

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 8, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2011-04970-SSC, Hillcrest Redevelopment

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Ramsey City: St. Paul

Center coordinates of site (lat/long in degree decimal format): Lat. 44.986595° N, Long. -93.007563° W.

Universal Transverse Mercator: Zone 15

Name of nearest waterbody: Battle Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region; HUC 07010206

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: October 4, 2022

☒ Field Determination. Date(s): October 14, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **This AJD is limited to the boundaries of Wetlands A, B, D, E, F, G, I, and Ditch 1, as shown on the enclosed figures labeled MVP-2011-04970-SSC, Pages 1-6 of 6. Based on the wetland delineation submitted by the requestor, aerial imagery, LiDAR contours, and a site visit conducted by Corps staff on October 14, 2022, we have determined that the wetlands and ditch are isolated features with boundaries that transition to uplands.**

Wetlands A and B are located along the northern boundary of the site. The two wetlands are connected via culvert underneath a paved path. Wetland A receives runoff from the roadway to the north. Review of 2-foot LiDAR contours, hillshade, and aerial imagery show that Wetlands A and B are surrounded by upland and do not have a surface water connection to a Water of the U.S. (WoUS). Additionally, the National Wetland Inventory (NWI), National Hydrography Dataset (NHD), and historic USGS topographic mapping for the area do not show a surface water connection to a WoUS.

Wetlands D, E, F and G are surrounded by uplands, as shown on 2-foot LiDAR contours and as was seen during the site visit. No outlets were observed by the wetland delineator during the wetland delineation or by Corps staff during the onsite field determination. Desktop tools (NHI, NHD) and historic aerials and USGS topographic mapping supports that these wetlands do not have a surface water connection to a WoUS.

Wetland I and Ditch 1 are located along the eastern boundary of the site. Ditch 1 collects drainage from adjacent uplands and drains into Wetland I. There was no outlet observed by the wetland delineator during

¹ Supporting documentation is presented in Section III.F.

the site investigation for the wetland delineation. An access road for the golf course and an upland break separate Wetland I from Wetland H to the south. No surface water connection was visible to Corps staff during the onsite field determination. Desktop tools (hillshade, NWI, NHD) and aerial imagery do not show a surface water connection to a WoUS.

Wetlands A, B, D, E, F, G, I, and Ditch 1 do not support links to interstate or foreign commerce; are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. These wetlands do not have an ecological connection to a WoUS. Furthermore, the areas are hydrologically isolated with no surface water connections to a WoUS. Therefore, the Corps has determined that Wetlands A, B, D, E, F, G, I, and Ditch 1 are not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - ☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☐ Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): **Ditch 1: 167** linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☒ Wetlands: Wetland A: 0.69 acre; Wetland B: 0.44 acre; Wetland D: 0.79 acre; Wetland E: 0.49 acre; Wetland F: 0.13 acre; Wetland G: 0.39 acre; Wetland I: 0.26 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Hillcrest Redevelopment Wetland Delineation Report dated September 2, 2020
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:

- ☒ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **St. Paul, MN 1951 (24K)**
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: **NWI**
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **Google Earth 1991-2022**
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: N/A