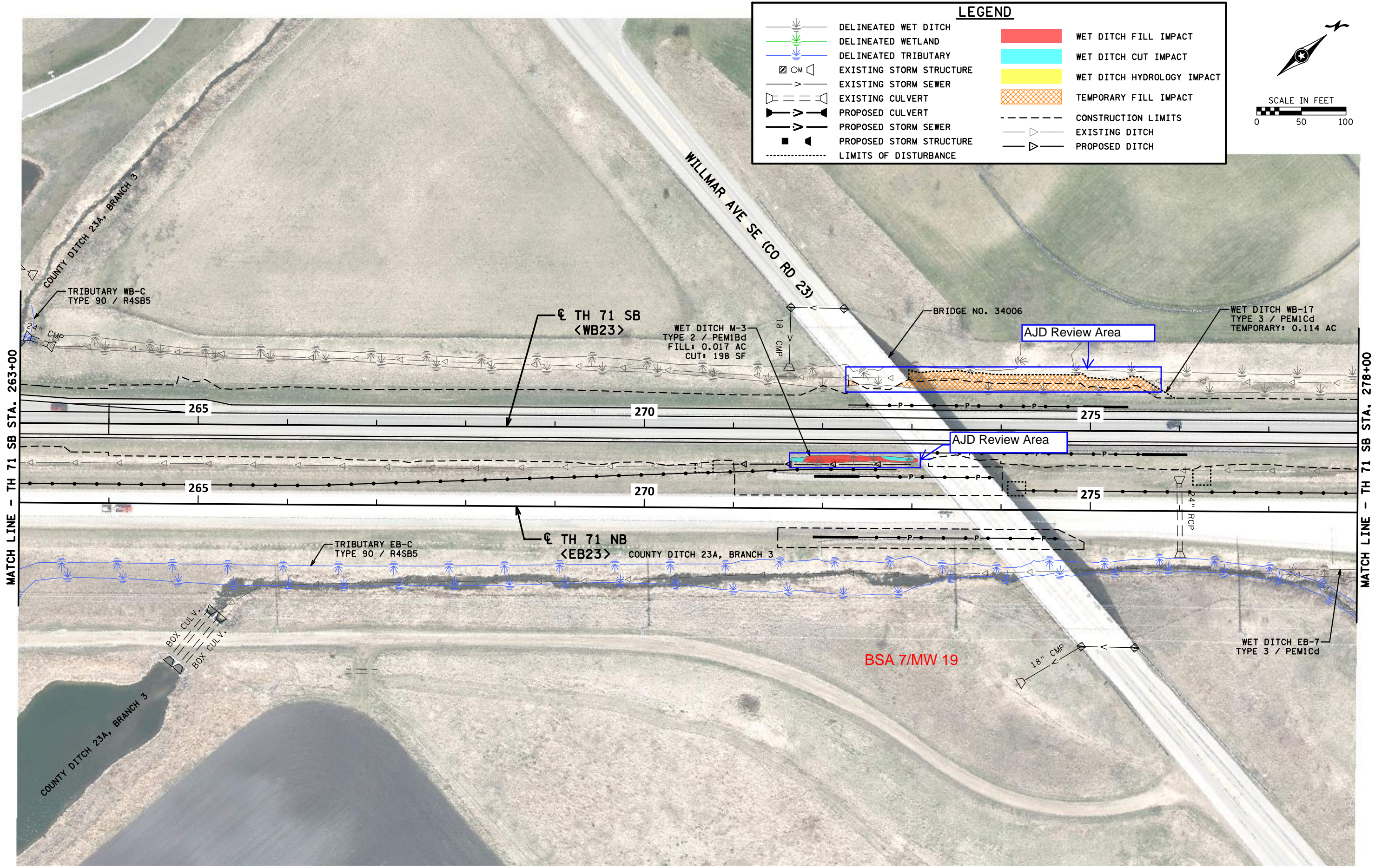
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	DELINEATED WETLAND		WET DITCH CUT IMPACT
	DELINEATED TRIBUTARY		WET DITCH HYDROLOGY IMPACT
	EXISTING STORM STRUCTURE		TEMPORARY FILL IMPACT
	EXISTING STORM SEWER		CONSTRUCTION LIMITS
	EXISTING CULVERT		EXISTING DITCH
	PROPOSED CULVERT		PROPOSED DITCH
	PROPOSED STORM SEWER		
	PROPOSED STORM STRUCTURE		
	LIMITS OF DISTURBANCE		



				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		TH 71 SB STA. 248+00 TO STA. 263+00		WETLAND IMPACTS	
				DRW: <b>AIM</b>			STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 10 OF 21 SHEETS	
				CHK: <b>MAW</b>						
NO.	DATE	BY	DESCRIPTION OF REVISIONS	SIGNATURE: _____ LIC. NO. _____ DATE: _____						



DATE: 1/9/2025  
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NO.	DATE	BY	DESCRIPTION OF REVISIONS

DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA  SIGNATURE: _____ LIC. NO. _____ DATE: _____
DRW: <b>AIM</b>	
CHK: <b>MAW</b>	

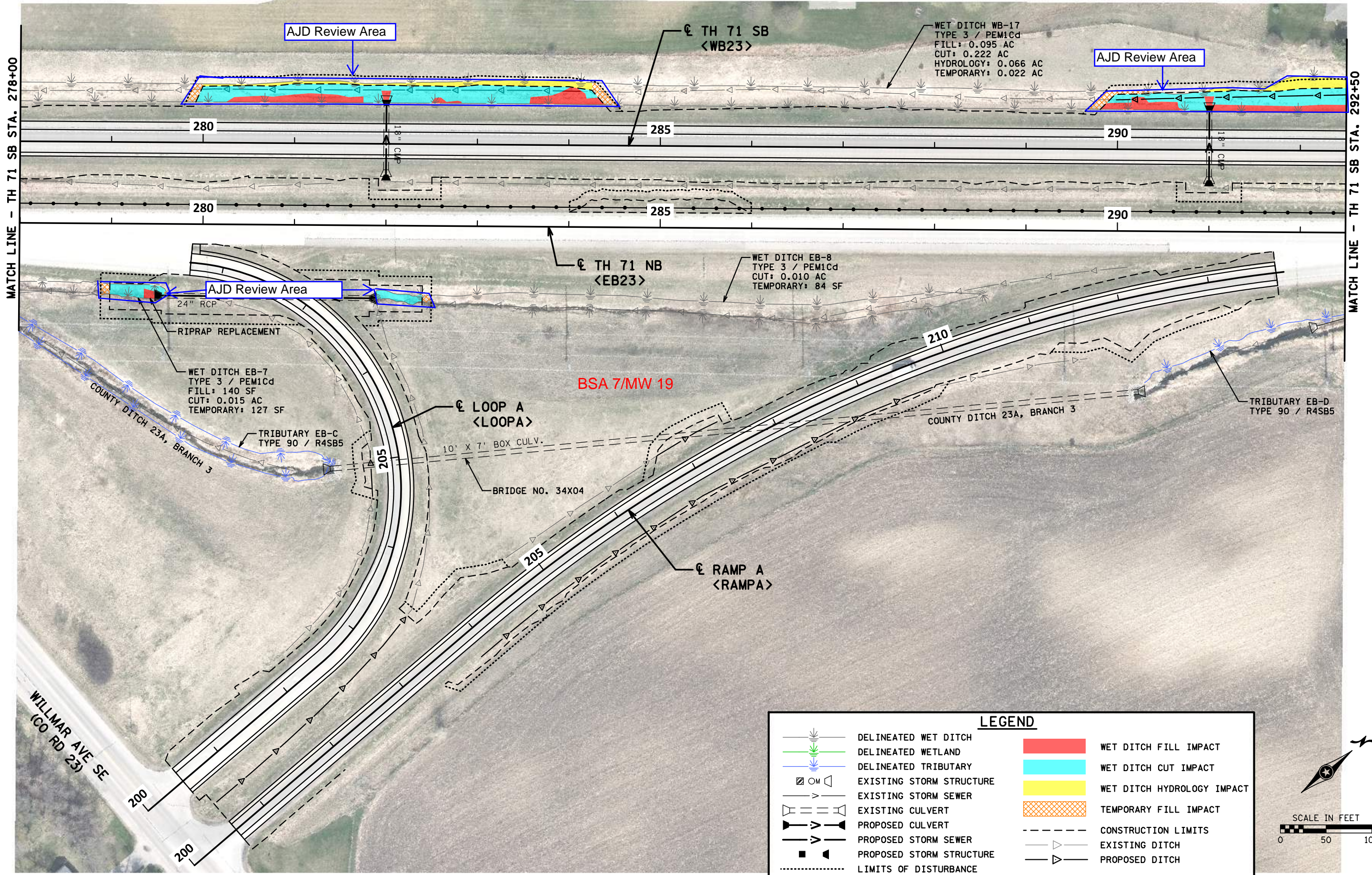


TH 71 SB STA. 263+00 TO STA. 278+00  
STATE PROJ. NO. 3412-76 (TH 71)

WETLAND IMPACTS  
SHEET NO. 11 OF 21 SHEETS



DATE: 1/9/2025 TIME: 1:26:58 PM  
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NO.	DATE	BY	DESCRIPTION OF REVISIONS

DES: MAW	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		
DRW: AIM	SIGNATURE: _____	LIC. NO. _____	DATE: _____
CHK: MAW			

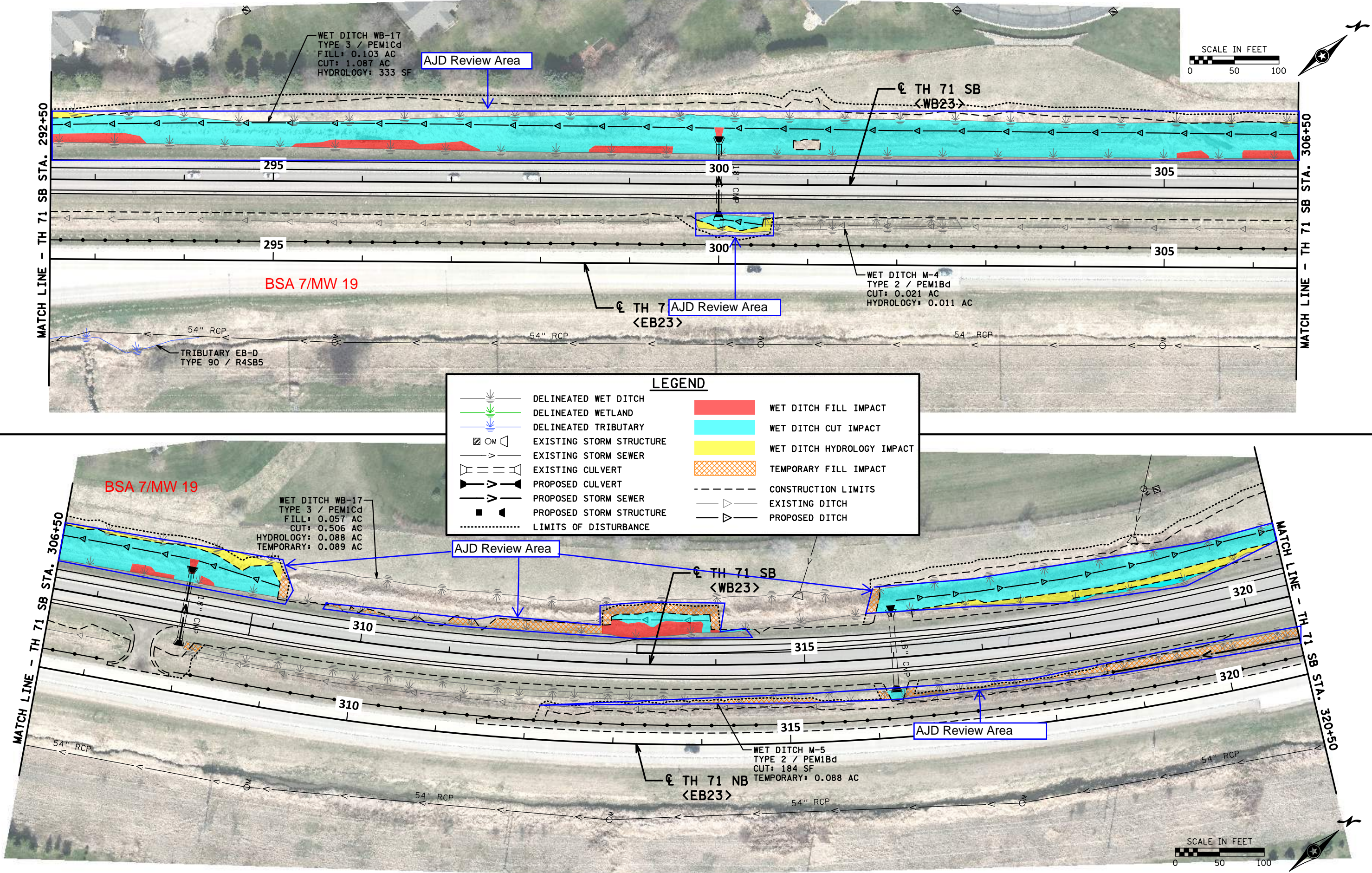


TH 71 SB STA. 278+00 TO STA. 292+50  
STATE PROJ. NO. 3412-76 (TH 71)

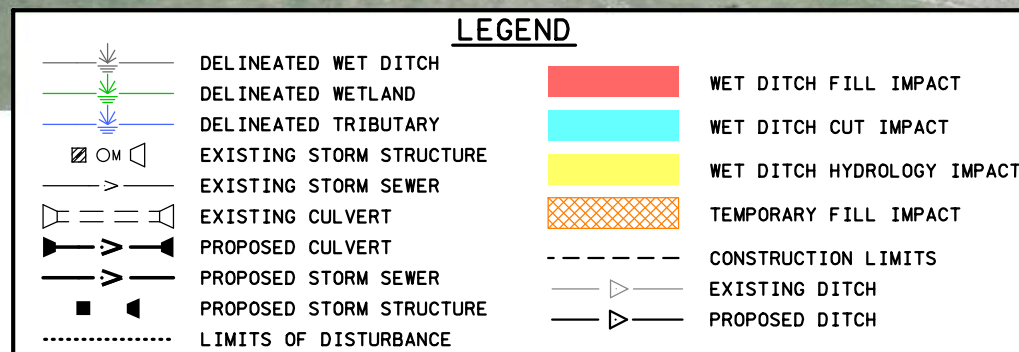
WETLAND IMPACTS  
SHEET NO. 12 OF 21 SHEETS




DATE: 1/9/2025  
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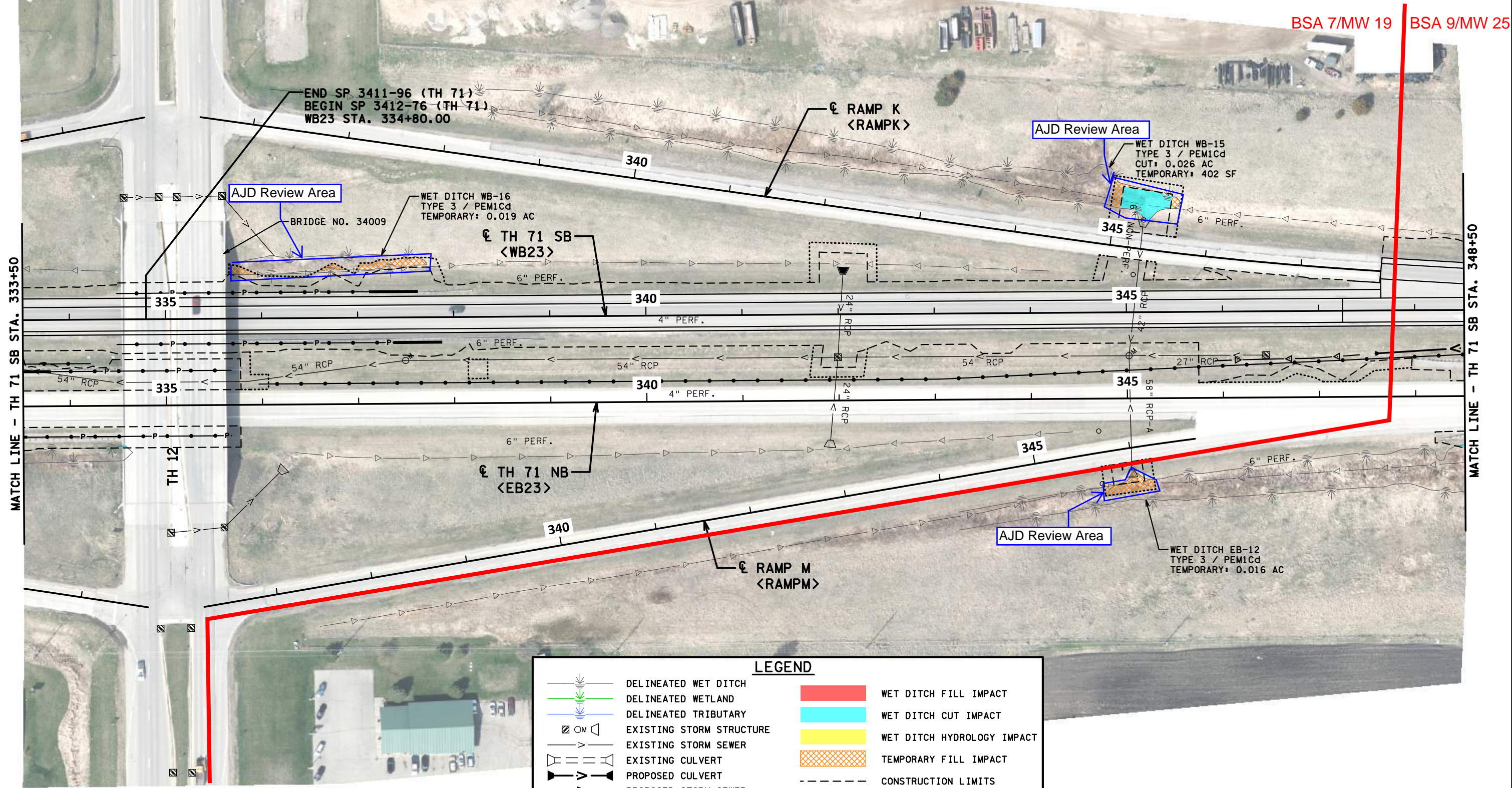
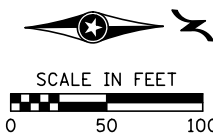






			DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA  SIGNATURE: _____ LIC. NO. _____ DATE: _____		TH 71 SB STA. 320+50 TO STA. 333+50		WETLAND IMPACTS			
			DRW: <b>AIM</b>								
			CHK: <b>MAW</b>								
NO.	DATE	BY	DESCRIPTION OF REVISIONS			STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 14 OF 21 SHEETS			



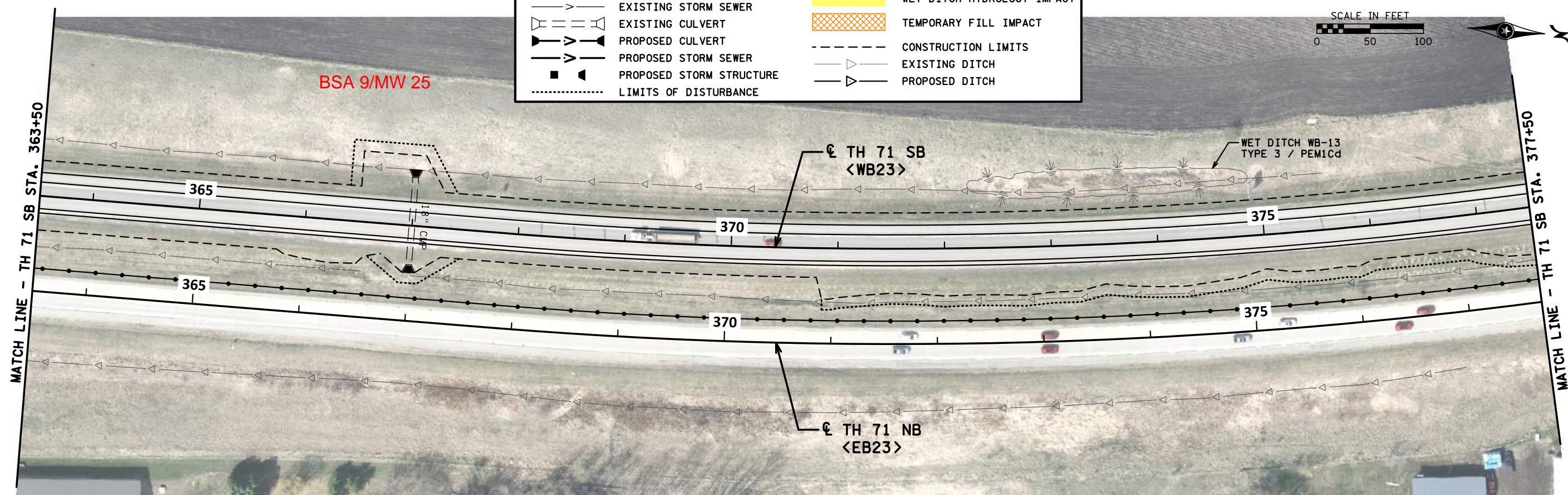
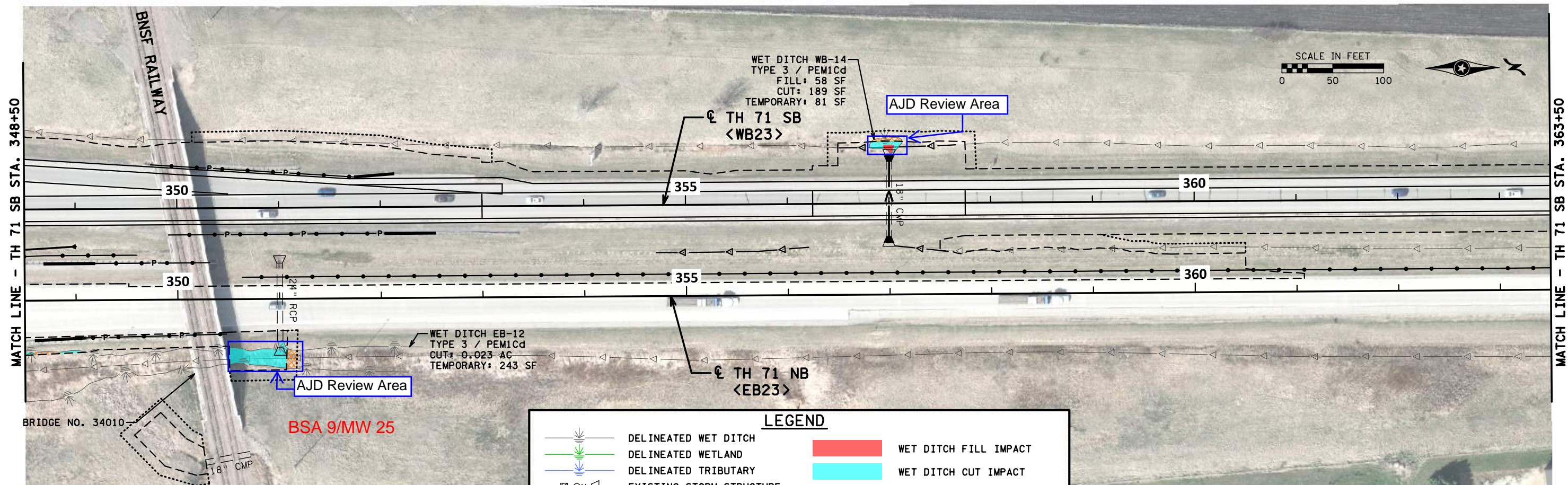



**LEGEND**

	DELINEATED WET DITCH		WET DITCH FILL IMPACT
	DELINEATED WETLAND		WET DITCH CUT IMPACT
	DELINEATED TRIBUTARY		WET DITCH HYDROLOGY IMPACT
	EXISTING STORM STRUCTURE		TEMPORARY FILL IMPACT
	EXISTING STORM SEWER		CONSTRUCTION LIMITS
	EXISTING CULVERT		EXISTING DITCH
	PROPOSED CULVERT		PROPOSED DITCH
	PROPOSED STORM SEWER		
	PROPOSED STORM STRUCTURE		
	LIMITS OF DISTURBANCE		

DATE: 1/9/2025  
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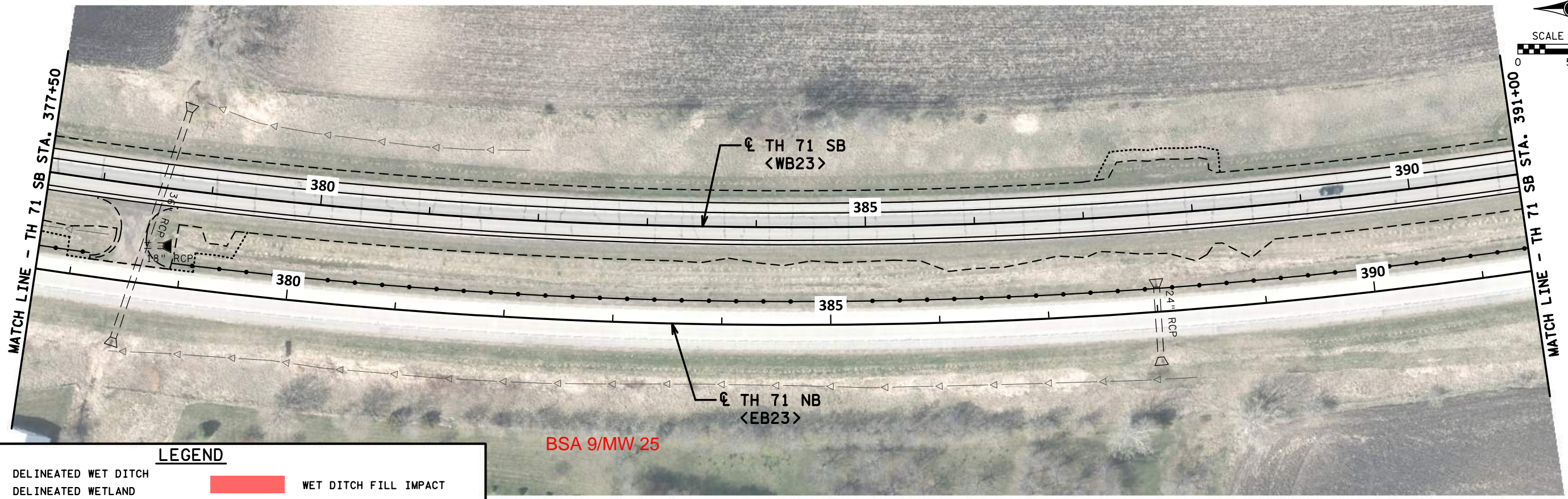
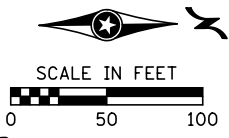




				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA  SIGNATURE: _____ LIC. NO. _____ DATE: _____		TH 71 SB STA. 348+50 TO STA. 377+50	WETLAND IMPACTS
				DRW: <b>AIM</b>				
NO.	DATE	BY	DESCRIPTION OF REVISIONS	CHK: <b>MAW</b>			STATE PROJ. NO. 3412-76 (TH 71)	SHEET NO. 16 OF 21 SHEETS

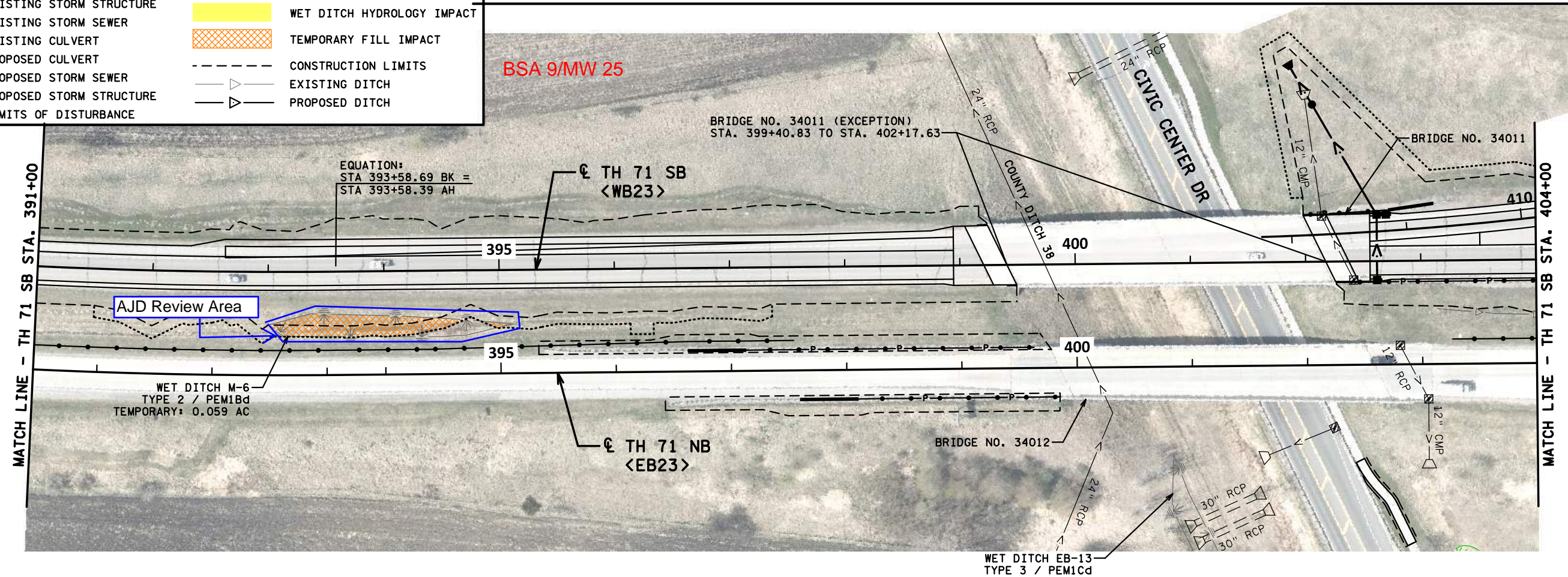
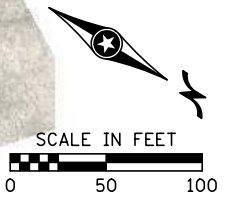


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**LEGEND**

- |  |                          |  |                            |
|--|--------------------------|--|----------------------------|
|  | DELINEATED WET DITCH     |  | WET DITCH FILL IMPACT      |
|  | DELINEATED WETLAND       |  | WET DITCH CUT IMPACT       |
|  | DELINEATED TRIBUTARY     |  | WET DITCH HYDROLOGY IMPACT |
|  | EXISTING STORM STRUCTURE |  | TEMPORARY FILL IMPACT      |
|  | EXISTING STORM SEWER     |  | CONSTRUCTION LIMITS        |
|  | EXISTING CULVERT         |  | EXISTING DITCH             |
|  | PROPOSED CULVERT         |  | PROPOSED DITCH             |
|  | PROPOSED STORM SEWER     |  |                            |
|  | PROPOSED STORM STRUCTURE |  |                            |
|  | LIMITS OF DISTURBANCE    |  |                            |



