



US ARMY CORPS OF ENGINEERS (USACE)
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
2023 RULE

OMB Control Number: 0710-0024
Expiration Date: 09/30/2023

AGENCY DISCLOSURE NOTICE

The public reporting burden for this collection of information, 0710-0024, is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [5/22/2023](#)

ORM Project Name: [Chamberlin Solar I](#)

ORM Identification Number: [MVS-2023-252](#)

Other sites (e.g., offsite mitigation sites, disposal sites or other review areas, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form(s).

Associated JD Names and Numbers: [N/A](#)

Review Area Location: State/Territory: Illinois City: [Mattoon Township](#)

County/Parish/Borough: [Coles](#)

Center Coordinates of Review Area: Latitude: [39.4823°N](#), Longitude: [-88.4210°W](#)

Limits of review area: [See Attached Map \(Limits of Disturbance within 88-acre Study Area\)](#)

II. SUMMARY²

Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding tables in Section III., summarize data sources in Section IV., and attach completed Appendices A and/or B when specified.

The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area). Rationale: [No features with an OHWM and/or bed and bank lie within the proposed Limits of Disturbance](#)

There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete the table in Section III.A.).

There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section III.B. and complete and attach appendices as appropriate).

Potentially jurisdictional waters and/or features were assessed within the review area and determined to be non-jurisdictional (complete appropriate tables in Section III.C. and complete and attach appendices as appropriate).

¹ The final rule “Revised Definition of ‘Waters of the United States’” (2023 Rule) was published in the *Federal Register* on 18 January 2023 and the effective date is 20 March 2023. See <https://www.federalregister.gov/documents/2023/01/18/2022-28595/revised-definition-of-waters-of-the-united-states>.

² Map(s)/figure(s) or descriptions of the review area and any jurisdictional waters are attached to the AJD provided to the requestor.



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III. FINDINGS IN THE REVIEW AREA

A. Jurisdictional under the Rivers and Harbors Act of 1899³ (Section 10)⁴

| Section 10 Waters | | | |
|----------------------------------|--------------------------------|-----|--------------------------|
| Section 10 water name | Section 10 size in review area | | Type of Section 10 water |
| N/A | N/A | N/A | N/A. |
| Rationale for determination: N/A | | | |

B. Jurisdictional under the Clean Water Act

| Paragraph (a)(1) waters: ⁵ Waters which are: (i) Currently used, or 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); (ii) The territorial seas; or (iii) Interstate waters, including interstate wetlands | | | |
|---|----------------------------|-----|--------------------------------|
| (a)(1) water name | (a)(1) size in review area | | Type of paragraph (a)(1) water |
| N/A | N/A | N/A | N/A. |
| Rationale for determination: N/A | | | |

| Paragraph (a)(2) waters: Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) | | | |
|---|----------------------------|-----|--------------------------------|
| (a)(2) water name | (a)(2) size in review area | | Type of paragraph (a)(2) water |
| N/A | N/A | N/A | N/A. |
| Rationale for determination: N/A | | | |

³ If the navigable water of the United States is not subject to the ebb and flow of the tide and not included on the district's list of Rivers and Harbors Act (RHA) Section 10 navigable waters of the United States list do NOT use this form to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedure outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the Rivers and Harbors Act.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this AJD form, jurisdiction under RHA will be referred to as Section 10.

⁵ A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of RHA is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Paragraph (a)(3) waters: Tributaries of waters identified in paragraph (a)(1) or (2): (i) That are relatively permanent, standing or continuously flowing bodies of water; or (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1)

| (a)(3) water name | (a)(3) size in review area | | Type of paragraph (a)(3) water |
|----------------------------------|----------------------------|-----|--------------------------------|
| N/A | N/A | N/A | N/A. |
| Rationale for determination: N/A | | | |

Paragraph (a)(4) waters: Wetlands adjacent to the following waters: (i) Waters identified in paragraph (a)(1); or (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) and with a continuous surface connection to those waters; or (iii) Waters identified in paragraph (a)(2) or (3) when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1)

| (a)(4) water name | (a)(4) size in review area | | Adjacency criteria |
|----------------------------------|----------------------------|-----|--------------------|
| N/A | N/A | N/A | N/A |
| Type of paragraph (a)(4) water | N/A | | |
| Rationale for determination: N/A | | | |

Paragraph (a)(5) waters: Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4): (i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i); or (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1).⁶

| (a)(5) water name | (a)(5) size in review area | | Type of paragraph (a)(5) water |
|----------------------------------|----------------------------|-----|--------------------------------|
| N/A | N/A. | N/A | N/A |
| Rationale for determination: N/A | | | |

⁶ In implementing the significant nexus standard, the agencies generally intend to analyze waters under paragraph (a)(5) individually to determine if they significantly affect the chemical, physical, or biological integrity of a paragraph (a)(1) water.



