



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. LOUIS DISTRICT
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103

December 7, 2023

Regulatory Branch
File Number: MVS-2023-695



This letter is regarding an approved jurisdictional determination (AJD) request submitted on your behalf by [REDACTED] on November 30, 2023, for the project known as Sunset Road Solar 3 Project (the Review Area). The Review Area is approximately 29-acres proposed for solar arrays and associated access roads located one-half mile south of Illinois Route 16 along Sunset Road, roughly 3-miles northeast of Gillespie, Macoupin County, Illinois. The Review Area generally lies in Section 9, Township 8 North, and Range 6 West. Approximate geographic coordinates for the Review Area are Latitude 39.1508°, Longitude -89.7683°.

For the purposes of this AJD, we have relied on the 2023 Rule, as amended ("Revised Definition of 'Waters of the United States'; Conforming"), Section 10 of the Rivers and Harbors Act of 1899 (RHA) as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

After a review of the Aquatic Resource Delineation Report dated October 30, 2023, and other available resources, we have determined that the Review Area is composed entirely of "dry land" and therefore does not contain any water features that potentially meet a definition of a waters of the United States. As such, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within the Review Area.

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 boundary 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.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This review is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, or local approvals before beginning work and any modification that includes impacts to potential waters may require subsequent review and authorization from this office.

If you have any questions, please contact me at [REDACTED] [REDACTED] [REDACTED]. In any correspondence or inquiries, please refer to the File Number **MVS-2023-695**. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to go to our Customer Service Survey found on our web site at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,






[REDACTED]

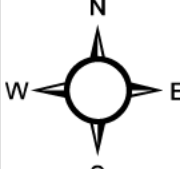
Enclosures

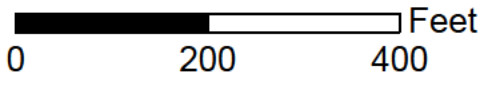
Approved Jurisdictional Determination
Appeals Form

Figure . Aquatic resource delineation for the proposed Sunset Road Solar 3 Project in Macoupin County, Illinois.



-  National Hydrography Dataset (NHD) Stream
-  Soils
-  Area of Investigation (AOI)
- Upland Sample Point**
-  Upland
- National Wetland Inventory (NWI)**
-  Freshwater Emergent Wetland





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 Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