NO.	DATE	BY	DESCRIPTION OF REVISIONS

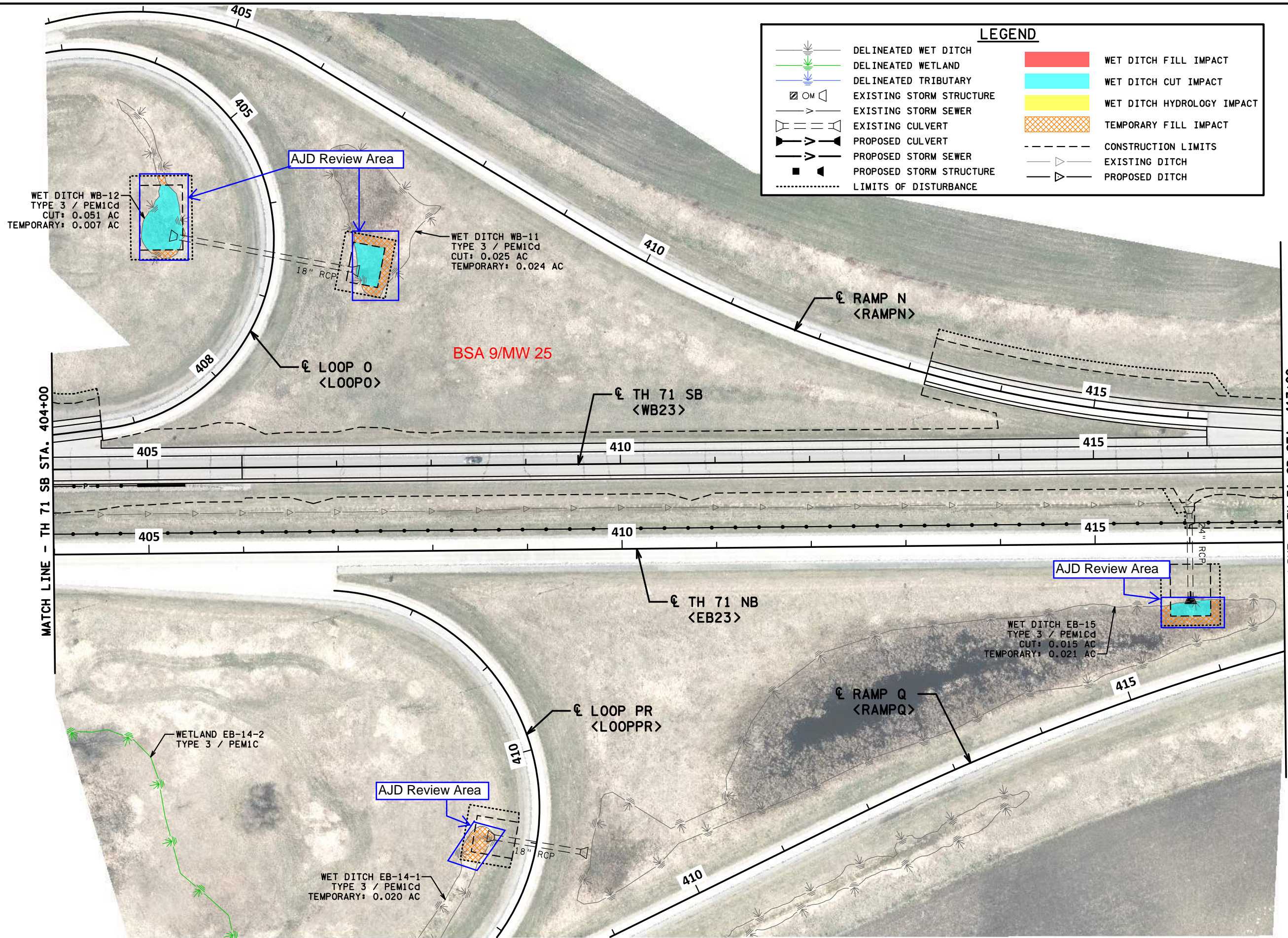
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DRW: AIM	SIGNATURE: _____	LIC. NO. _____	DATE: _____
CHK: MAW			



TH 71 SB STA. 377+50 TO STA. 404+00	WETLAND IMPACTS
STATE PROJ. NO. 3412-76 (TH 71)	SHEET NO. 17 OF 21 SHEETS



DATE: 1/9/2025  
TIME: 3:05:54 PM  
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DELINEATED WET DITCH

DELINEATED WETLAND

DELINEATED TRIBUTARY

EXISTING STORM STRUCTURE

EXISTING STORM SEWER

EXISTING CULVERT

PROPOSED CULVERT

PROPOSED STORM SEWER

PROPOSED STORM STRUCTURE

LIMITS OF DISTURBANCE

WET DITCH FILL IMPACT

WET DITCH CUT IMPACT

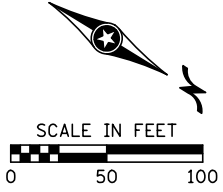
WET DITCH HYDROLOGY IMPACT


TEMPORARY FILL IMPACT

CONSTRUCTION LIMITS

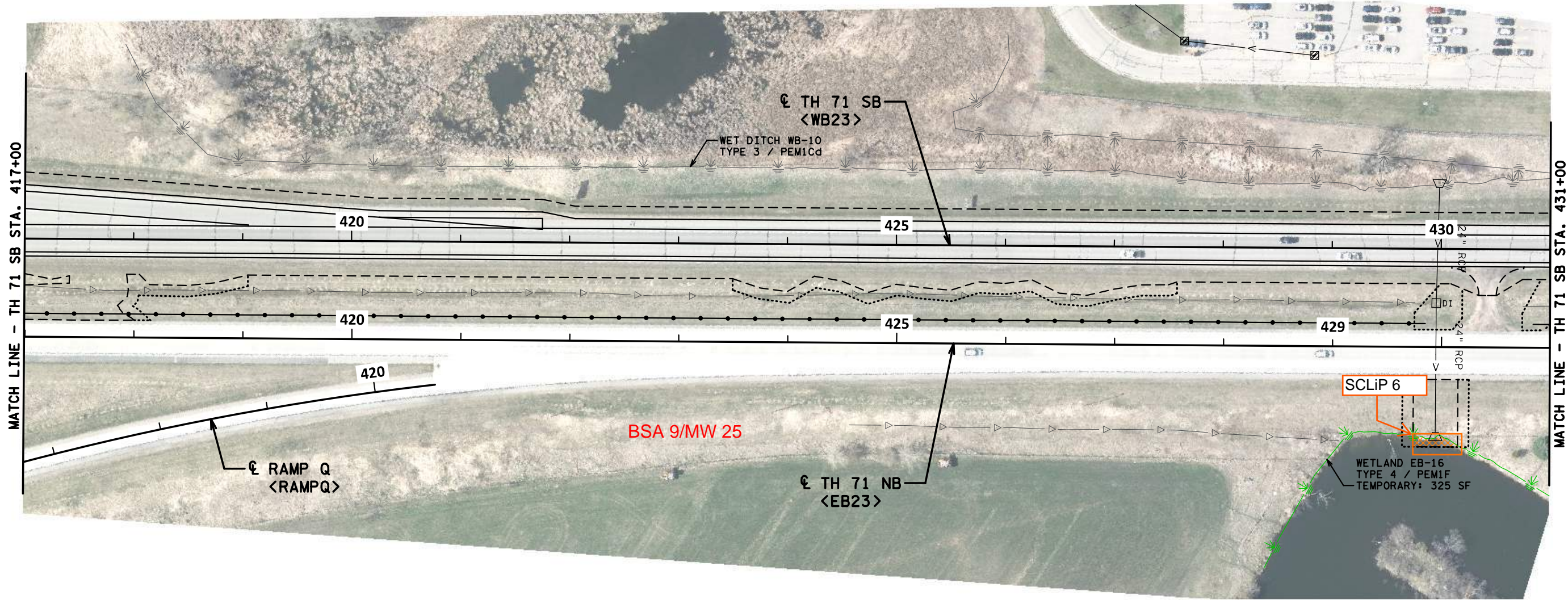
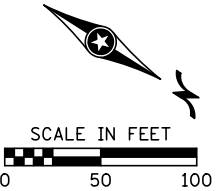
EXISTING DITCH

