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): JAN 2 6 2016

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2009-01301-ADB

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Ramsey City: Arden Hills

Center coordinates of site (lat/long in degree decimal format): Lat. 45.0923418580251° N, Long. -93.177063496792° W.

Universal Transverse Mercator: 15

Name of nearest waterbody: Rice Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region 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: April 30, 2014

☒ Field Determination. Date(s): November 14, 2014

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 multiple wetlands within the review area, but this isolated JD is only regarding waterbodies 1a, 2d, 4, 12, 13, 14, 18/19, 27, 28/29, 30/53, 34, 45, 46, 48, 49, 56 and 58. Based upon a review of aerial photographs, topographic, hydrologic and NWI maps, Ramsey County Soil Survey and a site visit with a Senior Ecologist on November 14, 2014, these waterbodies are hydrologically isolated from any surface water connection to a water of the U.S. They are completely surrounded by upland soils. They are determined to not be jurisdictional under the CWA because they lack the links to interstate commerce sufficient to serve as a basis for jurisdiction. The waterbodies 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; they 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. Hydrologic connections, including ditches and storm sewers, were evaluated in the state they were in during our site visit on Nobember 14, 2014 as shown on the attached drawings labeled MVP-2009-01301-ADB Page 1 of 5 through Page 5 of 5.**

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

[1] Supporting documentation is presented in Section III.F.

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: 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: 1a=2,365sf, 2d=1,054sf, 4=1,650sf, 12=6,164sf, 13=19,795sf, 14=12,848sf, 18/19=48,069, 27=3,024sf, 28/29=22,330sf, 30/53=27,680sf, 34=1,371sf, 45=9,991sf, 46=15,251sf, 48=6,160sf, 49=6,684sf, 56=70,025sf and 58=623sf

acres.

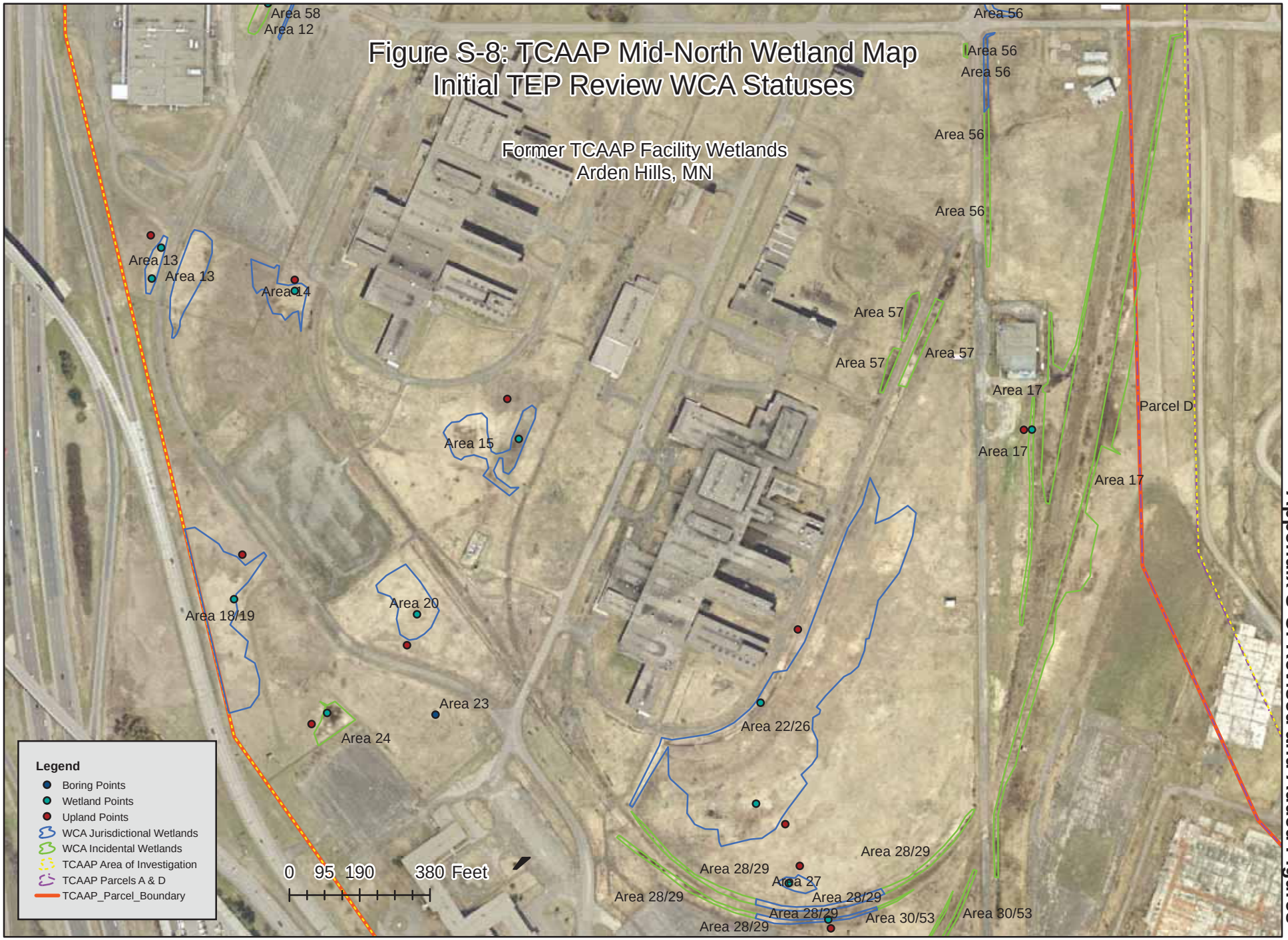
SECTION IV: DATA SOURCES.

