Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkwa
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

PDF-XChange Editor Click to BUY NOW! www.pdf-xchange.com

Re-submittal Form

Case Name/ Number: PRC2024-00006 / Vega Solar Energy Facility

Case Manager: Brayan Marin

Re-submitted Items:

- [X] Development Plan/ Site Plan
- [ ] Plat
- [ ] Parking/ Landscape Plan
- [ ] Engineering Documents
- [ ] Subdivision Improvements Agreement (Microsoft Word version)
- [X] Other: Appendix I - Trip Generation Analysis

*** All re-submittals must have this cover sheet and a cover letter addressing review comments.**

Please note the re-submittal review period is 21 days.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: Engineering; Planner; Right-of-Way; Addressing; Building Safety;

Neighborhood Services; Environmental; Parks; Attorney; Finance; Plan Coordination

Vega Solar CUP Application Re-Submittal Cover Letter

Please find below responses against the comments with a description of the revisions.

PLN01: There are 3 lots as part of this proposed project. Applicant needs to provide setbacks for all lots. Not just the overall design.

Response: The site plan has been revised and setbacks from all 3 lots have been included. The revised site plan has been included as Appendix D.

Commenting Division: Development Services, Right-of-Way Agent
Name of Review: David Dittmer, ROW Agent
Email: DDittmer@adcogov.org

ROW1: Pursuant to the approved Memorandum as requested by the developers, and approved by the Deputy Director of Public Works, all of the prescriptive ROW for Hanks Crossing must be in place prior to any approval of the CUP. The Exhibit "A's" for the respective property owners must be provided, and the conveyance of the ROW fully executed by the parties, prior to approval. Once we have these executed copies (non-recorded) I can complete my review.

Response: We have updated to site access from Hanks crossing to 112th Avenue. This has been addressed in Appendix J- Trip Generation Analysis and Appendix D - Site plan.

ADVISORY
ROW2: The developer/Owners must provide the vacation applications to vacate the roads as provided in the Memorandum of Approval. This can run concurrently with the CUP.

ROW3: The detention pond(s) and access to same must be dedicated to the county. Exhibit "A" and "B" will be required for the location and access. These are processed as with the ROW dedications. and can run concurrently.
No final inspections or certificates of occupancy will be provided without these items being complete and recorded

Commenting Division: Development Services, Engineering:
Name of Review: Hugo Labouriau-Lacerda/ Civil Engineer II
Email: hlabouriau-lacerda@adcogov.org

ENG1: The applicant is required to complete a Trip Generation Analysis (TGA) signed and stamped by a professional engineer. If the proposed scope of work shows the use of the site will generate over 20 vehicles per day, then a Traffic Impact Study (TIS) signed and stamped by a professional engineer will be required.

Response: Signed and stamped Trip Generation Analysis (TGA) has been attached as Appendix J.

ENG2: Development will need to go through Engineering Review (EGR) process. All pertinent drawings and documents including grading plan, drainage report, and sediment and erosion control plan will need to be sent to the County for review. When completing the required drainage report, the developer must adhere to the latest Mile High Flood District (MHFD) technical memorandum regarding runoff coefficients. This can be found at the link below.
https://mhfd.org/wp-content/uploads/2024/01/TECHNICAL-MEMORANDUM-DETERMINATION-OF-SOLAR-PANEL-FIELD-RUNOFF-COEFFICIENTS-2023.pdf

Response: Level 1 Storm Drainage Study has been attached as Supplemental Item B. As mentioned in this letter, the property was graded to have a flatter terrain relative to its historical topography for previous agricultural and rangeland purposes. Due to the flat area, re-grading the site will not be necessary to install the solar panels, and current drainage patterns will be preserved.

ENG3: Proposed improvements will likely disturb more than one (1) acre of ground, therefore, a stormwater quality State COR400000 Permit will both be required.

Response: The Stormwater quality State COR400000 Permit will be obtained before the start of project construction in Q1 2027.

ENG4: If the applicant proposes to import greater than 10 CY of soil to this site, additional permitting is required. Per Section 4-04-02-02, of the Adams County Development Standards and Regulations, a Temporary or Special Use Permit is required to ensure that only clean, inert soil is imported into any site within un-incorporated Adams County. A Conditional Use Permit will be required if the importation exceeds 500,000 CY.

Response: The proposed project would import less than 500,000 CY of soil to the site and Special Use Permit will be obtained before the start of project construction in Q1 2027.

ENG5: According to the Federal Emergency Management Agency's January 20, 2016, Flood Insurance Rate Map (FIRM Panel #08001C0500H), the project site is PARTIALLY located within a regulated 100-yr floodplain. If developer is proposing any improvements within the floodplain a Floodplain Use Permit will be required.
Response: As mentioned in the Supplemental Item B - Level 1 Storm Drainage Study, the property is not located within any flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panels 08001C0500H, 08001C0525H, 08001C0785H, & 08001C0825H, Effective Date: March 5, 2007). Hence, Floodplain Use Permit will not be required.

ENG6: All existing and proposed access points onto Adams County maintained right-of-way must be permitted.

Commenting Division: Environmental Programs
Name of Review: Megan Grant
Email: MGrant@adcogov.org

ENV2. The project narrative indicated the planned use of herbicides. The applicant/operator shall follow all applicable hazardous materials and waste management regulations to ensure proper management of hazardous materials and waste such that they do not present a significant actual or potential hazard to public health, safety, or the environment.

Response: The applicant will follow all applicable hazardous materials and waste management regulations to avoid any potential hazard to public health, safety, or the environment.

ENV3. All potential pollutant sources shall be stored within a covered area and in secondarycontainment.

Response: All potential pollutant sources would be stored within a covered area.

ENV4. There are multiple plugged and abandoned and abandoned oil and gas wells on the subject parcels. Prior to submitting a site-specific development plan, all wells on the subject parcel shall be located and surveyed. The wells must be shown on the site plan.

Response: The site plan has been revised and sheet 04 of the site plan indicates all oil and gas well locations within the project site. The oil and gas well locations are confirmed with ALTA survey and Colorado Oil & Gas Conservation Commission (COGCC).

ENV5. All known oil and gas well flow lines and/or easements shall be graphically depicted on the site-specific development plan. In the interest of public health and safety, Adams County recommends that the applicant verify the status of the flowlines.

Response: The site plan has been revised and sheet 04 of the site plan indicates all oil and gas well locations within the project site.

ENV6. All wells within 200 feet of the subject parcel(s) must be located and mapped. These may be located off the subject parcel(s), but setback distances may impact the parcel(s). Refer to Adams County Development Standards and Regulations (ACDSR) Section 4-11-02-03-03-05-2b.

Response: As confirmed with Colorado Oil & Gas Conservation Commission (COGCC) database, there are no oil and gas wells located within 200 feet of the project site.

ENV7. Well details and location, as well as historical aerials and records, are available through the Colorado Energy and Carbon Management Commission (ECMC), formerly the Colorado Oil & Gas Conservation Commission (COGCC), website and map features: https://ecmc.state.co.us/maps.html#/gisonline.

Response: The site plan has been revised and sheet 04 of the site plan indicates all oil and gas well locations within the project site. The oil and gas well locations are confirmed with ALTA survey and Colorado Oil & Gas Conservation Commission (COGCC).

ENV9. Exposure to air pollution is associated with numerous health problems including asthma, lung cancer, and heart disease. Construction and traffic in unpaved areas may contribute to increased fugitive dust emissions and offsite vehicle tracking. Adams County recommends the applicant utilize allavailable methods to minimize fugitive dust during all phases of construction and operation.

Response: The applicant will implement allavailable methods to minimize fugitive dust during all phases of construction and operation.

ENV10. An inert fill permit must be obtained prior to importing any volume of fill material onto the parcel as part of site development. The permit type will depend on the duration and total volume of fill imported to the site. The fill must meet the definition of clean, inert material.

Response: The proposed project would import less than 500,000 CY of soil to the site and Special Use Permit will be obtained before the start of project construction in Q1 2027.

ENV11. The applicant has indicated that water will be required during operations for panel washing operations. The application states, "The Project may potentially use haul water from a licensed water purveyor." Please indicate the water source/provider and an adequate and available source of water.This can be shown via a will-serve letter from the applicable water provider and/or documentation of correspondence regarding proof of water availability and service for the specific proposed project.

Response: The applicant confirms that “The Project will haul water from a licensed water purveyor”. This is updated in Section 3.2.1, Section 3.2.2 and Appendix G of the re-submitted CUP application.

Additional changes made to the original document are mentioned below.

- *Portfolio of Enfinity Global has been updated as 25.1 GW in the cover page.*
- *Appendix J – Trip Generation Analysis has been updated.*
- *Appendix D- Site Plan has been updated.*
- *The access to the project has been updated as 112th Avenue Road in Section 3.1 (Page #4), Section 4.8 (Page #13), Site Plan (Appendix D) and Trip Generation Analysis (Appendix J).*

Ms. Jen Rutter, Planning & Development Manager
Adams County, Community and Economic Development Department
4430 S. Adams County Parkway, 1st Floor, Suite W2000
Brighton, Colorado 80601

RE: Vega Solar Project (PRE-2021-00043)
Transmittal of Conditional Use Permit Application Package

Dear Ms. Jen Rutter,

Enfinity Global (d/b/a Vega Solar Energy Facility, LLC) is pleased to submit this Conditional Use Permit (CUP) Application for your review for the Vega Solar Project (Project). As discussed during our July 2, 2021, Conceptual meeting, the Project is the proposed construction and operation of an approximately 120 MWac solar photovoltaic (PV) and 240 MWh energy storage facility located in eastern Adams County, Colorado. The Project site is situated along County Road 56 (Hanks Crossing Rd, N-S) and 112th Avenue (E-W). The Project facility site is located on an approximately 981 acres on three parcels with Assessor's Parcel Numbers (APNs) 0173700000060, 0173700000062 and 0173700000064. The Project is expected to reach commercial operation by the end of 2027.

Please find the enclosed electronic copy of the full CUP application.

This application package is organized into the following components, in accordance with our discussions and Adams County CUP Application submittal requirements:

1. **Development Application Form: Three (3) Applications:**
    a. Solar Energy Facility
    b. Facility Substation
    c. Battery Energy Storage System (BESS)
2. **Application Fees:** Application fees will be payable online:
    a. CUP Application Fees for the Solar Energy Facility, Battery Energy Storage System (BESS) and Facility Substation ($2,600)
    b. Tri-County Health Review Fees ($360)
3. **Written Explanation**
4. **Site Plan**
5. **Landscape Plan**
6. **Proof of Ownership**
7. **Proof of Water, Sewer Services, and Utilities**
8. **Legal Description**
9. **Statement of Taxes Paid**
10. **Trip Generation Analysis**

Supplemental Item A: Neighborhood Meeting Summary

Supplemental Item B: Level 1 Storm Drainage Study

The Project has executed Surface Waiver Agreements with 50% of the property mineral rights holders.

Enfinity Global is a leading global IPP in renewable energy projects. Enfinity's global portfolio consists of 25.1 GW of renewable projects in the development, permitting, and construction phases and has 900 MW of operating assets. The company is headquartered in the United States, with eight regional offices in five countries and a strong local presence combined with centralized teams in Europe.

I appreciate your consideration and review of this Project. I can be reached directly at (505) 490-9877 and via email at tanderson@enfinity.global.

Best Regards,

Tom Anderson

Head of Development, Americas

Enfinity Global

1. Development Application Form

Three (3) Applications:

a. Solar Energy Facility
b. Facility Substation
c. Battery Energy Storage System (BESS)

ADAMS COUNTY
COLORADO

Community & Economic Development Department
Planning & Development
4430 S. Adams County Pkwy., 1st Floor, Suite W2000B
Brighton, CO 80601-8218
Phone: 720.523.6800
Website: adcogov.org

CONDITIONAL USE PERMIT

Conditional uses are those uses which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, will require more discretionary review than those uses which are authorized. In addition to meeting applicable performance standards, conditional uses may require the imposition of conditions to ensure the number and type of conditional uses and their location, design, and configuration are appropriate at a particular location.

Required Checklist Items

- ☑ Development Application Form (pg. 5)
- ☑ Written Explanation
- ☑ Site Plan
- ☑ Landscape Plan
- ☑ Proof of Ownership (warranty deed or title policy)
- ☑ Proof of Water, Sewer Services, and Utilities
- ☑ Legal Description
- ☑ Statement of Taxes Paid
- ☑ Trip Generation Analysis

Supplemental items may be needed on a case-by-case basis. ***Email documentation will be required if supplemental items are deemed unnecessary.**

- Please contact the Planner of the Day (CEDD-POD@adcogov.org) to determine whether a Neighborhood Meeting is necessary.
- Please contact the Engineer of the Day (CEDD-ENG@adcogov.org) to determine whether a Level 1 Storm Drainage Study is necessary

If you are applying for any of the following applications, please contact the Planner of the Day:

- Solid waste transfer station
- Scrap tire recycling facility
- Inert fill

Fees Due When Application is Deemed Complete	
Conditional Use Permit	$1,200 for Residential Uses; $1,400 Non-Residential Uses (Additional Requests: $300 per residential/ $500 per non-residential)

Accela Case Type: RCU – Conditional Use

Conditional Use - Guide to Development Application Submittal

All applications shall be submitted electronically to epermitcenter@adcogov.org. If the submittal is too large to email as an attachment, the application may be sent as an unlocked OneDrive link. Alternatively, the application may be delivered on a flash drive to the One-Stop Customer Service Center. All documents should be combined in a single PDF. Once a complete application has been received, fees will be invoiced and payable online at https://permits.adcogov.org/CitizenAccess/.

Written Explanation

- A clear and concise description of the proposal. Please include description of use, time frame, purpose of project, proposed improvements, and all other relevant details.

Site Plan

- A detailed drawing of existing and proposed improvements, including:
    - Streets, roads, and intersections
    - Driveways, access points, and parking areas
    - Existing and proposed structures, wells, and septic systems,
    - Easements, utility lines, and no build or hazardous areas
    - Scale, north arrow, and date of preparation
- Parking: must meet the quantity, dimensional standards and other requirements outlined in Section 4-15
- An Improvement Location Certificate or Survey may be required during the official review
- Elevations

Landscape Plan

- Landscaping must meet the requirements outlined in Section 4-19 of the Adams County Development Standards and Regulations
- Landscape plan must include:
    - Number, installation size, and location of each plant type
    - Landscape maintenance plan
    - Bufferyards: identify the uses of adjacent properties and incorporate the correct bufferyard between existing and proposed use

Proof of Ownership

- A deed may be found in the Office of the Clerk and Recorder.
- A title commitment is prepared by a professional title company.

Proof of Water/Sewer/Utilities

Water

- A written statement from the appropriate water district indicating that they will provide service to the property OR a copy of a current bill from the service provider.
- Well permit(s) information can be obtained from the Colorado State Division of Water Resources at (303) 866-3587.

Sewer

- A written statement from the appropriate sanitation district indicating that they will provide service to the property OR a copy of a current bill from the service provider.
- A written statement from Tri-County Health indicating the viability of obtaining Onsite Wastewater Treatment Systems.

Utilities (Gas, Electric, etc.)

- A written statement from the appropriate utility provider indicating that they will provide service to the property.
- Copy of a current bill from the service provider.

Legal Description

- Geographical description used to locate and identify a property.
- Visit http://gisapp.adcogov.org/quicksearch/ to find the legal description for your property.

Statement of Taxes Paid

- All taxes on the subject property must be paid in full. Please contact the Adams County Treasurer's Office or visit ADCOTAX.COM

Trip Generation Analysis (TGA)

- This analysis should be conducted by a traffic engineer and should include total vehicle trips per day and peak hour volumes generated by the proposed development.
- A Traffic Impact Study may be required after the first review.

SUPPLEMENTAL:

Neighborhood Meeting Summary

- Please refer to Section 2-01-02 of the Adams County Development Standards and Regulations for the specific requirements regarding time, location, and notice.
- A written summary shall be prepared including the materials submittal presented at the meeting, any issues identified at the meeting, and how those issues have been addressed.

Level 1 Storm Drainage Study

- If the proposed conditional use permit involves paving, construction of any structures, grading of property, outdoor storage of materials (gravel piles included) or otherwise increasing the impervious area of a site, a Level 1 Storm Drainage Study will be required.
- This plan should be prepared in accordance with the "Level 1 Storm Drainage Plan" criteria as defined in Appendix item B-3 of the Adams County Development Standards and Regulations. Most importantly, it needs to clearly identify a viable storm outfall location, and floodplain/floodway boundaries.

Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

DEVELOPMENT APPLICATION FORM

APPLICANT

Name(s):	Vega Solar Energy Facility, LLC	Phone #:	505-490-9877
Address:	2 S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	tanderson@enfinity.global

OWNER

Name(s):	L&S Capital Ltd.	Phone #:	
Address:	800 US HIGHWAY 36		
City, State, Zip:	Byers, Colorado, 80103		
2nd Phone #:		Email:	7487028@gmail.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name:	Dale Harris	Phone #:	703-489-0414
Address:	2S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	dharris@enfinity.global

DESCRIPTION OF SITE

Address:	Eastern boundary of project area borders Hanks Crossing Road
City, State, Zip:	Byers, Colorado, 80103
Area (acres or square feet):	981 acres
Tax Assessor Parcel Number	0173700000060,0173700000062,0173700000064
Existing Zoning:	Agricultural-3
Existing Land Use:	Agricultural and Ranching
Proposed Land Use:	Solar Energy Facility

Have you attended a Conceptual Review? YES July 2, 2021 NO

If Yes, please list PRE#: PRE2021-00043

I hereby certify that I am making this application as owner of the above-described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name: Frank Linnebur Date: Jul 2, 2024

Owner's Printed Name

Name: 

Owner's Signature

Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

DEVELOPMENT APPLICATION FORM

APPLICANT

Name(s):	Vega Solar Energy Facility, LLC	Phone #:	505-490-9877
Address:	2 S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	tanderson@enfinity.global

OWNER

Name(s):	L&S Capital Ltd.	Phone #:	
Address:	800 US HIGHWAY 36		
City, State, Zip:	Byers, Colorado, 80103		
2nd Phone #:		Email:	7487028@gmail.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name:	Dale Harris	Phone #:	703-489-0414
Address:	2S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	dharris@enfinity.global

DESCRIPTION OF SITE

Address:	Eastern boundary of project area borders Hanks Crossing Road
City, State, Zip:	Byers, Colorado, 80103
Area (acres or square feet):	981 acres
Tax Assessor Parcel Number	0173700000060,0173700000062,0173700000064
Existing Zoning:	Agricultural-3
Existing Land Use:	Agricultural and Ranching
Proposed Land Use:	Facility Substation

Have you attended a Conceptual Review? YES July 2, 2021 NO

If Yes, please list PRE#: PRE2021-00043

I hereby certify that I am making this application as owner of the above-described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name: Frank Linnebur Date: Jul 2, 2024

Owner's Printed Name

Name: 

Owner's Signature

Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

DEVELOPMENT APPLICATION FORM

APPLICANT

Name(s):	Vega Solar Energy Facility, LLC	Phone #:	505-490-9877
Address:	2 S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	tanderson@enfinity.global

OWNER

Name(s):	L&S Capital Ltd.	Phone #:	
Address:	800 US HIGHWAY 36		
City, State, Zip:	Byers, Colorado, 80103		
2nd Phone #:		Email:	7487028@gmail.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name:	Dale Harris	Phone #:	703-489-0414
Address:	2S Biscayne Blvd, 32nd Floor		
City, State, Zip:	Miami, Florida, 33131		
2nd Phone #:		Email:	dharris@enfinity.global

DESCRIPTION OF SITE

Address:	Eastern boundary of project area borders Hanks Crossing Road
City, State, Zip:	Byers, Colorado, 80103
Area (acres or square feet):	981 acres
Tax Assessor Parcel Number	0173700000060,0173700000062,0173700000064
Existing Zoning:	Agricultural-3
Existing Land Use:	Agricultural and Ranching
Proposed Land Use:	Battery Energy Storage System

Have you attended a Conceptual Review? YES July 2, 2021 NO

If Yes, please list PRE#: PRE2021-00043

I hereby certify that I am making this application as owner of the above-described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name: Frank Linnebur Date: Jul 2, 2024

Owner's Printed Name

Name: 

Owner's Signature

2. Application Fees

Application fees will be payable online at
https://permits.adcogov.org/CitizenAccess/

a. CUP Application Fees for the Solar Energy Facility, Battery Energy Storage System (BESS) and Facility Substation ($2,600)
b. Tri-County Health Review Fees ($360)

3. Written Explanation

The Project description is detailed in the below section.

Proposed Vega Solar Project
(PRE-2021-00043)

Conditional Use Permit (CUP) Application Package

July 2, 2024

For Submittal to:

Adams County Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601

Prepared by:

Vega Solar Energy Facility, LLC
2 S Biscayne Blvd, 32nd Floor
Miami, FL. 33131

CONDITIONAL USE PERMIT REGULATION INDEX

This Conditional Use Permit application package for the proposed Vega Solar Energy Facility is organized by sections to address the Adams County requirements. The following index is provided to direct the reader to the sections of this Application that correlate to the Adams County Development Standards and Regulations for a Conditional Use Permit Criteria for Approval (Code Section 2-02-09-06), below.

#	Adams County Criteria for Approval Regulations Section 2-02-09-06	Application Section
1	The conditional use is permitted in the applicable zone district.	2.2
2	The conditional use is consistent with the purposes of these standards and regulations.	2, 3, 4
3	The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.	2, 3, 4
4	The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.	4
5	The conditional use permit has addressed all off-site impacts.	4
6	The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.	4
7	The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.	3, 4
8	Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.	4

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

APPENDICES

SUPPLEMENTAL ITEMS

1. Introduction

Enfinity Global (d/b/a Vega Solar Energy Facility, LLC) is pleased to submit this Conditional Use Permit (CUP) Application Package for the proposed Vega Solar Project (Project) - solar field, battery energy storage system (BESS) and associated substation. The Project will consist of an approximately 120 megawatts alternating current (MWac) solar photovoltaic (PV) renewable energy facility, 240 megawatt-hour (MWh) of energy storage, an onsite substation, and will occupy approximately 981 acres, in Adams County, Colorado. The Project will connect the facility output to the existing 230 kV transmission line between Pawnee and Missile Substations owned by Public Service Company of Colorado (PSCo).

The proposed Project site is located in the east portion of Adams County, Colorado along County Road 56 (Hanks Crossing Rd, N-S) and 112th Avenue (E-W). The Project Area consists of one private landowner that is currently using the property for agricultural and ranching operations. No state or federal lands are present adjacent to the Project Area. Primary land cover within and adjacent to the Project Area is cropland and grassland/herbaceous. Existing structures within the Project Area include high-powered transmission lines (PSCO/Xcel 230kV) and county roads. There are oil and gas operations present near the Project Area.

Vega Solar Energy Facility, LLC representatives met with the County on July 2, 2021, for the Project Conceptual Review meeting. The comments resulting from the meeting have been incorporated into the Project design and preliminary site layout provided in this application. On July 1, 2024, the Project held a virtual Neighborhood Meeting, and the summary of this meeting is provided as Supplemental Item A in this application.

Vega Solar Energy Facility, LLC is pursuing this project in anticipation of the sale of power to a utility serving Colorado. The Project Area is ideal due to the solar resource, topography, and proximity to a point of interconnection. The Project will support economic development through job creation, taxes, and construction activity in Adams County, as well as assist in meeting Colorado's renewable energy portfolio standard goals.

2. Property Information

2.1. Project Location

The proposed Project site is located in the east portion of Adams County, Colorado along County Road 56 (Hanks Crossing Rd, N-S) and 112th Avenue (E-W). The Project facility site is located on an approximately 981 acres on three parcels with Assessor's Parcel Numbers (APNs) 0173700000060, 0173700000062 and 0173700000064. Refer to Figure 1 showing the Project map.

2.2. Project Area Zoning and Land Use Designations

The Project Area consists of one private landowner that is currently using the property for agricultural and ranching operations. No state or federal lands are present adjacent to the Project Area. Primary land cover within and adjacent to the Project Area is cropland and grassland/herbaceous. Existing structures within the Project Area include high-powered transmission lines (PSCO/Xcel 230kV) and county roads. There are oil and gas operations present near the Project Area.

The Project property and adjacent parcels are designated with zoning district Agriculture-3 (A-3) and future land use category, Agriculture. In accordance with the Adams County Chapter 3 Zone District Regulations, a solar PV facility is an allowable use with a Conditional Use Permit (CUP) within the A-3 zoning district.

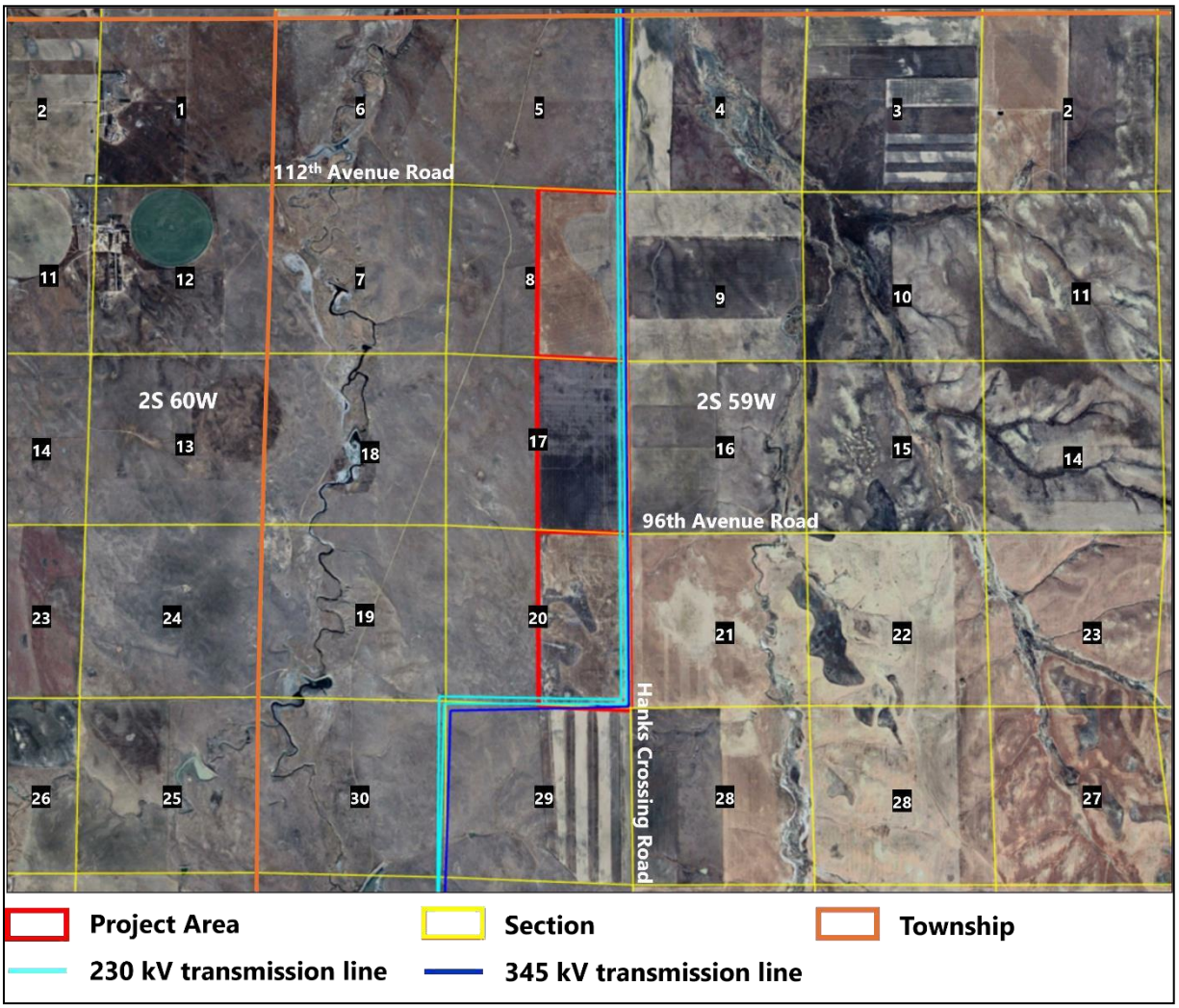


Figure 1: Project Map

3. Project Information

The overall Project will involve the construction and operation of an approximately 120 MWac solar photovoltaic (PV) electric generation and 240 MWh energy storage facility and facility substation interconnecting to the existing 230 kV transmission line between Pawnee and Missile Substations owned by PSCo.

3.1. Facility Description

The solar field will consist of PV solar panels mounted on a single-axis tracking (SAT) system supported by driven pile foundations (or equivalent) with minimal anticipated ground disturbance required. The proposed facilities on the three parcels largely consist of installed solar field equipment and perimeter fencing. The SAT system aligns the panels in rows that rotate to face east in the morning hours and west in the afternoon hours, tracking the sun along a north/south axis to maximize solar energy production. At their highest point, the top edge of the PV panels will be approximately 8 to 10 feet above ground level depending on spot topography.

The Project will utilize UL-listed, commercially available crystalline silicon PV modules. The final quantity of PV solar panels will be determined during final engineering with the availability of detailed technical and engineering studies. Inverters and associated transformers, for the purpose of converting the DC electricity from the modules to AC electricity for the grid, will be installed throughout the site on concrete equipment pads. Impervious areas are limited to pile foundations, equipment pads, substation, and access roads.

The proposed energy storage system will be housed in storage enclosures. The battery storage enclosure design will each be approximately 20 feet long, 8 feet wide, and have a height of about 10 feet. The associated inverters, transformers, and switchgear will be located immediately adjacent to the enclosures on concrete pads. Selection of the enclosure will be determined by considering equipment efficiency performance during the detailed engineering design.

The energy storage equipment enclosures will be designed with a fire rating in conformance with national, state, and local standards. The enclosure will also have heating, ventilation, and air conditioning (HVAC) cooling with batteries to maintain energy efficiency. Power to the HVAC, lighting, etc. will be provided via a connection to the on-site station service transformer. The energy storage system will be un-staffed and will have remote operational control and periodic inspections/maintenance performed as necessary.

The facility substation will comprise of a main power transformer, HV circuit breakers, auxiliary transformer and revenue meter. Energy generated by the PV array will be stepped up through the main power transformer and will be delivered to the existing 230kV transmission line between Pawnee and Missile Substations owned by PSCo. The number and height of the poles as well the type of conductor will be finalized during detailed design. The access to the Project site shall be via 112th Avenue Road.

Gated and locked access points will be provided for the Project site and will always allow for first responder access. Internal access roads to major equipment pad locations will be all weather to ensure first responder access and circulation for operations and maintenance. The Project will install fencing in accordance with **Colorado Parks & Wildlife's Fencing with Wildlife in Mind Guidelines**. The fences would be eight feet in height, have round capped posts and smooth top and bottom wire (no barbed wire) so that wildlife is not impaled. Lighting installed for the Project would be designed to provide minimum illumination needed to achieve safety and security and would be downward facing and shielded to focus illumination on the desired areas only. Security lighting may be provided at the facility substation, inverters, and the point(s) of access. The Project Area would not be lit at night to minimize wildlife attraction to project infrastructure and limit impacts to hunting, migration or other activities of wildlife.

The key components associated with this Project are:

- Facility substation, consisting of main power transformer, HV circuit breakers, auxiliary transformer and revenue meter.
- PV single-axis tracker (SAT) system and other associated electrical equipment;
- Energy storage batteries;
- Power conversion stations, consisting of inverters and medium voltage transformers;
- Underground collector lines;
- Internal access roads;
- Security fencing;
- Safety lighting;
- Emergency Response Plan/Fire Suppression

3.2. Project Development Schedule

Construction of the proposed Project is anticipated to begin in Q2-2027, with the Project being operational in Q2-2029. It is anticipated that construction of the Project would take approximately 24 months to complete. The Project would generally be developed according to the schedule shown in Table 1. The construction schedule can either be compressed or expanded.

Table 1. Project Construction Schedule

Activity	Proposed Timeline
Pre-construction: permitting, interconnection agreement, design, and engineering, EPC contractor selection	Q4 2026
Mobilization	Q1 2027
Start of construction	Q2 2027
Site grading and fencing	Q2 2027
Solar array and energy storage installation	Q3 2028
Project substation construction	Q4 2028
Facility Energization	Q1 2029
Commercial Operation	Q2 2029

3.2.1. Overview of Typical Construction Activities

Construction activities would primarily consist of site preparation, including installation of stormwater and erosion control measures, grading and civil work, equipment installation, material deliveries, and commissioning and equipment testing. The Project construction would generate temporary traffic, which would primarily consist of the delivery of construction equipment, vehicles, and materials, as well as daily construction worker trips. Most of the equipment (e.g., solar panels, inverters, tracker steel, transmission poles, substation circuit breakers, and substation steel) would be delivered to the Project site in standard widths and lengths by vans or covered flatbed trailers. Substation equipment, inverter enclosures, and pile drivers may be delivered to the Project site on wide-load trailers.

The Project will require water during construction activities primarily for fugitive dust control. The Project will haul water from a licensed water purveyor. The Project water usage would be a less intensive use of water supplies compared to the historical agricultural production activities.

Installation of the Project would be accomplished in the following steps:

- Grading, staking, and fencing;
- Clearing of the right-of-way;
- Construction of access roadway;
- Installation of solar arrays;
- Construction of facility substation;
- Reclamation required by Adams County and/or participating landowner(s).

3.2.2. Overview of Operation Activities

Maintenance of the Project would require regular but occasional visual inspections, equipment servicing, and minor repairs. Overall, minimal maintenance requirements are anticipated, as the SAT systems would operate independently with less human involvement required. Power electronics would be serviced annually or bi-annually depending on the equipment type. On intermittent occasions, the presence of several workers may be required if major repair or replacement of equipment is necessary. However, due to the nature of the Project, such maintenance activities are anticipated to be infrequent. Onsite vegetation would be managed by typical landscape maintenance techniques, including the application of herbicides and manual weeding. All open and un-landscaped portions of the Project site would be maintained in good condition, with weeds, trash, and debris routinely removed from the site.

Once the solar panels are installed, the panels would operate during daylight hours, seven days per week, 365 days per year. Security would be maintained through a 8-foot-high fencing with round capped posts and smooth top and bottom wire installed along the perimeter of the entire Project site. Access points would be locked and accessible which would allow emergency response personnel and operations and maintenance workers rapid entrance to the Project site. The Project will require water during operations for panel washing operations. The Project will haul water from a licensed water purveyor. The Project water usage would be a less intensive use of water supplies compared to the historical agricultural production activities.

Anticipated commercial operation is by Q2-2029 with decommissioning commencing at the end of the life of the Project.

4. Environmental Analysis

The following sections describe the evaluation and analysis of environmental and technical conditions on the site. Assessments involve review of available data, reports, literature, and planning documents, and onsite investigations.

4.1. Geology and Soil Resources

The U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map shows elevations within the Project Area 4,950 feet above mean sea level. The property and adjoining properties to the west are relatively sloped to the west towards Muddy Creek and the surrounding area to the east slopes toward the east toward Little Muddy Creek.

Maps published by the United States Geological Survey indicate that the Project Area lies within the Fox Hills Sandstone formation. The region consists of fossiliferous, gray, ferruginous and yellowish sandstone and arenaceous clays with an estimated thickness 500 ft.

Site-specific soil data and information were generated for the Project Area using the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Soil Survey for Adams County, which are provided as Appendix A. The suitability or limitation of a specific soil for a given use can be correlated to the features and properties of certain soil types. Planning and potential facility location information is summarized below and can be cross-referenced with the soil types denoted by soil unit names.

Applicable soil properties and features that occur within the Project Area, such as depth to restrictive layer, topsoil sources, off-road erosion hazards are described below. A soil map, based on the NRCS reports, is provided in Appendix A, Soils Map.

Table 2. Soils by Map Unit name that occur within Project Area

Map Unit Symbol	Map Unit Name	Percent of AOI	Characteristics	Erosion Hazard
AsB	Ascalon sandy loam, 0 to 3 percent slopes	9.0%	Well Drained, gently sloping soils, high permeability	Low runoff class
AvC	Ascalon-Vona sandy loams, 1 to 5 percent slopes	53.0%	Well Drained, moderately sloping soils, high permeability	Low runoff class
Lu	Loamy alluvial land	1.9%	gently sloping soils, moderate permeability	Low runoff class
TeB	Terry fine sandy loam, 0 to 3 percent slopes	6.4%	Well Drained, gently sloping soils, moderate permeability	Low runoff class
TeD	Terry fine sandy loam, 3 to 9 percent slopes	5.5%	Well Drained, sloping soils	Low runoff class

Map Unit Symbol	Map Unit Name	Percent of AOI	Characteristics	Erosion Hazard
TsE	Terry-Vona-Tassel complex, 3 to 20 percent slopes	0.0%	Well Drained, high sloping soils, moderate permeability	Low runoff class
VnD	Vona loamy sand, 3 to 9 percent slopes	8.0%	Well Drained, sloping soils, high permeability	Low runoff class
VsD	Vona-Ascalon loamy sands, 3 to 9 percent slopes	16.1%	Well Drained, sloping soils, high permeability	Low runoff class

No geologic or soil conditions, including restrictive layers or erosion hazards have been identified that would create a restrictive or hazardous effect from the Project implementation. The final design of the Project will be based on a geotechnical investigation of the Project Area. Temporary impacts to soil are anticipated to occur during construction activities. Impacts to soils are expected to be limited to displacing and disturbing soils within the Project Area. Soil erosion would be controlled during construction by implementing the conditions of the National Pollutant Discharge Elimination System (NPDES), Construction General Permit, including an approved Stormwater Management Plan (SWMP). The SWMP would include both timing and staging construction practices to minimize erosion and specify best management practices (BMPs) to prevent any soil from leaving the Project Area via wind or water.

4.2. Surface Water

Vega Solar Energy Facility, LLC has contracted Two Dot Consulting, LLC (2DOT) to conduct the analysis of surface water resources, including floodplain and wetland resources, in the Project Area.

4.2.1. Floodplains and Drainage

2DOT reviewed the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) indicates that the Project Area is classified as FEMA Flood Zone X-12, area of minimal flood hazard.

Minimal grading would be required in certain areas to flatten steep areas and make them usable for the solar module installation. However, grading activities from construction are not expected to substantially alter drainage patterns compared to existing conditions. The Project could result in a minor increase in the amount of impervious cover from the installation of the solar panel modules and other equipment. Expected improvement of natural site vegetative conditions would ensure that the potential impacts from the described site alterations would have a less than significant impact. Historic conditions are therefore assumed for these sites and detention facilities are not expected to be required. The drainage study of the Project is included within the supplemental item B- Level 1 Storm Drainage Study.

Prevention of erosion and sedimentation is an important part of the construction process. A CDPHE Construction National Pollutant Discharge Elimination System (NPDES) General Permit will be obtained, and the associated Stormwater Management Plan (SWMP) will be developed prior to construction. As applicable, permanent, and temporary erosion and stormwater control features will be constructed to prevent the off-site transport of soils and will be described in the site-specific SWMP.

4.2.2. Wetlands

2DOT conducted wetland survey on the Project site to evaluate potential presence of apparent jurisdictional Waters of the U.S. (WOUS), including wetlands, as defined and regulated by federal authority under 33 CFR Parts 320-330.

Wetlands as defined by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE), in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, (Federal interagency Committee for Wetland Determination, 1989), are "those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

2DOT performed on-site wetland delineation on 10/20/2023. 2DOT delineated four riverine features within the Project Area based on desktop and on-site assessments (Appendix B). The National Wetlands Inventory (NWI) mapped riverine features does not depict any wetland areas or waterbodies within the Project boundary. On March 26, 2024, 2DOT submitted a request for an Approved Jurisdictional Determination to the US Army Corps of Engineers (USACE) of the Project Area. An approved Jurisdictional Determination was provided by the USACE on April 22, 2024, determining the Project Area is comprised entirely of dry land with no aquatic resources located within the Project Area. A copy of the Jurisdictional Determination can be found in Appendix B.

4.3. Biological Resources

For the purposes of this summary, special status wildlife species are those species listed as Candidate, Proposed, Threatened, or Endangered by the United States Fish and Wildlife Service (USFWS) under the Endangered Species Act (ESA), or as Threatened, Endangered, or Species of Special Concern by the State of Colorado, as designated by Colorado Nongame Wildlife Regulations.

Pursuant to Section 7 of the ESA, the USFWS is required to assist other federal agencies to ensure that any action they authorize, implement, or fund, including development of renewable energy projects, would not jeopardize the continued existence of any endangered or threatened species under the ESA. ESA Section 7 requires consultation with the USFWS regarding a proposed project when there is a federal nexus, such as proposed impacts to species protected under the ESA or their habitat. Consultation is not required when it is determined that an action would have no effect on listed

species or designated critical habitat.

2DOT searched available data from the USFWS Information, Planning and Conservation System (IPaC) Endangered Species Act species list to identify species of concern determined by the activities proposed at the Project site. Based on a review of the query, nine federally listed species may occur in the Project Area. Also, 2DOT performed a review of the Conservation Data Explorer (CODEX) which indicates the potential presence of state listed species within the Project Area (Table 3).

Table 3. Federal and State Listed species potential to occur within the Project Area

Common Name	Scientific Name	Federal Status	State Status	Potentially suitable Habitat within the Project Area
Mammals				
Gray Wolf	Canis lupus	E	SE	No suitable habitat present
Preble's meadow jumping mouse	Zapus hudsonius preblei	T	ST	No suitable habitat present
Tricolored bat	Perimyotis subflavus	NL	SC	No suitable habitat present
Black-tailed prairie dog	Cynomys ludovicianus	NL	SC	Suitable habitat present
Amphibians				
Northern leopard frog	Lithobates pipiens	NL	SC	No suitable habitat present
Birds				
Piping plover	Charadrius melodus	T	ST	No suitable habitat present
Whooping crane	Grus americana	E	SE	No suitable habitat present
Burrowing owl	Athene cunicularia	NL	ST	Suitable habitat present
Ferruginous hawk	Buteo regalis	NL	SC	No suitable habitat present
Bald eagle	Haliaeetus leucocephalus	NL	NL	No suitable habitat present
Golden eagle	Aquila chrysaetos	NL	NL	No suitable habitat present
Long-billed curlew	Numenius americanus	NL	SC	Suitable habitat present
Mountain plover	Charadius montanus	NL	SC	Suitable habitat present
Fish				
Pallid sturgeon	Scaphirhynchus ablus	E	NL	No suitable habitat present
Insects				
Monarch butterfly	Danaus plexippus	C	NL	Unknown
Plants				
Ute ladies'-tresses	Spiranthes diluvialis	T	NL	No suitable habitat present
Western prairie fringed orchid	Platanthera praeclara	T	NL	No suitable habitat present

E = Endangered, T = Threatened, PE = Proposed Endangered, C = Candidate; SE = State Endangered, ST = State Threatened, SC = State Special Concern, NL = Not Listed

2DOT also conducted onsite environmental surveys to confirm the presence of any suitable habitat and range for the listed species within the Project Area. Mule deer High Priority Habitat (HPH) and burrowing owl habitat are present within a 0.5-mile and 0.25 mile respectively of the Project Area. The preferred habitat and range for each of the ESA-listed species was reviewed relative to available data, and limited or no preferred habitat for any of the listed species occurs within the Project Area. A CPW coordination meeting was held on February 23, 2024, where environmental concerns were discussed. CPW provided a formal review letter identifying major wildlife

concerns on February 26, 2024 (Appendix C). CPW identified wildlife corridors and wildlife-friendly fencing as the major environmental concerns, both of which have been addressed in the application and site design.

Through the Migratory Bird Treaty Act of 1918 (MBTA), migratory birds and their parts (including eggs, nests, and feathers) are federally protected. The MBTA is a federal law that was enacted to protect migratory birds from over-exploitation, including hunting, capturing, selling, and killing. The act implements various treaties and conventions between the U.S. and other countries, such as Canada, Mexico, Japan, and Russia, aimed at the conservation of migratory bird species. Surveys performed by 2DOT, no migratory bird nests were identified within the Project Area; however, the Project would conduct pre-construction surveys and implement avoidance strategies, as appropriate during the peak nesting season to avoid impacts to migratory birds.

4.4. Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA) applies to projects with a federal nexus. There is no federal involvement in the Project currently. If a federal nexus is identified, the completion of a Cultural Resources Survey would be a potential requirement for meeting Section 106 obligations.

2DOT completed a file search at the Colorado Office of Archaeology and Historic Preservation (OAHP) for eligible or listed National Register of Historic Places (NRHP) resources located within a one-mile radius of the Project site and within the Project boundary. According to data received from the OAHP, three inventories have been completed and two cultural resources have been recorded within one mile of the Project Area. None of the previous inventories or cultural resources intersect the Project Area.

4.5. Noise

Given the rural nature of this area, normal background noise levels during operations are anticipated to be low (e.g., 20 to 40 decibels on an A-weighed scale [dBA]). Strong winds, traffic along County Road 56 (Hanks Crossing Road) and other nearby roads would add to the background noise levels (as indicated in Table 4). Project construction and operation would comply with Adams County and/or Colorado Noise Ordinances, as applicable.

Table 4. Noise levels by Source or Activity

Source/Activity	Indicative Noise level (dBA)
Threshold of hearing	0
Rural night-time background	20-40
Quiet bedroom	35
Car at 40 miles per hour	55
Threshold of pain	140

4.6. Air Quality

Vehicle and farm equipment may provide existing emission sources within the vicinity of the Project Area. Solar energy generation facilities do not generate emissions of air pollutants or greenhouse gases during operations; therefore, no potential adverse impacts are anticipated that will require a detailed background assessment of local air quality. Short-term impacts to air quality could occur during the construction phase of the Project.

An Air Pollutant Emission Notice (APEN) (Colorado Air Quality Control Commission, Regulation number 3, Part A.II) is required for construction activity that disturbs 25 acres of contiguous land and/or lasts 6 months or more in duration. The APEN will be filed with the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division during the preconstruction stage of the Project and will include a dust control plan that will address how to control dust during construction. The Project will comply with the CDPHE requirements for visible emissions, off-property transport, and off-vehicle transport of particulate matter for the site's activities, roads, and trucks.

4.7. Land Use

The Project Area is designated with zoning district Agriculture-3 (A-3). In accordance with the Adams County Chapter 3 Zone District Regulations, a solar PV facility is permitted to use with a CUP within the A-3 zoning district.

4.8. Roads, Traffic, and Access

The Project would require a road use agreement with Adams County Engineering Department to access the Project site from 112th Avenue Road. Vega Solar Energy Facility, LLC anticipates that the agreement will be obtained duringthe Project pre-construction phase.

The Project Area is located in a remote area with generally little existing traffic. The Project would generate temporary construction traffic primarily consisting of the construction equipment and material deliveries, and worker vehicle trips. Most of the equipment (e.g., solar panels, inverters, tracker steel, transmission poles, substation circuit breakers, and substation steel) would be delivered to the Project site in standard widths and lengths by vans or covered flatbed trailers. Substation equipment, inverter enclosures, and pile drivers may be delivered to the Project site on wide-load trailers. The Applicant would comply with applicable permitting requirements for oversized

loads. Maintenance of the Project would require regular but occasional visual inspections, equipment servicing, and minor repairs. During operations, the Project is not expected to result in significant impacts to traffic. The traffic generation analysis report is attached along with this application.

4.9. Decommissioning Plan

See Appendix J.

4.10. Emergency Response Plan

See Appendix K.

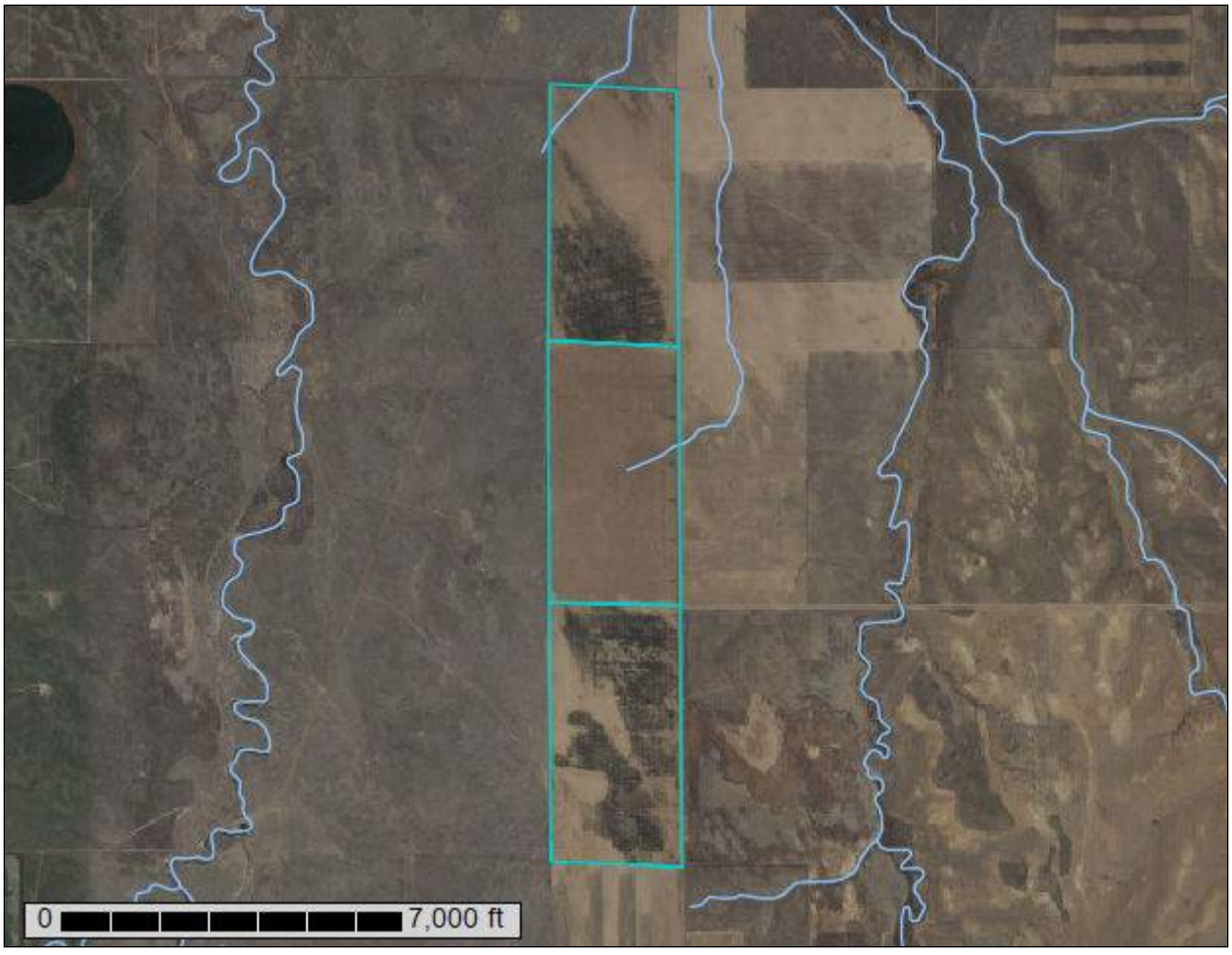
Appendix A – Project NRCS Soils Report

United States Department of Agriculture

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Adams County Area, Parts of Adams and Denver Counties, Colorado



March 9, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

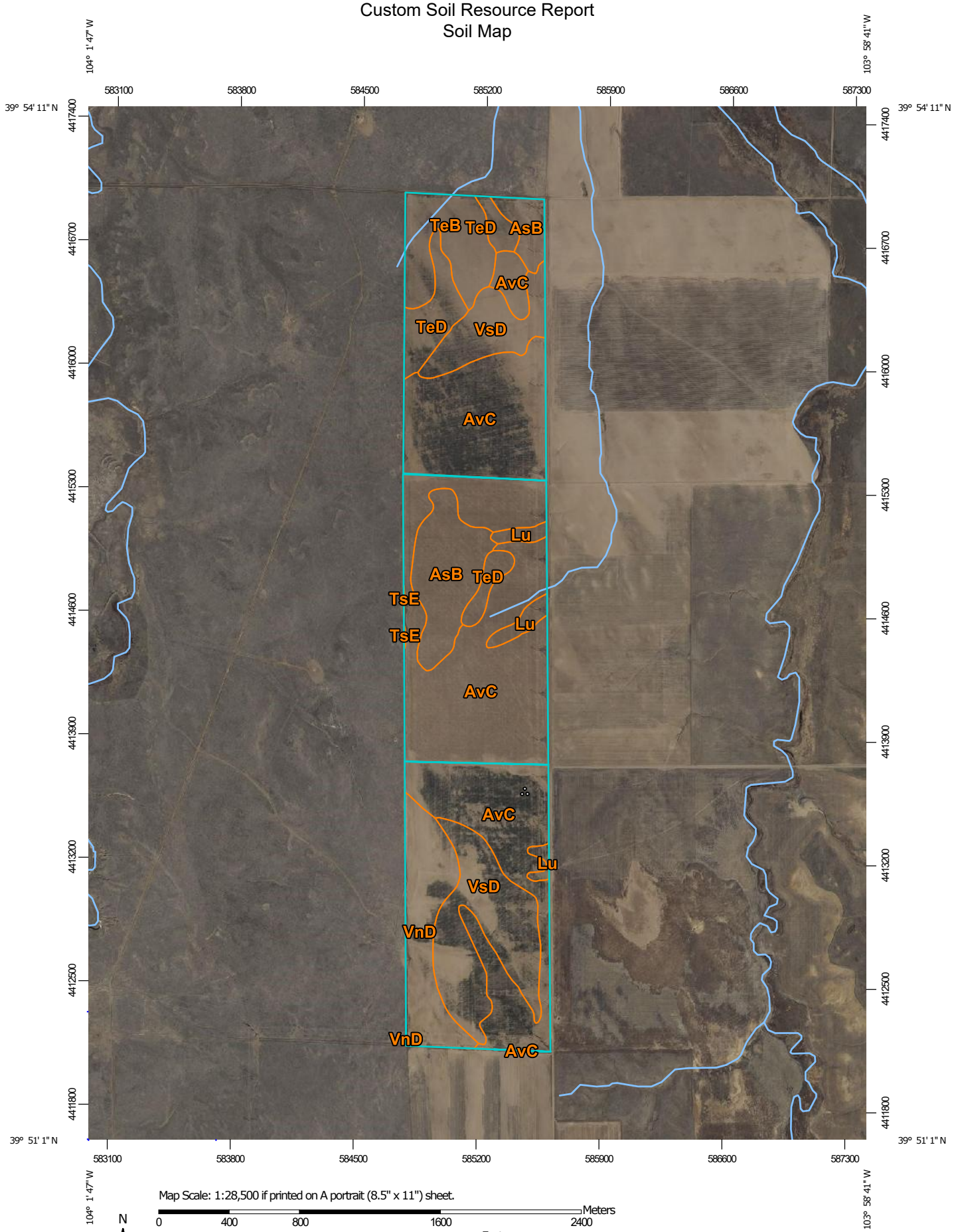
After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 19, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 11, 2022—Apr 18, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AsB	Ascalon sandy loam, 0 to 3 percent slopes	88.0	9.0%
AvC	Ascalon-Vona sandy loams, 1 to 5 percent slopes	516.2	53.0%
Lu	Loamy alluvial land	18.7	1.9%
TeB	Terry fine sandy loam, 0 to 3 percent slopes	62.5	6.4%
TeD	Terry fine sandy loam, 3 to 9 percent slopes	53.8	5.5%
TsE	Terry-Vona-Tassel complex, 3 to 20 percent slopes	0.4	0.0%
VnD	Vona loamy sand, 3 to 9 percent slopes	78.4	8.0%
VsD	Vona-Ascalon loamy sands, 3 to 9 percent slopes	156.4	16.1%
Totals for Area of Interest		**974.4**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a

given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Adams County Area, Parts of Adams and Denver Counties, Colorado

