

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): April 25, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Maverick Community Solar Garden Site, MVP-2021-02569-RMH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Blue Earth County City: Rapidan Township
Center coordinates of site (lat/long in degree decimal format): Lat. 44.099167 °, Long. -94.051635 °
Universal Transverse Mercator: X: 415826.488046 Y: 4883424.824738 Zone 15
Name of nearest waterbody: Le Sueur River
Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region Watershed HUC: 07020011

- ☒ Check if map/diagram of review area is 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: April 25, 2022
- ☐ Field Determination. Date(s): [Click here to enter a date.](#)

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: 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: Level 1 Wetland Delineation Report for Maverick Community Solar Garden submitted by Westwood Professional Services
- ☒ 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: [Click here to enter text.](#)
- ☐ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad Name: Good Thunder
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Blue Earth County Soil Survey
- ☒ National wetlands inventory map(s). Cite name: Submitted with delineation report
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Imagery 1991, 2003, 2004, 2008-2011, 2013, 2017, 2019 and 2021.
- ☐ or ☐ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Applicable/supporting case law: [Click here to enter text.](#)
- ☐ Applicable/supporting scientific literature: [Click here to enter text.](#)
- ☒ Other information (please specify): Minnesota Public Waters Inventory map, USGS NHD map and 2 Foot LIDAR Contours

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: According to the off-site assessment, the study area is currently used for agricultural production. Mapping resources indicated that the area has mild slopes located throughout that drain to the west, east and south. No watercourses, basins, or wetlands are identified on the National Wetlands Inventory or the MN DNR Public Waters Inventory. The USGS NHD map shows that an unnamed intermittent tributary is located approximately 1,600' west of the project area but it does not extend into the project area. The Blue Earth County Soil Survey does indicate two hydric soils mapped within the study area, but a review of aerial imagery did not indicate wetland hydrology in the 13 different photographs reviewed for the years between 1991 and 2021. The Technical Evaluation Panel (TEP) reviewed aerial photos looking for wet signatures at the December 20, 2021, TEP meeting. The only wet

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

signature identified on the site was in 2019 during an abnormally wet year. A Notice of Decision (NOD) dated January 7, 2022, concurred with the submitted application that no wetlands exist in the study area.