



**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: 2019-01933-EJI  
 Associated JDs: 12/9/2019, 2019-01933-EJI, PJD  
 Review Area Location<sup>1</sup>: State/Territory: MN City: Babbitt County/Parish/Borough: St. Louis  
 Center Coordinates of Review Area: Latitude 47.649096 Longitude -91.946921

**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
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

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.

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

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
131	8.279	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
139	0.167	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
141	0.251	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
145	0.04	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
145a	0.145	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
163	0.049	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
163a	1.336	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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REGULATORY PROGRAM  
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NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
163b	0.125	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
164	0.484	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
165	0.943	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
185	2.3	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
189	2.81	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
196	3.834	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
205	6.816	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
207	3.224	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
217	6.019	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
224	2.189	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
225	2.882	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
231	1.082	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
241	4.292	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
249	0.052	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
253	0.089	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).
260	0.013	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is physically separated from a water identified in paragraph (a)(1), (2), or (3) by an artificial dike/road that contains no culverts and does not allow for a direct hydrologic surface connection between the wetland and a water identified in paragraph (a)(1), (2), or (3).



**U.S. ARMY CORPS OF ENGINEERS  
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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
S-1	0.113	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-2	0.058	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-3	0.038	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-4	0.336	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-5	0.318	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-6	0.253	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).



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Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
S-7	0.037	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-8	0.223	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-9	0.087	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-10	0.091	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).
S-11	0.01	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not abutting a water identified in paragraph (a)(1), (2), or (3). The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3). The wetland is not physically separated only by a natural or artificial barrier from a water identified in paragraph (a)(1), (2), or (3).

**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: [August 2019 Wetland Delineation Report and October 2019 Technical Memo for Northshore Block 15-20, Stockpile 223.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Aerial photos and photos included in delineation report.](#)

Corps site visit(s) conducted on: [9/16/2019](#)



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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- Previous Jurisdictional Determinations (AJDs or PJDs): [12/9/2019, 2019-01933-EJI, PJD](#)
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [See August 2019 Wetland Delineation Report](#)
- USFWS NWI maps: [See August 2019 Wetland Delineation Report](#)
- USGS topographic maps: [See August 2019 Wetland Delineation Report](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

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

**C. Additional comments to support AJD:** [Wetlands 131, 139, 141, 145, 145a, 163, 163a, 163b, 164, 165, 185, 189, 196, 205, 207, 217, 224, 225, 231, 241, 249, 253 and 260 are surrounded by road berms constructed primarily between 1962 and 1969. The berms separating the aforementioned wetlands do not contain culverts or other potential direct hydrologic surface connections to downstream waters. Wetlands S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10 and S-11 are wetlands that established on top of overburden stockpile over the last 30 years that have no hydrologic connection to downstream waters.](#)