



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

October 23, 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) ,¹ MVP-2023-01149 MFR 1 of 1²

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.³ 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.⁴

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*").

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 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.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVP-2023-01149

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),⁵ the 2023 Rule as amended, 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).

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
Wetland ID: Basin “A”	Non-Jurisdictional	None
Wetland ID: Basin “B”	Non-Jurisdictional, Excluded Water	None
Wetland ID: Basin “C”	Non-Jurisdictional	None
Wetland ID: Basin “D”	Non-Jurisdictional	None
Wetland ID: Basin “E”	Non-Jurisdictional	None

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).

⁵ 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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3. REVIEW AREA. The review area for this determination includes four non-jurisdictional wetlands and one roadside ditch, as identified in Section 1(a) of this MFR and shown on the attached figures labeled MVP-2023-01149 Page 1-12.
 - a. Project Area Size (in acres): 0.14 acre
 - b. Location Description: The project/review area is located in Section 11, Township 121N, Range 027W, Wright County, Minnesota.
 - c. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 45.300870 Longitude: -94.054330
 - d. Nearest City or Town: Annandale
 - e. County: Wright
 - f. State: Minnesota
 - g. Other associated Jurisdictional Determinations (including outcomes): N/A
4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. N/A
6. SECTION 10 JURISDICTIONAL WATERS⁷: 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 10.⁸
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

⁶ 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.

⁷ 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.

⁸ 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.

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 within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹

Wetland ID “Basin B” (0.04 acre) within the review area is a linear roadside drainage ditch constructed in upland and draining only upland based on a review of the US Geological Service 3DEP DEM and Hillshade maps; 2016 MNDNR Hillshade map; MNDNR 2-foot contour maps; NWI maps; and NHD data. Recent aerial photos do not show relatively permanent flow in the aforementioned aquatic resource. Based on the desktop resources reviewed Wetland ID “Basin B” is a linear roadside drainage ditch constructed in upland, draining only upland, and does not carry a relatively permanent flow of water. Therefore, Wetland ID

⁹ 88 FR 3004 (January 18, 2023)

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“Basin B” has been determined to be a Paragraph (b)(3) excluded ditch and not subject to 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).

Wetland IDs Basin “A” (0.04 acre), Basin “C” (0.02 acre), Basin “D” (0.02 acre), and Basin “E” (0.02 acre) are not traditionally navigable waters (TNW), territorial seas, or interstate waters and therefore are not (a)(1) waters. Topographic maps, LiDAR data, and recent aerial imagery indicate these wetlands are depressional basins surrounded entirely by upland. Wetland IDs Basin “A”, Basin “C”, Basin “D”, and Basin “E” do not physically abut a relatively permanent paragraph (a)(2) impoundment or a jurisdictional (a)(3) tributary. These wetlands are located approximately 0.21 mile from the nearest requisite jurisdictional water, Sugar Lake, located to the north of the review area. Basin “A”, Basin “C”, Basin “D”, and Basin “E” are non-tidal wetlands that do not abut a relatively permanent jurisdictional water and, as such, do not meet the definition of adjacent and cannot be evaluated as (a)(4) adjacent wetlands; therefore, these wetlands are not jurisdictional under the 2023 Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 Final Rule.

- 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. Joint Permit Application: Received 25 August 2025
- b. Minnesota Regulatory Viewer: 2016 MNDNR Hillshade layer, US Geological Service 3DEP Digital Elevation Model (DEM) and NHD layers, and USFWS NWI layer.

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.



VICINITY MAP / GIS MAPCorinna Township

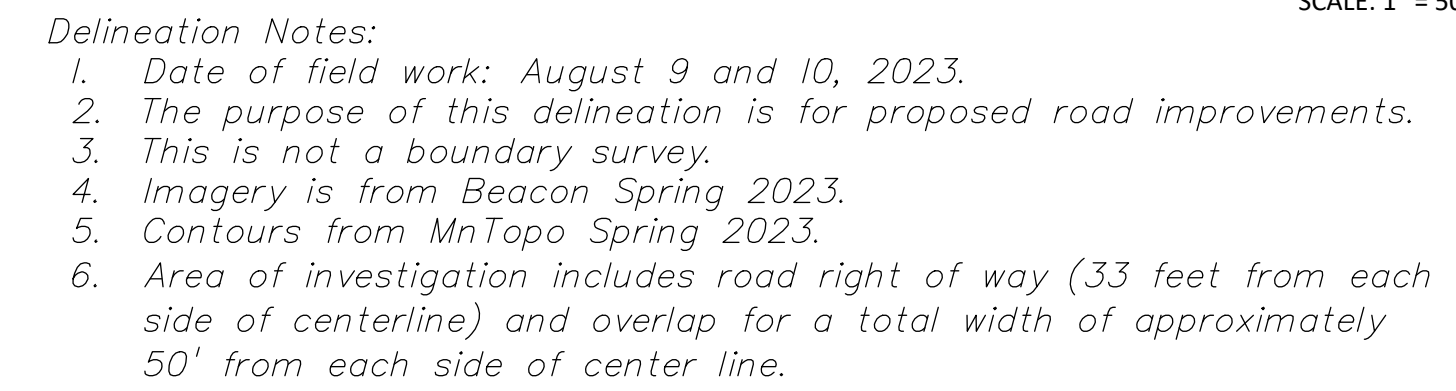


N

roads within scope of

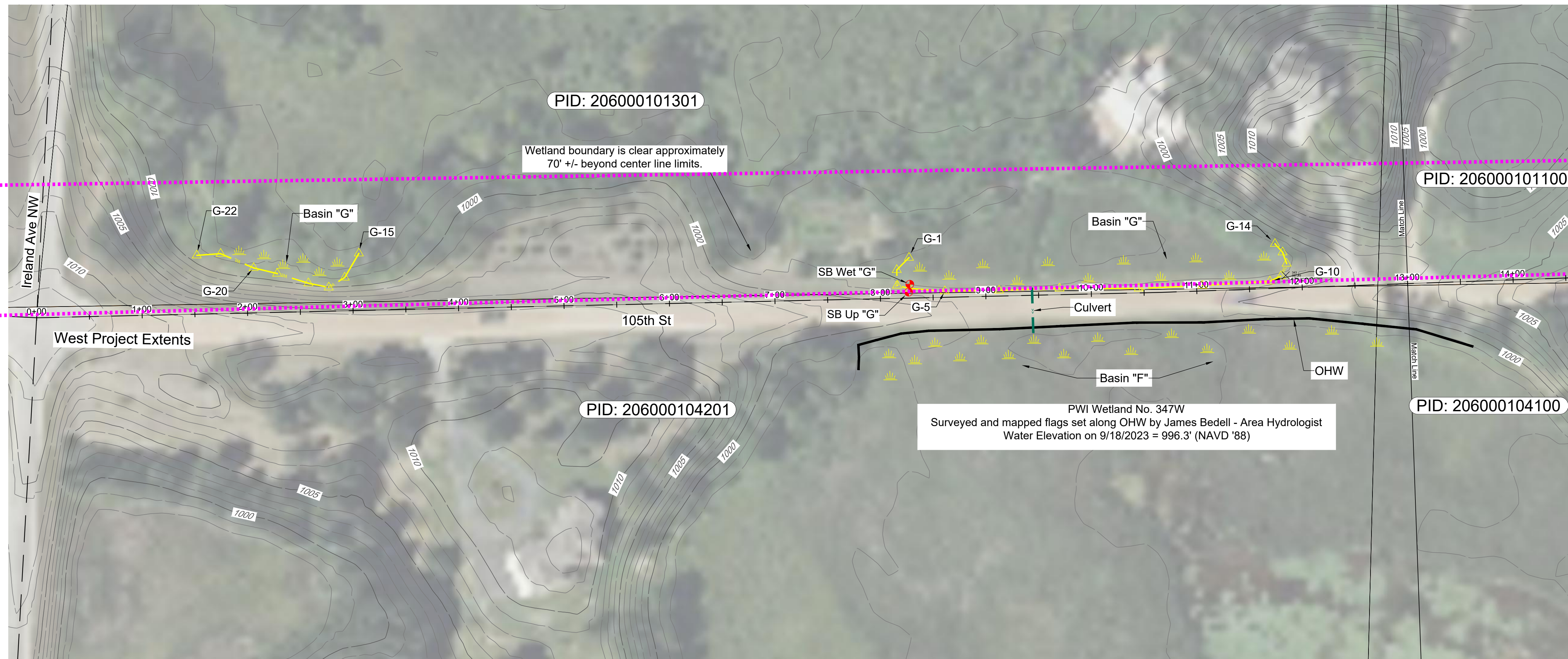


*Parts of Section 10, 11, and 14 Township 121, Range 27
Township of Corinna, Wright County, Minnesota*










