



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE, NM 87109-3435

July 15, 2019

Regulatory Division

SUBJECT: No Permit Required – Action No. SPA-2019-00152-SCO, Dancing Wolf Estates Subdivision IV, Colorado Springs, in El Paso County, Colorado.

Alyce McElhoes  
Property Owner/Developer  
16570 Dancing Wolf Way  
Colorado Springs, CO 80923

Ms. McElhoes:

This letter responds to your request for a determination of Department of the Army permit requirements for the proposed Dancing Wolf Estates Subdivision IV located at approximately latitude 39.0726 N, longitude -104.7590 W, in El Paso County, Colorado.

The work, as described in your email will consist of a Drive way to be constructed over a depressional riverine area designated in a no-build area by El Paso County. The crossing will be constructed using culverts size(s) approved by a P.E. The culvert(s) will be secured within a dirt berm completing the road crossing. Fill and impacts will be determined as needed at time of design within the unnamed tributary as determined with this preliminary jurisdictional determination..

We have assigned Action No. SPA-2019-00152 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. 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 a preliminary jurisdictional determination (JD) that there may be waters of the United States on the project site. Preliminary JDs are advisory in nature and may not be appealed. An approved JD is an official Corps determination that “waters of the U.S.” and/or “navigable waters of the U.S.” are either present or absent on a particular site. An approved JD precisely identifies the limits of those

waters on the project site determined to be jurisdictional under the CWA or RHA. If you wish, you may request that the Corps reevaluate this case and issue an approved JD. If you request an approved JD, you may not begin work until the approved JD, which may require coordination with the Environmental Protection Agency, is completed. Please contact me if you wish to request an approved JD for this case.

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](mailto: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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Martinez', with a stylized flourish at the end.

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