



September 2, 2026

Christina L. Schroder
Chief, Regulatory Division
U.S. Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

Re: Rio Blanco Water Conservancy District Request for Revised Approved Jurisdictional Determination for Wolf Creek Drainage

Dear Chief Schroder:

The Associated Governments of Northwest Colorado (AGNC) submits this letter in support of the Rio Blanco Water Conservancy District's request for a revised Approved Jurisdictional Determination (AJD) for the Wolf Creek Project in Rio Blanco and Moffat Counties, Colorado.

AGNC is a Council of Governments, a statutory local government, established pursuant to Colorado law to provide a regional framework for cooperation, coordination, and collective action among local governments on issues of shared importance. Our purpose is to strengthen Northwest Colorado's growth, resilience, and values while ensuring that local voices are heard and rural communities are supported. AGNC also serves as the federally designated Economic Development District for Northwest Colorado and is responsible for coordinating and implementing the region's Comprehensive Economic Development Strategy (CEDS), which identifies the Wolf Creek Project as a regional priority.

AGNC respectfully requests that the Corps reconsider its January 2024 AJD because significant new site-specific information is now available. The record now includes:

Two additional years of site-specific flow observations;
Daily photographic documentation;
Additional Streamflow Duration Assessment Method (SDAM) evaluations;
Additional information regarding channel characteristics and ordinary high water mark (OHWM) conditions; and
Additional scientific analysis that was not available when the 2024 AJD was issued.

The weight of this evidence demonstrates that the Wolf Creek drainage is an ephemeral drainage characterized by episodic flow and temporary ponding, rather than a water that stands or flows continuously for an extended period each year.

We also believe the Corps should strive for consistency among AJDs issued by the Albuquerque District. Recent determinations have appropriately relied upon the 2025 SDAM, together with field evidence including aquatic organisms, algal cover, vegetation, channel characteristics, and OHWM indicators. Where the evidence demonstrates only brief precipitation-driven flow, the Albuquerque District has determined that such drainages are ephemeral and are not relatively permanent waters or Waters of the United States (WOTUS).

Applying that same approach to Wolf Creek supports a revised determination.

A revised AJD would also be consistent with the Corps' objective of making "fast, clear decisions" and reducing unnecessary regulatory uncertainty. The Corps now has two additional years of field information that provide a substantially stronger factual basis for making that determination.

AGNC respectfully requests that the Albuquerque District consider the complete body of new scientific evidence, apply current regulatory standards consistently, and issue a revised AJD determining that the Wolf Creek drainage above Wetlands B is ephemeral and is not jurisdictional under WOTUS.

Thank you for your consideration and for your continued engagement with the local governments and communities of Northwest Colorado.

Sincerely,



Cody Davis
AGNC Chair
Mesa County Commissioner



Doug Overton
AGNC Vice-Chair
Rio Blanco County Commissioner

CC:

The Honorable Jeff Hurd
U.S. House of Representatives

The Honorable Lauren Boebert
U.S. House of Representatives

The Honorable Joe Neguse
U.S. House of Representatives

The Honorable Jeff Crank
U.S. House of Representatives

The Honorable Harriet M. Hageman
Chair, Subcommittee on Water, Wildlife, and Fisheries
U.S. House of Representatives