

APPROVED JURISDICTIONAL DETERMINATION FORM
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): June 23, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: SPA-2022-00180, Classic Communities Highway 105 AJD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Colorado County/parish/borough: El Paso County City: Monument

Center coordinates of site (lat/long in degree decimal format): Lat. 39.092991° N, Long. -104.856431° W.

Universal Transverse Mercator: 15

Name of nearest waterbody:

Name of watershed or Hydrologic Unit Code (HUC): 07020007

- Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: June 22, 2022
 Field Determination. Date(s): June 8, 2022

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.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area for this determination is comprised of two linear wetlands labeled as WT-A1 (0.169 acres) and WT-A2 (0.006 acre) and four linear stream segments labeled as ST-A1 (0.003 acre), ST-A2 (0.001 acre), ST-A3 (0.001 acre), and ST-A4 (0.001 acre) in the February 2022, Core Consultants, Inc. Wetland Delineation Report. In 2005, the entire review area was graded for roadway improvements to Highway 105 and the I-25 interchange, thereby creating all six linear aquatic resources evaluated by this determination. Based on an analysis of multiple years of aerial photography, USDA web soil survey data, USGS topographic maps, USGS NHD, NWI mapping, February 2022, Core Consultants, Inc. Wetland Delineation Report, and a June 22, 2002 site visit, the Corps has determined that all six aquatic resources are linear roadside drainage features constructed in uplands during grading for the Highway 105 and the I-25 interchange projects. In accordance with Corps Regulations at 33 CFR Part 328.3(b) and associated Rapanos Guidance, the aforementioned aquatic features are not within the Corps jurisdiction because they were constructed in uplands, drain only uplands, and do not have relatively permanent flow.**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

¹ Supporting documentation is presented in Section III.F.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: 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: February 2022, Core Consultants, Inc. Wetland Delineation Report

- 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:
- Corps navigable waters’ study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.

- U.S. Geological Survey map(s). Cite scale & quad name: 1:24k-Monument

- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey

- National wetlands inventory map(s). Cite name: National Wetland Inventory

- State/Local wetland inventory map(s):

- FEMA/FIRM maps:

- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

- Photographs: Aerial (Name & Date): Site Photos contained in Feb 2022 Core Consultants, Inc. Wetland Delineation Report

or Other (Name & Date): Google Earth- 1999, 2004, 2005, 2006, 2008, 2010, 2011, 2015,

2017, 2019, 2020

- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: