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**FW: [EXTERNAL] NWO-2023-01838-DEN (Janus Solar Project (Anywork))**

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**From** Suchy, Mark <Suchy@WAPA.GOV>

**Date** Tue 12/5/2023 9:32 AM

**To** Andrew Sullivan <asullivan@west-inc.com>; Leslie Rodman-Jaramillo <ljaramillo@west-inc.com>

**Cc** Ankele, William <Ankele@WAPA.GOV>; Mark Prichard <mark.prichard@horuscapital.co.uk>; Francesco Cardi <francesco.cardi@horuscapital.co.uk>

 1 attachment (257 KB)

Anywork\_Letter\_11-22-2023.pdf;

FYI

**Mark Suchy | Natural Resource Specialist**

Western Area Power Administration | Rocky Mountain Region | Loveland, CO

(O) 970.461.7440 | (C) 970.342.6462 / [suchy "at" wapa.gov](mailto:suchy@wapa.gov)



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**From:** Holland, Ronetta G CIV USARMY CENWO (USA) <Ronetta.G.Holland@usace.army.mil>

**Sent:** Tuesday, December 5, 2023 10:27 AM

**To:** Suchy, Mark <Suchy@WAPA.GOV>

**Subject:** [EXTERNAL] NWO-2023-01838-DEN (Janus Solar Project (Anywork))

**EXTERNAL E-MAIL: Before you click a link or open an attachment... STOP and THINK.**

**Forward any suspicious e-mail to [spam@wapa.gov](mailto:spam@wapa.gov), or call WITCC at (720) 962-7111.**

Dear Mark Suchy:

This email is to inform you that we received your email or letter request on 4 December 2023. Please see the attached "Anywork Letter" regarding your request.

Sincerely,

Ms. Ronetta G Holland

Office Automation Assistant

CENWO-ODR-CO

9307 S Wadsworth Blvd

Littleton CO 80128

Office #: 720-922-3843

Mobile #: 720-284-9037

Email: [Ronetta.G.Holland@usace.army.mil](mailto:Ronetta.G.Holland@usace.army.mil)

The Denver Regulatory Office is now accepting digital submittals! Effective immediately, please submit new requests in digital form to [DenverRegulatoryMailbox@usace.army.mil](mailto:DenverRegulatoryMailbox@usace.army.mil) for initial in-processing. (NOTE: Emails including attachments cannot exceed 40Mb). Further information and instructions regarding submitting requests electronically can be found at: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
DENVER REGULATORY OFFICE  
9307 SOUTH WADSWORTH BLVD  
LITTLETON, CO 80128-6901

SUBJECT: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers reviews and authorizes any work associated with the discharge of dredged or fill material, and any excavation associated with a dredge or fill project, either temporary or permanent, in waters of the United States. Waters of the United States may include intermittent and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches. Please note that the discharge of dredged or fill material into upland areas or aquatic resources which are not waters of the United States does not require authorization from this office.

Jurisdictional Determinations identify the locations and amounts of aquatic resources within a specified area to determine if they are or are not waters of the United States. Prior to submitting a request for a Jurisdictional Determination, we recommend a wetland delineation be conducted in the field by a qualified environmental consultant. A wetland delineation identifies the boundaries of aquatic resources located within your project area and must be conducted using the methods outlined in the Corps of Engineers Wetlands Delineation Manual and applicable regional supplements.

Nationwide Permits authorize common types of dredge and fill activities in waters of the United States that will result in a minimal adverse effect to the environment. Some fill activities require a pre-construction notification (PCN) to the Corps prior to any work and possibly coordination with other local or state agencies. Descriptions of the current nationwide permits and their general conditions can be found at:

<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>

Regional General Permits authorize specific types of dredge and fill activities in waters of the United States that will result in a minimal adverse effect to the environment. These fill activities require a pre-construction notification to the Corps prior to starting work, and possibly coordination with other local or state agencies. Please note several of the RGP's are applicant and location specific. Descriptions of the current regional general permit activities and their general conditions can be found at:

<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/Regional-General-Permits/>

