



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 29-JUN-2021

ORM Number: SPK-2021-00307

Associated JDs: N/A.

Review Area Location¹:

State/Territory: CO City: Winter Park County/Parish/Borough: Grand County

Center Coordinates of Review Area: Latitude 39.912124°, Longitude -105.786908°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination 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 independent 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.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetlands W-A Wetland W-C Wetland W-D Wetland W-E Wetland W-F Total= 3.81	0.21 0.20 1.11 0.20 2.09 Total= 3.81	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	<p>Wetland W-A is composed of 2 separate wetland areas located in proximity and together total 0.21 acre. The wetlands are within a relatively small un-named basin (18 acres) that slopes to the northeast, towards the Fraser River. No flow paths or channels are located within or near the wetlands. No wetlands or tributaries are identified within the same basin by the U.S. Geological Survey Topographic maps or National Wetland Inventory maps. The wetlands are also located upgradient of existing railroad tracks and no culverts are located within the vicinity that would transport water under the tracks. Therefore, the wetlands do not meet the definition of an a(4) water because they are not adjacent to an a(1-3) water.</p> <p>Wetland W-C is a single wetland totaling 0.20 acre. The wetland is located within a separate but also relatively small un-named basin (15 acres) that slopes to the northeast, towards the Fraser River. No flow paths or channels are located within or near the wetlands No wetlands or tributaries are identified within the same basin by the U.S. Geological Survey Topographic maps or National Wetland Inventory maps. This wetland is also located upgradient of existing railroad tracks and no culverts are located within the vicinity that would transport water under the tracks. Therefore, the wetland does not meet the definition of an a(4) water because they are not adjacent to an a(1-3) water.</p> <p>Wetlands D, E, and F total 3.40 acres and are located within a separate small un-named basin (23 acres) that also slopes to the northeast, towards the Fraser River. No wetlands or tributaries are identified within the same basin by the U.S. Geological Survey Topographic maps or National Wetland Inventory maps. The wetlands are located upgradient of residential and commercial development that has altered any potential flow paths. The basin ultimately directs any surface water to a roadside ditch located adjacent to Vasquez Road, near its intersection with U.S. Highway 40. The ditch exhibits characteristics of an ephemeral flow regime and is none of the wetlands being evaluated are located adjacent to the ditch. Therefore, the wetlands do not meet the definition of an a(4) water and are because they are not adjacent to an a(1-3) water.</p> <p>All subject wetlands being evaluated are wetlands that exhibit all three wetland indicators but are not associated with an identifiable surface channel or flow</p>

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			path within or leading away from each wetland. Therefore, they are not adjacent to an a(1-3) water and are excluded from the Corps jurisdiction.
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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant:
- *Delineation Report for Wetlands & Waters of the United States, dated April 7, 2021, prepared by Claffey Ecological Consulting, Inc...*
 - *Updated AJD Map provided by Claffey Ecological Consulting, Inc. on May 17, 2021*
 - *Topographic Map provided by Claffey Ecological Consulting, Inc. on May 17, 2021*

This information (is) sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

- Photographs:
- *Google Street View Imagery, taken October 2012*
 - *Google Earth Aerial Imagery, taken September 13, 2019*

___ Corps Site visit(s) conducted on: *Date(s).*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *None.*

___ Antecedent Precipitation Tool:

USDA NRCS Soil Survey: *Provided by Agent in April 7, 2021 report.*

USFWS NWI maps: *Download by Corps, June 21, 2021.*

USGS topographic maps: *Download by Corps, June 21, 2021.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information	
USGS Sources	StreamStats Basin Reports, downloaded by Corps June 25, 2021.	
USDA Sources	N/A.	
NOAA Sources	N/A.	
USACE Sources	N/A.	
State/Local/Tribal Sources	N/A.	
Other Sources	N/A.	

B. Typical year assessment(s): *N/A.*

C. Additional comments to support AJD: *Wetland W-B shown is also shown on the associated wetland maps but the applicant has requested to presume that the wetland is jurisdictional given that*

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the wetland is adjacent to a tributary that likely contributes intermittent or perennial flows to the Fraser River. An Aquatic Resources Boundary Confirmation will be provided for wetland W-B.

