SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 14 March 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2016-00047-RQM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota   County/parish/borough: Crow Wing   City: Brainerd
   Center coordinates of site (lat/long in degree decimal format): Lat. 46.333220 ° N, Long. -94.191465 ° W
   Universal Transverse Mercator: 15T 408295 5131761 UTM
   Name of nearest waterbody: Mississippi River
   Name of watershed or Hydrologic Unit Code (HUC): 7010104
   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: 14 March 2017
   ■ 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.

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
   ■ Other: (explain, if not covered above): This aquatic resource is a stormwater pond (settling basin) created in uplands.

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:
B. ADDITIONAL COMMENTS TO SUPPORT JD: The approximately 0.04 acre stormwater pond was constructed in uplands in approximately 2006 and is not a water of the US. This was confirmed by reviewing the Crow Wing County soil survey which has the stormwater pond and surrounding area mapped as non-hydric soil. The non-jurisdictional determination for this pond is in accordance with the preamble to the 1986 Corps Regulations (33 CFR Parts 320-330). The preamble to the 1986 regulations states: “… it should be noted that we generally do not consider the following waters to be “waters of the United States.” However, the Corps reserves the right on a case-by-case basis to determine that a particular water body within these categories of waters is a “water of the United States.”

(a) Non-tidal drainage and irrigation ditches excavated on dry land
(b) Artificially irrigated areas which would revert to upland if the irrigation ceased
(c) Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
(d) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
(e) Water filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States {see 33 CFR 328.3(a)J}. 