




Data Source(s): Westwood (2021); .

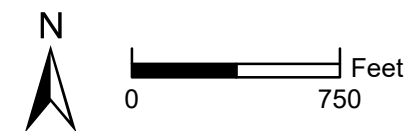
Legend

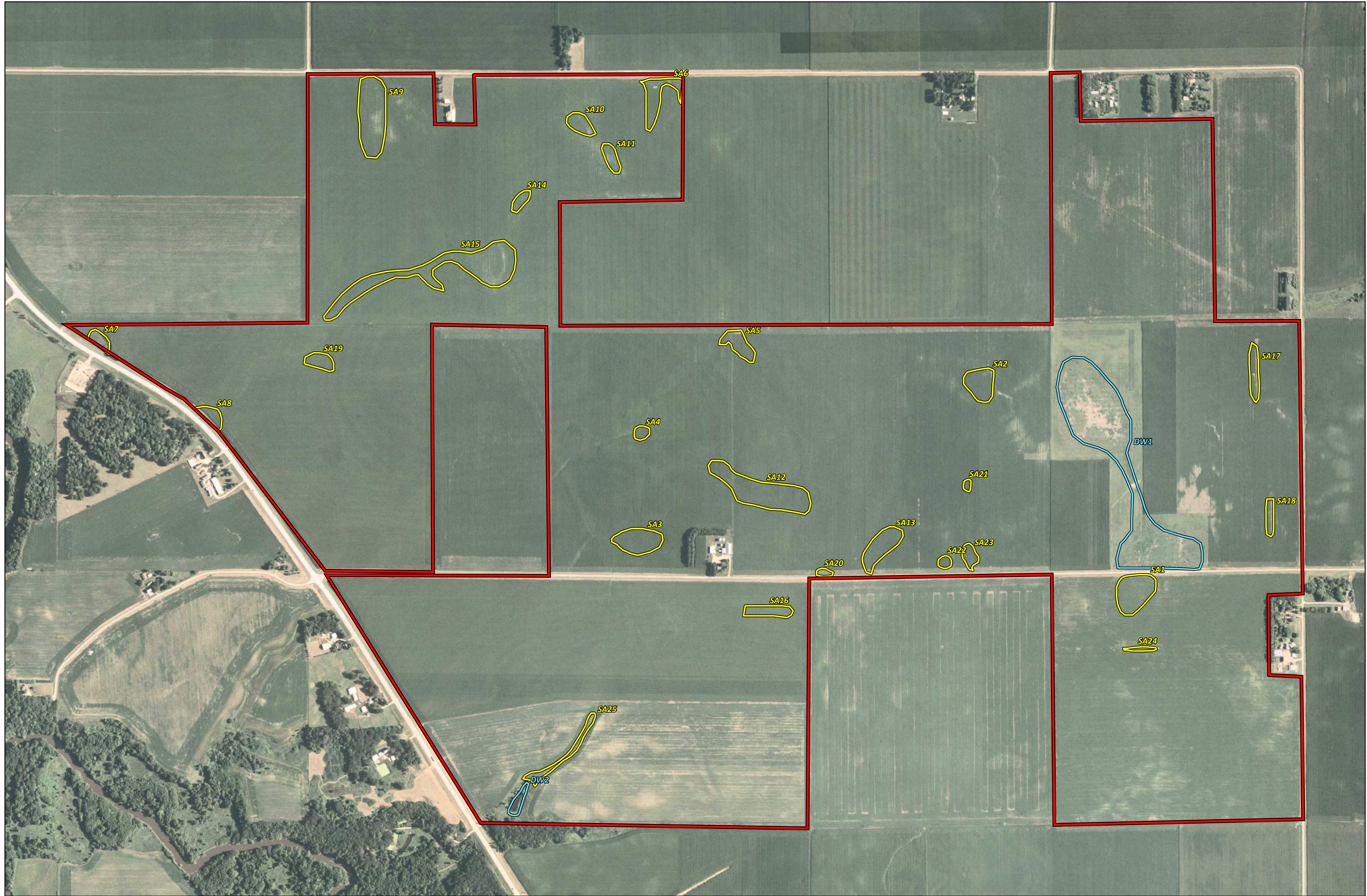
-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN




Aerial Review





Data Source(s): Westwood (2021); .

