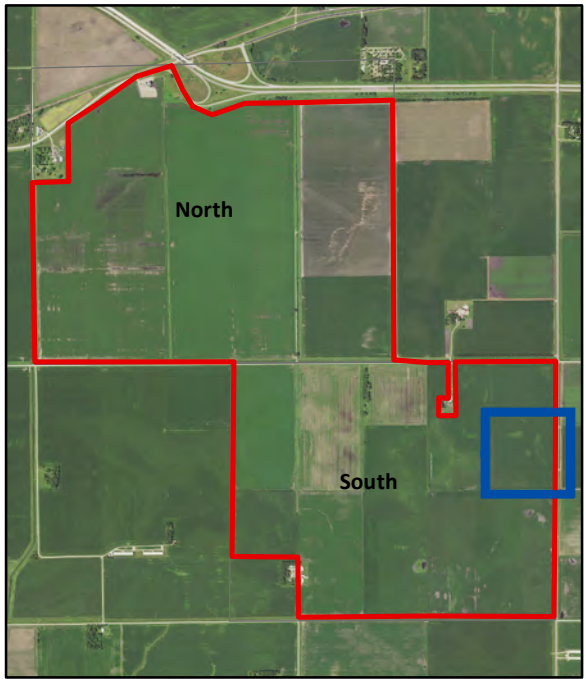
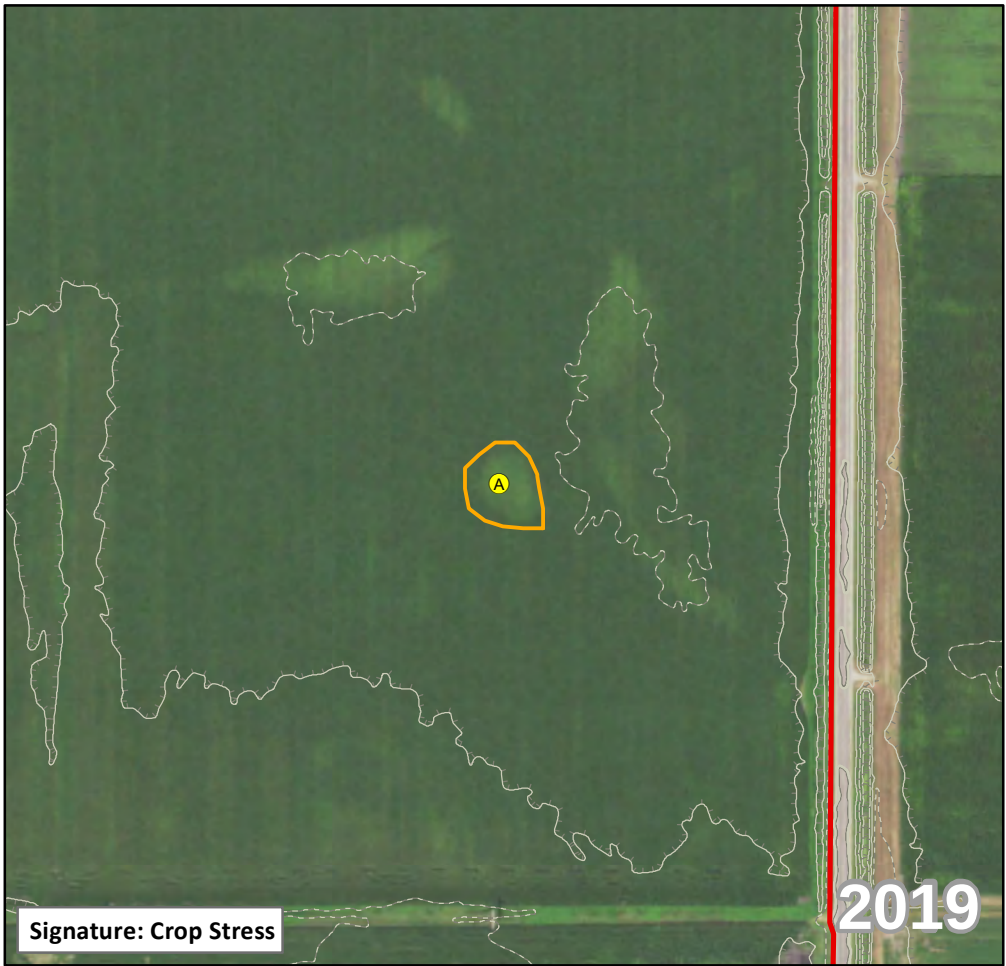
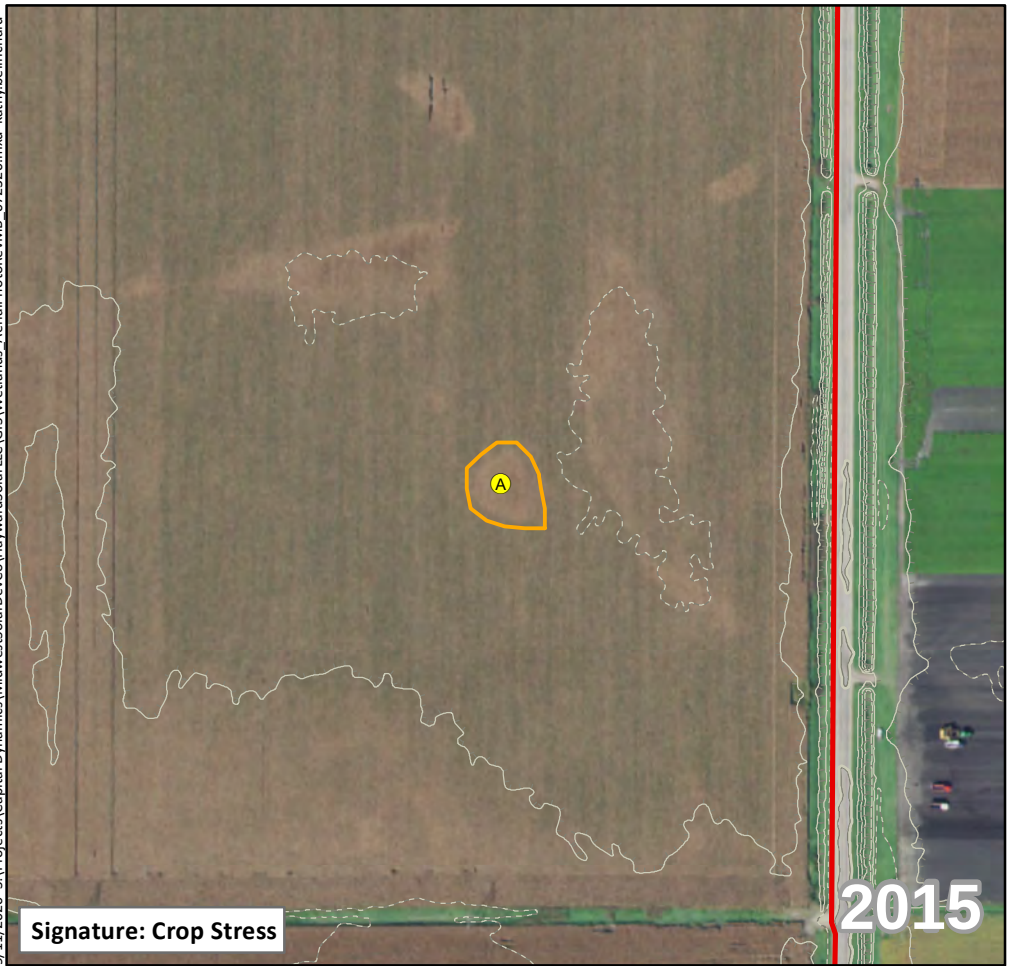
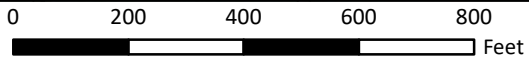
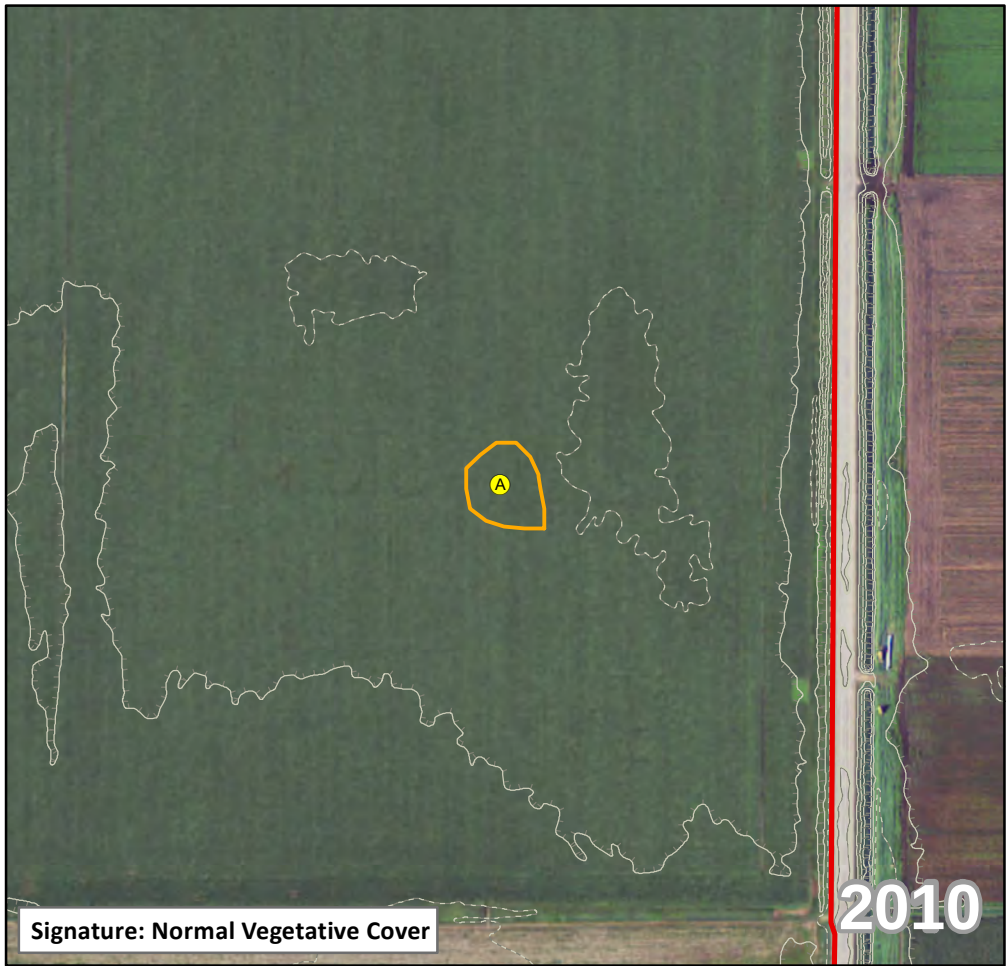
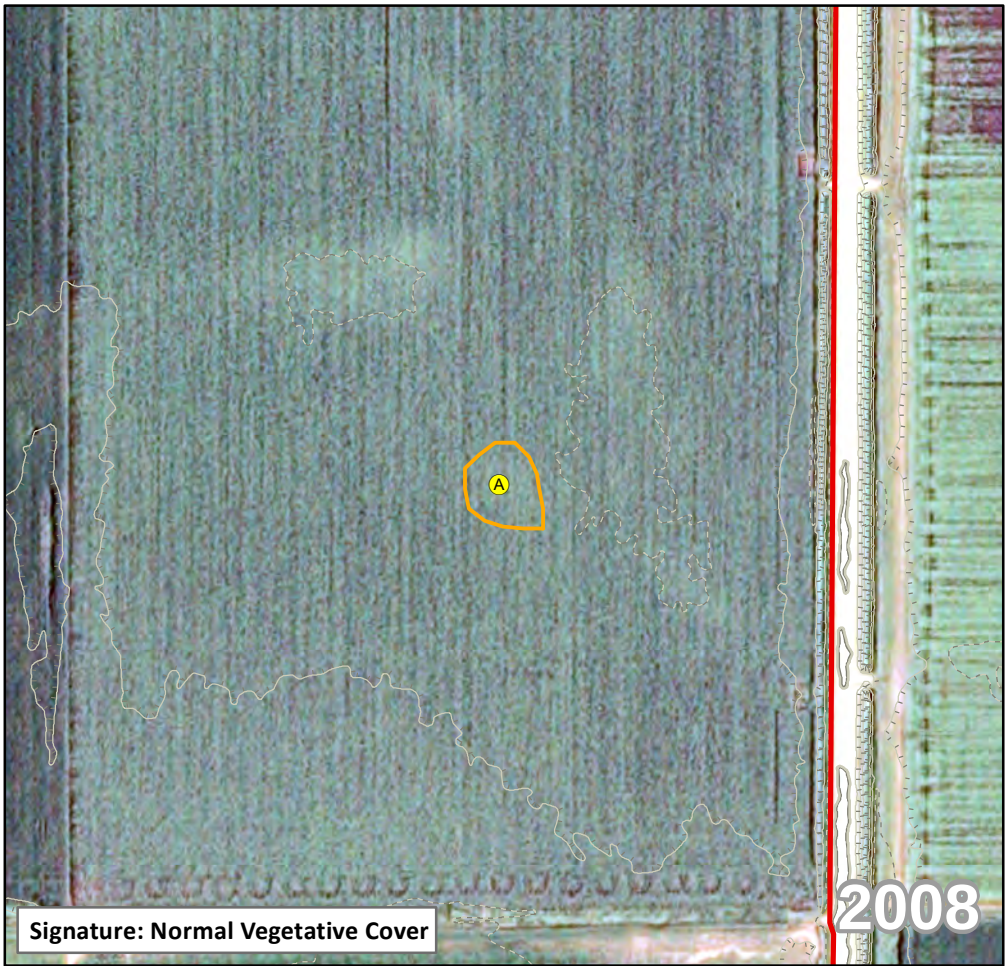
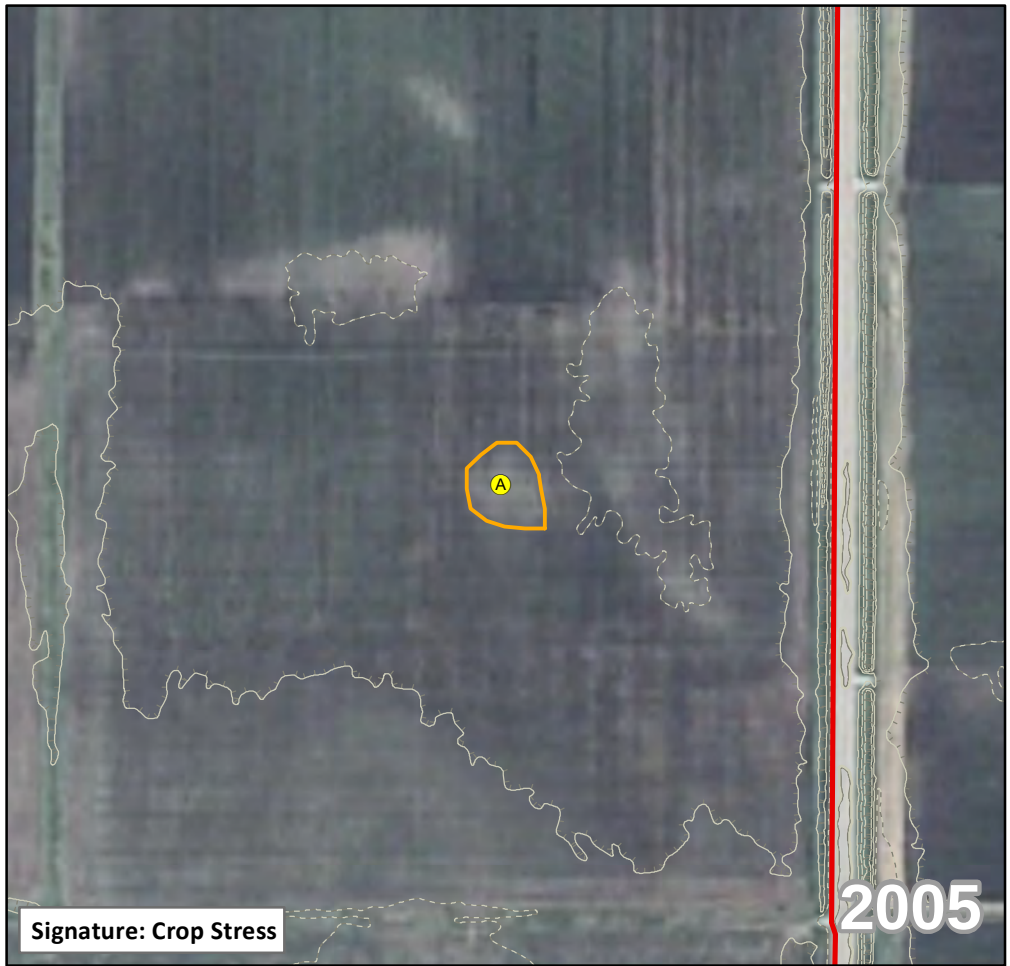