AsB—Ascalon sandy loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2swl3
Elevation: 3,870 to 5,960 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 46 to 57 degrees F
Frost-free period: 135 to 160 days
Farmland classification: Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

Map Unit Composition

Ascalon and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ascalon

Setting

Landform: Interfluves
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Wind-reworked alluvium and/or calcareous sandy eolian deposits

Typical profile

Ap - 0 to 6 inches: sandy loam
Bt1 - 6 to 12 inches: sandy clay loam
Bt2 - 12 to 19 inches: sandy clay loam
Bk - 19 to 35 inches: sandy clay loam
C - 35 to 80 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 1.0
Available water supply, 0 to 60 inches: Moderate (about 7.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Minor Components

Olnest

Percent of map unit: 10 percent
Landform: Interfluves
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Vona

Percent of map unit: 5 percent
Landform: Interfluves
Landform position (two-dimensional): Summit
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

AvC—Ascalon-Vona sandy loams, 1 to 5 percent slopes

Map Unit Setting

National map unit symbol: 2xst1
Elevation: 4,750 to 5,560 feet
Mean annual precipitation: 13 to 17 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 135 to 160 days
Farmland classification: Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

Map Unit Composition

Ascalon and similar soils: 45 percent
Vona and similar soils: 35 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ascalon

Setting

Landform: Interfluves
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Wind-reworked alluvium and/or calcareous sandy eolian deposits

Typical profile

Ap - 0 to 10 inches: sandy loam

Bt - 10 to 15 inches: sandy clay loam
Btk - 15 to 21 inches: sandy loam
Bk1 - 21 to 35 inches: sandy loam
Bk2 - 35 to 80 inches: sandy loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.6 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Description of Vona

Setting

Landform: Interfluves
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

Ap - 0 to 9 inches: sandy loam
Bt - 9 to 22 inches: sandy loam
Bk1 - 22 to 27 inches: sandy loam
Bk2 - 27 to 39 inches: sandy loam
Bk3 - 39 to 80 inches: loamy sand

Properties and qualities

Slope: 3 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Gypsum, maximum content: 2 percent
Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 3.0

Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Minor Components

Vona, loamy sand surface

Percent of map unit: 10 percent
Landform: Interfluves
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Ascalon, loamy sand surface

Percent of map unit: 10 percent
Landform: Interfluves
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Lu—Loamy alluvial land

Map Unit Setting

National map unit symbol: 34w3
Elevation: 4,000 to 6,000 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 48 to 52 degrees F
Frost-free period: 135 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition

Loamy alluvial land: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Loamy Alluvial Land

Setting

Landform: Drainageways

Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from mixed

Typical profile
H1 - 0 to 8 inches: loam
H2 - 8 to 60 inches: stratified loam to clay loam

Interpretive groups
Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 6w
Hydrologic Soil Group: B
Ecological site: R067BY036CO - Overflow
Hydric soil rating: No

Minor Components

Nunn
Percent of map unit: 10 percent
Hydric soil rating: No

Satanta
Percent of map unit: 10 percent
Landform: Paleoterraces
Hydric soil rating: No

Loveland
Percent of map unit: 5 percent
Landform: Terraces
Ecological site: R067BY036CO - Overflow
Hydric soil rating: Yes

TeB—Terry fine sandy loam, 0 to 3 percent slopes

Map Unit Setting
National map unit symbol: 34wt
Elevation: 3,500 to 5,000 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 120 to 180 days
Farmland classification: Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

Map Unit Composition
Terry and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Terry

Setting
Landform: Hills

Landform position (three-dimensional): Base slope, side slope, nose slope, head slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Residuum weathered from sandstone

Typical profile

H1 - 0 to 5 inches: fine sandy loam
H2 - 5 to 11 inches: fine sandy loam
H3 - 11 to 39 inches: sandy loam
H4 - 39 to 43 inches: weathered bedrock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 20 to 40 inches to paralithic bedrock
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Minor Components

Stoneham

Percent of map unit: 10 percent
Hydric soil rating: No

Samsil

Percent of map unit: 5 percent
Hydric soil rating: No

TeD—Terry fine sandy loam, 3 to 9 percent slopes

Map Unit Setting

National map unit symbol: 34wv
Elevation: 3,500 to 5,000 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 120 to 180 days

Farmland classification: Not prime farmland

Map Unit Composition

Terry and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Terry

Setting

Landform: Hills
Landform position (three-dimensional): Base slope, side slope, nose slope, head slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Residuum weathered from sandstone

Typical profile

H1 - 0 to 5 inches: fine sandy loam
H2 - 5 to 11 inches: fine sandy loam
H3 - 11 to 39 inches: sandy loam
H4 - 39 to 43 inches: weathered bedrock

Properties and qualities

Slope: 3 to 9 percent
Depth to restrictive feature: 20 to 40 inches to paralithic bedrock
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Minor Components

Stoneham

Percent of map unit: 10 percent
Hydric soil rating: No

Samsil

Percent of map unit: 5 percent
Hydric soil rating: No

TsE—Terry-Vona-Tassel complex, 3 to 20 percent slopes

Map Unit Setting

National map unit symbol: 34wx
Elevation: 3,500 to 5,600 feet
Mean annual precipitation: 12 to 15 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 120 to 180 days
Farmland classification: Not prime farmland

Map Unit Composition

Terry and similar soils: 45 percent
Vona and similar soils: 30 percent
Tassel and similar soils: 20 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Terry

Setting

Landform: Hills
Landform position (three-dimensional): Base slope, side slope, nose slope, head slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Residuum weathered from sandstone

Typical profile

H1 - 0 to 5 inches: fine sandy loam
H2 - 5 to 11 inches: fine sandy loam
H3 - 11 to 39 inches: sandy loam
H4 - 39 to 43 inches: weathered bedrock

Properties and qualities

Slope: 3 to 20 percent
Depth to restrictive feature: 20 to 40 inches to paralithic bedrock
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Description of Vona

Setting

Landform: Plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

H1 - 0 to 9 inches: sandy loam
H2 - 9 to 22 inches: sandy loam
H3 - 22 to 60 inches: loamy sand

Properties and qualities

Slope: 3 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Gypsum, maximum content: 2 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: A
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Description of Tassel

Setting

Landform: Hills
Landform position (three-dimensional): Base slope, side slope, nose slope, head slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Residuum weathered from sandstone

Typical profile

H1 - 0 to 5 inches: fine sandy loam
H2 - 5 to 18 inches: fine sandy loam
H3 - 18 to 22 inches: weathered bedrock

Properties and qualities

Slope: 6 to 20 percent
Depth to restrictive feature: 10 to 20 inches to paralithic bedrock

Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Available water supply, 0 to 60 inches: Very low (about 2.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: D
Ecological site: R067BY056CO - Sandstone Breaks
Hydric soil rating: No

Minor Components

Sandy alluvial land

Percent of map unit: 3 percent
Hydric soil rating: No

Valent

Percent of map unit: 2 percent
Hydric soil rating: No

VnD—Vona loamy sand, 3 to 9 percent slopes

Map Unit Setting

National map unit symbol: 2x0j7
Elevation: 4,000 to 5,600 feet
Mean annual precipitation: 12 to 17 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 130 to 155 days
Farmland classification: Not prime farmland

Map Unit Composition

Vona and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Hills, hillslopes
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Base slope, side slope

Down-slope shape: Convex, linear
Across-slope shape: Convex, linear
Parent material: Eolian sands

Typical profile

A - 0 to 7 inches: loamy sand
Bt1 - 7 to 14 inches: sandy loam
Bt2 - 14 to 20 inches: sandy loam
Bk - 20 to 45 inches: sandy loam
C - 45 to 80 inches: loamy sand

Properties and qualities

Slope: 3 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline (0.1 to 1.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.4 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: A
Ecological site: R067BY015CO - Deep Sand
Hydric soil rating: No

Minor Components

Manter

Percent of map unit: 5 percent
Landform: Interfluves, hills
Landform position (two-dimensional): Backslope, footslope
Landform position (three-dimensional): Interfluve, base slope, side slope
Down-slope shape: Linear, convex
Across-slope shape: Linear, convex
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Ascalon

Percent of map unit: 5 percent
Landform: Interfluves
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Olnest

Percent of map unit: 3 percent
Landform: Interfluves, hills
Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Interfluve, base slope
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Valent

Percent of map unit: 2 percent
Landform: Dunes
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Crest, side slope, nose slope
Down-slope shape: Convex, linear
Across-slope shape: Convex, linear
Ecological site: R067BY015CO - Deep Sand
Hydric soil rating: No

VsD—Vona-Ascalon loamy sands, 3 to 9 percent slopes

Map Unit Setting

National map unit symbol: 34xd
Elevation: 4,000 to 6,500 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 125 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Vona and similar soils: 55 percent
Ascalon and similar soils: 35 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

H1 - 0 to 7 inches: loamy sand
H2 - 7 to 22 inches: sandy loam
H3 - 22 to 60 inches: loamy sand

Properties and qualities

Slope: 3 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Gypsum, maximum content: 2 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: A
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Description of Ascalon

Setting

Landform: Plains
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian deposits derived from mixed

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 17 inches: sandy clay loam
H3 - 17 to 23 inches: sandy clay loam
H4 - 23 to 60 inches: sandy loam

Properties and qualities

Slope: 3 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

Minor Components

Stoneham

Percent of map unit: 5 percent

Hydric soil rating: No

Terry

Percent of map unit: 5 percent
Hydric soil rating: No

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374

United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Appendix B – Wetland Delineation Report

Wetland Delineation Report

Vega Solar Project

Adams County, Colorado

February 2024

Prepared for:

Acuity Solar Development
5717 Legacy Drive, Suite 250
Plano, TX 75024

Prepared by:

Contents

Attachments

1.0 INTRODUCTION

On behalf of Acuity Solar Development (Acuity), Two Dot Consulting, LLC (2DOT) has performed a wetland assessment to quantify the extent of aquatic resources within the proposed Vega Solar Project, herein referred to as the "Project Area". The Project Area is located in Township 2 South, Range 59 West, Sections 8, 17, and 20, within Adams County, Colorado (**ATTACHMENT I:** Project Figures, Figure 1). 2DOT performed a desktop assessment to characterize hydrologic and ecological conditions in the Project Area. Following the desktop assessment, an on-site delineation of wetland boundaries was performed within the Project Area.

1.1 ECOLOGY

The Project Area is located within the Central High Plains, Southern Part Major Land Resource Area (MLRA). This MLRA is defined by a semiarid climate with an annual precipitation range from 11 to 20 inches, increasing from west to east. Land use in this MRLA is almost entirely farming and ranching. More than 60% of the area is used for grazing and supports native species like prairie june grass (*Koeleria macrantha),* blue grama (*Bouteloua gracilis*), needle and thread (*Hesperostipa comata*), galleta (*Hilaria jamesii*), cholla (*Cylindropuntia sp.*), threeawn (*Aristida purpurea*), ring muhly (*Muhlenbergia torreyi*), and alkali sacaton (*Sporobolus airoides*). Corn, sugar beets, grain sorghum, melons, seed crops, alfalfa, small grains, onions, and other vegetables are grown in irrigated fields in floodplains and terraces along the Platte and Arkansas Rivers, which make up about 20% of the area. Soils in this MLRA are generally very shallow to very deep, and well drained with a loamy or clayey texture (NRCS 2022). The Project Area is situated on private land exhibiting fields of cultivated crops.

1.2 WATERSHED AND HYDROLOGY

The Project Area is located within the Lone Tree Gulch - Muddy Creek Subwatershed (HUC: 101900110403) which encompasses approximately 48 square miles (USGS 2024a). Surface hydrology is limited to four drainages intersecting the Project Area from east and stopping in the center of the Project Area (**ATTACHMENT I:** Project Figures, Figure 2).

1.3 JURISDICTIONAL WATERS OF THE UNITED STATES

On August 29, 2023, the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) issued a final rule to amend the final "Revised Definition of 'Waters of the United States'" rule, published in the *Federal Register* on January 18, 2023. This final rule conforms the definition of "waters of the United States" to the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. Parts of the January 2023 Rule are invalid under the Supreme Court's interpretation of the Clean Water Act in the *Sackett* decision. Therefore, the agencies have amended key aspects of the regulatory text to conform to the Court's decision. The conforming rule, "Revised Definition of 'Waters of the United States'; Conforming," was published in the *Federal Register* and became effective on September 8, 2023.

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) have provided a definition of WOTUS subject to federal jurisdiction under the Clean Water Act (CWA; USACE 2023). WOTUS are considered:

- Traditional Navigable Waters (TNWs), territorial seas, and interstate waters (i.e., WOTUS),
- Impoundments of WOTUS,
- Tributaries to WOTUS or WOTUS impoundments,
- Wetlands adjacent to WOTUS, and their jurisdictional tributaries and impoundments, and

- Intrastate lakes and ponds, streams, or wetlands not identified above.

In order to be under CWA/USACE jurisdiction the features listed above must flow directly or indirectly through another water or waters to a WOTUS. Additionally, the feature must meet the relative permanence standard or have a significant nexus to downstream WOTUS.

- The relatively permanent standard encompasses surface waters that have flowing or standing water year-round or continuously during certain times of the year. There is no minimum flow duration. Relatively permanent waters do not include surface waters with flowing or standing water for only a short duration in direct response to precipitation, but they do include waters from melting snowpack.

1.4 REGIONAL REGULATION

Wetlands protected under Section 404 of the CWA are assessed using the 1987 Corps of Engineers Wetland Delineation Manual, hereon referred to as the "1987 Manual". The USACE has since published Regional Supplements to 1987 Manual to address regional variation in wetland criteria. The Project Area is located within the Great Plains Region and is subject to the 2010 Great Plains Regional Supplement. The Great Plains Regional Supplement is divided into 5 subregions or Land Resource Regions (LRRs), including the Northern Great Plains (LRR F), Western Great Plains (LRR G), Central Great Plains (LRR H), Southwest Plateaus and Plains (LRR I) and the Southwestern Prairies (LRR J). The Project Area is in LRR G.

2.0 METHODS

2.1 DESKTOP REVIEW

A review of available information was performed via desktop prior to performing a site visit to identify surface water resources within the Project Area. The following data sources were used to characterize aquatic resources:

- Aerial photographs of the Project Area, including Google Earth Imagery.
- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), Soil Survey of Adams County (Soil Survey Staff 2024) and NRCS National Hydric Soil List.
- National Wetland Inventory (NWI) data and NRCS National Hydrography Dataset (NHD) data (USFWS 2024 and USGS 2024b).
- Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) data (FEMA 2024).

2.1.1 AERIAL IMAGERY REVIEW

Aerial imagery was reviewed prior to the on-site delineation. Aerial imagery suggests several drainage features intersect the proposed Project Area.

2.1.2 NRCS SOIL SURVEY

The NRCS Web Soil Survey was used to identify soil series intersecting the Project Area. A total of 8 soil series were identified in the Project Area. Soils mapped within the Project Area include Ascalon sandy loam, 0 to 3 percent slopes (9.0%), Ascalon-Vona sandy loams, 1 to 5 percent slopes (53.0%), Loamy alluvial land (1.9%), Terry fine sandy loam, 0 to 3 percent slopes (6.4%), Terry fine sandy loam, 3 to 9 percent slopes (5.5%), Terry-Vona-Tassel complex, 3 to 20 percent slopes (0.0%), Vona loamy sand, 3 to 9 percent slopes (8.0%), and Vona-Ascalon loamy sands, 3 to 9 percent slopes (16.1%). (NRCS 2024; **ATTACHMENT I:** Project Figures, Figure 3).

2.1.3 NATIONAL WETLAND INVENTORY AND NATIONAL HYDROLOGY DATASET

Data layers from NWI indicate the approximate extent and type of wetlands within the U.S. These data delineate the aerial extent of wetlands and surface waters as defined by Cowardin et al. (1979). The NWI database indicates four riverine features within the Project Area (**ATTACHMENT I:** Project Figures, Figure 2). NHD database indicates four hydrologic features, which coincide with NWI-mapped wetlands. NHD listed these features as ephemeral streams that originate from within the Project Area and flow northeast, toward Little Muddy Creek (**ATTACHMENT I:** Project Figures, Figure 2).

2.1.4 FEDERAL EMERGENCY MANAGEMENT AGENCY

A review of the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) indicates that the Project Area is classified as FEMA Flood Zone X-12, area of minimal flood hazard (FEMA 2024).

2.2 ON-SITE WETLAND DELINEATION

The on-site wetland delineation was performed on 10/20/2023. Wetlands within the Project Area were delineated in accordance with the 1987 Manual and Great plains Regional Supplement. Paired determination points (i.e., sample points) and single determination points were collected within wetland and non-wetland communities to verify the extent of wetlands within the Project Area. A total of four isolated sample points were collected (1B, 2B, 3B, and 4B; **ATTACHMENT I:** Project Figures, Figure 4; **ATTACHMENT II**: Wetland Determination Field Forms). Wetland sample points include those that achieved all three wetland criteria: hydrophytic vegetation, hydric soil, and hydrology.

Great Plains Regional Supplement Wetland Delineation Forms were populated at each wetland and non-wetland sample point (**ATTACHMENT II:** Wetland Determination Field Forms). Spatial data, including sample point locations and wetland boundaries, were delineated on-site using a hand-held GPS unit with sub-meter accuracy (**ATTACHMENT I**: Project Figures, Figure 4).

2.3 DELINEATOR STATEMENT OF QUALIFICATIONS

This delineation was performed by 2DOT staff well-versed in aquatic resource assessments of western and midwestern states. 2DOT staff performing wetland delineations received their wetland delineation training certificate from the Wetland Training Institute and have demonstrated wetland competencies in the Great Plains, Arid West, Midwest, and Western Mountains, Valleys, and Coasts regions. 2DOT staff expertise includes wetland delineation and mapping, biota assessments, and local, state, and federal regulatory compliance.

3.0 RESULTS

2DOT delineated four riverine features within the Project Area based on desktop and on-site assessments (**ATTACHMENT I:** Project Figures, Figure 4; **ATTACHMENT II:** Wetland Determination Field Forms). Photos of each sample location and soil profile are included as **ATTACHMENT III:** Photographic Log. The NWI-mapped riverine features were determined to not be present. A description of the wetlands and non-wetlands are presented below.

- Non-wetland #1 - An unmapped, isolated depression was observed in the desktop review and evaluated during the on-site assessment (sample point 1B). The depression did not meet the criteria for any of the three wetland indicator categories and was determined to be not wetland.

- Non-Wetland #2 - An NWI-mapped “riverine” wetland feature did not meet any of the three wetland indicator categories and was determined to not be a wetland (sample point 2B).
- Non-wetland #3 - An NWI-mapped “riverine” wetland feature did not meet any of the three wetland indicator categories and was determined to not be a wetland (sample point 3B).
- Non-wetland #4 - An NWI-mapped “riverine” wetland feature did not meet any of the three wetland indicator categories and was determined to not be a wetland (sample point 4B).
- Non-wetland #5 - An NWI-mapped “riverine” wetland feature in the northwest corner of the Project Area lacked indicators for hydrology and hydrophytic vegetation and was determined to not be a wetland.

3.1 HYDROPHYTIC VEGETATION

Due to the nature of the land use (cultivated wheat field) within the Project Area, hydrophytic vegetation was not identified on site. Continuous harvest and cultivation appear to create a monoculture of wheat (*Triticum aestivum*) that does not allow for other species to establish.

3.2 HYDRIC SOILS

No hydric soil was identified within the Project Area (**ATTACHMENT II**: Wetland Determination Field Forms).

3.3 WETLAND HYDROLOGY

No wetland hydrology was identified within the Project Area (**ATTACHMENT II**: Wetland Determination Field Forms).

5.0 REFERENCES

Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States.

Federal Emergency Management Agency (FEMA). 2024. FEMA Hazards Maps. ArcGIS Web Application, https://www.fema.gov/flood-maps/national-flood-hazard-layer.

National Resources Conservation Service (NRCS). 2022. Soil Survey. Soil Geography. Major Land Resource Area (MLRA). Available at: https://www.nrcs.usda.gov/sites/default/files/2022-10/AgHandbook296_text_low-res.pdf

Soil Survey Staff. 2024. NRCS, United States Department of Agriculture. Web Soil Survey. Available at: http://websoilsurvey.sc.egov.usda.gov/

United States Army Corps of Engineers (USACE). 2024. Federal Register. Vol. 88, No. 11. Published Wednesday, January 18, 2023. Rules and Regulations. RIN 2040–AG19. Available at: https://www.federalregister.gov/documents/2023/01/18/2022-28595/revised-definition-of-waters-of-the-united-states

United States Fish and Wildlife Service (USFWS). 2024. National Wetland inventory. Wetlands Mapper. Available at: https://www.fws.gov/wetlands/

United States Geological Survey (USGS). 2024a. Science in Your Watershed. Available at: https://water.usgs.gov/wsc/a_api/wbd/watershed11/1102000608.html

USGS. 2024b. National Hydrography. Access National Hydrography Products. Available at: https://www.usgs.gov/core-science-systems/ngp/national-hydrography/access-national-hydrography-products