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C. Waters or features that are not jurisdictional under the Clean Water Act

| | | | |
|---|---------------------------|-----|--|
| Waters analyzed under paragraph (a)(3)(ii), (a)(4)(iii), or (a)(5)(ii) and determined non-jurisdictional: Tributaries of waters identified in paragraph (a)(1) or (2); and/or wetlands adjacent to waters identified in paragraph (a)(2) or (3); and/or intrastate lakes and ponds, streams, or wetlands not identified as (a)(1) through (4) waters; that either alone or in combination with similarly situated waters in the region, do not significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1). | | | |
| Water name | Water size in review area | | Type of water for which significant nexus was not met: |
| N/A | N/A | N/A | N/A |
| Rationale for determination: N/A | | | |

| | | | |
|--|--------------------------------------|-----|------------------------|
| (b)(1) – (b)(8) Excluded Features⁷ | | | |
| Excluded feature name | Excluded feature size in review area | | Exclusion ⁸ |
| N/A | N/A | N/A | N/A |
| Rationale for determination: N/A | | | |

IV. SUPPORTING INFORMATION

A. Paragraph (a)(1) water that is outside the review area:

- a. Provide the name of the paragraph (a)(1) water: N/A
- b. Type of paragraph (a)(1) water: N/A.
- c. Provide the rationale for jurisdiction of the paragraph (a)(1) water: N/A

B. Significant nexus analyses

- Appendix A is attached and includes the significant nexus analysis for any waters in the review area that were evaluated under paragraph (a)(3)(ii) and/or paragraph (a)(4)(iii).
- Appendix B is attached and includes the significant nexus analyses for any waters in the review area that were evaluated under paragraph (a)(5)(ii).
- There are no waters in the review area that require evaluation under the significant nexus standard. Therefore, neither Appendix A nor Appendix B are included with this form

C. Data, models, and other relevant methods Select/enter all resources that were used to support this determination and include data/maps and/or references/citations in the administrative record, as appropriate.

⁷ Transient features on the landscape that are difficult to document due to their non-permanent nature, such as rills and gullies, may not be specifically identified on the AJD form unless a requestor specifically asks a USACE district to do so. USACE districts may, in case-by-case instances, elect to document any such feature on a case-by-case basis, such as when the feature is relevant to analysis of the jurisdictional status of another water.

⁸ Note the full text of the exclusions for (b)(1)-(6) and (b)(8) are included in the dropdown list, while the text for the (b)(7) exclusion is truncated due to space limitations. The full text of the (b)(7) exclusion is as follows: (b)(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States



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Aquatic resources delineation submitted by, or on behalf of, the requestor: [Chamberlin Solar I, LLC – Wetland Delineation Report dated April 17, 2023](#)

The aquatic resources delineation submitted by or on behalf of the requestor is sufficient for purposes of this AJD **Yes**

Rationale: [N/A](#)

- Aquatic resources delineation prepared by the USACE: [N/A](#)
- Wetland field data sheets prepared by the USACE: [N/A](#)
- OHWM data sheets prepared by the USACE: [N/A](#)
- USACE site visit: Date(s) of site visit(s): [Date\(s\) of Site Visit\(s\)](#), [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs) addressing the same (or portions of the same) review area: [N/A](#)
- Photographs: [Field Photographs from Wetland Delineation Report](#)
- Aerial Imagery: [Google Earth, NAIP, Historic Aerials \(Various Years\)](#)
- LiDAR: [ILHMP](#)
- USDA NRCS Soil Survey: [Coles County, Illinois Survey – Accessed 5/22/23](#)
- USFWS NWI maps: [1980's, Color Infrared, 1:58,000](#)
- USGS topographic maps: [Mattoon West Quad; 1:24,000 Scale – Accessed 5/22/23](#)
- USGS NHD data/maps: [Accessed 5/22/23](#)
- USGS Dynamic Surface Water Extent: [N/A](#)
- Section 10 navigability resource used: [N/A](#)

Other data sources or models used to aid in this determination:

| Data source or model (Select) | Name, date, and other relevant information |
|--|--|
| USGS Sources | TopoView |
| USEPA Sources | N/A |
| USDA Sources⁹ | Web Soil Survey – Accessed 5/22/23 |
| NOAA Sources | N/A |
| USACE Sources | N/A |
| State/Local/Tribal Sources | N/A |
| Other Sources | DigiGlobe Aerial Imagery |

D. Additional comments to support AJD: [N/A](#)

⁹ Including Certified Wetland Determination from the NRCS.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|-------------------------------------|--|-------------------|
| Applicant: Chamberlin Solar I | File Number: MVS-2023-252 | Date: |
| Attached is: | | See Section below |
| <input type="checkbox"/> | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| <input type="checkbox"/> | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| <input type="checkbox"/> | PERMIT DENIAL | C |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input type="checkbox"/> | 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://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> 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:

Kamren Metzger
U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce St.
St. Louis, MO 63103
314-331-8574

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

Administrative Appeals Review Officer
Mississippi Valley Division
U.S. Army Corps of Engineers
1400 Walnut Street
Vicksburg, MS 39181-0080
601-634-5820

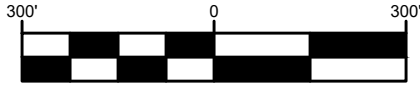
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity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

Signature of appellant or agent.