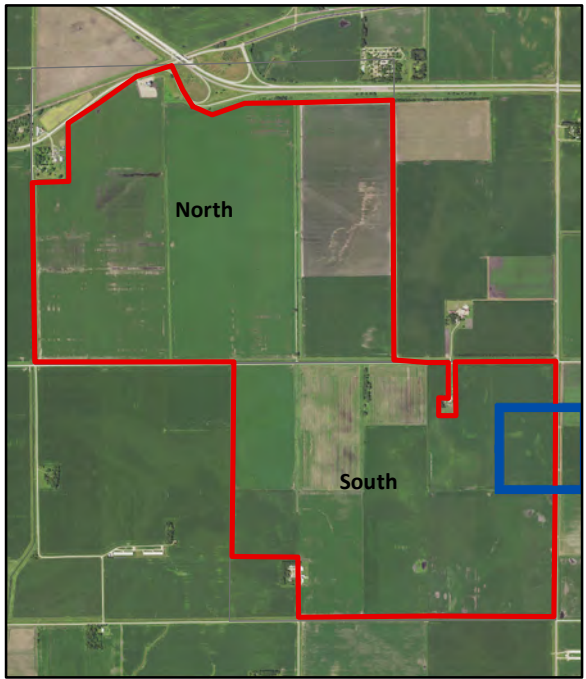
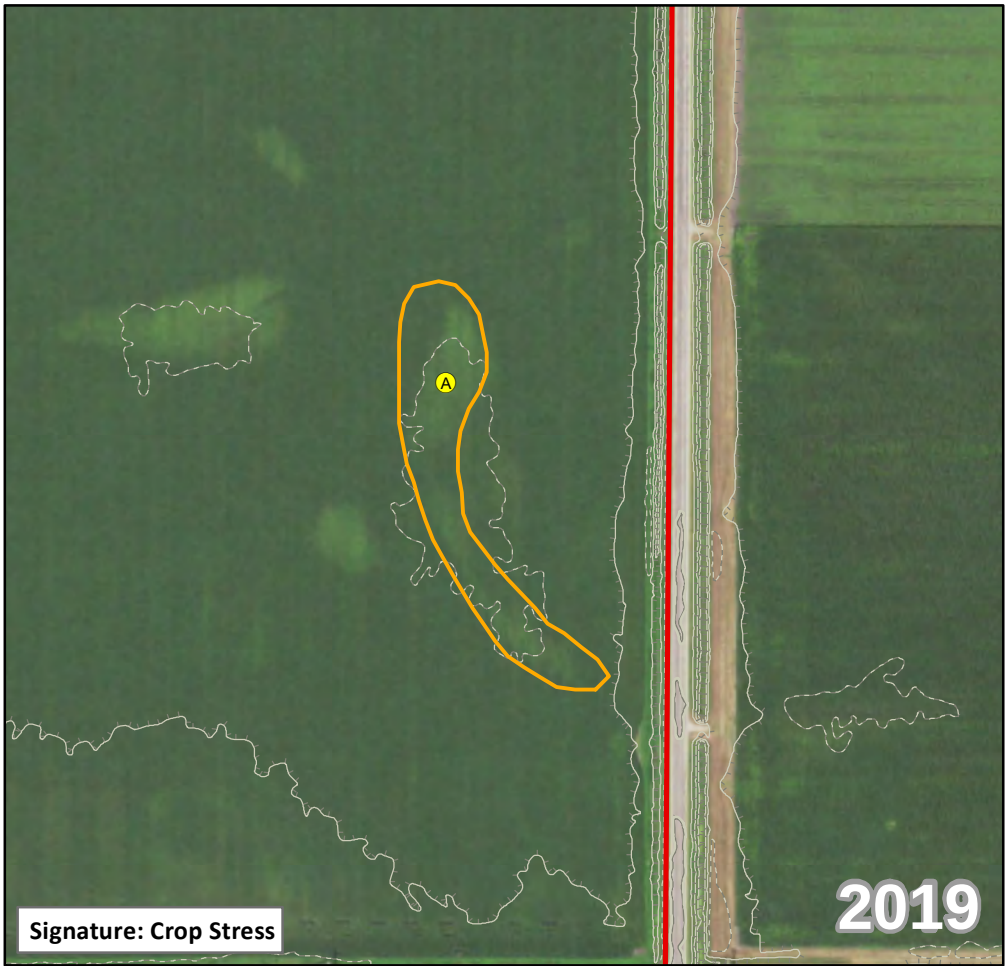
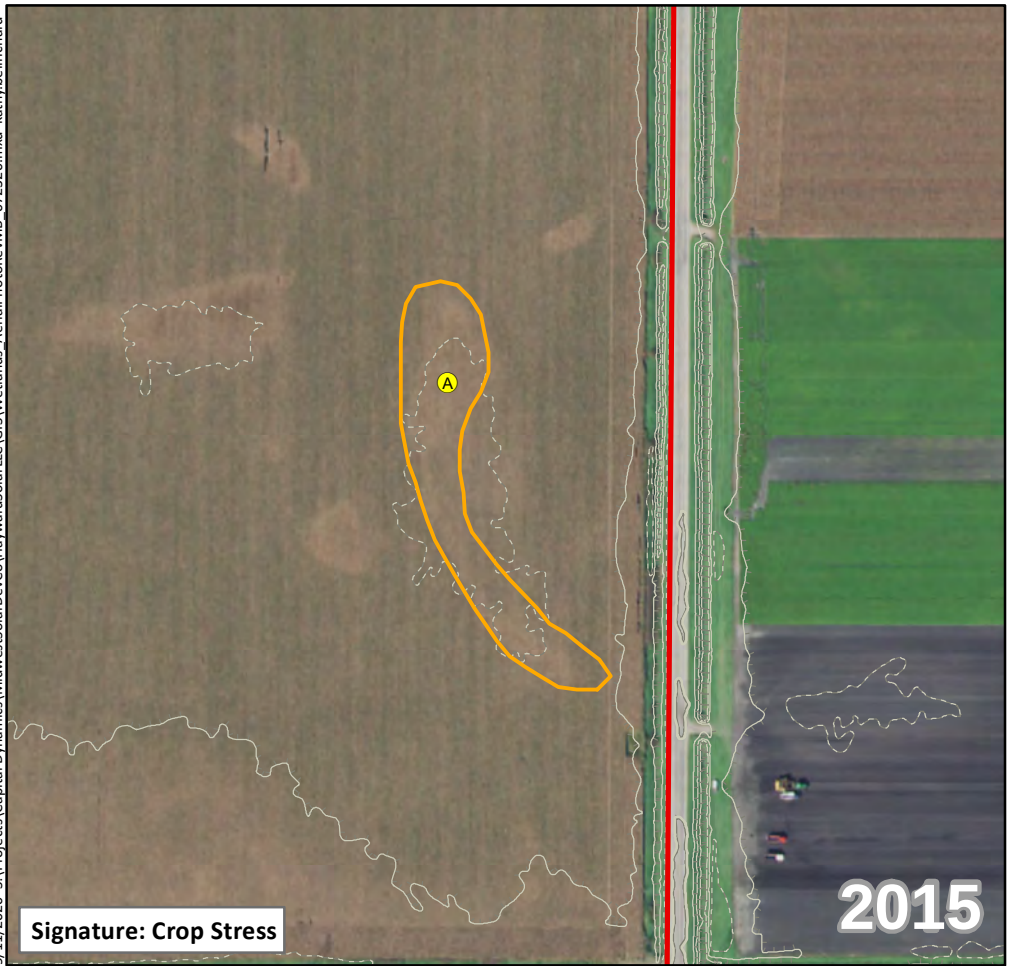
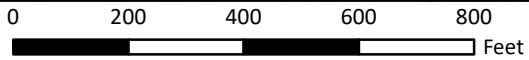
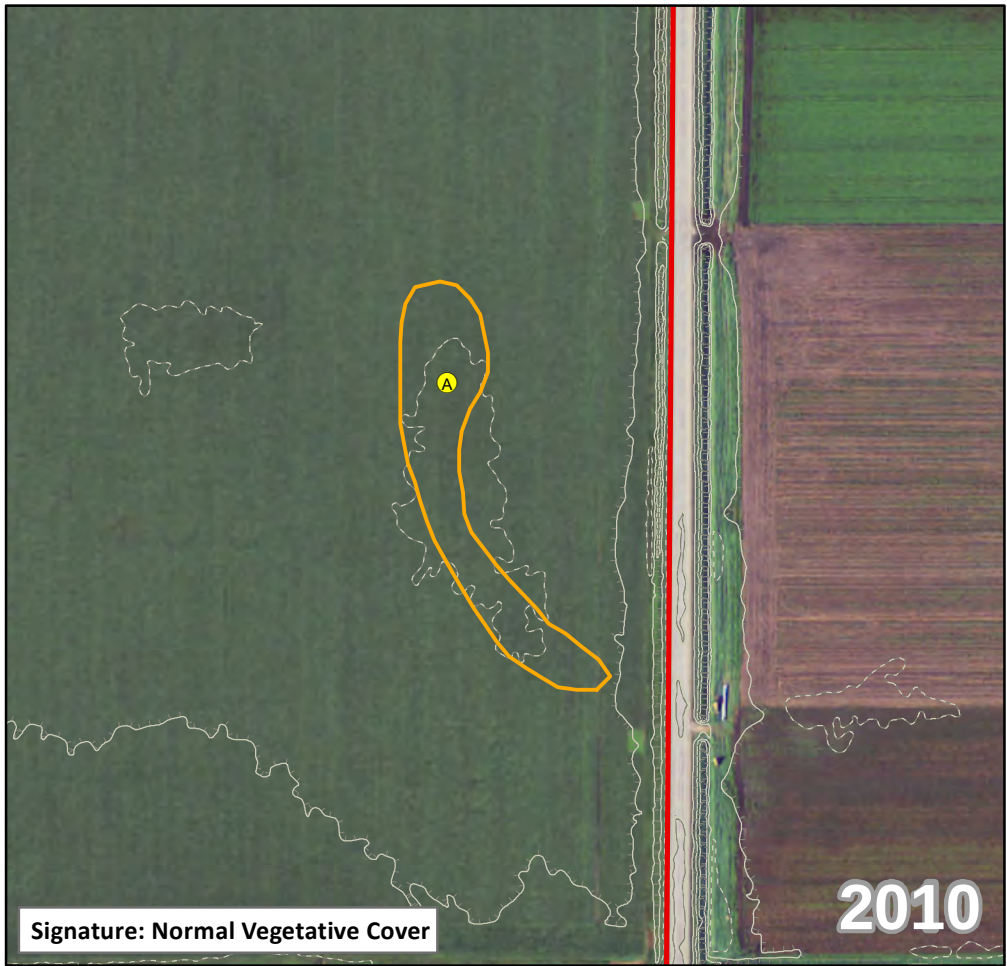
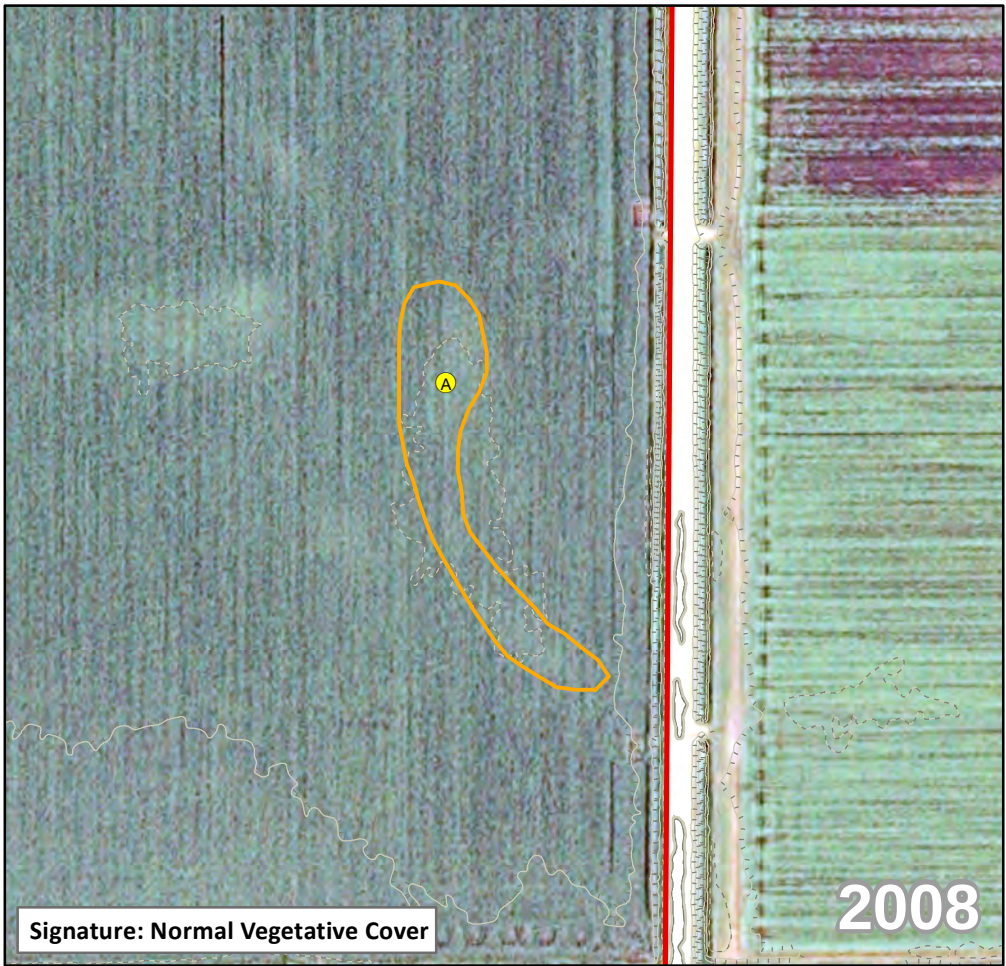
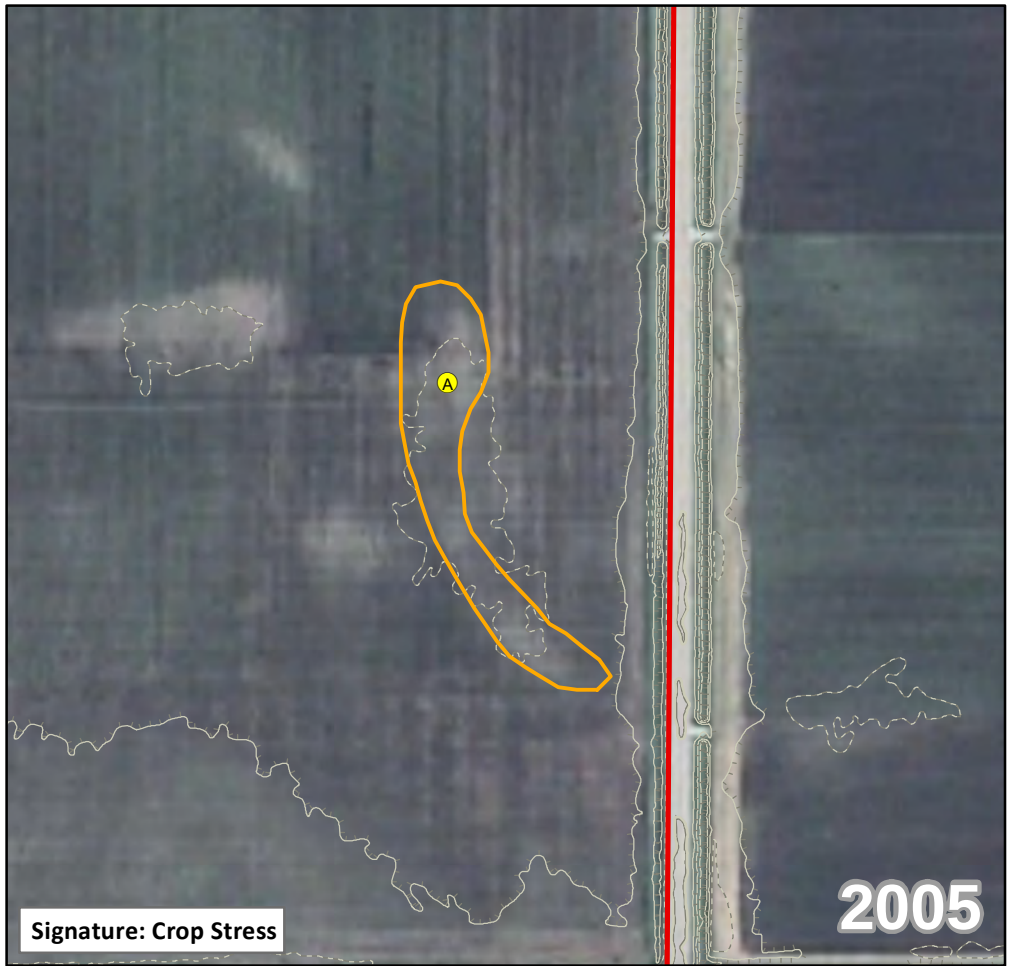
Feature ID: NWA030
Map Grid: South