PROPOSED DITCH



				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		TH 71 SB STA. 404+00 TO STA. 417+00		WETLAND IMPACTS		
				DRW: <b>AIM</b>							
				CHK: <b>MAW</b>			SIGNATURE: _____ LIC. NO. _____ DATE: _____				
NO.	DATE	BY	DESCRIPTION OF REVISIONS				STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 18 OF 21 SHEETS		





DELINEATED WET DITCH

DELINEATED WETLAND

DELINEATED TRIBUTARY

EXISTING STORM STRUCTURE

EXISTING STORM SEWER

EXISTING CULVERT

PROPOSED CULVERT

PROPOSED STORM SEWER

PROPOSED STORM STRUCTURE

LIMITS OF DISTURBANCE

WET DITCH FILL IMPACT

WET DITCH CUT IMPACT

WET DITCH HYDROLOGY IMPACT

TEMPORARY FILL IMPACT


CONSTRUCTION LIMITS

EXISTING DITCH

PROPOSED DITCH

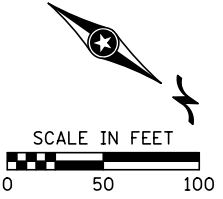
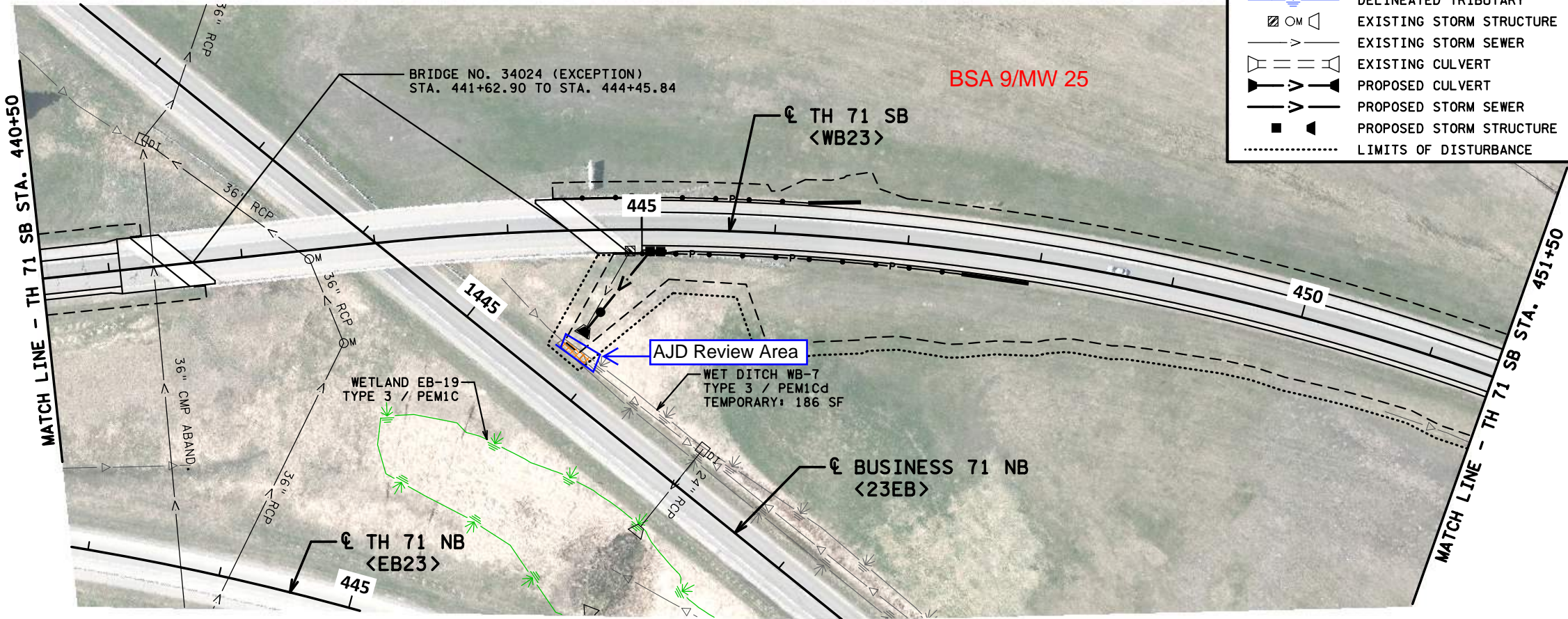
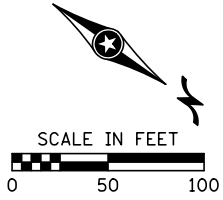
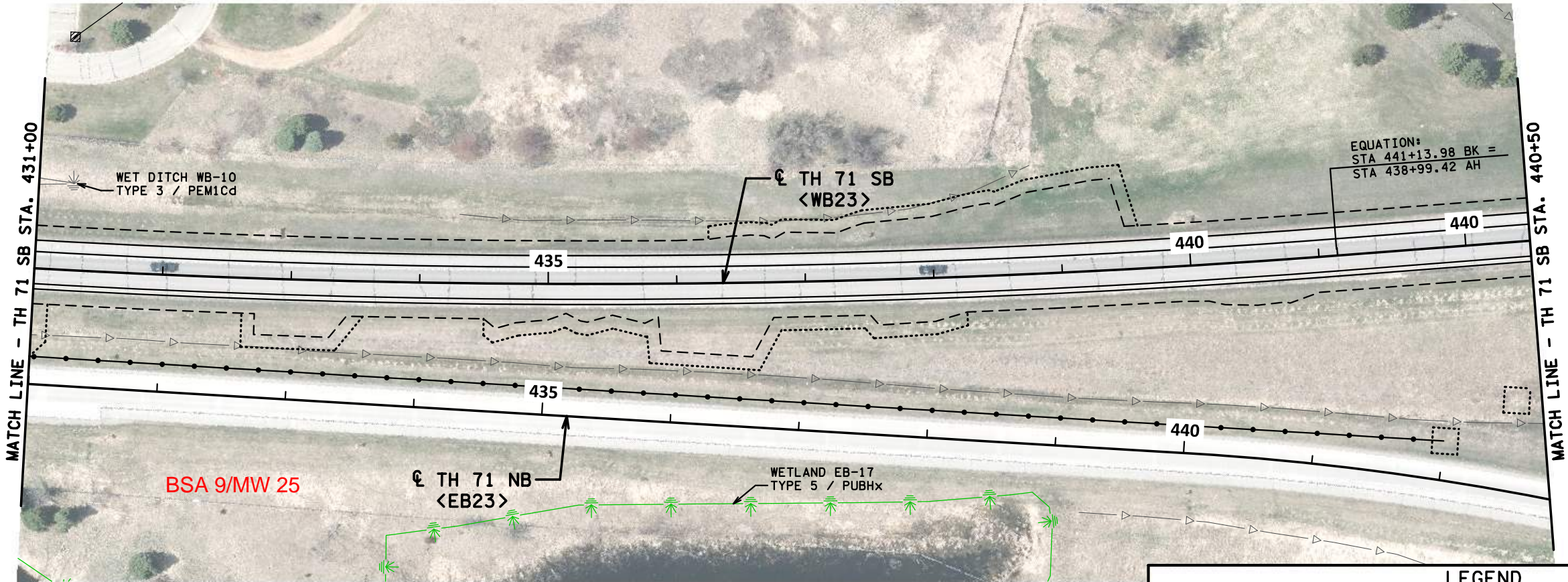
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				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		TH 71 SB STA. 417+00 TO STA. 431+00	WETLAND IMPACTS
				DRW: <b>AIM</b>			STATE PROJ. NO. 3412-76 (TH 71)	SHEET NO. 19 OF 21 SHEETS
NO.	DATE	BY	DESCRIPTION OF REVISIONS	CHK: <b>MAW</b>				