REVISIONS PER TEP REVIEW – 9/18/2023:

1. GPS Survey OHW flags set by Hydrologist along north side of Basin "F" (PWI No. 347W)
2. Wetland flags for Basin "F" have been removed since they were located downslope of the OHW contour.
3. Therefore, no WCA wetlands as part of this delineation for Basin "F".
4. Approximately 611 LF of OHW line located and shown. The OHW is approximately 997.7'.



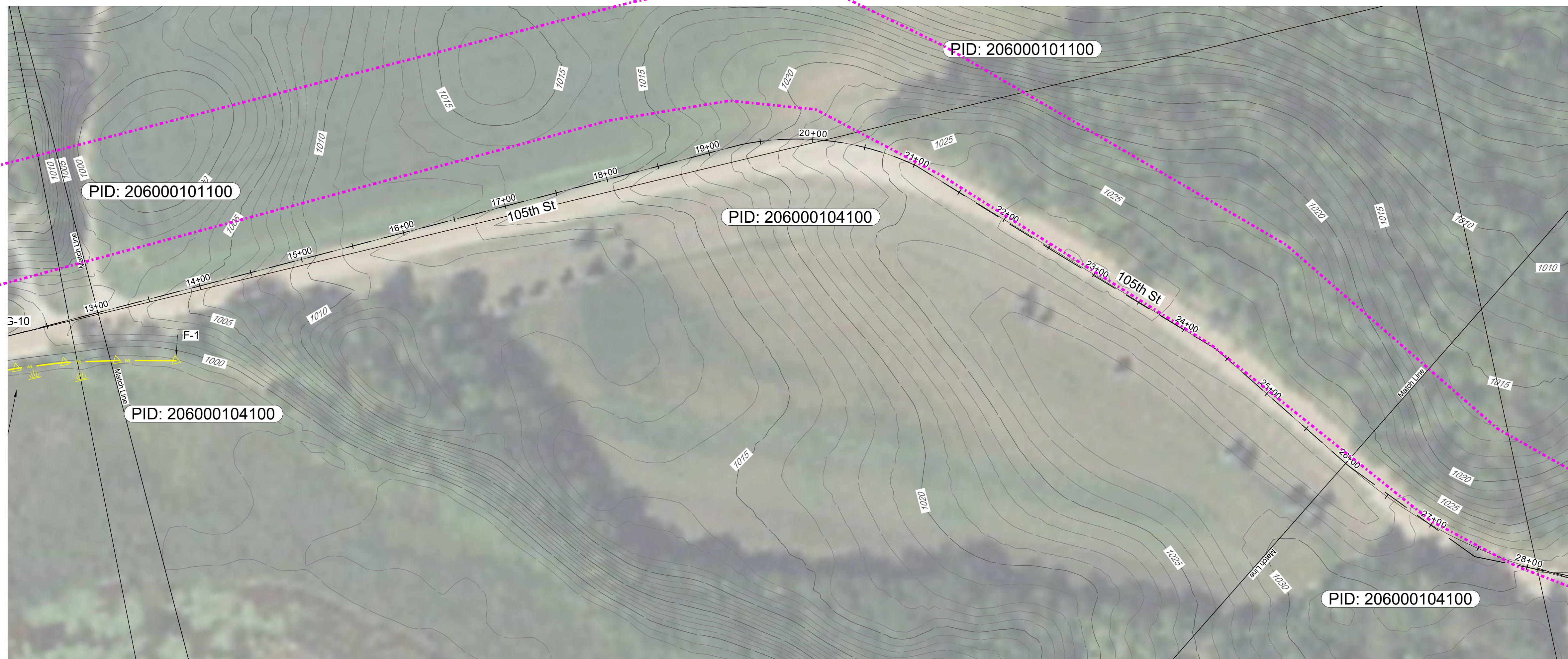
<p>Wetland Exhibit for Corinna Township Twp. of Corinna, Wright County, MN</p>	 <p>BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING AND CONSULTING ENVIRONMENTAL SERVICES 43076 FIRST STREET, BECKER, MN 55309-9322 TEL: 763-262-8822 FAX: 763-262-8824</p>	DATE: 08/14/2023	REV. NO.	DESCRIPTION
		DESIGN BY: _____		
		DRAWN BY: MW		
		CHECKED BY: MB		
		DWG FILE: Wetland Exhibit		
		FILE NO.: 23-0212.00		
SHEET NO.		1/7		

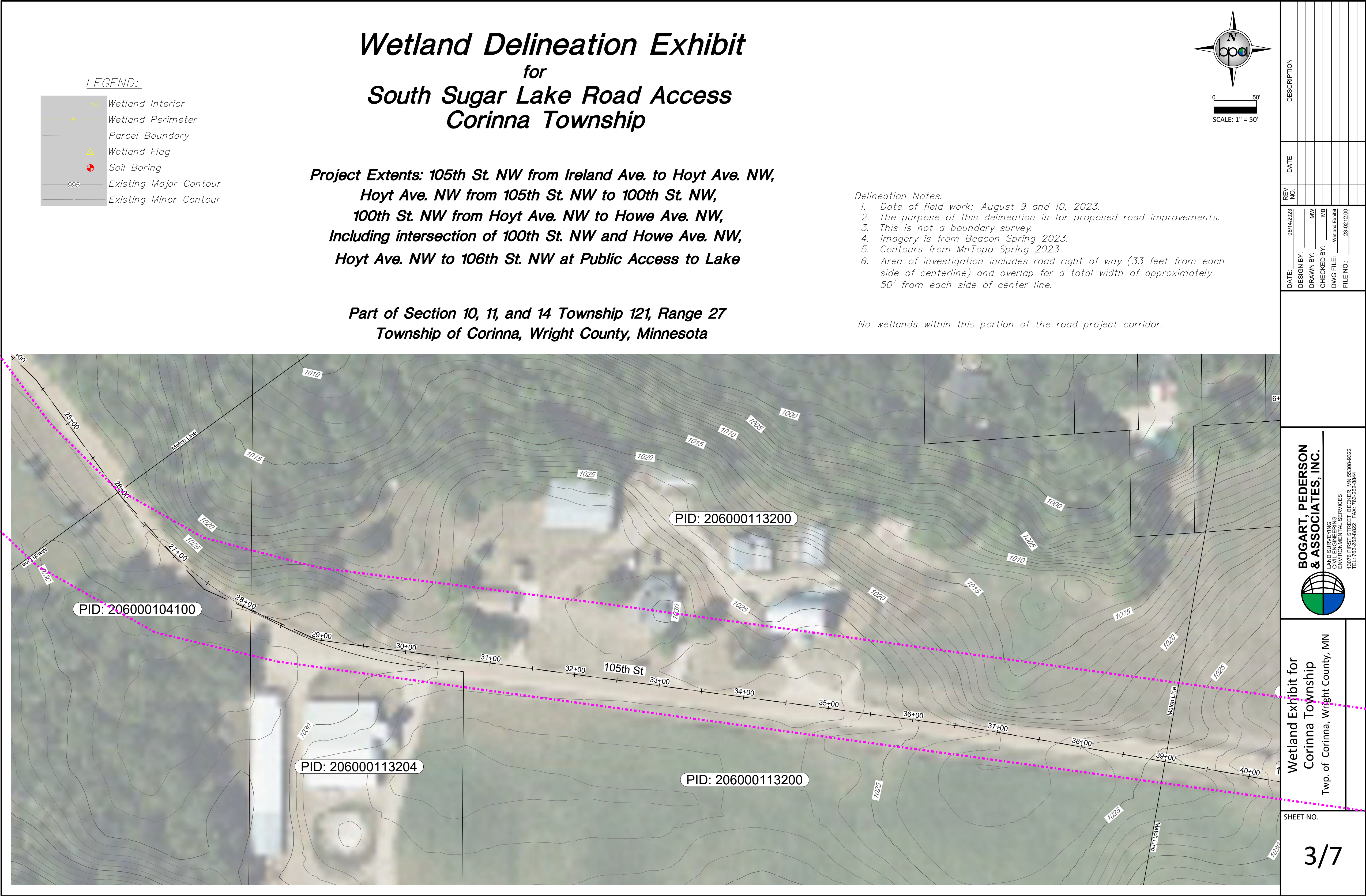
 Wetland Interior
 Wetland Perimeter
 Parcel Boundary
 Wetland Flag
 Soil Boring
 -995- Existing Major Contour
 Existing Minor Contour

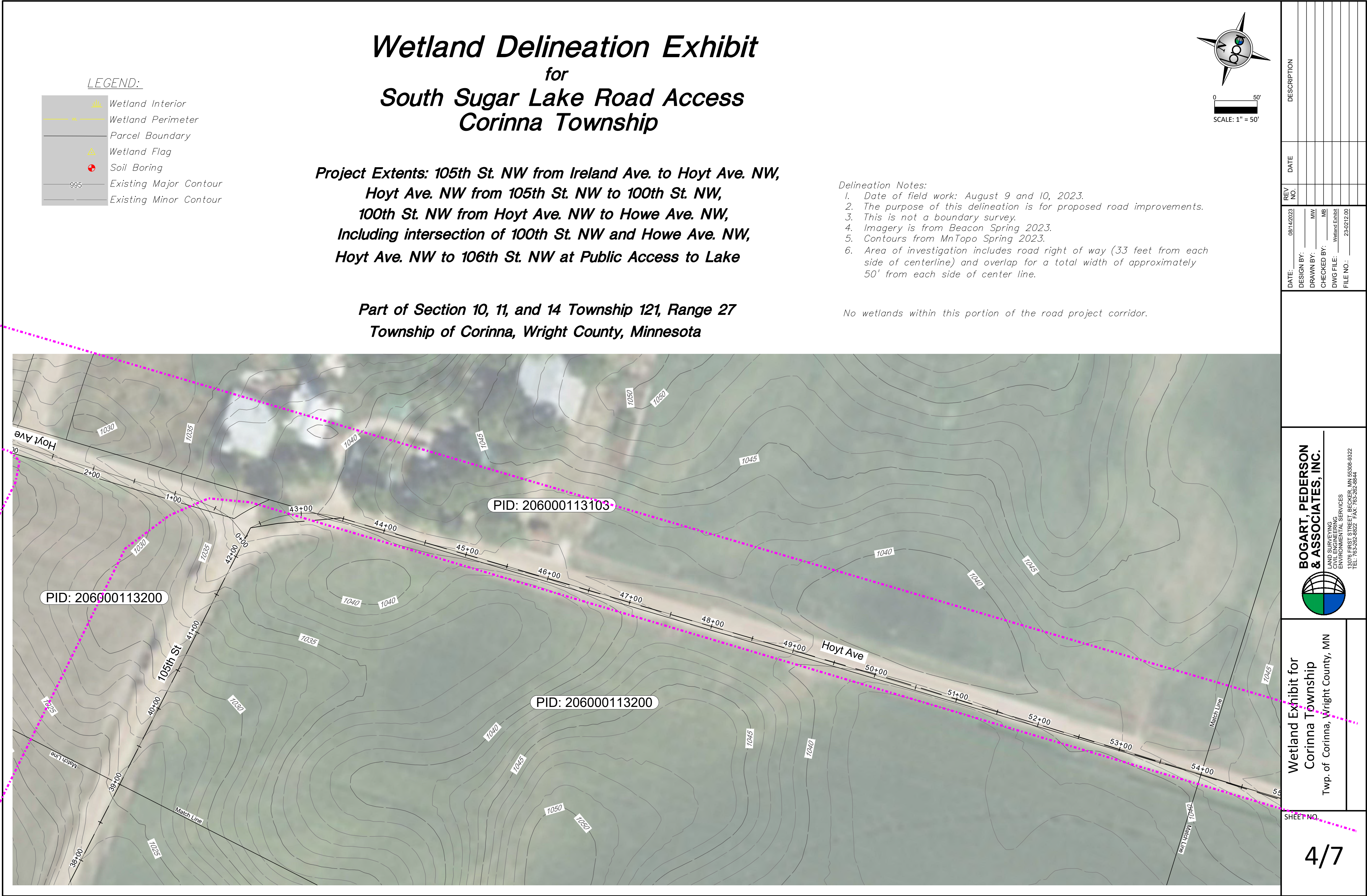
Delineation Notes:

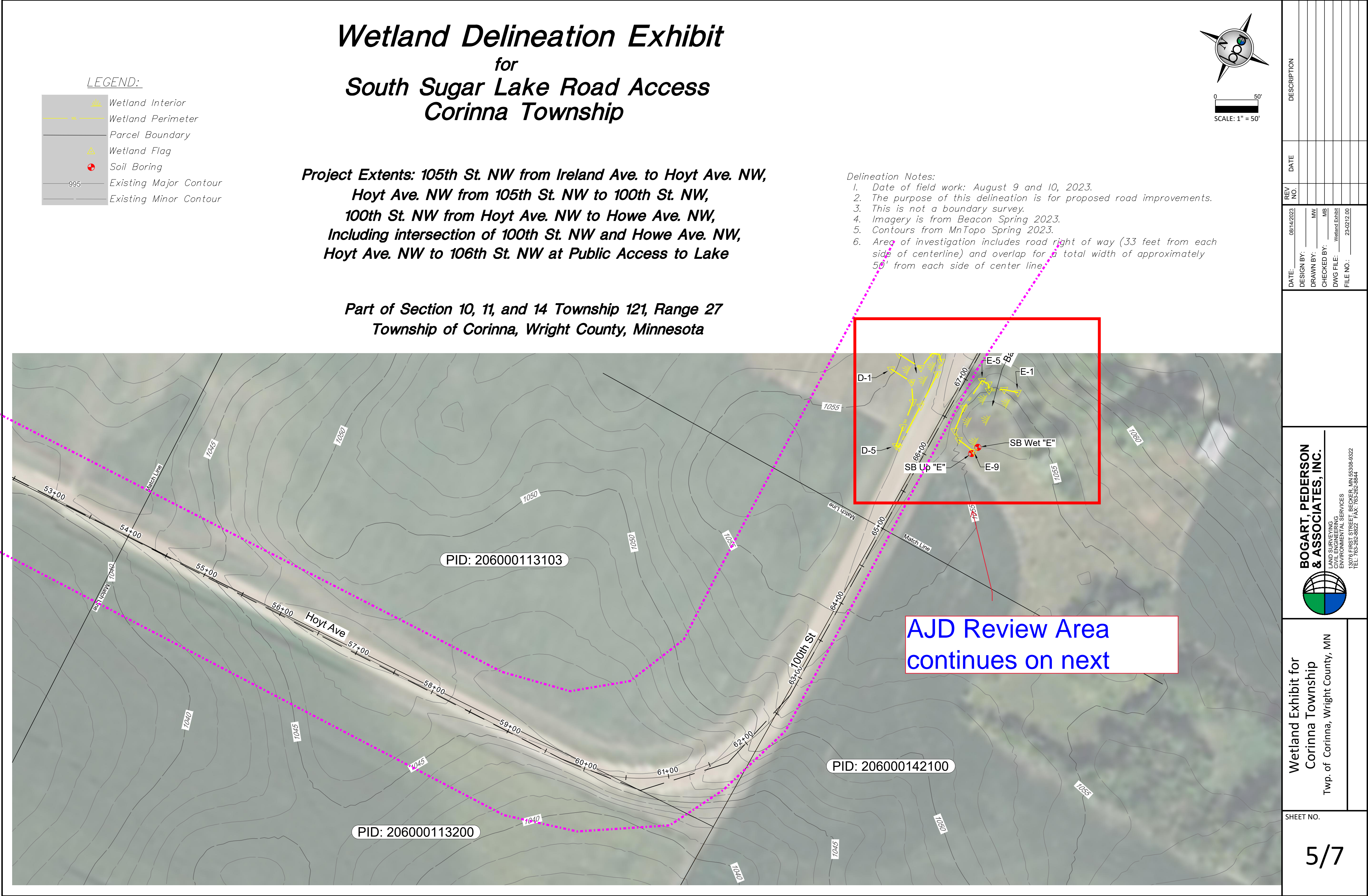
1. Date of field work: August 9 and 10, 2023.
2. The purpose of this delineation is for proposed road improvements.
3. This is not a boundary survey.
4. Imagery is from Beacon Spring 2023.
5. Contours from Mntopo Spring 2023.
6. Area of investigation includes road right of way (33 feet from each side of centerline) and overlap for a total width of approximately 50' from each side of center line.

<p>Wetland Exhibit for Corinna Township Twp. of Corinna, Wright County, MN</p>	 <p>BOGART, PEDERSON & ASSOCIATES, INC.</p> <p>JAMES PEDERSON CIVIL ENGINEERING ENVIRONMENTAL SERVICES</p> <p>13076 FIRST STREET, BECKER, MN 55309-9322 TEL: 763-562-8622 FAX: 763-562-8644</p>	<p>DATE: 08/14/2023</p>	
		DESIGN BY:	
		DRAWN BY:	MM
		CHECKED BY:	MB
		DWG FILE:	Wetland Exhibit
		FILE NO.:	23-0912.00
<p>SHEET NO.</p> <p>2/7</p>			
<p>DESCRIPTION</p>			









Basin "E": Area Approximately 0.07 Acres, 151 +/- LF delineated,
Type 2/3 Wetland, Flags E-1 to E-9

Wetland Interior

Wetland Perimeter

Parcel Boundary

Wetland Flag

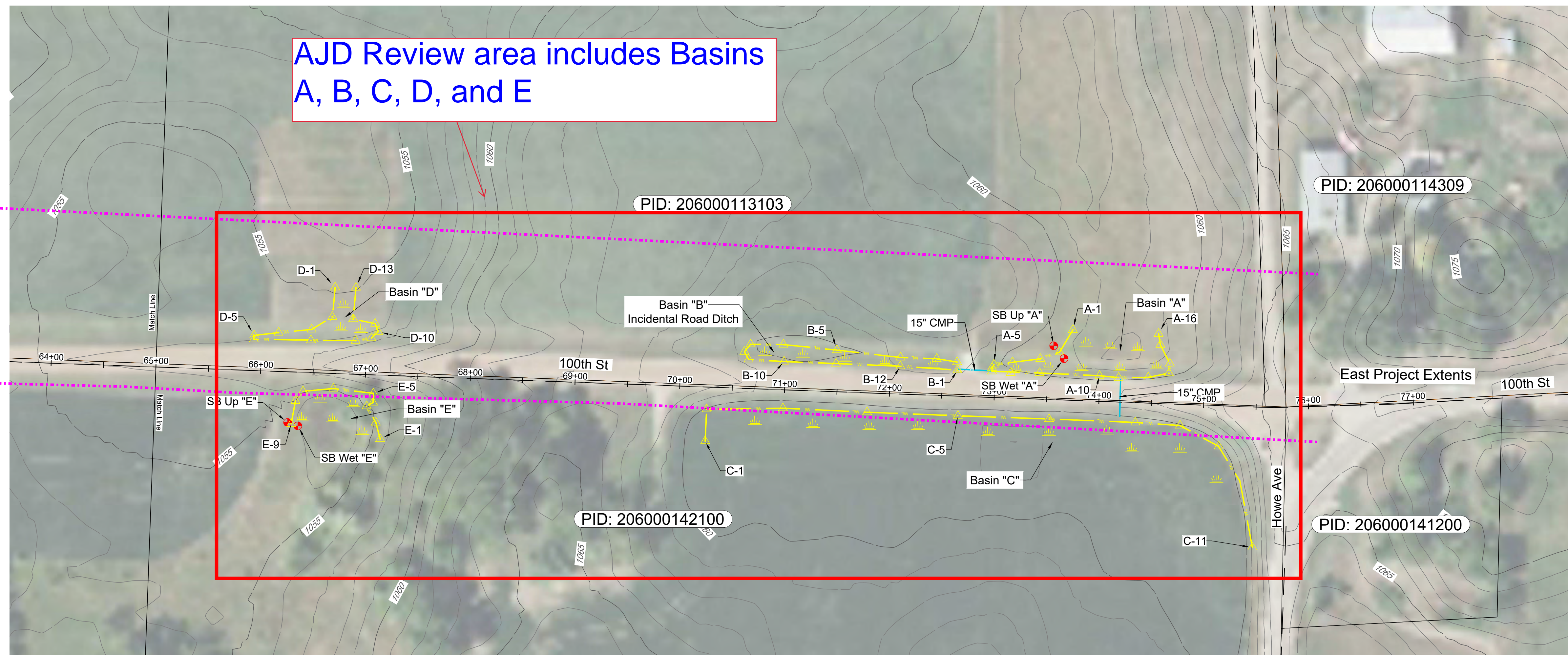
Soil Boring


995 Existing Major Contour

Existing Minor Contour

Existing Culvert

AJD Review area includes Basins
A, B, C, D, and E

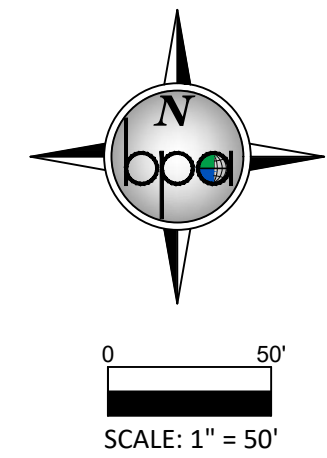
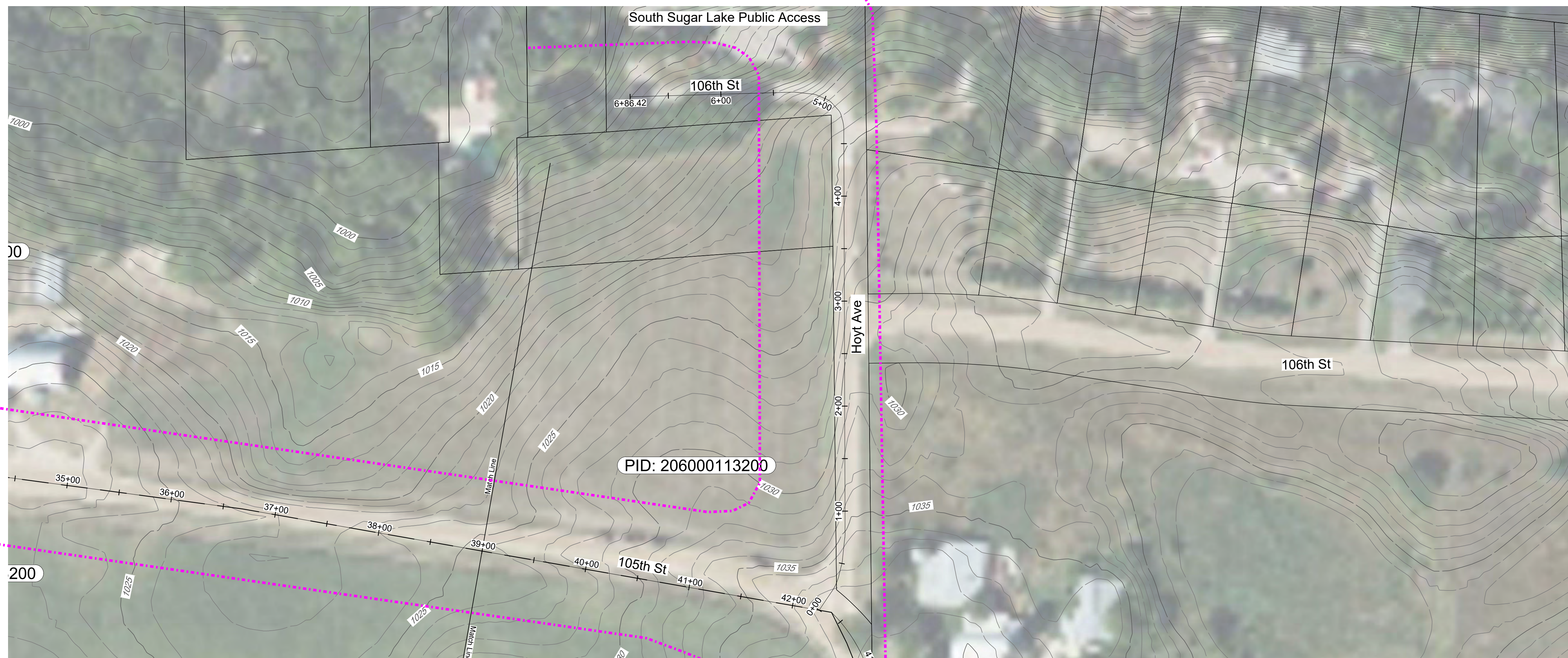


Wetland Exhibit for Corinna Township Twp. of Corinna, Wright County, MN	 BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CIVIL ENGINEERING ENVIRONMENTAL SERVICES 1001 FARM ROAD, CORINNA, MN 55009-9322 TEL: 763-262-3822 FAX: 763-262-5844	DATE: 08/14/2023	REV NO.	DESCRIPTION
		DESIGN BY: MW		
		DRAWN BY: MB		
		CHECKED BY: MB		
		DWG FILE: Wetland Exhibit		
		FILE NO.: 23-0212.00		
SHEET NO.				
6/7				

***Project Extents: 105th St. NW from Ireland Ave. to Hoyt Ave. NW,
Hoyt Ave. NW from 105th St. NW to 100th St. NW,
100th St. NW from Hoyt Ave. NW to Howe Ave. NW,
Including intersection of 100th St. NW and Howe Ave. NW,
Hoyt Ave. NW to 106th St. NW at Public Access to Lake***

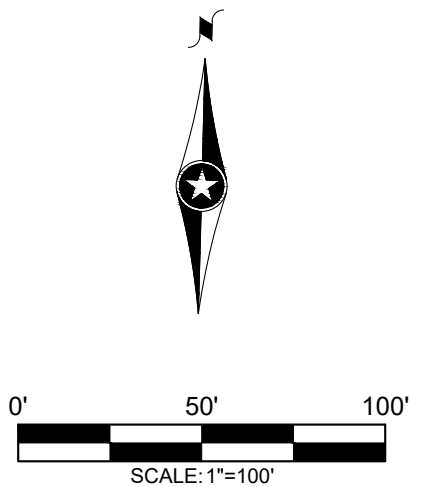
Delineation Notes:

- No wetlands within this portion of the road project corridor.*



7/7	SHEET NO.	Wetland Exhibit for Corinna Township Twp. of Corinna, Wright County, MN	 BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CIVIL ENGINEERING ENVIRONMENTAL SERVICES 13076 FIRST STREET, BECKER, MN 55308-9322 TEL: 763-262-3822 FAX: 763-262-3844	DATE: 08/14/2023	REV. NO.	DATE	DESCRIPTION
				DESIGN BY:			
				DRAWN BY:	MM		
				CHECKED BY:	ME		
				DWG FILE:	Wetland Exhibit		
				FILE NO.:	23-0212.00		

PID: 206000101301
8260 105TH ST NW



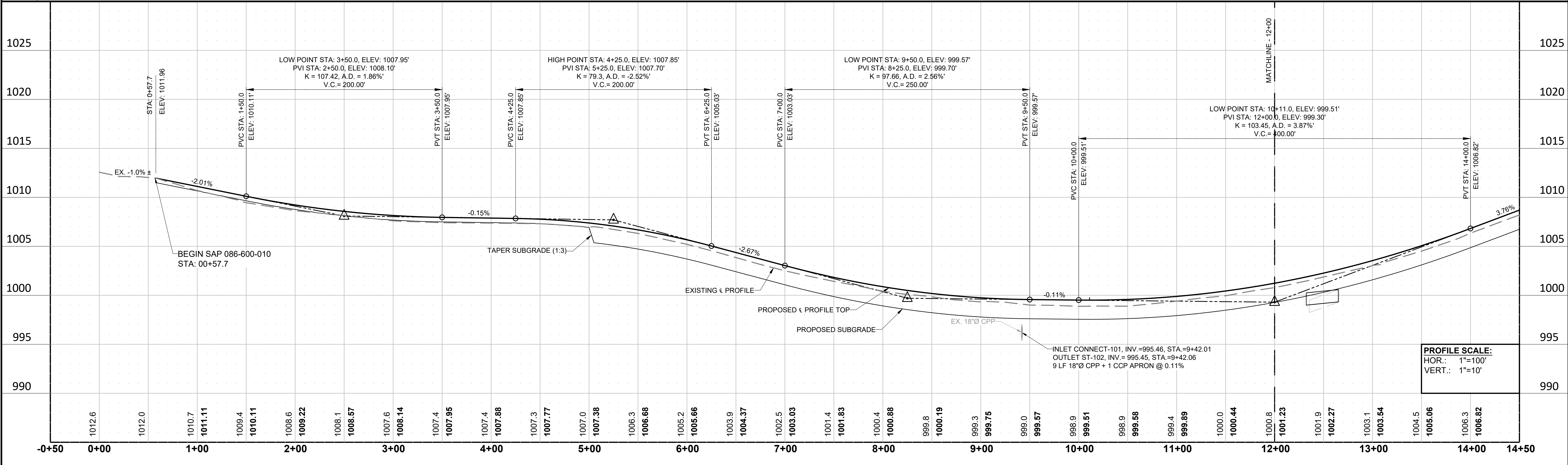
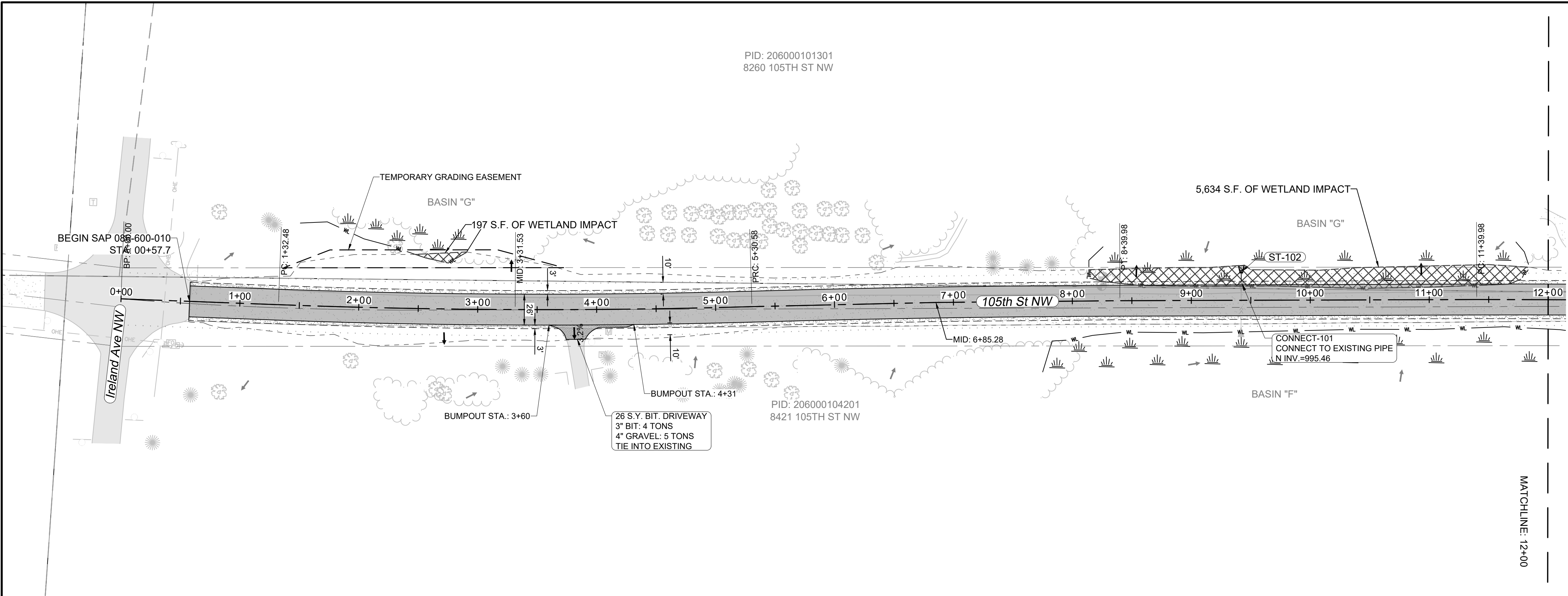
LEGEND:

- 10+00
- PROPOSED CENTERLINE ALIGNMENT
- EXISTING RIGHT OF WAY (R/W)
- PROPOSED LIMIT OF DISTURBANCE
- PROPOSED CLEAR ZONE (10')
- PROPOSED BITUMINOUS SURFACE
- PROPOSED GRAVEL SURFACE
- PROPOSED WETLAND IMPACT
- EXISTING FLARED END
- PROPOSED FLARED END
- PROPOSED CMP APRON
- PROPOSED CATCH BASIN
- PROPOSED DRAIN MANHOLE
- PROPOSED STORM SEWER
- MAILBOX
- EXISTING DRAINAGE ARROW
- PROPOSED DRAINAGE ARROW
- PROPOSED BITUMINOUS TOP PROFILE
- PROPOSED SUBGRADE PROFILE
- EXISTING SURFACE PROFILE

VERTICAL CONTROL (NAVD 88):
MNDOT MONUMENT 8611 U RESET. ELEV.=1016.35

VERTICAL CONTROL (NAVD 88):
MNDOT MONUMENT 8611 U RESET. ELEV.=1016.35

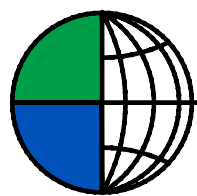
MATCHLINE: 12+00



NO.	DATE	BY	CHK	REVISION
2	06/07/2024	MJM	WHT	FULL DITCH SECTIONS AND CLEAR ZONE
3	01/31/2025	NV	WHT	HOYT AVE ALIGNMENT PULLED BACK TO DNR PAVING LIMIT
4	02/20/2025	MJM	WHT	CROSS SECTION ROW
5	05/06/2025	MJM/WHT	WHT	REVISED PER STATE AID COMMENTS
6	06/04/2025	WHT	WHT	REVISED PER STATE AID COMMENTS

DESIGN BY:	MJM
PLAN BY:	MJM
CHECKED BY:	WHT
APPROVED BY:	

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT 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.	
SIGNED:	<i>William H. Tesserer</i> William H. Tesserer
DATE: 06/04/2025	LICENSE NO.: 61132



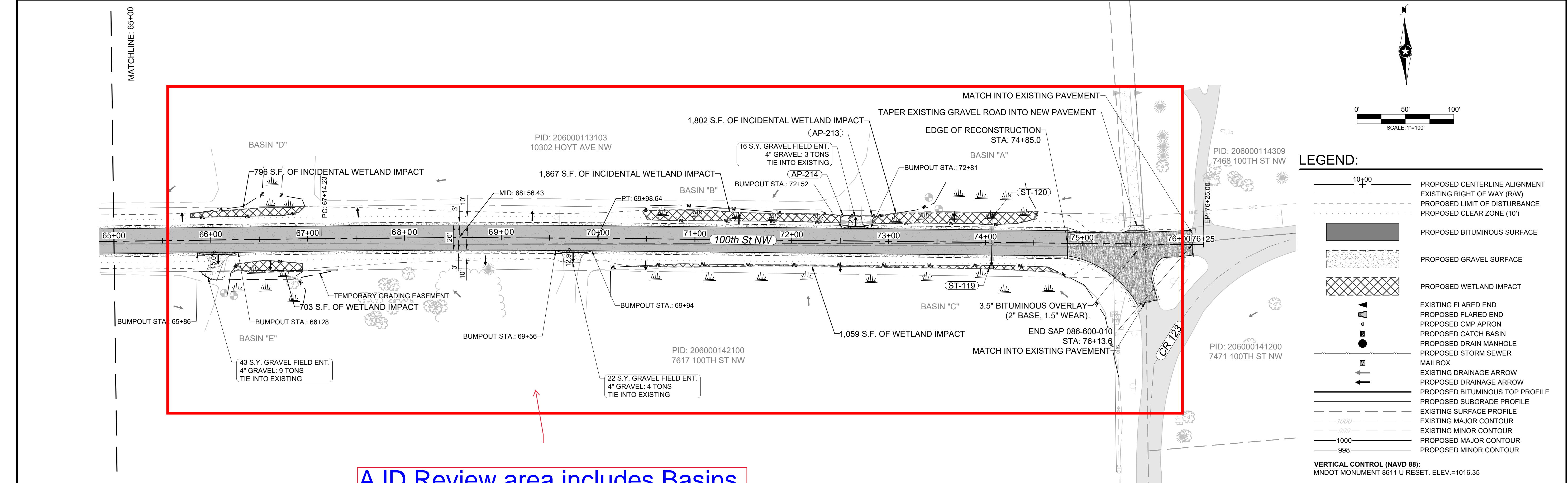
**BOGART, PEDERSON
& ASSOCIATES, INC.**

LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

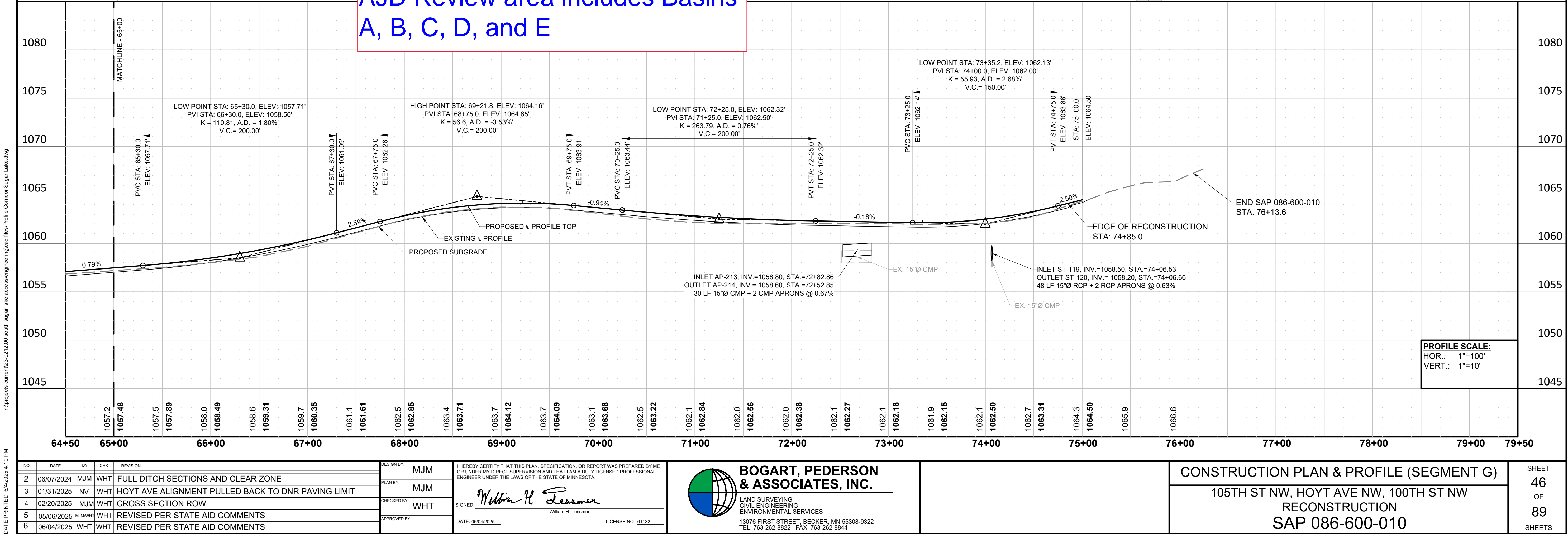
CONSTRUCTION PLAN & PROFILE (SEGMENT A)

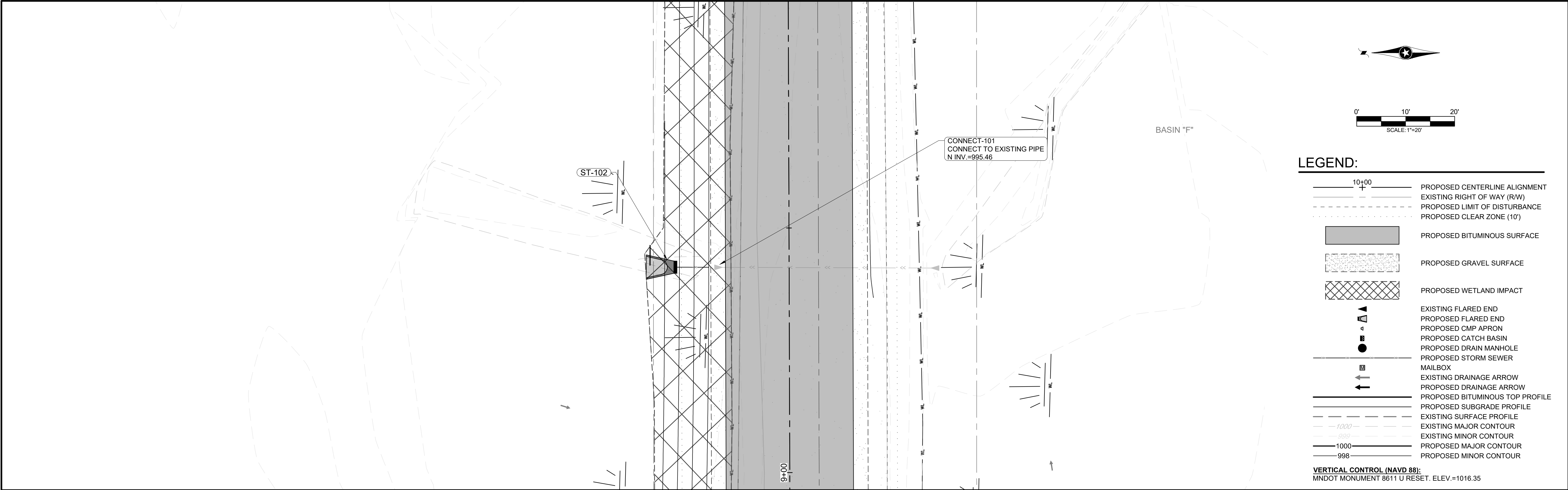
105TH ST NW, HOYT AVE NW, 100TH ST NW
RECONSTRUCTION
SAP 086-600-010

SHEET
40
OF
89
SHEETS



AJD Review area includes Basins A, B, C, D, and E

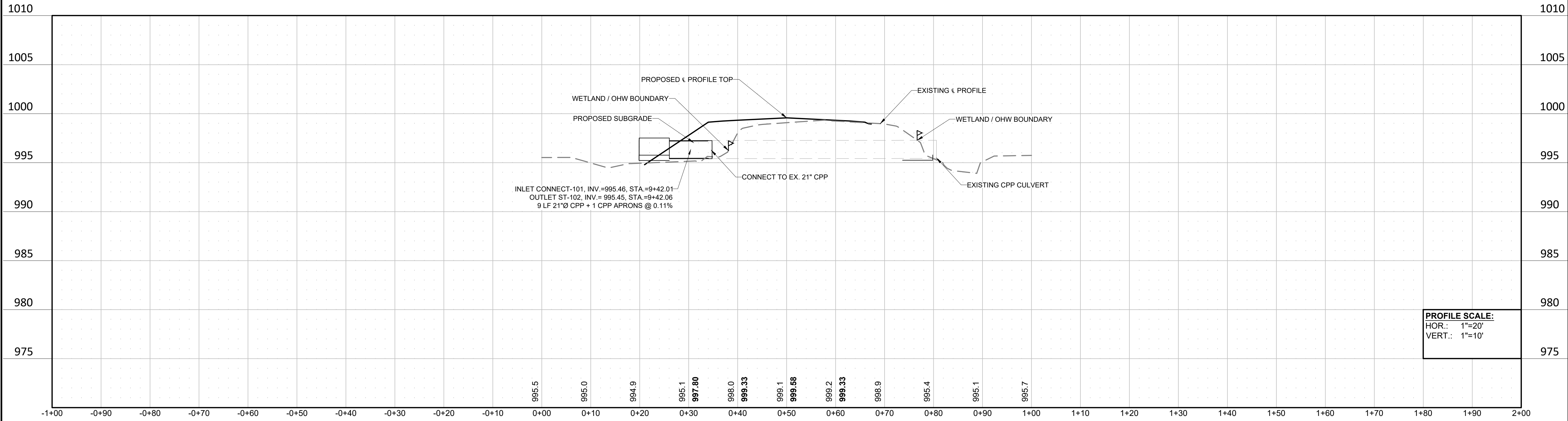




LEGEND:

- 10+00
- PROPOSED CENTERLINE ALIGNMENT
- EXISTING RIGHT OF WAY (R/W)
- PROPOSED LIMIT OF DISTURBANCE
- PROPOSED CLEAR ZONE (10')
- PROPOSED BITUMINOUS SURFACE
- PROPOSED GRAVEL SURFACE
- PROPOSED WETLAND IMPACT
- EXISTING FLARED END
- PROPOSED FLARED END
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- PROPOSED CATCH BASIN
- PROPOSED DRAIN MANHOLE
- PROPOSED STORM SEWER
- MAILBOX
- EXISTING DRAINAGE ARROW
- PROPOSED DRAINAGE ARROW
- PROPOSED BITUMINOUS TOP PROFILE
- PROPOSED SUBGRADE PROFILE
- EXISTING SURFACE PROFILE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

VERTICAL CONTROL (NAVD 88):
MNDOT MONUMENT 8611 U RESET. ELEV.=1016.35



NO.					DATE					BY					CHK					REVISION					DESIGN BY:					PLAN BY:					CHECKED BY:					APPROVED BY:				
1					05/03/2024					MJM					WHT					REVISED PER STATE AID COMMENTS					MJM					MJM					WT									
1					06/07/2024					MJM					WHT					FULL DITCH SECTIONS AND CLEAR ZONE																								

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT 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.

SIGNED: *William H. Tesser*
William H. Tesser
DATE: 06/07/2024
LICENSE NO: 61132

BOGART, PEDERSON & ASSOCIATES, INC.

LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES

13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

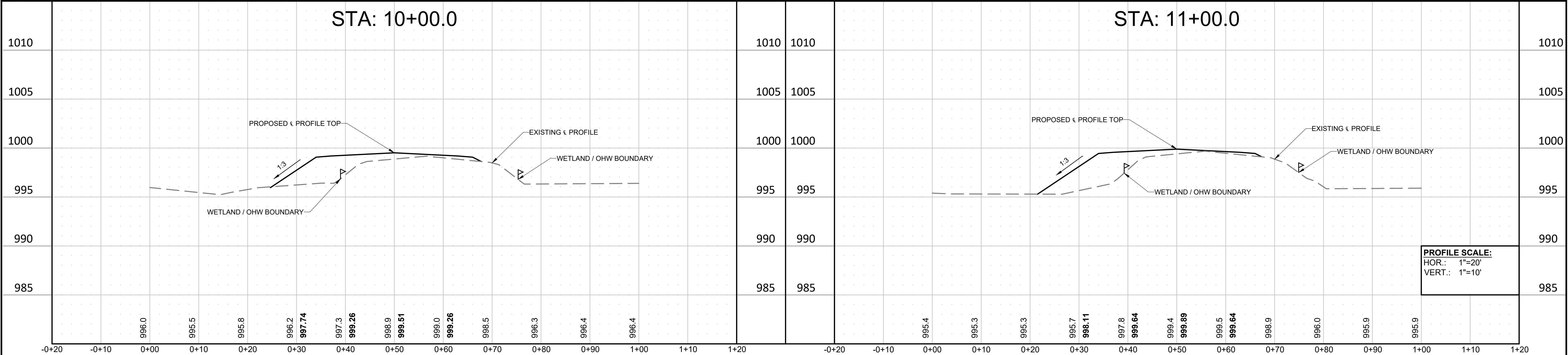
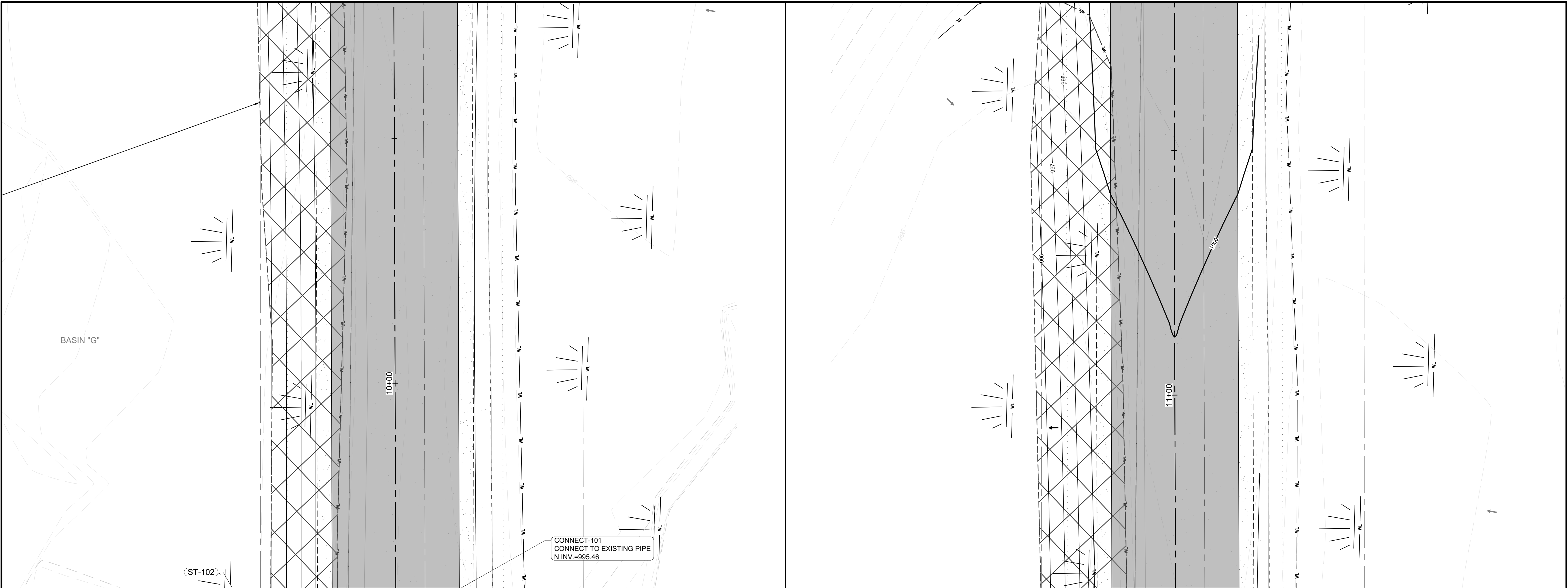
PUBLIC WATER BASIN # 86-347 CULVERT

105TH ST NW, HOYT AVE NW, 100TH ST NW
RECONSTRUCTION
SAP 086-600-010

SHEET
52
OF
90
SHEETS

N:\Projects Current\23-02\12.00 South Sugar Lake Access\Engineering\CAD Files\Profile Corridor Sugar Lake.dwg

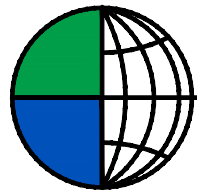
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NO.	DATE	BY	CHK	REVISION
1	05/03/2024	MJM	WHT	REVISED PER STATE AID COMMENTS
1	06/07/2024	MJM	WHT	FULL DITCH SECTIONS AND CLEAR ZONE

DESIGN BY:	MJM
PLAN BY:	MJM
CHECKED BY:	WT
APPROVED BY:	

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT 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.	
SIGNED:	<i>William H. Tesserer</i>
DATE: 06/07/2024	LICENSE NO: 61132



**BOGART, PEDERSON
& ASSOCIATES, INC.**
LAND SURVEYING
CIVIL ENGINEERING
ENVIRONMENTAL SERVICES
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

1:3 WETLAND SLOPES
105TH ST NW, HOYT AVE NW, 100TH ST NW
RECONSTRUCTION
SAP 086-600-010

SHEET	1
OF	90
SHEETS	

Aerial Wetland Exhibit - Sugar Lake, Full View



Aerial Wetland Exhibit - Sugar Lake, West Basins



Aerial Wetland Exhibit - Sugar Lake, East Basins