- Desktop Wetland
- Sample Point
- Project Area Boundary

- Contour**
- Index
 - Index Depression
 - Intermediate
 - Depression



**Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota**

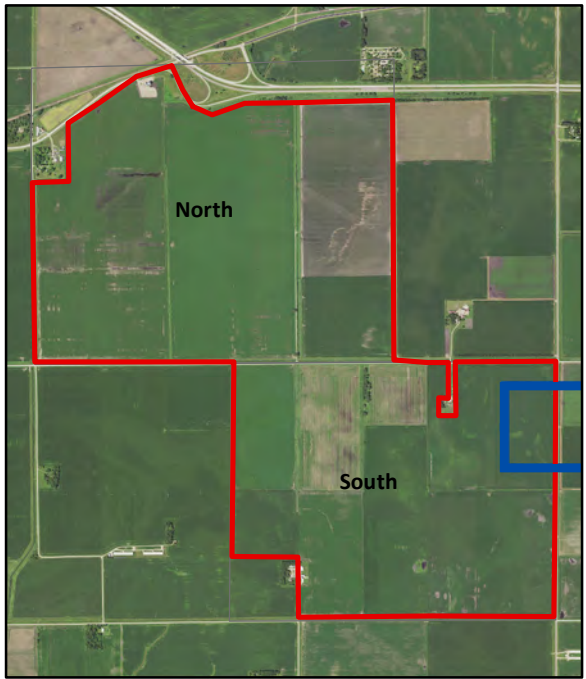
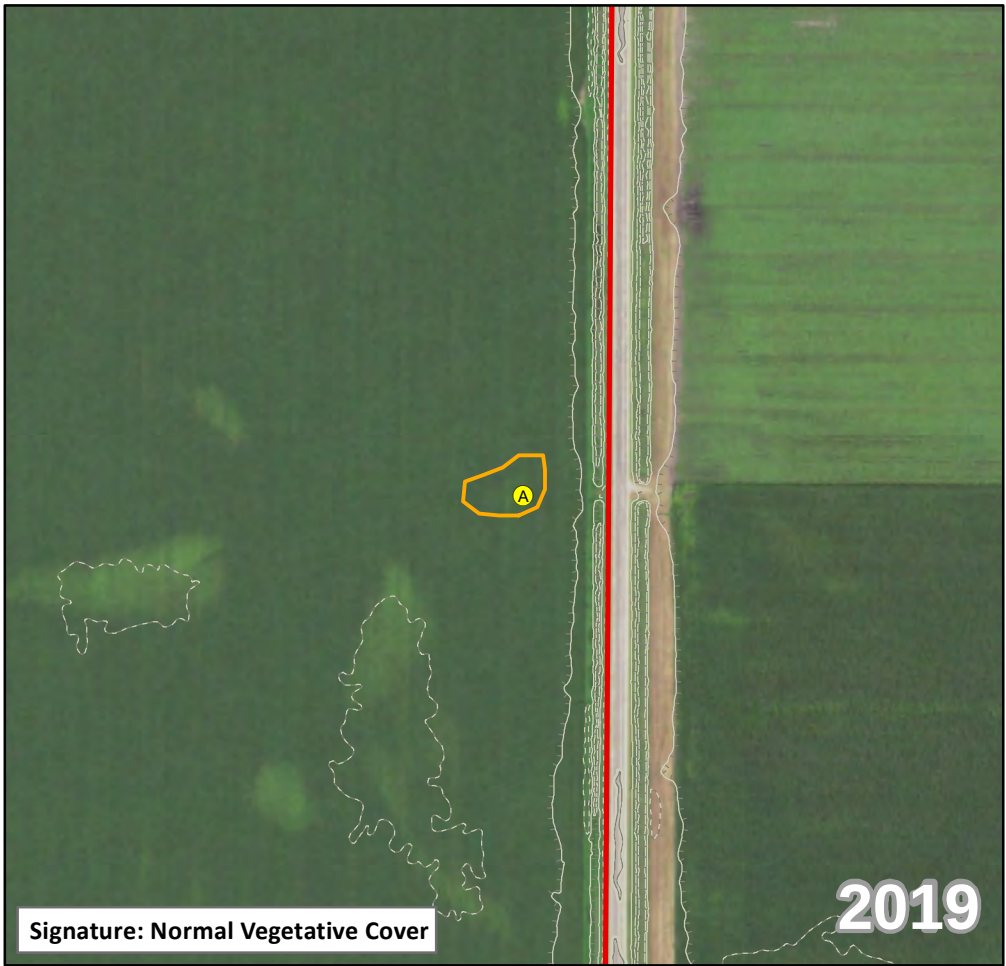
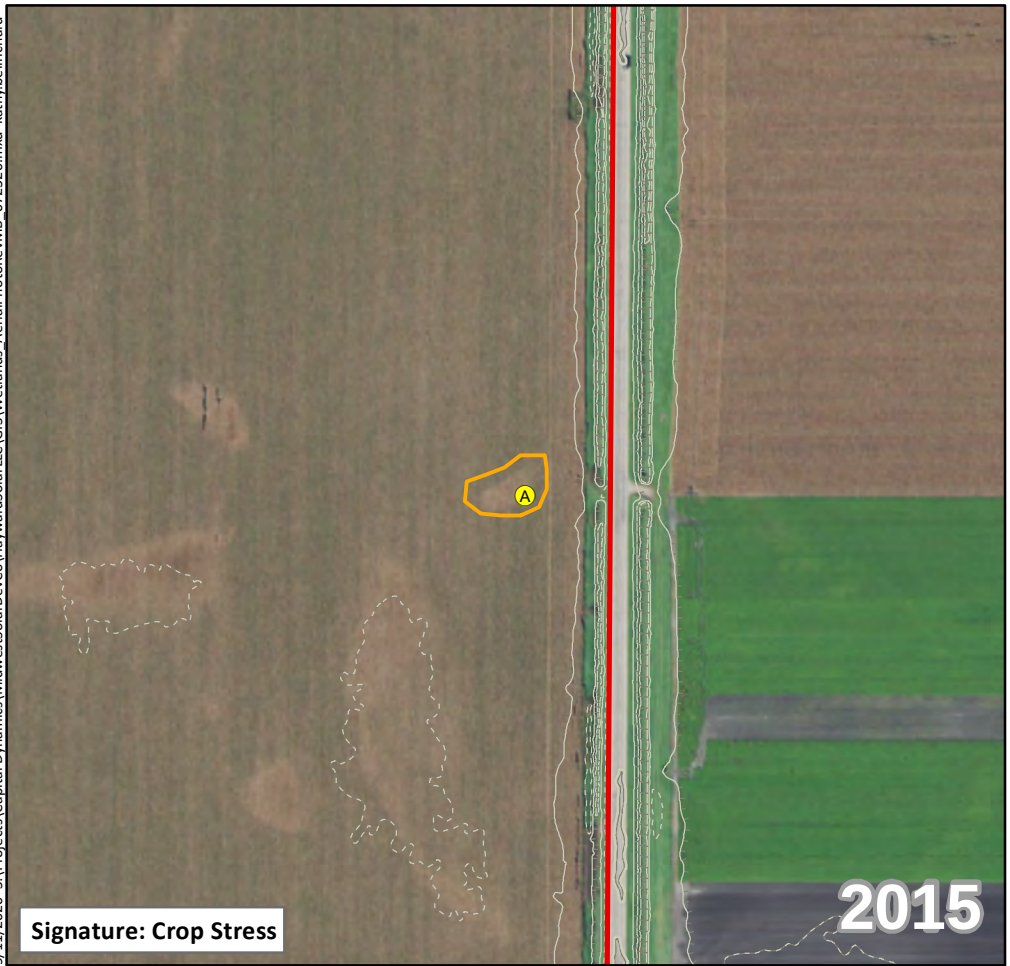
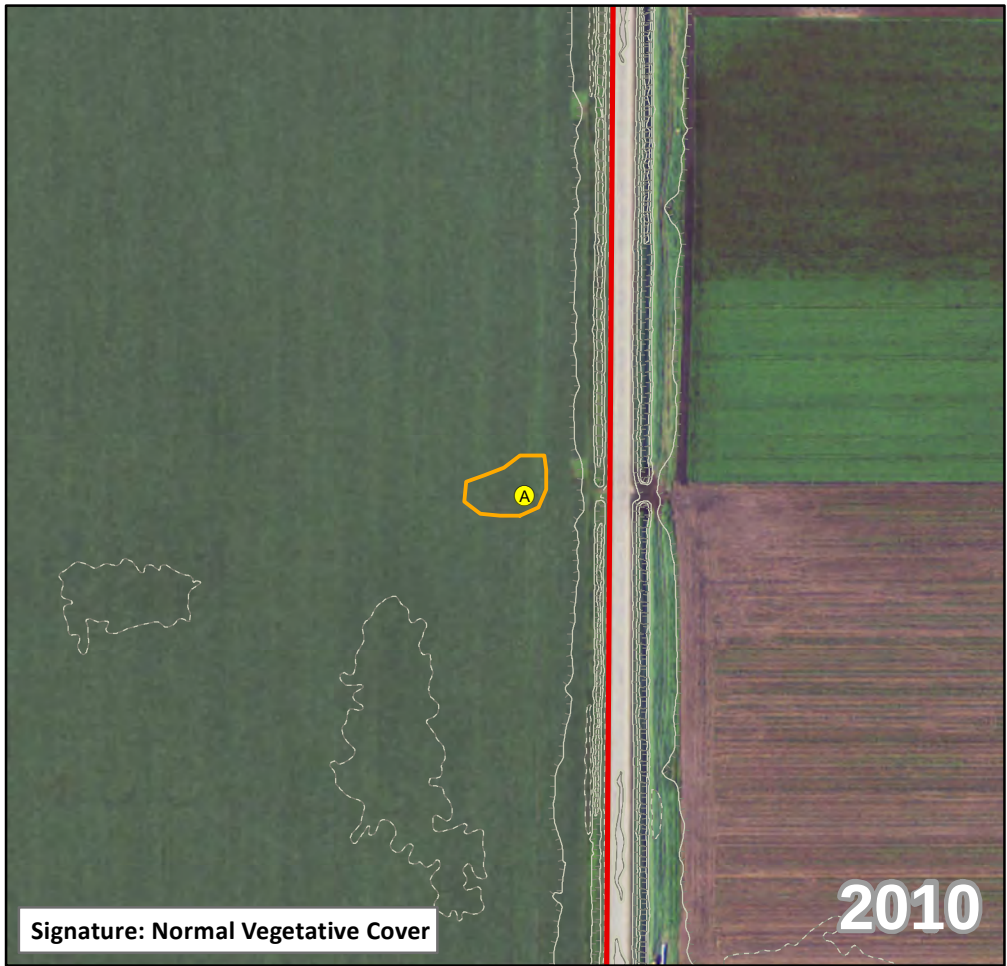
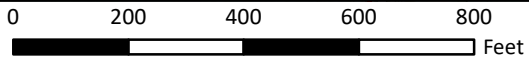
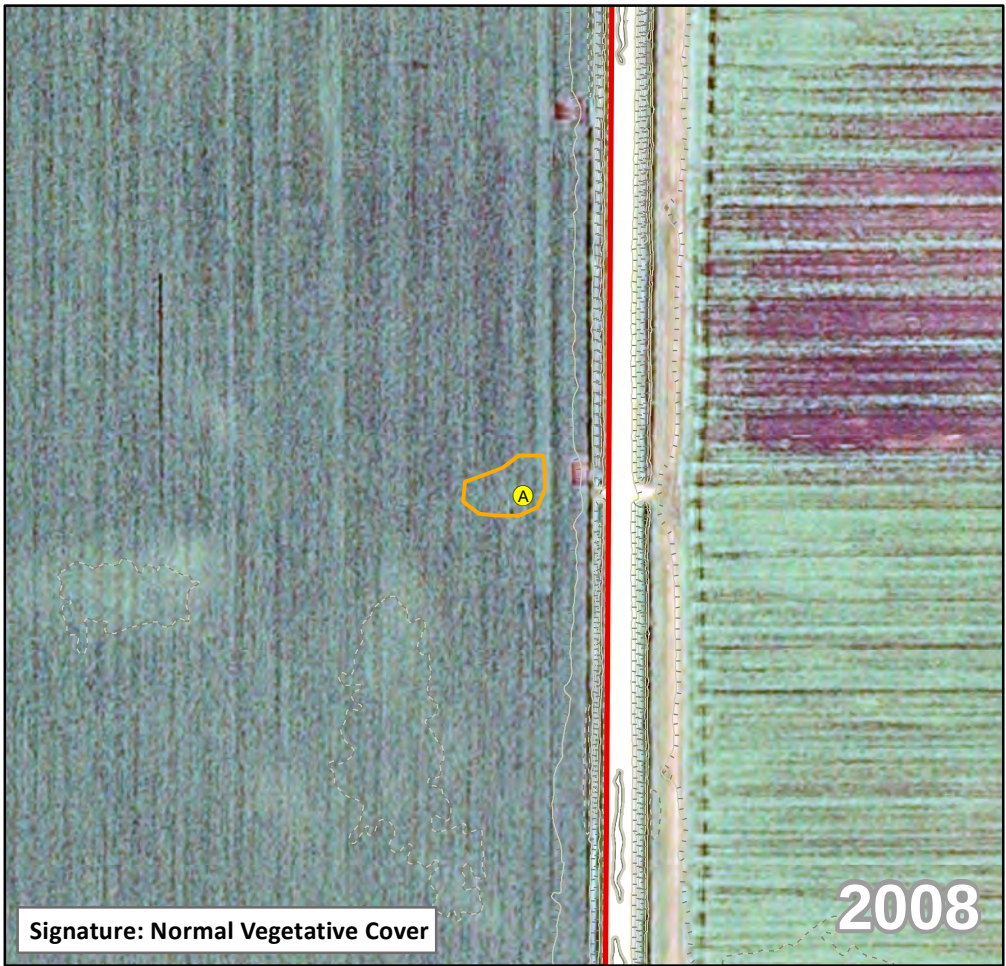
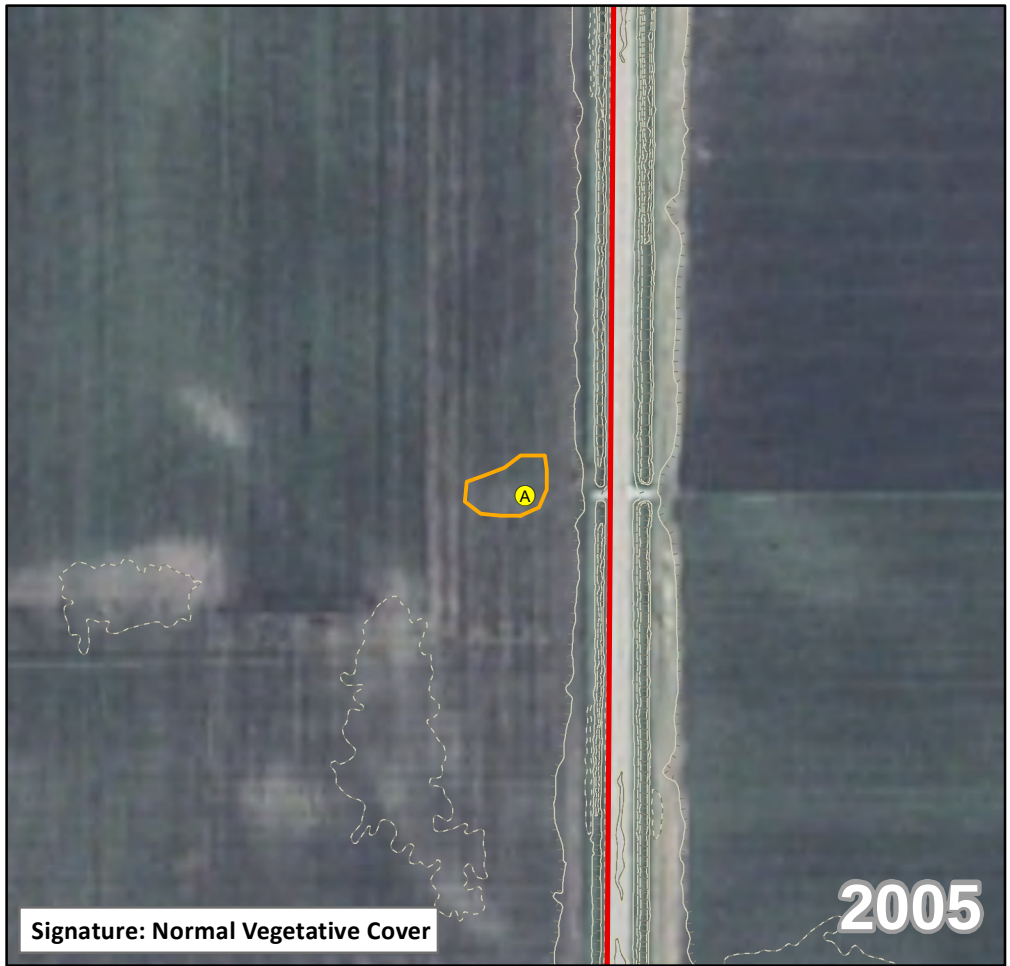


Feature ID: NWA031
Map Grid: South

- Desktop Wetland
 - Sample Point
 - Project Area Boundary
- Contour**
- Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota

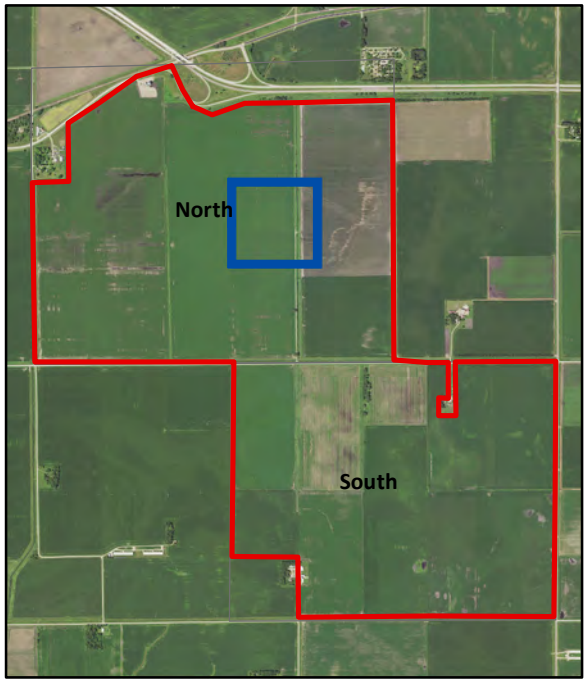
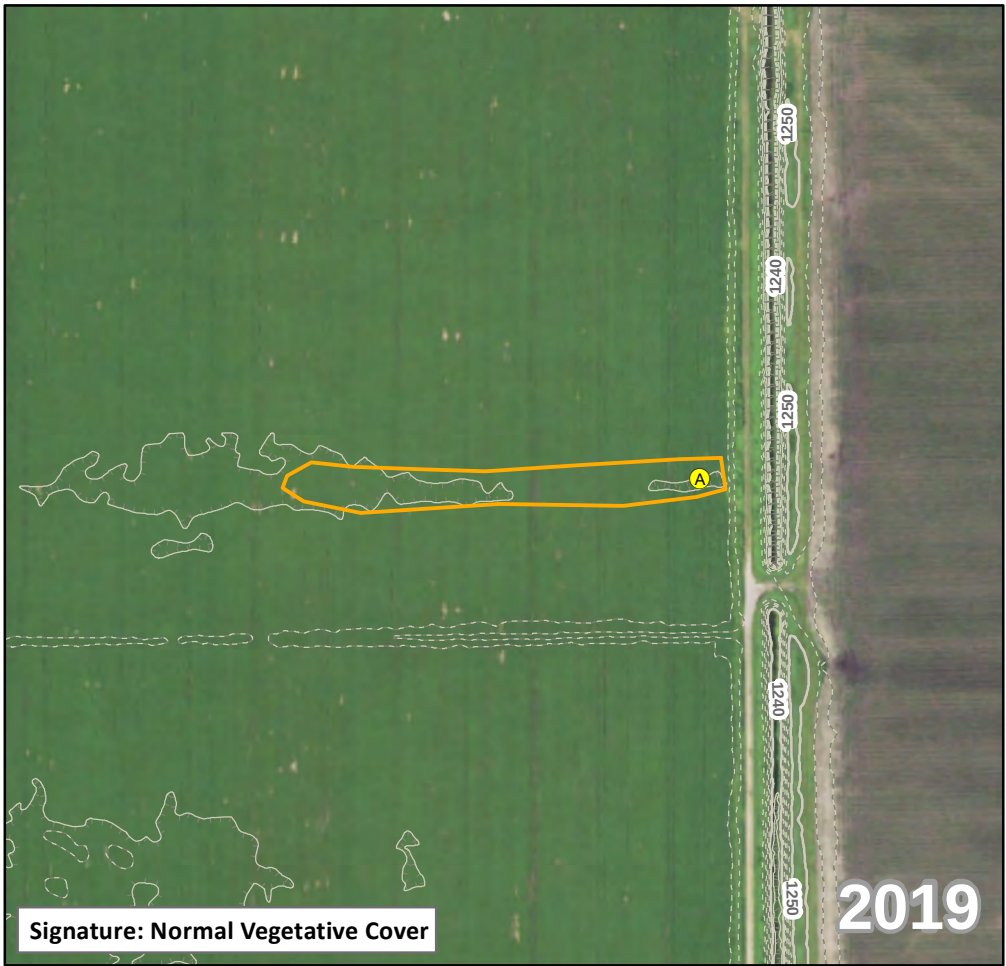
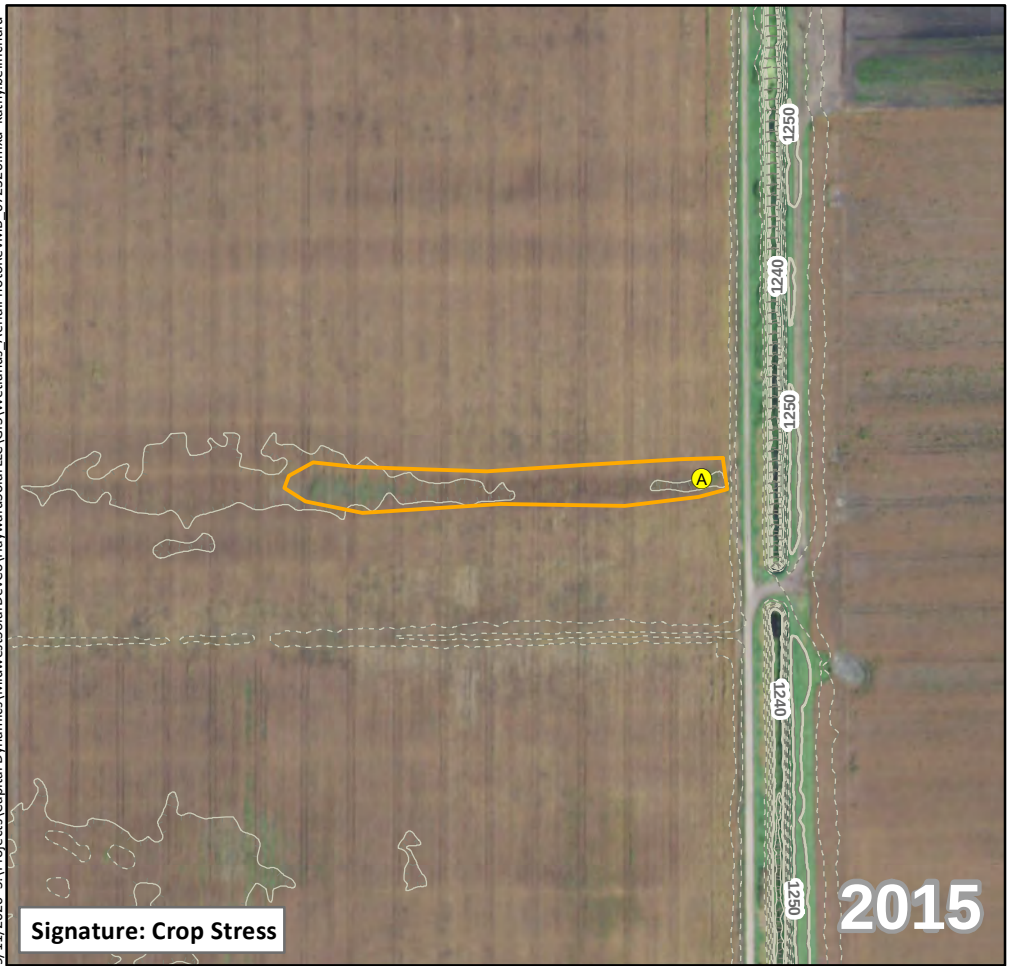
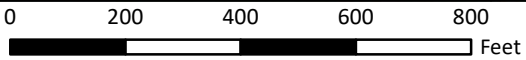
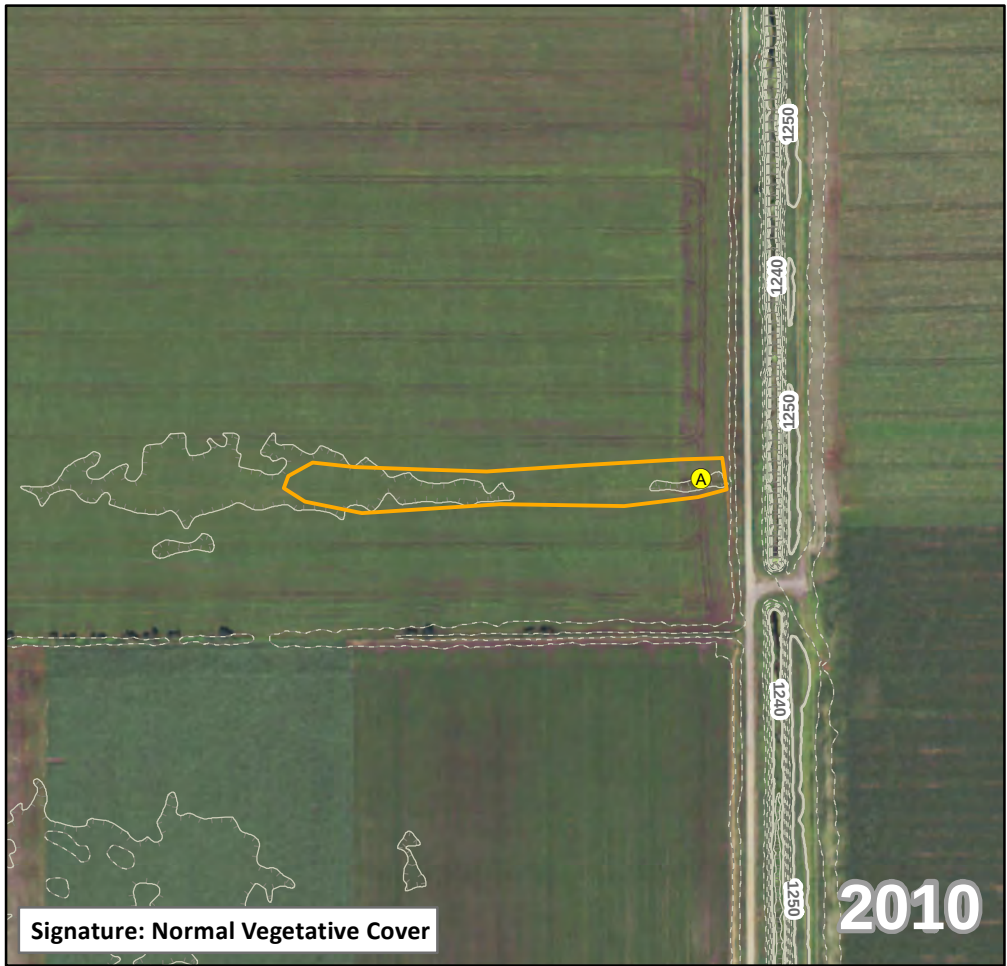
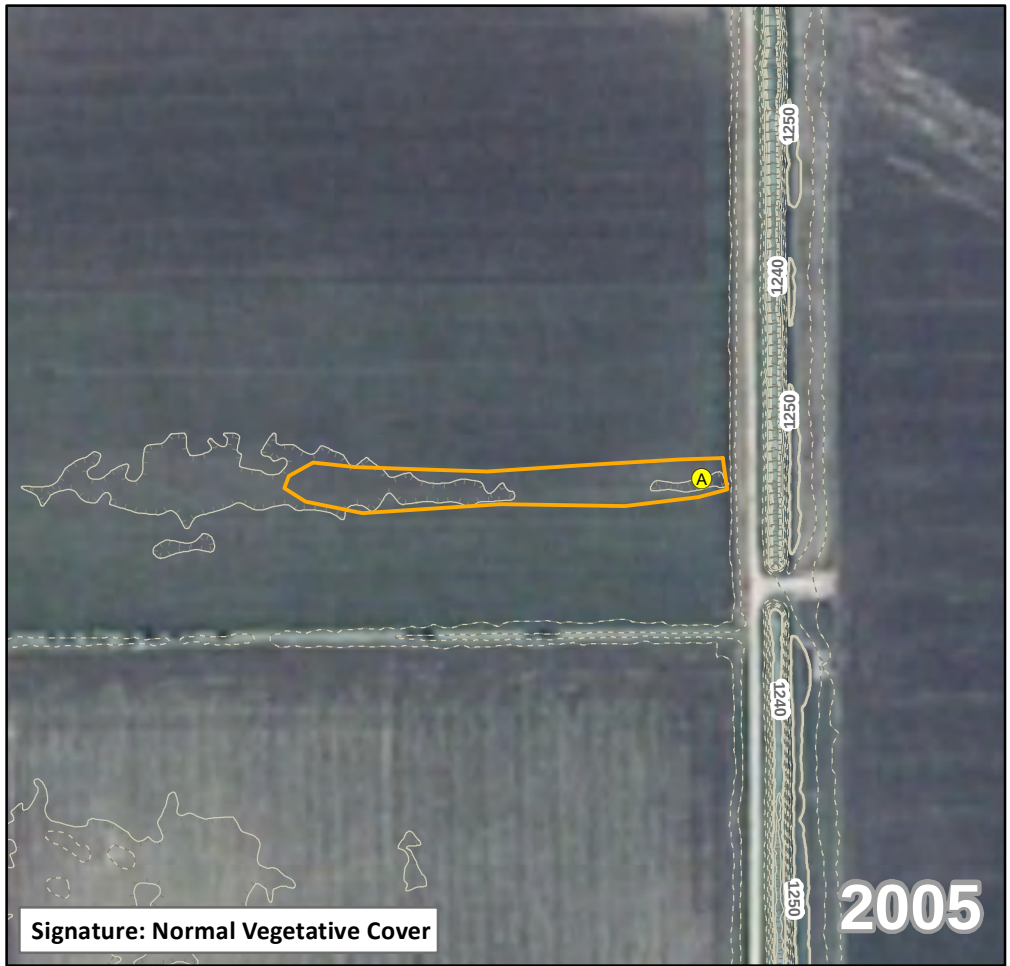


Feature ID: NWA032
Map Grid: South

- Desktop Wetland
- Sample Point
- Project Area Boundary
- Contour**
 - Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota



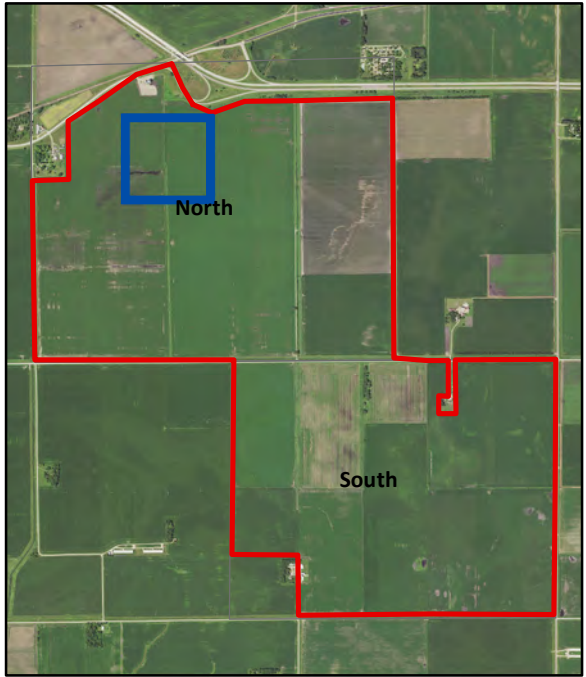
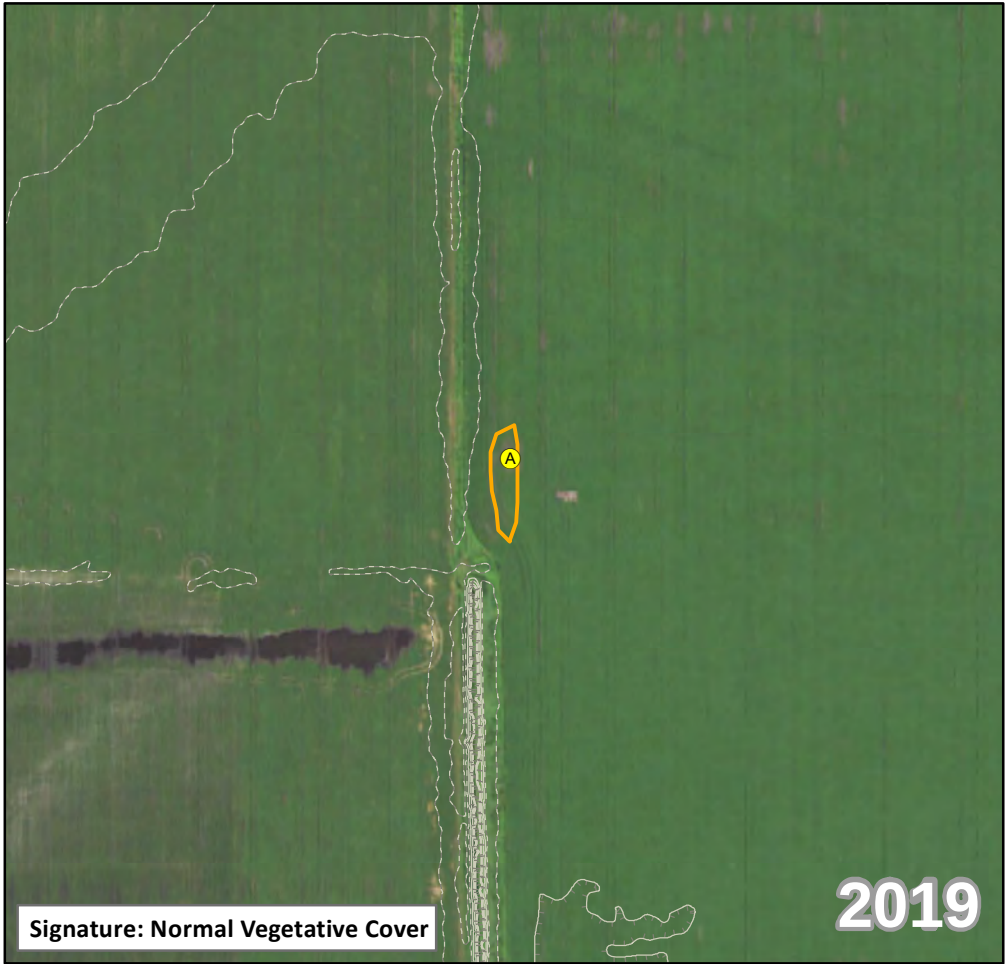
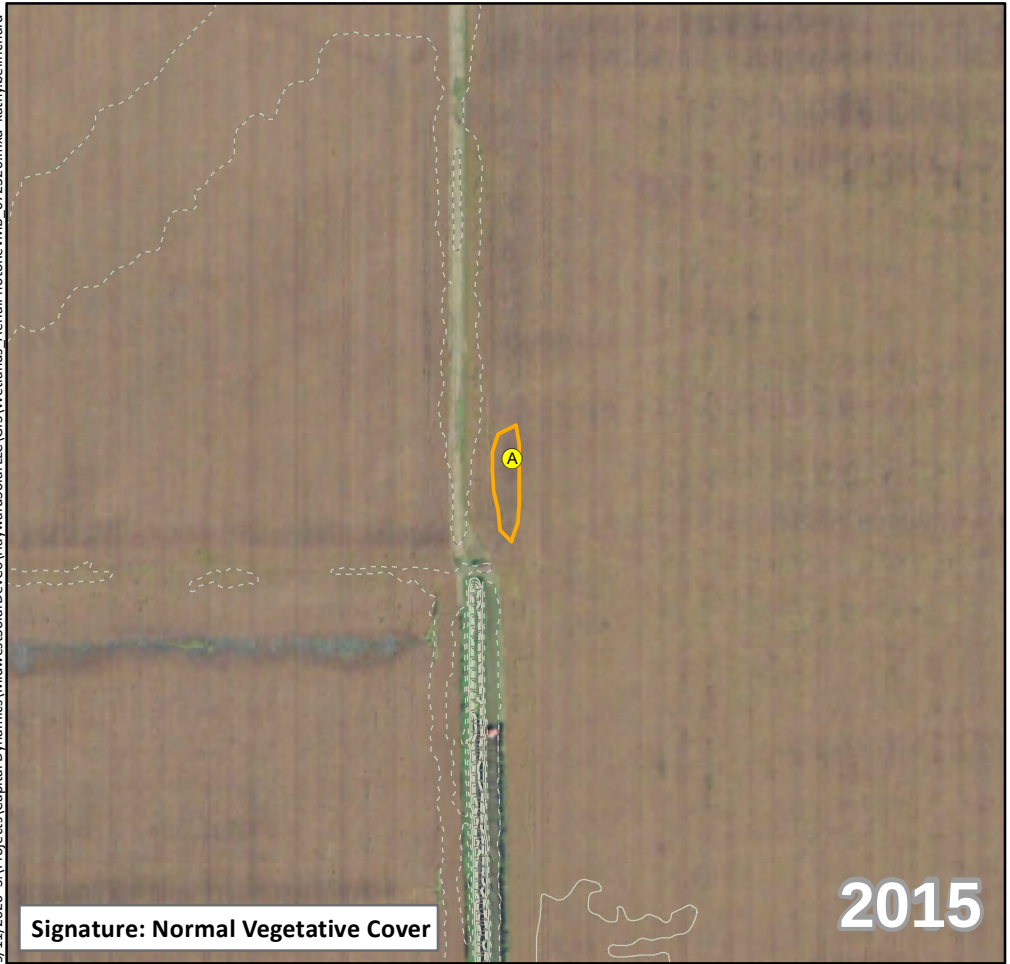
Feature ID: NWA034
Map Grid: North

- Desktop Wetland
- Sample Point
- Project Area Boundary
- Contour**
 - Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota





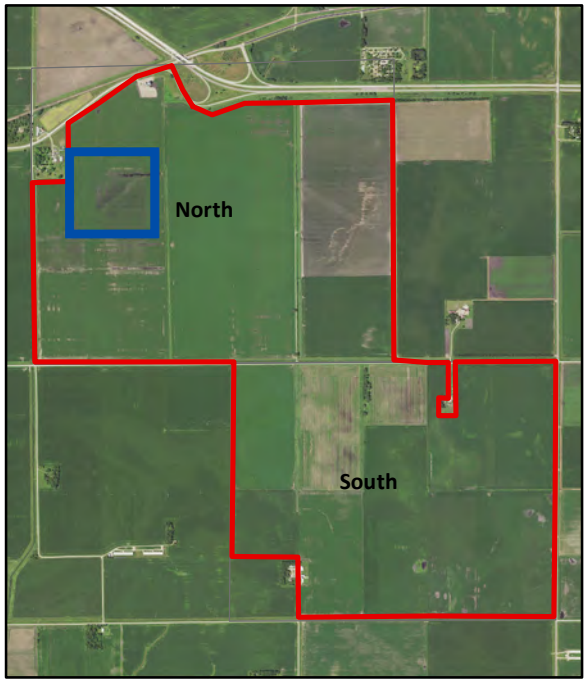
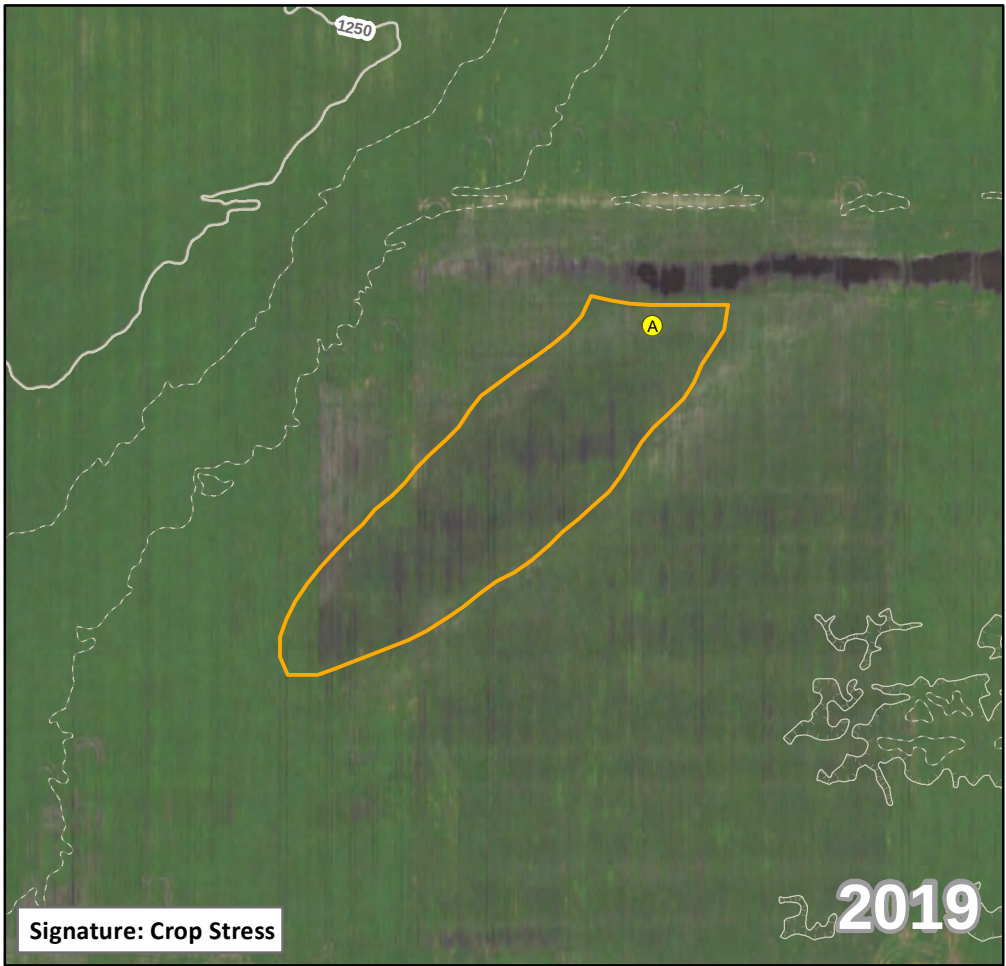
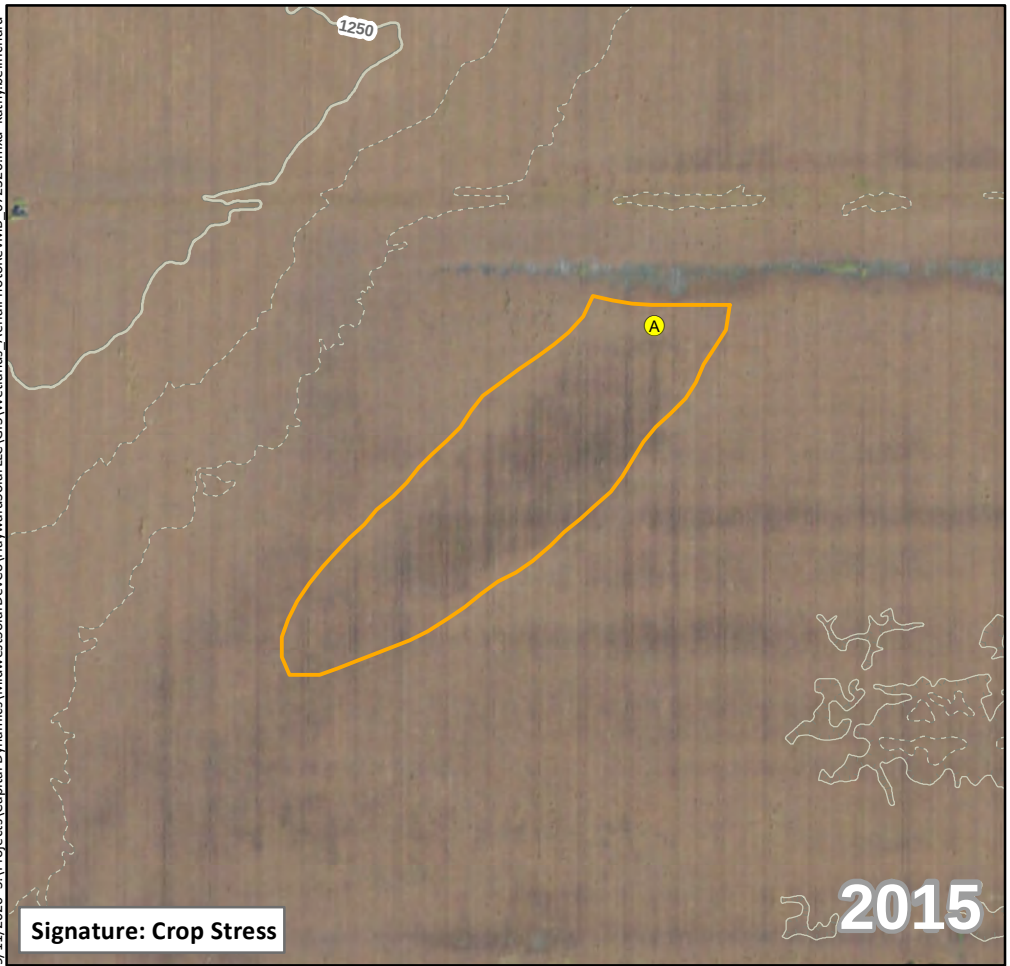
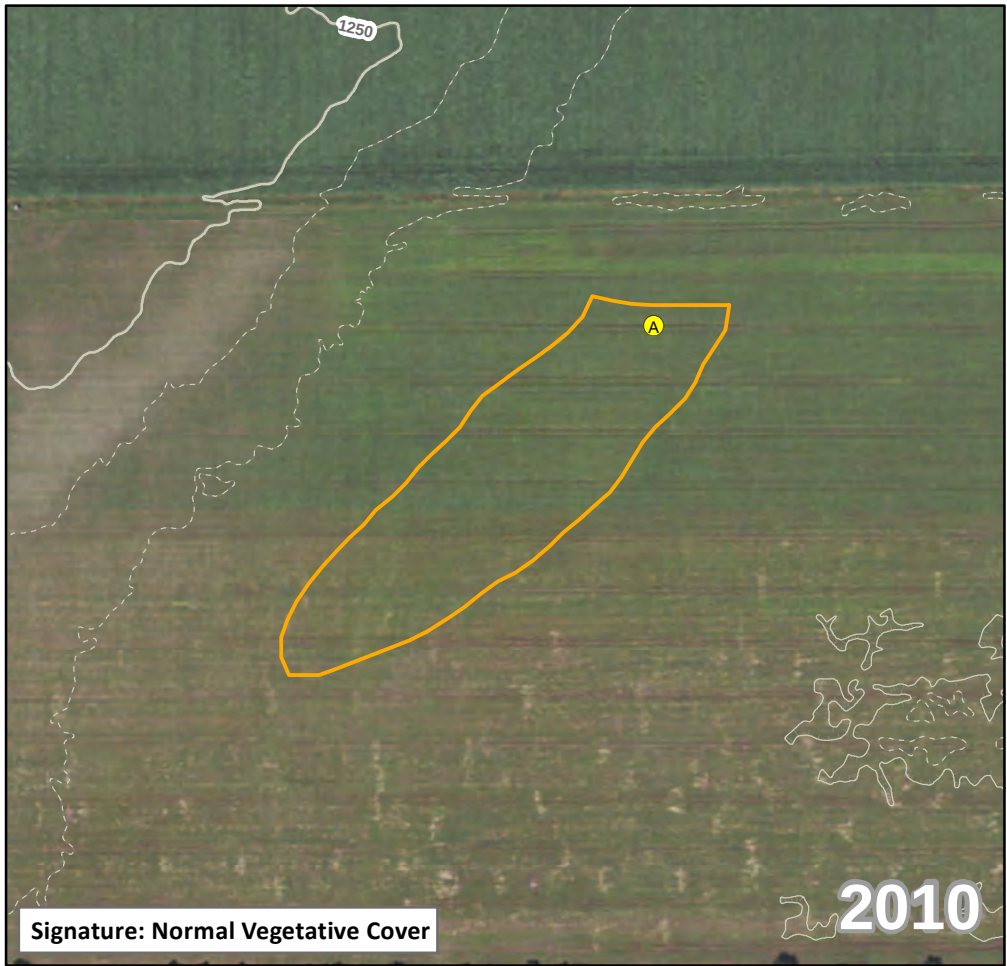
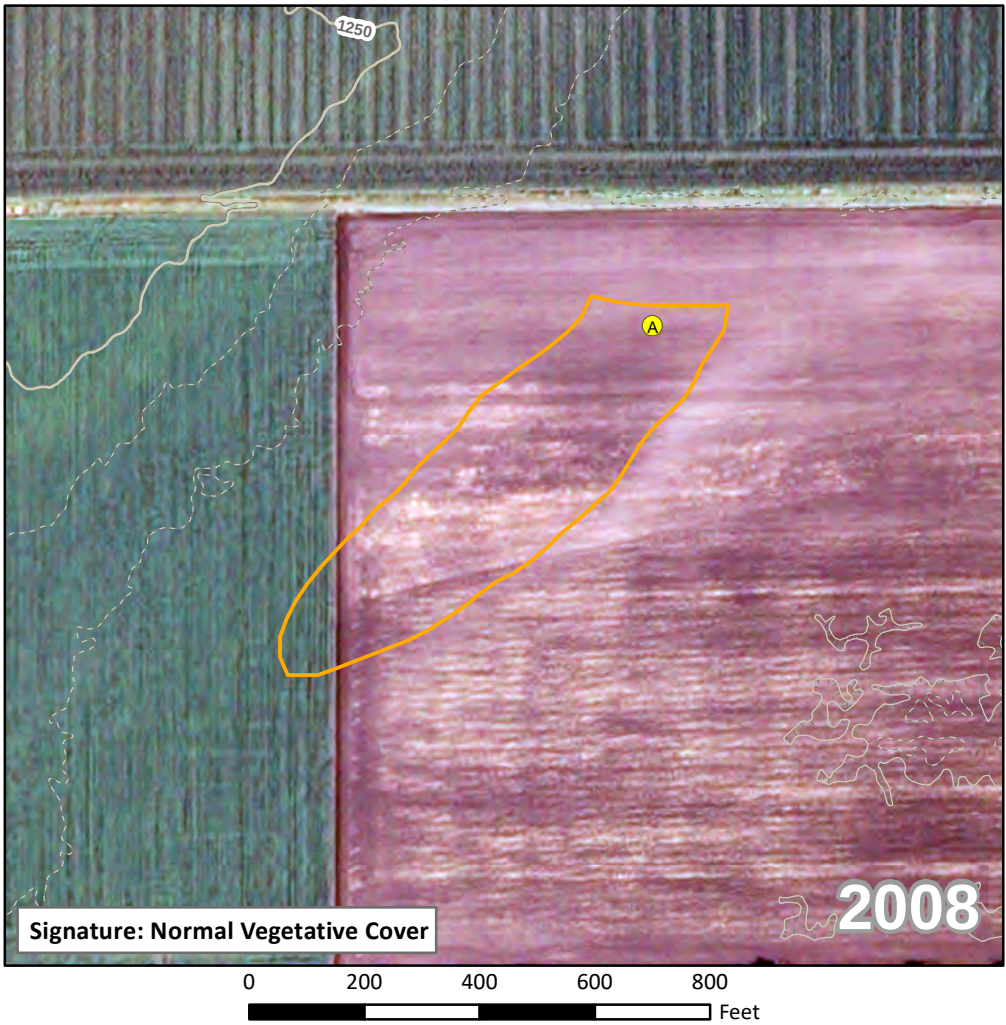
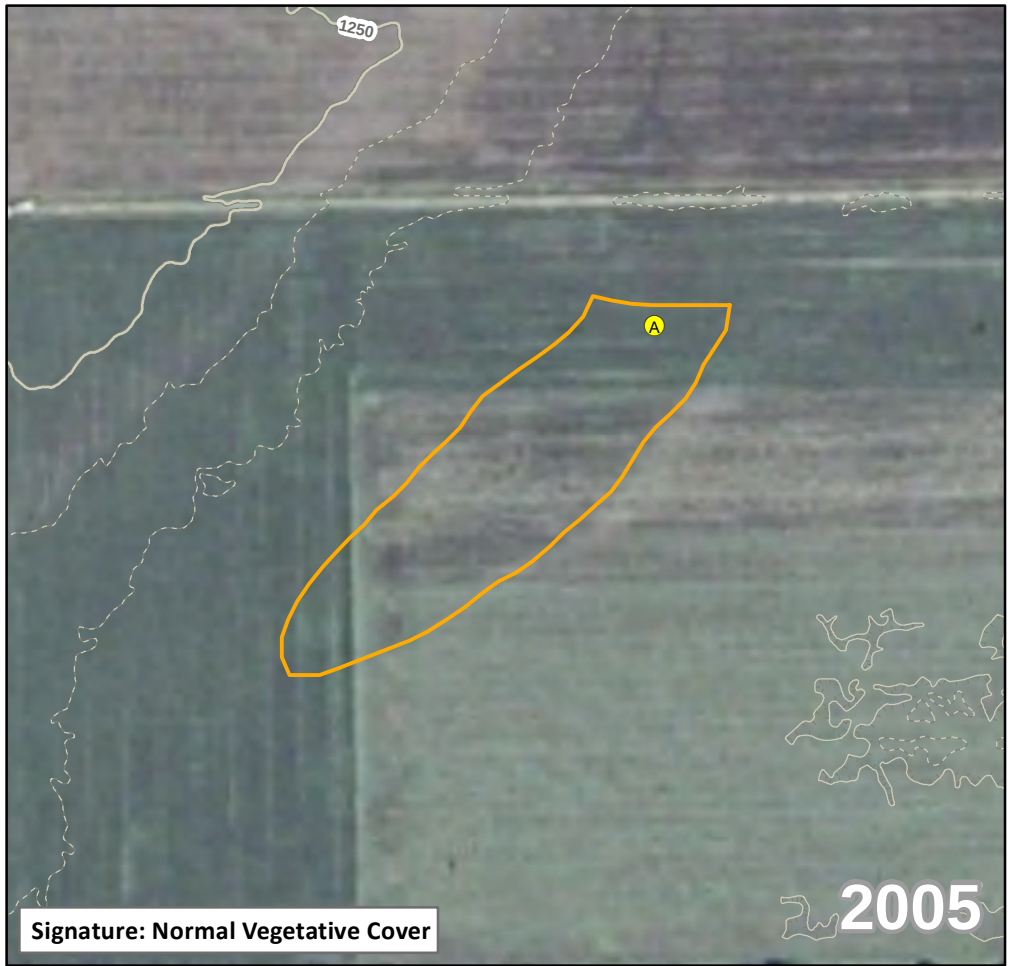
Feature ID: NWA041
Map Grid: North

