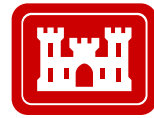


®

Regulatory Program



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APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 18, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): MVP-2017-03469-MVM

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MN County/parish/borough: Anoka City: Albertville/Otsego

Center coordinates of site (lat/long in degree decimal format): Lat. 45.25251, Long. -93.653777.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☐ in report/map titled .

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D. REVIEW PERFORMED FOR SITE EVALUATION:

☒ Office (Desk) Determination Only. Date: December 12, 2018.

☐ Office (Desk) and Field Determination. Office/Desk Date(s): . Field Date(s): .

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Minnesota Joint Application submitted by WSB December 03, 2018.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.. Title/Date: Jacobson Environmental Delineation Report, August 28, 2017.

☐ Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☐ CorpsMap ORM map layers. Title/Date: .

☐ USGS Hydrologic Atlas. Title/Date: .

☒ USGS, NHD, or WBD data/maps. Title/Date: USGS NHD 2018.

☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

☒ USGS maps. Scale & quad name and date: 1:24K MN-Coon Lake Beach.

☒ USDA NRCS Soil Survey. Citation: Anoka County Soil Survey.

☒ USFWS National Wetlands Inventory maps. Citation: USFWS NWI & MNDNR NWI.

☐ State/Local wetland inventory maps. Citation: .

☐ FEMA/FIRM maps. Citation: .

☒ Photographs: ☐ Aerial. Citation: . or ☒ Other. Citation: Google Earth 1991 - 2018.

☒ LiDAR data/maps. Citation: Anoka County LiDAR data.

☐ Previous determinations. File no. and date of jurisdictional determination letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab “Aquatic Resources” – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

☐ “navigable waters of the U.S.” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab “(a)(1)” - Required**

☐ This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab “(a)(2)” - Required**

☐ (a)(3): The territorial seas.

- **Complete Spreadsheet Tab “(a)(3)” - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(4)” - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(5)” - Required**

☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab “(a)(6)” - Required**

☐ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(7)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(8)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

☐ The review area is comprised entirely of dry land.

- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- ☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
- ☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- ☐ (b)(2): Prior converted cropland.
- ☒ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- ☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- ☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- ☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- ☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- ☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- ☐ (b)(4)(iv): Small ornamental waters created in dry land.¹
- ☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- ☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- ☐ (b)(4)(vii): Puddles.¹
- ☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- ☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- ☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- ☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD:

The review area for this determination contains 8 roadside ditch wetlands labeled Wet Ditch 1, Basin 2 (CSAH 19), Basin 3 (CSAH 19), Basin 4 (CSAH 19), Basin 5 (CSAH 19), Basin 6 (CSAH 19), Basin 7 (CSAH 38), and Basin 8 (CSAH 38) on the enclosed figures labeled MVP-2017-03469-MVM Page 1 of 14 through Page 14 of 14.

The 8 roadside ditch wetlands have and consist of wet meadow, shallow marsh, and seasonally-flooded basin wetland communities. They are excluded waters that were constructed in uplands, drain only uplands, and do not carry intermittent or perennial flow of water into waters of the U.S. (WoUS). This was confirmed by reviewing aerial photography, Lidar, and waterbody mapping tools including the USGS National Hydrography Dataset (NHD). Therefore, Wet Ditch 1, Basin 2 (CSAH 19), Basin 3 (CSAH 19), Basin 4 (CSAH 19), Basin 5 (CSAH 19), Basin 6 (CSAH 19), Basin 7 (CSAH 38), and Basin 8 (CSAH 38) are not WoUS, and are not jurisdictional under the CWA.

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

The review area also includes the stormwater pond labeled Basin 1 (CSAH 38) on the enclosed figures labeled MVP-2017-03469-MVM Page 1 of 14 through Page 14 of 14. Basin 1 (CSAH 38) was constructed in 2005 in conjunction with the paving of CSAH 38 and Maciver Avenue Northeast. Available historical aerial imagery confirms this. Aerial imagery also confirms no wetness signatures within the area that Basin 1 (CSAH 38) was constructed within. Soil survey information shows the basin was constructed in non-hydric soils. Basin 1 (CSAH 38) is a stormwater control feature constructed to treat and store stormwater that was constructed in dry land. Therefore, Basin 1 (CSAH 38) is not a WoUS, and is not jurisdictional under the CWA.

