



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): 19-MAY-2021, ORM Number: SPA-2021-00099

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹: 4192 Foreign Trade Zone Blvd.

State/Territory: CO City: Colorado Springs, 80977 County/Parish/Borough: El Paso County

Center Coordinates of Review Area: Latitude 38.776882 Longitude -104.668837

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: An on-site visit was conducted with the applicant's consultant on April 9, 2021 to conduct a field wetland delineation of the Survey Area. During the wetland delineation, one linear water feature (S-1), and an associated drainage area with an ephemeral flow regime, was identified on the southeast side of the Survey Area. The drainage area associated with S-1 is located on the west side of Foreign Trade Zone Blvd (Figure 3). Outside of the Survey Area, S-1 continues east under the road via a concrete bridge (Photo 3 in Appendix C). The feature on site was characterized as an Ephemeral flow regime that provides flow only after precipitation events and lacking a connection to groundwater. No ordinary high-water mark or stream bed was observed.
- 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):

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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(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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *Title(s) and date(s)*.

This information *is not* sufficient for purposes of this AJD.

Rationale: *The information provided by the applicant/consultant is partial insufficiency since the National Wetland Inventory mapping indicates aquatic resources requiring a site visit.*

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

Photographs: *(Photo 3 in Appendix C, aerial, and NWI aerial) Consultant letter provided 05-May-21.*

Corps Site visit(s) conducted on: *Date(s). 9-Apr-2021*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s)*.

USFWS NWI maps: *Title(s) and/or date(s). 19-Ma-21*

USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
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:** The onsite visit and the wetland delineation confirmed no aquatic resources and/or wetlands are present within the Study Area.

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.

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May 5, 2021

Tony Martinez
Regulatory Project Manager
Southern Colorado Regulatory Branch
201 W. 8th Street
Pueblo, CO 81003

Re: Wetland Delineation Report
Horizon Substation

Dear Mr. Martinez:

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) was retained by Colorado Springs Utilities (Utilities) to provide wetland delineation services for the proposed Advanced Technology Campus Master Plan (Project) located at the southwest corner of Drennan Road and Foreign Trade Zone Boulevard, near the Colorado Springs Airport (Figure 1, Appendix A). The following sections provide the methods, results, and conclusion of the wetland delineation conducted as part of the Project.

Introduction

Utilities wishes to develop the approximately 160-acre parcel of land located at 8655 Drennan Road, in El Paso County, State of Colorado. The Project is currently proceeding through the City of Colorado Springs annexation process. The Colorado Springs Utilities Advanced Technology Campus (ATC) Master Plan will include an ATC laboratory building, the new Horizon Substation, a potential future service center building, a solar array, a microgrid platform, a potential hydrogen cell facility, an aeroderivative facility, potentially three smaller lab/office buildings, and a potential Innovation and Collaboration Park for Utility and City employee use. The Project is to be rezoned to PF (Public Facility) within the City of Colorado Springs.

The Project has the potential to impact wetlands or other water bodies that may be under the jurisdiction of the U.S. Army Corps of Engineers (USACE) as designated by Section 404 of the Clean Water Act. Burns & McDonnell conducted a wetland delineation at the Project to evaluate for the presence of wetlands and other water bodies, including streams, drainages, and ponds. The delineation was conducted based on the proposed Project layout (Survey Area). The Survey Area totaled approximately 160 acres.

Methods

The following sections summarize the methods used for the review of existing data and the on-site wetland delineation.

Desktop Data Review

Burns & McDonnell reviewed the following available background information for the Survey Area prior to conducting the delineation:

- U.S. Geological Survey (USGS) 7.5-minute topographic map

- U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) 2020 Soil Survey
- U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI) data
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)
- National Agriculture Imagery Program (NAIP) aerial photography.

Wetland presence based solely on NWI data cannot be assumed to be an accurate assessment of potentially occurring jurisdictional wetlands and water bodies. Wetland identification criteria differ between the USFWS and the USACE. As a result, wetlands shown on an NWI map may not be under the jurisdiction of the USACE, and all USACE jurisdictional wetlands are not always included in NWI data. Therefore, a wetland delineation was conducted to identify any wetlands or other water bodies that may be present within the Survey Area.

On-site Delineation

Burns & McDonnell conducted the on-site delineation April 9, 2021. The delineation was completed in accordance with the *1987 Corps of Engineers Wetland Delineation Manual* (1987 Manual) and the *2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region – Version 2.0* (Regional Supplement). These two publications provide the basis for identifying and delineating the boundaries of wetlands and provide the methodologies approved by the USACE for performing wetland delineations. To qualify as a wetland, positive indicators of three criteria: hydrophytic vegetation, wetland hydrology, and hydric soils, must be present. For more information on what qualifies as a positive indicator of hydrophytic vegetation, wetland hydrology, or hydric soil, please refer to the above-mentioned publications.

Wetland Determination Data Forms from the Regional Supplement were completed to characterize the Survey Area (Appendix B). Vegetation, soils, and hydrologic indicators were recorded at each of these sample plots. Locations of sample plots and other identified features were surveyed using a sub-meter accurate global positioning system (GPS) unit. Natural color photographs were taken on-site and are included in Appendix C.

Results

The following sections describe the results of the existing data review and the completed wetland delineation.

Desktop Data Review

The existing USGS topographic maps were reviewed by Burns & McDonnell wetland personnel to evaluate potential wetlands and water bodies within the Survey Area (Figure 2). The USGS topographic maps indicate the Survey Area is located on dry pastureland. The NWI data indicates that one riverine wetland (R4SBC) bisects the Survey Area from northwest to southeast, and a freshwater pond (PUSA) is on the southwestern edge of the Survey Area (Figure 2).

The NRCS SSURGO digital data indicates that the portions of seven soil map units are located within the Survey Area, (*) denotes soil type with hydric inclusions.

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- Ascalon sandy loam*, 1 to 3 percent slopes- 32.7% of Survey Area
- Vona sandy loam, warm, 0 to 3 percent slopes- 16.5% of Survey Area
- Truckton sandy loam*, 0 to 3 percent slopes- 15.6% of Survey Area
- Razor-Midway complex- 14.5% of Survey Area
- Ascalon sandy loam, 3 to 9 percent slopes- 7.8% of Survey Area
- Nelson-Tassel fine sandy loams*, 3 to 18 percent slopes-7.4% of Survey Area
- Truckton sandy loam, 3 to 9 percent slopes- 5.5% of Survey Area

The 2020 aerial photography indicates that the Survey Area consists of pasture (Figure 3). The Survey Area is mapped as a FEMA Flood Hazard Zone X: Area of Minimal Flood Hazard.

On-site Delineation Field Survey

On April 9, 2021, a Burns & McDonnell wetland scientist conducted a wetland delineation of the Survey Area. The wetland scientist recorded the location and extent of features identified within the Survey Area. The land cover and delineated wetlands and other waterbodies from the site visits are discussed in detail below.

Vegetation

The Survey Area was comprised of a pasture. Typical vegetation in upland areas of the Survey Area included buffalo grass (*Bouteloua dactyloides*), Kochia (*Kochia scoparia*), and common dandelion (*Taraxacum officinale*).

Soils

Typical upland soils were brown (7.5YR), dry and no redoximorphic features were present.

Hydrology

The primary source of hydrology for the Survey Area was overland flow.

Delineated Areas

One linear water feature was identified during the on-site wetland delineation. The linear feature is described below. A sample plots was taken near the NWI mapped wetland on the western portion of the Survey Area (Figure 3). Wetland Determination Data Forms and photographs of the sample plots are included in Appendix B and C. Natural color photographs documenting the Survey Area are in Appendix C.

Water Feature

During the wetland delineation, one linear water feature (S-1), and an associated drainage area with an ephemeral flow regime, was identified on the southeast side of the Survey Area. The drainage area associated with S-1 is located on the west side of Foreign Trade Zone Blvd (Figure 3). Outside of the Survey Area, S-1 continues east under the road via a concrete bridge (Photo 3 in Appendix C).

Ephemeral flow is characterized by flow only after precipitation events and lacking a connection to groundwater.

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The drainage area associated with S-1 was incised and eroded (Photo C-1). The widest part of this drainage was approximately 50 feet. The area was dominated by willow (*Salix* spp.), and *Koshia* and the hydrophytic vegetation indicators were not met in this area, so a soil pit was not dug. An ordinary high-water mark was not visible. The bank height was approximately 5 feet.

Potential Impacts to Waters of the U.S.

The delineated waters do not appear to have a hydrological connection to downstream waters of the U.S. According to the April 21, 2020 published *Navigable Waters Protection Rule: Definition of Waters of the United States*, ephemeral streams are excluded from the definition of “waters of the United States.” The final rule, adopted by the Colorado District Court on March 2, 2021, specifically clarifies that waters of the United States do not include ephemeral features that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools. However, official jurisdictional determinations can only be made by USACE.

Conclusion

Burns & McDonnell conducted a wetland delineation to identify and map wetlands and other waters within the Survey Area. One linear water feature with an associated drainage was identified during the on-site wetland delineation. The delineated waters do not appear to have a hydrological connection to downstream waters of the U.S. and these features are assumed to be non-jurisdictional. A request for jurisdictional determination (JD) is being sent to the USACE along with this report.

If you have any questions or require additional information, please feel free to contact me by telephone at (303) 842-3847 or by e-mail at apwoehler@burnsmcd.com.

Sincerely,

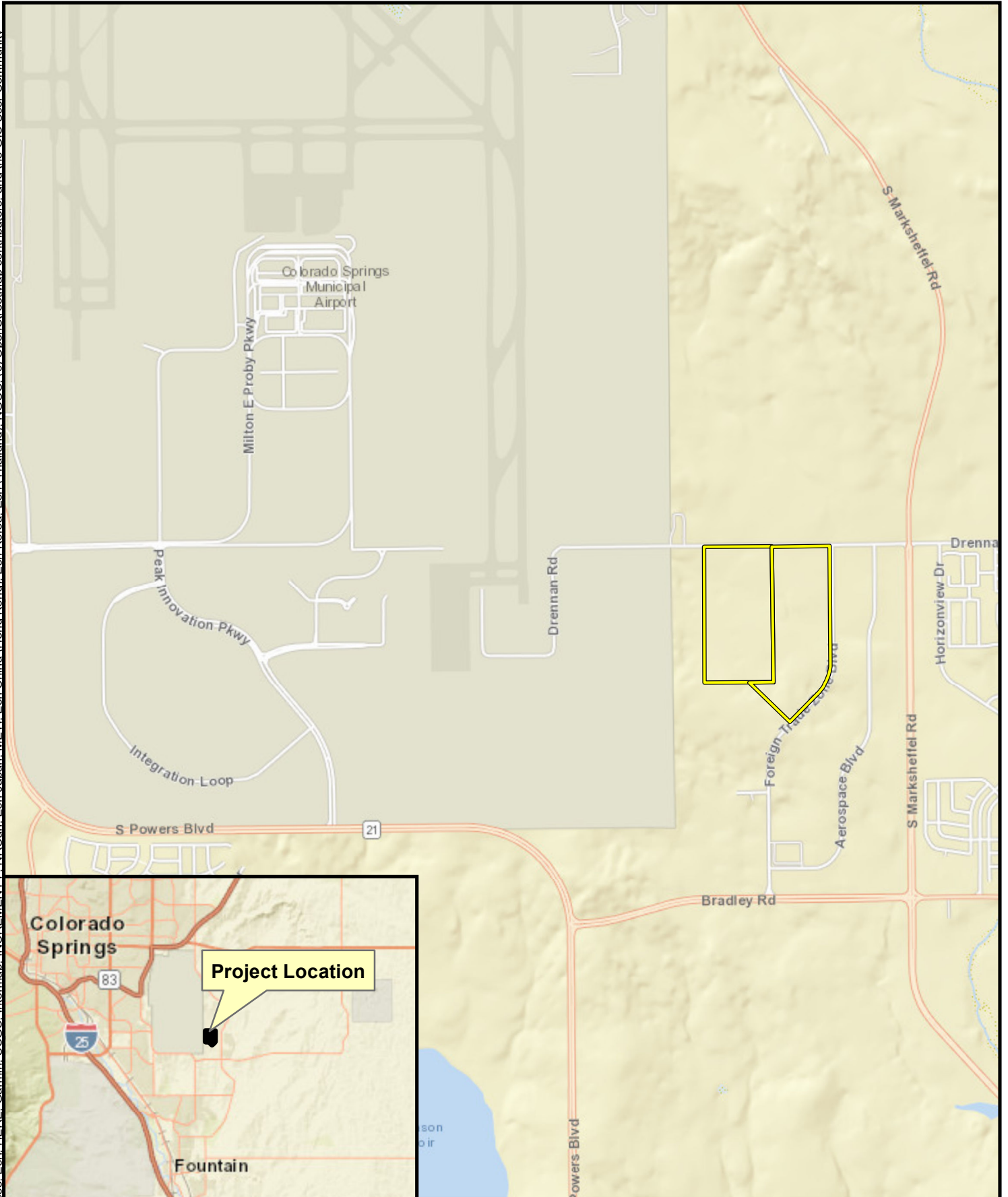
A handwritten signature in black ink that reads "A. Woehler".


Angie Woehler
Staff Environmental Scientist

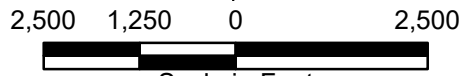
Appendix A – Figures
Appendix B – Wetland Determination Data Forms
Appendix C – Photograph Log

APPENDIX A – FIGURES

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Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



 Survey Area

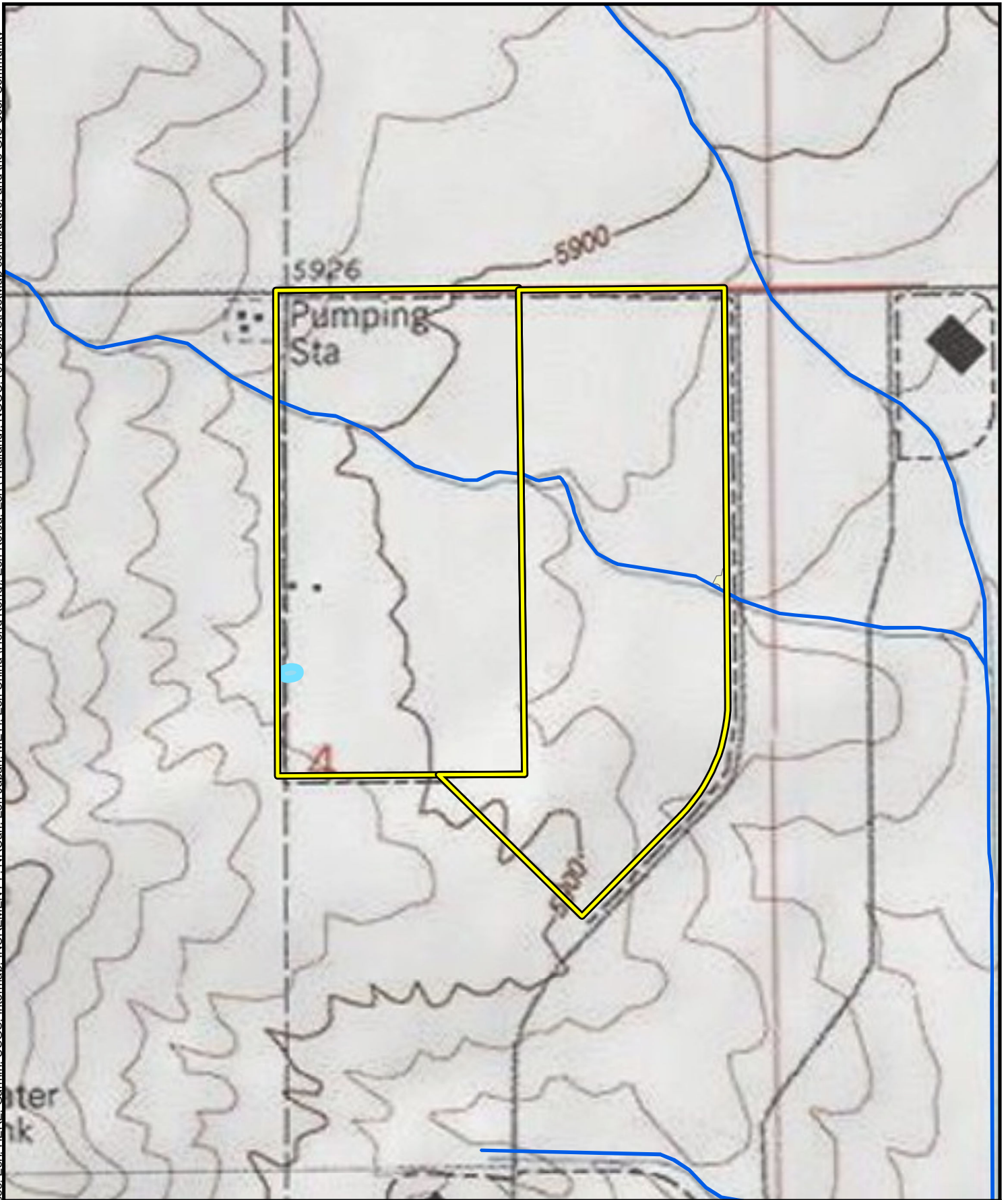





Scale in Feet



Horizon Wetland Survey
Colorado Springs Utilities
Figure 1
El Paso County, CO

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Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

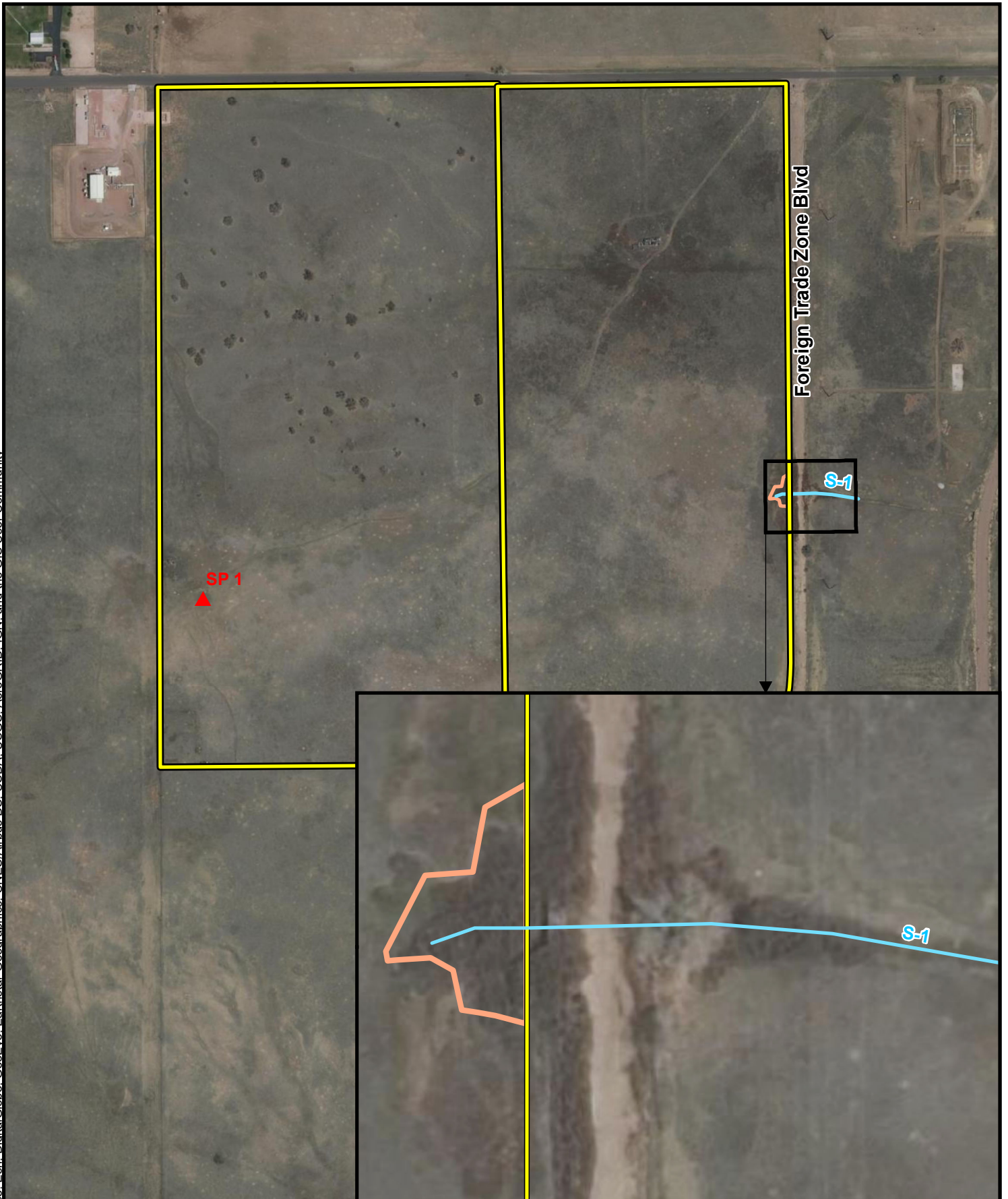






-  Survey Area
-  Riverine
-  Freshwater Pond

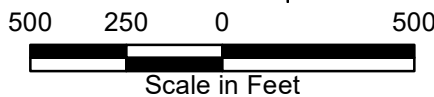


Horizon Wetland Survey
Colorado Springs Utilities
Figure 2
El Paso County, CO

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Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



-  Survey Area
-  Stream
-  Drainage Area
-  Sample Plot



Horizon Wetland Survey
Colorado Springs Utilities
Figure 3
El Paso County, CO

APPENDIX B – WETLAND DETERMINATION DATA FORMS

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Horizon City/County: Colorado Springs, El Pason Sampling Date: 04-09-2020
 Applicant/Owner: Colorado Springs Utilities State: CO Sampling Point: SP-1
 Investigator(s): Angie Woehler Section, Township, Range: Township 15S Range 65 W Section 4
 Landform (hillslope, terrace, etc.): pasture Local relief (concave, convex, none): concave Slope (%): 2
 Subregion (LRR): LRR-E Lat: 38.776511 Long: -104.665147 Datum: NAD 83
 Soil Map Unit Name: Ascalon sandy loam*, 1 to 3 percent slopes- NWI classification: Fresh Water Pond
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks:	

VEGETATION – Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: _____)	Absolute Dominant Indicator % Cover	Species?	Status	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
<u>Sapling/Shrub Stratum</u> (Plot size: _____)				
1. _____				
2. _____				
3. _____				
4. _____				
_____ = Total Cover				
<u>Herb Stratum</u> (Plot size: _____)				Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Kochia scoparia</u>	<u>10%</u>	<u>x</u>	<u>FAC</u>	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
<u>10%</u> = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: _____)				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1. _____				
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>90%</u>				

Remarks: Since the plot lacked species diversity and only one (FAC) species was found, the plot passed the dominance test, however, a clear lack of wetland vegetation is present.

APPENDIX C – PHOTOGRAPH LOG



Photograph C-1: View of drainage area associated with ephemeral stream (S-1), facing northeast.



Photograph C-2: View of drainage area and bridge under Foreign Trade Zone Blvd, facing east.



Photograph C-3: View from east side of bridge, facing northwest.



Photograph C-4: View of upland Sample Point (SP) 1, facing east.