

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): 10/21/2021

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2021-01901-MMJ; Phare Solar Garden (PID 23-034300-00)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Minnesota** County/parish/borough: **Renville** City: **Sacred Heart Township**

Center coordinates of site (lat/long in degree decimal format): Lat. **44.768236° N**, Long. **95.342386° W**.

Universal Transverse Mercator: X: **314640.940373**, Y: **4959874.017942**

Name of nearest waterbody: **County Ditch No 104-Minnesota River**

Name of watershed or Hydrologic Unit Code (HUC): **0702000410**

☒ 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: **October 19, 2021**

☐ 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): **The 12.6-acre parcel within this review area contains no aquatic resources and consists of dryland.**

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: **Offsite Wetland Determination Phare Garden County Road 9 submitted by Tetra Tech dated September 13, 2021**

☐ 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 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):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The wetland delineation report submitted for this project documents that there are no aquatic resources within the 12.6-acre review area identified on the attached figures labeled as 2021-01901-MMJ AJD Page 1 of 2 to 2 of 2. There are no NWI mapped wetlands or public waters, and soils data show that soils mapped in the project area are classified as predominately non-hydric. Potential wetland DW-1 is located in the south-central boundary of the project area and extends beyond the project area. The soils within DW-1 are predominantly non-hydric and a wetland signature was observed at DW-1 in 4 of the 22 reviewed aerial photographs (18%) and 1 signature was observed of the 9 aerial photographs with normal antecedent precipitation (11%). Therefore the review suggests that wetland hydrology is not present at DW-1 during most normal years and DW-1 was determined to be non-wetland. Per the offsite joint guidance between BWSR and St. Paul District, there are no wetlands present within the project area because hydric soils are not present, there are no NWI mapped wetlands, and less than 30% exhibit wet signatures within the review area.