Aquatic Resources

Waters_Name	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude	Local_Waterway
Basin 1 (CSAH 38)	PEM-PALUSTRINE, EMERGENT		AREA	0.45	ACRES	EXCLDB6	45.25196	-93.64179	
Basin 2 (CSAH 19)	PEM-PALUSTRINE, EMERGENT		AREA	0.03	ACRES	EXCLDB3I	45.24444	-93.66303	
Basin 3 (CSAH 19)	PEM-PALUSTRINE, EMERGENT		AREA	0.01	ACRES	EXCLDB3I	45.24486	-93.66305	
Basin 4 (CSAH 19)	PEM-PALUSTRINE, EMERGENT		AREA	0.1	ACRES	EXCLDB3I	45.24543	-93.66312	
Basin 5 (CSAH 19)	PEM-PALUSTRINE, EMERGENT		AREA	0.06	ACRES	EXCLDB3I	45.24593	-93.66315	
Basin 6 (CSAH 19)	PEM-PALUSTRINE, EMERGENT		AREA	0.23	ACRES	EXCLDB3I	45.24695	-93.66304	
Basin 7 (CSAH 38)	PEM-PALUSTRINE, EMERGENT		AREA	0.04	ACRES	EXCLDB3I	45.25245	-93.66458	
Basin 8 (CSAH 38)	PEM-PALUSTRINE, EMERGENT		AREA	0.13	ACRES	EXCLDB3I	45.25243	-93.66607	
Wet Ditch 1	PEM-PALUSTRINE, EMERGENT		AREA	0.016	ACRES	EXCLDB3I	45.2425	-93.6631	

Excluded Waters or Features

EXCLUDED WATERS OR FEATURES		
(b) Excluded Feature/Water Name	(b) Exclusion Criteria	Rationale for (b) Excluded feature and Additional Discussion.
Wet Ditch 1	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 2 (CSAH 19)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 3 (CSAH 19)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 5 (CSAH 19)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 6 (CSAH 19)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 7 (CSAH 38)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 8 (CSAH 38)	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	Roadside ditch with ephemeral flow constructed in uplands, draining only uplands, and does not carry intermittent or perennial flow into waters of the U.S.
Basin 1 (CSAH 38)	(b)(6) Stormwater control features	Stormwater pond constructed wholly in uplands.

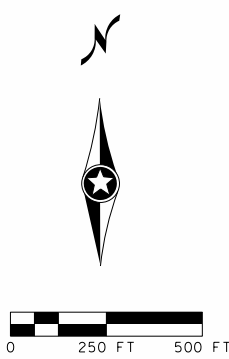


CSAH 19/CSAH 38 Project
Wright County, MN



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1 inch = 1,000 feet





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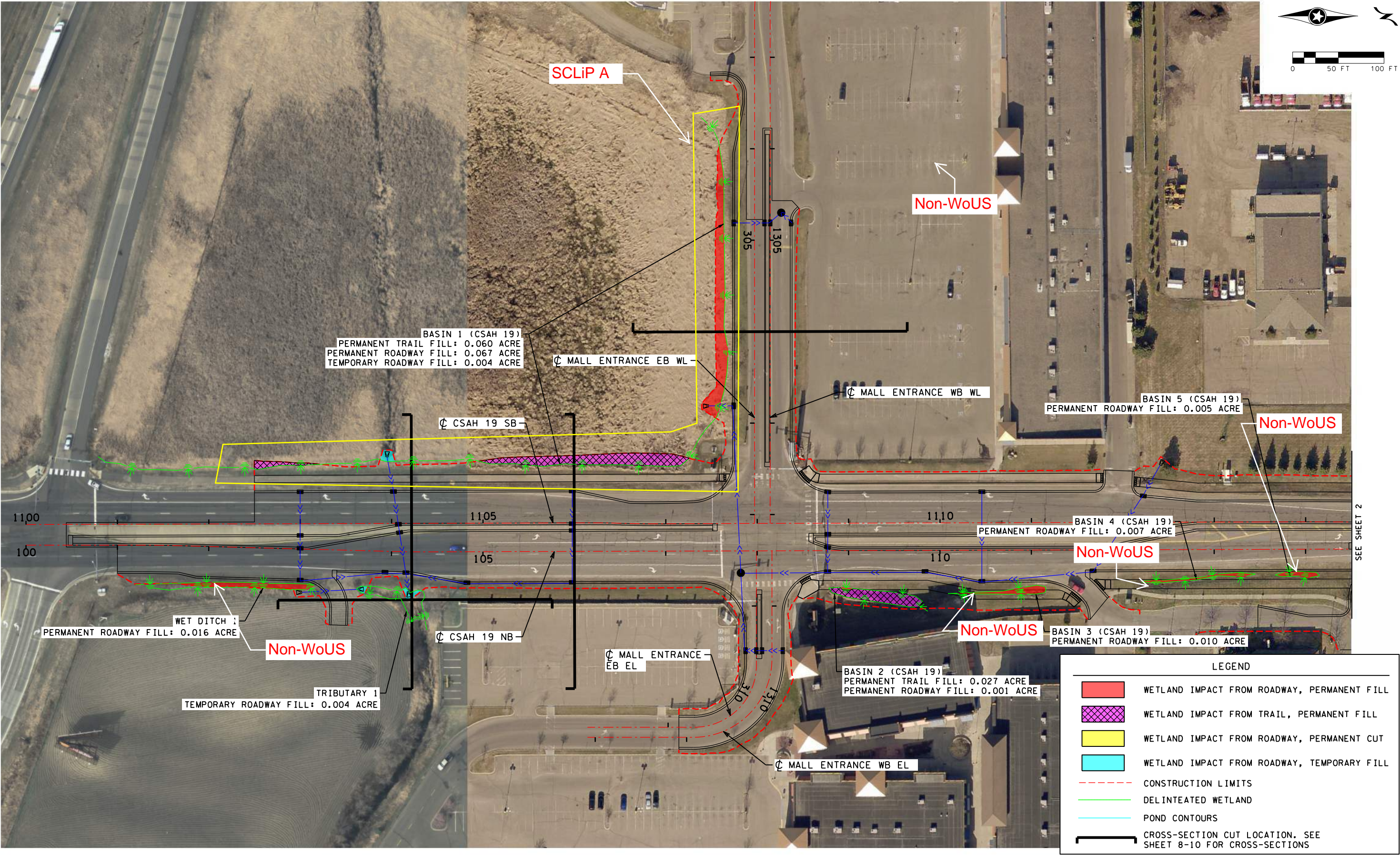


