



**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-2018-02915-BGO

Associated JDs: N/A

Review Area Location¹: State/Territory: Minnesota City: Frazee County/Parish/Borough: Becker and Wadena Counties

Center Coordinates of Review Area: Latitude 46.745881 Longitude -95.409417

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 03 (Page 3 of 31)	0.18 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 03 is located on the south side of Trunk Highway (TH) 87 and is part of a larger wetland basin that extends south of County Road (CR) 150 through a culvert located under the highway. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates this larger wetland basin is completely isolated and physically separated from potential downstream waters. Based on this information, Wetland 03 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland 04 (Page 3 of 31)	0.23 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 04 is located on the south side of TH 87 and is part of a series of wetland basins that extend south and outlet into a drainage ditch located on the south side of CR 150 through a culvert located under the highway. At this point, the ditch continues south for approximately 825 feet and outlets into a large wetland complex that is connected to a chain of lakes in Frazee, MN. A review of aerial photography, national hydrography and wetland inventory data, and USGS topographic maps indicates the drainage ditch located on the south side of CR 150 is man-made and is not a relocated tributary or constructed in a tributary. Segments of the drainage ditch appear to be constructed in wetlands; however, there are also several upland breaks before the ditch outlets into the larger wetland complex located to the south. Based on this information, the man-made ditch is not considered a tributary and, therefore, Wetland 04 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection from

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			other jurisdictional non-wetland waters in a typical year.
Wetland Ditch 05 (Page 3 of 31)	0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditch constructed in uplands that is now a linear wetland.
Wetland 06 (Page 4 of 31)	0.02	acre(s)	(b)(1) Non-adjacent wetland. Wetland 06 is a small wetland basin located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between Wetland 06 and Wetland 07 located on the north side of the highway. In addition, aerial photography, national wetland inventory data, and 2-foot LIDAR contours indicates that Wetland 06 is surrounded by uplands to the south and is physically separated from the larger wetland basin located to the southeast. Based on this information, Wetland 06 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland does not abut, is separated by more than a natural berm from, is not inundated by flooding in a typical year from, and does not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 06, Wetland Ditch 07 (Page 4 of 31)	0.11	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland Ditch 20 (Page 5 of 31)	0.06	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an Ditch constructed in uplands that is now a linear wetland.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		(a)(4) water that do not satisfy the conditions of (c)(1).	
Wetland Ditch 21 (Page 6 of 31)	0.05	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditch constructed in uplands that is now a linear wetland.
Wetland 23 (Page 6 of 31)	0.02	acre(s)	(b)(1) Non-adjacent wetland. Wetland 23 is a small wetland basin located on the south side of TH 87. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates this wetland basin is completely isolated and physically separated from potential downstream waters. Based on this information, Wetland 23 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland does not abut, is separated by more than a natural berm from, is not inundated by flooding in a typical year from, and does not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 28, Wetland Ditch 32 (Page 7 of 31)	0.19	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland 38, Wetland 40 (Page 8 of 31)	0.13	acre(s)	(b)(1) Non-adjacent wetland. Wetlands 38 and 40 are two separate wetland basins located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between these wetland basins and Wetland 39 located on the north side of the highway. In addition, aerial photography, national wetland inventory data,



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			and 2-foot LIDAR contours indicates that Wetlands 38 and 40 are surrounded by uplands and are physically separated from potential downstream waters. Based on this information, Wetlands 38 and 40 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 36, Wetland Ditch 37, Wetland Ditch 40 (Page 8 of 31)	0.28	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).
Wetland Ditch 43, Wetland Ditch 44, Wetland Ditch 46, Wetland Ditch 48 (Page 9 of 31)	0.26	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).
Wetland 57, Wetland 58, Wetland 59 (Page 11 of 31)	0.09	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland 57 is a small wetland basin located on the north side of TH 87 and Wetlands 58 and 59 are two separate wetland basins located on the south side of TH 87. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that these wetland basins are completely isolated and physically separated from potential downstream waters. Based on this information, Wetlands 57, 58, and 59 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland 63, Wetland 64 (Page 13 of 31)	0.26	acre(s)	(b)(1) Non-adjacent wetland.
			Wetlands 63 and 64 are two separate wetland basins that are connected by a short segment of roadside ditch located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between these wetland basins and Wetland 65 located on the north side of the highway. There is a driveway culvert located on the east side of Wetland 64 that may convey flows to the east. However, there is an upland break between this culvert and the delineated boundaries of Wetland 66 shown on Page 14 of 31. In addition, aerial photography, national wetland inventory data, and 2-foot LIDAR contours indicates that Wetlands 63 and 64 are surrounded by uplands to the south and are physically separated from other potential downstream waters. Based on this information, Wetlands 63 and 64 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection from other jurisdictional non-wetland waters in a typical year.
Wetland 66 (Page 14 of 31)	0.05	acre(s)	(b)(1) Non-adjacent wetland.
			The review area for Wetland 66 is limited to the area outlined in red on Page 14 of 31 on the enclosed figures. This area of Wetland 66 includes a small wetland basin located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between this area of Wetland 66 and Wetland 67 located on the north side of the highway. In addition, aerial photography, national wetland inventory data, and 2-foot LIDAR contours indicates that this area of Wetland 66 is surrounded by uplands and physically separated from potential downstream waters. Based on this information, this area of Wetland 66 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland does not abut, is separated by more than a natural berm from, is not



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			inundated by flooding in a typical year from, and does not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 66, Wetland Ditch 67 (Page 14 of 31)	0.34	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland Ditch 76, Wetland Ditch 77 (Page 15 of 31)	0.11	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland 79, Wetland 80 (Page 17 of 31)	0.49	acre(s)	(b)(1) Non-adjacent wetland. Wetlands 79 and 80 are connected by a culvert located under TH 87 and are part of a larger wetland basin that extends north to a driveway culvert along Balsam Ave. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that this driveway culvert may convey flows north, to a separate wetland basin located along an unnamed tributary to the Toad River. However, this data also indicates that there is a break by a non-jurisdictional roadside ditch between this culvert and the potential downstream waters. Based on this information, Wetlands 79 and 80 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection from other jurisdictional non-wetland waters in a typical year.
Wetland 81, Wetland 83 (Page 18 of 31)	0.08	acre(s)	(b)(1) Non-adjacent wetland. Wetland 81 is a small wetland basin located on the south side of TH 87 and Wetland 83 is a separate wetland basin located on the north side of TH 87. A review of the project plans provided by the applicant indicate that there are no



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			culverts located along this segment of TH 87 that would provide a direct hydrologic connection between these wetland basins. In addition, aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that Wetlands 81 and 83 are surrounded by uplands and are physically separated from potential downstream waters. Based on this information, Wetlands 81 and 83 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 83, Wetland Ditch 84 (Page 18 of 31)	0.29	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland 85, Wetland 86 (Page 18 of 31)	0.07	acre(s)	(b)(1) Non-adjacent wetland. Wetland 85 is a small wetland located on the south side of TH 87 and is part of the same wetland basin as Wetland 86. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that Wetlands 85 and 86 are completely isolated and physically separated from potential downstream waters. Based on this information, Wetlands 85 and 86 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 88, Wetland Ditch 90 (Page 19 of 31)	0.08	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an Ditches constructed in uplands that are now linear wetlands.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
		(a)(4) water that do not satisfy the conditions of (c)(1).		
Wetland 94, Wetland 95 (Page 20 of 31)	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands 94 and 95 are connected by a culvert located under TH 87. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that Wetlands 94 and 95 are completely isolated and physically separated from potential downstream waters. Based on this information, Wetlands 94 and 95 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 93, Wetland Ditch 98, Wetland Ditch 99, Wetland Ditch 100 (Page 20 of 31)	0.21	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditches constructed in uplands that are now linear wetlands.
Wetland Ditch 98, Wetland Ditch 101, Wetland Ditch 104 (Page 21 of 31)	0.23	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditches constructed in uplands that are now linear wetlands.
Wetland 105 (Page 21 of 31)	0.48	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 105 is a large wetland area located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between Wetland 105 and Wetlands 106 and 107 located on the north side of the highway. There is a culvert located under 430th Ave on the west side of Wetland 105 that may



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			convey flows to the west. However, there is a break by a non-jurisdictional roadside ditch (Wetland Ditch 104) between this culvert and the delineated boundaries of Wetland 98 which is located further to the west along an unnamed tributary to Dead Horse Creek. In addition, aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that Wetland 105 is surrounded by uplands to the south and is physically separated from potential downstream waters to the east. Based on this information, Wetland 105 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection from other jurisdictional non-wetland waters in a typical year.
Wetland 108, Wetland 109 (Page 22 of 31)	0.06	acre(s)	(b)(1) Non-adjacent wetland. Wetlands 108 and 109 are connected by a driveway culvert that conveys flows west into a drainage ditch located south of Wetland 108. A review of aerial photography, national hydrography and wetland inventory data, and USGS topographic maps indicates the drainage ditch located south of Wetland 108 is man-made and is not a relocated tributary, is not constructed in a tributary, and is not constructed in adjacent wetlands. Based on this information, the man-made ditch is not considered a tributary and, therefore, Wetlands 108 and 109 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands are physically separated and lack a sufficient hydrologic connection from other jurisdictional non-wetland waters in a typical year.
Wetland 110 (Page 22 of 31)	0.02	acre(s)	(b)(1) Non-adjacent wetland. Wetland 110 is a small wetland basin located on the north side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between Wetland 110 and Wetland 109 located on the south side of the highway. In addition, aerial photography, national wetland inventory data, and 2-foot LIDAR contours indicates that Wetland 110 is surrounded by uplands to the north and is physically separated from potential downstream waters. Based on this information, Wetland 110 does not meet the



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			conditions of an adjacent wetland under paragraph (a)(4) because the wetland does not abut, is separated by more than a natural berm from, is not inundated by flooding in a typical year from, and does not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 109, Wetland Ditch 111 (Page 22 of 31)	0.30	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). Ditches constructed in uplands that are now linear wetlands.
Wetland 109 (Page 23 of 31)	0.08	acre(s)	(b)(1) Non-adjacent wetland. This area of Wetland 109 includes a small wetland basin located on the south side of TH 87. A review of the project plans provided by the applicant indicate that there are no culverts located along this segment of TH 87 that would provide a direct hydrologic connection between this area of Wetland 109 and Wetland 111 located on the north side of the highway. In addition, aerial photography, national wetland inventory data, and 2-foot LIDAR contours indicates that this area of Wetland 109 is surrounded by uplands to the south and physically separated from potential downstream waters. Based on this information, this area of Wetland 109 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetland does not abut, is separated by more than a natural berm from, is not inundated by flooding in a typical year from, and does not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch 109, Wetland Ditch 111, Wetland Ditch 112, Wetland Ditch 113 (Page 23 of 31)	0.82	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the Ditches constructed in uplands that are now linear wetlands.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	
Wetland Ditch 117 (Page 24 of 31)	0.12	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).
Wetland 119, Wetland 120 (Page 25 of 31)	0.20	acre(s)	(b)(1) Non-adjacent wetland.
			Wetlands 119 and 120 are connected by a culvert located under TH 87. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates that Wetlands 119 and 120 are completely isolated and physically separated from other potential downstream waters. Based on this information, Wetlands 119 and 120 do not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland RS 27 (Page 29 of 31)	0.02	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland RS 27 is part of a larger wetland basin that extends east of 520th Ave through a culvert located under the roadway. A review of aerial photography, national hydrography and wetland inventory data, and 2-foot LIDAR contours indicates this larger wetland basin is completely isolated and physically separated from potential downstream waters. Based on this information, Wetland RS 27 does not meet the conditions of an adjacent wetland under paragraph (a)(4) because the wetlands do not abut, are separated by more than a natural berm from, are not inundated by flooding in a typical year from, and do not have a direct hydrologic surface connection in a typical year to a jurisdictional non-wetland water.
Wetland Ditch RS 28 (Page 29 of 31)	0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch
			Ditch constructed in uplands that is now a linear wetland.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	

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: [MnDOT SP 0306-31/TH 87 Joint Application Form, May 2020 and Wetland Delineation Report, August 2018](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: 2017 FSA and Google Earth Imagery, 1991-2020](#)
- 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: [USFWS NWI of MN, 1974-1978](#)
- USGS topographic maps: [1:24k DRG – Toad Mountain](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD – High Resolution – MN, 2015
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	DNR NWI Update – MN, 2010-2018
Other information (specify)	2-Foot Contours Minnesota (LIDAR Service)

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

C. Additional comments to support AJD: The review area for this determination is limited to the delineated boundaries of 27 wetlands labeled as Wetland 03, Wetland 04, Wetland 06, Wetland 23, Wetland 38, Wetland 40, Wetland 57, Wetland 58, Wetland 59, Wetland 63, Wetland 64, Wetland 66 (only area indicated on enclosed figures), Wetland 79, Wetland 80, Wetland 81, Wetland 83, Wetland 85, Wetland 86, Wetland 94, Wetland 95, Wetland 105, Wetland 108, Wetland 109, Wetland 110, Wetland 119, Wetland 120 and Wetland RS 27, and 34 roadside ditches labeled as Wetland Ditch 05, Wetland Ditch 06, Wetland Ditch 07, Wetland Ditch 20, Wetland Ditch 21, Wetland Ditch 28, Wetland Ditch 32, Wetland Ditch 36, Wetland Ditch 37, Wetland Ditch 40, Wetland Ditch 43, Wetland Ditch 44, Wetland Ditch 46, Wetland Ditch 48, Wetland Ditch 66, Wetland Ditch 67, Wetland Ditch 76, Wetland Ditch 77, Wetland Ditch 83, Wetland



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Ditch 84, Wetland Ditch 88, Wetland Ditch 90, Wetland Ditch 93, Wetland Ditch 98, Wetland Ditch 99, Wetland Ditch 100, Wetland Ditch 101, Wetland Ditch 104, Wetland Ditch 109, Wetland Ditch 111, Wetland Ditch 112, Wetland Ditch 113, Wetland Ditch 117 and Wetland Ditch RS 28 on the attached figures labeled 2018-02915-BGO AJD Attachments, Pages 1-31 of 31. All of the labels for these waters are also highlighted in yellow on the attached figures. The total area of non-jurisdictional waters within the review area is approximately 6.10 acres.

All of the wetlands within the review area meet the definition of “wetlands” under paragraph (c)(16) and are not (a)(4) waters because they do not meet the definition of “adjacent wetlands” under paragraph (c)(1). The assessed waters primarily include physically remote or small isolated wetlands that do not abut jurisdictional waters, are not inundated by flooding from a traditional navigable water, or tributary, or from a jurisdictional lake, pond, or impoundment, and are not physically separated from a jurisdictional water by only a natural feature or artificial structure that allows for a direct hydrologic surface connection in a typical year. This was confirmed by reviewing aerial photography, national hydrography and wetland inventory data, 2-foot LIDAR contours, and the wetland delineation report. Based on this review, the assessed wetlands are not jurisdictional under the Navigable Waters Protections Rule because they meet the requirements of the exclusion for non-adjacent wetlands under paragraph (b)(1).

All of the ditches within the review area were constructed in uplands to convey runoff from the adjacent roadway, and are now linear wetlands that meet the definition of “ditch” under paragraph (c)(2). In addition, the ditches are not (a)(1) waters, are not relocated tributaries, are not constructed in a tributary, and are not constructed in an adjacent wetland. This was confirmed by reviewing aerial photography, national hydrography data, and the wetland delineation report. Based on this review, the assessed ditches are not jurisdictional under the Navigable Waters Protection Rule because they meet the requirements of the exclusion for ditches under paragraph (b)(5).