



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

October 23, 2018

Operations Division

SUBJECT: CEMVR-OD-P-2018-1302

Ms. Melissa Samaroo
Borrego Solar Systems, Inc.
1 N. State Street #1500
Chicago, Illinois 60602

Dear Ms. Samaroo,

Our office reviewed all information provided to us concerning the wetland determination conducted on Borrego's proposed 47-acre solar panel farm in Section 7, Township 19 North, Range 5 East, Piatt County, Illinois.

We determined the project as proposed does not require a Department of the Army (DA) Section 10/404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Please contact our office if the project plans change and there is a potential for impacts of dredged or fill material into Corps' regulated waters which will require a Department of the Army 10 and/or 404 permit. For example, structures and/or discharges of dredged and/or fill material into the 0.07-acre wetland delineated beyond the boundaries of the proposed development may require further DA review and a Section 10/404 permit.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

Administrative Appeals Officer
U.S. Army Corps of Engineers
Mississippi Valley Division
ATTN: CEMVD-PD-KM
Post Office Box 80 (1400 Walnut Street)
Vicksburg, Mississippi 39181-0080

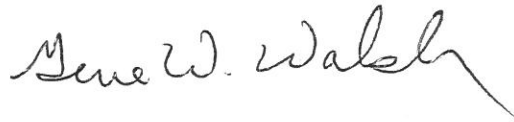
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 24, 2018.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

You are advised that this determination for your project is valid for five years from the date of this letter.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5674.

Sincerely,



Gene W. Walsh
Project Manager
Illinois/Missouri Section

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Wes Cattoor, P.E.
Office of Water Resources
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271
Wes.Cattoor@illinois.gov (email)

Mr. Darin LeCrone, P.E.
Illinois Environmental Protection Agency
Division of Water Pollution Control, Permit Sec 15
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Darin.Lecrone@illinois.gov (email)

Copy Furnished: (w/enclosure)

Ms. Kathryn McMahon
ENCAP, Incorporated
2585 Wagner Court
DeKalb, Illinois 60115

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): October 23, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Rock Island District, Borrego Solar Systems, Inc., 2018-1302

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Illinois County/parish/borough: Piatt City: De Land

Center coordinates of site (lat/long in degree decimal format): Lat. 40.118542, Long. -88.675935

Universal Transverse Mercator:

Name of nearest waterbody: Goose Creek

Name of watershed or Hydrologic Unit Code (HUC): 07130006

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: October 23, 2018

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: 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: location map, project description, engineering plans

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:

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: Weldon East, ILL (7.5 Quadrangle)

USDA Natural Resources Conservation Service Soil Survey. Citation: Piatt County Soil Survey

National wetlands inventory map(s). Cite name: Weldon East, ILL (7.5 Quadrangle)

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date):

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):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

Review area was limited to the project work site. Waters of the U.S. including the 0.07-acre, delineated, emergent wetland are present outside the current review area of the project. A Department of the Army permit will be required for work in these jurisdictional aquatic resources.

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.