CSAH 19 & CSAH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN
GENERAL LAYOUT
WETLAND IMPACT FIGURES
S.P. 086-619-034, S.P. 086-638-007

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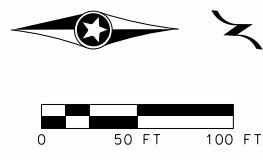
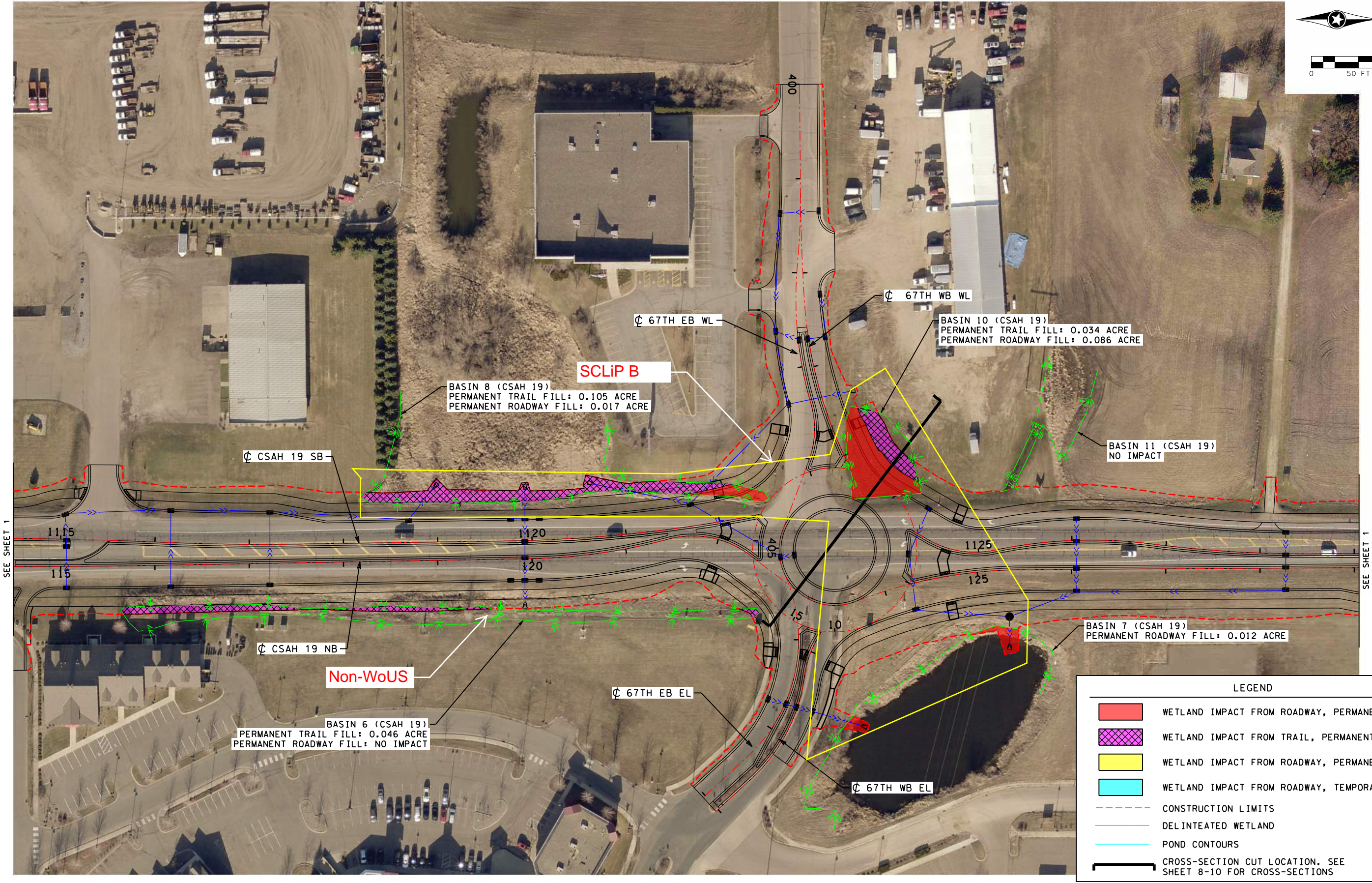


