

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): 04/09/2020

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2019-01314-MMJ; Ford Site

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. 44.914059° N, Long. -93.193204° W.

Universal Transverse Mercator: X:484749.861068, Y: 4973421.706728

Name of nearest waterbody: Mississippi River

Name of watershed or Hydrologic Unit Code (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: January 10, 2020

☐ 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 includes a 122.4 acre parcel known as the Ford Site, in St. Paul, MN. The review area contains 3 natural wetland areas located in the far eastern portion of the site, labeled as Wetlands A, B and C on the enclosed figures labeled as 2019-01314-MMJ, Figures 1-9. These are the only natural wetland areas on the Ford property. The larger project site has been largely disturbed. The parcel was historically the Ford Motor Company Twin Cities Assembly Plant (TCAP) and the buildings recently razed and known impacted areas remediated (an area of approximately 60-acres have been excavated for remediation of impacted soils). The site is located adjacent to a commercial/retail development with associated parking surfaces to the north, residential areas to the east, Hidden Falls Park to the south, inactive railroad tracks to the southeast and the Mississippi River to the south and west.**

Wetland A is a wet meadow and shallow marsh type wetland basin that consists of reed canary grass and some green ash. Wetland B is a shallow marsh consisting of cattails and buckthorn, and Wetland C is a seasonally flooded type wetland with sparse herbaceous vegetation and some buckthorn. All three of these wetlands are depressional basins that receive surface water from adjacent upland areas. These wetlands are isolated basins with no direct hydrologic connections to downstream waters. This was confirmed by reviewing the wetland delineation that was completed for the project (revised December 12, 2019), historic and current aerial and lidar imagery, and available topographic, soils and national wetland inventory (NWI) maps for the project site. The delineation report describes a man-made ditch that flows into Wetland A from the north. However, Wetland A does not contain any outlets and is not hydrologically connected to any downstream waters.

Wetlands A, B, and C are not adjacent to the Mississippi River. The wetlands are located on a bluff above the river and on average are approximately 2,000 feet away from the ordinary high water mark (OHWM)

¹ Supporting documentation is presented in Section III.F.

of the river. The OHWM of the river at this location is at an approximate 700' elevation. Wetlands A and C are located at an elevation of approximately 831', and Wetland B is located at approximately 814'. A 2-foot contour map of the project site is provided in the attached Figure 8. The 814' contour line looks like it may be connected to a large stormwater outlet pipe located southeast of the project site. However, if you reference aerial imagery of the site you can see that Wetland B is not connected to the larger elevation contour; there is a railroad yard severing the wetland from flowing into any downstream waters. Also the wetlands are located above/outside of the Mississippi River 100 year floodplain elevation, as shown on the attached Figure 9. The floodplain elevation in this area varies but it is mapped up to an elevation of approximately 780'-790'. Due to the large elevation difference between Wetlands A - C and the Mississippi River (the wetlands are approximately >100 feet higher than the river and approximately 40-50 feet higher than the floodplain boundary) it is very unlikely that these wetlands have any sort of a shallow subsurface connection to downstream waters.

Lastly, there is not an ecological connection between Wetlands A-C to any downstream waters. As discussed above the land between the wetlands and downstream waters currently consists of a contaminated industrial site that is currently being redeveloped into a mixed use development. It is a highly disturbed area and remediation/clean-up activities have been ongoing on the property for the last few years. It is unlikely that any species dependent on aquatic resources are currently traveling through the area being redeveloped into downstream waters.

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: Wetland A: 0.33 acre, Wetland B: 0.25 acre, Wetland C: 0.02 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:
- ☒ 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 - St. Paul West
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Ramsey County
☒ National wetlands inventory map(s). Cite name:
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Historic aerials dated 1937, 1940, 1947, 1953, 1957, 1966, 1969, 1972, 1974, 1984, 1987, 1991, 1997, 2005, 2006, 2010, 2013 & 2017 provided by consultant.
 In addition, available FSA imagery dated 1999-2018 was reviewed and Google Earth imagery dated 2019 as well as available lidar for the project site.
 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: The waterbodies described above 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 they are not known to be used for industrial purposes for interstate or foreign commerce. Furthermore, these wetlands are hydrologically isolated with no surface or shallow subsurface connections to a water of the United States and do not have an ecological interconnection due to existing disturbance. The waterbodies have been determined to be non-jurisdictional under the Clean Water Act because the wetlands lack connections and/or relationships sufficient to serve as a basis for jurisdiction.