



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

March 13, 2026

CEMVP-RD

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-2026-00275-JST-JST MFR 1 of 1

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.² 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.³

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),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

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 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ 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.

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
Wet Ditch B (0.05 acre)	Non-Jurisdictional	Excluded (b)(3) feature
Wet Ditch C (0.13 acre)	Non-Jurisdictional	Excluded (b)(3) feature

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. The review area includes two excluded linear roadside ditch features. These features are identified on Section 1 (a) of this MFR above and by the blue polygons on the attached figures labeled MVP-2026-00202-JST AJD Figures – Pages 1-3 of 3.

- a. Project Area Size (in acres): 12
- b. Location Description: The project/review area is located in Sections 16 & 21, Township 031N, Range 023W, Anoka County, Minnesota.
- c. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 45.167550 Longitude: -93.209870
- d. Nearest City or Town: Blaine
- e. County: Anoka
- f. State: Minnesota
- g. Other associated Jurisdictional Determinations (including outcomes):
There are no other Jurisdictional Determinations associated with this review area.

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4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A⁵
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A
6. SECTION 10 JURISDICTIONAL WATERS⁶: 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 10.⁷

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. N/A
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A

⁵ 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.

⁶ 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.

⁷ 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.

- 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).⁸

Wet Ditch B and Wet Ditch C are linear roadside drainage ditches constructed in upland and draining only upland. This determination is supported by the NRCS Web Soil Survey which indicates that these areas are mapped in non-hydric soils. The National Hydrography Dataset (NHD) and National Wetlands Inventory (NWI) also do not show any features overlapping with Wet Ditch B and Wet Ditch C. A review of the US Geological Service 3DEP Hillshade, 2-ft Contour, and digital elevation model (DEM) shows that these features are located within depressional areas in higher elevations, indicating that these features were constructed in uplands. A review of the Minnesota Historical Aerial Photographs Online (MHAPO) also supports the determination that these features were constructed in uplands in direct association with the development of 109th Ave NE. Google Earth aerials also indicate that these features do not carry a relatively permanent flow of water and would only hold water in direct response to stormwater runoff from the adjacent roadway. Therefore, these features were constructed as stormwater drainage features to convey runoff from the roadway. Based on a review of desktop resources, Wet Ditch B and Wet Ditch C are linear roadside drainage ditches constructed in upland, draining only upland, and do not carry a relatively permanent flow of water. Therefore, these aquatic resources

⁸ 88 FR 3004 (January 18, 2023)

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have been determined to be Paragraph (b)(3) excluded ditches and are not subject to regulation under Section 404 of the Clean Water Act (CWA).

- 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. Minnesota Regulatory Viewer – 3DEP Hillshade Layers, US Geological Service 3DEP Digital Elevation Model (DEM), 3DEP 2ft Contours, NHD Layers, USFWS NWI Layers, and NRCS Hydric Soil Layers.
 - b. Google Earth aerial imagery dated 2010, 2016, 2021, 2025.
 - c. Minnesota Historical Aerial Photographs Online (MHAPO) dated 1964.
 - d. Wetland Delineation Report – Radisson Road and 109th Ave. NE Intersection prepared by Bopray Environmental dated August 28, 2025.

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.

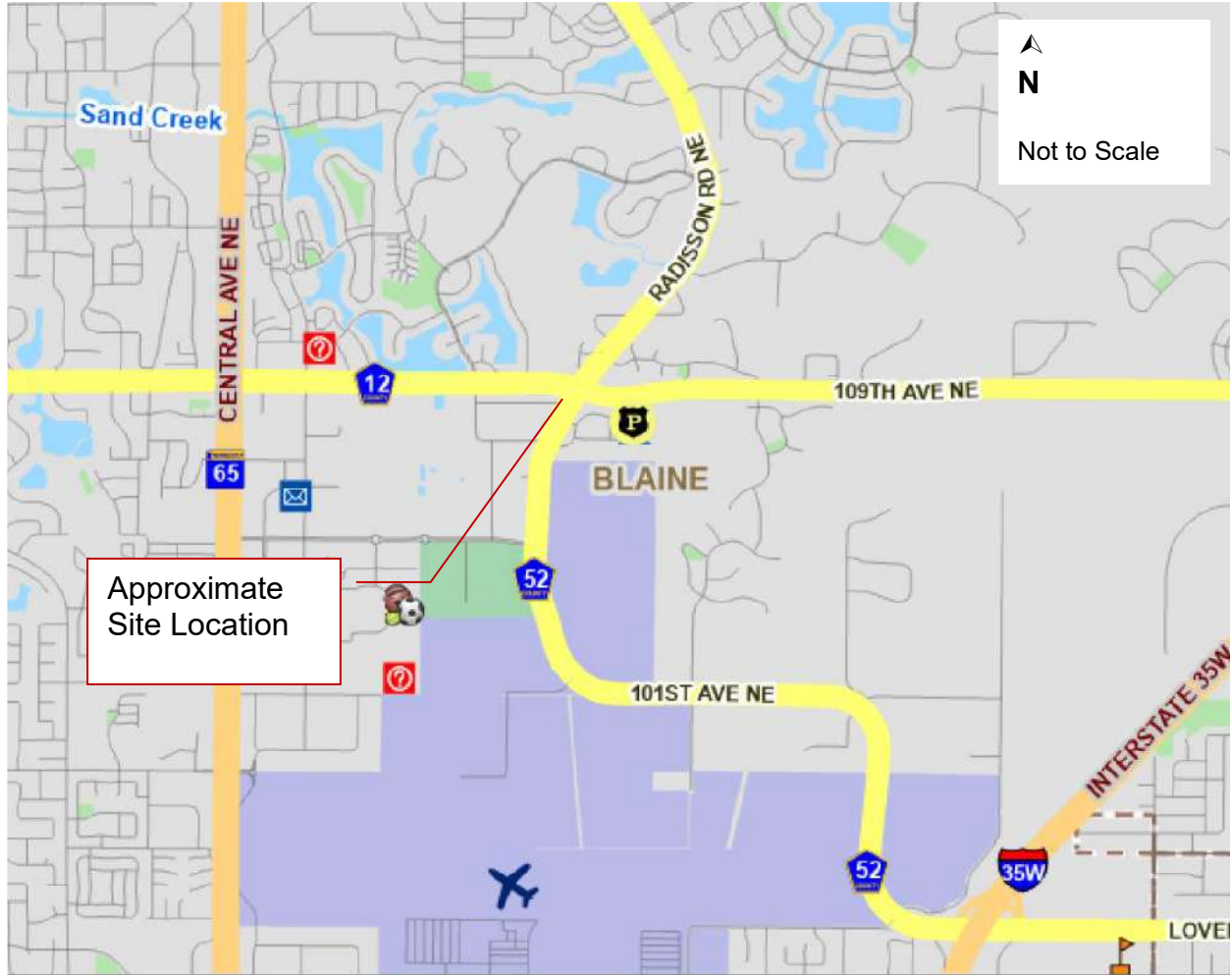
