



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
200 SOUTH SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003-4270

May 10, 2018

Regulatory Division

SUBJECT: Approved Jurisdictional Determination for the Front Range Midway Solar Project, El Paso County, Colorado – Action No. SPA-2018-00129

Kurt Flaig
West-Inc.
415 W. 17th St. Suite 200
Cheyenne, WY 82001

Mr. Flaig:

This letter responds to your request for an approved jurisdictional determination of waters of the United States for the proposed Front Range Midway Solar Project located at approximately latitude 38.5563, longitude -104.6827, in El Paso County, Colorado.

We have assigned Action No. SPA-2018-00129 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that the site is entirely uplands with several erosional features or arroyos. Therefore, a Department of the Army permit is not required since the site has no jurisdictional waters of the United States.

This decision is based on an approved jurisdictional determination (JD) (attached) that there are no waters of the United States on the project site.

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) 543-8102 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,

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

Enclosure: AJD