

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): January 2, 2020**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG, NewSun Energy – Wasco Solar Farm LLC; NWP-2018-430**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Oregon County/parish/borough: Wasco City: Maupin

Center coordinates of site (lat/long in degree decimal format): Lat. 45.202584 °, Long. -121.098880 °

Universal Transverse Mercator: [Click here to enter text.](#)

Name of nearest waterbody: Oak Springs Creek

Name of watershed or Hydrologic Unit Code (HUC): Oak Spring Creek-Deschutes River (170703061108)

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form. On 17 Dec 2018 the Corps completed an Approved Jurisdictional Determination (AJD) at this same site, but for 345 acres. The review area has since been scaled back/reconfigured and the requestor asked for an AJD on a 39.2-acre review area. Before the Corps could respond to that AJD request, the requestor revised the review area again. The consultant asked for the second request (39.2 acres) to be withdrawn and that an AJD be completed on an 84.5-acre review area. The consultant also provided a revised Wetland Delineation Report to cover the 84.5 acres, which is the subject of this AJD.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: January 2, 2020
- Field Determination. Date(s): [Click here to enter a date.](#)

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland Determination Report for Wasco Solar Farm LLC – Additional Area, prepared for NewSun Energy by PBS, dated 2 Dec 2019
- 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: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: ESRI (2019)
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey 3.3
- National wetlands inventory map(s). Cite name: USFWS (2019)
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): ESRI (2019)
- or  Other (Name & Date): site photographs from PBS Wetland Delineation Report, taken April 23, 2019 and November 6, 2019
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

Other information (please specify): [Click here to enter text.](#)

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The consultant took data points in all areas with possible wetlands and all data points failed all three parameters for wetland. There are no waters of the U.S. within the 84.5-acre review area.