



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

January 5, 2024

Regulatory Division

SUBJECT: Jurisdictional Determination and Permitting Requirements (SPK-2015-00192)

[REDACTED]

We are responding to your request for both an approved jurisdictional determination (AJD) and determination of Department of Army (DA) permitting requirements for the proposed Wolf Creek Reservoir project. The 252.7-acre project review area is located along the north bank of the White River and includes the lower stream reaches of the Wolf Creek watershed, centered at latitude 40.205149°, longitude -108.481361°, approximately 17 miles northeast of the Town of Rangely, Rio Blanco County, Colorado.

Based on the available information and field inspections conducted on June 14, 2023, and July 11, 2023, 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. We have also determined that the proposed Wolf Creek Reservoir Project will require a DA permit because the project involves a discharge of fill material into waters of the United States associated with construction of a dam on portions of Wolf Creek that are waters of the United States.

Waters of the United States specifically includes all stream paths with an ordinary high-water mark (OHWM) and all wetlands documented within the Review Area for the Wolf Creek Reservoir project, as shown on Figure 2, 2a, 2b, 2c, and 2d of the Wolf Creek Reservoir Aquatic Resource Delineation, dated July 2023, prepared by WestWater Engineering (enclosure 1). These features are summarized in the tables below. Locations within the Review Area that do not exhibit an OHWM or do not have all three wetland indicators are not waters of the United States.

<u>Streams</u>	<u>Area</u>	<u>Length</u>	<u>Jurisdictional</u>
Upper Wolf Creek-Assessment Reach 1	0.14 acre	2,044 linear feet	Yes- (a)(3) Tributary
Lower Wolf Creek-Assessment Reach 2	0.33 acre	4,823 linear feet	Yes- (a)(3) Tributary
White River-Assessment Reach 3	2.43 acres	1,520 linear feet	Yes- (a)(1) Interstate Water

Table 1. Summary of stream features found to be Waters of the United States.

<u>Wetlands</u>	<u>Area</u>	<u>Jurisdictional</u>
Wetland A	0.02 acre	Yes- (a)(4) directly abuts an (a)(1) water
Wetland B	0.62 acre	Yes- (a)(4) directly abuts an (a)(1) water
Wetland C	0.09 acre	Yes- (a)(4) directly abuts an (a)(1) water
Wetland Patch 1	4 square feet	Yes- (a)(4) directly abuts an (a)(1) water
Wetland Patch 2	4 square feet	Yes- (a)(4) directly abuts an (a)(1) water

Table 2. Summary of wetland features found to be Waters of the United States.

We are enclosing a copy of the AJD Memorandum for Record for your review area (Enclosure 2). A copy of this AJD correspondence 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.