CSAH 19 & CS AH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN
WETLAND IMPACT FIGURES
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WETLAND IMPACT FROM ROADWAY, PERMANENT FILL

WETLAND IMPACT FROM TRAIL, PERMANENT FILL

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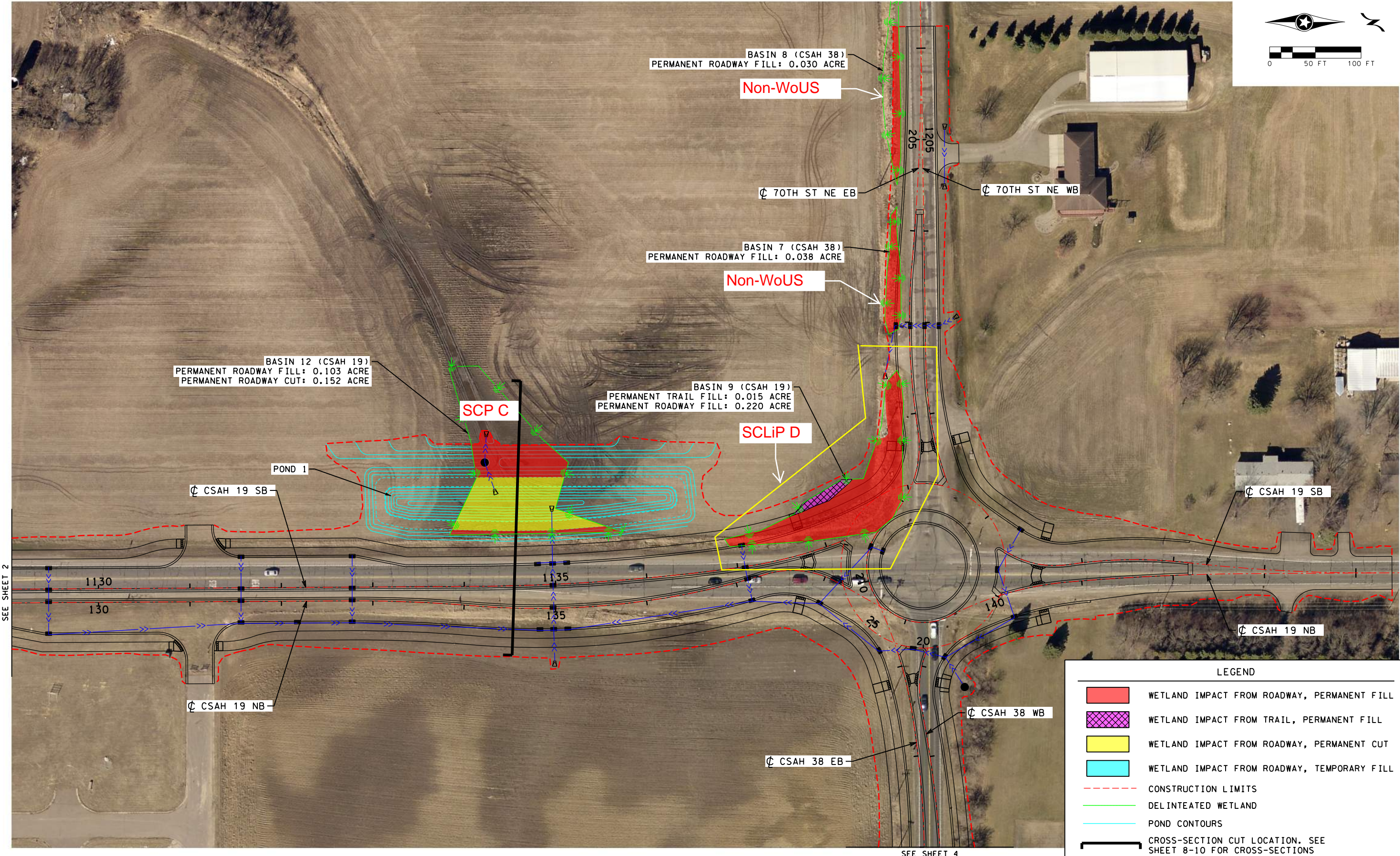
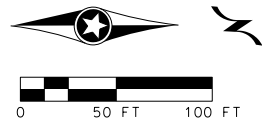
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CSAH 19 & CSAH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN
WETLAND IMPACT FIGURES
S.P. 086-619-034, S.P. 086-638-007

