



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

October 13, 2023

Regulatory File No. MVP-2022-00782-ARC



This letter regards an approved jurisdictional determination for a 15.35 acre property located in Section 11, Township 32 North, Range 26 West, Sherburne County, Minnesota. The review area for our jurisdictional determination is identified on the enclosed Figure 2.

The review area, comprised of Wetlands A and B, contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

This determination is only valid for the review area shown on the enclosed Figure 2.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP.

It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, please contact me in our Duluth office at [REDACTED] In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

[REDACTED]

Enclosures

cc:

[REDACTED]



Figure 1 - Site Location



N



0 500 Feet



Lucas Storage Plus (KES 2023-036)
Elk River, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: ESRI Streets Basemap

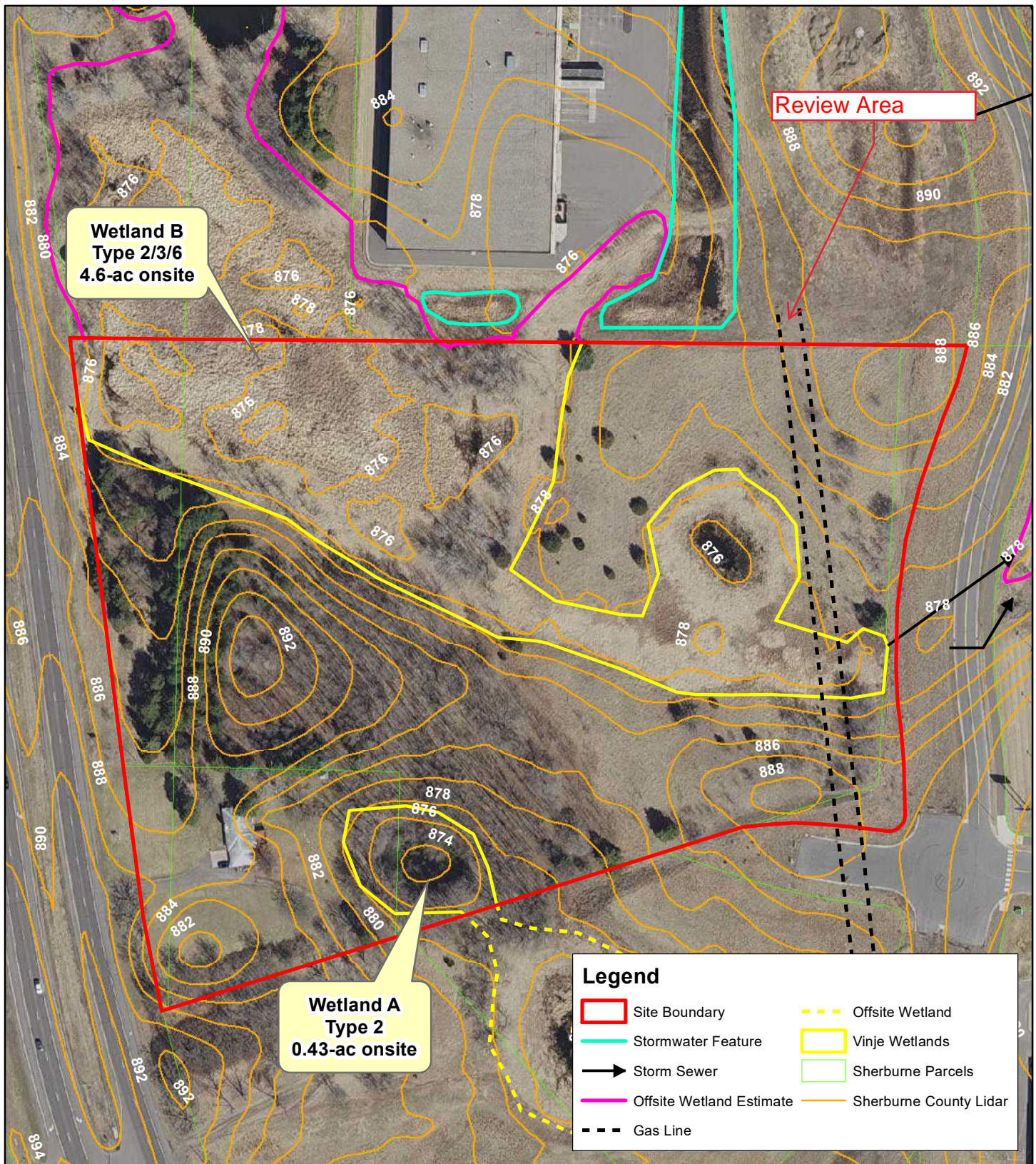
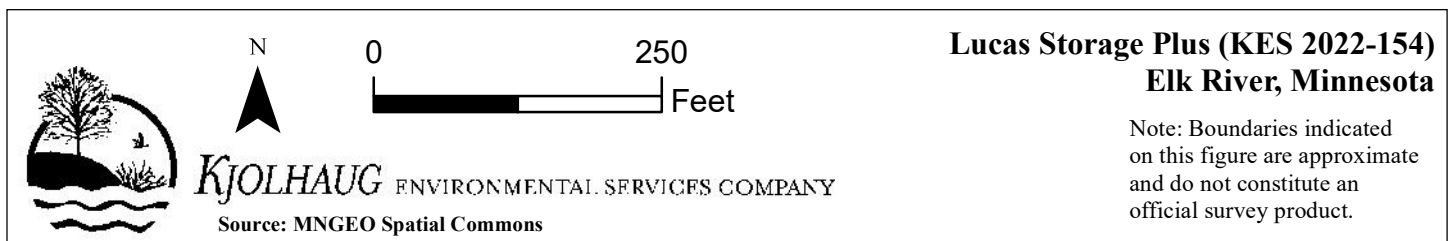
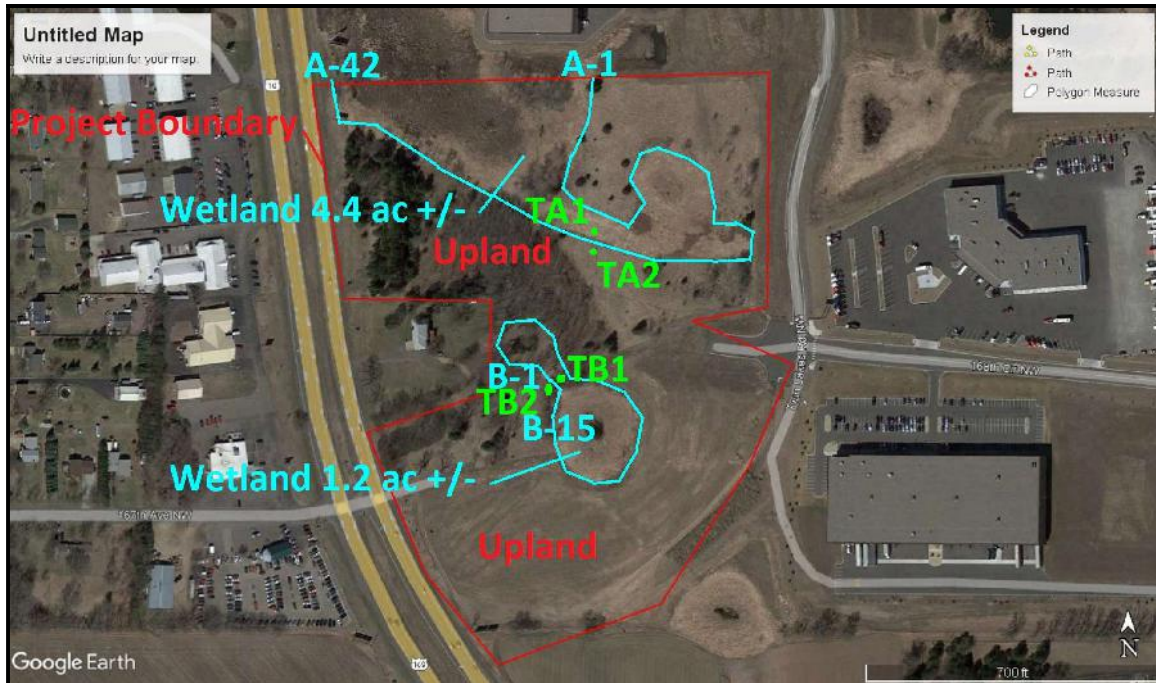


Figure 2 - Existing Conditions (2020 Metro Photo)



Approximate Wetland Boundary



The site was investigated/delineated by:
AG Wetland Services, Inc

Jeremy J. Donabauer

Legend

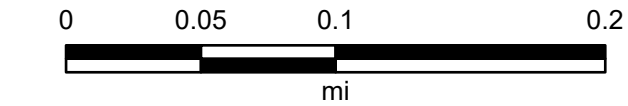


MPCA, Sherburne County, MN GIS, Maxar, Microsoft, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Esri, HERE, Garmin, iPC, US Forest Service Enterprise Map Services Program



