

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): 02/24/2023

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2003-03448-ACM, COR site

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota

County/parish/borough: Anoka

City: Ramsey

Center coordinates of site (lat/long in degree decimal format): Lat. 45.235497° N, Long. -93.460017° W.

Universal Transverse Mercator: X: 463892.445557, Y: 5009214.618825, UTM Zone 15

Name of nearest waterbody: Mississippi River

Name of watershed or Hydrologic Unit Code (HUC): 070102060701, Upper Mississippi River

☒ 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: February 6, 2023

☐ Field Determination. Date(s):

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: **The review area for this jurisdictional determination is identified as wetlands W3, W4, W5, W6, W7, and W8, on the enclosed figures, labeled MVP-2003-03448-ACM AJD Attachments, Pages 1-2 of 2. Wetlands W3, W4, W5, and W6 are either storm ponds or borrow pits, excavated in uplands. This was confirmed by reviewing historic imagery, which shows the area was previously row cropped and uplands. Wetland W4 is a storm pond which was constructed in 2005. Wetland W3 is a storm pond which was constructed in 2011. Wetlands W5 and W6 are borrow pits that were excavated in 2012. Wetlands W4 and W7 are mapped on the National Wetland Inventory (NWI) as excavated wetlands. The National Hydrography Dataset (NHD) shows a mapped intermittent stream in this area but there are no streams on historic aeri**

The non-jurisdictional determination for these stormwater basins and borrow pits are in accordance with the preamble to 1986 Corps Regulations (CFR Parts 320-330), which states that the Corps generally does not consider the following waters to Waters of the United States; "Artificial lakes or ponds created by excavating and/or diking dryland to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing." Based on this review, Wetlands W3, W4, W5, and W6 were excavated in uplands and are not jurisdictional under Section 404 of the Clean Water Act.

Based on the report submitted by the requestor, aerial imagery, including LiDAR contours, we have determined that Wetlands W1, W2, W7, and W8 are isolated. Wetlands W1, W2, W7, and W8 are located in isolated depressions, surrounded by uplands. The adjacent uplands all drain into Wetlands W1, W2, W7, and W8. This is supported by the NWI and NHD. Wetlands W1, W2, W7, and W8 do not have a surface water connection or shallow subsurface connection to downstream waters. The nearest tributary is

¹ Supporting documentation is presented in Section III.F.

the Mississippi River, which is approximately 0.49 miles southwest of the review area. Wetlands W1, W2, W7, and W8 are not located in a floodplain. Wetlands W1, W2, W7, and W8 are surrounded by industrial, commercial and residential development and roadways. There is a culvert that connects Wetlands W1 and W2. There are no other culverts, tile lines, or inlets/outlets connected to Wetlands W1, W2, W7, and W8.

Wetlands W1, W2, W7, and W8 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. Wetlands W1, W2, W7, and W8 do not have an ecological connection to a Water of the United States. Therefore, the Corps has determined that Wetlands W1, W2, W7, and W8 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): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☒ Wetlands: W1: 2.65 acres, W2: 1.65 acres, W3: 0.53 acres, W4: 0.53 acres, W5: 0.91 acres, W6: 2.78 acres, W7: 1.6 acres, W8: 0.04 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: Wetland Delineation, October 2022
- ☒ 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 Map Service
 - ☒ USGS NHD data.

- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name:USGS Topographic Map Service
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation:USDA NRCS Web Soil Survey Map Service
- ☒ National wetlands inventory map(s). Cite name:USFWS NWI Map Service
- ☐ 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 Aerial Photographs, 1991-2022
or ☒ Other (Name & Date):USGS 3D Elevation (3DEP) Map Service, USGS Hillshade Map Service, MN DNR Map Service, Anoka County GIS Map Service
- ☐ 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