ATTACHMENT I

Project Figures

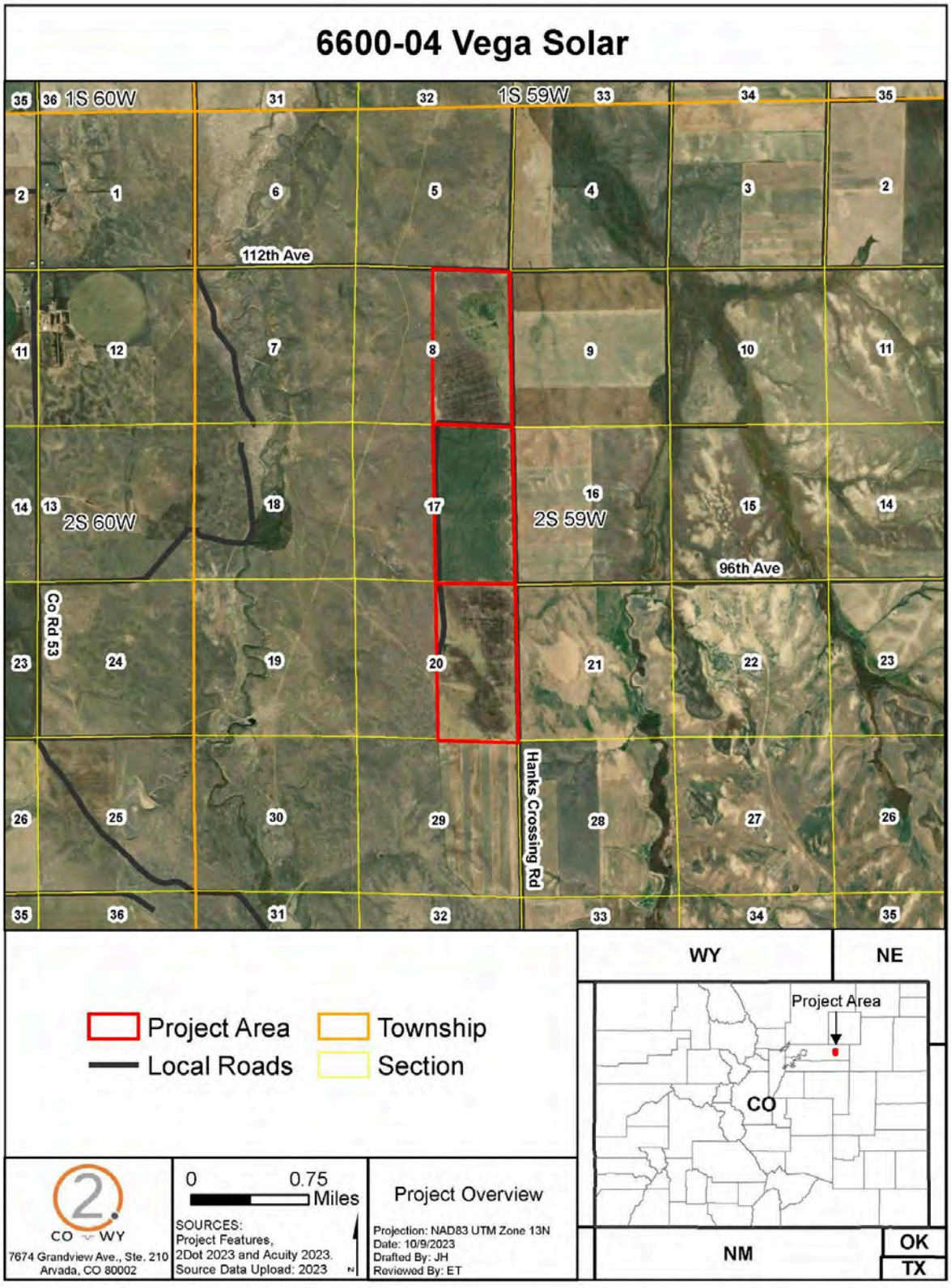


Figure 1. Project Area Overview

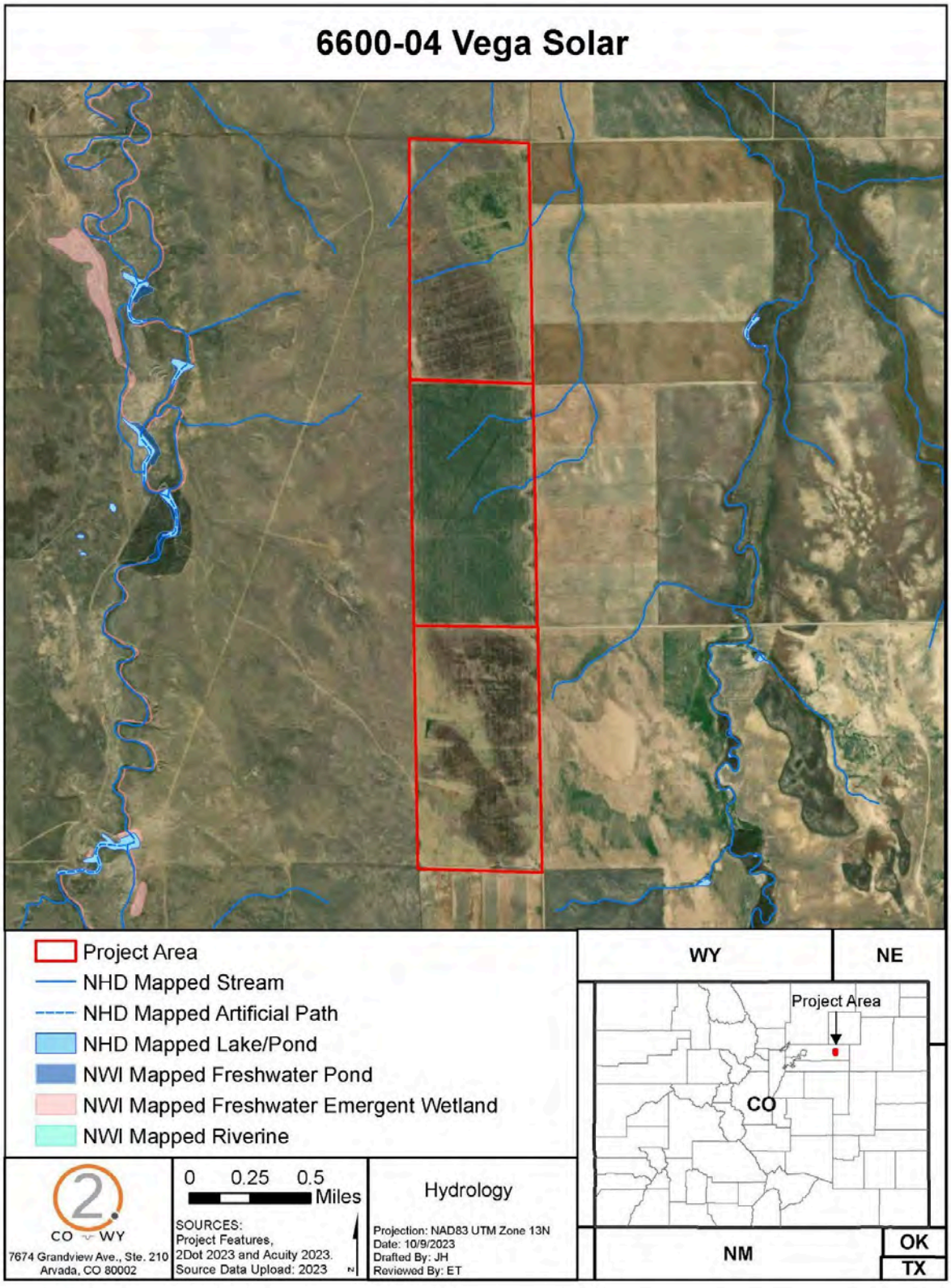


Figure 2. Hydrology Overview

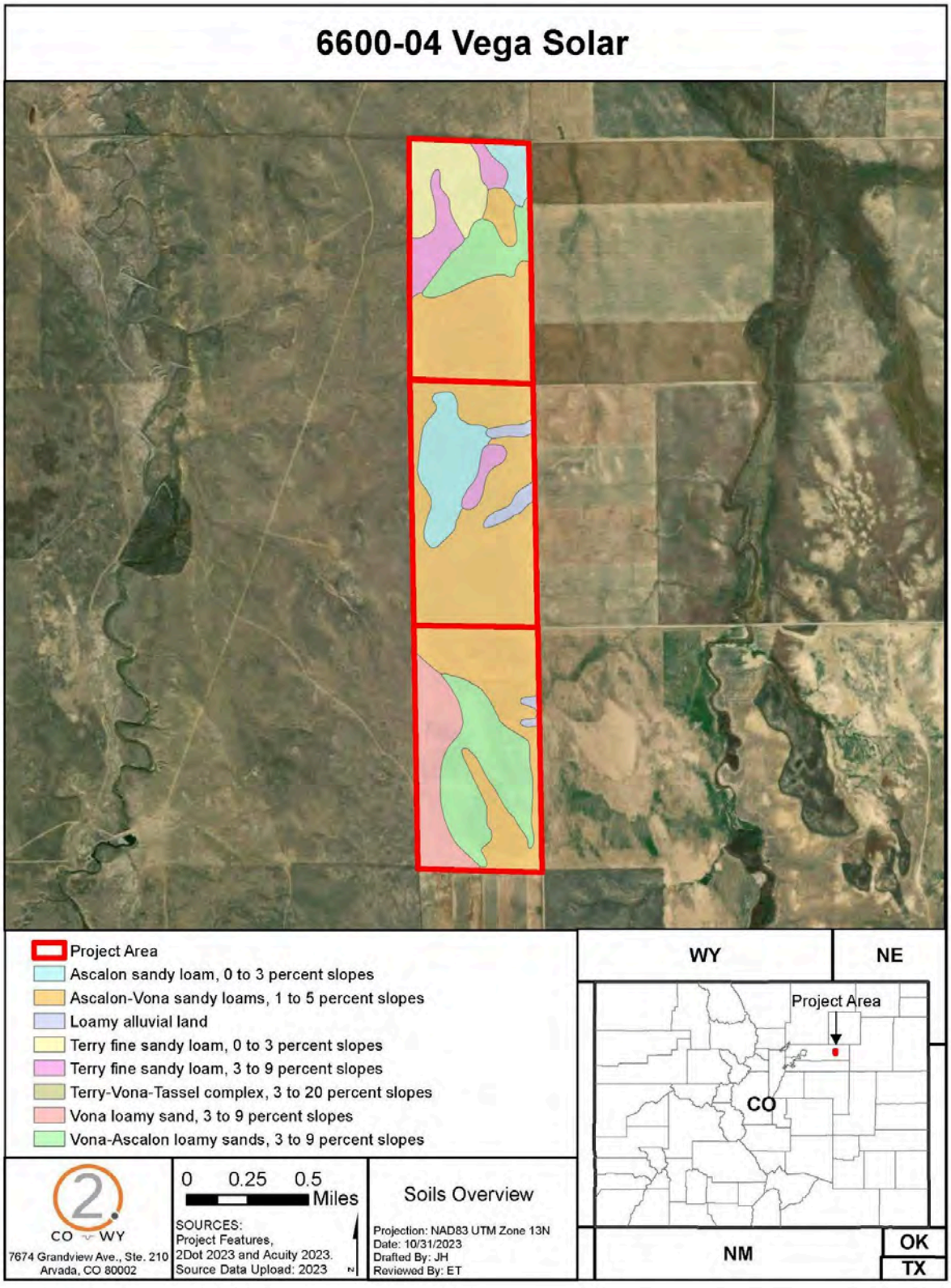


Figure 3. Soils Overview

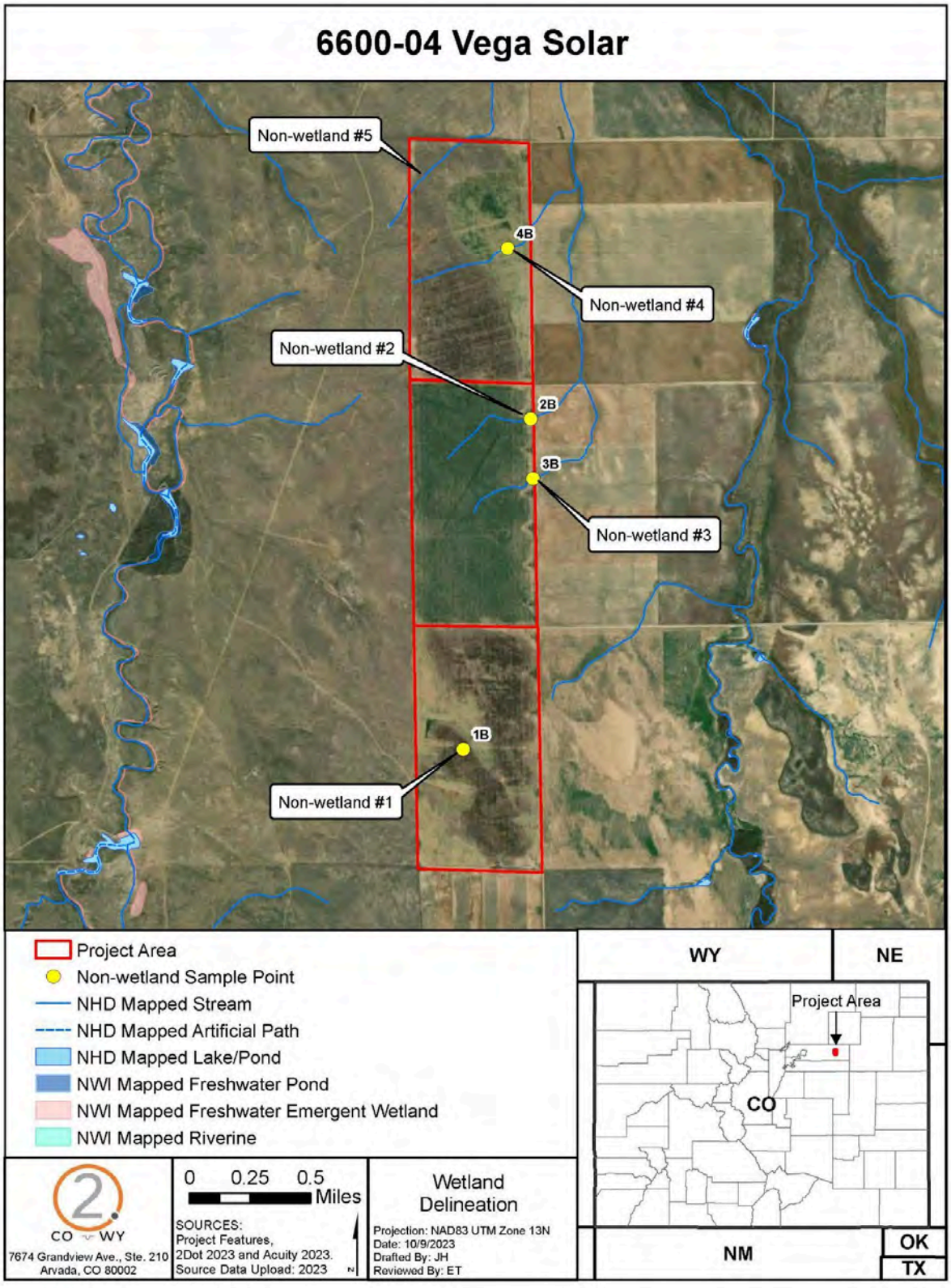


Figure 4. Wetland Delineation

ATTACHMENT II

Wetland Determination Field Forms

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Acuity Vega City/County: Adams Sampling Date: 2023-10-20

Applicant/Owner: Acuity Vega Solar State: Colorado Sampling Point: 1B

Investigator(s): Jack Pritchett, Mary Strecker Section, Township, Range: S20 T2S R59W

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 1

Subregion (LRR): G 67B Lat: 39.86222148 Long: -104.00508159 Datum: WGS 84

Soil Map Unit Name: AvC Ascalon-Vona sandy loams, 1 to 5 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✔	**Is the Sampled Area within a Wetland?** Yes _____ No ✔
Hydric Soil Present?	Yes _____	No ✔	
Wetland Hydrology Present?	Yes _____	No ✔	

Remarks:

None.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30 ft r)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: 15 ft r)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 5 ft r)			
1. Euphorbia maculata	5	✔	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	5 = Total Cover		
Woody Vine Stratum (Plot size: 30 ft r)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum 95.0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC−): 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.00 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	5	x 4 =	20
UPL species	0	x 5 =	0
Column Totals:	5 (A)		20 (B)

Prevalence Index = B/A = 4.00

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No ✔

Remarks:

SOIL

Sampling Point: 1B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0 - 10	10YR 3/3	100					Loamy Sand	
-								
-								
-								
-								
-								
-								
-								

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR F**)
- ___ 1 cm Muck (A9) (**LRR F, G, H**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 2.5 cm Mucky Peat or Peat (S2) (**LRR G, H**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR F**)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ High Plains Depressions (F16) (**MLRA 72 & 73 of LRR H**)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR I, J**)
- ___ Coast Prairie Redox (A16) (**LRR F, G, H**)
- ___ Dark Surface (S7) (**LRR G**)
- ___ High Plains Depressions (F16) (**LRR H outside of MLRA 72 & 73**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✔

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Vis ble on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Dry-Season Water Table (C2)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where not tilled**)
- ___ Presence of Reduced Iron (C4)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where tilled**)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)
- ___ Frost-Heave Hummocks (D7) (**LRR F**)

Field Observations:

Surface Water Present? Yes _____ No ✔ Depth (inches): _____

Water Table Present? Yes _____ No ✔ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✔ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✔

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Acuity Vega City/County: Adams Sampling Date: 2023-10-20

Applicant/Owner: Acuity Vega Solar State: Colorado Sampling Point: 2B

Investigator(s): Jack Pritchett, Mary Strecker Section, Township, Range: S17 T2S R59W

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Concave Slope (%): 1

Subregion (LRR): G 67B Lat: 39.88191545 Long: -103.99959725 Datum: WGS 84

Soil Map Unit Name: AvC Ascalon-Vona sandy loams, 1 to 5 percent slopes NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✔	**Is the Sampled Area within a Wetland?** Yes _____ No ✔
Hydric Soil Present?	Yes _____	No ✔	
Wetland Hydrology Present?	Yes _____	No ✔	

Remarks:

None.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: _____)			
1. Triticum aestivum	100	✔	UPL
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC−): 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.00 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	100	x 5 =	500
Column Totals:	100 (A)		500 (B)

Prevalence Index = B/A = 5.00

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No ✔

Remarks:

SOIL

Sampling Point: 2B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0 - 8	10YR 3/4	100					Sand	
-								
-								
-								
-								
-								
-								
-								

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR F**)
- ___ 1 cm Muck (A9) (**LRR F, G, H**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 2.5 cm Mucky Peat or Peat (S2) (**LRR G, H**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR F**)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ High Plains Depressions (F16) (**MLRA 72 & 73 of LRR H**)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR I, J**)
- ___ Coast Prairie Redox (A16) (**LRR F, G, H**)
- ___ Dark Surface (S7) (**LRR G**)
- ___ High Plains Depressions (F16) (**LRR H outside of MLRA 72 & 73**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✔

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Vis ble on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Dry-Season Water Table (C2)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where not tilled**)
- ___ Presence of Reduced Iron (C4)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where tilled**)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)
- ___ Frost-Heave Hummocks (D7) (**LRR F**)

Field Observations:

Surface Water Present? Yes _____ No ✔ Depth (inches): _____

Water Table Present? Yes _____ No ✔ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✔ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✔

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Acuity Vega City/County: Adams Sampling Date: 2023-10-20

Applicant/Owner: Acuity Vega Solar State: Colorado Sampling Point: 3B

Investigator(s): Jack Pritchett, Mary Strecker Section, Township, Range: S17 T2S R59W

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): Concave Slope (%): 1

Subregion (LRR): G 67B Lat: 39.8783604 Long: -103.99940708 Datum: WGS 84

Soil Map Unit Name: AvC Ascalon-Vona sandy loams, 1 to 5 percent slopes NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✔	**Is the Sampled Area within a Wetland?** Yes _____ No ✔
Hydric Soil Present?	Yes _____	No ✔	
Wetland Hydrology Present?	Yes _____	No ✔	

Remarks:

None.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: _____)			
1. Triticum aestivum	100	✔	UPL
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC−): 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.00 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	100	x 5 =	500
Column Totals:	100 (A)		500 (B)

Prevalence Index = B/A = 5.00

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No ✔

Remarks:

SOIL

Sampling Point: 3B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0 - 7	10YR 3/3	100					Loam	
-								
-								
-								
-								
-								
-								
-								

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR F**)
- ___ 1 cm Muck (A9) (**LRR F, G, H**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 2.5 cm Mucky Peat or Peat (S2) (**LRR G, H**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR F**)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ High Plains Depressions (F16) (**MLRA 72 & 73 of LRR H**)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR I, J**)
- ___ Coast Prairie Redox (A16) (**LRR F, G, H**)
- ___ Dark Surface (S7) (**LRR G**)
- ___ High Plains Depressions (F16) (**LRR H outside of MLRA 72 & 73**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✔

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Vis ble on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Dry-Season Water Table (C2)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where not tilled**)
- ___ Presence of Reduced Iron (C4)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where tilled**)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)
- ___ Frost-Heave Hummocks (D7) (**LRR F**)

Field Observations:

Surface Water Present? Yes _____ No ✔ Depth (inches): _____

Water Table Present? Yes _____ No ✔ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✔ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No ✔

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Acuity Vega City/County: Adams Sampling Date: 2023-10-20

Applicant/Owner: Acuity Vega Solar State: Colorado Sampling Point: 4B

Investigator(s): Jack Pritchett, Mary Strecker Section, Township, Range: S8 T2S R59W

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0

Subregion (LRR): G 67B Lat: 39.89212264 Long: -104.0012023 Datum: WGS 84

Soil Map Unit Name: AvC Ascalon-Vona sandy loams, 1 to 5 percent slopes NWI classification: R4SBC

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✔ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✔ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✔	**Is the Sampled Area within a Wetland?** Yes _____ No ✔
Hydric Soil Present?	Yes _____	No ✔	
Wetland Hydrology Present?	Yes _____	No ✔	

Remarks:

None.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: _____)			
1. Triticum aestivum	100	✔	UPL
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC−): 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.00 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	100	x 5 =	500
Column Totals:	100 (A)		500 (B)

Prevalence Index = B/A = 5.00

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No ✔

Remarks:

SOIL

Sampling Point: 4B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0 - 13	10YR 4/4	100					Loamy Sand	
-								
-								
-								
-								
-								
-								
-								

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR F**)
- ___ 1 cm Muck (A9) (**LRR F, G, H**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 2.5 cm Mucky Peat or Peat (S2) (**LRR G, H**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR F**)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ High Plains Depressions (F16) (**MLRA 72 & 73 of LRR H**)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR I, J**)
- ___ Coast Prairie Redox (A16) (**LRR F, G, H**)
- ___ Dark Surface (S7) (**LRR G**)
- ___ High Plains Depressions (F16) (**LRR H outside of MLRA 72 & 73**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No ✔

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Vis ble on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Dry-Season Water Table (C2)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where not tilled**)
- ___ Presence of Reduced Iron (C4)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Oxidized Rhizospheres on Living Roots (C3) (**where tilled**)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)
- ___ Frost-Heave Hummocks (D7) (**LRR F**)

Field Observations:

Surface Water Present? Yes _____ No ✔ Depth (inches): _____

Water Table Present? Yes _____ No ✔ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✔ Depth (inches): _____

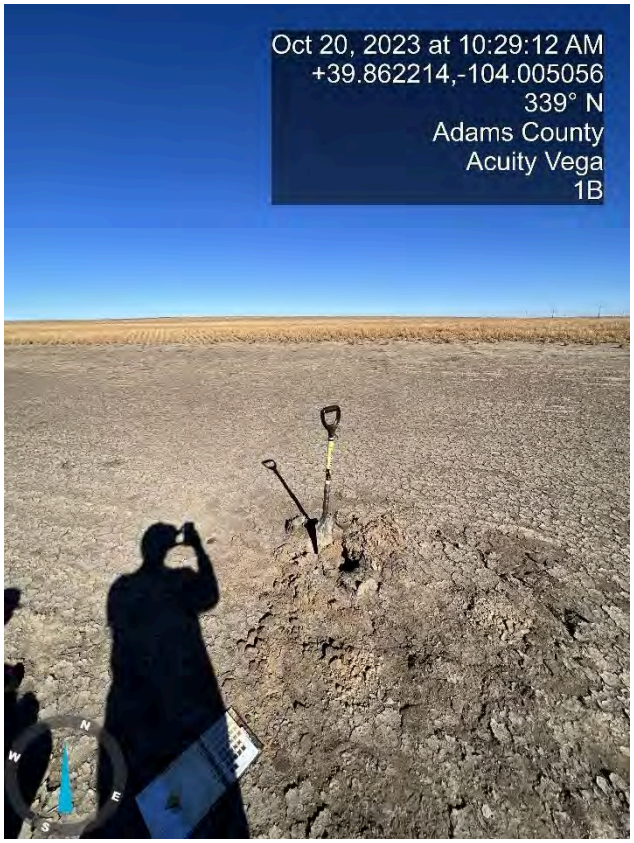
Wetland Hydrology Present? Yes _____ No ✔

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

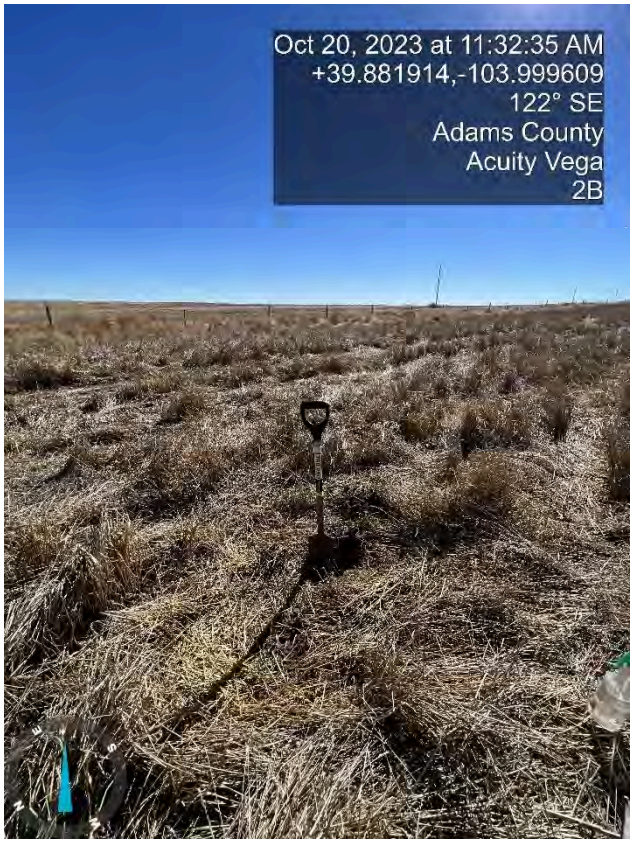
ATTACHMENT III

Photographic Log



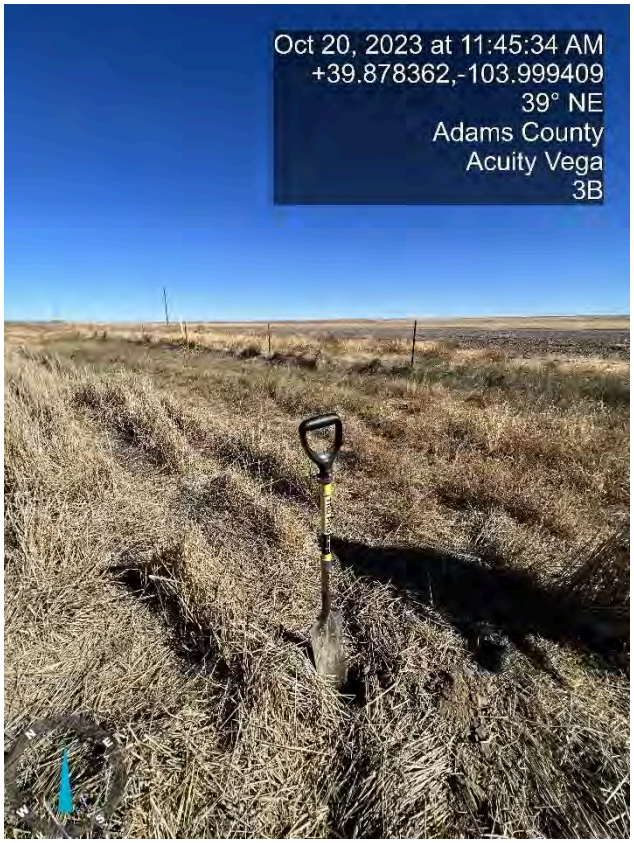
Photograph 1. Sample point 1B, non-wetland.

Photograph 2. Sample point 1B, soil profile.



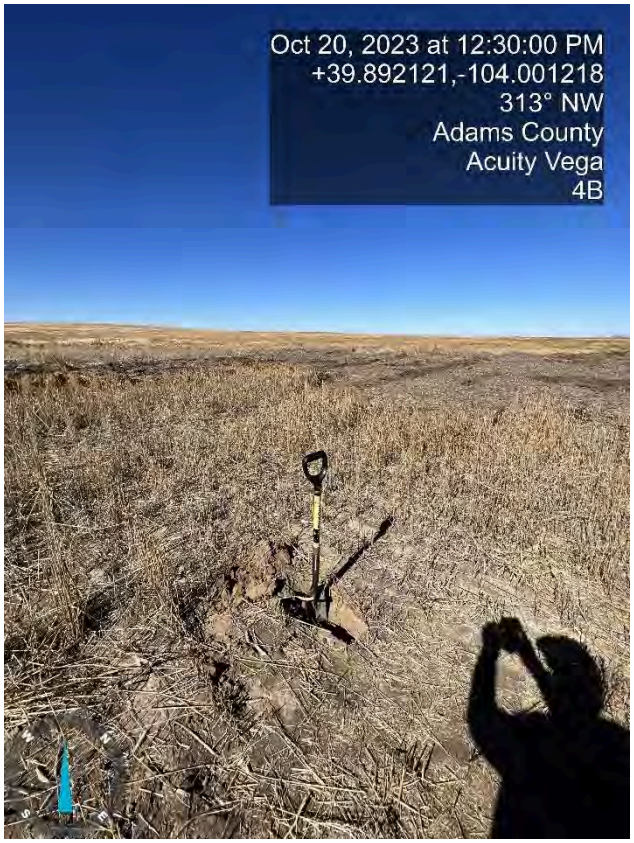
Photograph 3. Sample point 2B, non-wetland.

Photograph 4. Sample point 2B, soil profile.



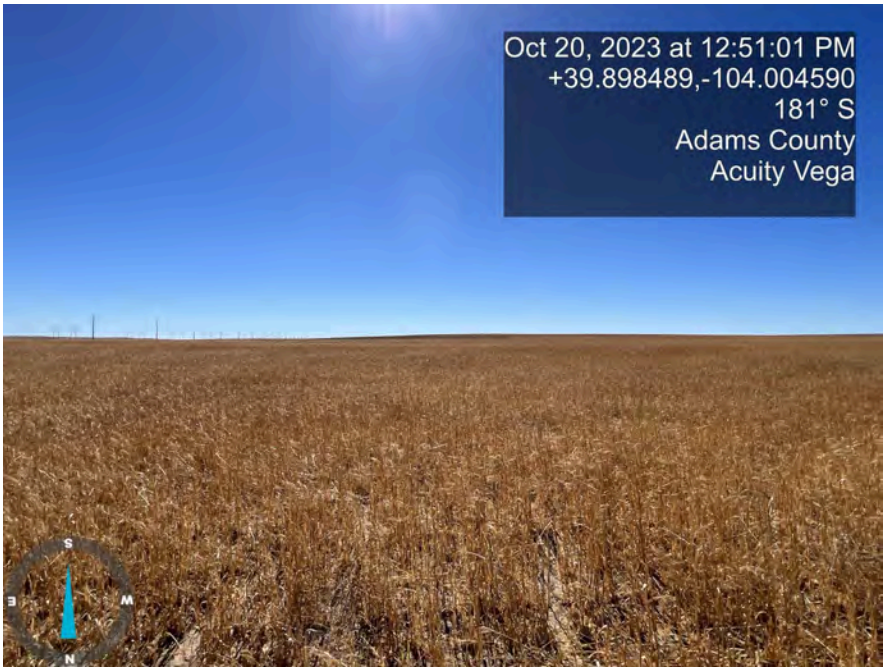
Photograph 5. Sample point 3B, non-wetland.