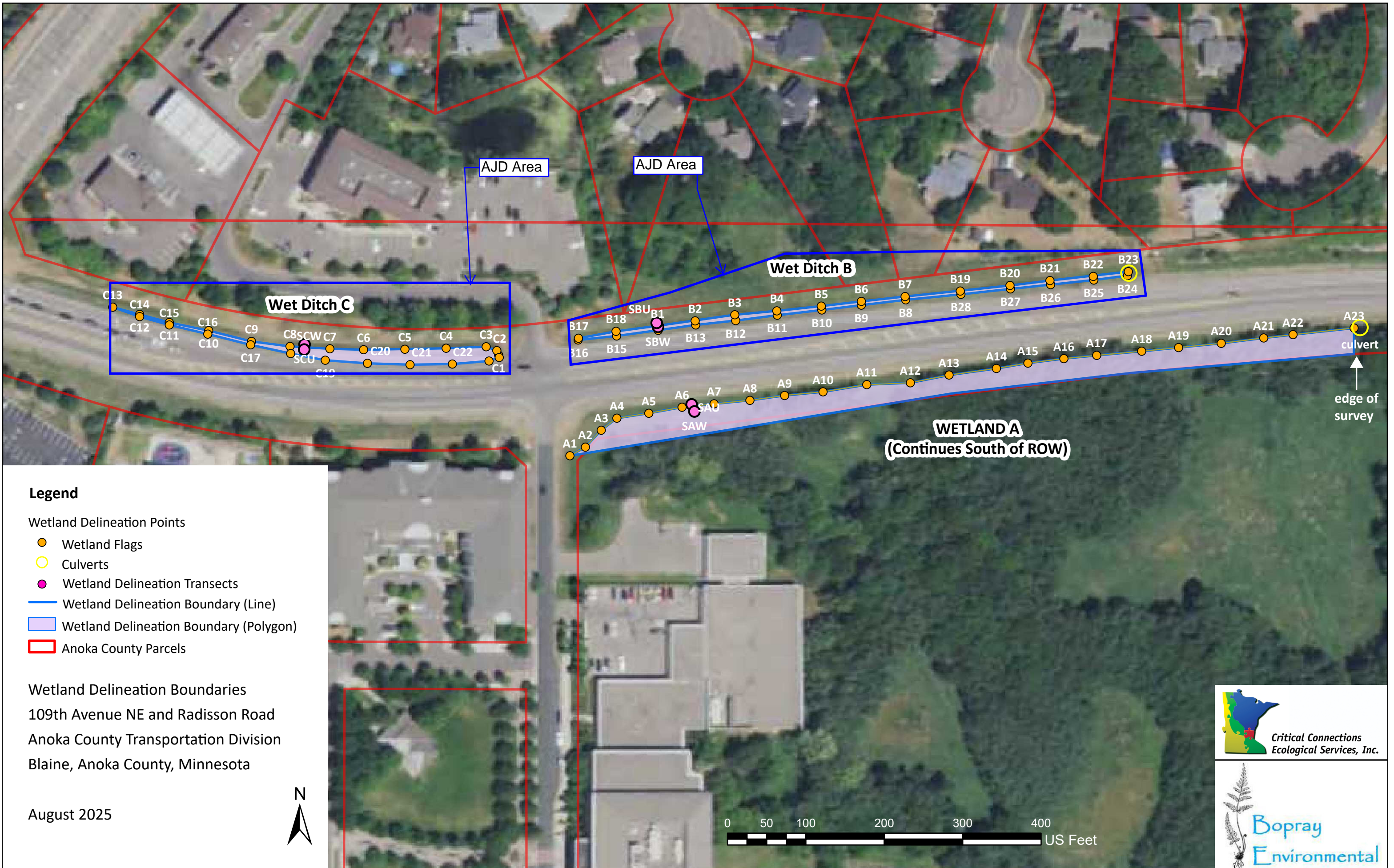