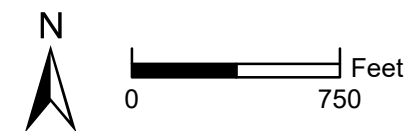
Legend

-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN

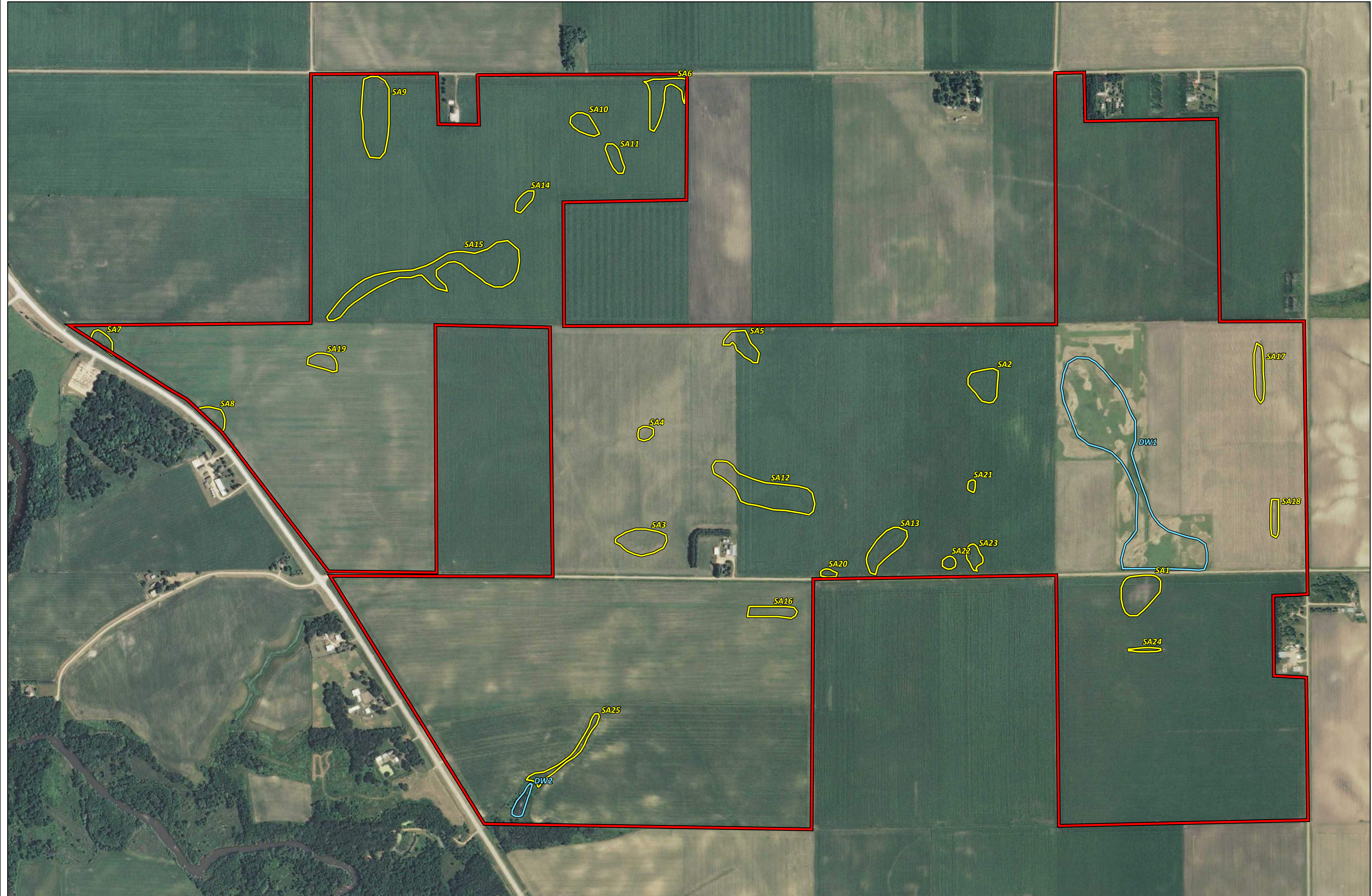
Aerial Review



Westwood




Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

2009



Data Source(s): Westwood (2021); .

Legend

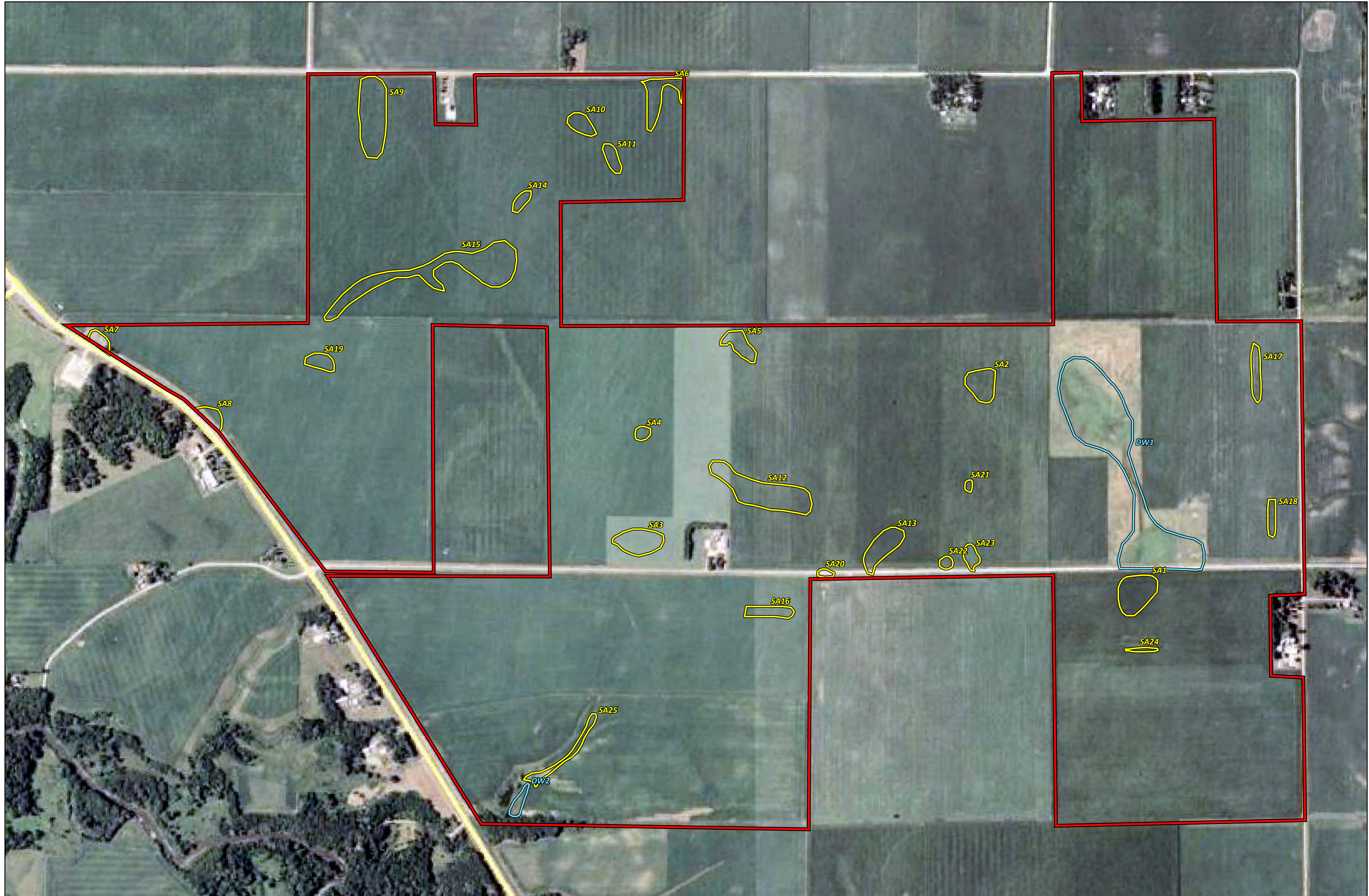
-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN


Aerial Review





Data Source(s): Westwood (2021); .