Photograph 6. Sample point 3B, soil profile.



Photograph 7. Sample point 4B, non-wetland.

Photograph 8. Sample point 4B, soil profile.



Photograph 9. Representative photo of NWI-mapped riverine wetland (Non-wetland #5).

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

April 22, 2024

SUBJECT: NWO-2024-00488-DEN, Vega Solar Project – Approved Jurisdictional Determination

Dale Harris
2 S Biscayne Blvd, 32nd Floor
Miami, FL 33131

Dear Mr. Harris:

This letter is in response to your request received on March 26, 2024, submitted by Jack Pritchett of Two Dots Consulting, LLC on behalf of Acuity Solar Development, for an approved jurisdictional determination for the Vega Solar Project site. The site is located at latitude 39.8768014, longitude -104.003864, in Adams County, Colorado. Your request has been assigned the Corps Regulatory File Number referenced above. Please reference this file number on any correspondence to us or to other interested parties when referencing this project or concerning this request.

The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344) and structures or work in, over, and under navigable waters of the United States under Section 10 of the Rivers and Harbors Act (RHA) (33 U.S.C. 403). The implementing regulations for these Acts are published in the Code of Federal Regulations at 33 CFR parts 330-332.

Based on our evaluation of the information provided and other available information, we have determined that the review area is comprised of entirely dry land. No aquatic resources are located within the review area. The attached approved jurisdictional determination provides rationale for why the review area is comprised of entirely dry land. Based on this determination, a Department of the Army permit is not required. This determination does not eliminate requirements to obtain any other applicable federal, state, tribal, or local permits.

Attached to this letter is the approved jurisdictional determination for your project site. This jurisdictional determination is valid for a 5-year period from the date of this letter, until **April 22, 2029**, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a *Notification of Administrative Appeal Options and Process and Request for Appeal* (NAO-RFA) form. If you request to appeal this determination, you must submit a completed NAO-RFA form to the address listed on the form.

For an NAO-RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the NAO-RFA. Should you decide to submit an NAO-RFA form, it must be received at the Division Office by **June 21, 2024.** It is not necessary to submit an NAO-RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with this approved jurisdictional determination and you have **new information** not considered in the original determination, you may request reconsideration of this determination by contacting this office prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the new information to this office so that it is received within 60 days of the date of the NAO-RFA.

The Corps' Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at https://regulatory.ops.usace.army.mil/customer-service-survey/. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return by mail. Additionally, further information regarding the Omaha District Regulatory Program can be obtained by visiting our website at https://www.nwo.usace.army.mil/Missions/Regulatory-Program/.

If you have any questions concerning this jurisdictional determination, please contact Conni Davidson at the above address, by phone at (303) 979-4120, or by email at conni.davidson@usace.army.mil and reference file number **NWO-2024-00488-DEN**.

Sincerely,

Kiel Downing
Chief, Denver Regulatory Office

cc: Jack Pritchett, Two Dots Consulting, LLC

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Dale Harris	File Number: NWO-2024-00448-DEN	Date: April 22, 2024
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
X	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:
U.S Army Corps of Engineers
Denver Regulatory Office
ATTN: Conni Davidson, Regulatory Specialist
9307 S. Wadsworth Blvd.
Littleton, CO 80123
Telephone: (303) 922-3841
Email: Conni.Davidson@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
U.S. Army Corps of Engineers
Northwestern Division
ATTN: Melinda Larsen, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232
Telephone: (503) 808-3888
Email: Melinda.M.Larsen@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, COLORADO 80128-6901

CENWO-ODR-CO 22 April 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,[1] NWO-2024-00488-DEN (MFR 1 of 1)[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4]

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the 2023 Rule as amended,

---

[1] While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.
[2] When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).
[3] 33 CFR 331.2.
[4] Regulatory Guidance Letter 05-02.
[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

    a. The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area and there are no areas that have previously been determined to be jurisdictional under the Rivers and Harbors Act of 1899 in the review area).

    The agent, Two Dot Consulting, LLC, conducted a wetland delineation on October 10, 2023 to investigate the presence of wetlands and non-wetland waters within the review area. The site was observed to be a cultivated field undergoing continuous harvest of common wheat (*Triticum aestivum*). Five sample points were analyzed for hydrophytic vegetation, hydric soils, and hydrology. None of the sample points met the criteria for wetlands and no non-wetland waters were observed. The agent accurately details the absence of wetlands and other waters in the review area within the wetland delineation report. Therefore, the review area is comprised entirely of dry land and no waters of the U.S. are present.

2. REFERENCES.

    a. “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”)

    b. “Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 (September 8, 2023)

    c. *Sackett v. EPA*, 598 U.S. _, 143 S. Ct. 1322 (2023)

3. REVIEW AREA.

    The review area is approximately 960 acres located at a latitude of 39.876801, longitude of -104.003864 in Adams County, Colorado.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.[6]

   None

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.

   None

6. SECTION 10 JURISDICTIONAL WATERS[7]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[8]

   N/A

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used.

---

[6] This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

[7] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

[8] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A

b. The Territorial Seas (a)(1)(ii): N/A

c. Interstate Waters (a)(1)(iii): N/A

d. Impoundments (a)(2): N/A

e. Tributaries (a)(3): N/A

f. Adjacent Wetlands (a)(4): N/A

g. Additional Waters (a)(5): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).[9] N/A

b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Office Evaluation, April 2, 2024

b. Two Dot Consulting, LLC, Wetland Delineation Report, February 2024

[9] 88 FR 3004 (January 18, 2023)

c. U.S. Fish and Wildlife Service National Wetland Inventory, Wetlands Mapper, Accessed April 2, 2024

d. U.S. Geological Survey Hydrologic Atlas, National Hydrologic Data, Accessed April 2, 2024

e. Google Earth Image, November 12, 2023

f. USGS Topographic Map, Leader, CO, 1:24,000 quad, 2022

g. USGS Topographic Map, Leader SE, CO, 1:24,000 quad, 2022

h. USGS Topographic Map, Poison Springs, CO, 1:24,000 quad, 2022

i. USGS Topographic Map, Potty Brown Creek, CO, 1:24,000 quad, 2022

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

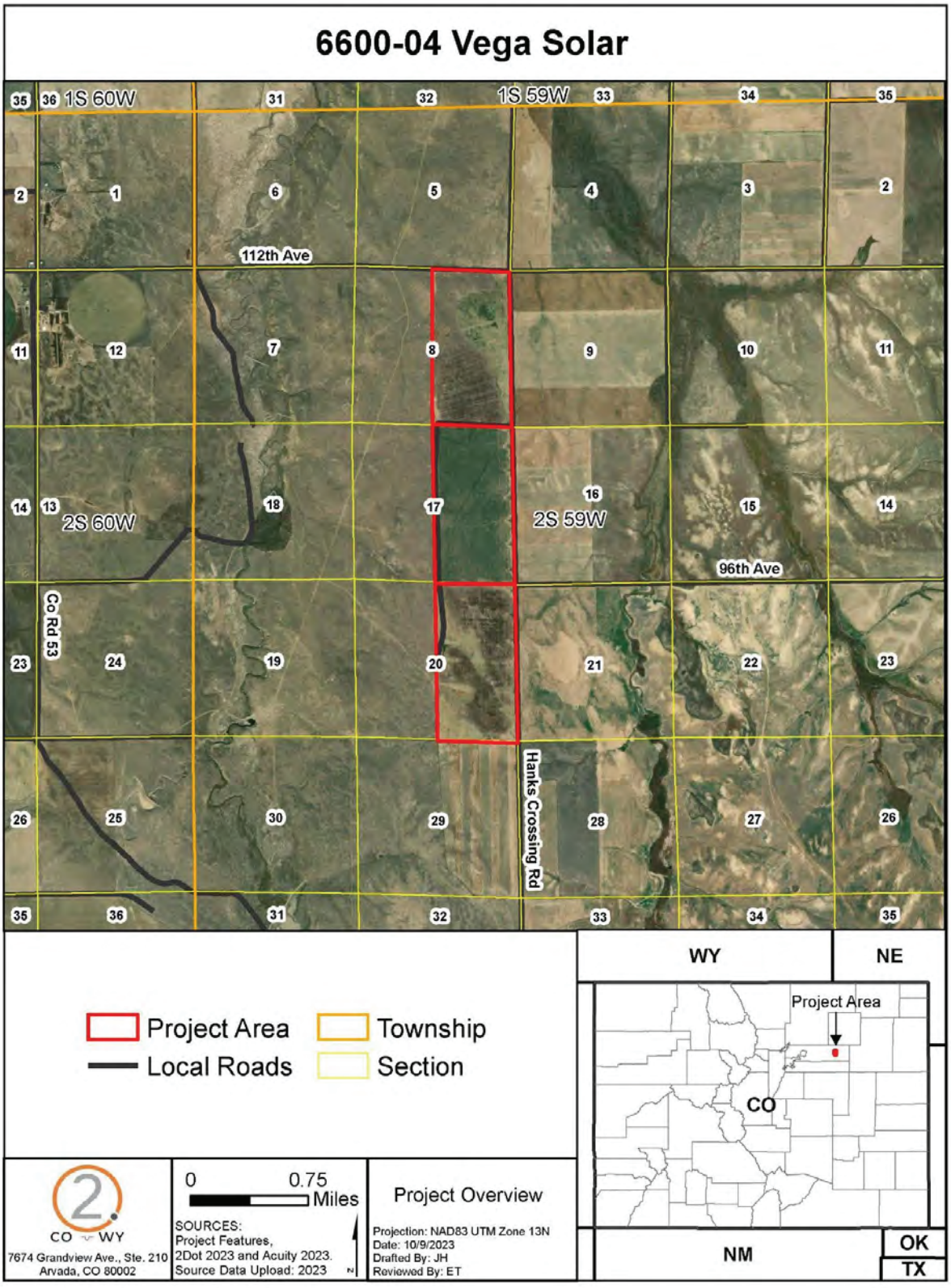


Figure 1. Project Area Overview

Appendix C – Correspondence Letter from Colorado Parks and Wildlife

COLORADO
Parks and Wildlife
Department of Natural Resources

Northeast Region
6060 Broadway
Denver, CO 80216
P 303.291.7227

February 26, 2024

Acuity Solar Development - Enfinity Global
Attention: Dale Harris
2 S. Biscayne Blvd, Floor 32
Miami, FL 33131
703-489-0414
Dale.Harris@acuitysolar.global

Re: Vega Solar Project, Adams County, Acuity Solar Development

Dear Mr. Harris,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to submit formal comments on the proposed Vega Solar Project, 156 megawatts (MW) photovoltaic solar development, located on approximately 970 acres of private land. The Vega solar project is located 11 miles northeast of Byers in Adams County on County Road 56, also known as Hank's Crossing Road (T2S, R59W Sections 8, 17, and 20), on existing agricultural lands. It is our understanding that the Vega Solar project construction will begin around Fall 2026 with an end date of December 2027.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests.

CPW appreciates this early consultation from Acuity Solar Development- Enfinity Global and Adams County because it can lead to a responsibly developed project that works toward achieving state solar goals while protecting sensitive wildlife species, habitats, and time

frames. We recognize renewable energy development is important to meeting the State's greenhouse gas reduction goals and improving our climate resiliency.

CPW appreciates that the developer has verbally agreed to the best management practices listed below (based on CPW's BMPs for Solar Development), and the project is planned outside of High Priority Habitat (HPH).

- CPW appreciates that Acuity Solar Development has included two wildlife corridors, being at least 250 ft across, in their site development plan. Although we appreciate that the project is planned outside of HPH, loss of open space and habitat is the largest impact to the area, so these corridors are essential for wildlife to pass through the now lost habitat.
- CPW appreciates that Acuity Solar Development has agreed to conduct Greater Prairie Chicken and Burrowing Owl surveys and has already conducted other baseline wildlife surveys.
- CPW appreciates that Acuity Solar Development will install fencing in accordance with CPW's Fencing with Wildlife in Mind Guidelines. The fences should be eight feet in height, have round-capped posts (e.g., so wildlife isn't impaled), and smooth top wire (e.g., no top barbed wire; or if two top strands are needed, ensure they are at least six inches apart). The bottom wire can be barbed but should be four inches or less from the ground. The developer has also agreed to include sliding gates in their fencing plan.
- CPW recommends that the solar facility is checked weekly, either remotely or in person (or escape structures are installed inside the fenced area), to allow animals to escape if they become trapped within the facility. Please immediately report mortalities, trapped or injured wildlife, or other reportable incidents to the local District Wildlife Manager (Hannah Posey 303-291-7132). Please document and report these findings to CPW annually.
- CPW recommends that the Project Area not be lit at night to minimize wildlife attraction to Project infrastructure and limit impacts to hunting, migration, or other nocturnal activities of wildlife.
- For the eventual consultation regarding transmission lines to this Solar Project, CPW recommends they are installed according to Avian Power Line Interaction Committee (APLIC) standards and outside the raptor nesting season. Also, please install bird diverters within ¼-mile of any lake, drainage, or riparian area and within the raptor nesting buffer for occupied nests.

If you have any additional questions regarding wildlife concerns for this property, please contact Hannah Posey, District Wildlife Manager, at Hannah.Posey@state.co.us or by phone at (303)291-7132.

Respectfully,

Mark Leslie, Northeast Regional Manager

Cc: Hannah Posey, District Wildlife Manager - Hannah.Posey@state.co.us
Lexi Hamous, NE Land Use Coordinator - lexi.hamous-miller@state.co.us
Matt Martinez, Area Wildlife Manager - matt.martinez@state.co.us

Ethan Jahnke, 2-Dot Consulting - jahnke@2dot-consulting.com
Jack Pritchett, 2-Dot Consulting - pritchett@2dot-consulting.com
Erika Tokarz, 2-Dot Consulting - tokarz@2dot-consulting.com

Appendix D - Site Plan

The site plan of the proposed Project is attached.

PROPERTY INFORMATION	
OWNER	LAND S CAPITAL LTD
DESCRIPTION	E 1/2 OF SEC 8, E 1/2 OF SEC 17, E 1/2 OF SEC 20, TOWNSHIP 2 SOUTH, RANGE 59 WEST, 6TH P.M
PARCEL NO.	0173700000060, 0173700000062, 0173700000064
PARCEL ACREAGE	981 ACRES
PROJECT ACREAGE	981 ACRES

APPLICANT INFORMATION	
NAME	VEGA SOLAR LLC
ADDRESS	2S BISCAYNE BLVD, 32nd FLOOR, MIAMI, FLORIDA, 33131
CONTACT NO.	505-490-9877
CONTACT PERSON	TOM ANDERSON, HEAD OF DEVELOPMENT, AMERICAS

PROJECT PHASING:

PERMITTING, INTERCONNECTION,
ENGINEERING & EPC CONTRACTOR SELECTION: Q4 2026

APPROXIMATE CONSTRUCTION SCHEDULE:

A. START OF CONSTRUCTION: Q2 2027
B. GRADING, FENCE, ROADS & STAGING AREAS: Q2 2027
C. SOLAR RACKING FOUNDATIONS: Q3 2027 - Q1 2028
D. SOLAR RACKING INSTALLATIONS: Q3 2027 - Q1 2028
E. ELECTRICAL EQUIPMENT & CABLE: Q2 2028 - Q3 2028
F. FACILITY SUBSTATION CONSTRUCTION: Q4 2028
G. FACILITY ENERGIZATION: Q1 2029
H. COMMERCIAL OPERATION DATE: Q2 2029

SETBACKS:

PROPERTY IS ZONED AGRICULTURE-3 WITH FOLLOWING MINIMUM SETBACKS FROM LAND PARCEL:
FRONT: 50 FEET
SIDE: 10 FEET
REAR: 20 FEET
SECTION LINE ARTERIAL: MINIMUM 120 FEET FROM SECTION LINE

NOTES:

1. SITE SIGNAGE - A PROJECT SIGN WILL BE INSTALLED AT THE EACH SITE ENTRANCE GATE. ADDITIONALLY SAFETY SIGNAGE WILL BE INSTALLED ON THE SECURITY FENCE.
2. SECURITY FENCE - THE PROJECT WILL BE SURROUNDED BY A 8' TALL FENCE WITH ROUND CAPPED POSTS AND SMOOTH TOP WIRE.
3. TRAFFIC MANAGEMENT/ FLOW - CONSTRUCTION TRAFFIC WILL ALL COME FROM 112TH AVENUE ROAD ON THE NORTH.
4. LIGHTING - DOWNWARD FACING AND SHIELDED TO FOCUS ILLUMINATION ON THE DESIRED AREAS ONLY. SECURITY LIGHTING MAY BE PROVIDED AT THE FACILITY SUBSTATION, INVERTERS, AND THE POINT(S) OF ACCESS.
5. 230kV PAWNEE - MISSILE POWER TRANSMISSION LINE (POINT OF INTERCONNECTION) OWNED BY PUBLIC SERVICE COMPANY OF COLORADO IS PASSING THROUGH THE PROPOSED LAND PARCEL.

PLANT SUMMARY	
POI LATITUDE & LONGITUDE	39.8822° , -103.9998°
PLANT CAPACITY	156MWdc / 120MWac (POI)
GCR %	34.05%
DC/AC RATIO AT POI	1.30
PITCH	7 MTRS (22.96 FEET)

LEGEND	
	SINGLE AXIS TRACKER - 3 STRING (1PX87)
	PARCEL BOUNDARY
	PROJECT BOUNDARY
	PRIMARY ROAD
	SECONDARY ROAD
POI	OVER HEAD TRANSMISSION LINE
	OVER HEAD TRANSMISSION LINE OFFSET
EPL	EXISTING PIPE LINE
	EXISTING PIPE LINE OFFSET
	PROPOSED FENCE LINE
	MVT SKID
	PROPOSED AREA FOR BESS
	PROPOSED AREA FOR UTILITY SWITCHYARD
	PROPOSED AREA FOR FACILITY SUBSTATION
	OPEN AREA FOR EQUIPMENT STORAGE
	WILDLIFE CORRIDOR (200' WIDE)
	OIL & GAS WELL
	10 ACRES RESERVED FOR POTENTIAL OIL & GAS WELL PAD
	RETENTION BASIN (150' x 150')
	EGRESS/INGRESS

N
NW NE
W E
SW SE
S

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

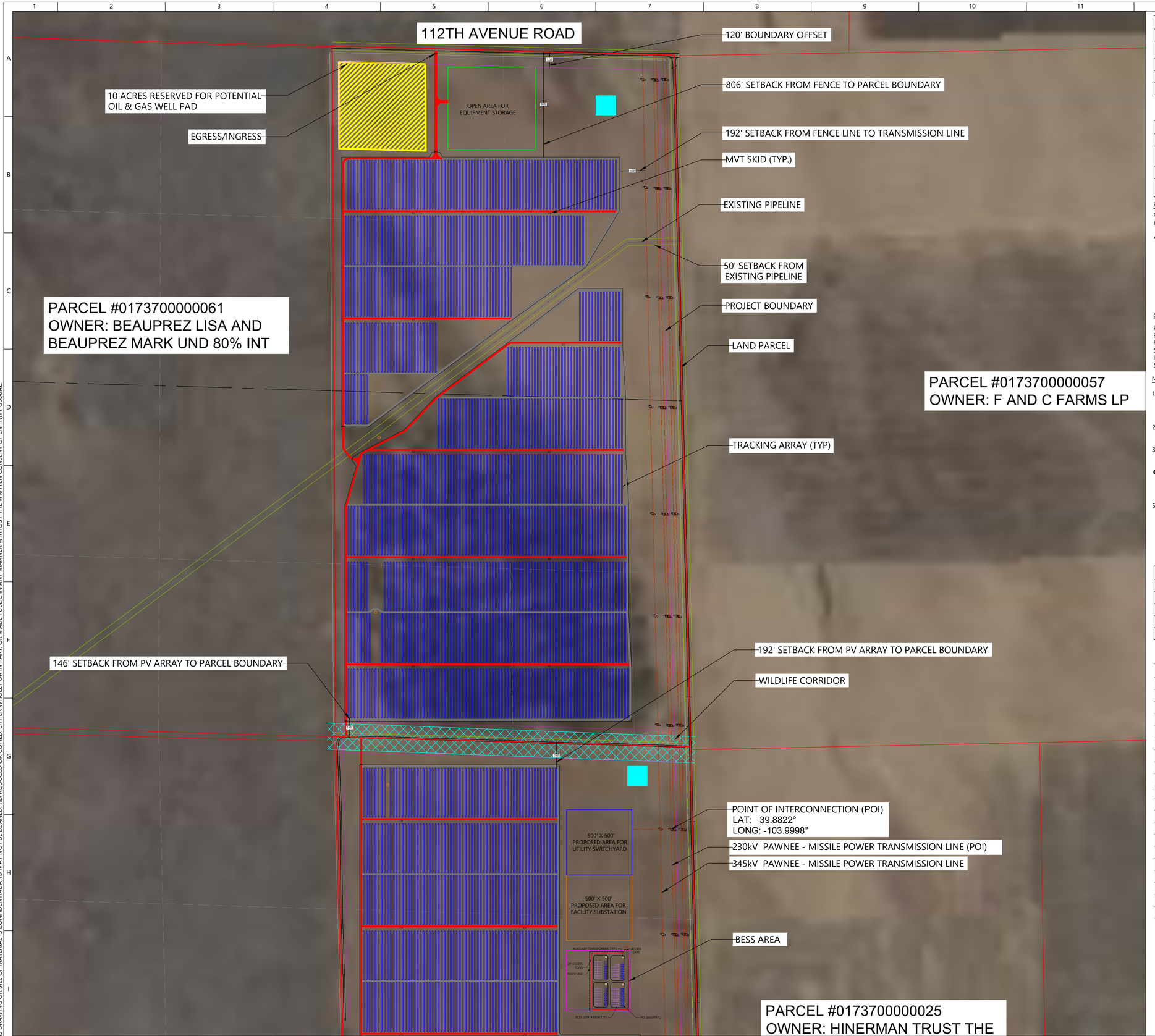
LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
PROJECT SITE PLAN

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	01/08
SCALE:	PAPER SIZE:
NTS	ARCH-D



PROPERTY INFORMATION	
OWNER	LAND S CAPITAL LTD
DESCRIPTION	E 1/2 OF SEC 8, E 1/2 OF SEC 17, E 1/2 OF SEC 20, TOWNSHIP 2 SOUTH, RANGE 59 WEST, 6TH P.M
PARCEL NO.	0173700000060, 0173700000062, 0173700000064
PARCEL ACREAGE	981 ACRES
PROJECT ACREAGE	981 ACRES

APPLICANT INFORMATION	
NAME	VEGA SOLAR LLC
ADDRESS	2S BISCAYNE BLVD, 32nd FLOOR, MIAMI, FLORIDA, 33131
CONTACT NO.	505-490-9877
CONTACT PERSON	TOM ANDERSON, HEAD OF DEVELOPMENT, AMERICAS

PROJECT PHASING:

PERMITTING, INTERCONNECTION,
ENGINEERING & EPC CONTRACTOR SELECTION: Q4 2026

APPROXIMATE CONSTRUCTION SCHEDULE:

A. START OF CONSTRUCTION: Q2 2027
B. GRADING, FENCE, ROADS & STAGING AREAS: Q2 2027
C. SOLAR RACKING FOUNDATIONS: Q3 2027 - Q1 2028
D. SOLAR RACKING INSTALLATIONS: Q3 2027 - Q1 2028
E. ELECTRICAL EQUIPMENT & CABLE: Q2 2028 - Q3 2028
F. FACILITY SUBSTATION CONSTRUCTION: Q4 2028
G. FACILITY ENERGIZATION: Q1 2029
H. COMMERCIAL OPERATION DATE: Q2 2029

SETBACKS:

PROPERTY IS ZONED AGRICULTURE-3 WITH FOLLOWING MINIMUM SETBACKS FROM LAND PARCEL:
FRONT: 50 FEET
SIDE: 10 FEET
REAR: 20 FEET
SECTION LINE ARTERIAL: MINIMUM 120 FEET FROM SECTION LINE

NOTES:

1. SITE SIGNAGE - A PROJECT SIGN WILL BE INSTALLED AT THE EACH SITE ENTRANCE GATE. ADDITIONALLY SAFETY SIGNAGE WILL BE INSTALLED ON THE SECURITY FENCE.
2. SECURITY FENCE - THE PROJECT WILL BE SURROUNDED BY A 8' TALL FENCE WITH ROUND CAPPED POSTS AND SMOOTH TOP WIRE.
3. TRAFFIC MANAGEMENT/ FLOW - CONSTRUCTION TRAFFIC WILL ALL COME FROM 112TH AVENUE ROAD ON THE NORTH.
4. LIGHTING - DOWNWARD FACING AND SHIELDED TO FOCUS ILLUMINATION ON THE DESIRED AREAS ONLY. SECURITY LIGHTING MAY BE PROVIDED AT THE FACILITY SUBSTATION, INVERTERS, AND THE POINT(S) OF ACCESS.
5. 230kV PAWNEE - MISSILE POWER TRANSMISSION LINE (POINT OF INTERCONNECTION) OWNED BY PUBLIC SERVICE COMPANY OF COLORADO IS PASSING THROUGH THE PROPOSED LAND PARCEL.