Figure 1. Location Map
Radisson Road & 109th Ave. NE Intersection
Blaine, Minnesota

Project No. 2025-027



Legend

Wetland Delineation Points

- Wetland Flags
- Culverts
- Wetland Delineation Transects
- Wetland Delineation Boundary (Line)
- Wetland Delineation Boundary (Polygon)
- Anoka County Parcels

Wetland Delineation Boundaries
 109th Avenue NE and Radisson Road
 Anoka County Transportation Division
 Blaine, Anoka County, Minnesota

August 2025



TIME: 4:37:22 PM

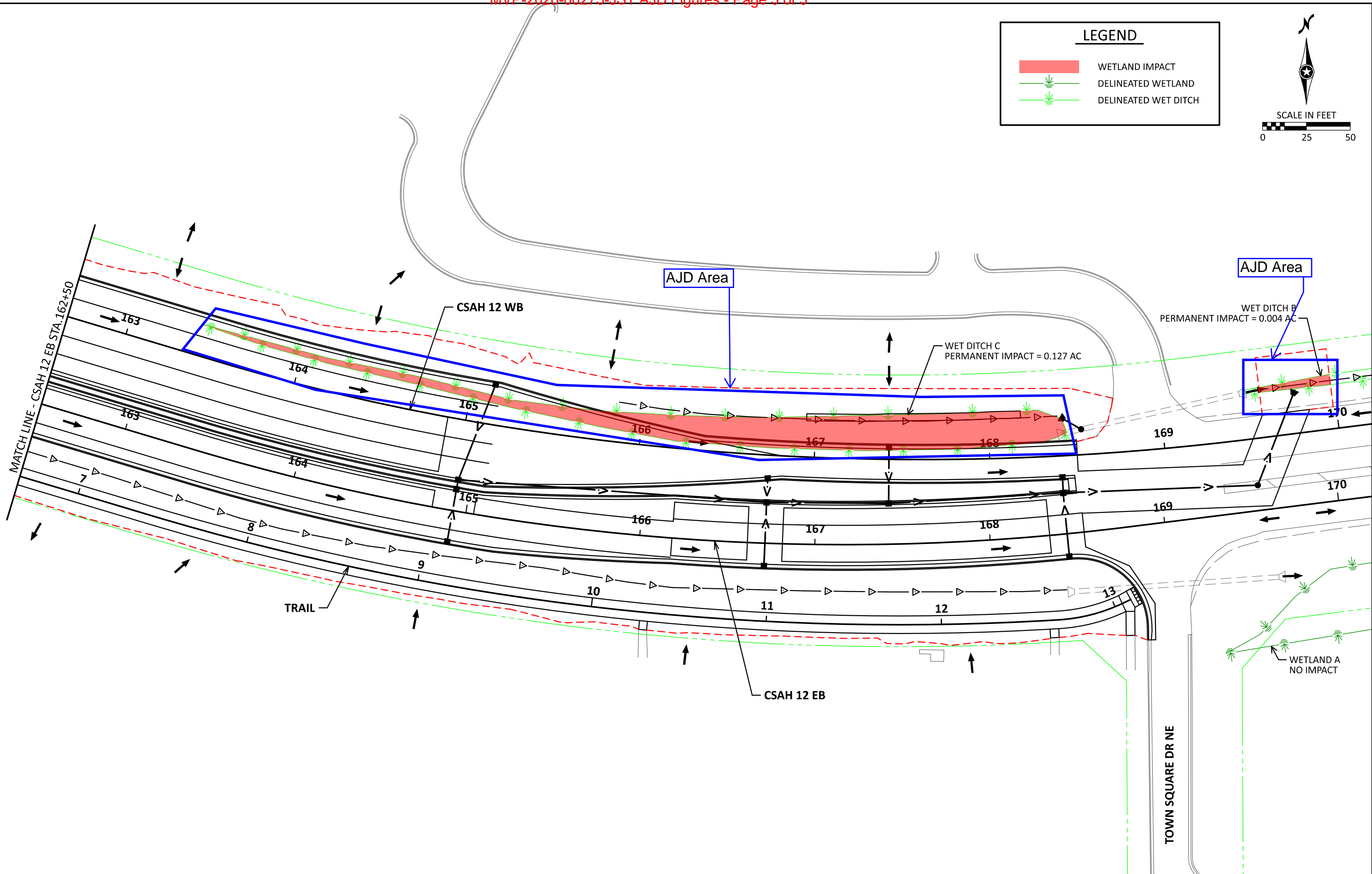
PLOTTED: 2/25/2026

PLOT NAME: \$\$\$@PILOT\$NAME@\$\$
 PATH & FILENAME: \$\$\$@PATH\$FILENAME@\$\$\$

LEGEND

- WETLAND IMPACT
- DELINEATED WETLAND
- DELINEATED WET DITCH

SCALE IN FEET



NO.	DATE	BY	DESCRIPTION OF REVISIONS

DES: AIM
 DRW: CEH
 CHK: 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

SIGNATURE: _____
 PRINTED NAME: _____
 LIC. NO. _____ DATE: _____



WETLAND IMPACTS

ANOKA COUNTY
 INTERSECTION IMPROVEMENTS
 SAP 002-612-015, SAP 002-612-039
 SAP 002-652-015

SHEET NO.	1
TOTAL SHEETS	1