®

Contour Map



Map Center: 93.543468°W 45.277991°N

Map Created by: Chambers

Date: 9/13/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere

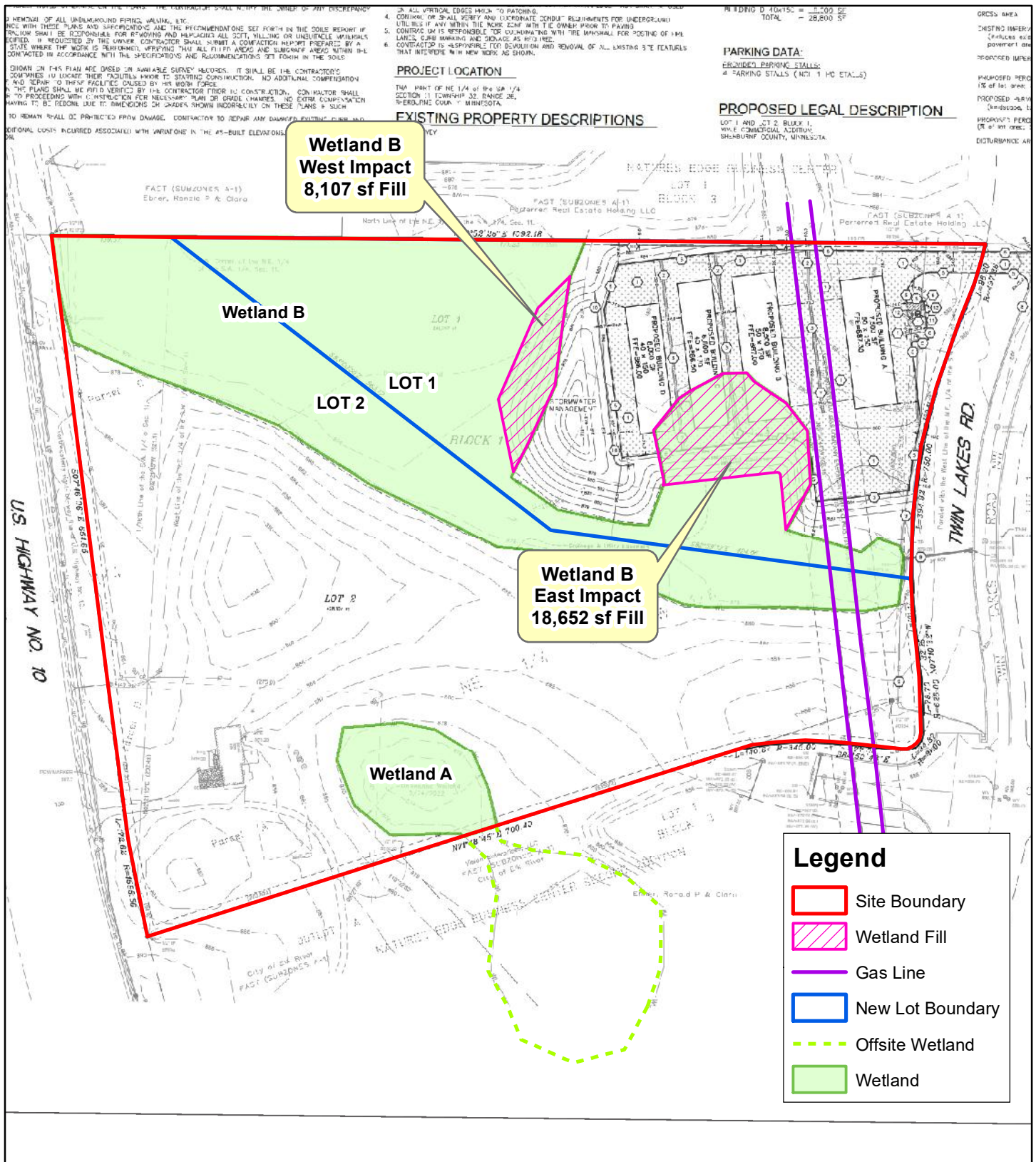


Figure 4 - Proposed Plan and Wetland Impacts



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Source: MNGEO Spatial Commons

Lucas Storage Plus (KES 2022-154)
Elk River, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.