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):

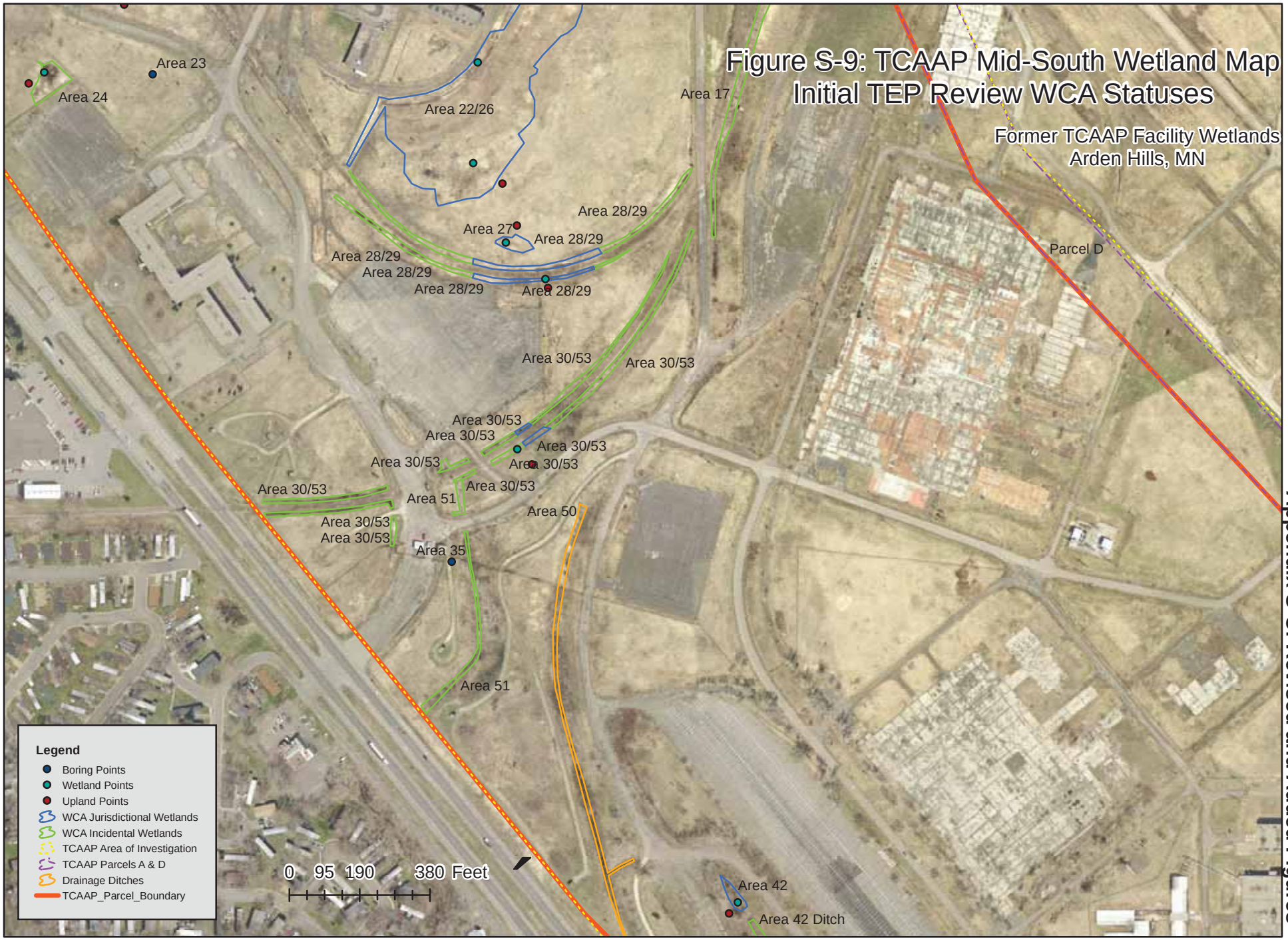
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets 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:
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date):
  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:

