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): February 2, 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Scott Krenzen Wetland Delineation, 2016-02862-DWW

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota   County/parish/borough: St. Louis County   City: Duluth
   Center coordinates of site (lat/long in degree decimal format): Lat. 46.863973° N, Long. -92.1514459° W
   Universal Transverse Mercator: 15
   Name of nearest waterbody: Beaver River/Cloquet
   Name of watershed or Hydrologic Unit Code (HUC): 4010202
   ☒ 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 9, 2017
   ☒ Field Determination. Date(s): August 31, 2016

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: Wetlands 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 do not have a surface or subsurface connection to a Navigable water of the United States. The wetlands are within moderate depressions with no outlets. The wetlands were determined to be geographically isolated. No surface connections are present between these wetlands and any other waters. Desktop resources such as aerial photography, LiDAR derived elevation models and contours, and stream and wetland, were reviewed and we determined that there are no surface or subsurface connections between these wetlands and other waters. Site visit conducted by Corps staff on August 31, 2016 to ground truth the wetlands at the site.

      Wetland 1 (.04 acre), Wetland 2 (.19 acre), Wetland 3 (1.27 acres), Wetland 4 (.01 acre), Wetland 5 (.03 acre), Wetland 6 (.03 acre), Wetland 7 (.02 acre), Wetland 8 (.03 acre), Wetland 9 (.28 acre), Wetland 11 (.28 acre), Wetland 12 (.03 acre), and Wetland 13 (.02 acre) 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 commerce. These wetlands do not have an ecological connection to other waters within or adjacent to the review area. The wetlands were determined to not be jurisdictional under the CWA because the wetlands lacked links to interstate commerce sufficient to serve as a basis for jurisdiction.

SECTION III: CWA ANALYSIS
A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

¹ Supporting documentation is presented in Section III.F.
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: Wetlands 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 total 2.23 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: Environmental Troubleshooters, Inc.
☐ 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): MnDNR
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodetic 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): Submitted information and discussions with local government units support that the site has been significantly disturbed prior to the submittal of the wetland delineation.

According to the wetland delineation report dated June 2016, a significant portion of the 26 acre site was determined to be cleared, graded, and filled prior to 1997 for logging purposes and gravel mining...
purposes, and then most recently disposal purposes. Site visit conducted by Corps staff on August 31, 2016 to ground truth the wetlands at the site.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 1 (.04 acre shrub-carr), Wetland 2 (.19 acre shrub-carr), Wetland 3 (1.27 acres shallow marsh/shrub-carr), Wetland 4 (.01 acre shrub-carr), Wetland 5 (.03 acre shallow marsh/shrub-carr/forested), Wetland 6 (.03 acre shallow marsh/shrub-carr), Wetland 7 (.02 acre shrub-carr), Wetland 8 (.03 acre shrub-carr/forested), Wetland 9 (.28 acre shallow marsh/shrub-carr/forested), Wetland 11 (.28 acre shrub-carr/forested), Wetland 12 (.03 acre shrub-carr/forested), and Wetland 13 (.02 acre shrub-carr/forested) are geographically isolated within the 26 acre site.
FIGURE 3
Wetland
Krenzen Property
Duluth, Minnesota

PROJECT #:
DATE: 06/21/2016
CREATED BY: eGIS

SCALE: 1:2,400
1 inch = 200 feet

Image Source: 2013 St. Louis County Aerial Photography.

FILE NAME: \GIS\2016 Projects\Krenzen Property\Projects\Figure3 - Wetland - Plan 1

Legend:
- Property Bounds
- Wetland

2016-02862-DWW
Drawing 1 of 1