



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [April 30, 2021](#).

ORM Number: [SPK-2021-00084](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [CO](#). City: [Winter Park](#). County/Parish/Borough: [Grand County](#).

Center Coordinates of Review Area: Latitude [39.924888°](#). Longitude [-105.781532°](#).

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#).
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	acres	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	acres	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
	N/A.	acres	N/A	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
Pond	0.4	acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The 0.4-acre pond is an impoundment of wetlands that was constructed in the 1960s. The pond is jurisdictional as an impoundment of jurisdictional waters because the wetlands being impounded meet the definition of adjacent wetlands and also meet the conditions of the lakes, ponds, and impoundments of jurisdictional waters category due to a direct intermittent flow connection through a culvert into the Fraser River. The Fraser River is an (a)(2) perennial tributary that contributes surface water flow directly to the Colorado River [(a)(1) water] in a typical year, making it jurisdictional.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	3.5	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetlands are jurisdictional waters when they abut an (a)(1) – (a)(3) water. Wetland A directly abuts the Fraser River. The 19.4-acre review area does not extend to include the area where Wetland A abuts the Fraser River but area imagery and the delineation report both indicate that the wetland continues outside of the review area and directly abuts the Fraser River. The Fraser River is an (a)(2) perennial tributary that contributes surface water flow directly to the Colorado River [(a)(1) water] in a typical year, making Wetland A jurisdictional.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands B-1, B-2, B-3, and B-4.	0.6	acres	(b)(1) Non-adjacent wetland.	Wetlands B-1, B-2, B-3, and B-4 are located a minimum of 250 feet from the Fraser River, the nearest downslope aquatic resource, and prominent upland features separate the wetlands from the Fraser River. These 4 wetlands total 0.60 acre and were likely formed due the presence of roads and related infrastructure located directly adjacent to each wetland. No flow paths exist connecting the wetlands to other aquatic resources. Wetlands B-1, B-2, B-3, and B-4 are non-jurisdictional waters.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report and Approved Jurisdictional Determination Request, dated February 3, 2021, prepared by Claffey Ecological Consulting, Incorporated.](#)

This information is sufficient for purposes of this AJD.
Rationale: [N/A.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	April 26, 2021, Corps edited Delineation Map, extracted from the applicant's February 3, 2021, Wetland Delineation Report. Additional notes were added by the Corps to better visualize and document the site conditions as documented within the report.
Other state/local data (specify)	N/A.
Other Issues	N/A.

B. Typical year assessment(s): In this case, typical year assessments are involved with describing the flow regimes of the Fraser River (perennial) and the culvert connection between the pond and the Fraser River (intermittent). The Fraser River is a well-known third order perennial stream and therefore no further assessment regarding typical year is needed for that resource. The intermittent culvert connection between the pond and the Fraser River is described by the applicant to have flows from May to August during a typical year. No additional assessment is warranted.

C. Additional comments to support AJD: [N/A.](#)