Figure S-7: TCAAP Northern Area Wetland Map
Initial TEP Review WCA Statuses
Former TCAAP Facility Wetlands
Arden Hills, MN
Area 1c
Area 1
Area 1b
Parcel A
Area 54
Area 54
Area 54
Area 54
Area 56
Parcel D
Area 2c
Area 2c
Area 2c
Area 4
Area 55
Area 56
Area 5
Area 6
Area 56
Area 2a
Area 7
Area 2b
Area 2f
Area 2d
Area 56
Area 2e
Area 2d
Area 2e
Area 56
Area 12
Area 12
Area 12
Area 9
Area 58
Area 56
Area 56
Area 17
Area 56
Area 17
Legend
Boring Points
Wetland Points
Upland Points
WCA Jurisdictional Wetlands
WCA Incidental Wetlands
TCAAP Area of Investigation
TCAAP Parcels A & D
TCAAP_Parcel_Boundary
0 165 330 660 Feet



Appendix S-C: Revised and Added Figures



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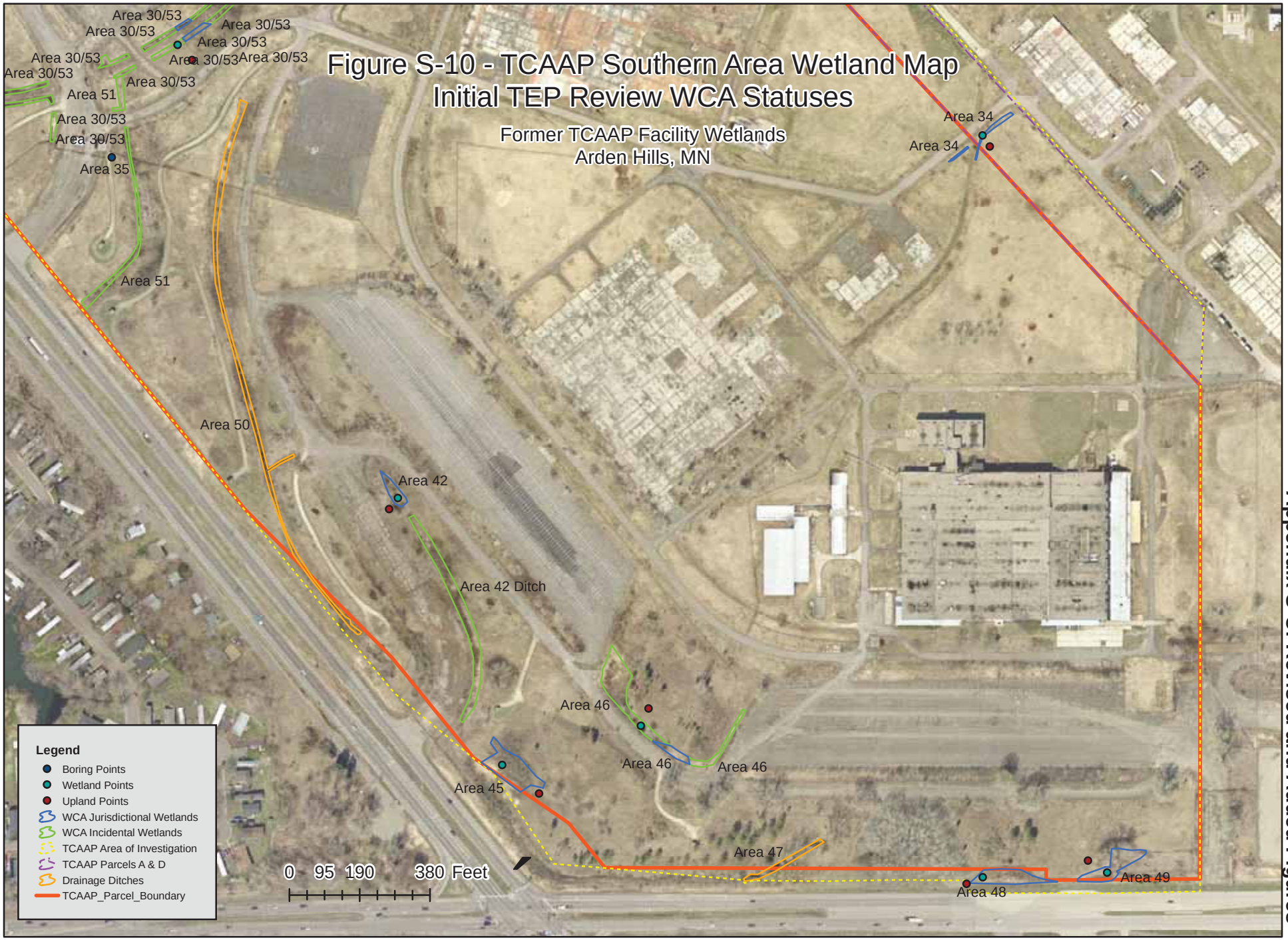

