

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Elk Run Solar Development, SPA-2021-00021-SCO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: CO County/parish/borough: Las Animas County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 37.44378 °, Long. -104.48348°

Universal Transverse Mercator: 545689.61 W, 4144229.39 N, Zone 13

Name of nearest waterbody: Apishapa River

Name of watershed or Hydrologic Unit Code (HUC): Apishapa 11020007

- ☒ 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.

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

- ☒ Office (Desk) Determination. Date: 22-Jan-2021
- ☒ Field Determination. Date(s): 31-Mar-2021, TRC Report

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):

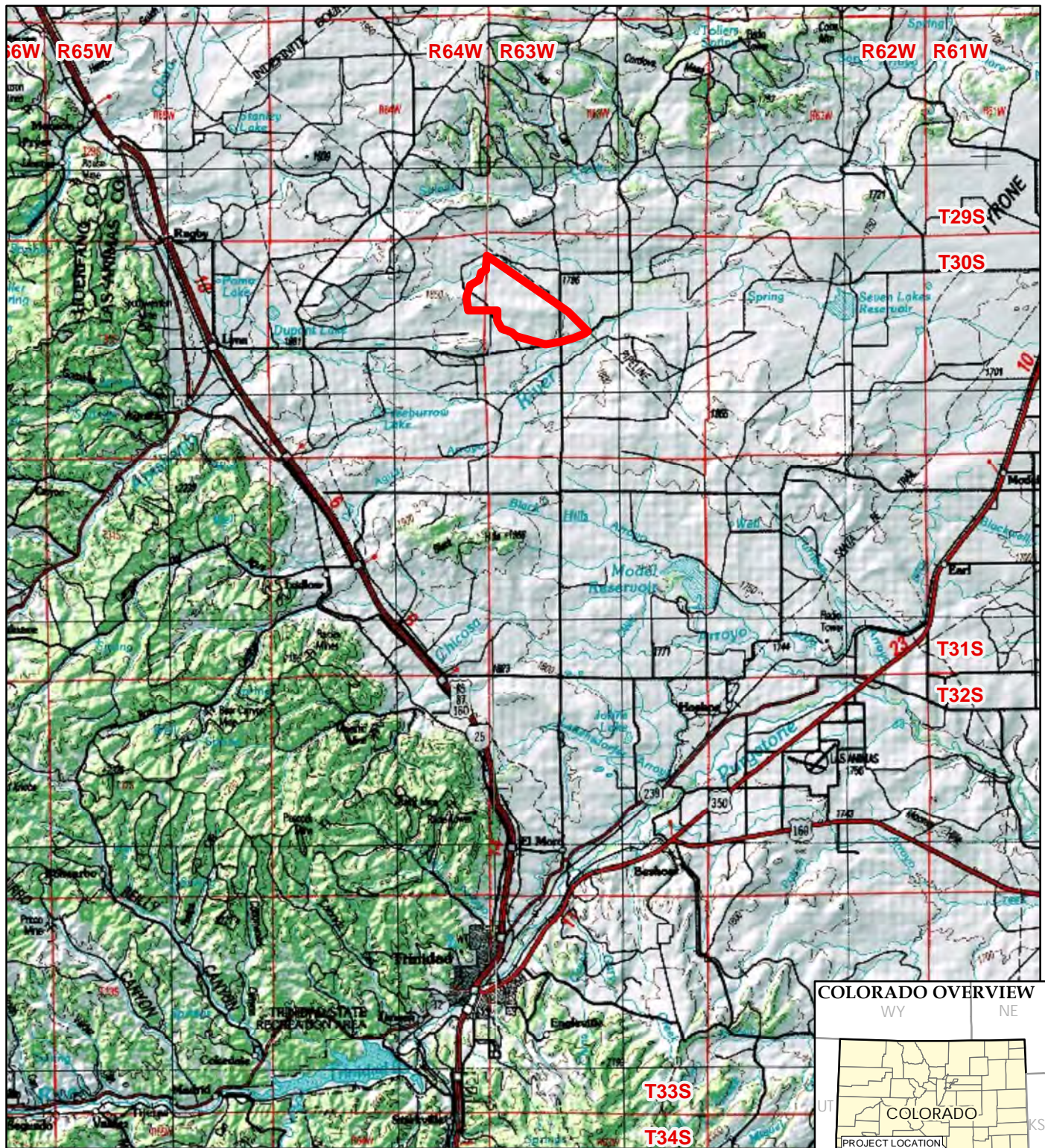
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☒ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ U.S. Geological Survey Hydrologic Atlas: Arkansas-White-Red Region
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Vega Corral
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: Vega Corral
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): TRC Wetland Report
- ☐ or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The Study Area totals 2,462 acres and is located north of County Road 60, approximately 8.6 miles northeast of the Town of Aguilar, in Las Animas County, Colorado. Following are the major findings of the delineation. Off-Site Review resulted with: No wetlands are mapped within the Study Area by the NWI. Two freshwater ponds, totaling approximately 0.3 acres are mapped within the Study Area but not within the construction site. No hydric soils are mapped within the Study Area. No FEMA-mapped flood zones were identified within or adjacent to the Study Area. No areas exhibiting wetness indicators were identified in historic aerial imagery of the

¹ 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.

Study Area. Conditions at the Study Area were determined to be drier than normal. Drier than normal conditions would not be expected to significantly alter the conclusions of this report.

On-Site Field Investigation: The Study Area was observed to be dominated by two vegetation cover types: shortgrass prairie and shale/barren outcrop. No wetlands or waterways were identified within the Study Area.



BASE MAP FROM USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE SERIES.



1" = 4 MILES
1:250,000

0 2 4 Miles



STUDY AREA

COLORADO OVERVIEW



1526 Cole Boulevard, Building 3, Suite 150
Lakewood, CO 80401
Phone: 303.395.4049
www.trccompanies.com

TRC - GIS

PROJECT:

**CYPRESS CREEK RENEWABLES, LLC
ELK RUN SOLAR, LLC
LAS ANIMAS COUNTY, COLORADO**

TITLE:

STUDY AREA LOCATION

DRAWN BY:

R. BLAKE

CHECKED BY:

E. BERGQUIST

APPROVED BY:

K. BAUD

DATE:

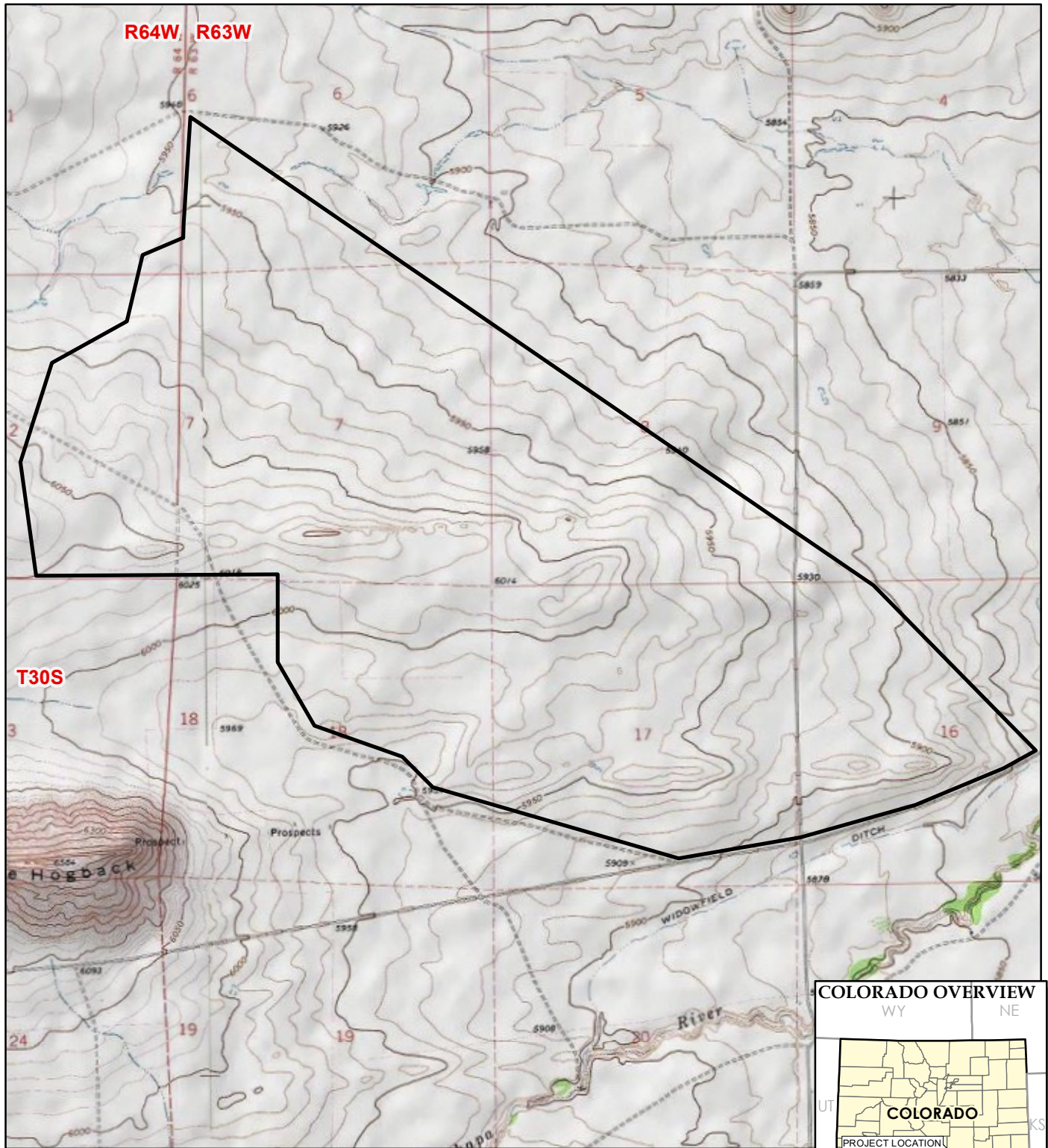
APRIL 2020

PROJ. NO.:

386208

FILE: 386208-CO-Elk Run-SLM_NEPA_250k.mxd

FIGURE 1



BASE MAP FROM USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE SERIES.



1" = 2,500'
1:30,000

0 2,000 4,000
FEET

STUDY AREA

COLORADO OVERVIEW



1526 Cole Boulevard, Building 3, Suite 150
Lakewood, CO 80401
Phone: 303.395.4049
www.trccompanies.com

TRC - GIS

PROJECT:

**CYPRESS CREEK RENEWABLES, LLC
ELK RUN SOLAR, LLC
LAS ANIMAS COUNTY, COLORADO**

TITLE:

TOPOGRAPHIC MAP

DRAWN BY:

R. BLAKE

CHECKED BY:

A. CORNELL

APPROVED BY:

K. BAUD

DATE:

APRIL 2020

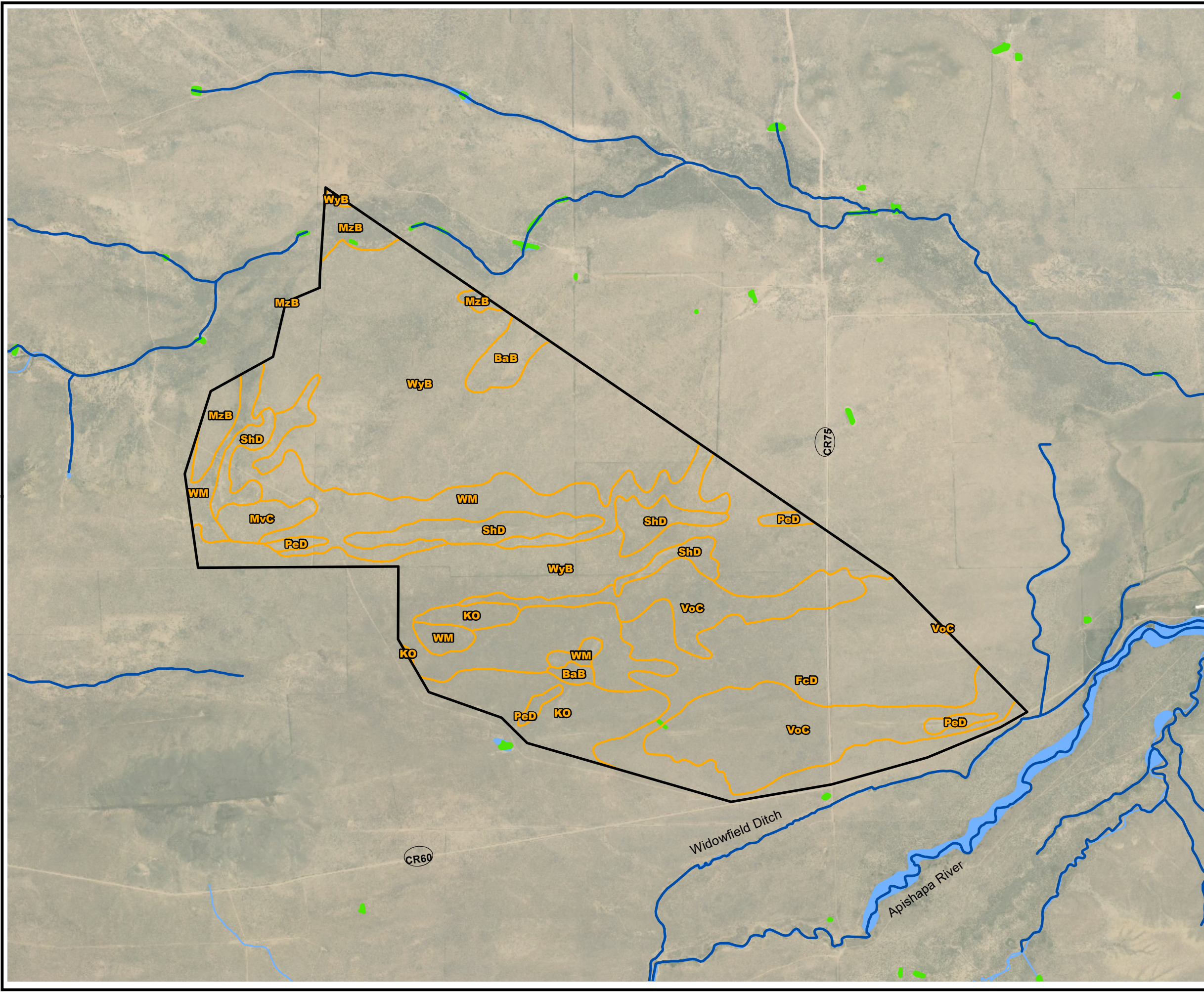
PROJ. NO.:

