



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
201 WEST 8TH STREET, SUITE 350
PUEBLO, COLORADO 81003

November 2, 2018

Regulatory Division

SUBJECT: No Permit Required – Action No. SPA-2018-00326, Grazing Yak Solar Project, Calhan in El Paso County, Colorado.

Tina Brazil
CORE Consultants, Inc.
1950 West Littleton Boulevard suite 109
Littleton, CO 80120

Ms. Brazil:

This letter responds to your request for a determination of Department of the Army permit requirements for the proposed Grazing Yak Solar Project located at approximately latitude 38.9764, longitude -104.2484. The Project is located to the east of the intersection of McQueen Road and Washington Road, approximately four miles southeast of the Town of Calhan, Colorado in El Paso County, Colorado. The work, as described in your submittal packet and request will consist of new construction of a 35-megawatt utility scale photovoltaic solar facility within a 270-acres of privately owned agricultural land.

We have assigned Action No. SPA-2018-00326 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that a Department of the Army permit is not required since the project would not result in the discharge of dredged/fill material into waters of the United States and the site consists entirely of uplands. However, please be advised that there are potential waters of the U.S. located in the vicinity of the project site and it is incumbent upon you to remain informed of any changes in the U.S. Army Corps of Engineers (Corps) Regulatory Program regulations and policy as they relate to your project. If your plans change such that waters of the U.S. could be impacted by the proposed project, please contact our office for a reevaluation of permit requirements.

This decision is based on an approved jurisdictional determination (JD) (attached) that there are "no waters" of the United States on the project site. The basis for this JD is that the project site contains upland drainage ditch(s); and are entirely uplands. A copy of this JD is also available at <http://www.spa.usace.army.mil/reg/JD>. This approved JD is valid for five years unless new information warrants revision of the determination before the expiration date.

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 (NAAOP-RFA). 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, Attn: Tom Cavanaugh, Administrative Appeal Review Officer, 1455 Market Street, Room 1760, San Francisco, CA 94103-1399 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.

If you have any questions concerning our regulatory program, please contact me at (719) 600.8641 or by e-mail at Joseph.A.Martinez@usace.army.mil.

At your convenience, please complete a Customer Service Survey on-line available at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

MARTINEZ.JOSEPH
H.A.1535024355

Digitally signed by
MARTINEZ.JOSEPH.A.1535024355
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=MARTINEZ.JOSEPH.A.1535024355
Date: 2018.11.02 16:14:10 -06'00'

Tony Martinez, R.E.M.
Regulatory Program Manager
Southern Colorado Regulatory Branch

Enclosure(s)