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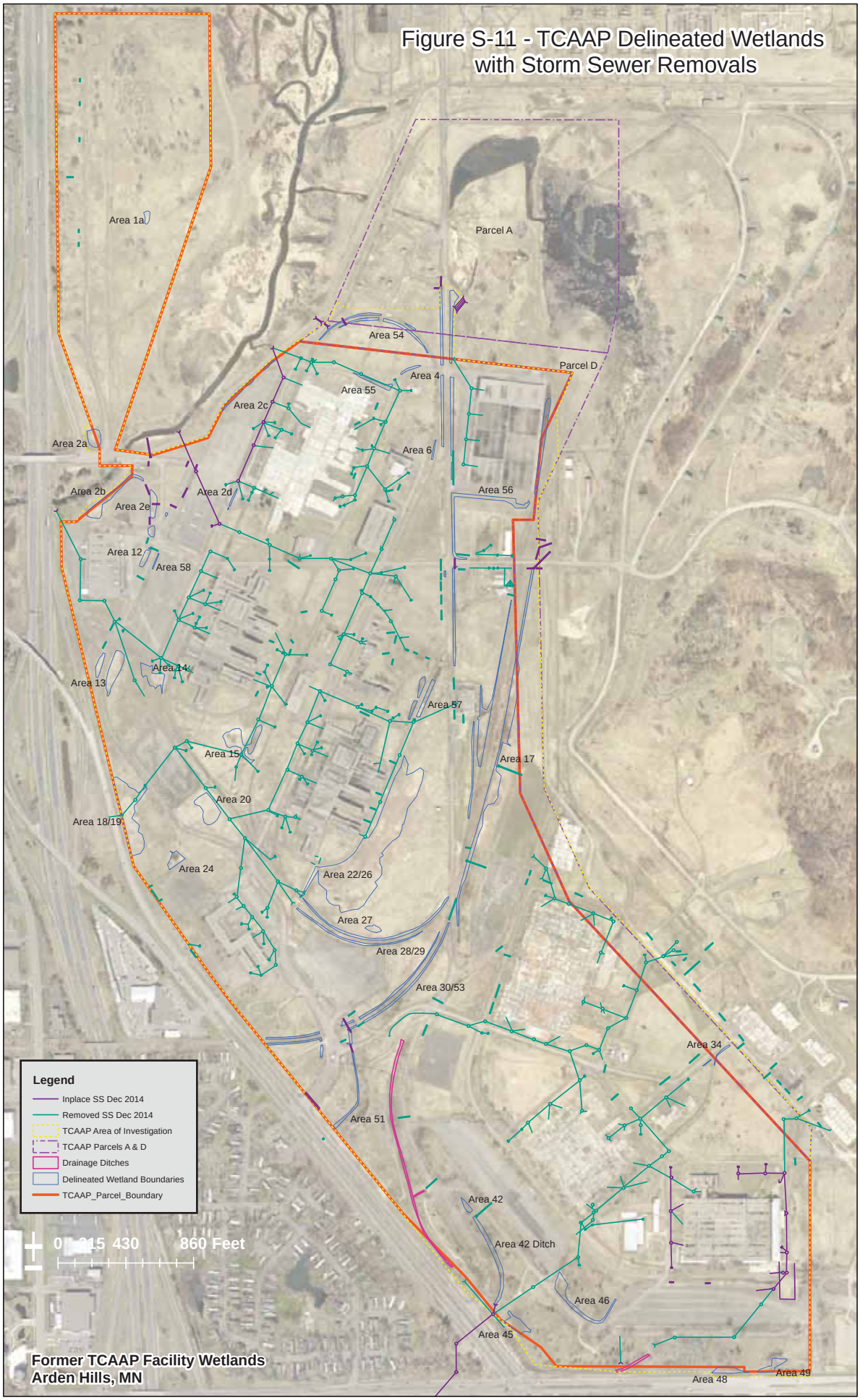

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