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LEGEND

- WETLAND IMPACT FROM ROADWAY, PERMANENT FILL
- WETLAND IMPACT FROM TRAIL, PERMANENT FILL
- WETLAND IMPACT FROM ROADWAY, PERMANENT CUT
- WETLAND IMPACT FROM ROADWAY, TEMPORARY FILL
- CONSTRUCTION LIMITS
- DELINTEATED WETLAND
- POND CONTOURS
- CROSS-SECTION CUT LOCATION. SEE SHEET 8-10 FOR CROSS-SECTIONS

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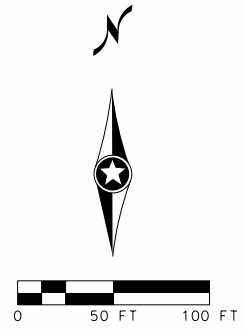
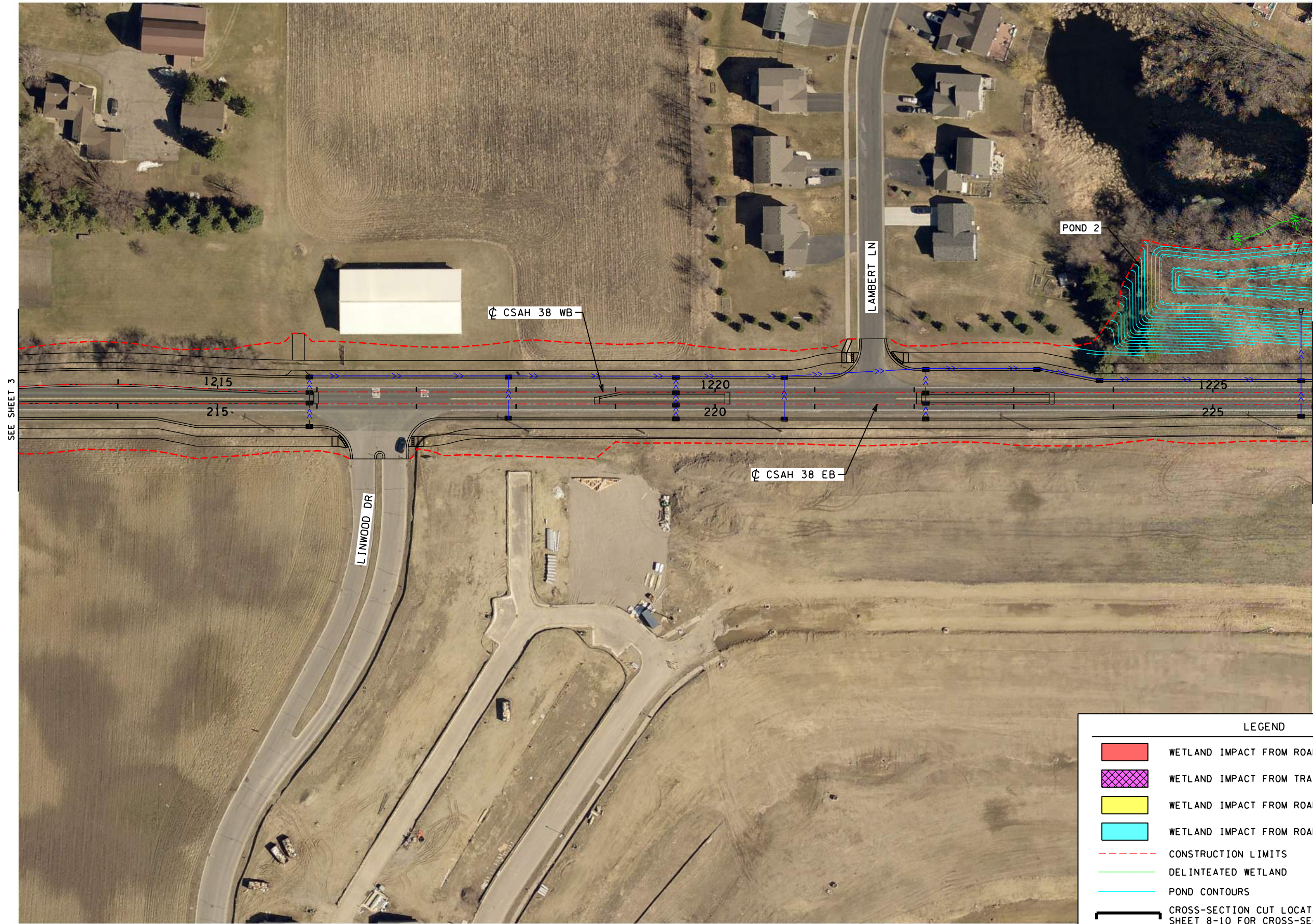