Legend

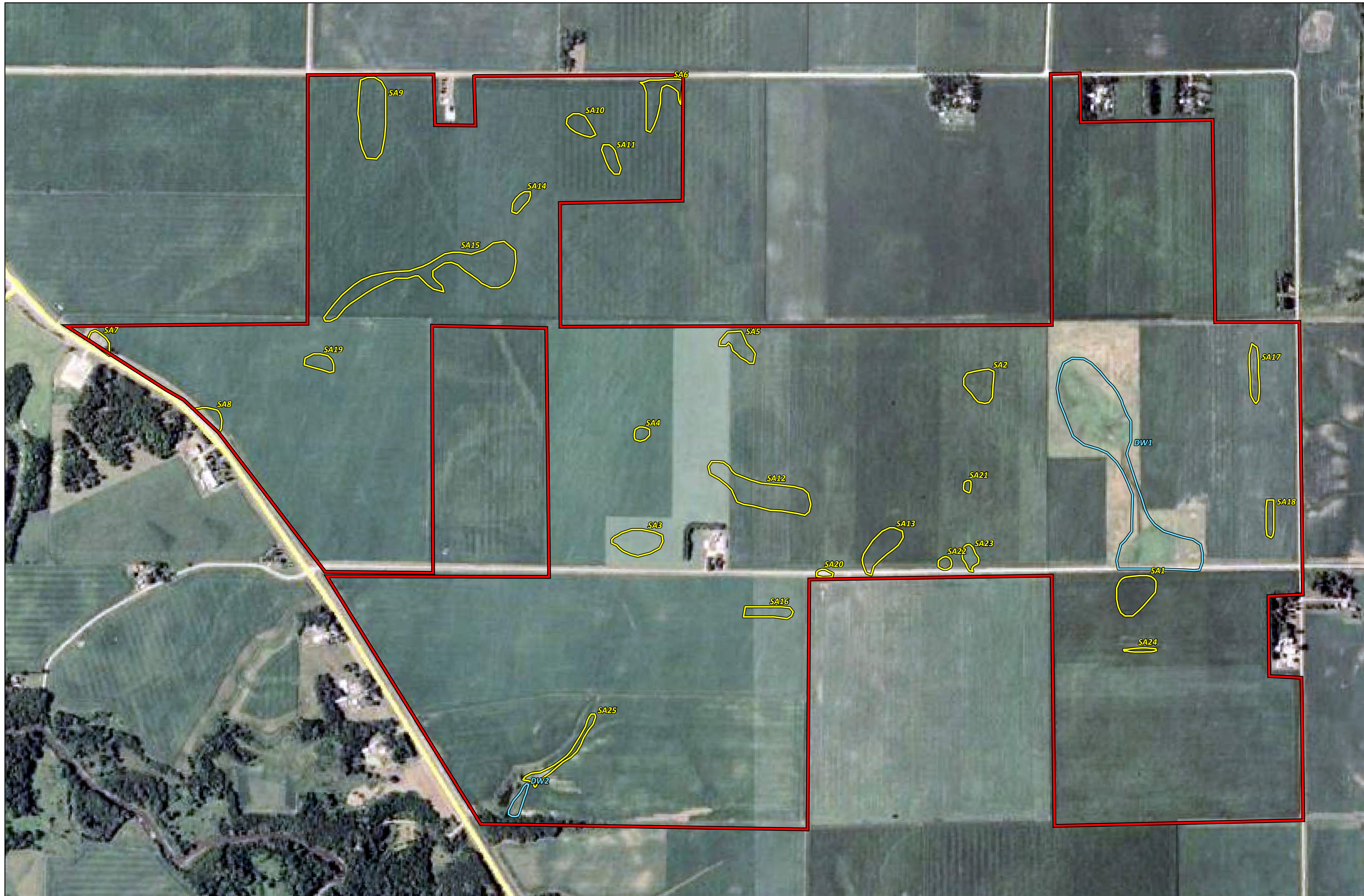
-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN






Aerial Review



Data Source(s): Westwood (2021); .

Legend

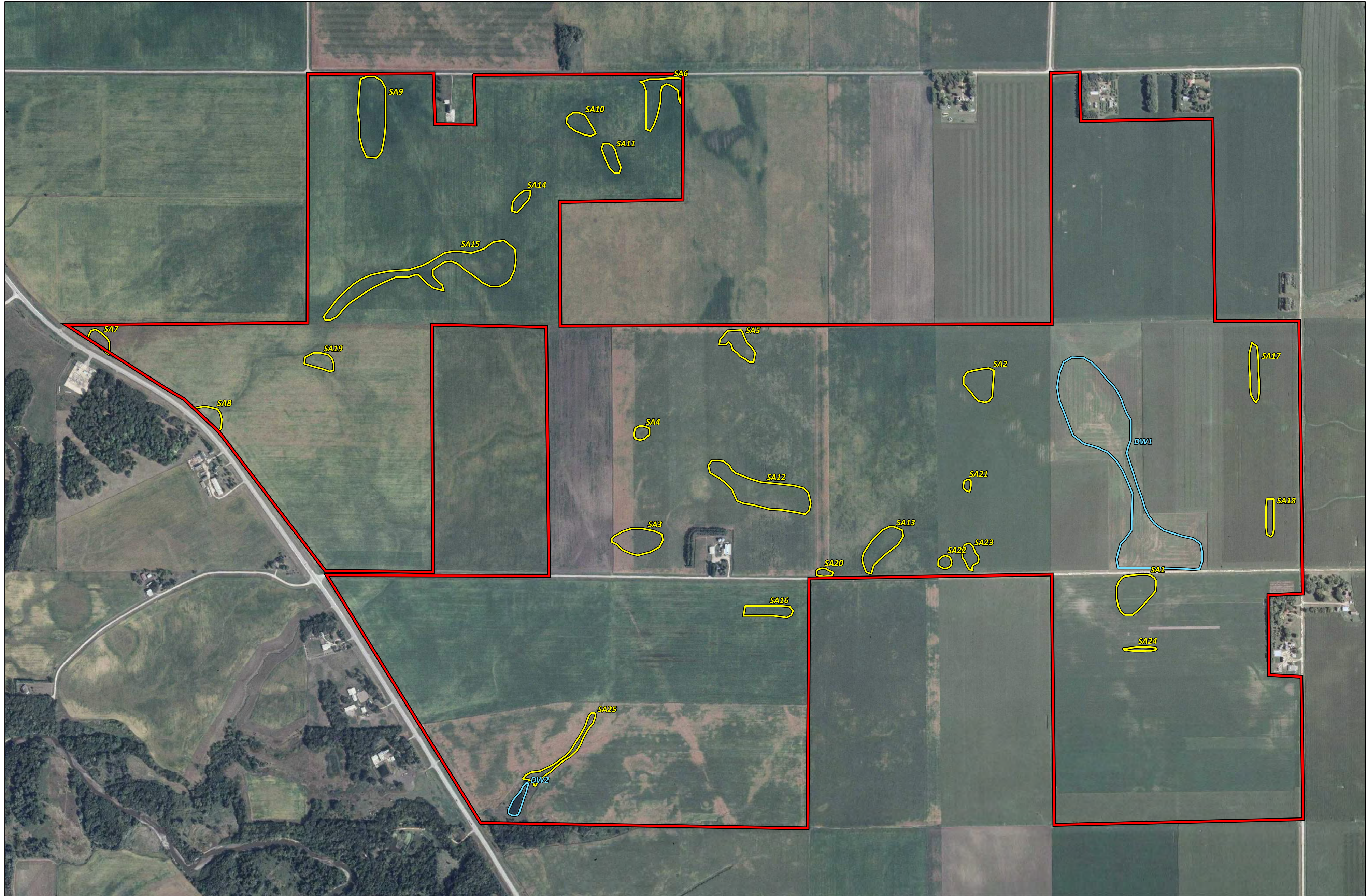
-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN




Aerial Review



Data Source(s): Westwood (2021); .

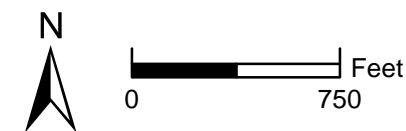
Legend

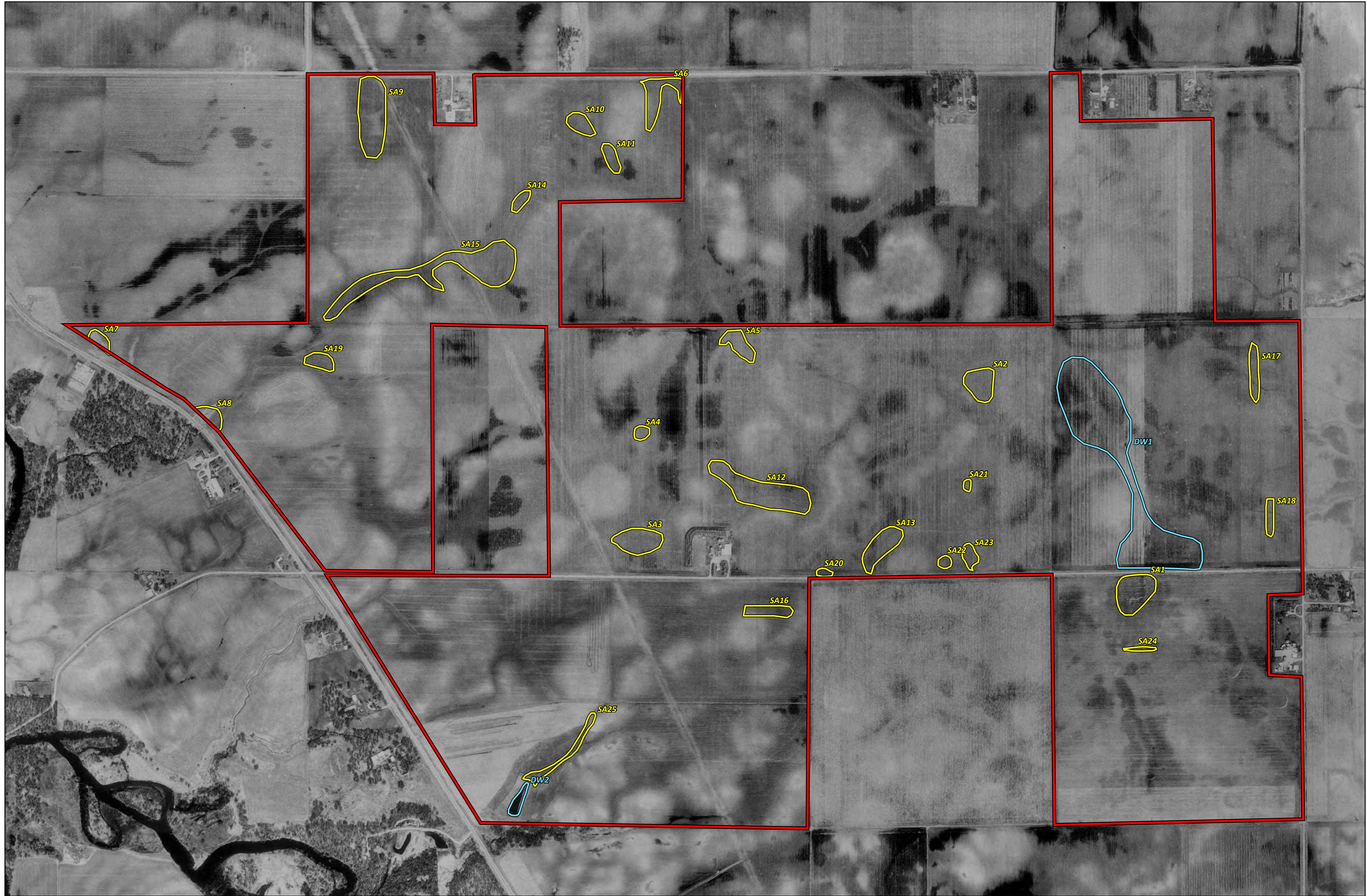
-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN


Aerial Review





Data Source(s): Westwood (2021); .

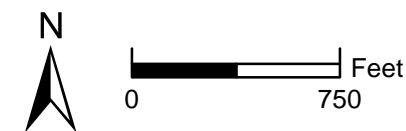
Legend

-  Delineation Area
-  Desktop Wetland
-  Suspect Area

Winnebago Solar Facility and Battery Storage

Faribault County, MN

Aerial Review



| Precipitation data for target wetland location: | |
|---|------------------------------|
| county: Faribault | township number: 103N |
| township name: Prescott | range number: 27W |
| nearest community: Winnebago | section number: 7 |

Aerial photograph or site visit date:
Wednesday, September 20, 2017

Score using 1981-2010 normal period

| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: August 2017 | second prior month: July 2017 | third prior month: June 2017 |
|---|--|---|--|
| estimated precipitation total for this location: | 2.86 | 3.29 | 3.91 |
| there is a 30% chance this location will have less than: | 3.25 | 3.01 | 3.70 |
| there is a 30% chance this location will have more than: | 5.18 | 5.38 | 5.83 |
| type of month: dry normal wet | dry | normal | normal |
| monthly score | 3 * 1 = 3 | 2 * 2 = 4 | 1 * 2 = 2 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 9 (Dry) | | |

Aerial photograph or site visit date:
Saturday, August 1, 2015

Score using 1981-2010 normal period

| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: July 2015 | second prior month: June 2015 | third prior month: May 2015 |
|---|--|---|---------------------------------------|
| estimated precipitation total for this location: | 3.78 | 3.72 | 5.40 |
| there is a 30% chance this location will have less than: | 2.93 | 3.70 | 2.58 |

| | | | |
|---|--------------------|------------------|------------------|
| there is a 30% chance this location will have more than: | 5.38 | 5.83 | 4.65 |
| type of month: dry normal wet | normal | normal | wet |
| monthly score | 3 * 2 = 6 | 2 * 2 = 4 | 1 * 3 = 3 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 13 (Normal) | | |