PLANT SUMMARY	
POI LATITUDE & LONGITUDE	39.8822° , -103.9998°
PLANT CAPACITY	156MWdc / 120MWac (POI)
GCR %	34.05%
DC/AC RATIO AT POI	1.30
PITCH	7 MTRS (22.96 FEET)

LEGEND	
	SINGLE AXIS TRACKER - 3 STRING (1PX87)
	PARCEL BOUNDARY
	PROJECT BOUNDARY
	PRIMARY ROAD
	SECONDARY ROAD
POI	OVER HEAD TRANSMISSION LINE
	OVER HEAD TRANSMISSION LINE OFFSET
EPL	EXISTING PIPE LINE
	EXISTING PIPE LINE OFFSET
	PROPOSED FENCE LINE
	MVT SKID
	PROPOSED AREA FOR BESS
	PROPOSED AREA FOR UTILITY SWITCHYARD
	PROPOSED AREA FOR FACILITY SUBSTATION
	OPEN AREA FOR EQUIPMENT STORAGE
	WILDLIFE CORRIDOR (200' WIDE)
	OIL & GAS WELL
	10 ACRES RESERVED FOR POTENTIAL OIL & GAS WELL PAD
	RETENTION BASIN (150' x 150')
	EGRESS/INGRESS

N
NW NE
W E
SW SE
S

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

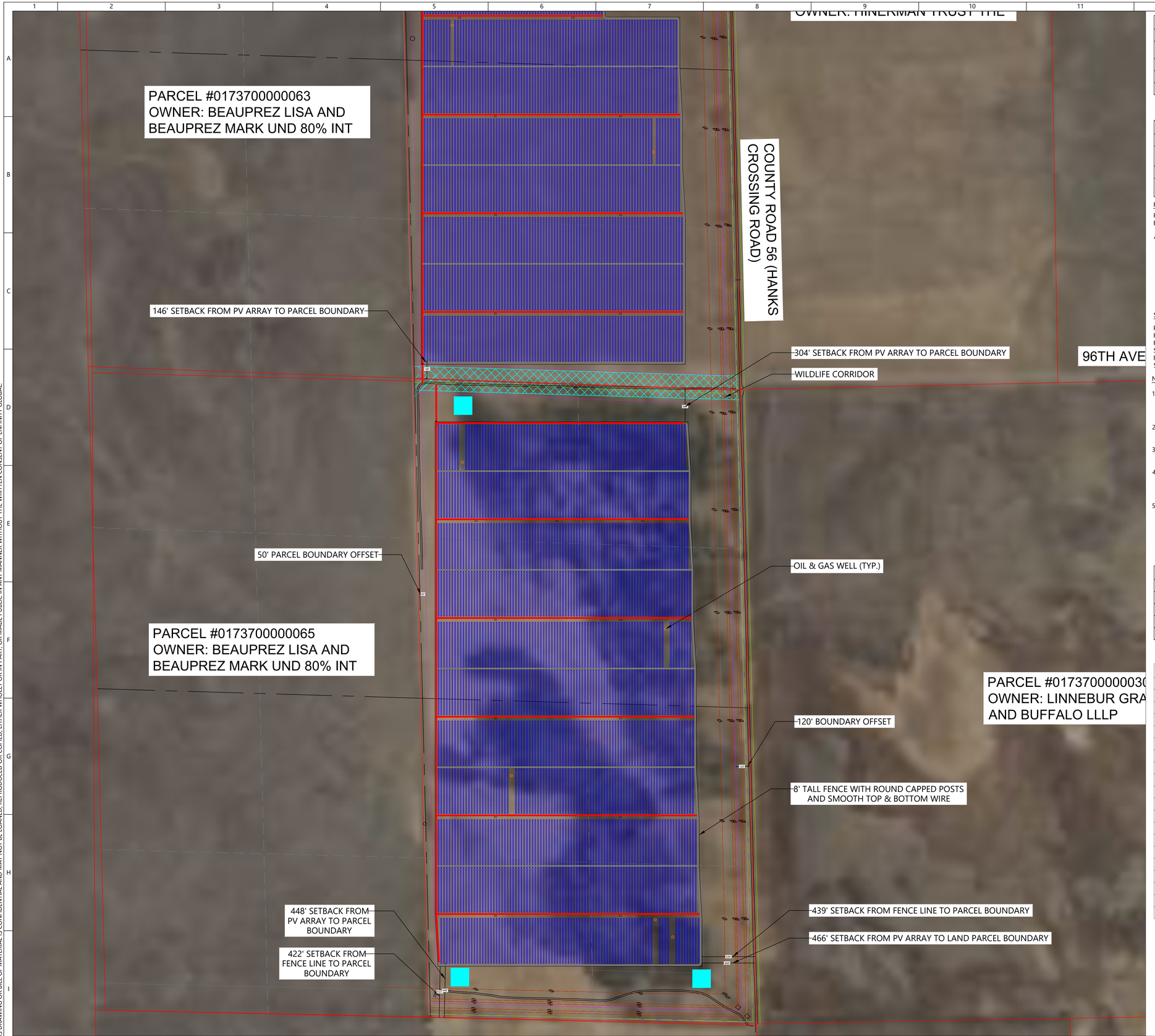
LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
PROJECT SITE PLAN-01

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	02/08
SCALE:	PAPER SIZE:
NTS	ARCH-D



PROPERTY INFORMATION	
OWNER	LAND S CAPITAL LTD
DESCRIPTION	E 1/2 OF SEC 8, E 1/2 OF SEC 17, E 1/2 OF SEC 20, TOWNSHIP 2 SOUTH, RANGE 59 WEST, 6TH P.M
PARCEL NO.	0173700000060, 0173700000062, 0173700000064
PARCEL ACREAGE	981 ACRES
PROJECT ACREAGE	981 ACRES

APPLICANT INFORMATION	
NAME	VEGA SOLAR LLC
ADDRESS	2S BISCAYNE BLVD, 32nd FLOOR, MIAMI, FLORIDA, 33131
CONTACT NO.	505-490-9877
CONTACT PERSON	TOM ANDERSON, HEAD OF DEVELOPMENT, AMERICAS

PROJECT PHASING:

PERMITTING, INTERCONNECTION,
ENGINEERING & EPC CONTRACTOR SELECTION: Q4 2026

APPROXIMATE CONSTRUCTION SCHEDULE:

A. START OF CONSTRUCTION: Q2 2027
B. GRADING, FENCE, ROADS & STAGING AREAS: Q2 2027
C. SOLAR RACKING FOUNDATIONS: Q3 2027 - Q1 2028
D. SOLAR RACKING INSTALLATIONS: Q3 2027 - Q1 2028
E. ELECTRICAL EQUIPMENT & CABLE: Q2 2028 - Q3 2028
F. FACILITY SUBSTATION CONSTRUCTION: Q4 2028
G. FACILITY ENERGIZATION: Q1 2029
H. COMMERCIAL OPERATION DATE: Q2 2029

SETBACKS:

PROPERTY IS ZONED AGRICULTURE-3 WITH FOLLOWING MINIMUM SETBACKS FROM LAND PARCEL:
FRONT: 50 FEET
SIDE: 10 FEET
REAR: 20 FEET
SECTION LINE ARTERIAL: MINIMUM 120 FEET FROM SECTION LINE

NOTES:

1. SITE SIGNAGE - A PROJECT SIGN WILL BE INSTALLED AT THE EACH SITE ENTRANCE GATE. ADDITIONALLY SAFETY SIGNAGE WILL BE INSTALLED ON THE SECURITY FENCE.
2. SECURITY FENCE - THE PROJECT WILL BE SURROUNDED BY A 8' TALL FENCE WITH ROUND CAPPED POSTS AND SMOOTH TOP WIRE.
3. TRAFFIC MANAGEMENT/ FLOW - CONSTRUCTION TRAFFIC WILL ALL COME FROM 112TH AVENUE ROAD ON THE NORTH.
4. LIGHTING - DOWNWARD FACING AND SHIELDED TO FOCUS ILLUMINATION ON THE DESIRED AREAS ONLY. SECURITY LIGHTING MAY BE PROVIDED AT THE FACILITY SUBSTATION, INVERTERS, AND THE POINT(S) OF ACCESS.
5. 230kV PAWNEE - MISSILE POWER TRANSMISSION LINE (POINT OF INTERCONNECTION) OWNED BY PUBLIC SERVICE COMPANY OF COLORADO IS PASSING THROUGH THE PROPOSED LAND PARCEL.

PLANT SUMMARY	
POI LATITUDE & LONGITUDE	39.8822° , -103.9998°
PLANT CAPACITY	156MWdc / 120MWac (POI)
GCR %	34.05%
DC/AC RATIO AT POI	1.30
PITCH	7 MTRS (22.96 FEET)

LEGEND	
	SINGLE AXIS TRACKER - 3 STRING (1PX87)
	PARCEL BOUNDARY
	PROJECT BOUNDARY
	PRIMARY ROAD
	SECONDARY ROAD
POH	OVER HEAD TRANSMISSION LINE
	OVER HEAD TRANSMISSION LINE OFFSET
EPL	EXISTING PIPE LINE
	EXISTING PIPE LINE OFFSET
	PROPOSED FENCE LINE
	MVT SKID
	PROPOSED AREA FOR BESS
	PROPOSED AREA FOR UTILITY SWITCHYARD
	PROPOSED AREA FOR FACILITY SUBSTATION
	OPEN AREA FOR EQUIPMENT STORAGE
	WILDLIFE CORRIDOR (200' WIDE)
	OIL & GAS WELL
	10 ACRES RESERVED FOR POTENTIAL OIL & GAS WELL PAD
	RETENTION BASIN (150' x 150')
	EGRESS/INGRESS

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
PROJECT SITE PLAN-02

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	03/08
SCALE:	PAPER SIZE:
NTS	ARCH-D

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

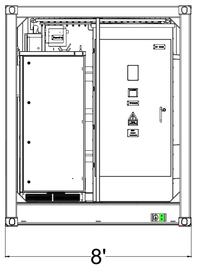
LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
OIL & GAS WELL LOCATION

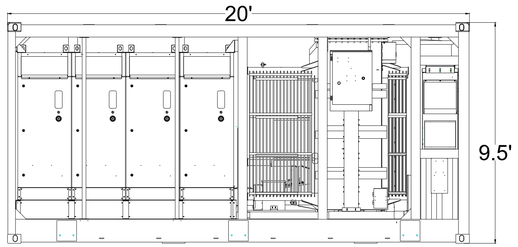
PROJECT NO.:
N/A

DRAWING NO.:
N/A

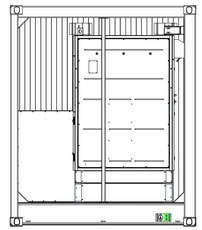
DATE:	SHEET NO.:
09-26-2024	04/08
SCALE:	PAPER SIZE:
NTS	ARCH-D



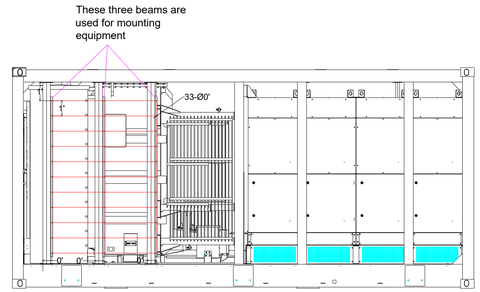
RIGHT VIEW



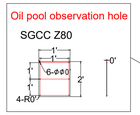
FRONT VIEW

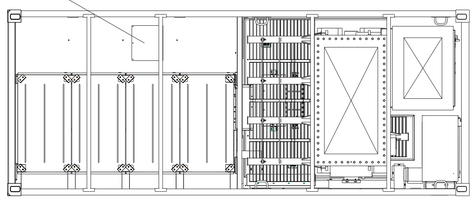


LEFT VIEW

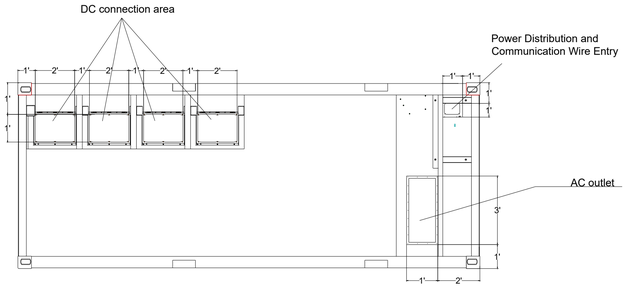


BACK VIEW





TOP VIEW



BOTTOM VIEW

POWER STATION-FRONT AND SIDE ELEVATIONS TYPICAL

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

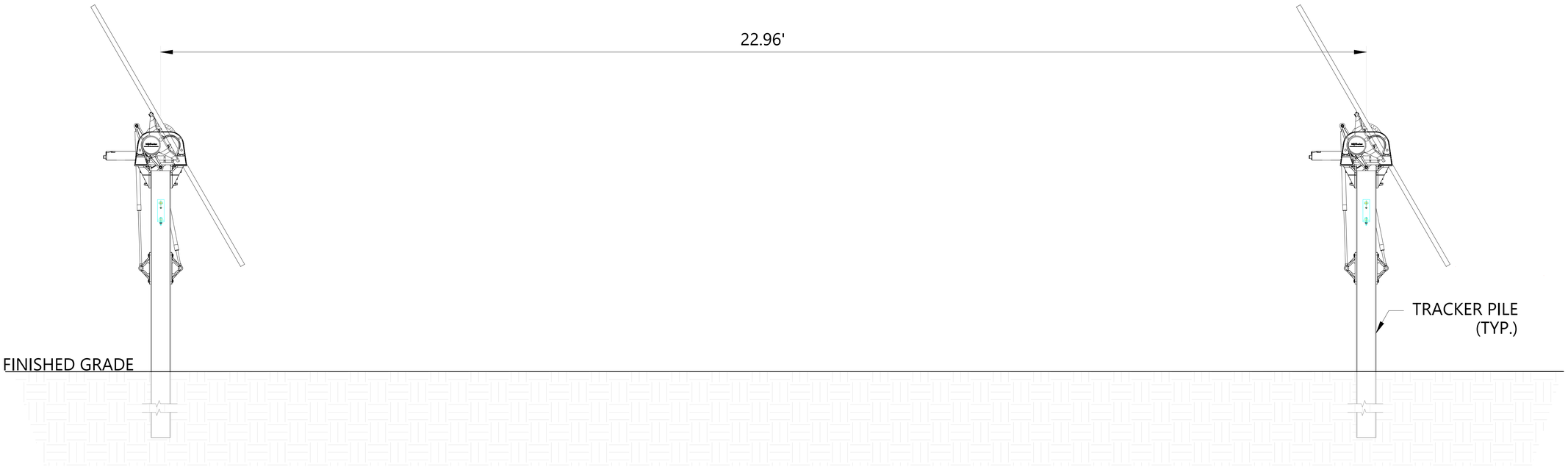
LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
POWER STATION ELEVATION PLAN

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	05/08
SCALE:	PAPER SIZE:
NTS	ARCH-D



TYPICAL TRACKING ARRAY - SIDE ELEVATION

N
NW
NE
W
E
SW
SE
S

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity® | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

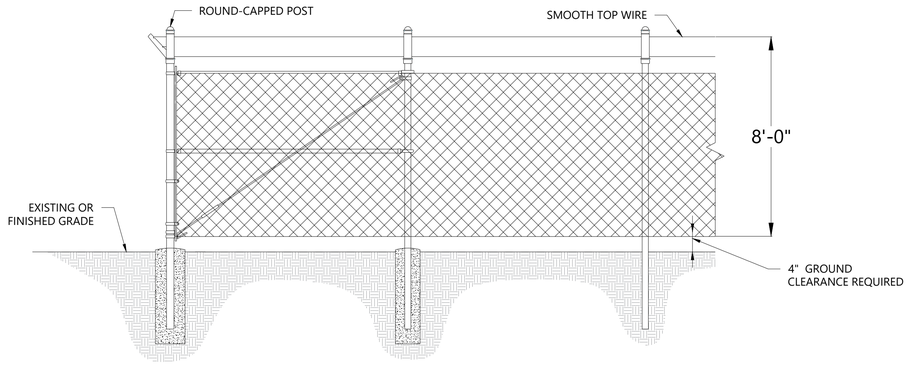
LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
TRACKER ELEVATION PLAN

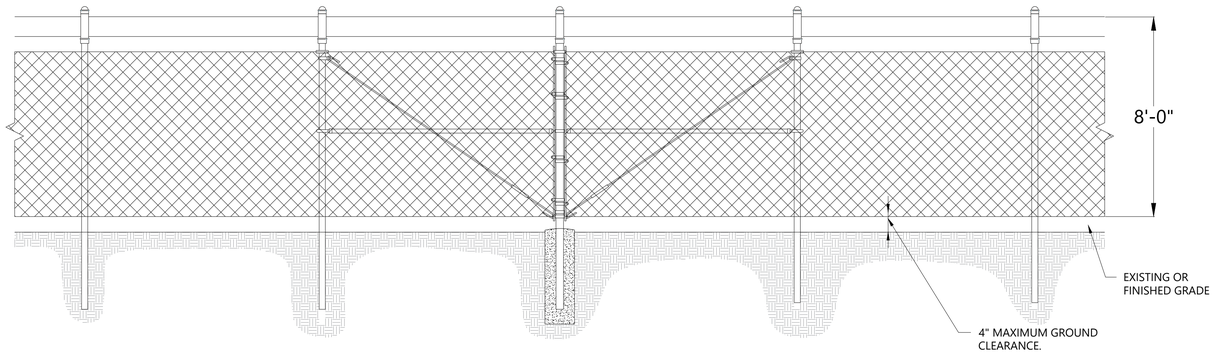
PROJECT NO.:
N/A

DRAWING NO.:
N/A

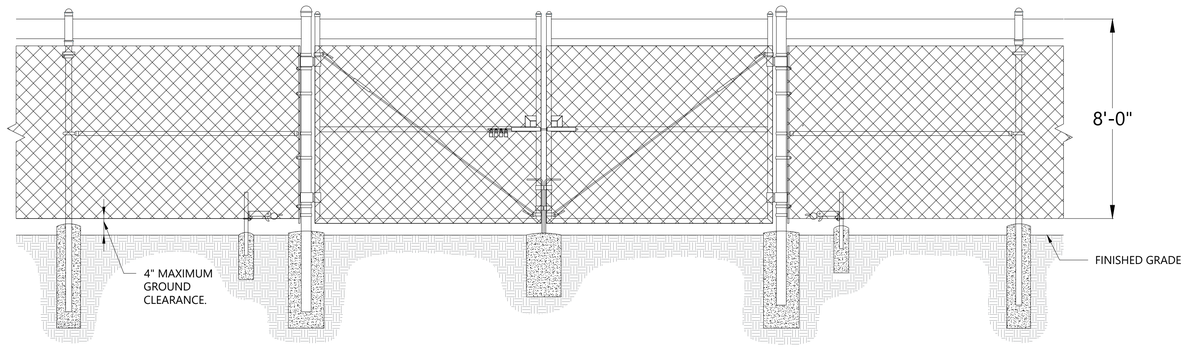
DATE:	SHEET NO.:
09-26-2024	06/08
SCALE:	PAPER SIZE:
NTS	ARCH-D



TYPICAL FENCE CORNER DETAIL



TYPICAL INTERMEDIATE POST DETAIL



TYPICAL SWING GATE DETAIL

GATE & TYPICAL FENCE DETAILS

NOTES:
1. FENCE WILL BE GALVANIZED CHAIN LINK WITH 2" MESH, 9 GAUGE.
2. TOP TWO WIRES WILL BE SMOOTH WIRES WITH HIGH VISIBILITY FOR WILDLIFE CONSIDERATIONS AS PER RECOMMENDATIONS OF COLORADO PARKS AND WILD LIFE.

INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
FENCE PROFILE

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	07/08
SCALE:	PAPER SIZE:
NTS	ARCH-D

!

VEGA SOLAR LLC

Solar Photovoltaic Generation Facility

This site is subject to access authorization and control procedures

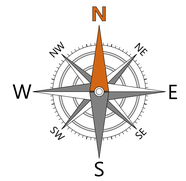
112TH AVENUE RD.

ADAMS COUNTY, CO

505-490-9877

SITE ENTRANCE SIGN
(INSTALLED AT EACH ENTRANCE GATE)

FENCE SAFETY SIGNS
(INSTALLED ON FENCE)



INITIAL DESIGN
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	DSN	CKD	APD
R1	09.26.24	PRELIMINARY DESIGN	GC	GC	GR	SG
R0	06.25.24	PRELIMINARY DESIGN	GC	GC	GR	SG

enfinity | energy for life

GLOBAL HEADQUARTER AND AMERICAS
2 S. Biscayne Blvd, Suite 3200 | Miami | FL 33131
United States of America

EPC CONTRACTOR:

CONSULTANT TO EPC CONTRACTOR:

PROJECT :
VEGA SOLAR

LOCATION :
ADAMS COUNTY, COLORADO

TITLE :
SAFETY SIGNS

PROJECT NO.:
N/A

DRAWING NO.:
N/A

DATE:	SHEET NO.:
09-26-2024	08/08
SCALE:	PAPER SIZE:
NTS	ARCH-D

Appendix E - Landscape Plan

As confirmed by Adams County Planning & Development Manager, Jen Rutter, bufferyard landscape would not be required for a solar facility in Eastern Adams County. Mail correspondence with Adams County Planning & Development Manager is attached.

Subject: FW: Enfinity Global Vega Solar Project

From: Jen Rutter <JRutter@adcogov.org>
Sent: Wednesday, April 3, 2024 4:09 PM
To: Samantha Chody <schody.ext@enfinity.global>; Tom Anderson <tanderson@enfinity.global>; Dale Harris <dharris.ext@enfinity.global>
Cc: Kevin Mills <KMills@adcogov.org>
Subject: RE: Enfinity Global Vega Solar Project

Hi Samantha,

Those fees look accurate, but I am looping in Kevin Mills, ePermit Center Supervisor, to confirm.

With regard to bufferyard landscape, we would not require that for a solar facility in Eastern Adams County. This is what the regulations say (Section 4-10-02-06-01):

Landscape Requirements: Ground-mounted solar energy systems shall be evaluated on a site-specific basis and landscaping may be required. Native grasses and wildflower mixes are encouraged.

For the neighborhood meeting, please let me know if you'd like me to email you the mailing labels that are generated by our map tool, otherwise, it's available online as well. 500 feet is the minimum radius, but I highly recommend sending a neighborhood meeting invitation to property owners within a half mile.

Thanks,
Jen

Jen Rutter, AICP
Planning & Development Manager, *Community & Economic Development*
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
o: 720.523.6841 | *jrutter@adcogov.org*
www.adcogov.org

From: Samantha Chody <schody.ext@enfinity.global>
Sent: Wednesday, April 3, 2024 7:51 AM
To: Tom Anderson <tanderson@enfinity.global>; Jen Rutter <JRutter@adcogov.org>; Dale Harris <dharris.ext@enfinity.global>
Subject: Re: Enfinity Global Vega Solar Project

Hi Jen,

It was a pleasure meeting with you last week! In working on our application, I have a few questions:

Our understanding is that the fees due with our application will total $2600.00 ($1400 for the solar project plus $600 each for the substation and BESS) plus $360.00 for Health department Review. If you could please confirm these fees that it would be great.

Relating to land use classification and our buffer yard planning, is a solar project like ours considered New Industrial use on AG or Commercial use?

Because the property is so remote, we are leaning toward a virtual public meeting so as not to inconvenience the neighbors by asking them to drive far to a meeting place. We are putting together some other questions and will send those over the next couple days.

Thank you for your assistance!

Kind Regards,

SAMANTHA CHODY

Independent Land Consultant

Land Acquisition & Solar Development

M: +1 (828) 817-6300 I schody.ext@enfinity.global

2 S. Biscayne Blvd, Suite 3200 I Miami, FL 33131 (USA) I www.enfinity.global

Appendix F - Proof of Ownership

A copy of the executed option agreement for purchase of project property and recoded memorandum of option agreement is attached.

Electronically Recorded RECEPTION#: 2023000019783,
4/11/2023 at 4:33 PM, 1 OF 6,
REC: $38.00
TD Pgs: 0 Josh Zygielbaum, Adams County, CO.

When Recorded Return To:

Vega Solar Energy Facility, LLC
2045 Lincoln Highway
Edison, NJ 08817

AMENDED AND RESTATED MEMORANDUM OF OPTION AGREEMENT FOR PURCHASE OF REAL PROPERTY

THIS AMENDED MEMORANDUM OF OPTION AGREEMENT FOR PURCHASE OF REAL PROPERTY ("**AMENDED AND RESTATED MEMORANDUM**") is made effective as of October 8, 2020, by and between L & S Capital, Ltd, a Colorado limited partnership (referred to herein as "**Seller**" and Vega Solar Energy Facility, LLC a Delaware limited liability company (referred to herein as "**Buyer**").

WHEREAS

A. Seller and Buyer's predecessor in interest CS Energy DevCo, LLC ("**Original Buyer**") previously entered into that certain Option Agreement for Purchase of Real Property dated October 8, 2020 (the "**Option Agreement**") evidenced by that certain Memorandum of Option Agreement for Purchase of Real Property recorded in the real property records of Adams County, Colorado (the "**Official Records**") on October 27, 2020 at Reception No. 2020000110028 (the "**Original Memorandum**").

B. Pursuant to the terms of the Option Agreement, Seller granted Original Buyer an option to purchase the real property legally described on Exhibit 1 attached hereto and incorporated herein by reference (the "**Property**").

C. Original Buyer assigned the Option Agreement to Buyer pursuant to that certain Assignment and Assumption of Option Agreement dated as March 2, 2023.

D. Buyer and Seller desire to enter into this Amended and Restated Memorandum, which is to be recorded in the Official Records, in order to amend and restate the Original Memorandum in its entirety and to provide notice to third parties of the interests of Buyer in the Property and of the existence of the Option Agreement.

MEMORANDUM

1. Grant of Option; Option Term; Exercise of Option. Seller hereby grants to Buyer an exclusive option to purchase all or any portion of the Property on the terms and conditions set forth in the Option Agreement (the "**Option**"). The term of the Option is for a period which began on October 8, 2020 and expires on October 8, 2025 (the "**Option Term**"). Buyer may in its sole discretion exercise the Option as to all or any portion of the Property by giving written

notice of such exercise to Seller (the "**Option Exercise Notice**") prior to the expiration of the Option Term. The closing on the sale of the Property from Seller to Buyer (the "**Closing**") shall occur within one hundred eighty (180) days after delivery of the Option Exercise Notice.

2. Rights of Buyer During Option Term. Seller hereby grants to Buyer an easement and license for Buyer and its employees, agents and permittees to have access to the Property at all reasonable times during the Option Term, including the grant by Seller of the right to ingress and egress, over, over, through, across, to and from the Property or any part thereof and Seller's other adjoining property, in each case for purposes of conducting investigations, engineering, design and interconnect activities, and other actions related to the investigation by Buyer of the suitability of the Property for the location of a solar project in order to develop, install, operate and maintain the same, including all tests and studies associated therewith (the "**Due Diligence**"). Buyer's Due Diligence activities may include, but are not limited to, the right to make all necessary governmental and utility company filings, to survey the Property, identify and flag wetlands, undertake permitting matters, geotechnical, archaeological, meteorological, insolation, and environmental studies and investigations, and any other testing that is reasonably necessary, useful, and appropriate in connection with developing and operating a solar project. Buyer may begin work to make all applications and filings with governmental and regulatory agencies, and to conduct all other activities reasonably necessary to obtain all permits, licenses, approvals, certificates, and other governmental or regulatory matters which may be required to construct and operate a solar project and associated electrical, access, and other facilities, on the Property.

3. Maintenance of Property. Seller covenants and agrees that from and after the Effective Date and until the Closing (and, where applicable, thereafter), (i) Seller shall continue to maintain the Property in its "AS IS" condition, it being the intention of the Parties that the general condition and use of the Property shall not be changed between the Effective Date and the Closing; and (ii) without, in each instance, obtaining the prior written consent of Buyer, Seller shall not (A) construct or install or contract for the construction, installation, or alteration of any improvements at the Property, (B) enter into any contracts, leases or occupancy agreements (or modify/amend any existing agreement) with respect to the Property (except any lease or other agreement relating to the Buyer's solar project), (C) record or suffer to be recorded against the Property any easements, liens or other encumbrances; or (D) take any action that would violate any law, statute, government regulation or requirement materially or adversely affecting the Property and agrees to forward copies of any written notices received by Seller regarding any uncured violations of same.

4. Assignment. Buyer shall at all times have the right to sell, assign, encumber, and/or transfer any or all of its rights and interests under this Agreement without Seller's consent; provided, however, that the term of any such transfer shall not extend beyond the Option Term, and that any and all such transfers shall be expressly made subject to all of the terms, covenants, and conditions of this Agreement. No such sale, assignment, or transfer shall relieve Buyer of its obligations under this Agreement unless Buyer assigns its entire interest hereunder, in which event Buyer shall have no continuing liability.