-  Desktop Wetland
-  Sample Point
-  Project Area Boundary
- Contour**
 -  Index
 -  Index Depression
 -  Intermediate
 -  Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota



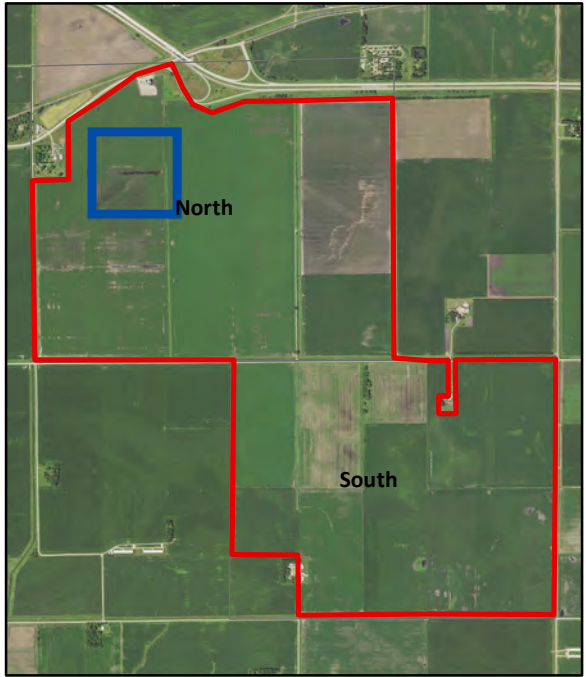
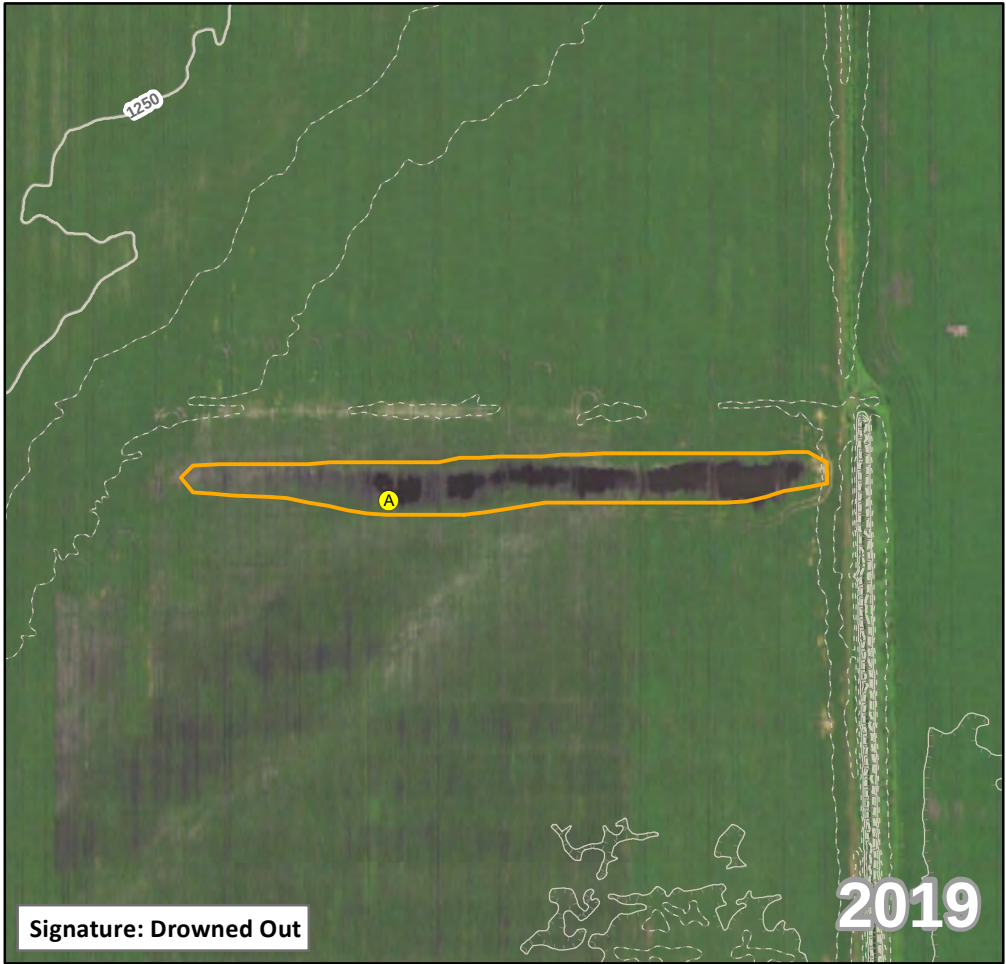
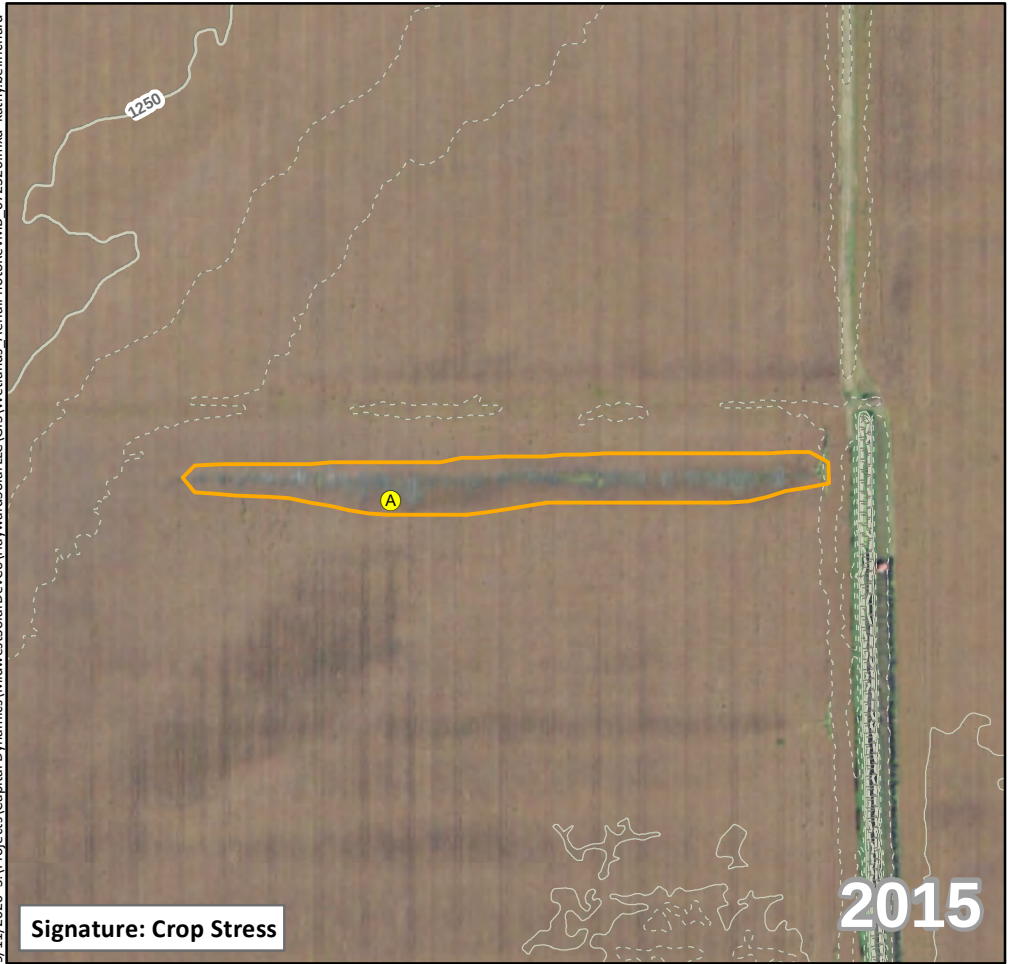
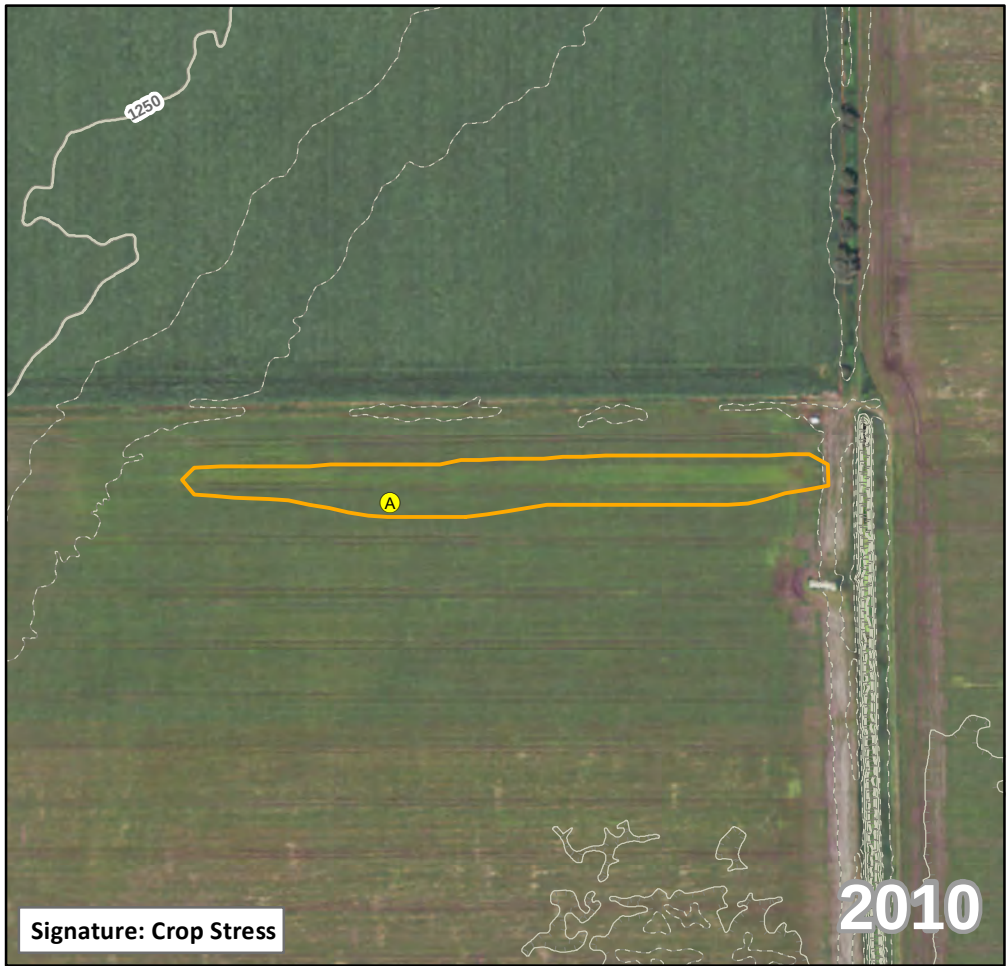
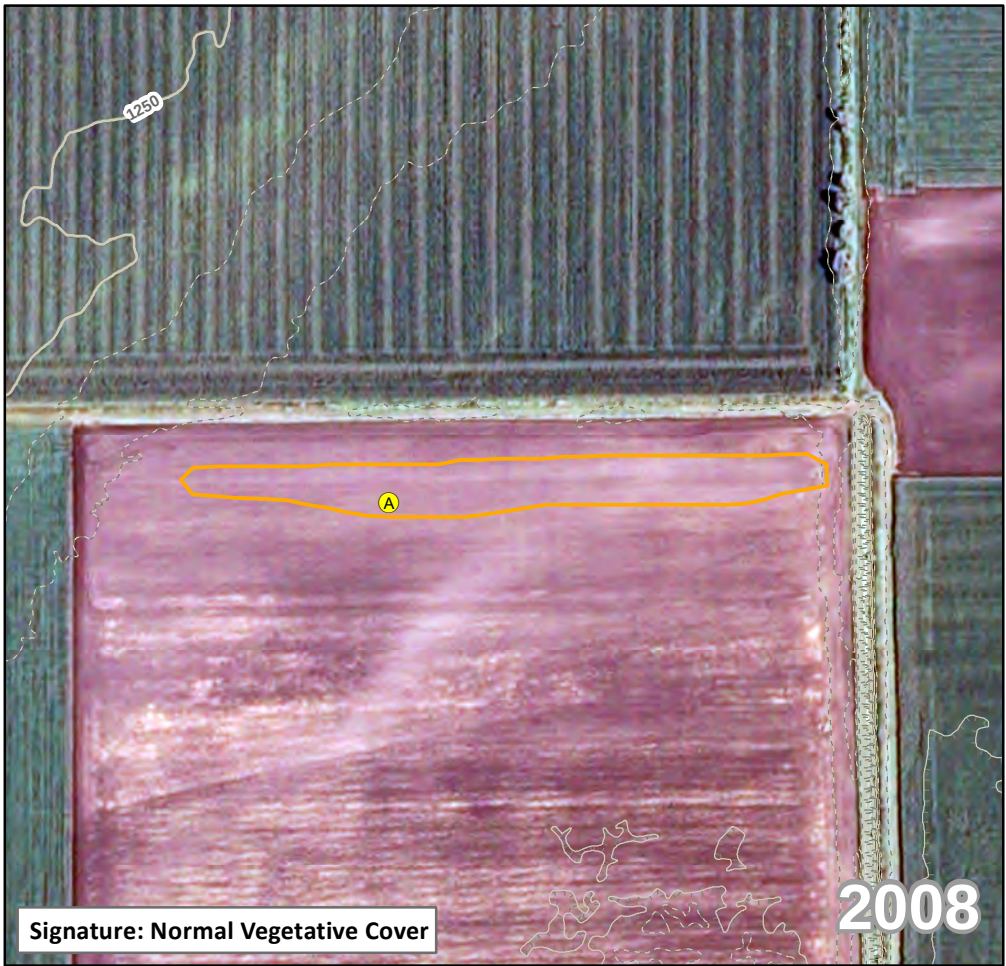
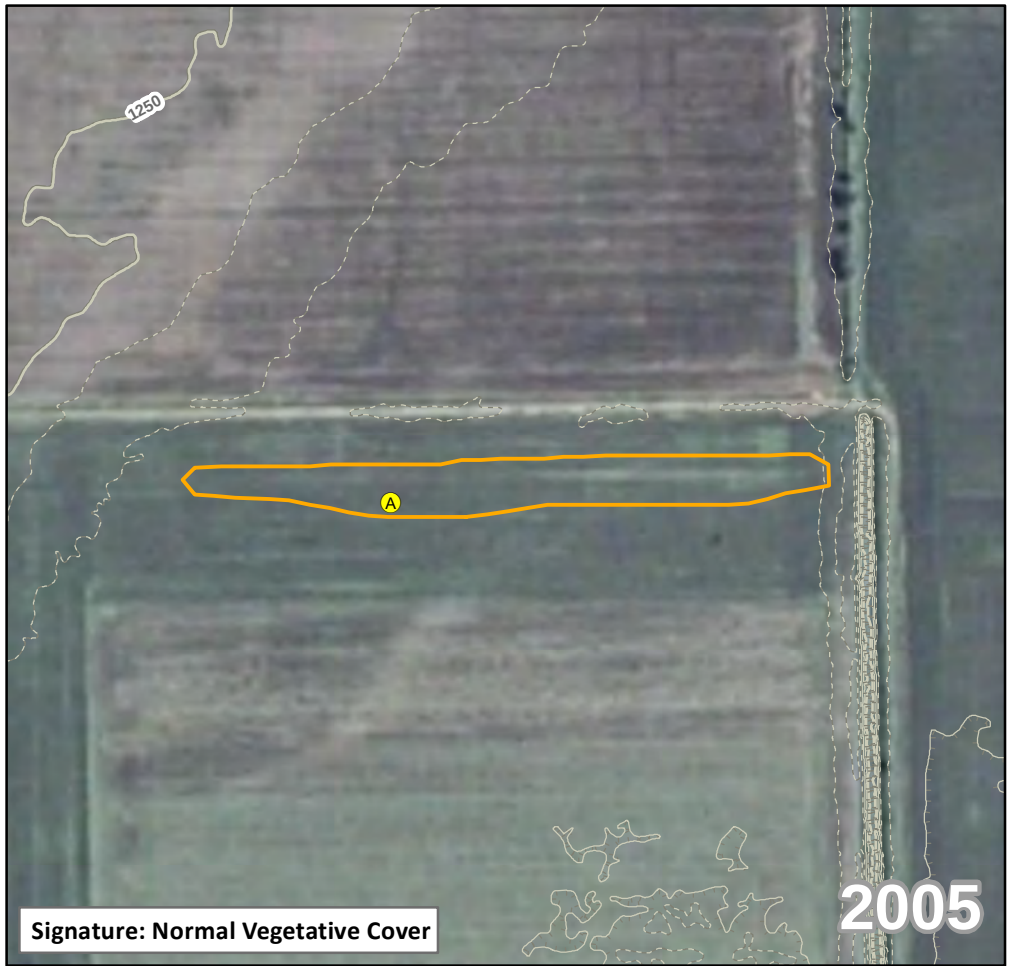


