



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
1970 EAST 3RD AVE, SUITE 109
DURANGO, COLORADO 81301

January 10, 2024

Regulatory Division

SUBJECT: Jurisdictional Determination (SPA-2023-00108)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We are responding to your request for a jurisdictional determination (JD) for the 5,770-acre review area centered at latitude 38.39460, longitude -103.53089, in Crowley County, Colorado (Enclosure 1).

We have determined that the review area is comprised entirely of dryland and therefore does not contain waters of the United States. The resources identified within the report entitled "*Waters of the U.S. Delineation, Crowley County Solar Project Highway 71 and Highway 96, Ordway, Crowley County, Colorado*", dated January 30, 2023, prepared by Terracon Consultants, Inc, do not have an ordinary highwater mark or wetland characteristics and are therefore determined to be dryland.

We are enclosing a copy of the Approved Jurisdictional Determination 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 approved JD 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 approved JD or provide new information in accordance with the attached Notification of Administration Appeal Options and Process and Request for Appeal (Enclosure 3). If you elect to appeal this approved JD, you must complete Section II of the form and return it to the Army Engineer Division, South Pacific, CESPDPDS-O, [REDACTED]

[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 approved JD.

Please refer to identification number SPA-2023-00108 in any correspondence concerning this project. If you have any questions, please contact me by [REDACTED]

[REDACTED]

Sincerely,

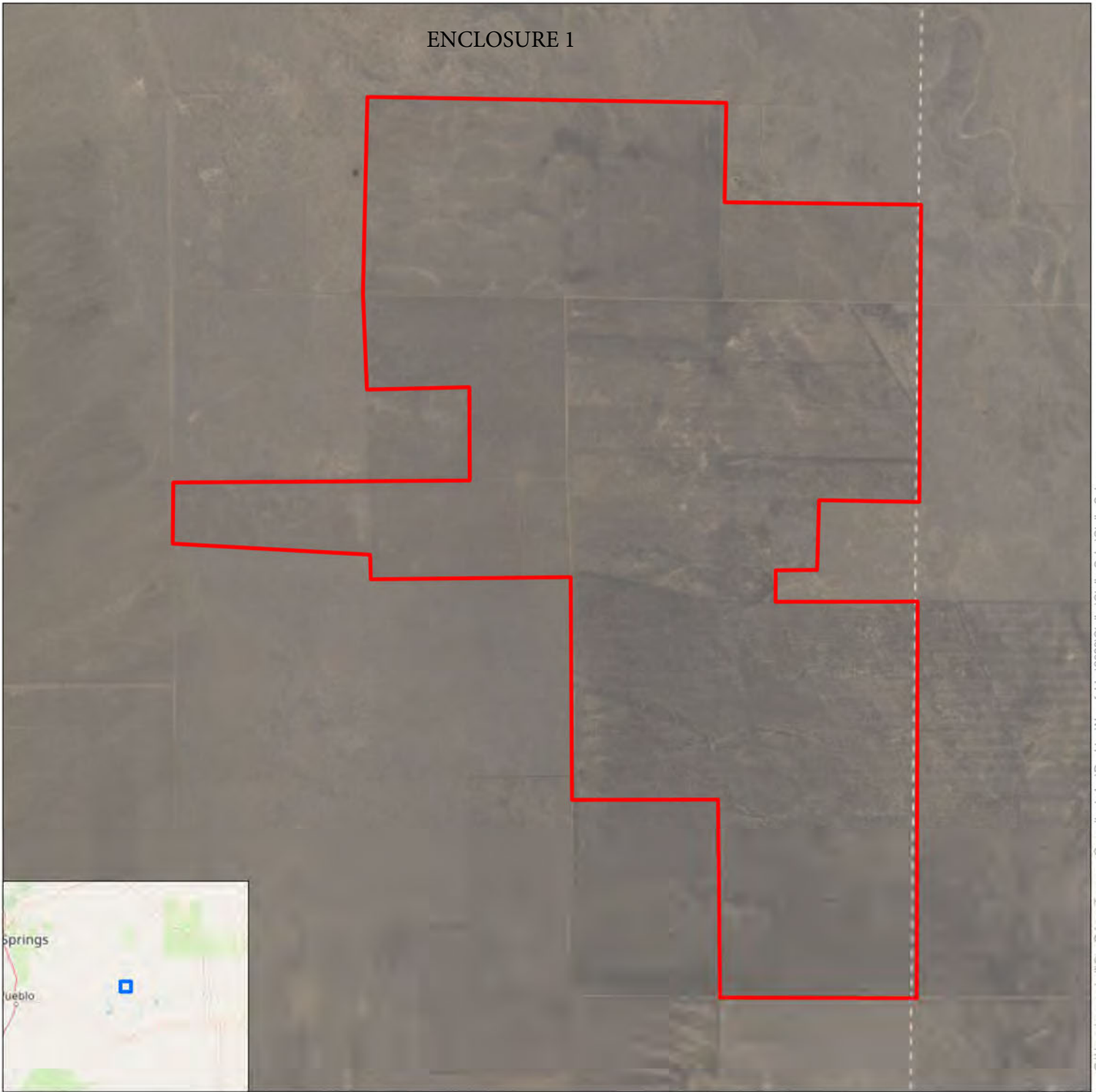
[REDACTED]
[REDACTED]


Enclosures

cc:

[REDACTED]

ENCLOSURE 1



Legend
 Study Area



Feet
0 2,400 4,800 9,600

DATA SOURCES: Stellar Renewable Power, USGS, USDA WSS, © OpenStreetMap (and) contributors, CC-BY-SA, © 2023 Microsoft Corporation © 2022 Maxar ©CNES (2022) Distribution Airbus DS © 2022 TomTom ESRI - Basemaps

Project No.:	23237000
Date:	Jan 2023
Drawn By:	NRM
Reviewed By:	JB



4172 Center Park Dr
Colorado Springs, CO

PH. 719-597-2116

terracon.com

Vicinity Map

Stellar Renewable Power
Crowley County Solar Project
Crowley County, Colorado
103°32'29"W 38°23'24"N

Exhibit

1.0