

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): NOV 09 2017

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2017-02861-BBY Blattner Energy

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Minnesota County/parish/borough: Stearns City: Avon

Center coordinates of site (lat/long in degree decimal format): Lat. 45.597627° N, Long. -94.447834° W.

Universal Transverse Mercator:

Name of nearest waterbody: Linneman Lake

Name of watershed or Hydrologic Unit Code (HUC): 07010201

☒ 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: September 8, 2017

☒ Field Determination. Date(s): September 6, 2017

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: The review area for this AJD includes 1 wetland labeled as W7 on the enclosed figures labeled MVP-2017-02861-BBY Page 1 of 6 through Page 6 of 6.

Wetland W7 is an isolated hardwood swamp wetland that does not have surface or shallow sub-surface hydrologic connections to any navigable waters or tributaries. This was confirmed during a site visit on September 6, 2017. The wetland is surrounded by upland. We have determined this wetland is an isolated depression and not considered to be a water of the U.S.

Wetland W7 does not support a link to interstate or foreign commerce because it is not known to be used by interstate or foreign travelers for recreation or other purposes; it does not produce fish or shellfish that could be taken or sold in interstate or foreign commerce; and is not known to be used for industrial purposes by industries in interstate or foreign commerce. This wetland does not have an ecological connection to other waters within or adjacent to the review area. This waterbody has been determined to not be jurisdictional under the CWA.

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

¹ Supporting documentation is presented in Section III.F.

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: 0.03 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.

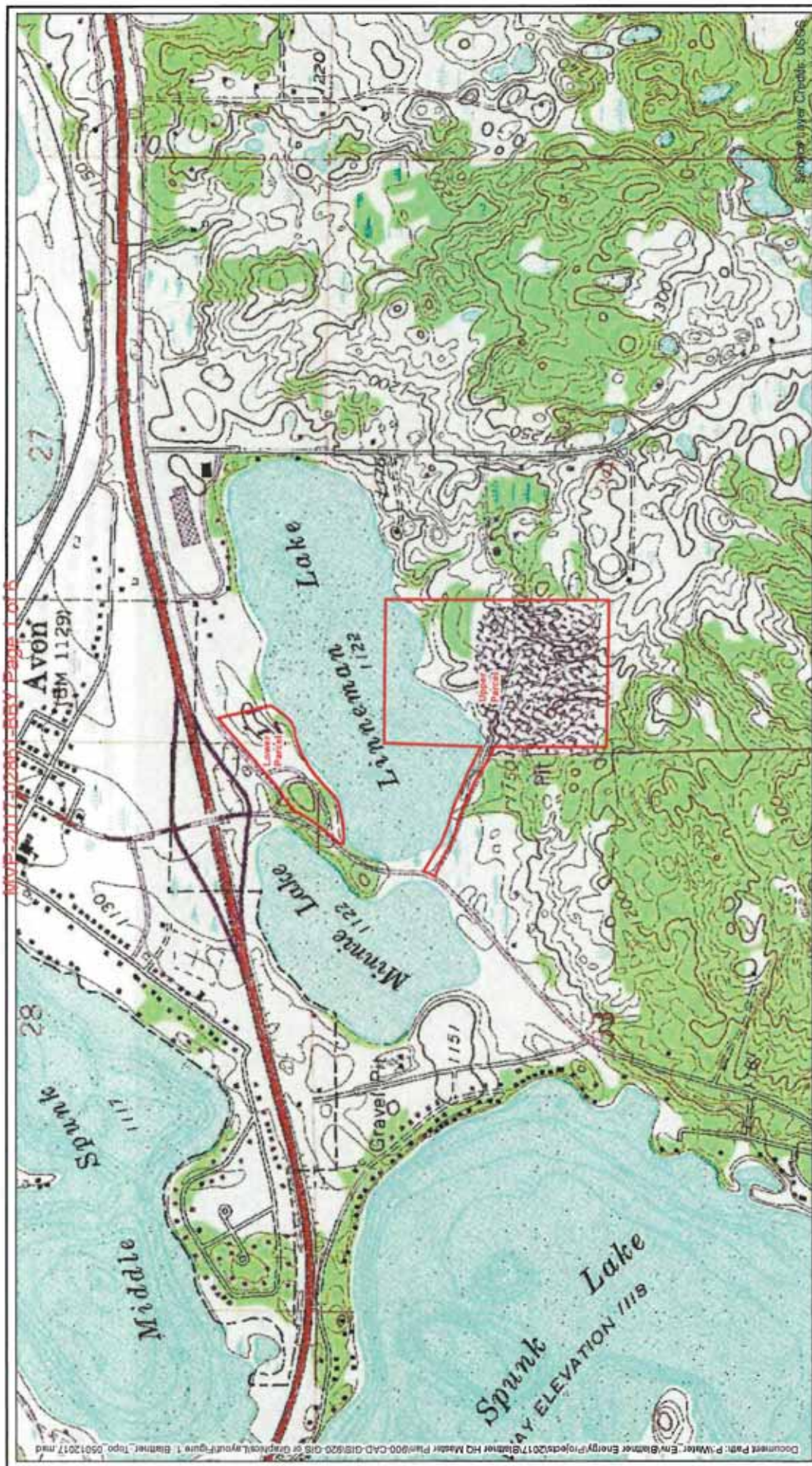
SECTION IV: DATA SOURCES.

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: AECOM
- ☒ 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: SSURGO Soil Survey Map
- ☒ 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): Historic Aerial imagery 1958, 1965, 1973, 1991, 1992, 2001, 2006 and 2008.
 - 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): MNDNR Public Waters

B. ADDITIONAL COMMENTS TO SUPPORT JD:

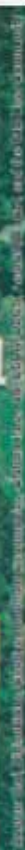
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Blattner Energy, Inc., Corporate Master Planning
Site Location Map (USGS Topographic Map)
Stearns County, Minnesota

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Suite 100
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Drawn: JDC 5/1/2017
Approved: JDC 5/1/2017
Scale: 1:10,000
PROJECT NUMBER: 60541315
FIGURE NUMBER: 1



BLATTNER
ENERGY

**Blattner Energy, Inc., Corporate Master Planning
Wetland Delineation Overview Map
Stearns County, Minnesota**

A vertical scale bar labeled "Feet" at the top. It has tick marks at 0, 500, and 1,000. The bar is oriented vertically, with 0 at the bottom and 1,000 at the top.

Drawn: JDC 8/24/2017	Scale: 1:5,250	PROJECT NUMBER 60541315	FIGURE NUMBER 5
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Blattner Energy, Inc., Corporate Master Planning
Wetland Delineation Detail Map
Stearns County, Minnesota

Legend

- Upland Data Point
- Wetland Data Point
- Lake Unimann CHWL
- Watercourse
- Lake Unimann
- Field Delineated Wetlands
- Blattner Study Area

Circular 39 Wetland Type

- Type 2 - Wet Meadow
- Type 3 - Shallow Marsh
- Type 4 - Deep Marsh
- Type 5 - Open Water Wetland
- Type 6 - Shrub Swamp
- Type 7 - Wooded Swamp

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PROJECT NUMBER: 60541315
FIGURE NUMBER: 5-2





Blattner Energy, Inc., Corporate Master Planning
USFWS National Wetlands Inventory (NWI) Map
Stearns County, Minnesota

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Legend

- Blattner Study Area**
- Wetland Type**
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

0 500 1,000
Feet

Drawn: JDC 5/1/2017
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 Scale: 1"=5,750'
 PROJECT NUMBER: 80541315
 FIGURE NUMBER: 2



Blattner Energy, Inc., Corporate Master Planning
SSURGO Soil Survey Map
Stearns County, Minnesota

0 500 1,000 Feet

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Legend

Blattner Study Area

Hydric Rating by Map Unit

- 0% Hydric Components
- 1-32% Hydric Components
- 33-65% Hydric Components
- 66-99% Hydric Components
- 100% Hydric Components

Drawn: JDC 5/1/2017
 Approved: JDC 5/1/2017
 Scale: 1:5,750
 PROJECT NUMBER: 60541315
 FIGURE NUMBER: 3

Blattner Energy, Inc., Corporate Master Planning
MNDNR Public Waters Inventory (PWI) Map
Stearns County, Minnesota



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Legend
Blattner Study Area
MNDNR Public Water Basins

Blattner Energy, Inc., Corporate Master Planning
MNDNR Public Waters Inventory (PWI) Map
Stearns County, Minnesota

0 500 1,000 Feet

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Scale:	1:5,750	
PROJECT NUMBER	60541315	
FIGURE NUMBER	4	