Feature ID: NWA043
Map Grid: North

- Desktop Wetland
- Sample Point
- Project Area Boundary
- Contour**
 - Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota



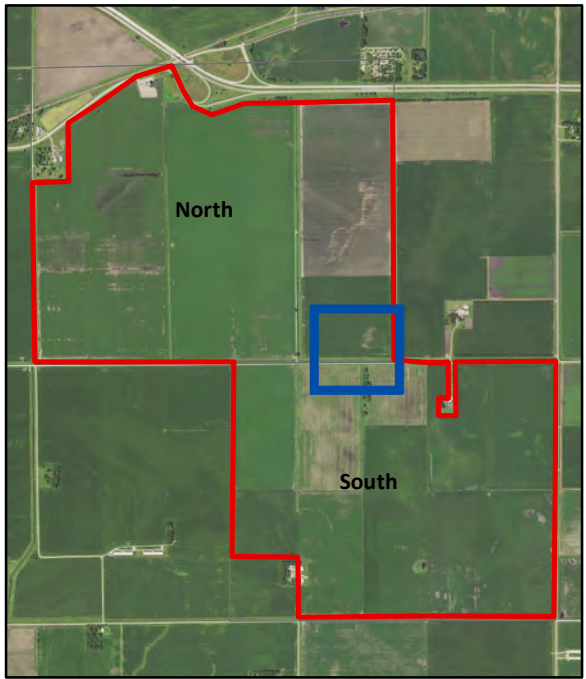
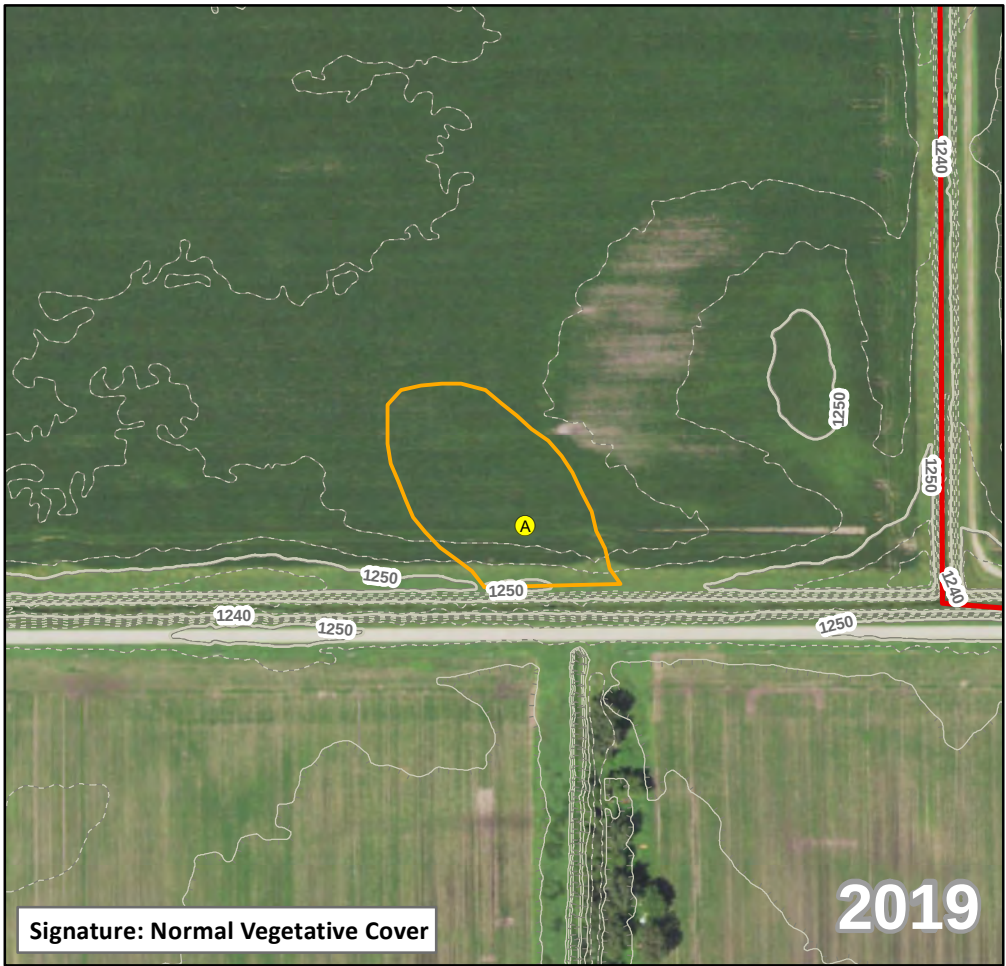
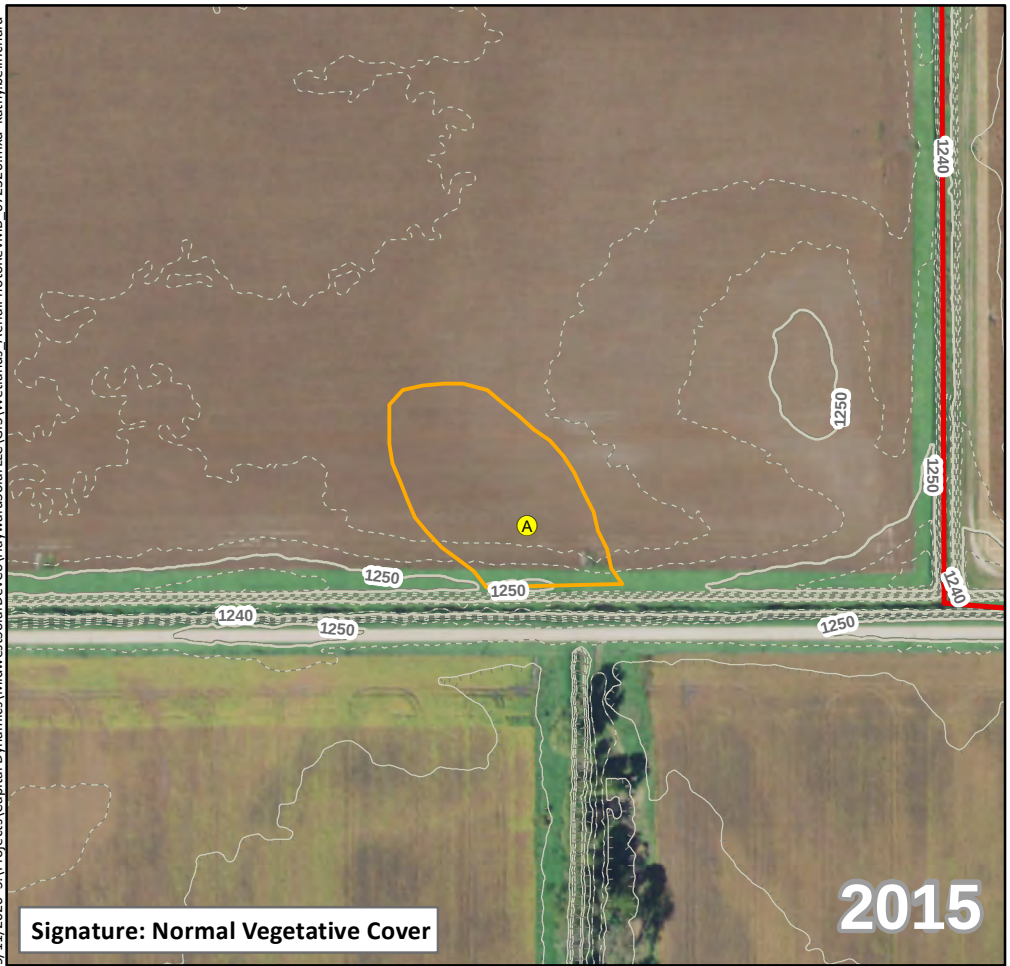
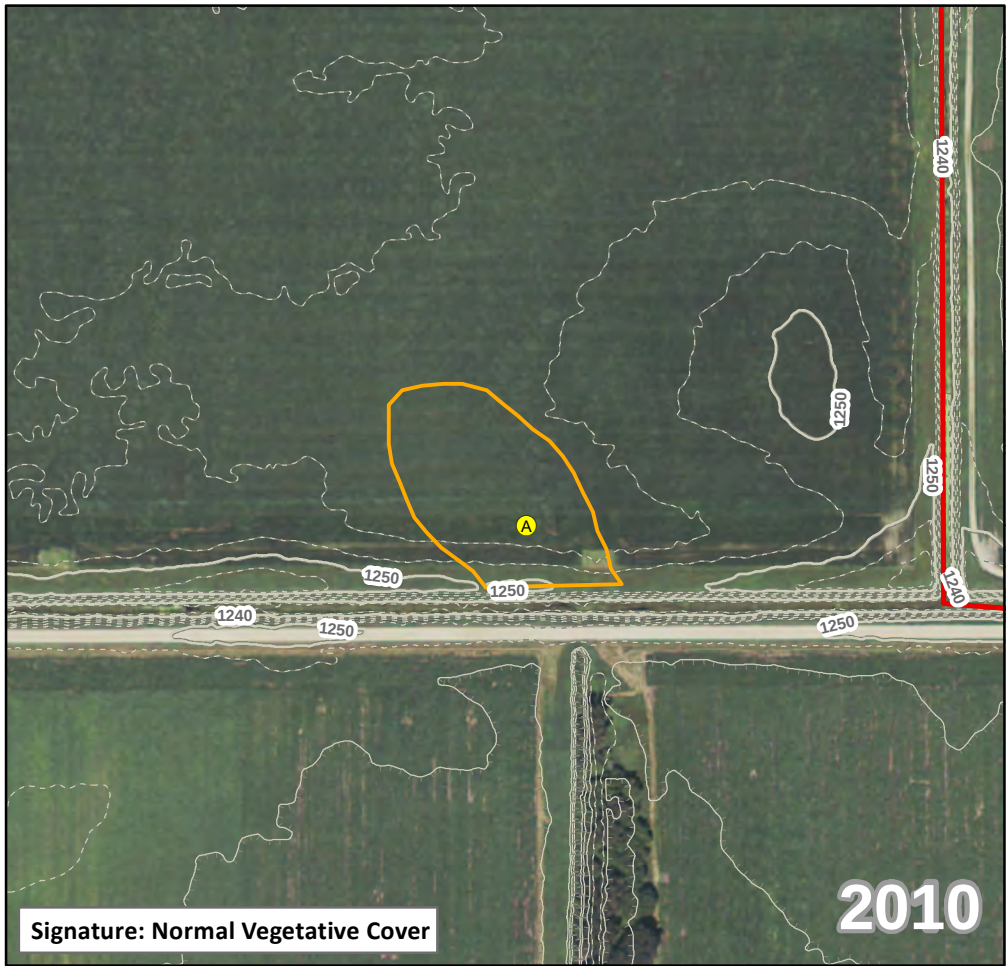
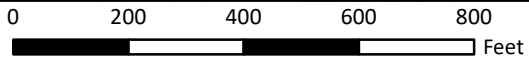
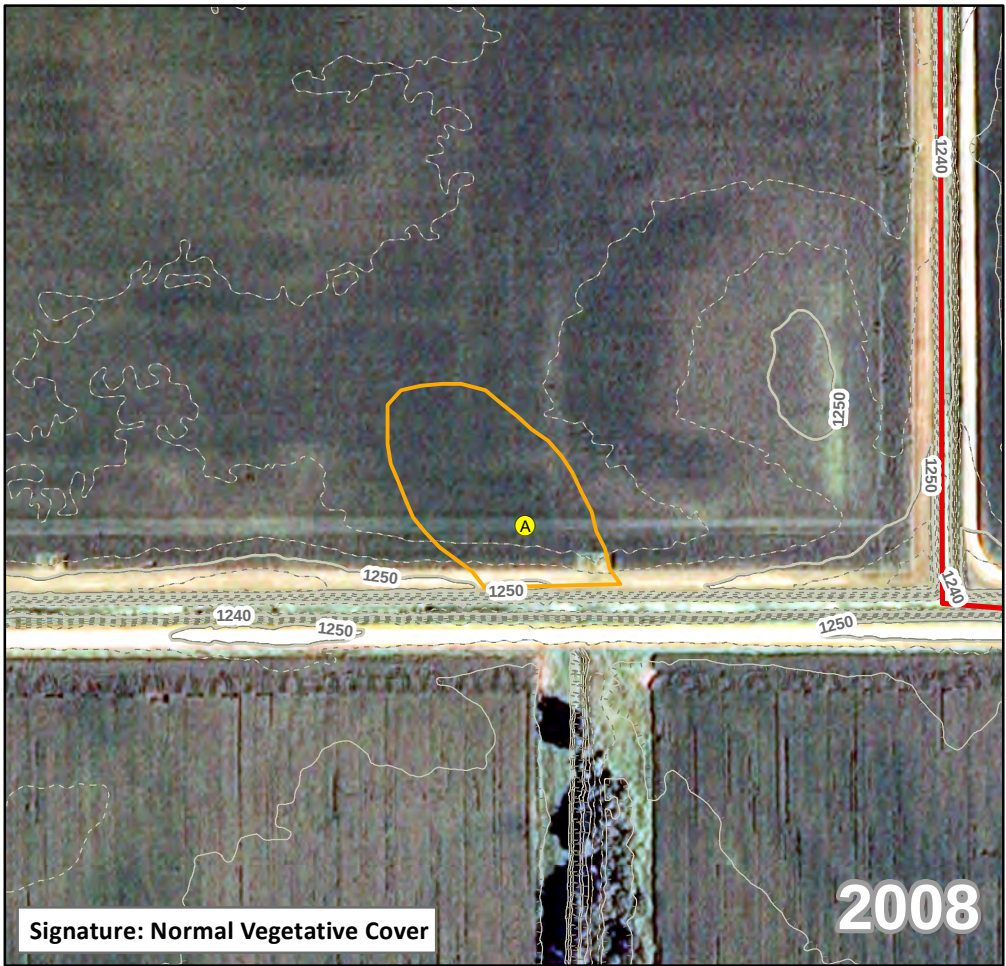
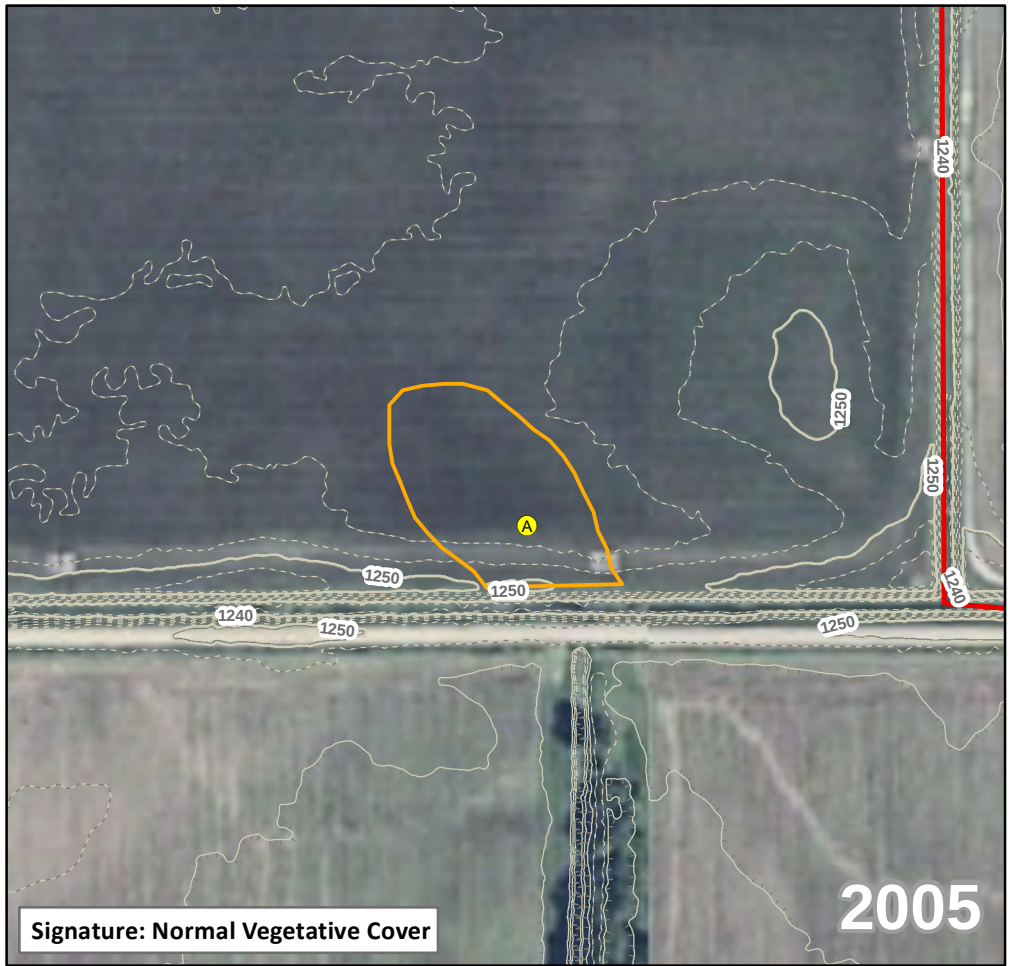
Feature ID: NWA044
Map Grid: North