5. Ratification. Nothing herein shall be construed as a substitution or novation of the notice provided to third parties by the recording of the Original Memorandum, except to any extent modified herein. The Option Agreement, and the obligations relating thereto, are hereby ratified, confirmed and renewed. Should there be any inconsistency between the terms of this Amended and Restated Memorandum and the Option Agreement, the terms of the Option Agreement shall prevail. This Amended and Restated Memorandum may be executed in counterparts, the signature pages of which may be combined in one original document to constitute a single instrument.

[signature page follows]

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the date set forth above and by signing below they acknowledge that this Memorandum was executed under seal.

SELLER

L & S Capital, Ltd.
a Colorado limited partnership

By: _____
Name: Frank Linnebur
Title: General Partner

STATE OF Colorado)
) ss.
COUNTY OF Arapahoe)

The foregoing instrument was acknowledged before me this 4th day of April, 2023 by Frank Linnebur, as general partner of L&S Capital Ltd, a Colorado limited partnership.

Witness my hand and official seal.

My commission expires: 07/27/2026

EMILY HOLMES
Notary Public
State of Colorado
Notary ID # 20184030304
My Commission Expires 07-27-2026

_____
Notary Public

Electronically Recorded RECEPTION#: 2023000019783,
4/11/2023 at 4:33 PM, 5 OF 6,
TD Pgs: 0 Josh Zygielbaum, Adams County, CO.

BUYER

Vega Solar Energy Facility, LLC,
a Delaware limited liability company

By: Eric K Millard
Name: Eric K Millard
Title: Chief Commercial Officer

STATE OF New Jersey)
) ss.
COUNTY OF Middlesex)

The foregoing instrument was acknowledged before me this 10 day of April, 2023 by Eric K. Millard, as Chief Commercial Officer of Vega Solar Energy Facility, LLC, a Delaware limited liability company.

Witness my hand and official seal.

Rosanna Alvarez
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 501487713
MY COMMISSION EXPIRES January 19,2026

My commission expires: _____

Notary Public

Rosanna Alvarez
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 501487713
MY COMMISSION EXPIRES January 19,2026

ROSANNA ALVAREZ NOTARY PUBLIC NEW JERSEY

Electronically Recorded RECEPTION#: 2023000019783,
4/11/2023 at 4:33 PM, 6 OF 6,
TD Pgs: 0 Josh Zygielbaum, Adams County, CO.

Exhibit 1

Description of the Property

The East ½ of Section 8, Township 2 South, Range 59 West of the 6th P.M.
The East ½ of Section 17, Township 2 South, Range 59 West of the 6th P.M.
The East ½ of Section 20, Township 2 South, Range 59 West of the 6th P.M.
All in the County of Adams, State of Colorado.
Parcel ID's:
0173700000060 Sec 8
0173700000062 Sec 17
0173700000064 Sec 20

COMMITMENT FOR TITLE INSURANCE

Issued by

Stewart Title Guaranty Company

Stewart Title Guaranty Company, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned by:

Stewart Title Guaranty Company

Frederick H. Eppinger
President and CEO

Denise Carraux
Secretary

COMMITMENT FOR TITLE INSURANCE

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at https://www.alta.org/

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

stewart
TITLE

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

File Number: 20000331863

1. Effective Date: December 2, 2020
2. The policy or policies to be issued are:

a) ALTA Owner's Policy (06) Amount $

Proposed Insured:

b) ALTA Mortgagee's Policy Amount $

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:
   Fee Simple
4. Title to said estate or interest in said land is at the effective date hereof vested in:

   L & S Capital, Ltd., a Colorado limited partnership
5. The land referred to in this Commitment is described as follows:

   See Exhibit "A" attached hereto and made a part hereof.

COMMITMENT FOR TITLE INSURANCE

Exhibit "A"
Legal Description

The East ½ of Section 8, Township 2 South, Range 59 West of the 6th P.M.

The East ½ of Section 17, Township 2 South, Range 59 West of the 6th P.M.

The East ½ of Section 20, Township 2 South, Range 59 West of the 6th P.M.

All in the County of Adams, State of Colorado.

Parcel ID's:

0173700000060 Sec 8

0173700000062 Sec 17

0173700000064 Sec 20

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B – I

Requirements

File No.: 20000331863

The following are the requirements to be complied with:

1. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

2. Pay the full consideration to, or for the account of, the grantors or mortgagors.

3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.

4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor material.

NOTE: The Company reserves the right to make any additional requirements and/or exceptions to this commitment and any subsequent Endorsements thereto upon review of all required documents or in otherwise ascertaining further details of the transaction.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B – II

Exceptions

File No.: 20000331863

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Standard Exceptions:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date of the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. General Exceptions:
   a. Rights or claims of parties in possession not shown by the public records.
   b. Easements, or claims of easements, not shown by the public records.
   c. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
   d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
   e. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

Special Exceptions:

3. Taxes for the year 2019 are paid and taxes for the year 2020 are a lien not yet due or payable.

4. Reservations or exceptions in Patents, or in Acts authorizing the issuance thereof, including the reservation of a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded June 30, 1915 in Book 68 at Page 523, Register of Deeds Office, Adams County, Colorado. (Sec 8)

5. Reservations or exceptions in Patents, or in Acts authorizing the issuance thereof, including the reservation of a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent recorded January 19, 1914 in Book 69 at Page 339, Register of Deeds Office, Adams County, Colorado. (Sec 8)

6. Reservations or exceptions in Patents, or in Acts authorizing the issuance thereof, including the reservation of a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent Dated August 14, 1913, Patent Number 350340, Bureau of Land Management, Land Patent Records. (Sec 20)

7. Reservations or exceptions in Patents, or in Acts authorizing the issuance thereof, including the reservation of a right of way for ditches or canals constructed by the authority of the United States, as reserved in United States Patent Dated August 14, 1913, Patent Number 350339, Bureau of Land Management, Land Patent Records. (Sec 20)

8. Right of Way granted to Pawnee Pipe Line Company, recorded April 26, 1955 in Book 546 at Page 401, Register of Deeds Office, Adams County, Colorado. (Sec 8)

9. Reservation of all mineral interest, by document recorded December 13, 1956 in Book 639 Page 196, together with the appurtenant rights to use the surface of the land. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed**.** (Sec 8)

10. Grant of Right of Way given to Union Oil Company of California, recorded September 9, 1970 in Book 1626 at Page 494, Register of Deeds Office, Adams County, Colorado. (Sec 8)

11. Grant of Right of Way given to Koch Industries, Inc., recorded October 14, 1970 in Book 1635 at Page 454, as affected by Assignment of Right of Way, recorded July 18, 2006 at Reception No. 2006000722420, Register of Deeds Office, Adams County, Colorado. (Sec 8, 17)

12. Right of Way granted to Koch Industries, Inc., recorded January 26, 1976 in Book 2042 at page 189, Register of Deeds Office, Adams County, Colorado. (Sec 8)

13. Reservation of an undivided 50% interest of minerals, by document recorded July 12, 1976 at Reception No. 1976030193764, Register of Deeds Office, Adams County, Colorado, together with the appurtenant rights to use the surface of the land. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. (All)

14. Easement granted to Public Service Company of Colorado, recorded March 21, 1980 in Book 2440 at Page 11, Register of Deeds Office, Adams County, Colorado. (All)

15. Electric Transmission Line Easement granted to Public Service Company of Colorado, recorded March 17, 2011, at Reception No. 2011000017468, Register of Deeds Office, Adams County, Colorado. (All)

16. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded November 21, 2011 at Reception No. 2011000076521, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

17. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded November 21, 2011 at Reception No. 2011000076523, Register of Deeds Office, Adams County, Colorado, and any and all

assignments thereof or interests therein. (Sec 17, 20)

18. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded November 21, 2011 at Reception No. 2011000076525, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

19. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded December 7, 2011, at Reception No. 2011000080702, Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

20. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded December 7, 2011, at Reception No. 2011000080773, Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

21. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded December 19, 2011, at Reception No. 2011000083566, Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

22. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded December 19, 2011, at Reception No. 2011000083571 Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

23. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded December 19, 2011, at Reception No. 2011000083570, Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

24. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded January 11, 2012, at Reception No. 2012000002452, Register of Deed Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

25. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded February 15, 2012 at Reception No. 2012000011314, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8, 17, 20)

26. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded February 15, 2012 at Reception No. 2012000011321, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17, 20)

27. An oil, gas and mineral lease, in favor of Mason Dixon Energy, LLC, recorded July 24, 2012, 2012 at Reception No. 2012000053498, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 17)

28. An oil, gas and mineral lease, in favor of Southwestern Energy Production Company, recorded March 18, 2014, at Reception No. 2014000016170, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

29. An oil, gas and mineral lease, in favor of Southwestern Energy Production Company, recorded March 18,

2014, at Reception No. 2014000016171, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

30. An oil, gas and mineral lease, in favor of Southwestern Energy Production Company, recorded March 18, 2014, at Reception No. 2014000016172, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

31. An oil, gas and mineral lease, in favor of Southwestern Energy Production Company, recorded April 1, 2014, at Reception No. 2014000019329, Register of Deeds Office, Adams County, Colorado, and any and all assignments thereof or interests therein. (Sec 8)

32. Any interest created by the Union Pacific Land Company deed to Union Pacific Railroad Company recorded February 6, 2020 at Reception No. 2020000001990, Register of Deeds Office, Adams County, Colorado. (Sec 17)

33. Memorandum of Option Agreement for Purchase of Real Property dated October 8, 2020, by and between L & S Capital, Ltd., seller and SC Energy DevCo, LLC, recorded October 27, 2020 at Reception No. 2020000110028, Register of Deeds, Adams County, Colorado. (All)

Appendix G - Proof of Water, Sewer Services, And Utilities

In accordance with the Adams County Conditional Use Permit Application requirements, the following addresses the Project water, sewer, and utility service requirements.

Water Service

The Project site is located in a largely undeveloped portion of Adams County with low density rural residences and agricultural production and is not located within a water service district area. The Project site is currently use for agricultural and ranching operations.

The Project will require water during construction activities primarily for fugitive dust control and during operations for periodic panel washing. The Project will haul water from a licensed water purveyor.

Sewer Service

The Project site is not located within a sewer service area, and rural residences in the Project vicinity are typically on a septic system.

The Adams County Water and Sanitation Service District Map with project location is attached.

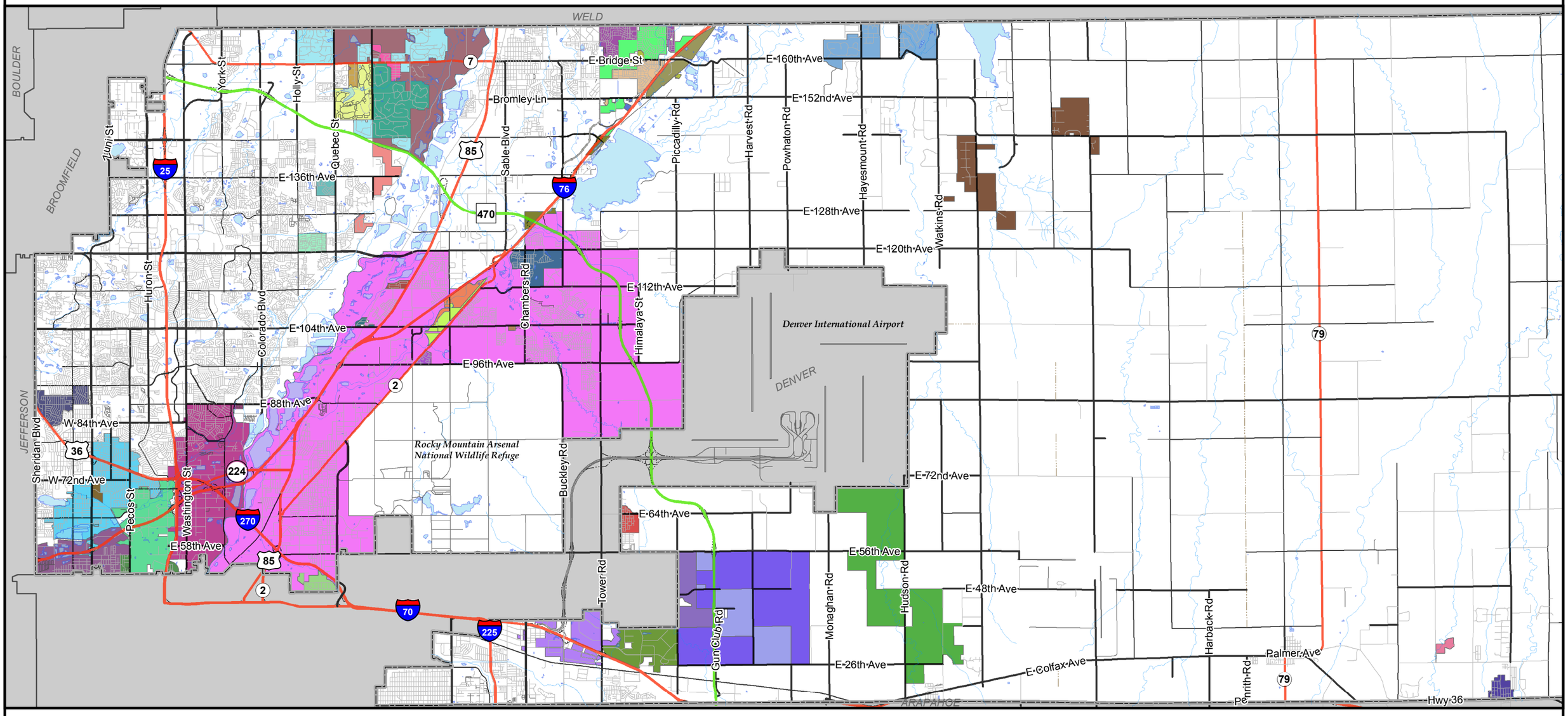
Utility Service

The Project site is located within the Morgan County Rural Electric Association (MCREA, a member of Tri State Generation and Transmission Association Inc.) service territory. The Project would connect into single phase distribution line owned by MCREA and running north to south along the east side of Hanks Crossing Road from 112th Ave in Adams County, CO.

The Applicant has been in communications with MCREA for connection and electrical services. Mail Correspondence is attached.

Adams County, Colorado

Districts Providing Water and Sanitation Service



Adams County Buisness Soloutions Group
4430 South Adams County Parkway, 1st Floor
Brighton, CO 80601 Tel: 720.523.6800
www.adcogov.org/gis

Date: 1/20/2016

0 0.5 1 2 3 4 5
Miles

N
W E
S

This map represents the Water and Sanitation boundaries, however, your property may be exempt. To verify if your property is included in the special district, please contact the Adams County Assessors Office at 720-523-6038.

Water and Sanitation District

DISTRICT

- Aberdeen Metro District 1
- Aberdeen Metro District 2
- Adams East Metro District
- Amber Creek Metro District
- Aspen Hills Metro District
- Berkeley Water and Sanitation
- Box Elder Water and Sanitation
- Brighton Crossing Metro District 4
- Bromley Park Metro District 2
- Bromley Park Metro District 3
- Bromley Park Metro District 5
- Bromley Park Metro District 6
- Buffalo Ridge Metro District (Water and Sanitation)
- Central Adams County Water and Sanitation
- Colorado International Center Metro District No.3 (Water and Sanitation)
- Crestview Water and Sanitation
- Eagle Creek Metro District
- Eagle Shadow Metro District 1(Water)
- Eastern Adams County Metro District
- First Creek Ranch Metro District (Water and Sanitation)
- Greatrock North Water and Sanitation
- Hazeltine Heights Water and Sanitation
- Heritage Todd Creek Metro District
- Hi-Land Acres Water and Sanitation
- Himalaya Water and Sanitation
- Horse Creek Metro District
- Industrial Park Water and Sanitation
- Lakeview Estates Water
- North Lincoln Water and Sanitation
- North Pecos Water and Sanitation
- North Washington Water and Sanitation
- Northgate Water
- Prairie Center Metro District 1
- Prairie Center Metro District 2
- Riverdale Dunes Metro District 1
- Riverdale Peaks II Metro District
- Sand Creek Metro District
- Second Creek Ranch Metropolitan District (Water and Sanitation)
- Shaw Heights Water
- South Adams County Water and Sanitation District
- South Beebe Draw Metro District
- Strasburg Water and Sanitation
- Todd Creek Farms Metro District 2
- Todd Creek Village Metro District
- Transport Metro District 1
- Wright Farms Metro District

Subject: FW: Enfinity Global Vega Solar Project

From: Jen Rutter <JRutter@adcogov.org>
Sent: Friday, April 5, 2024 12:18 PM
To: Samantha Chody <schody.ext@enfinity.global>; Tom Anderson <tanderson@enfinity.global>; Dale Harris <dharris.ext@enfinity.global>
Cc: Kevin Mills <KMills@adcogov.org>; Uma Sahare <Uma.Sahare@acuitysolar.global>
Subject: RE: Enfinity Global Vega Solar Project

Hi Samantha,

If you provide the parcel numbers on which the project is proposed to be located, I can get those mailing labels created.

Regarding the sanitation service, if there are no occupied structures, then no septic/sewer is necessary. You can just make a note to that effect when you submit your application.

Thanks,
Jen

Jen Rutter, AICP
Planning & Development Manager, *Community & Economic Development*
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
o: 720.523.6841 | *jrutter@adcogov.org*
www.adcogov.org

From: Samantha Chody <schody.ext@enfinity.global>
Sent: Friday, April 5, 2024 10:14 AM
To: Jen Rutter <JRutter@adcogov.org>; Tom Anderson <tanderson@enfinity.global>; Dale Harris <dharris.ext@enfinity.global>
Cc: Kevin Mills <KMills@adcogov.org>; Uma Sahare <Uma.Sahare@acuitysolar.global>
Subject: Re: Enfinity Global Vega Solar Project

Good Morning Jen,

Thank you for the buffer yard information.

Sharing the mailing labels would be greatly appreciated so we are sure to contact the correct people.

Also, I wanted to confirm that our project is located outside of any sanitation service provider area.. The ordinance mentions a need for a written statement from service provider. Is this a requirement for us?

Again, I appreciate all of your help with this!

Kind Regards,

SAMANTHA CHODY

Independent Land Consultant

Land Acquisition & Solar Development

M: +1 (828) 817-6300 I schody.ext@enfinity.global

2 S. Biscayne Blvd, Suite 3200 I Miami, FL 33131 (USA) I www.enfinity.global

Subject: FW: MCREA Cost for service

From: Brent Kliesen <bkliesen@mcrea.org>
Sent: Monday, April 8, 2024 3:28 PM
To: Robert Swann <Robert.Swann@acuitysolar.global>
Subject: MCREA Cost for service

Good afternoon Robert,

As discussed during our phone conversation, MCREA does have single phase service running north to south along the east side of Hanks Crossing Road from 112th Ave in Adams County, CO. To provide to power to the west side of the road the cost is as follows:

15 kVA transformer or smaller	$2000
200A Meter Loop	$2000
Meter Pole	$1200
Total	$5200

Please let me know if there is anything else I can answer.

Thank you,

Brent Kliesen
Staking Technician
Morgan County REA
734 Barlow Road
PO Box 738
Fort Morgan, CO 80701
970-867-5688 (Office)
970-867-3277 (Fax)
970-768-0227 (Cell)
bkliesen@mcrea.org

MORGAN COUNTY REA
Your Touchstone Energy® Cooperative

Appendix H - Legal Description

PARCEL 1: APN # 0173700000060 / R0108393

The East ½ of Section 8, Township 2 South, Range 59 West of the 6th P.M.

PARCEL 2: APN # 0173700000062 / R0108395

The East ½ of Section 17, Township 2 South, Range 59 West of the 6th P.M.

PARCEL 3: APN # 0173700000064 / R0108398

The East ½ of Section 20, Township 2 South, Range 59 West of the 6th P.M.

Appendix I- Statement of Taxes Paid

Adams County Treasurer's Office receipt of payment is attached.

ADAMS COUNTY COLORADO
TREASURER'S OFFICE RECEIPT OF PAYMENT

Account	Parcel Number	Receipt Date	Receipt Number
R0108393	0173700000060	Apr 16, 2024	2024-04-16-CI-7651

L AND S CAPITAL LTD
800 US HIGHWAY 36
BYERS, CO 80103-9700

Situs Address	Payor
0	L AND S CAPITAL LTD 800 US HIGHWAY 36 BYERS, CO 80103-9700

Legal Description

SECT,TWN,RNG:8-2-59 DESC: E2 323A

Property Code	Actual	Assessed	Year	Area	Mill Levy
AG DRY GRAZING LAND - 4147	18,298	4,830	2023	441	73.261

Payments Received

Check	Multi-Account Payment
Check Number 5015	
Payor L & S CAPITAL LTD	
Over/Under	Multi-Account Payment
REFERENCE T/P UNDERPAID	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2023	Tax Charge	$353.86	$0.00	$353.86	$0.00
				$353.86	$0.00

Balance Due as of Apr 16, 2024 **$0.00**

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!

EMAIL: treasurer@adcogov.org | PHONE: 720.523.6160 | WEBSITE: www.adcotax.com

ADAMS COUNTY COLORADO
TREASURER'S OFFICE RECEIPT OF PAYMENT

Account	Parcel Number	Receipt Date	Receipt Number
R0108395	0173700000062	Apr 16, 2024	2024-04-16-CI-7651

L AND S CAPITAL LTD
800 US HIGHWAY 36
BYERS, CO 80103-9700

Situs Address	Payor
0	L AND S CAPITAL LTD 800 US HIGHWAY 36 BYERS, CO 80103-9700

Legal Description

SECT,TWN,RNG:17-2-59 DESC: E2 329/35A

Property Code	Actual	Assessed	Year	Area	Mill Levy
AG DRY GRAZING LAND - 4147	18,658	4,930	2023	441	73.261

Payments Received

Check	Multi-Account Payment
Check Number 5015	
Payor L & S CAPITAL LTD	
Over/Under	Multi-Account Payment
REFERENCE T/P UNDERPAID	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2023	Tax Charge	$361.18	$0.00	$361.18	$0.00
				$361.18	$0.00

Balance Due as of Apr 16, 2024 **$0.00**

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!

EMAIL: treasurer@adcogov.org | PHONE: 720.523.6160 | WEBSITE: www.adcotax.com

ADAMS COUNTY TREASURER 4430 S. ADAMS COUNTY PKWY, BRIGHTON, CO 80601 Page 1 of 1

ADAMS COUNTY COLORADO
TREASURER'S OFFICE RECEIPT OF PAYMENT

Account	Parcel Number	Receipt Date	Receipt Number
R0108398	0173700000064	Apr 16, 2024	2024-04-16-CI-7651

L AND S CAPITAL LTD
800 US HIGHWAY 36
BYERS, CO 80103-9700

Situs Address	Payor
0	L AND S CAPITAL LTD 800 US HIGHWAY 36 BYERS, CO 80103-9700

Legal Description

SECT,TWN,RNG:20-2-59 DESC: E2 329/70A

Property Code	Actual	Assessed	Year	Area	Mill Levy
AG DRY GRAZING LAND - 4147	17,293	4,570	2023	441	73.261

Payments Received

Check	Multi-Account Payment
Check Number 5015	
Payor L & S CAPITAL LTD	
Over/Under	Multi-Account Payment
REFERENCE T/P UNDERPAID	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2023	Tax Charge	$334.80	$0.00	$334.80	$0.00
				$334.80	$0.00

Balance Due as of Apr 16, 2024 **$0.00**

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!

EMAIL: treasurer@adcogov.org | PHONE: 720.523.6160 | WEBSITE: www.adcotax.com

Appendix J - Trip Generation Analysis

TETRA TECH

September 23, 2024

Adams County Community and Economic Development
4430 S. Adams County Parkway
Brighton, CO 80601

Re: **Trip Generation Analysis Letter**
Vega Solar Project – Adams County, Colorado

Dear Reviewer,

The purpose of this Trip Generation Analysis (TGA) is to analyze and document the traffic impacts of the proposed Vega Solar Project (Project) in support of a Conditional Use Permit for the Project. Enfinity Global USA LLC (Enfinity), is proposing to construct, maintain, and operate a 120-megawatt (MWac) photovoltaic utility-scale solar power facility with additional battery storage of up to 240 MWh (ac) encompassing approximately 981 acres of private land (Project Area) in unincorporated Adams County, Colorado, approximately 16 miles northeast of the town of Byers. A TGA was requested by Adams County to determine the level of traffic generated by the operational phase of the Project. On behalf of Enfinity, Tetra Tech, Inc. (Tetra Tech) has prepared this TGA to provide Adams County with the trip generation data needed to determine whether additional traffic analyses may be required for the Project.

This TGA has been prepared in accordance with Chapter 8 of the Adams County Development Standards and Regulations, as well as guidance provided to Tetra Tech for a similar, previous project. Em Johnson contacted Matt Emmens, the Adams County Community and Economic Development Department Senior Engineer, via email and phone on February 20th, 2024. Mr. Emmens outlined the expectations for development of a TGA, clarified that the analysis should focus on routine operational trip generation, and concurred that the Institute of Transportation Engineers' (ITE) Trip Generation Manual does not include codes specific to solar facilities. As an alternative to the ITE Trip Generation Manual, Mr. Emmens noted that Tetra Tech's proposed methodology of determining average operational traffic numbers by utilizing comparable solar facility traffic data to scale trip generation would be an acceptable method.

A vicinity map of the Project Area and associated transportation network is provided in Figure 1. The southern boundary of the Project is located approximately 8 miles north of U.S. Highway 36 (US-36), in the eastern portion of Adams County. The operational employees are anticipated to access the Project Area via US-36, north up Hanks Crossing Road and then left on 112th Avenue to the site entrance, which borders the north side of the Project Area. Land use within the Project vicinity is agricultural, consisting of rangeland, cultivated cropland with associated agricultural structures, and scattered rural residences.