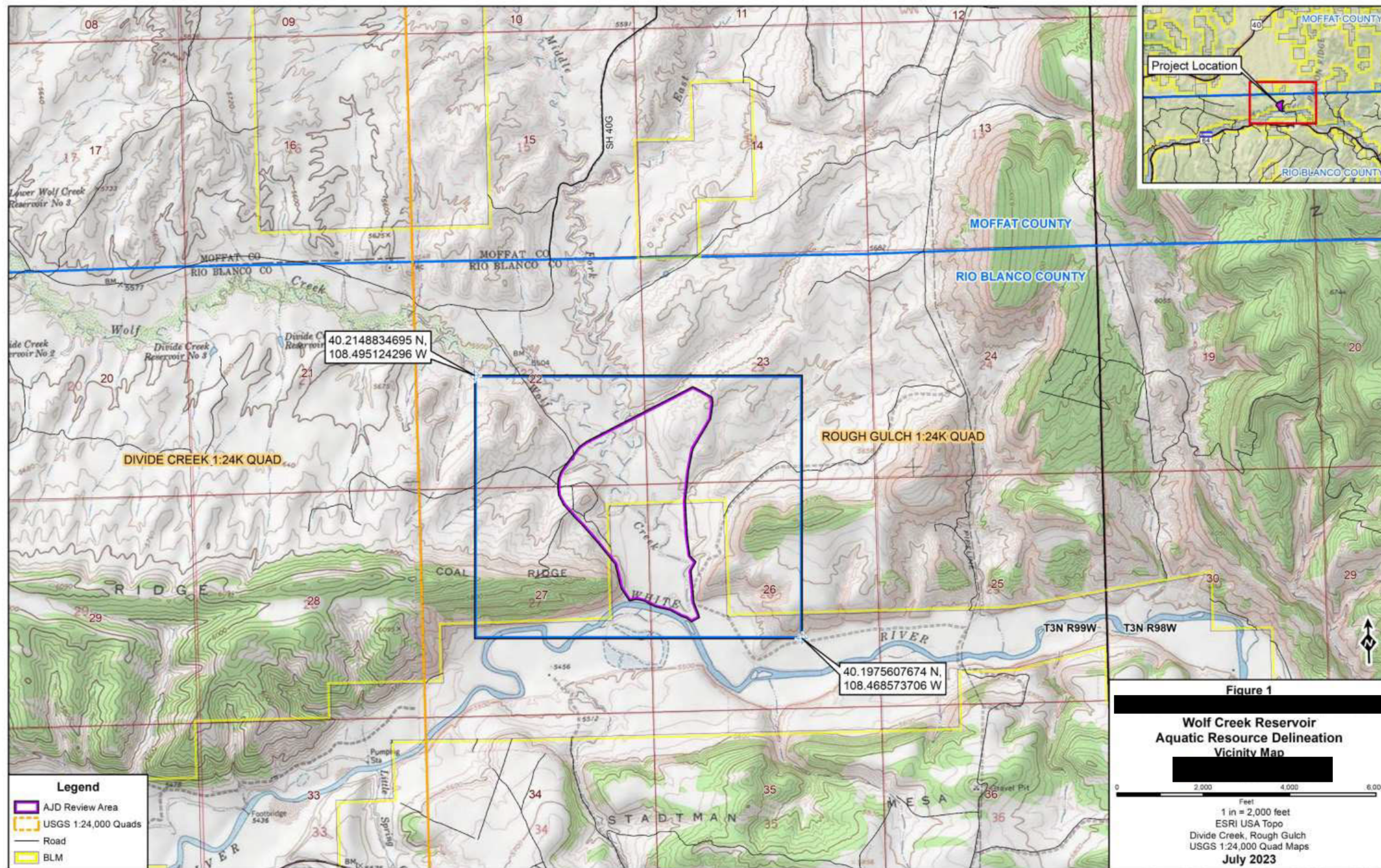
The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 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.

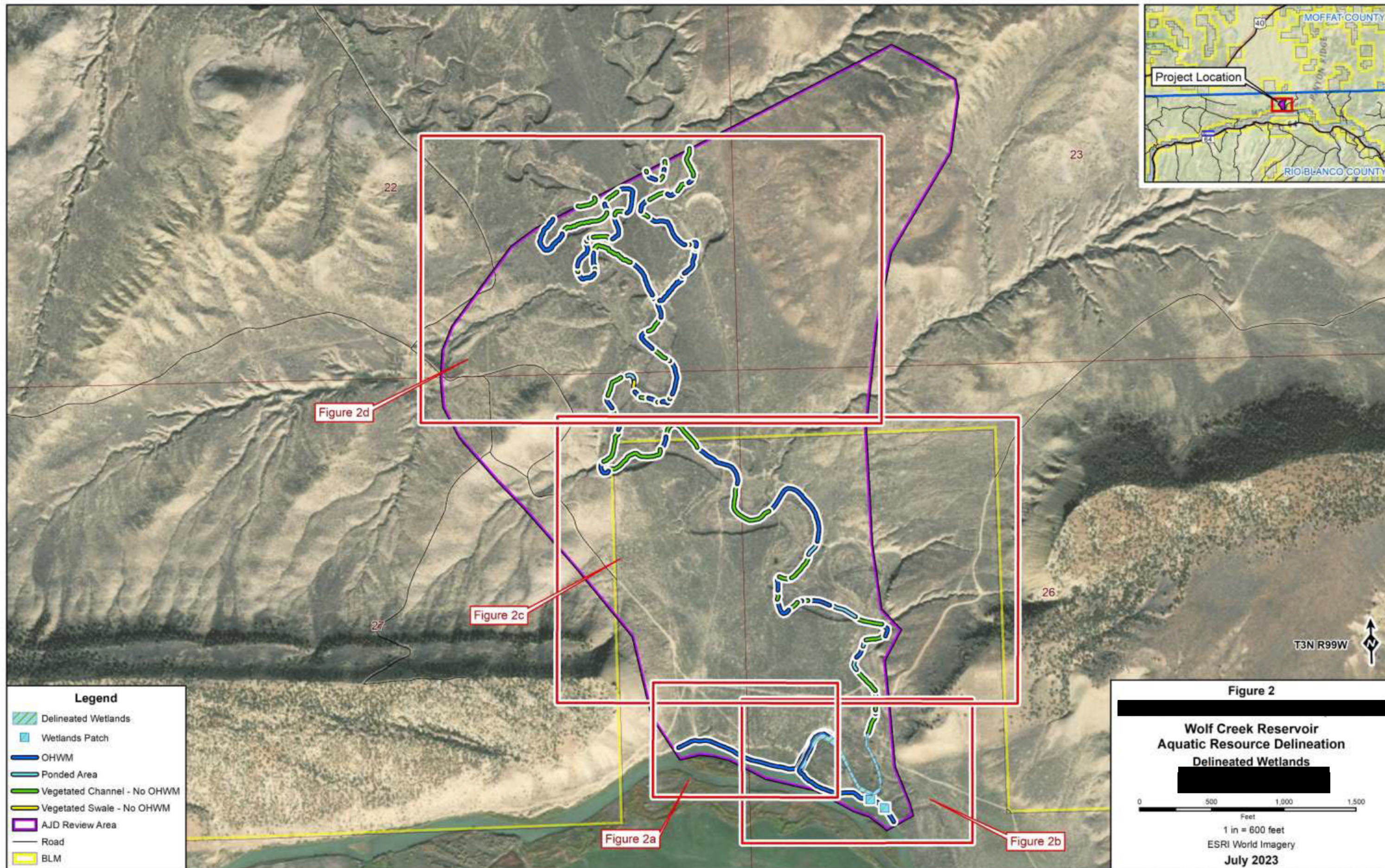
You may accept or appeal this AJD or provide new information in accordance with the attached Notification of Administration Appeal Options and Process and Request for Appeal (Enclosure 3). No additional action is needed if you accept this AJD. If you elect to appeal this AJD, you must complete Section 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 approved JD.

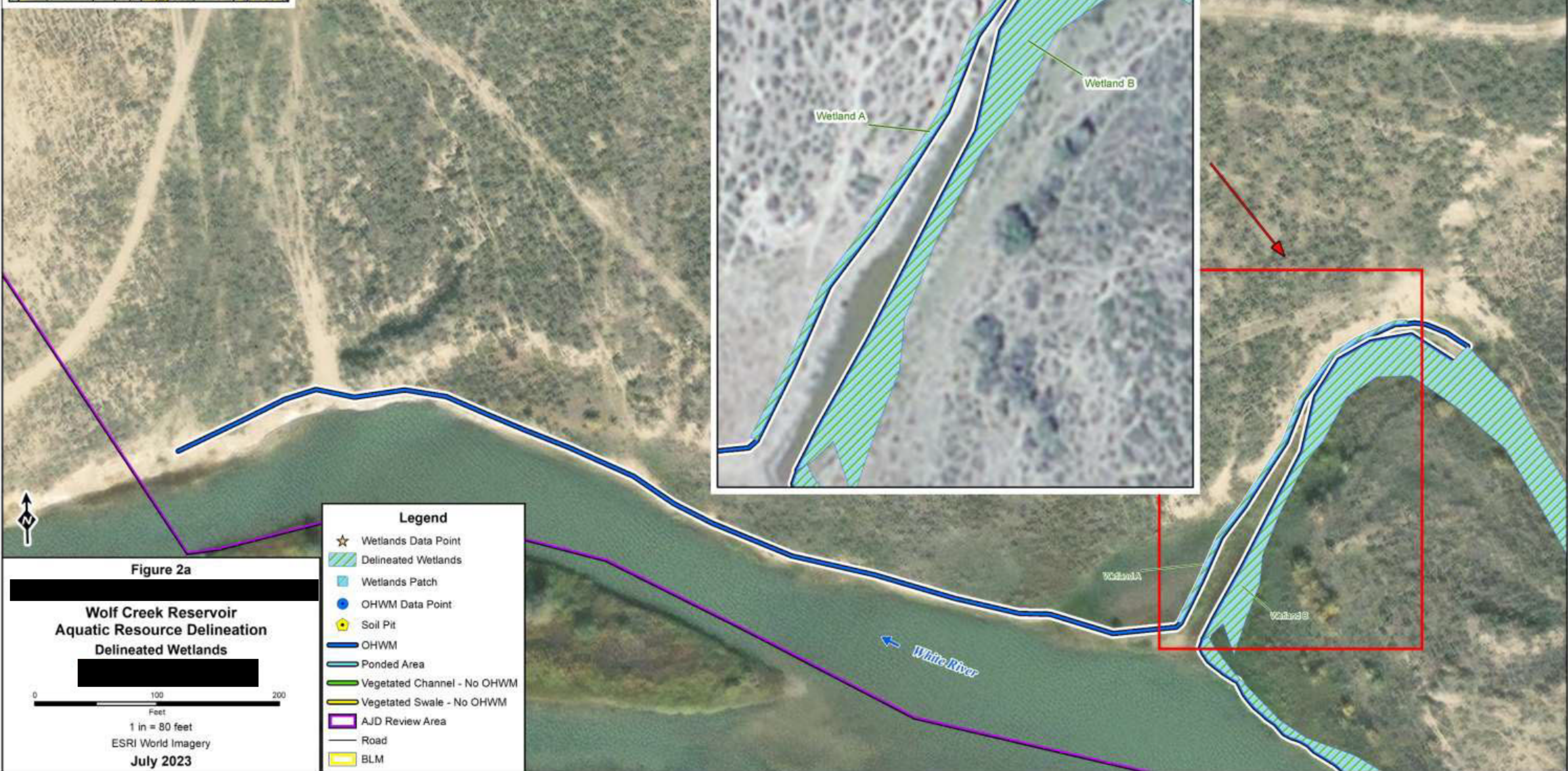
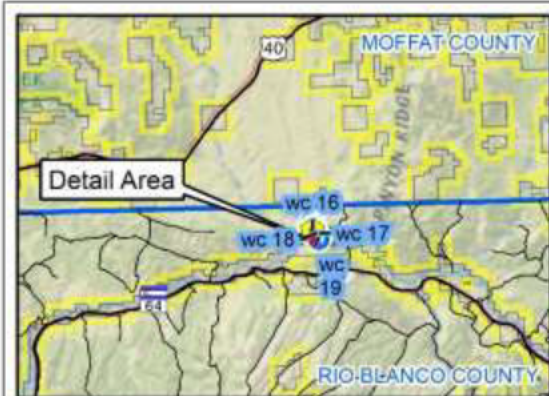
Please refer to identification number SPK-2015-00192 in any correspondence concerning this project. If you have any questions, please contact me by email at [REDACTED]

Sincerely,

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







- Legend**
- ☆ Wetlands Data Point
 - ▨ Delineated Wetlands
 - Wetlands Patch
 - OHWM Data Point
 - Soil Pit
 - OHWM
 - Ponded Area
 - Vegetated Channel - No OHWM
 - Vegetated Swale - No OHWM
 - ▭ AJD Review Area
 - Road
 - ▭ BLM

Figure 2a

**Wolf Creek Reservoir
Aquatic Resource Delineation
Delineated Wetlands**

0 100 200
Feet

1 in = 80 feet

ESRI World Imagery

July 2023

