

**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):** **MAY 22 2017**

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2017-01402-BBY Tiller Solar Garden

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota County/parish/borough: Sherburne City: Clear Lake

Center coordinates of site (lat/long in degree decimal format): Lat. 45.435666° N, Long. -94.040006° W.

Universal Transverse Mercator: Zone 15

Name of nearest waterbody: Mississippi River

Name of watershed or Hydrologic Unit Code (HUC): 07010203 Upper Mississippi Region

☒ 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: May 16, 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):

**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: EOR 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: Sherburne County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth 1991, 2003, 2004, 2006, 2008, 2009, 2010, 2011, 2013, 5/2015, 8/2015  
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): Sherburne County LIDAR

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** The review area identified on the enclosed figure MVP-2017-01402-BBY Page 1 of 2 through 2 of 2 is an upland area and does not contain any wetlands or waters of the U.S. The Soil Survey of Sherburne County shows that the project area is mapped as predominately non-hydric soils that are excessively well drained. A review of historical aerial imagery in accordance with Corps/BWSR offsite hydrology determination guidance supplemented by National Wetland Inventory (NWI) data and high resolution elevation data identified 4 potential wetland areas within the review area. A review of historical aerial imagery in accordance with Corps/BWSR offsite hydrology determination guidance failed to yield wetland signatures in more than 30% of the years reviewed for any of the four potential wetland areas so no field verification was required. Eleven years of historical aerial imagery were used for this review which included 5 years of normal precipitation, 3 wet years and 3 dry years. Based on this information, there are no wetland or waters of the U.S. in the review area.



Project Name and/or Number: Tiller Solar Garden

Project Location Map, Clear Lake, MN.

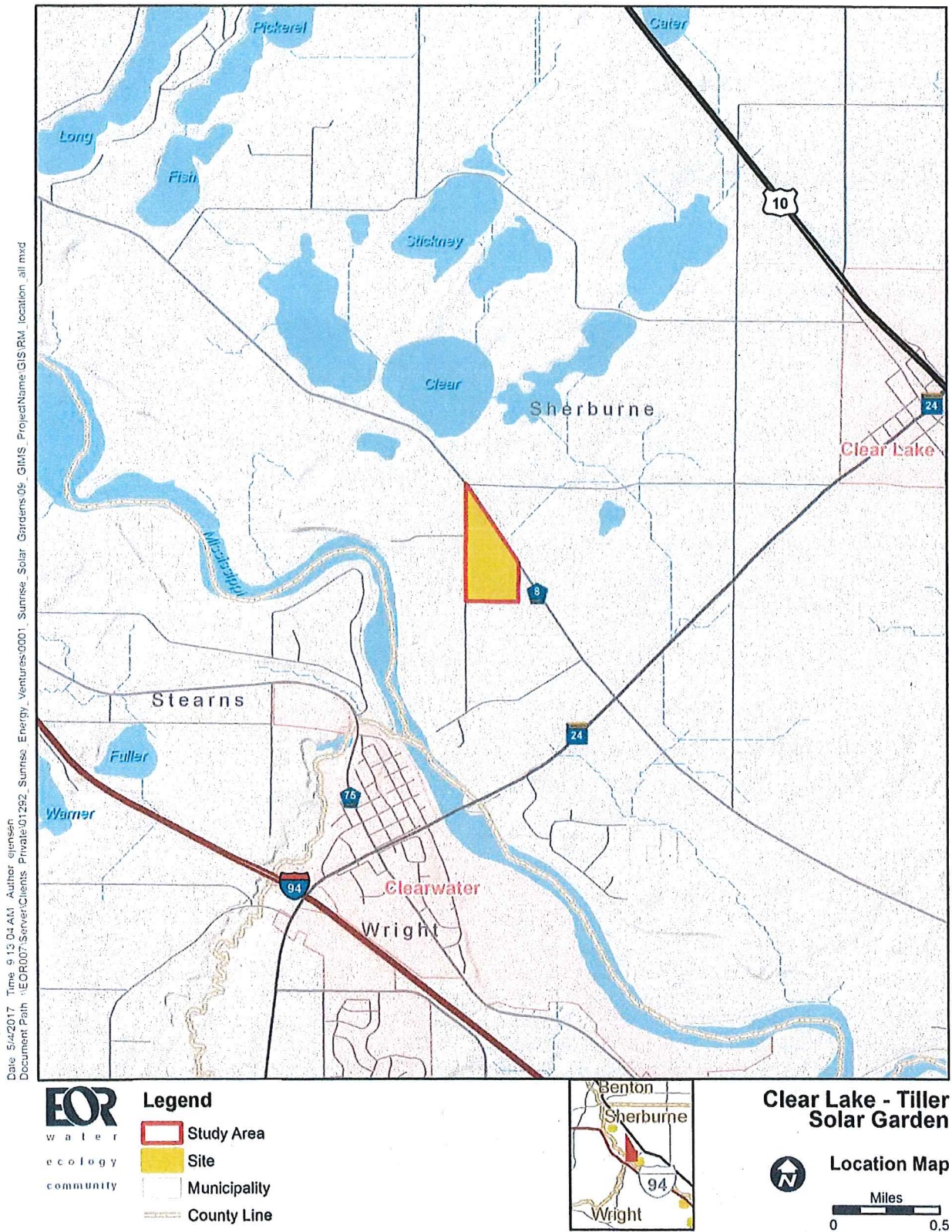


Figure 1. Project Location Map.



Prepared by

Emmons & Olivier Resources, Inc.

## Clear Lake – Tiller Solar Garden

### Wetland Review

Clear Lake Township, Minnesota

