



**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): 6/22/2020
 ORM Number: MVP-2011-05024-LSP
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Minnesota City: Thief River Falls
 County/Parish/Borough: Pennington
 Center Coordinates of Review Area: Latitude 48.13953 Longitude -96.181613

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)²

§ 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): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
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.

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.

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.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Roadside Ditches	1.41	acres	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours they would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating them from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from any of the wetlands is through overland sheet flow. Therefore, these wetlands do not fall under Corps jurisdiction under the NWPR.
South Wetland (Center)	0.74	acres	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours they would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating them from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from any of the wetlands is through overland sheet flow. Therefore, these wetlands do not fall under Corps jurisdiction under the NWPR.
South Wetland (North)	0.36	acres	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours they would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating them from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from any of the wetlands is through overland sheet flow. Therefore, these wetlands do not fall under Corps jurisdiction under the NWPR.

⁴ 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.

⁵ 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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South Wetland (South)	1.15	acres	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the Unites States Geologic Survey and elevation contours they would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating them from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from any of the wetlands is through overland sheet flow. Therefore, these wetlands do not fall under Corps jurisdiction under the NWPR.
Northern Wetland Extensions	0.38	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the Unites States Geologic Survey and elevation contours they would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating them from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from any of the wetlands is through overland sheet flow. Therefore, these wetlands do not fall under Corps jurisdiction under the NWPR.

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: [Delineation Report 01/06/2020](#)
This information **is** 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: [Select. Title\(s\) and/or date\(s\)](#).
- 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: [Soil Web tool for Google Earth](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	Minnesota Wetland Inventory
Other information (specify)	Google Earth aerial imagery

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

C. Additional comments to support AJD: [The wetlands identified in the Section 404 application for this project are not jurisdictional because they do not have a direct surface connection to a navigable water nor are they subject to inundation from a navigable water.](#)