- Desktop Wetland
- Sample Point
- Project Area Boundary
- Contour**
 - Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota





Feature ID: NWA052
Map Grid: North

- Desktop Wetland
- Sample Point
- Project Area Boundary

- Contour**
- Index
 - Index Depression
 - Intermediate
 - Depression



Aerial Photograph Review
Hayward Solar
County Highway 30
Freeborn County, Minnesota



Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: Freeborn	township number: 102N
township name: Hayward	range number: 20W
nearest community: Hollandale Junctn	section number: 13

Aerial photograph or site visit date:

Thursday, August 1, 2019

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 2019	second prior month: June 2019	third prior month: May 2019
estimated precipitation total for this location:	4.58	4.18	5.90
there is a 30% chance this location will have less than:	3.75	3.41	2.86
there is a 30% chance this location will have more than:	5.90	5.29	4.53
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, 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:	2.83	4.75	4.19
there is a 30% chance this location will have less than:	3.28	3.75	3.42
there is a 30% chance this location will have more than:	5.36	5.87	5.31
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)			

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: Freeborn	township number: 102N
township name: Hayward	range number: 20W
nearest community: Hollandale Junctn	section number: 13

Aerial photograph or site visit date:

Thursday, October 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: September 2015	second prior month: August 2015	third prior month: July 2015
estimated precipitation total for this location:	3.57	4.39	6.91
there is a 30% chance this location will have less than:	1.91	3.28	3.75
there is a 30% chance this location will have more than:	4.47	5.34	5.90
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:	7.65	8.66	6.38
there is a 30% chance this location will have less than:	3.42	2.88	2.29
there is a 30% chance this location will have more than:	5.31	4.53	4.33
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)			

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: Freeborn	township number: 102N
township name: Hayward	range number: 20W
nearest community: Hollandale Junctn	section number: 13

Aerial photograph or site visit date:

Friday, July 2, 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:	5.84	2.68	1.69
there is a 30% chance this location will have less than:	3.41	2.86	2.29
there is a 30% chance this location will have more than:	5.29	4.53	4.32
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:

Friday, August 1, 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: July 2008	second prior month: June 2008	third prior month: May 2008
estimated precipitation total for this location:	3.83	7.72	4.01
there is a 30% chance this location will have less than:	3.75	3.41	2.86
there is a 30% chance this location will have more than:	5.90	5.29	4.53
type of month: dry normal wet	normal	wet	normal
monthly score	3 * 2 = 6	2 * 3 = 6	1 * 2 = 2
multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)			
14 (Normal)			

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: Freeborn	township number: 102N
township name: Hayward	range number: 20W
nearest community: Hollandale Junctn	section number: 13

Aerial photograph or site visit date:

Wednesday, June 22, 2005

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: May 2005	second prior month: April 2005	third prior month: March 2005
estimated precipitation total for this location:	4.42	3.65	2.04
there is a 30% chance this location will have less than:	2.86	2.29	1.28
there is a 30% chance this location will have more than:	4.53	4.32	2.32
type of month: dry normal wet	normal	normal	normal
monthly score	3 * 2 = 6	2 * 2 = 4	1 * 2 = 2
multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)			
12 (Normal)			

APPENDIX E: WETLAND CLASSIFICATION KEY

Cowardin Wetland Classification System

Systems	Subsystems	System Specific Classes
L - Lacustrine	(1) Limnetic (2) Littoral	RB, UB, AB, RS, US, EM,
P - Palustrine	None	RB, UB, AB, US, ML, EM, SS, FO
R - Riverine	(1) Tidal (2) Lower Perennial (3) Upper Perennial (4) Intermittent	RB, UB, SB, AB, RS, US, EM
Classes	Water Regimes	Special Modifiers
RB - Rock Bottom UB - Unconsolidated Bottom SB - Streambed AB - Aquatic Bed RS - Rocky Shore US - Unconsolidated Shore EM - Emergent ML - Moss Lichen SS - Scrub Shrub FO - Forested	A – Temporarily flooded B – Seasonally Saturated C – Seasonally flooded D – Continuously Saturated E – Seasonally flooded/saturated F – Semi-permanently flooded G – Intermittently exposed H – Permanently flooded J – Intermittently flooded K – Artificially flooded	b – Beaver d – Partly drained/ditched f – Farmed m – Managed h – Diked/impounded r – Artificial substrate s – Spoil x – Excavated

Source: Federal Geographic Data Committee. 2013. Classification of wetlands and deepwater habitats of the United States. FGDC-STD-004-2013. Second Edition. Wetlands Subcommittee, Federal Geographic Data Committee and U.S. Fish and Wildlife Service, Washington, DC. (FGDC 2013)

Circular 39 Wetland Classification System

Type and Definition	Approximate Cowardin Equivalents
Type 1: Seasonally flooded basin	PEMA, PFOA
Type 2: Meadow	PEMB
Type 3: Shallow marsh	PEMC, PEMF, PSSH, PUBA, PUBC
Type 4: Deep marsh	PEMF, PEMG, PEMH, PUBB, PUBF, PABF, PABG, L2US, L2EMF, L2EMG, L2ABF
Type 5: Shallow open water	L2ABG, L2ABH, L2EMA, L2EMB, L2EMH, L2RS, L2UB, PABH, PUBG, PUBH
Type 6: Shrub swamp	PSSA, PSSC, PSSF, PSSG, PSS1B, PSS5B, PSS6B
Type 7: Wooded swamp	PFO1B, PFO5B, PFO6B, PFOC, PFOF
Type 8: Bog	PFO2B, PFO4B, PFO7B, PSS2B, PSS3B, PSS4B, PSS7B

Source: Wetlands in Minnesota, Minnesota Board of Water and Soil Resources (BWSR n.d.)

APPENDIX F: STREAM PHOTOGRAPHS



Photograph 1 (North): An overview of SA008.



Photograph 2 (West): An overview of SA009.



Photograph 3 (North): An overview of SA012.



Photograph 4 (South): An overview of SA013.



Photograph 5 (North): An overview of SA042.



Photograph 6 (East): An overview of SA049.



Photograph 7 (North): An overview of SA050.



Photograph 8 (South): An overview of SA053.

APPENDIX G: NATURAL RESOURCE COMMUNITY PHOTOGRAPHS



Photograph 1 (Northeast): An overview of the deciduous forest area along stream SA0025.



Photograph 2 (South): A view of a typical grassy buffer in the grassland/herbaceous natural resource community along stream SA050.



Photograph 3 (North): A view of the grassland/herbaceous area located adjacent to WA039.



Photograph 4 (South): An overview of the deciduous forest tree line adjacent to the farmstead near the southwest corner of the Project Area.

Bellrichard, Kathy

From: Bellrichard, Kathy
Sent: Friday, October 2, 2020 10:28 AM
To: 'usace_requests_mn@usace.army.mil'
Cc: Garima Kalra; Holven, Adam
Subject: Freeborn County - Wetland Delineation for Hayward Solar Project
Attachments: Hayward_MN_joint_appl_form 10-1-2020.pdf; Hayward Solar Wetland Report 9-18-2020_1 of 3.pdf

To Whom It May Concern:

On behalf of Hayward Solar LLC, Tetra Tech would like to request delineation concurrence for the proposed Hayward Solar project located near Hayward in Freeborn County, MN. Due to the large file size of the Wetlands and Waters Survey report, the document has been split in multiple parts. Part one of the report and the Minnesota WCA Joint Application Form are attached and the remaining parts of the report will be sent in subsequent emails.

Your time and effort regarding this request are greatly appreciated. If you have questions or need additional information, please let me know.

Sincerely,

Kathy Bellrichard | Wetland Specialist
Direct (612) 643-2233 | Fax (612) 643-2201 | kathy.bellrichard@tetrattech.com

Tetra Tech | *Leading with Science*®
2001 Killebrew Drive, Suite 141 | Bloomington, MN 55425 | tetrattech.com

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Please consider the environment before printing. [Read more](#)



Bellrichard, Kathy

From: Bellrichard, Kathy
Sent: Friday, October 2, 2020 10:17 AM
To: 'Rachel Wehner'
Cc: 'Garima Kalra'; Holven, Adam
Subject: Wetland Delineation Concurrence - Hayward Solar Project
Attachments: Hayward_MN_joint_appl_form 10-1-2020.pdf; Hayward Solar Wetland Report 9-18-2020_1 of 3.pdf

Dear Rachel Wehner:

On behalf of Hayward Solar LLC, Tetra Tech would like to request delineation concurrence for the proposed Hayward Solar project located near Hayward in Freeborn County, MN. Due to the large file size of the Wetlands and Waters Survey report, the document has been split in multiple parts. Part one of the report and the Minnesota WCA Joint Application Form are attached and the remaining parts of the report will be sent in subsequent emails.

Your time and effort regarding this request are greatly appreciated. If you have questions or need additional information, please let me know.

Sincerely,

Kathy Bellrichard | Wetland Specialist
Direct (612) 643-2233 | Fax (612) 643-2201 | kathy.bellrichard@tetrattech.com

Tetra Tech | *Leading with Science*®
2001 Killebrew Drive, Suite 141 | Bloomington, MN 55425 | tetrattech.com

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Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Hayward Solar LLC
Mailing Address: 10 East 53rd Street, 17th Floor, New York, NY 10022
Phone: 212-798-3454
E-mail Address: tsabinodias@arevonenergy.com

Authorized Contact (do not complete if same as above): Garima Kalra
Mailing Address: 8800 N. Gainey Center Dr., Suite 250, Scottsdale, AZ 85258
Phone:
E-mail Address: GKalra@arevonenergy.com

Agent Name: Kathy Bellrichard, Tetra Tech
Mailing Address: 2001 Killebrew Drive, Suite 141, Bloomington, MN 55425
Phone: 612-643-2233
E-mail Address: kathy.bellrichard@tetrattech.com

PART TWO: Site Location Information

County: Freeborn **City/Township:** Hayward Township
Parcel ID and/or Address: County Highway 30 and 200th Street
Legal Description (Section, Township, Range): Sections 11-14, T102N, R20W
Lat/Long (decimal degrees): 43.6451 / -93.1877
Attach a map showing the location of the site in relation to local streets, roads, highways.
Approximate size of site (acres) or if a linear project, length (feet): 1,611 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Midwest Solar DevCo CEI, LLC and Hayward Solar LLC proposes to develop a 150 megawatt (MW) solar facility including installation of photovoltaic panel arrays, electrical equipment, access roads, retention basins, and security fencing.

Project Name and/or Number: Hayward Solar

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

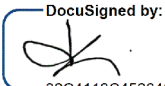
⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: 10/1/2020
32C4118C452646D...

I hereby authorize Kathy Bellrichard to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☒ **Wetland Type Confirmation**

☒ **Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ **Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ **Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Attachment B

Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Attachment D

Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
 - Previously restored or created under a prior approved replacement plan or permit
 - Drained or filled under an exemption during the previous 10 years
 - Restored with financial assistance from public conservation programs
 - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: _____

Date:

Attachment E

Local Road Replacement Program Qualification

Complete this part **if** you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	Type of Impact (fill, excavate, drain)	Size of Impact (square feet or acres to 0.01)	Existing Plant Community Type(s) in Impact Area ¹	County, Major Watershed #, and Bank Service Area # of Impact ²

¹Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

²Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Part 4 are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative:

Title:

Signature: _____

Date:

Technical Evaluation Panel Concurrence:

Project Name and/or Number:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155**



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

10/13/2020

Regulatory File No. MVP-2020-01963-RMH

THIS IS NOT A PERMIT

Kathy Bellrichard
2001 Killebrew Drive
Suite 141
Bloomington, Minnesota 55425

To: Kathy Bellrichard:

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-2020-01963-RMH

Applicant: Hayward Solar LLC

Project Name: Hayward Solar Delineation

Project Location: Section 18 of Township 102 N North, Range 19 W, Freeborn County, Minnesota (Latitude: 43.6452489103523; Longitude: -93.1887631799999)

Received Date: 10/06/2020

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 Decision

Local Government Unit: Freeborn County	County: Freeborn County
Applicant Name: Hayward Solar LLC – Gamira Kalra	
Applicant Representative: Kathy Bellrichard Tetra Tech	
Project Name: Hayward Solar	LGU Project No. (if any): W2020005
Date Complete Application Received by LGU: 10/02/2020	
Date of LGU Decision: 10/27/2020	
Date this Notice was Sent: 10/27/2020	

WCA Decision Type - check all that apply

☒ Wetland Boundary/Type	☐ Sequencing	☐ Replacement Plan	☐ Bank Plan (not credit purchase)
☐ No-Loss (8420.0415)	☐ Exemption (8420.0420)		
Part: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H		Subpart: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9	

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: ☐ Project Specific Credits: ☐ Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

☒ Approve ☐ Approve w/Conditions ☐ Deny ☐ No TEP Recommendation
--

LGU Decision

☐ Approved with Conditions (specify below) ¹ List Conditions:	☒ Approved ¹	☐ Denied
Decision-Maker for this Application: ☒ Staff ☐ Governing Board/Council ☐ Other:		
Decision is valid for: ☒ 5 years (default) ☐ 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.

☒ Attachment(s) (specify): TEP findings attached ☒ Summary: Boundary/type application is approved. See TEP Findings summarizing site visit.
--

¹ Findings must consider any TEP recommendations.

Attached Project Documents

☒ Site Location Map ☐ Project Plan(s)/Descriptions/Reports (specify):
--