386208

FILE:

386208-CO-Elk Run-SLM.mxd

FIGURE 2



LEGEND

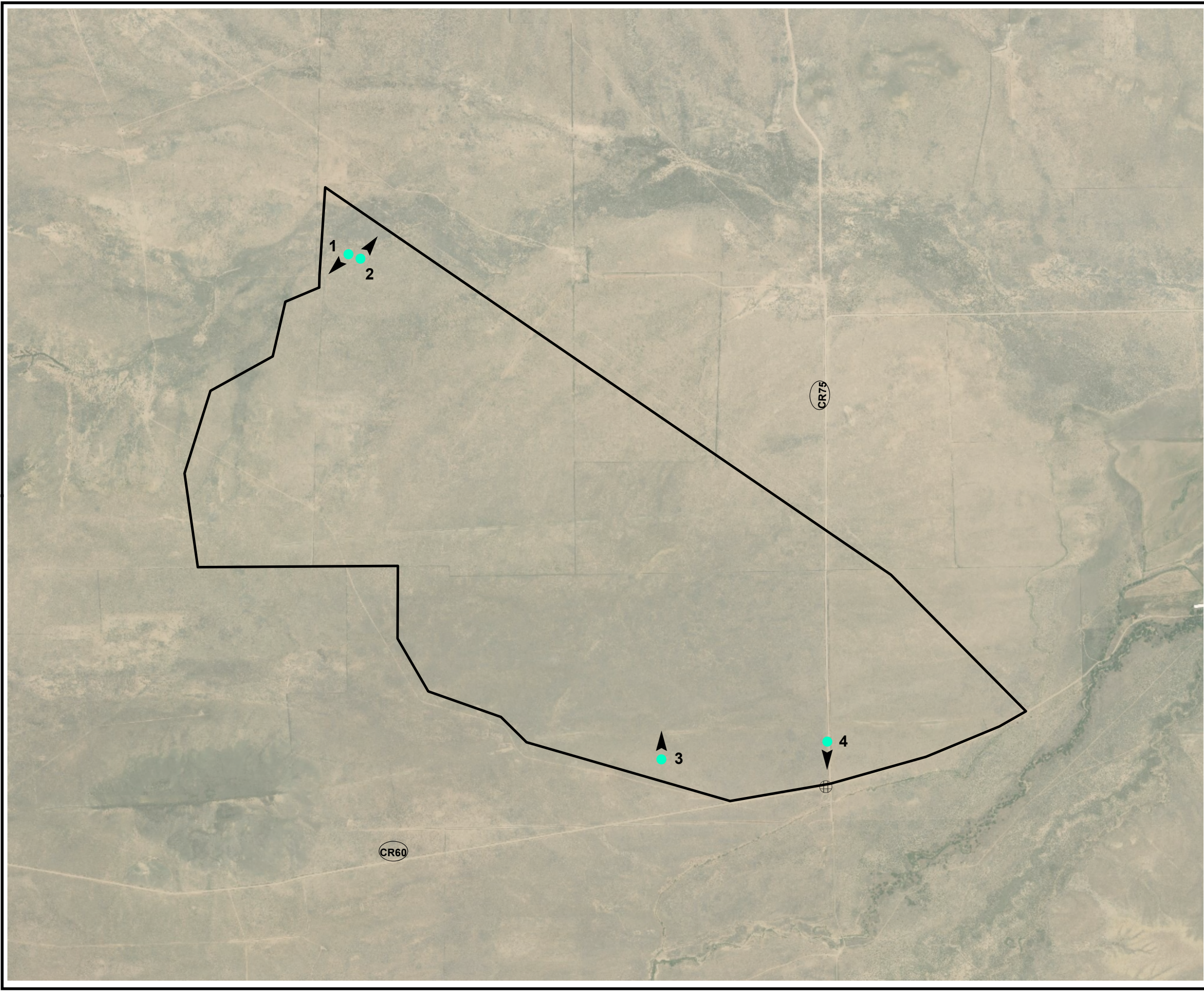
- Study Area
- NHD Flowline
- NHD Waterbody
- NWI Wetland
- USDA-NRCS Web Soil Survey Soils

NOTES

- BASE MAP IMAGERY FROM ESRI/NAIP, 2015.
- NWI DATA ACQUIRED FROM USFW WETLANDS MAPPER.
- NHD FLOW LINE ACQUIRED FORM USGS.GOV.
- SOILS DATA ACQUIRED FROM USDA/NRCS SSURGO SOILS DATABASE.
- FEMA FLOOD HAZARD LAYER WAS CHECKED FOR THIS AREA AND WAS FOUND TO BE ALL ZONE X.

1" = 2,000'
1:24,000

PROJECT:		CYPRESS CREEK RENEWABLES, LLC ELK RUN SOLAR, LLC LAS ANIMAS COUNTY, COLORADO	
TITLE: DESKTOP RESULTS MAP			
DRAWN BY:	R. BLAKE	PROJ. NO.:	386208
CHECKED BY:	A. CORNELL	FIGURE 3	
APPROVED BY:	K. BAUD		
DATE:	APRIL 2020		
		1526 Cole Boulevard, Building 3, Suite 150 Lakewood, CO 80401 Phone: 303.395.4049 www.trccompanies.com	
FILE NO.:		386208-CO-Elk Run-Waters.mxd	



LEGEND

Project Area

Photo Locations (With Directions)

Culvert

NOTES

1. BASE MAP IMAGERY FROM ESRI/NAIP, 2015.

01,0002,000

Feet

1" = 2,000'
1:24,000

PROJECT: <div>CYPRESS RUN RENEWABLES, LLC ELK RUN SOLAR, LLC LAS ANIMAS COUNTY, COLORADO</div>		
TITLE: <div>DELINEATED FEATURES MAP</div>		
DRAWN BY:	R. BLAKE	PROJ. NO.: 386208
CHECKED BY:	A. CORNELL	FIGURE 4
APPROVED BY:	K. BAUD	
DATE:	APRIL 2020	
<div><div></div>TRC</div>		1526 Cole Boulevard, Building 3, Suite 150 Lakewood, CO 80401 Phone: 303.395.4049 www.trccompanies.com
FILE NO.:		386208-CO-Elk Run-Biological Survey.mxd



Wetland and Waterbody Delineation Report

April 24, 2020

Elk Run Solar, LLC

Prepared For:

Cypress Creek Renewables, LLC
3402 Pico Blvd,
Santa Monica, CA 90405

Prepared By:

TRC
Lakewood, CO




Appendix B Site Photographs



Photo Point 1: NHD Pond – No bed and bank observed looking northeast (March 31, 2020).



Photo Point 2: NHD Pond – No bed and bank observed looking southwest (March 31, 2020).

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Appendix B Site Photographs



Photo Point 3: NHD Pond – No bed and bank observed looking north (March 31, 2020).



Photo Point 4: Culvert looking south (March 30, 2020).

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