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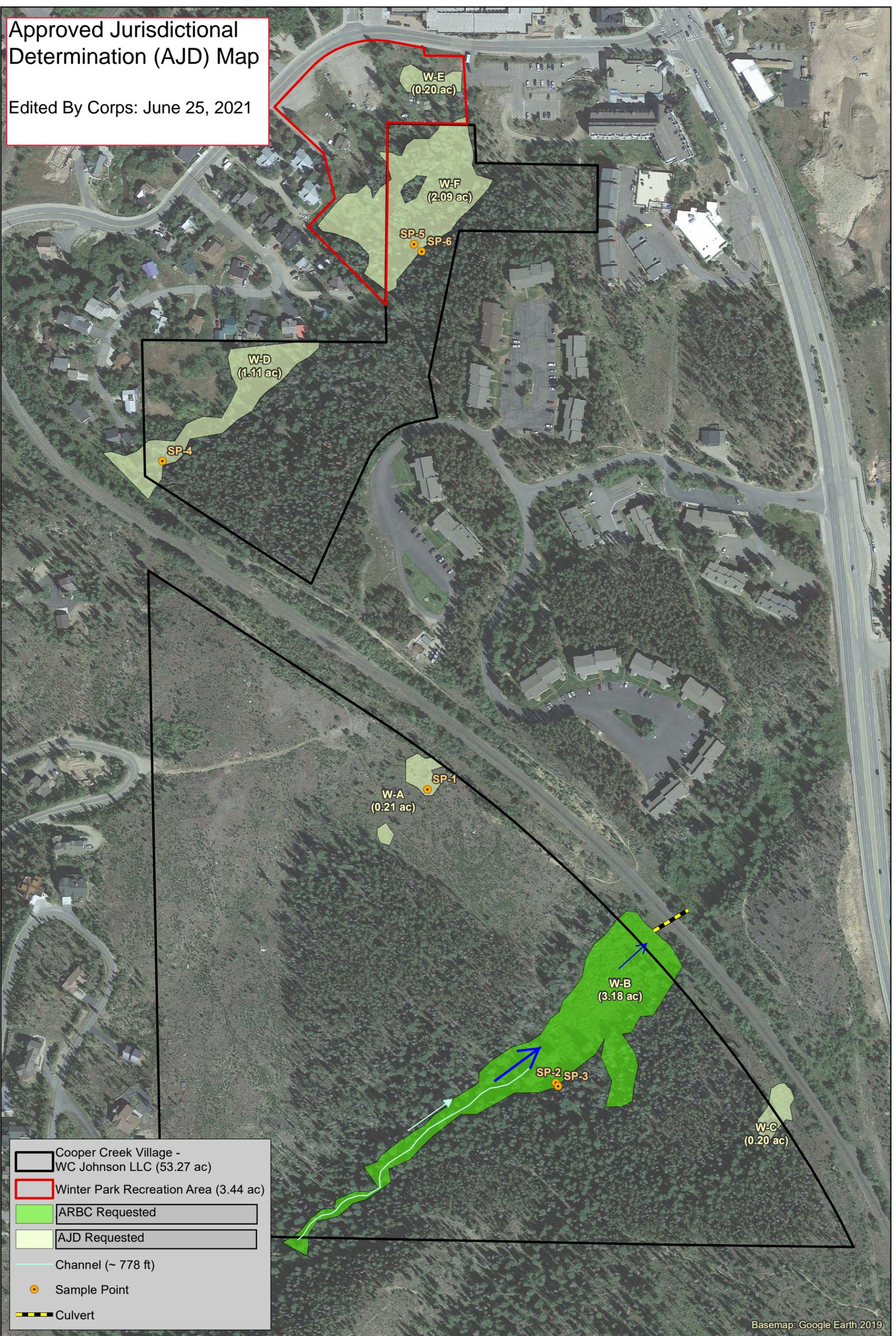
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Approved Jurisdictional Determination (AJD) Map

Edited By Corps: June 25, 2021



	Cooper Creek Village - WC Johnson LLC (53.27 ac)
	Winter Park Recreation Area (3.44 ac)
	ARBC Requested
	AJD Requested
	Channel (~ 778 ft)
	Sample Point
	Culvert

Basemap: Google Earth 2019

Claffey Ecological Consulting

1:2,750

0 250 500 Feet

WETLAND DELINEATION MAP Waters of the US

Cooper Creek Village
Winter Park, Colorado