Standard Individual Permits authorize dredge and fill activities that do not qualify for Nationwide or Regional General Permits. We recommend contacting the Denver Regulatory Office to arrange for a pre-application consultation prior to applying for a Standard Individual Permit. Standard Individual Permits include public interest review procedures, including public notice, notification of adjacent property owners and review of public and agency

comments. Standard Individual Permits require an evaluation of effects for a range of alternatives. The Corps will evaluate practicable (cost, logistics, and technology) alternatives that meet the overall project purpose for environmental effects. Alternatives can include off-site alternatives and alternative designs. When evaluating Standard Individual Permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred alternative. The Standard Individual Permit application form and instructions can be found at:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-andPermits/Obtain-a-Permit/>

A federal action occurs when a discharge of dredged or fill material into waters of the United State requires a Clean Water Act Section 404 permit. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

Dredge and fill activities in waters of the United States must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to the maximum extent practicable at the project site. Mitigation, including avoiding, minimizing, rectifying, reducing, or compensating for resource losses, will be required to the extent necessary to ensure that the adverse effects to the aquatic site are minimal.

Any loss of function at an aquatic site may require compensatory mitigation. Compensatory mitigation must take into consideration the mitigation hierarchy and only the environmental preferable type of mitigation will be approved as outlined in 33 CFR 332. Often, this results in the permittee being required to purchase credits from an approved mitigation bank. Mitigation requirements will be determined during the Clean Water Act Section 404 review process.

If the activity you described would impact waters of the United States, the Denver Regulatory Office should be notified. Please include a map identifying dimensions of work in each aquatic site, the county, Township, Range and Section and the latitude and longitude of the activity in decimal degrees, along with a description of your request, to the Denver Regulatory Office mailbox located at [DenverRegulatoryMailbox@usace.army.mil](mailto:DenverRegulatoryMailbox@usace.army.mil) or contact the Denver Regulatory Office at 303-979-4120.

Sincerely,



Kiel Downing  
Chief, Denver Regulatory Office

United States Department of Agriculture



Natural Resources Conservation Service  
Denver Federal Center  
Building 56, Room 2604  
P.O. Box 25426  
Denver, CO 80225

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**SUBJECT:** Farmland Protection Policy Act

December 15, 2023

Department of Energy  
Western Area Power Administration  
Rocky Mountain Customer Service Region  
PO Box 3700  
Loveland, CO 80539-3003

**RE:** Janus Solar Project

Dear Mark Suchy,

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to non-agricultural use. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland.

For the purpose of the FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to the FPPA requirements does not have to be currently used for cropland. Projects are subject to the FPPA requirements if they may irreversibly convert farmland to non-agriculture use and are completed by a federal agency or with assistance from a federal agency.

All aspects of this project will occur without the permanent conversion of farmland and is not subject to the FPPA. NRCS encourages the use of accepted erosion control practices during the construction of this project.

If you have any further questions, please call at (720) 544-2850.

Thank you,

William Shoup  
State Soil Scientist  
William.Shoup@usda.gov

cc:

Eugene Backhaus - State Resource Conservationist, NRCS, Denver CO  
Clint Evans – State Conservationist, NRCS, Denver CO

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**FW: [EXTERNAL] Janus Solar Project**

Suchy, Mark <Suchy@WAPA.GOV>

Tue 1/2/2024 7:00 AM

To: Andrew Sullivan <asullivan@west-inc.com>; Leslie Rodman-Jaramillo <ljaramillo@west-inc.com>  
Cc: Ankele, William <Ankele@WAPA.GOV>; Mark Prichard <mark.prichard@horuscapital.co.uk>; Francesco Cardi <francesco.cardi@horuscapital.co.uk>

FYI

Mark Suchy | Natural Resource Specialist  
Western Area Power Administration | Rocky Mountain Region | Loveland, CO  
(O) 970.461.7440 |(C) 970.342.6462 / suchy "at" wapa.gov

-----Original Message-----

From: Harold Erker <hjerker@icloud.com>  
Sent: Friday, December 15, 2023 11:01 AM  
To: Suchy, Mark <Suchy@WAPA.GOV>  
Subject: [EXTERNAL] Janus Solar Project

EXTERNAL E-MAIL: Before you click a link or open an attachment... STOP and THINK.  
Forward any suspicious e-mail to spam@wapa.gov, or call WITCC at (720) 962-7111.

Mr. Mark Suchy.

In regards to the above mentioned solar project, We have no opposition to its development. In fact we are very supportive of the project!

Thank you  
Harold Erker  
Elizabeth Erker

Sent from my iPhone