



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
400 ROOD AVENUE, ROOM 224
GRAND JUNCTION, COLORADO 81501

January 10, 2024

Regulatory Division

SUBJECT: Jurisdictional Determination (SPA-2023-00130)



We are responding to your request for an approved jurisdiction determination (AJD) for aquatic resources within a 10.4-acre review area on U.S. Highway 40, centered at latitude 39.9364°, longitude -105.7952°, approximately 1 mile southeast of the Town of Fraser, in Grand County, Colorado (Enclosure 1).

Based on the information provided, we have determined that the review area contains waters of the United States that are subject to regulation under Section 404 of the Clean Water Act. More specifically, waters of the United States within the review area includes Wetland 200 as depicted on the enclosed December 27, 2023, map titled *Aquatic Resource Map*, prepared by Peak Ecological Services, LLC (Enclosure 1). As defined by 33 CFR 328.3(a)(4), this resource is a water of the United States because it is adjacent to the Frasier River, which is relatively permanent waterway.

We have determined that Wetland 300 is not a water of the United States because it is not adjacent to any relatively permanent waters and does not meet any of the waters of the United States categories under the 2023 Rule as amended.

We are enclosing a copy of the AJD memorandum for record for your review area (Enclosure 2). A copy of this letter is also available at <http://www.spa.usace.army.mil/reg/JD>. This AJD is valid for 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date. If you intend to conduct work that could result in a discharge of dredged or fill material into waters of the United States, please contact this office for a determination of Department of the Army permit requirement.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation 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 an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

You may accept or appeal this AJD or provide new information in accordance with the attached Notification of Administrative Appeal Options and Process and Request for Appeal (Enclosure 3). If you elect to appeal this AJD, you must complete Section II of the form and return it to the Army Engineer Division, South Pacific, CESPDPDS-O, [REDACTED] within 60 days of the date of this notice. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the AJD.

Please refer to identification number SPA-2023-00130 in any correspondence concerning this project. If you have any questions, please contact [REDACTED]

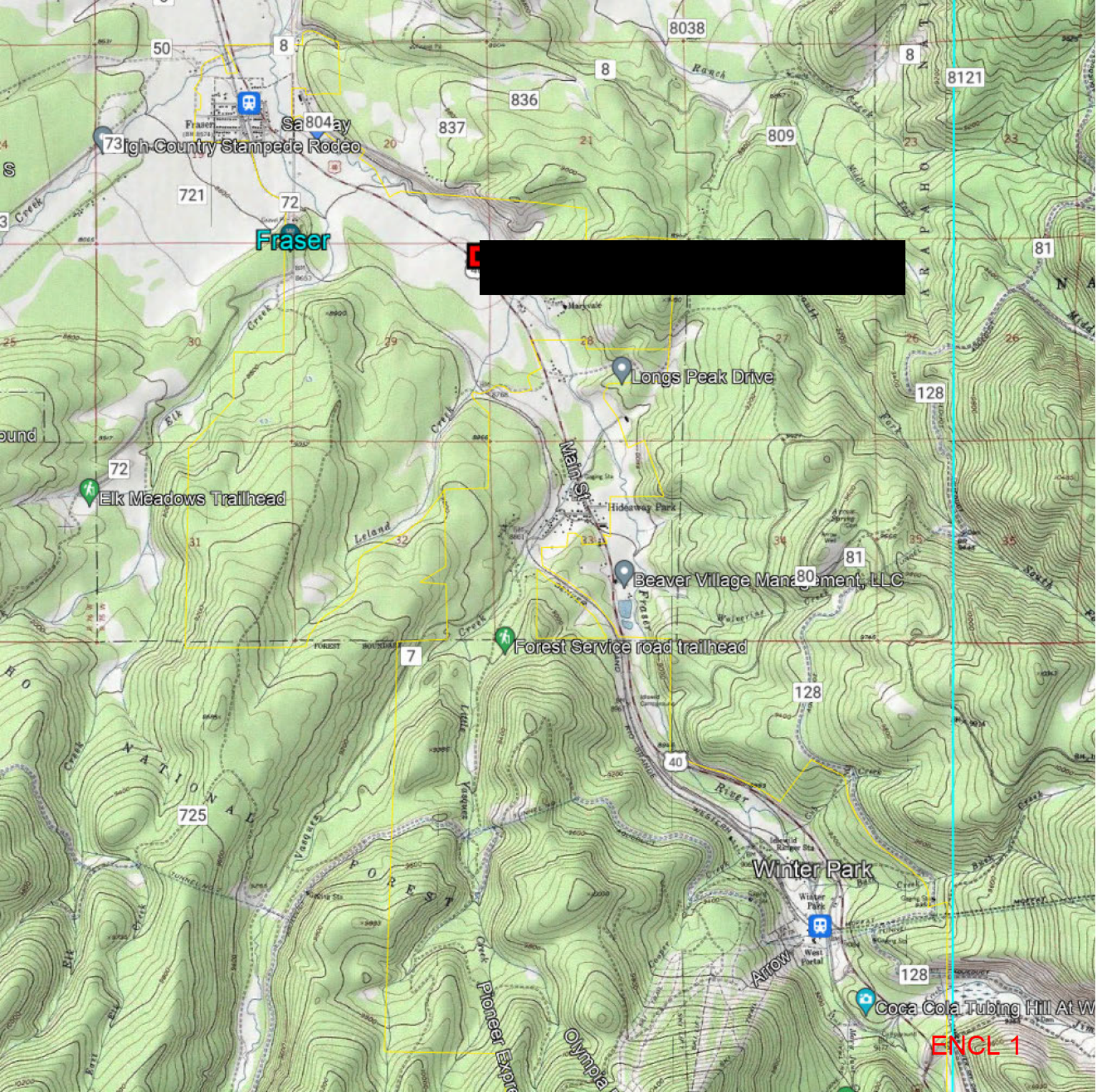
Sincerely,

[REDACTED]

Enclosures

cc:

[REDACTED]



High Country Stampede Rodeo

Fraser

Longs Peak Drive

Beaver Village Management, LLC

Forest Service road trailhead

Winter Park

Coca Cola Tubing Hill At Winter Park

ENCL 1



BASE: ESRI Imagery Clarity GRID: UTM NAD83 Z13

Legend

- Lot 14E Parcel Boundary
- 2023 Wetland Boundary
- ★ Wetland Data Point
- ★ Non-Wetland Data Point



1:2,400
1 inch = 200 feet
Date: November 2023

Figure 8. REVISED Aquatic Resource Delineation Map

Note: Map revised based on results of the 2023 Hydrology Monitoring Program. Original wetland delineation conducted on 9/13/22 by PeakEco and wetland flags surveyed with Trimble Geo7x and with sub-foot accuracy.