

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** August 13, 2020

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Newby Aggregate Recycling Facility, SPK-2019-00673

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Colorado      County/parish/borough: Eagle County      City: Gypsum  
Center coordinates of site (lat/long in degree decimal format): Lat. 39.6485°, Long. -106.9333°  
Universal Transverse Mercator: 13 334128.7 4390529.3

Name of nearest waterbody: Eagle River

Name of watershed or Hydrologic Unit Code (HUC): Eagle, 14010003

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: August 13, 2020
- Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: prepared by WestWater Engineering
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report: Dated June 2020.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps:
- U.S. Geological Survey map(s): USGS (1957). Topographic Map Leadville, CO. 1:125,000 scale. 1978. U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#15/39.6485/-106.9333>
- USDA Natural Resources Conservation Service Soil Survey: NRCS. 2019. Natural Resources Conservation Service. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. U.S. Department of Agriculture.
- National wetlands inventory map(s): National Wetland Inventory. 7.5 Minute Quadrangle: Gypsum, Colorado. Source imagery date: June 23, 2017. U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved August 4, 2020, from Wetlands Mapper: <https://www.fws.gov/wetlands/data/mapper.html>
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs (Aerial): GoogleEarth 7.3.3.7692. (Imagery Date: June 23, 2017). Gypsum, CO. Latitude 39.6485°N, Longitude -106.9333°W, eye alt 8026 ft. Retrieved August 4, 2020, from <http://www.earth.google.com>.
- Photographs (Other): June 2020 Delineation prepared by WestWater Engineering.
- Previous determination(s): SPK-2019-00673. Aquatic Resource Verification.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The review area is shown in the enclosed map, labeled as the Survey Area Boundary. The detail area is the area that was previously verified under SPK-2019-00673. The review area does not contain any areas that would satisfy technical criteria for a waters of the U.S. Previous Aquatic Resource Verification (SPK-2019-00673, verified on November 20, 2019) showed small wetlands that have since dried up. The wetlands were formed by a leaky irrigation ditch. The ditch has been fixed, and the subject area no longer supports wetland features. The vegetated area on the far east of the delineation area is an active pasture that receives irrigation water and does not exhibit wetland features.