Date:

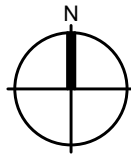
Telephone number:

GRAPHIC SCALE



1" = 300'

NORTH



LEGEND

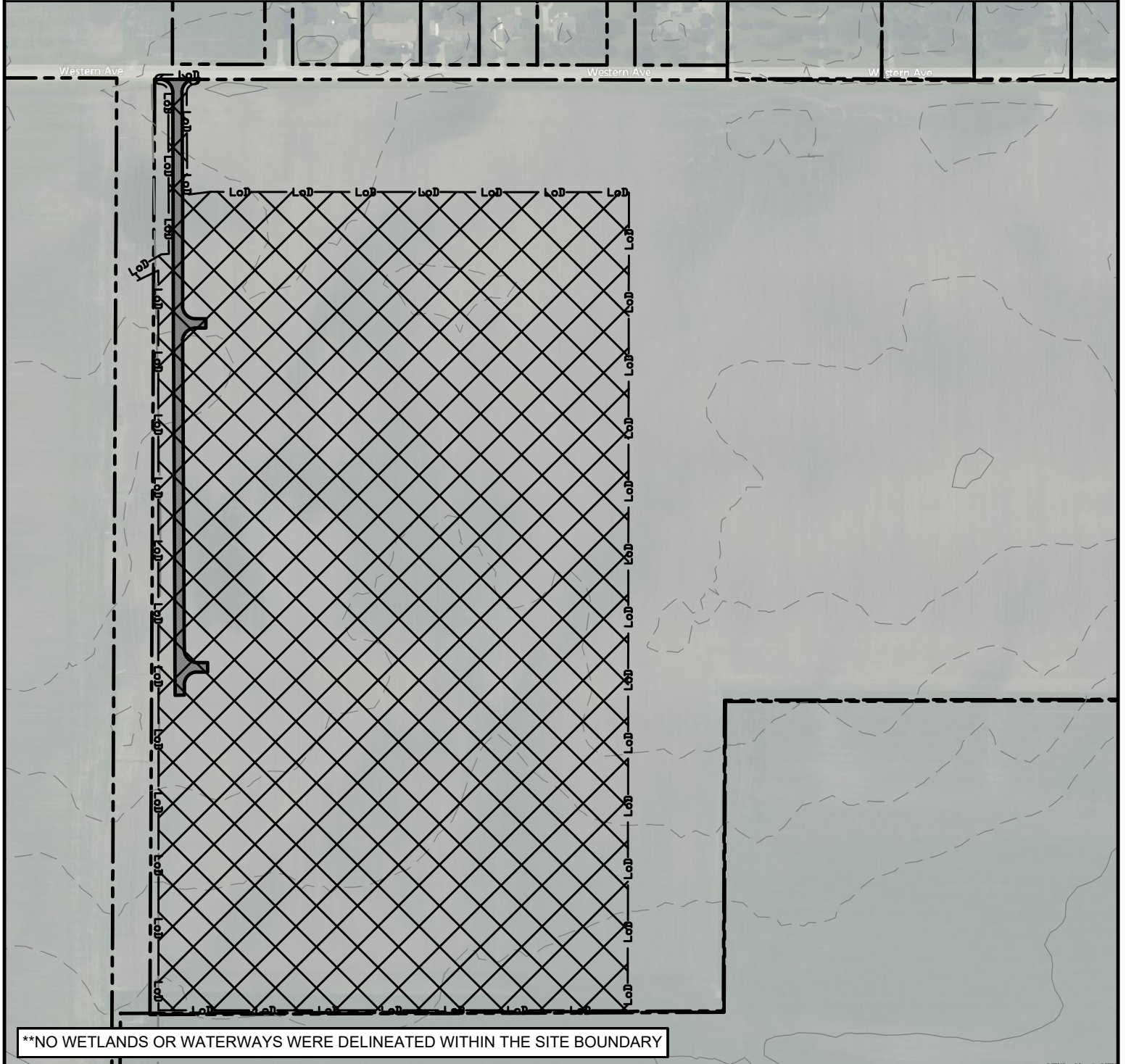
LIMIT OF DISTURBANCE



PROPERTY LINES



WETLAND



**NO WETLANDS OR WATERWAYS WERE DELINEATED WITHIN THE SITE BOUNDARY

| | |
|-------------|----------|
| DATE: | 02-14-23 |
| DRAWN BY: | AR |
| CHECKED BY: | GP |

CHAMBERLIN SOLAR, LLC
 LIMIT OF DISTURBANCE
 EXHIBIT



3402 PICO BOULEVARD :: STE 215 :: SANTA MONICA, CA 90405
5310 S ALSTON AVE :: BLDG 300 :: CARRBORO, NC 27713

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- **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.
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Date:

Telephone number: