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): 4 June 2018


C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Minnesota  County/parish/borough: Lyon  City: Tracy
   Center coordinates of site (lat/long in degree decimal format): Lat. 44.235616° N, Long. -95.63248° W
   Universal Transverse Mercator:
   Name of nearest waterbody: Lone Tree Creek
   Name of watershed or Hydrologic Unit Code (HUC): 07020008
   ☒ 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: December 4, 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): The review area identified on the enclosed figures contains two delineated ditch wetlands that were constructed in upland. While the ditches may hold water during storm events, they do not carry a relatively permanent flow of water and do not drain a water of the United States. These ditch wetlands should not be considered waters of the United States.

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: Tetra Tech, Inc. Wetland Delineation and Natural Resources Aquarius Community Solar Gardens: May 23, 2018
   ☒ 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:
B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area identified on the enclosed figure is an upland area and does not contain any waters of the United States. Per the Rapanos guidance, "ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are not considered waters of the United States."
Figure 5 - Delineated Wetlands and Elevation
Aquarius Community Solar Gardens
330th Avenue and South Street
Tracy, Lyon County, MN

Source: Map adapted from Bing Map Server and Minnesota Department of Natural Resources 2-foot elevation contours.

2-foot Contour
- Index Contour
- Intermediate Contour
- Expanded Project Area
- Initial Area (9.2 Acres)
- Potential Wetland Area
- Sample Point
- Delineated Wetland (11.9 Acres)