

**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): December 17, 2020**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Spanish Peaks Solar LLC/Spanish Peaks Solar Farm, SPA-2020-00227-SCO**

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

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

Center coordinates of site (lat/long in degree decimal format): Lat. 37.3865806562702 °, Long. -104.45285251297°

Universal Transverse Mercator: 548435.66 W, 4137898.85 N, Zone 13

Name of nearest waterbody: Del Agua Arroyo and Black Hills Arroyo

Name of watershed or Hydrologic Unit Code (HUC): 12-Digit HUC, Del Agua Arroyo-Apishapa River (110200070109) and Model Reservoir (110200100503)

- 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: **See associated JD form for eastside of property.**

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

- Office (Desk) Determination. Date:
- Field Determination. Date(s):  
October 21, 2020

**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; Hoehne
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Hoehne
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth (1999-2016)
  - or  Other (Name & Date): Site visit photos (10/21/2020)
- 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 review area associated to this dry-land JD encompasses an approximate 675-acre portion of the leased property west of County Road (CR) 75 (see map) in Los Animas County, Colorado. The review area was predominately composed of mixed salt desert scrub species, which include Blue grama (*Bouteloua gracilis*-UPL), Tree cholla (*Cylindropuntia imbricate*-UPL),

<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.

and Winterfat (*Krascheninnikovia lanata*-UPL). The topography within the southern half of the review area is gently sloping to the southeast, while the northern half is composed of rolling hills that run east to west.

Google Earth aerial photographs for the dates of 09/03/1999, 09/2/2004, 10/22/2005, 03/26/2006, 08/30/2006, 10/27/2011, 04/27/2013, and 10/14/2015 were examined and yielded no indication of floodwater flows or ponding within the review area. Additionally, an onsite examination of the review area was conducted on October 21, 2020. No wetlands or aquatic resources exhibiting defined bed and bank were observed during the onsite examination. An artificial drainage ditch bordering the westside of CR 75 was observed but lacked a defined bed and bank and appears to have been constructed to convey stormwater flows from CR 75 to a culvert downstream. Based on these findings, it has been determined that the review area is composed entirely of uplands.

# Spanish Peaks Solar - County Road 75 and west portion

Green polygon = area of additional requested AJD

