



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 11/16/2020

ORM Number: 2009-01301-MMJ; Twin Cities Army Ammunition Plant (TCAAP) site

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: MN City: Arden Hills County/Parish/Borough: Anoka Co.

Center Coordinates of Review Area: Latitude 45.092342 Longitude -93.177063

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: NA
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)):<sup>4</sup> The review area for this AJD is limited to the excluded waters described below and shown on the enclosed figures labeled as 2009-01301-MMJ, TCAAP NWPR AJD Figures 1-7. (This AJD does not include the waters located within the area identified as the Rice Creek Meander Study Area on the enclosed Figures 2 & 3)

Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
80 waterbodies listed on the enclosed table (with the exception of the 3 ditch features identified below and highlighted in pink on the enclosed table and figures).	59.85	acre(s)	(b)(1) Non-adjacent wetland.	The 80 aquatic resources identified on the Twin Cities Army Ammunition Plant (TCAAP) property identified on the enclosed table and figures were determined to not be jurisdictional under the NWPR because they are physically separated and are not adjacent to any downstream jurisdictional (a)(1)-(a)(3) waters. They are not located within the floodplain of any larger downstream waters and they are not separated from downstream waters by any artificial barriers. The TCAAP site has been highly manipulated over many decades; large-scale development began on the property in the 1940's. Contamination resulting from past ammunition manufacturing operations at the TCAAP facility has been identified in groundwater, soil, sediment and surface water, and in 1983 the site was placed on the federal National Priorities List as a Superfund site. Soil cleanup activities on site have involved a large amount of ground disturbance to remove/remediate contaminated shallow soil and to remove chlorinated solvents from deep soil. The aquatic resources existing on the property today were initially constructed as linear features in upland areas to convey stormwater run-off during cleanup activities. Final remediation activities on the property involved removing the majority of the stormwater infrastructure on the site, resulting in a measurable increase of wetland acreage on the property over the last 5 years. Removal of the stormwater infrastructure on the site has severed hydrologic connections to downstream waters for the majority of the waters on the property, as highlighted on the enclosed Figures 2-6 (see legend and figures identifying "Stormwater Removed 2012-2016" and "Stormwater In-place"). Onsite waters with remaining potential hydrologic connections off-site are discussed further here: The wetlands labeled on the northeastern portion of the project site as Wetlands 56 and 56C were reviewed for potential adjacency to Rice Creek, which is an (a)(2) water. Wetlands 56 & 56C flow to the north and are

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				potentially adjacent to a constructed ditch feature located north of the defined review area that flows into Rice Creek. However, similar to the ditch features described below, this ditch was constructed in upland and it is not a jurisdictional water of the U.S. Given the non-jurisdictional status of the potential connecting feature, Wetlands 56 & 56C are not adjacent to Rice Creek. The off-site constructed ditch and Rice Creek are labeled on the enclosed Figure 7.
3 waterbodies labeled on the enclosed table and figures as Area 42 Ditch, and Areas 47 and 50 (highlighted in pink on the enclosed table).	0.77	acre	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The three areas identified on the TCAAP property as Area 42 Ditch and Areas 47 and 50 (all located on the southern portion of the property and highlighted in pink on the enclosed Figure 7) were also determined to not be jurisdictional under the NWPR. These features are all existing linear ditches that may contain intermittent flow. However, after a review of historic imagery and available soils mapping for the project site we have determined that these features were constructed in upland areas and they are not jurisdictional waters of the U.S. These ditch features were not constructed in a historic tributary, they are not relocated historic tributaries, and they were not constructed in wetlands adjacent to (a)(1)-(a)(3) waters.

### III. SUPPORTING INFORMATION

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Kimley-Horn updated delineation figures and AJD request dated July 30, 2020, and final information provided November 13, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: Aerial: [Historic aerial imagery 1947, 1957, 1966, 1972, 1980, 1991, 2003, 2004, 2008, 2009, 2010, 2013, 2015 & 2017, and recent Google Earth imagery 1991-2020.](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Anoka County](#)

☒ USFWS NWI maps: [MnDNR](#)

☒ USGS topographic maps: [1:24k New Brighton. Historic topographic maps dated: 1902, 1910, 1918, 1943, 1954, 1959, 1969, 1973, 1984, 1993, 1999, 2013 & 2016.](#)



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**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** NA

**C. Additional comments to support AJD:** The 83 aquatic resources identified on the TCAAP property are excluded waters under the Navigable Waters Protection Rule; they are not jurisdictional waters of the U.S.