Aerial photograph or site visit date:
Friday, July 12, 2013

Score using 1981-2010 normal period

| | | | |
|---|--|--|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: June 2013 | second prior month: May 2013 | third prior month: April 2013 |
| estimated precipitation total for this location: | 6.69 | 5.45 | 5.05 |
| there is a 30% chance this location will have less than: | 3.70 | 2.58 | 2.11 |
| there is a 30% chance this location will have more than: | 5.83 | 4.65 | 3.93 |
| type of month: dry normal wet | wet | wet | wet |
| monthly score | 3 * 3 = 9 | 2 * 3 = 6 | 1 * 3 = 3 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 18 (Wet) | | |

Aerial photograph or site visit date:
Friday, April 15, 2011

Score using 1981-2010 normal period

| | | | |
|---|---|---|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: March 2011 | second prior month: February 2011 | third prior month: January 2011 |
| estimated precipitation total for this location: | 1.50 | 1.57 | 1.27 |

| | | | |
|--|------------------|------------------|------------------|
| there is a 30% chance this location will have less than: | 1.27 | 0.37 | 0.43 |
| there is a 30% chance this location will have more than: | 2.40 | 0.98 | 1.05 |
| type of month: dry normal wet | normal | wet | wet |
| monthly score | 3 * 2 = 6 | 2 * 3 = 6 | 1 * 3 = 3 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 15 (Wet) | | |

Aerial photograph or site visit date:
Thursday, July 1, 2010

Score using 1981-2010 normal period

| | | | |
|--|--|--|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates . | first prior month: June 2010 | second prior month: May 2010 | third prior month: April 2010 |
| estimated precipitation total for this location: | 8.17 | 2.02 | 1.97 |
| there is a 30% chance this location will have less than: | 3.70 | 2.58 | 2.11 |
| there is a 30% chance this location will have more than: | 5.83 | 4.65 | 3.93 |
| type of month: dry normal wet | wet | dry | dry |
| monthly score | 3 * 3 = 9 | 2 * 1 = 2 | 1 * 1 = 1 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 12 (Normal) | | |

Aerial photograph or site visit date:
Saturday, July 25, 2009

Score using 1981-2010 normal period

| | | | |
|--|--|--|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates . | first prior month: June 2009 | second prior month: May 2009 | third prior month: April 2009 |
| estimated precipitation total for this location: | 4.02 | 1.65 | 1.99 |

| | | | |
|---|------------------|------------------|------------------|
| there is a 30% chance this location will have less than: | 3.70 | 2.58 | 2.11 |
| there is a 30% chance this location will have more than: | 5.83 | 4.65 | 3.93 |
| type of month: dry normal wet | normal | dry | dry |
| monthly score | 3 * 2 = 6 | 2 * 1 = 2 | 1 * 1 = 1 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 9 (Dry) | | |

Aerial photograph or site visit date:
Saturday, July 5, 2008

Score using 1981-2010 normal period

| | | | |
|---|--|--|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: June 2008 | second prior month: May 2008 | third prior month: April 2008 |
| estimated precipitation total for this location: | 4.23 | 4.55 | 4.02 |
| there is a 30% chance this location will have less than: | 3.70 | 2.58 | 2.11 |
| there is a 30% chance this location will have more than: | 5.83 | 4.65 | 3.93 |
| type of month: dry normal wet | normal | normal | wet |
| monthly score | 3 * 2 = 6 | 2 * 2 = 4 | 1 * 3 = 3 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 13 (Normal) | | |

Aerial photograph or site visit date:
Wednesday, May 31, 2006

Score using 1981-2010 normal period

| | | | |
|---|---|--|--|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: April 2006 | second prior month: March 2006 | third prior month: February 2006 |
|---|---|--|--|

| | | | |
|---|------------------|------------------|------------------|
| estimated precipitation total for this location: | 6.53 | 2.77 | 0.83 |
| there is a 30% chance this location will have less than: | 2.11 | 1.27 | 0.37 |
| there is a 30% chance this location will have more than: | 3.93 | 2.40 | 0.98 |
| type of month: dry normal wet | wet | wet | normal |
| monthly score | 3 * 3 = 9 | 2 * 3 = 6 | 1 * 2 = 2 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 17 (Wet) | | |

Aerial photograph or site visit date:
Monday, August 2, 2004

Score using 1981-2010 normal period

| | | | |
|---|--|---|---------------------------------------|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: July 2004 | second prior month: June 2004 | third prior month: May 2004 |
| estimated precipitation total for this location: | 7.31 | 2.49 | 7.71 |
| there is a 30% chance this location will have less than: | 2.93 | 3.70 | 2.58 |
| there is a 30% chance this location will have more than: | 5.38 | 5.83 | 4.65 |
| type of month: dry normal wet | wet | dry | wet |
| monthly score | 3 * 3 = 9 | 2 * 1 = 2 | 1 * 3 = 3 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 14 (Normal) | | |

Aerial photograph or site visit date:
Thursday, September 25, 2003

Score using 1981-2010 normal period

| | | | |
|--|--|---|--|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: August 2003 | second prior month: July 2003 | third prior month: June 2003 |
| estimated precipitation total for this location: | 1.40 | 2.87 | 4.18 |
| there is a 30% chance this location will have less than: | 3.21 | 2.93 | 3.70 |
| there is a 30% chance this location will have more than: | 5.17 | 5.38 | 5.83 |
| type of month: dry normal wet | dry | dry | normal |
| monthly score | 3 * 1 = 3 | 2 * 1 = 2 | 1 * 2 = 2 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 7 (Dry) | | |

Aerial photograph or site visit date:
Monday, April 15, 1991

Score using 1981-2010 normal period

| | | | |
|--|---|---|---|
| values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates. | first prior month: March 1991 | second prior month: February 1991 | third prior month: January 1991 |
| estimated precipitation total for this location: | 2.45 | 0.32 | 0.30 |
| there is a 30% chance this location will have less than: | 1.28 | 0.38 | 0.42 |
| there is a 30% chance this location will have more than: | 2.39 | 0.97 | 1.04 |
| type of month: dry normal wet | wet | dry | dry |
| monthly score | 3 * 3 = 9 | 2 * 1 = 2 | 1 * 1 = 1 |
| | | | |
| multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet) | 12 (Normal) | | |



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

August 8, 2022

Regulatory File No. MVP 2022-01008-RMH

Winnebago Solar and Storage LLC
c/o: Melissa Matthews
mmathews@glidepath.net

Dear Melissa Matthews:

This letter regards an approved jurisdictional determination for the Winnebago Solar & Storage Site. The project site is located in Sections 11-13, Township 103 North, Range 28 West and extends into Sections 7 and 18, Township 103 North, Range 27 West, Faribault County, Minnesota. The review area for our jurisdictional determination is identified as Wetland: WB-B-06 on the enclosed figures labeled MVP-2022-01008-RMH (AJD) Page 1 of 2 through 2 of 2.

The review area consists of Wetland: WB-B-06 which is not a water of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

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 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, please contact me in our St. Paul office at (651) 290-5355 or Raelene.Hegge@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in cursive script that reads "Raelene Hegge".

Raelene Hegge
Regulatory Specialist

cc:

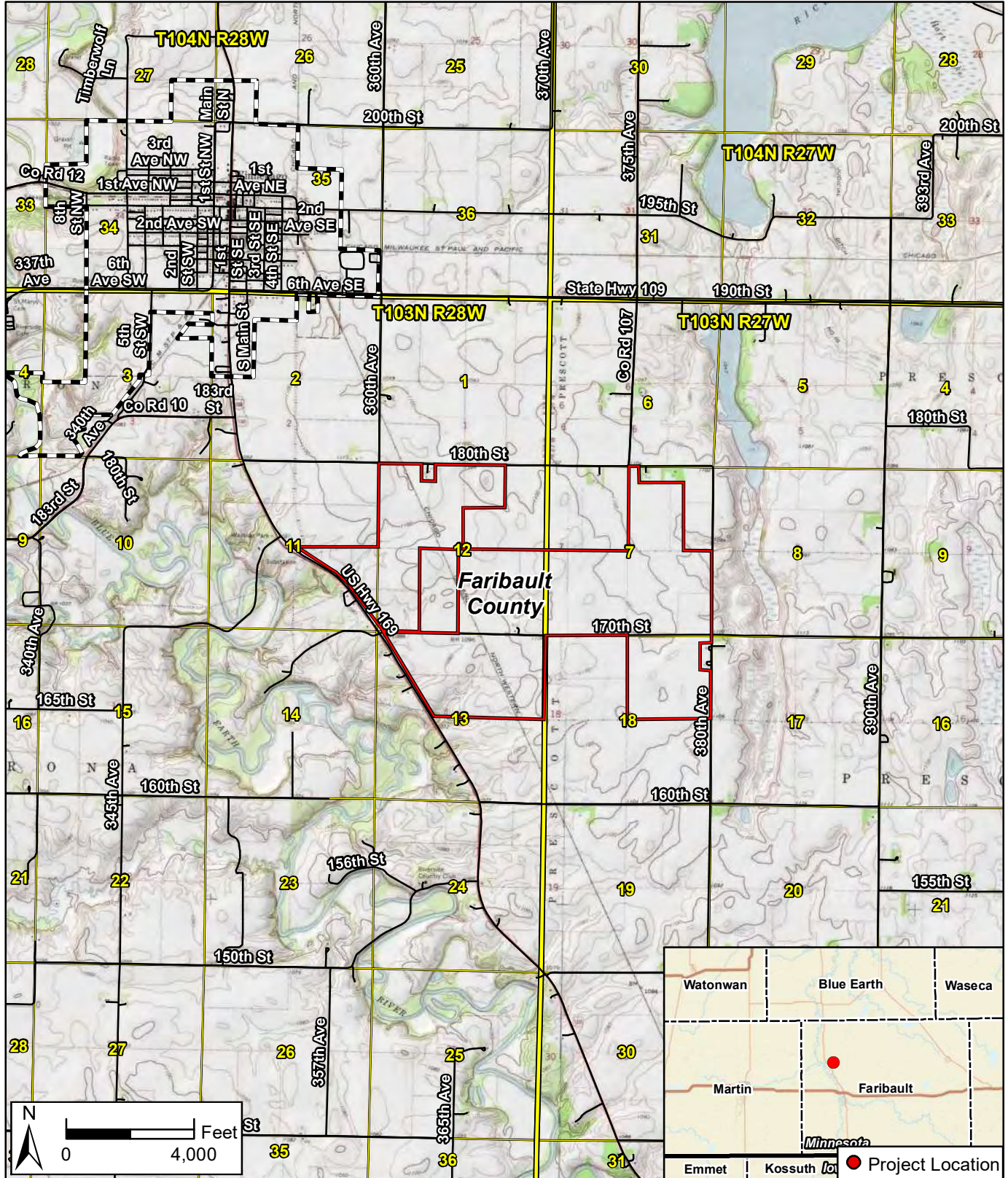
Alyssa Core, BWSR (alyssa.core@state.mn.us)

Dan Girolamo, MnDNR (dan.girolamo@state.mn.us)

Robert Cress, Agent (bobby.cress@westwoodsps.com)

Shane Johnson, LGU (shane.johnson@co.faribault.mn.us)

Anna Hotz, MPCA (anna.hotz@state.mn.us)



Data Source(s): Westwood (2021); ESRI WMS USA Topo and World Streets Basemaps (Accessed 2020); U.S. Census Bureau (2019).

Legend

- | | |
|---|--|
| Delineation Area | PLS Township Boundary |
| County Boundary | PLS Section Boundary |
| Municipal Boundary | Road |

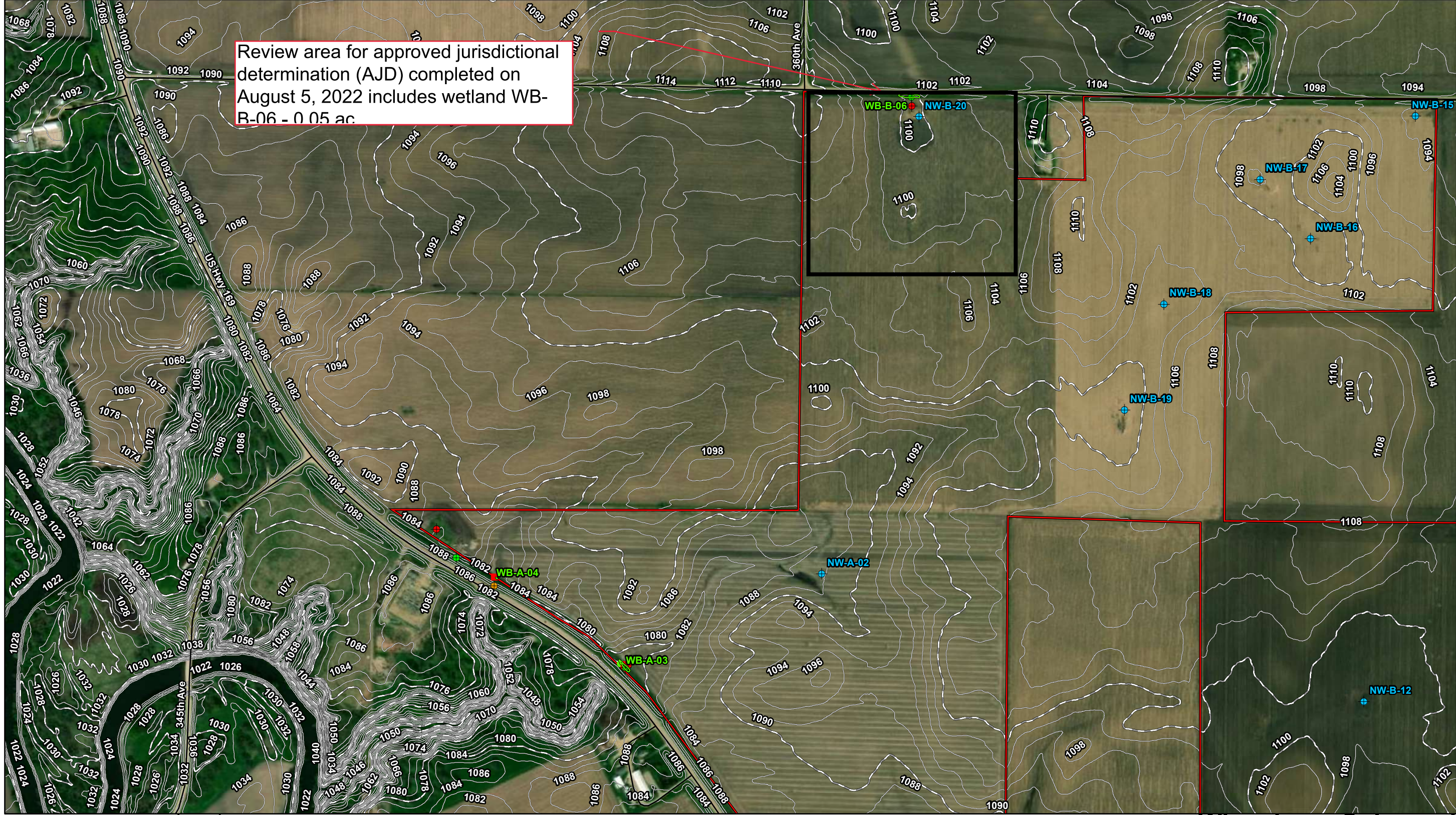
Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Winnebago Solar and Storage Site

Verona and Prescott Townships
Faribault County, Minnesota

Project Location
EXHIBIT 1

Review area for approved jurisdictional determination (AJD) completed on August 5, 2022 includes wetland WB-B-06 - 0.05 ac.



Data Source(s): Westwood (2021); ESRI World Imagery (2020).



- Legend**
- | | | |
|------------------------|----------------------|------------------------------|
| Delineation Area | Upland Sample Point | Non-Watercourse Sample Point |
| Delineated Wetland | Wetland Sample Point | Non-Wetland Sample Point |
| Delineated Watercourse | Culvert | Road |
| | Drain Tile Inlet | 2ft Contour |
| | | 10ft Contour |



Winnebago Solar and Storage Site

Verona and Prescott Townships
Faribault County, Minnesota

Delineated Water Features Mapbook
EXHIBIT 5 - 1

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): August 5, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: Winnebago Solar Delineation, MVP-2022-01008-RMH

C. PROJECT LOCATION AND BACKGROUND INFORMATION: This AJD considers the wetland identified as WB-B-06 located within the approximately 1,311 acre property located in Sections 11-13, Township 103 North, Range 28 West and Sections 7 and 18, Township 103 North, Range 27 West.

State: Minnesota County/parish/borough: Faribault County City: Prescott and Verona Townships

Center coordinates of site (lat/long in degree decimal format): Lat. 43.7458° N, Long. -94.1454° W.

Universal Transverse Mercator: X:409003.063434 Y: 4843005.524137, Zone 15

Name of nearest waterbody: Blue Earth River

Name of watershed or Hydrologic Unit Code (HUC): Upper Mississippi Region Watershed (HUC 07020009)

☒ 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: August 5, 2022

☐ 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.

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: **This jurisdictional determination includes the extent of WB-B-06 identified within the review area. The wetland is a depressional basin located within an agricultural field and does not have a surface or shallow subsurface hydrologic connection to any navigable waters or their tributaries. Based upon a review of aerial photographs, United States Geological Society (USGS) 1:24K Quad and its associated National Hydrography Dataset (NHD), Natural Resource Conservation Service (NRCS) soil survey, National Wetland Inventory (NWI) maps, topography data, and the materials submitted, the wetland is determined to be hydrologically isolated with no surface water connection to a water of the United States (WOUS). An unnamed tributary to the Blue Earth River, identified by the USGS NHD as intermittent, is located approximately 2,150 feet south of the wetland. Agricultural fields are located between the tributary and the wetland. The review area is not within a 100-year floodplain. The wetland in review is surrounded by upland, and have no swales, ditches, pipes, or other means that would provide a surface or subsurface connection to a WOUS. We have determined that the wetland is an isolated depression and hydrologically separated from other aquatic resources. The surrounding land use comprises of agricultural uses that does not provide cover or habitat between the wetlands and other aquatic resources. The wetland does not have an ecological connection to a WOUS.**

The wetland 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; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and is not known to be used for industrial

¹ Supporting documentation is presented in Section III.F.

purposes by industries in interstate or foreign commerce. The wetland was determined to not be a WOUS and not to 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

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: **WB-B-06: 0.05** 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: **Wetland Delineation Report for Winnebago Solar and Storage Project dated August 4, 2021 and submitted by Westwood Professional Services, Inc on June 15, 2022.**
- ☒ 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: **USGS 1:24K Quad Name: Blue Earth**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Faribault County Soil Survey**
- ☒ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **MnDNR, USDA, ESRI**

- or ☒ Other (Name & Date): Site photos submitted with delineation report
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

| | | |
|---|-------------------------------------|-----------------------------|
| Applicant: Winnebago Solar and Storage LLC c/o: Melissa Matthews | File No.: MVP-2022-01008-RMH | Date: August 8, 2022 |
|---|-------------------------------------|-----------------------------|

| | |
|--|-------------------|
| Attached is: | See Section below |
| INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| PERMIT DENIAL | C |
| X APPROVED JURISDICTIONAL DETERMINATION | D |
| PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Regulatory Division
Attn. Raelene Hegge
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678
Telephone 651-290-5355

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

| | | |
|---|------------------|------------------------------|
| <div>Signature of appellant or agent.</div> | <div>Date:</div> | <div>Telephone number:</div> |
|---|------------------|------------------------------|



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

06/15/2022

Regulatory File No. MVP-2022-01008-RMH

THIS IS NOT A PERMIT

Robert Cress
12701 Whitewater Drive
Suite 300
Minnetonka, Minnesota 55343

To: Robert Cress:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2022-01008-RMH

Applicant: Michelle Mathews

Project Name: Winnebago Solar Delineation

Project Location: Section 13 of Township 103 N, Range 28 W, Faribault County, Minnesota (Latitude: 43.7345012134023; Longitude: -94.1299615553772)

Received Date: 06/15/2022

Project Manager: Raelene Hegge
(651) 290-5355
Raelene.Hegge@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch

Minnesota Wetland Conservation Act Notice of Application

| | |
|---|--|
| Local Government Unit: Faribault Co. SWCD | County: Faribault |
| Applicant Name: Winnebago Solar & Storage | Applicant Representative: Michelle Matthews |
| Project Name: Same as above | LGU Project No. (if any): 22-01 |
| Date Complete Application Received by LGU: 6/13/2022 | |
| Date this Notice was Sent by LGU: 6/14/2022 | |
| Date that Comments on this Application Must Be Received By LGU¹: 7/7/2022 | |

¹ minimum 15 business day comment period for Boundary & Type, Sequencing, Replacement Plan and Bank Plan Applications

WCA Decision Type - check all that apply

| | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Wetland Boundary/Type | <input type="checkbox"/> Sequencing | <input type="checkbox"/> Replacement Plan | <input type="checkbox"/> Bank Plan (not credit purchase) |
| <input type="checkbox"/> No-Loss (8420.0415) | <input type="checkbox"/> Exemption (8420.0420) | | |
| Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H | | Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 | |

Replacement Plan Impacts (replacement plan decisions only)

| |
|--|
| Total WCA Impact Area Proposed: |
|--|

Application Materials

| |
|---|
| <input checked="" type="checkbox"/> Attached <input type="checkbox"/> Other ¹ (specify): |
|---|

¹ Link to ftp or other accessible file sharing sites is acceptable.

Comments on this application should be sent to:

| |
|--|
| LGU Contact Person: Shane Johnson |
| E-Mail Address: shane.johnson@co.faribault.mn.us |
| Address and Phone Number: 415 S. Grove St. #8 Blue Earth, MN 56013 507-526-2388 |
| Decision-Maker for this Application: |
| <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other (specify): |

Notice Distribution (include name)

Required on all notices:

| | |
|---|--|
| <input checked="" type="checkbox"/> SWCD TEP Member: Shane Johnson | <input checked="" type="checkbox"/> BWSR TEP Member: Alyssa Core |
| <input checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact): Mark Daly | |
| <input checked="" type="checkbox"/> DNR Representative: Dan Girolamo | |
| <input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: | |
| <input checked="" type="checkbox"/> Applicant (notice only): <input checked="" type="checkbox"/> Agent/Consultant (notice only): Robert Cress | |

Optional or As Applicable:

| |
|---|
| <input checked="" type="checkbox"/> Corps of Engineers: David Studenski |
| <input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only): |
| <input checked="" type="checkbox"/> Members of the Public (notice only): Todd Luke, USFWS <input type="checkbox"/> Other: |

| | |
|--|-------------------------|
| Signature:  | Date: 6/14/22 |
|--|-------------------------|

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Minnesota Wetland Conservation Act Notice of Decision

| | |
|---|--|
| Local Government Unit: Faribault Co. SWCD | County: Faribault |
| Applicant Name: Winnebago Solar & Storage | Applicant Representative: Peter Rood, Glidepath Power |
| Project Name: Same as above | LGU Project No. (if any): 22-01 |
| Date Complete Application Received by LGU: 6/13/2022 | |
| Date of LGU Decision: 7/7/2022 | |
| Date this Notice was Sent: 7/7/2022 | |

WCA Decision Type - check all that apply

| | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Wetland Boundary/Type | <input type="checkbox"/> Sequencing | <input type="checkbox"/> Replacement Plan | <input type="checkbox"/> Bank Plan (not credit purchase) |
| <input type="checkbox"/> No-Loss (8420.0415) | <input type="checkbox"/> Exemption (8420.0420) | | |
| Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H | | Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 | |

Replacement Plan Impacts (replacement plan decisions only)

| |
|--|
| Total WCA Wetland Impact Area: |
| Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits; <input type="checkbox"/> Bank Credits: |
| Bank Account Number(s): |

Technical Evaluation Panel Findings and Recommendations (attach if any)

| |
|--|
| <input type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input checked="" type="checkbox"/> No TEP Recommendation |
|--|

LGU Decision

| | | |
|--|---|---------------------------------|
| <input type="checkbox"/> Approved with Conditions (specify below) ¹ List Conditions: | <input checked="" type="checkbox"/> Approved ¹ | <input type="checkbox"/> Denied |
| Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other: | | |
| Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify): | | |

¹ *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

| |
|---|
| <input type="checkbox"/> Attachment(s) (specify): <input checked="" type="checkbox"/> Summary: LGU agrees with boundary/type determination. No comments were received. |
|---|

¹ *Findings must consider any TEP recommendations.*

Attached Project Documents

| |
|---|
| <input checked="" type="checkbox"/> Site Location Map <input checked="" type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify): |
|---|

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

☐ Yes¹ ☒ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

| |
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| |
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Notice Distribution (include name)

Required on all notices:

| | |
|---|---|
| <input checked="" type="checkbox"/> SWCD TEP Member: Shane Johnson | <input checked="" type="checkbox"/> BWSR TEP Member: Alyssa Core |
| <input checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact): Mark Daly | |
| <input checked="" type="checkbox"/> DNR Representative: Dan Girolamo | |
| <input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: | |
| <input checked="" type="checkbox"/> Applicant: Peter Rood, Glidepath Power | <input checked="" type="checkbox"/> Agent/Consultant: Bobby Cress, Westwood |

Optional or As Applicable:

| | |
|--|--|
| <input checked="" type="checkbox"/> Corps of Engineers: David Studenski | |
| <input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only): | |
| <input checked="" type="checkbox"/> Members of the Public (notice only): Todd Luke, USFWS | <input checked="" type="checkbox"/> Other: |

| | |
|--|------------------------|
| Signature:  | Date: 7/7/22 |
|--|------------------------|

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.