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CSAH 19 & CS AH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN
WETLAND IMPACT FIGURES
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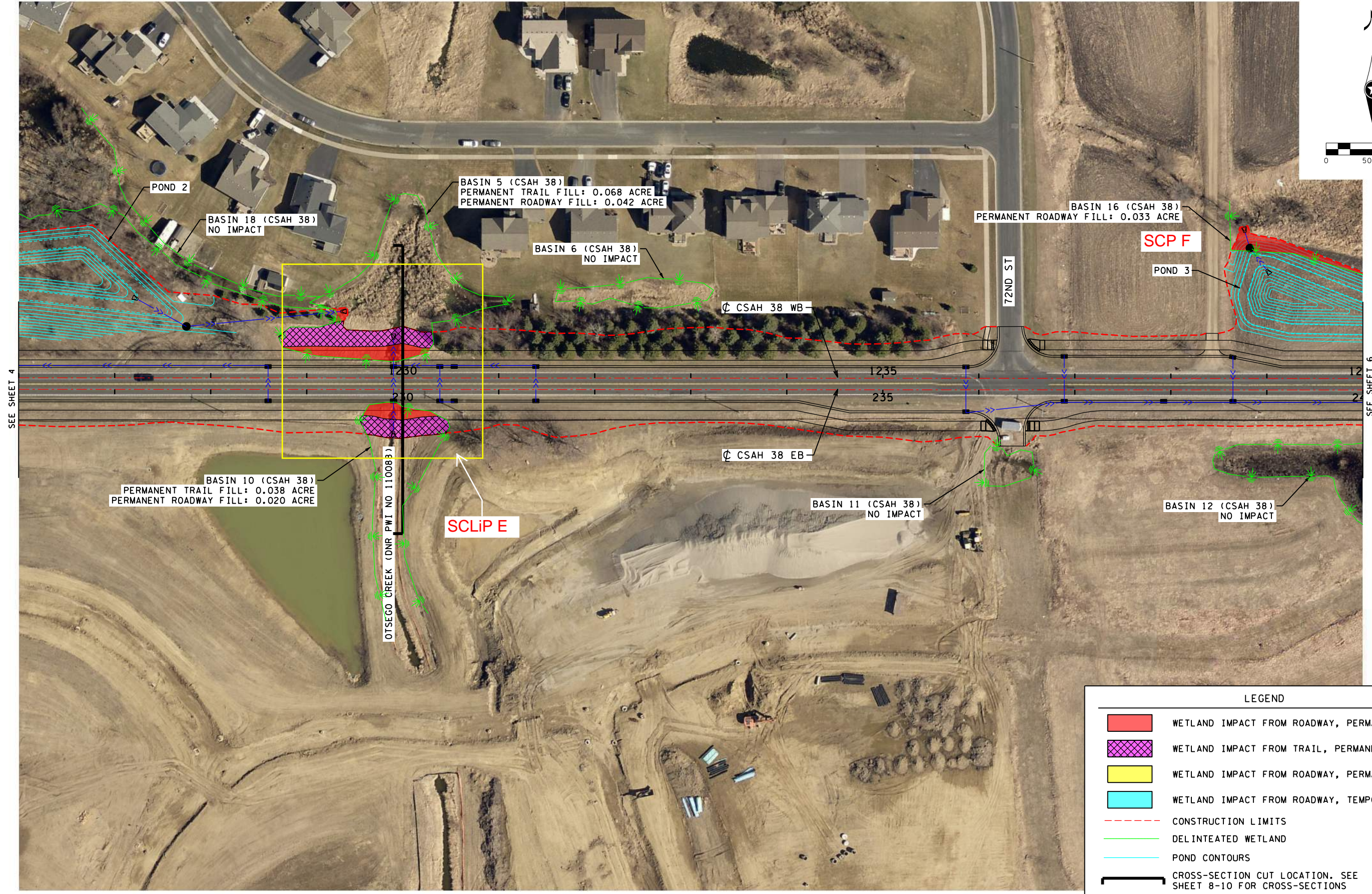
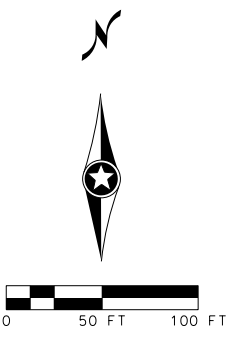
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CSAH 19 & CSAH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN	SHEET 4 OF 10 SHEETS
WETLAND IMPACT FIGURES S.P. 086-619-034, S.P. 086-638-007	



LEGEND

WETLAND IMPACT FROM ROADWAY, PERMANENT FILL

WETLAND IMPACT FROM TRAIL, PERMANENT FILL

WETLAND IMPACT FROM ROADWAY, PERMANENT CUT

WETLAND IMPACT FROM ROADWAY, TEMPORARY FILL

CONSTRUCTION LIMITS

DELINTEATED WETLAND

POND CONTOURS

CROSS-SECTION CUT LOCATION. SEE SHEET 8-10 FOR CROSS-SECTIONS

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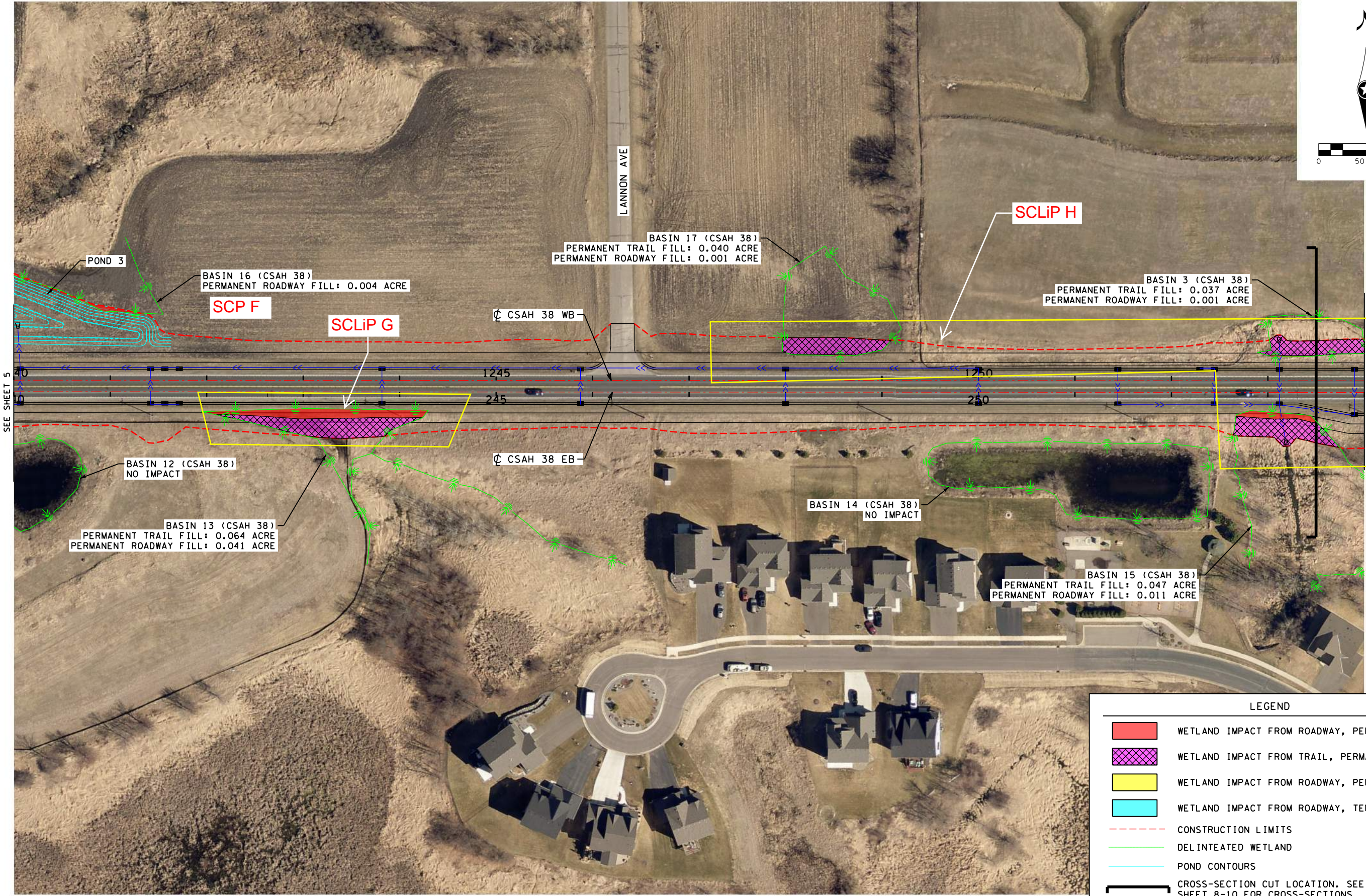
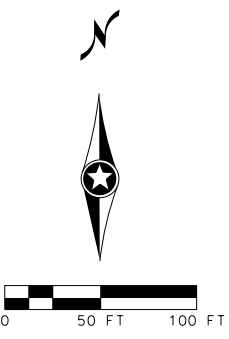