DATE: 1/9/2025  
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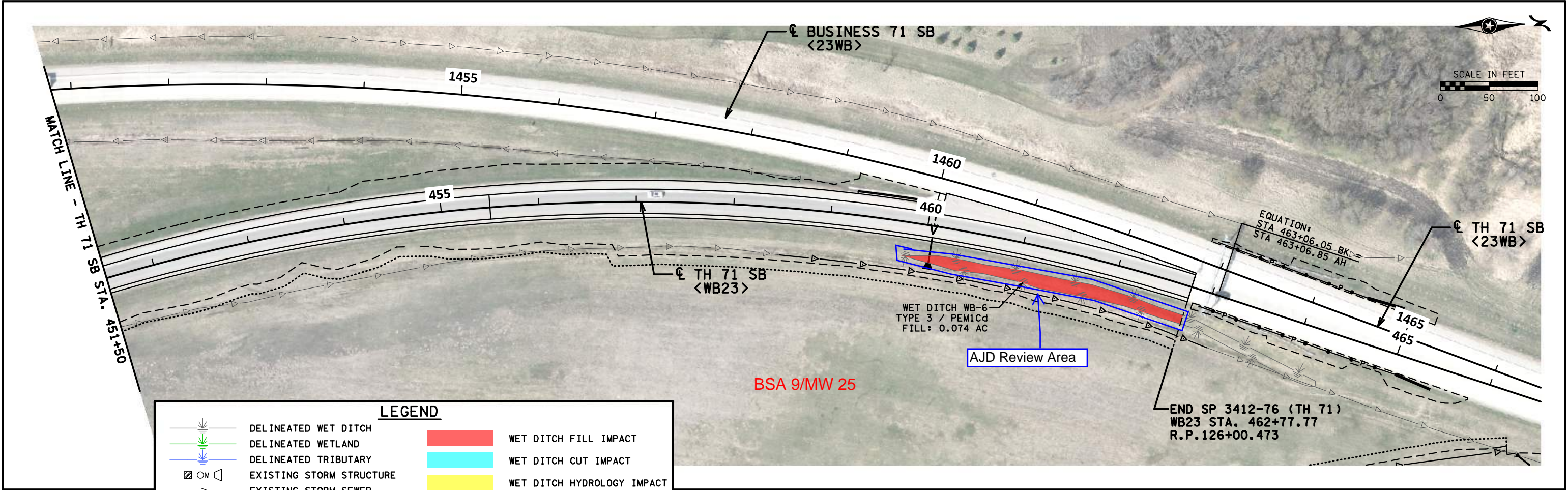


LEGEND	
	DELINEATED WET DITCH
	DELINEATED WETLAND
	DELINEATED TRIBUTARY
	EXISTING STORM STRUCTURE
	EXISTING STORM SEWER
	EXISTING CULVERT
	PROPOSED CULVERT
	PROPOSED STORM SEWER
	PROPOSED STORM STRUCTURE
	LIMITS OF DISTURBANCE
	WET DITCH FILL IMPACT
	WET DITCH CUT IMPACT
	WET DITCH HYDROLOGY IMPACT
	TEMPORARY FILL IMPACT
	CONSTRUCTION LIMITS
	EXISTING DITCH
	PROPOSED DITCH

				DES: <b>MAW</b>	I HEREBY CERTIFY THAT THIS SHEET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA		TH 71 SB STA. 431+00 TO STA. 451+50		WETLAND IMPACTS	
				DRW: <b>AIM</b>						
				CHK: <b>MAW</b>			SIGNATURE: _____ LIC. NO. _____ DATE: _____			
NO.	DATE	BY	DESCRIPTION OF REVISIONS				STATE PROJ. NO. 3412-76 (TH 71)		SHEET NO. 20 OF 21 SHEETS	



DATE: 1/9/2025 TIME: 1:30:46 PM  
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**LEGEND**

	DELINEATED WET DITCH		WET DITCH FILL IMPACT
	DELINEATED WETLAND		WET DITCH CUT IMPACT
	DELINEATED TRIBUTARY		WET DITCH HYDROLOGY IMPACT
	EXISTING STORM STRUCTURE		TEMPORARY FILL IMPACT
	EXISTING STORM SEWER		CONSTRUCTION LIMITS
	EXISTING CULVERT		EXISTING DITCH
	PROPOSED CULVERT		PROPOSED DITCH
	PROPOSED STORM SEWER		
	PROPOSED STORM STRUCTURE		
	LIMITS OF DISTURBANCE		



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Lance Kalthoff, MnDOT District 8	File Number: MVP-2025-00081 (SP 3405-97, 3412-76, 3411-96)	Date: 3/14/2025
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

### SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable**

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

**D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial**

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

**F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable**

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:

District Engineer, St. Paul Regulatory Division  
Attn: Tom Hayek  
St. Paul District U.S. Army Corps of Engineers  
332 Minnesota St  
St. Paul, MN 55101

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Brian Oberlies  
Regulatory Administrative Appeal Review Officer  
U.S. Army Corps of Engineers  
Mississippi Valley  
1400 Walnut Street  
Vicksburg, Mississippi 39180

Phone: 601-634-5820  
Email: brian.m.oberlies@usace.army.mil

**SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: