

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): **AUG 02 2017**

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Pearson Property, MVP-2016-03719-MLV

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Anoka County City: Ramsey

Center coordinates of site (lat/long in degree decimal format): Lat. 45.24426° N, Long. -93.48862° W.

Universal Transverse Mercator: 461672.695956707, 5010203.14065863

Name of nearest waterbody: Mississippi River

Name of watershed or Hydrologic Unit Code (HUC): 0701020607 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: December 22, 2016

☒ Field Determination. Date(s): April 21, 2017

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: There are two wetlands in the review area labeled as Wetland 1 and Wetland 2 on the enclosed figures labeled MVP-2016-03719-MLV Page 2 of 2. Wetlands 1 and 2 are farmed seasonally flooded basin wetlands surrounded by row crop agriculture. Straightline distance between the review area and the nearest TNW, the Mississippi River, is 0.39 mile. Lake Itasca, which is just north of the site above Alpine Drive Northwest, is not known to be a TNW, and no evidence of interstate or foreign commerce was observed during desktop review or field review. The site has no known drain tiles. A site visit was conducted on April 21, 2017. The site visit confirmed that Wetland 2 has no hydrologic connection to a water of the U.S. During the site visit, it was determined that the north, south, and west boundaries of Wetland 1 were not accurate; therefore the Corps does not concur with the delineation of Wetland 1. A review of historical aerial photography indicated wetness signatures in some years that extended from the delineated boundary of Wetland 1 westward toward the culvert located underneath Puma Street Northwest (refer to enclosed figures). The National Wetland Inventory shows a palustrine farmed wetland with a boundary extending westward to the culvert as well. After following the U.S. Army Corps of Engineers St. Paul District Guidance for Offsite Hydrology/Wetland Determinations in Minnesota, it was determined that the area would require field review. Multiple soil probes were taken throughout the area in question. Soil probes revealed that the soil was hydric in the area immediately surrounding the culvert on the west side of the field; however, no hydrology indicators were observed. Hydric soil and secondary hydrology indicators were observed up to the 866 feet contour; therefore, the Corps believes that the north, south, and west boundary of Wetland 1, given present-day conditions, is at 866 feet in elevation. No swales were observed in the area between Wetland 1 and the culvert. General topography within the area between Wetland 1 and the culvert was observed as a slight rise sloping gently toward Wetland 1 and does not support overland flow from Wetland 1 to the culvert. Therefore, it was concluded that although the delineated boundary of Wetland 1 is not accurate, it does not affect the jurisdictional

¹ Supporting documentation is presented in Section III.F.

status of Wetland 1 since there is no connection to the culvert on the west end of the site. The site visit confirmed that the wetlands are closed depressions surrounded by upland, and have no swales, pipes or other means to connect them to waters of the U.S.

The distance between Wetlands 1 and 2 and the nearest TNW precludes a shallow subsurface connection. The wetlands are surrounded by row crop agriculture and a highly developed golf course; therefore, they lack any natural corridor that could provide an ecological connection between the wetlands and the nearest TNW. Wetlands 1 and 2 do not support a link to interstate or foreign commerce because they 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 or foreign commerce. We have determined that Wetlands 1 and 2 are isolated basins and are not waters of the U.S.; therefore the wetlands are not jurisdictional under the CWA.

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: 0.93 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: Kjolhaug Environmental Services
- ☒ 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: 1:24K - ANOKA
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Anoka County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS 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): Farm Service Agency 1981 - 2015; Google Earth Historical Imagery
- 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): Anoka County Lidar

B. ADDITIONAL COMMENTS TO SUPPORT JD:

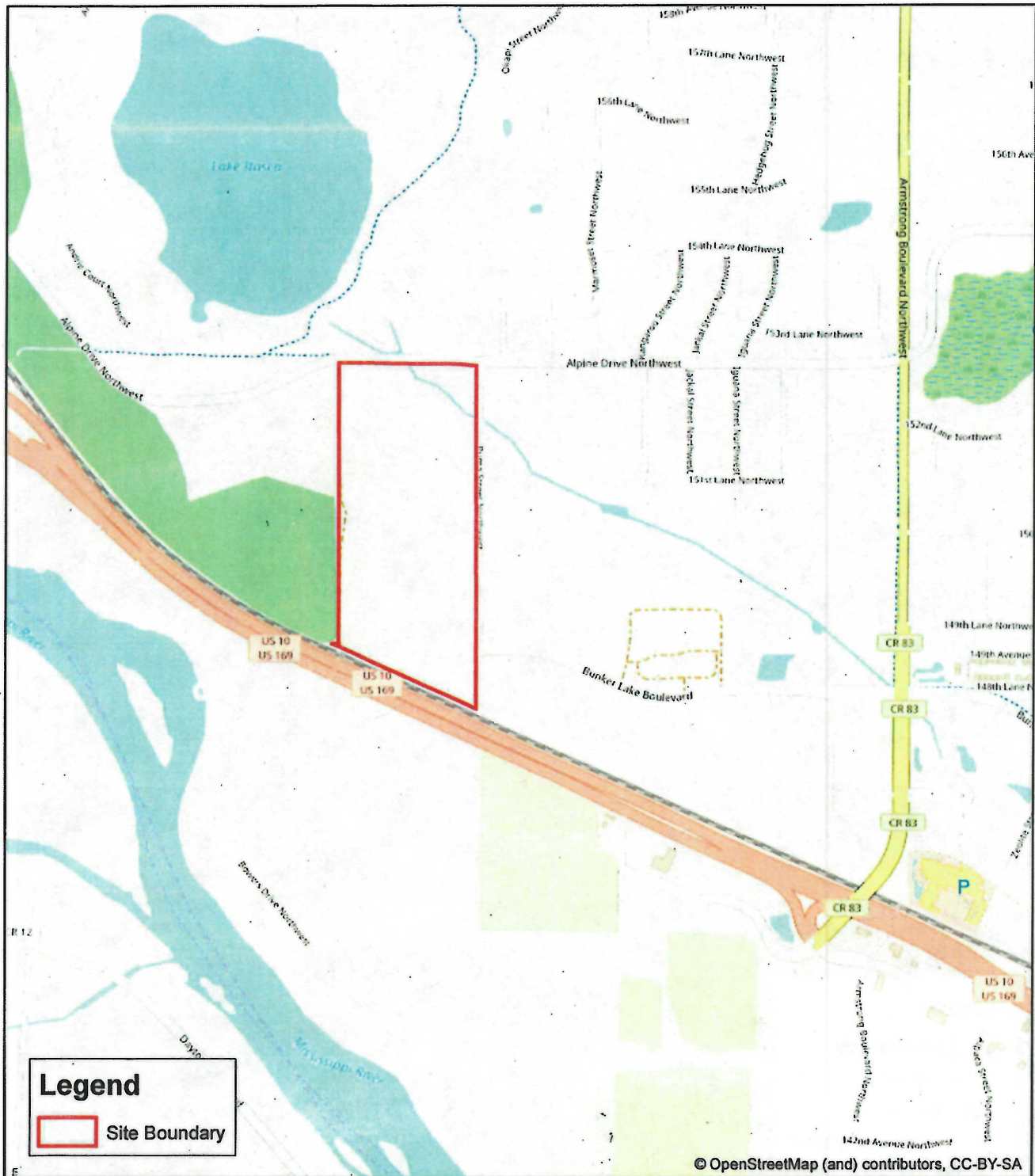
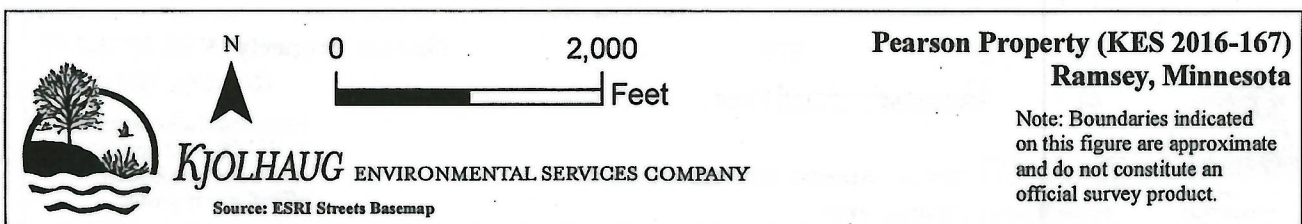
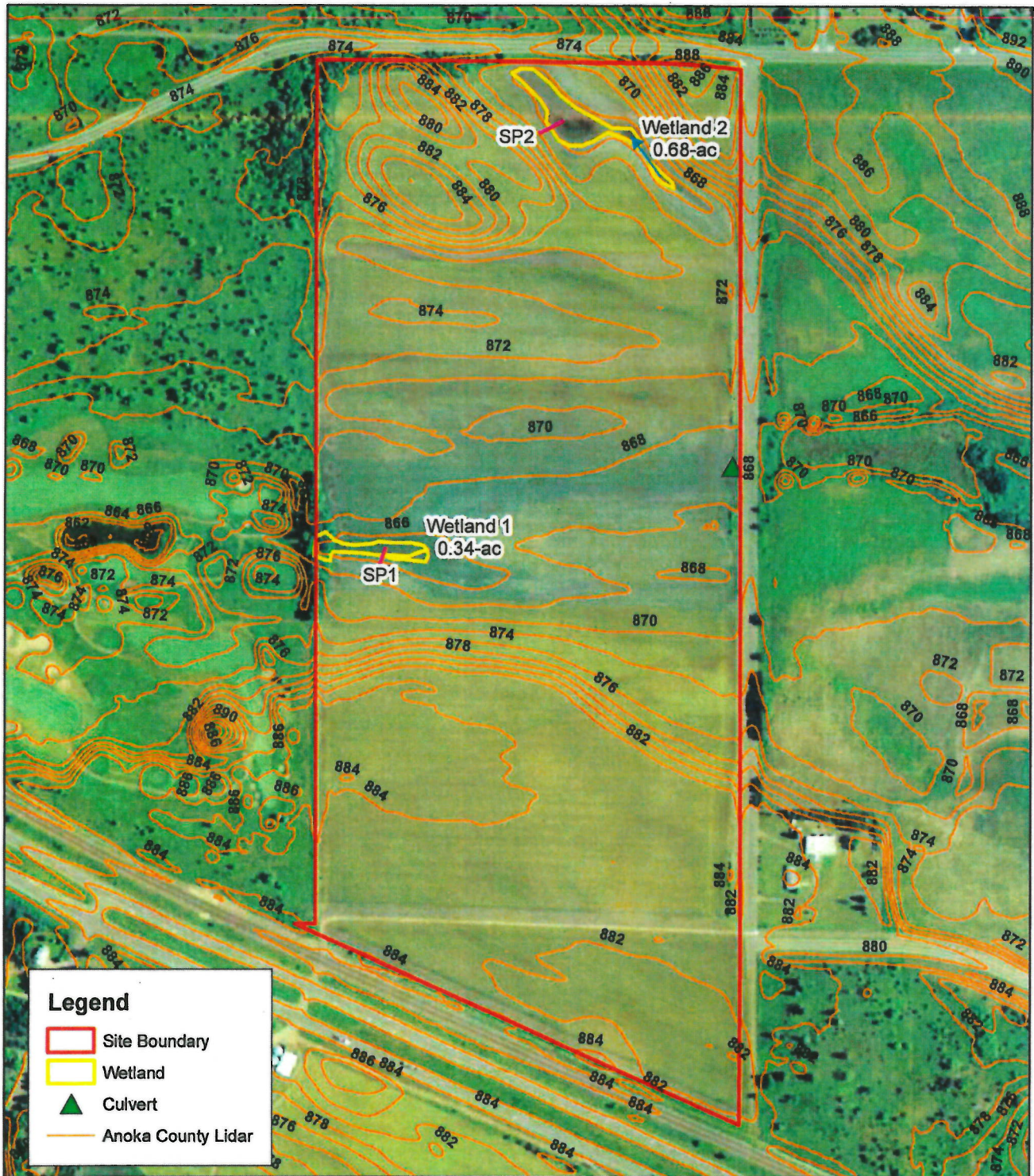


Figure 1 - Site Location





Revised Figure 2 - Existing Conditions (2013 FSA Photo) per 10/21/2016 TEP Review