CSAH 19 & CSAH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN

WETLAND IMPACT FIGURES
S.P. 086-619-034, S.P. 086-638-007

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LEGEND

WETLAND IMPACT FROM ROADWAY, PERMANENT FILL

WETLAND IMPACT FROM TRAIL, PERMANENT FILL

WETLAND IMPACT FROM ROADWAY, PERMANENT CUT

WETLAND IMPACT FROM ROADWAY, TEMPORARY FILL

CONSTRUCTION LIMITS

DELINEATED WETLAND

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CROSS-SECTION CUT LOCATION. SEE SHEET 8-10 FOR CROSS-SECTIONS

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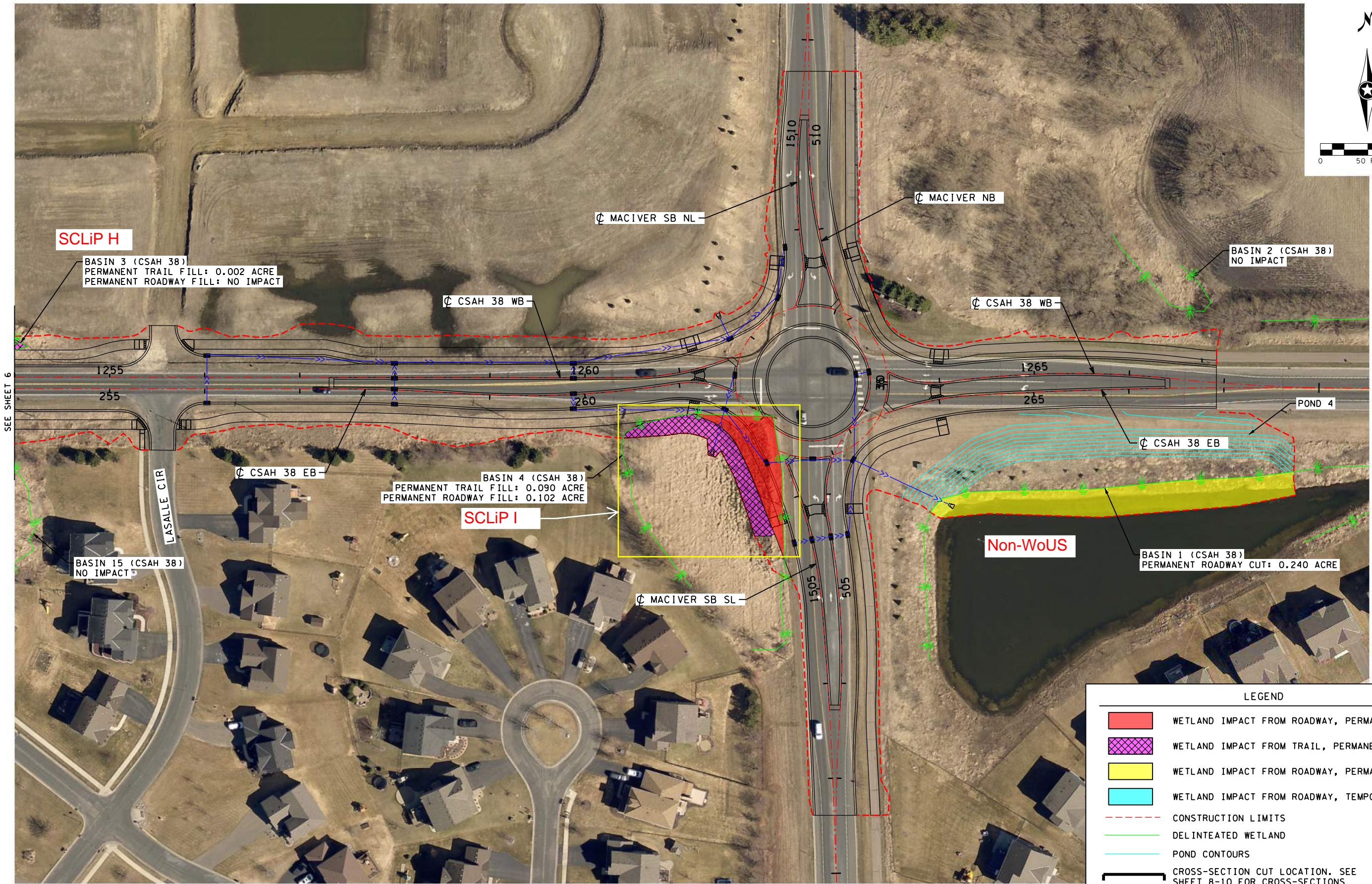
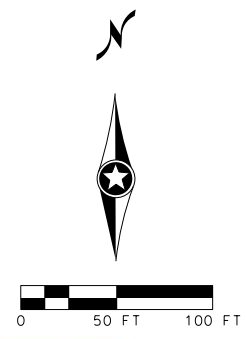


CSAH 19 & CSAH 38
IMPROVEMENTS
WRIGHT COUNTY

WRIGHT COUNTY, MN

WETLAND IMPACT FIGURES
S.P. 086-619-034, S.P. 086-638-007

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LEGEND	
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CSAH 19 & CSAH 38
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WRIGHT COUNTY

WRIGHT COUNTY, MN
WETLAND IMPACT FIGURES S.P. 086-619-034, S.P. 086-638-007

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