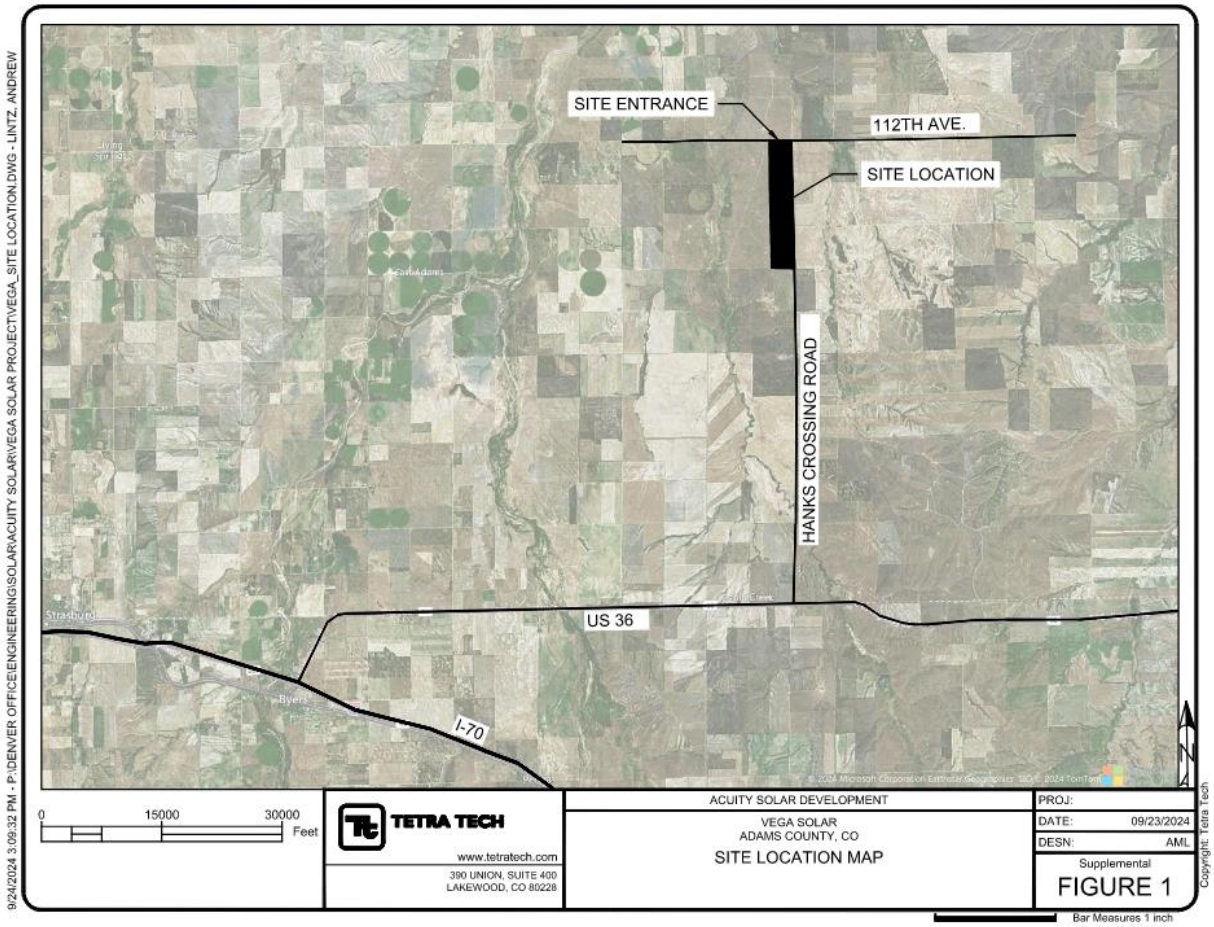


FIGURE 1

Trip Generation Analysis

Trip estimates for operations are provided below. Where appropriate, trips have been divided into Peak AM and PM Hour estimates. Operational trip estimates were based on both routine and peak construction and operational workforce and delivery estimates provided by Enfinity.

Operations

Construction is anticipated to begin in June of 2027 and complete in June of 2029. Once construction is complete, the Project will transition into the operational phase, which will last 40 years. At this point, only monitoring and maintenance personnel will routinely access the Project Area. Enfinity anticipates an average of 2-3 operational employees on site at one time for most routine day-to-day operations. To create an average operational trip generation estimate, it was assumed that 3 trips would be generated in the AM Peak Hour and 3 trips in the PM Peak Hour. It was also conservatively assumed that these trips would occur both during the work week and on weekends. This would result in an average of 6 total operational employee trips per day, and an average of 2,190 employee trips per year.

Typically for solar farms, nonroutine trips will include panel washing approximately twice per year.

Ultimately, this results in a total of 2,190 operational trips per year. Over the 40-year Project life, the Project would generate approximately 87,600 operational trips, with the actual number of operational trips anticipated to be lower.

Conclusion

The total routine operational vehicle trips per day for the Project is estimated at an average of 6, with 3 trips generated in the AM Peak Hour and 3 trips in the PM Peak Hour. Given the low number of routine operational trips being generated, Tetra Tech anticipates any impact to the local traffic network will be negligible. Based on guidance provided by Mr. Emmens, Tetra Tech understands that these values do not meet the threshold for operational vehicle trips per day that would warrant additional analysis as part of a Traffic Impact Study.

If you have any questions or require any additional information, please do not hesitate to contact us at (303) 980-3549.

Sincerely,
TETRA TECH, INC.

Perry Patton, P.E.
Project Civil Engineer

Em Johnson E.I.T.
Senior Associate Civil Engineer

Appendix K – Decommissioning Plan

VEGA SOLAR ENERGY FACILITY

PROJECT DECOMMISSIONING AND SITE RESTORATION PLAN

6/28/24

2 S Biscayne Blvd Ste 3200, Miami, FL 33131 || www.enfinity.global

Table of Contents

1.0 INITIAL PROJECT DECOMMISSIONING AND SITE RESTORATION PLAN

1.1 Introduction

The Vega Solar Energy Facility Energy Facility (Project) is a 120-Megawatt (MW) photovoltaic (PV) + 60- Megawatt (MW) Battery Energy Storage System (BESS) project located in Adams County, Colorado. The Project is anticipated to operate for 40 years.

The Project will operate under a Conditional Use Permit with Adams County. Following the life the Project, a decision would be made to extend the life of the Project or to decommission the Project. If the Project is decommissioned, Vega Solar Energy Facility, LLC Vega Solar Energy Facility, LLC, or its successor in interest will be responsible for the removal, recycling, and disposal of all solar arrays, inverters, transformers and other structure on the Project site, depending upon the proposed future use of the Project site. Vega Solar Energy Facility, LLC anticipates using the best available recycling measures at the time of decommissioning.

1.2 Existing Land Use

The current and historic land use for the Project Site is silviculture and Agriculture. The area surrounding the Project site also includes silviculture with limited agriculture and scattered single-family residences.

1.3 Proposed Land Use

The Project is being developed to provide clean, renewable energy to a utility off-taker. The Project consists of a 120 MW alternating current (AC) solar energy facility + 60 MW AC Battery Energy Storage System (BESS). All parcels within the Project site will be purchased by Vega Solar Energy Facility, LLC or its Transferee.

The Project will involve installation of various facilities, such as ground-mounted solar arrays, switchyard, inverters, electrical conduits, foundations, and an operations and maintenance facility. The majority of the foundations and electrical conduits will be located underground.

1.4 Objectives

The Decommissioning Plan ensures that if the Project is decommissioned, the site restoration will be accomplished in a way this is environmentally sound, safe, and protects the public health and safety. Decommissioning is a general term used to describe a formal process to remove something from active status whereas restoration objectives aspire to return the land to some degree of its former state, after some process has resulted in its disturbance.

Future conditions that could affect decommissioning are largely unknown at this time; however, the best available technologies and management practices will be deployed to ensure successful project decommissioning and site restoration.

To ensure that decommissioning will be completed in a manner that is environmentally sound,

safe, and protects public health and safety, Vega Solar Energy Facility, LLC or its successor in interest will submit a Final Plan for Project Decommissioning to Ad County for review and approval before project construction and again before the Project's decommissioning begins. Overall, the plan will include a discussion of:

- Proposed decommissioning activities for the Project and all appurtenant facilities that were constructed as part of the Project;
- The activities necessary to restore the Project site if the plan requires removal of equipment and appurtenant facilities; and
- Decommissioning alternatives at the time of final decommissioning.

Satisfying the above requirements should serve as a safeguard, even in the unlikely event that the Project is abandoned.

1.5 Project Decommissioning

When the Project reaches the end of its operational life, the component parts will be dismantled and recycled. All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill/recycling facility in accordance with all local, State, and federal regulations.

The Initial Project Decommissioning Plan for the project site will include the following:

- The facility will be disconnected from the utility power grid.
- Individual PV panels will be disconnected from the on-site electrical system.
- Project components will be dismantled and removed using conventional construction equipment and recycled or disposed of safely.
- Individual PV panels will be unbolted and removed from the support frames and carefully packaged for collection and return to a designated recycling facility for recycling and material re-use.
- Electrical interconnection, transmission, and distribution cables will be removed and recycled offsite by an approved recycling facility.
- PV Panel support steel and support posts will be removed and recycled off-site by an approved metals recycler.
- Electrical and electronic devices, including inverters, transformers, panels, support structures, lighting fixtures, and their protective shelters will be recycled off-site by an approved recycler. Any hazardous materials will be removed and disposed in accordance with the current regulations.

- All concrete that is removed from the switchyard and on-site distribution system will be recycled off-site by a concrete recycler or crushed on site and used as fill material.
- Fencing will be removed and recycled off-site by an approved metals recycler.
- Soil erosion and sedimentation control measures will be re-implemented during the decommissioning period and until the site is stabilized.
- Only minimal grading is expected to be required.

1.6 Site Restoration

Restoration activities will return the Project site to a land use consistent with the surrounding land uses at the time of decommissioning. The Initial Site Restoration Plan for the Project Site will include the following:

- Existing wells or pumps located on the periphery of the Project Site will be maintained in place. Any ditches used for temporary water transport within the Project Site will be removed for the Project. These irrigation works will be restored if appropriate or necessary.
- Restoration activities would entail one of the following measures:
    - If land is to be used for silviculture use, the nutrient content of the soil would be restored to pre-construction concentration levels (if degraded) and the land would be tilled regularly to ensure aeration of soils and proper weed management; or
    - If the land is to be converted for another purpose, soil stabilization techniques would be deployed to prevent topsoil erosion. Conversion to another use consistent with applicable land use regulation in effect at that time.
- All permits related to restoration would be obtained where required

2.0 FINAL PROJECT DECOMMISSIONING AND SITE RESTORATION PLAN

2.1 Final Project Decommissioning and Site Restoration Plan

Ninety days (90) prior to decommissioning the Project Site, Vega Solar Energy Facility, LLC will submit a Final Project Decommissioning and Site Restoration Plan (Final Plan) to the County for its approval, which approval will not be unreasonably withheld. The Final Plan may contain measures to decommission the Project and restore the Project Site different than the Initial Plan, provided that Vega Solar Energy Facility, LLC explains in sufficient detail the reasons for any new or substantially different measures.

2.2 Decommissioning and Restoration: Scope and Timing

2.2.1 Scope of Decommissioning

Decommissioning the Project will involve removal of the Project's components as necessary for reuse of the site, including; the solar panels, panel trackers, anchors, supports and mounts, inverter buildings, electrical conductors, electrical cables, and substation components, other structures and the re-grading, backfilling, and re-stabilizing of any areas significantly impacted by the removal of any components. It is anticipated that internal roads will be left in place to facilitate the future landowner's use after decommissioning. Landscaped vegetative buffers will be left in place as part of the decommissioning.

Noise impacts from decommissioning activities are expected to be less than the impacts described in the submitted noise study for the construction phase due to the absence of multiple construction activities and associated equipment, such as grading, but most notably the largest noise impact: pneumatic pile-driving.

Battery Decommissioning & Recycling Plan: The respondent will engage a reputable turnkey service provider, who has proven decommissioning service portfolio in the US market. The turnkey service provider will follow all the battery decommissioning steps and abide by the Federal & State regulatory obligations during the process. Some of the basic steps involved are:

- Decommissioning
- Packaging
- Permitting
- Transport
- Storing
- Recycling

The turnkey service provider will arrange the required transport packaging and labelling for the batteries. They will do the required hazardous goods transport paperwork and have a contract with a licensed logistics company and with a reputable recycler. During transportation containers will be lifted by crane and moved off-site intact, permitting the sites to be quickly restored to original condition. Once the battery containers are moved, they will be recycled. Recycled batteries could be used for backup power Systems, batteries coupled with renewables to power remote irrigation systems, back-up power at telecommunication facilities, etc.

Many of the materials in lithium-ion batteries such as cobalt and nickel are valuable which can be reused. To achieve this, the recycling chain could be broken down by removing the casings, separating the connectors, disassembling modules from packs, separating cells from modules, and removing the electrolyte.

Enfinity Global would track project progress and store the relevant documentation to remain compliant with record retention requirements.

2.2.2 Decommissioning Work Hours

Decommissioning of the Project will adhere to the work hours and time of day considerations applicable for construction described in the County Ordinances in effect at that time. Typical work week would be Monday-Friday 7:00-5:00pm.

2.2.3 Decommissioning Phasing Plan

A phasing plan for site decommissioning and restoration can be developed once the final site layout is determined during the site planning stage. The plan will include phasing, material staging locations, truck routes, and information regarding recycling and disposal activities. It is not anticipated that PV materials will be stored on site between decommissioning and removal from the site to the end-user as decommissioned panels are removed by hand and go from the array to the export truck. Panels would typically be exported by trucks including covered semi-trailer trucks and semi-flatbed cargo trucks. Other material, such as metal post and wiring may be transported by semi-trucks or refuse trucks for recycling. Vehicles would utilize all legal access points and would utilize the traffic plan developed specifically for the project site.

2.2.4 Site Restoration

Restoration of the Project Site will be to a reasonable approximation of its original condition prior to construction

The site restoration will not include the removal of gravel access roads/paths or stream crossings.

Removal of existing, fully permitted access roads would create additional land and wetlands disturbance that is not required nor recommended by any regulatory agencies. All crossings will be permitted and will remain in place.

Site decommissioning will utilize existing roadway for the solar equipment removal and will not cause heavy traffic outside the roadway that will compact soils. Furthermore, it would not be prudent to destabilize the site and create potential erosion issues on the land. At the time of decommissioning Vega Solar Energy Facility, LLC reserves the right to develop the land as desired and in compliance with current zoning and development regulations.

If existing underground conduits are removed, the ground will be restored to the existing topography and ground cover re accordance with any applicable permitting requirements.

2.2.5 Timing, Exemptions, and Extension

Vega Solar Energy Facility, LLC or any Transferee will decommission the Project and restore the Project Site within twelve (12) months following project termination. The twelve-month period to perform the decommissioning and restoration may be extended for one additional twelve-month period if there is a delay caused by forces beyond the control of Vega Solar Energy Facility, LLC including, but not limited to, inclement weather conditions, planting requirements, equipment failure, wildlife considerations or the availability of equipment or personnel to support decommissioning.

2.2.6 County Access and Reporting

The County will be granted access to the Project Site during decommissioning of the Project for purposes of inspecting any decommissioning work or to perform decommissioning evaluations. County personnel must provide a 5-day pre-notification for site access on the Project Site and must observe all current owner safety standards and protocols. If requested by the County, Vega Solar Energy Facility, LLC will provide monthly status reports until this decommissioning work is completed.

Documentation (manifests) will be provided from the recycling and disposal sites which shall include descriptions and quantities of materials delivered.

2.2.7 Solar Panel End-of-Life Use and Recycling

Studies show the value of the recovered materials can cover the expense of decommissioning and recycling making recycling of PV at the end of their useful life a profitable enterprise.

Furthermore, studies of large-scale penetration of PV into global electricity grids show that recycling of PV modules is imperative for maintaining a secondary source of materials[1].

End-of-life disposal of solar products in the US is governed by the Federal Resource Conservation and Recovery Act (RCRA), and state policies that govern waste. Panels removed from the site will be recycled according to the means, methods, and regulations at the time of decommissioning. Presently, there are numerous companies that recycle solar panels including First Solar, Dynamic Life Cycle Innovations, Cleanliest Recycling, and Clean Harbors.

It is also worth noting that the panels pass the Environmental Protection Agency (EPA) Toxicity Characterization Leachate Profile (TCLP), which characterizes the leaching potential of metals in landfills. This means, should panel recycling options be unavailable in the future for whatever reason, traditional, non-hazardous landfills would be an option for disposal.

3.0

RESPONSIBLE DECOMMISSIONING PARTY CONTACTS

Points of contact for Project Decommissioning:

Contact	Group	Title	Phone	Email
Dale Harris	EG	Senior Development Manager	703-489-0414	dharris@enfinity.global
Tom Anderson	EG	Director of Development	505 490-9877	tanderson@enfinity.global

The above contact person(s) should be reviewed and re-evaluated every two (2) years along with the Initial Plan to assure they are up to date, relevant, and appropriate to serve as points of contract regarding decommissioning.

4.0 DECOMMISSIONING AND RESTORATION FUNDING AND SECURITY

4.1 Decommissioning and Restoration Obligations

Vega Solar Energy Facility, LLC or a Transferee will post a Performance Bond as described in 3.2 below to ensure the availability of funds to cover Vega Solar Energy Facility, LLC decommissioning and restoration obligations. Vega Solar Energy Facility, LLC will deliver the Performance Bond to each County after receipt of the Conditional Use Permit and prior to the start of construction. The Initial Plan, to be completed by Vega Solar Energy Facility, LLC, will include the estimated costs for the Project's potential decommissioning and restoration obligations. The Initial Plan also will provide that such estimated costs will be re-evaluated by Vega Solar Energy Facility, LLC at the conclusion of construction of the Project and every two (2) years thereafter from the date of Substantial Completion to ensure sufficient funds for decommissioning and restoration and, if deemed appropriate at that time, the amount of the Performance Bond will be adjusted accordingly.

4.2 Performance Bond

Vega Solar Energy Facility, LLC will provide financial security for the performance of its Decommissioning and Restoration obligations assuming the Project Site is restored to silviculture and agricultural use through a Performance Bond issued by a surety registered with the Colorado Commissioner of Insurance and is, at the time of delivery of the bond, is on the authorized insurance provider list published by the Commissioner. The Performance Bond will be in an amount equal to 100% of the estimated costs for Vega Solar Energy Facility, LLC decommissioning and restoration obligations provided in the Initial Plan. The Performance Bond will be for a term of one (1) year, and will be continuously renewed, extended, or replaced so that it remains in effect for the remaining term of the agreement or until the secured decommissioning obligations are satisfied, whichever occurs later.

Appendix L – Emergency Response Plan

Emergency Response Plan

Vega Solar Energy Facility

Contents

1. Introduction

The proposed Vega Solar Energy Facility is scheduled for engineering and construction from 2027 to 2029. During the engineering phase, the details of the fire safety features will be determined through interaction with the Authority Having Jurisdiction (AHJ), local fire officials and PSCo operational personnel. Since BESS fire safety has to do with specifics of the site and fire official guidance, the majority of the safety plan will be determined during project design. This document forms the initial plan from which a final emergency response plan will be developed during the project.

2. Important Notices and Disclaimers

The industry sector, related technology, and best practices are rapidly evolving and changing regularly. It has been observed that changes in equipment and layout often occur to a project up until the construction phase. As such, this initial draft document is not intended to be the final.

The contents of this document are in no way meant to address specific circumstances, and the contents are not meant to be exhaustive and do not address every potential scenario associated with the subject matter of the document. Site and circumstance-specific factors and real-time judgment and reason may significantly impact some of the subject matter conveyed in this document. Additional resources and actions, which may be beyond the scope of this document, may be required to address specific issues.

Additionally, laws, ordinances, regulatory standards, and best practices related to the contents of this document are subject to change or modification. This ERP is intended to assist Vega Solar Energy Facility, their contractors, and Project staff with identification of fire risk and implementation of important fire prevention measures. This ERP is intended to provide a quick reference for site staff to recognize fire hazards, report those hazards, and mitigate them during construction and O&M.

3. Design and Emergency Procedures

The initial engineering phase will involve appropriate interaction with the PSCo team and insight from fire officials to arrive at a finalized battery container design. A proper emergency response plan will also begin here and be finalized by the time the project is complete.

Key things that will be considered during these phases:

Site Specifics: The location of the construction site, immediate surroundings, available utilities and neighboring structures will be important in determining a proper fire safety design. By example, the availability of suppression water will be important in determining if a water-based sprinkler system is viable. Setbacks from neighboring

structures and buildable property lines will also need to be considered.

Fire Safety Technologies: NFPA 855 provides guidance for proper fire safety design but leaves much of the actual decision-making up to the AHJ. Additional analyses may need to be performed to assess the viability of certain technologies such as ventilation and gas detection.

Emergency Response Resources: Understanding the proximity, equipment, and expertise available from the local fire response facilities is important in designing an appropriate emergency response plan.

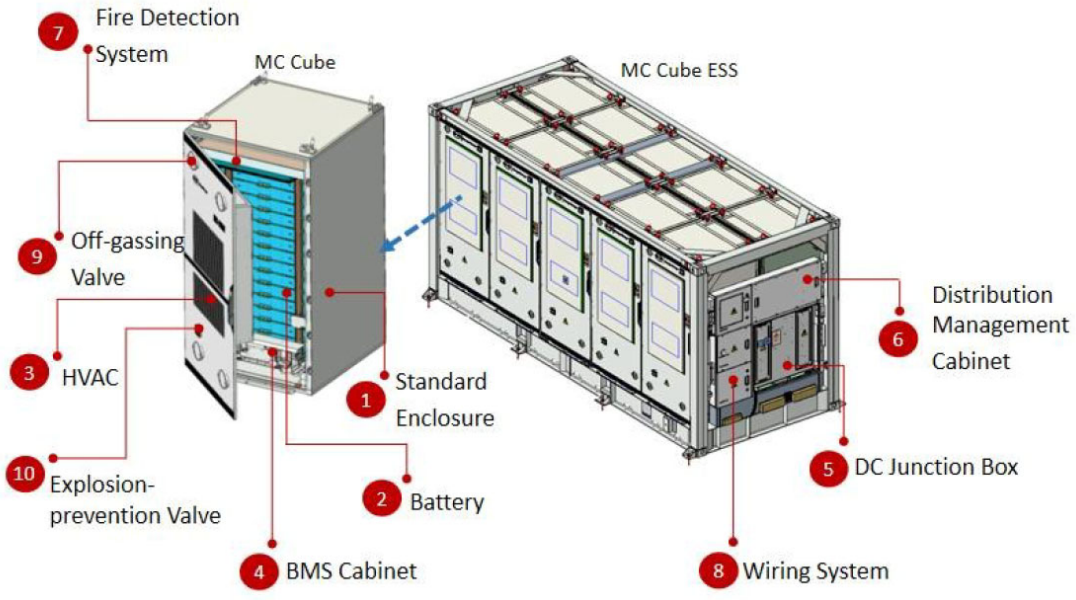
4. BESS Fire Safety Design

A key part of fire safety planning lies in the proper design of the energy storage system regarding fire safety technologies and technology interface procedures with emergency response personnel. Enfinity Global plans to utilize products developed with the guidance of the NFPA 855 code, that are also compliant with site specifics design requirements and the expert opinion of the AHJ. The ultimate design of the battery energy storage system will be the outcome of thoughtful collaboration with the local fire officials and PSCO safety personnel.

The planned battery energy storage system design will include a fully automated heat and smoke detection along with a hot aerosol agent-based suppression system. The fire detection control will be tied into the intrinsic protection and control system for the entire BESS allowing immediate shutdown and disconnection upon detection of any event.

Since the proposed design is at a preliminary level, additional safety features and procedures can be added as per the requirement of the AHJ in the eventual design.

The preliminary design also considers use of batteries certified to UL1973, UL9540A, PCS certified to UL1741, and system certified to UL9540.



**Typical for information purposes only. Details will be provided once the final equipment is selected.*

5. Coordination and Training

The final step in the emergency response preparation process will be coordinating and training sequence for emergency response personnel led by qualified OEM Personnel. Once final design is complete and during construction, we will host multiple site visits to familiarize emergency response personnel with the project layout, emergency access points, and project technology. Importantly, this training will cover the technical operational aspects of the energy storage system and how to interface with it during an emergency event. The details of the training will be finalized during the building permit stage.

Supplemental Item A: Neighborhood Meeting Summary

SAMANTHA CHODY
Independent Land Consultant
Land Acquisition & Solar Development

M: +1 (828) 817-6300 I schody.ext@enfinity.global
2 S. Biscayne Blvd, Suite 3200 I Miami, FL 33131 (USA) I www.enfinity.global

From: Jen Rutter <JRutter@adcogov.org>
Sent: Wednesday, April 17, 2024 5:17 PM
To: Samantha Chody <schody.ext@enfinity.global>; Tom Anderson <tanderson@enfinity.global>; Dale Harris <dharris.ext@enfinity.global>
Cc: Kevin Mills <KMills@adcogov.org>; Uma Sahare <Uma.Sahare@acuitysolar.global>
Subject: RE: Enfinity Global Vega Solar Project

External Sender. Please do not click on links or open attachments from senders you do not trust.

Good afternoon,

I've attached the mailing labels for property owners and residents within ½ mile of the subject properties. A virtual meeting is fine and you all are in charge of setting it up. County staff usually doesn't have any involvement in organizing or attending neighborhood meetings.

Please let me know if you need anything else!

Thanks,
Jen

Jen Rutter, AICP
Planning & Development Manager, *Community & Economic Development*
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
O: 720.523.6841 | *jrutter@adcogov.org*
www.adcogov.org

From: Samantha Chody <schody.ext@enfinity.global>
Sent: Tuesday, April 16, 2024 7:04 PM
To: Jen Rutter <JRutter@adcogov.org>; Tom Anderson <tanderson@enfinity.global>; Dale Harris <dharris.ext@enfinity.global>
Cc: Kevin Mills <KMills@adcogov.org>; Uma Sahare <Uma.Sahare@acuitysolar.global>
Subject: Re: Enfinity Global Vega Solar Project

Please be cautious: This email was sent from outside Adams County

Good evening Jen,

Thank you for your assistance with the mailing labels. We have decided that we would like to do the neighborhood meeting virtually.

Enfinity Global Vega Solar Project

Neighborhood Notice Letter

Recipients:

BEAUPREZ LISA AND BEAUPREZ MARK UND 80% INT
11780 MIMOSA RD
BYERS CO 80103-8613

BEAUPREZ MARK AND LISA K
11780 MIMOSA RD
BYERS CO 80103-8613

COWELL FAMILY LLC
32384 COUNTY ROAD 190
DEER TRAIL CO 80105-7611

F AND C FARMS LP
16567 HMM ROAD
FT MORGAN CO 80701

HINERMAN TRUST THE
24224 129TH AVE SE
KENT WA 98030-5087

L AND S CAPITAL LTD
800 US HIGHWAY 36
BYERS CO 80103-9700

LINNEBUR GRAIN AND BUFFALO LLLP
PO BOX 298
BYERS CO 80103-0298

LOESBY-CALAWAY CONNIE R AND
LOESBY RICHARD K
1023 HERITAGE DR
CARBONDALE CO 81623-3103

MORRIS RAYMOND J AND
MORRIS DONNA R JONES
3305 BEHRENS RD
BYERS CO 80103

SKL NORTH FARM LIMITED PARTNERSHIP
21331 COUNTY ROAD 3J
LIMON CO 80828-9026

Vega Solar Project
Enfinity Global
Adams County, Colorado

Request for Comments

Case Name: Vega Solar Project

June 2024

Re: Notice of Planning Application.

We are writing to inform you that Enfinity Global (Enfinity) has proposed the construction of a solar energy generation facility in Adams County, Colorado. Enfinity is requesting comments for the Vega Solar Project (Project) for which you have been identified as a potential stakeholder.

Enfinity has a successful presence throughout the entire value chain in the renewable energy sector. With a vision of long-term operation and ownership, we provide energy services to different segments of clients. Our strong capacity to develop projects from the greenfield stage has allowed us to originate a 22.4 GW pipeline that will become operational in the next five years.

The proposed Project is located in Township 2 South, Range 59 West, Sections 8, 17, and 20, east of County Road 56 (Hanks Crossing Rd) and south of 112th Ave in Adams County, Colorado (Figure 1).

- Parcel #: 0173700000060
- Parcel #: 0173700000062
- Parcel #: 0173700000064

Enfinity intends to construct and operate the Project using photovoltaic (PV) technology to generate approximately 156 megawatts (MW) of electricity. Project infrastructure would include solar panels, racking, a Battery Energy Storage System (BESS), substation, inverters, a storage facility, access roads, collection lines, and an interconnect to an existing transmission line. The total number of panels to be installed is approximately 240,000 and construction is anticipated for Q2 of 2027.

We are consulting the community on this proposal prior to submitting a planning application to Adams County. Your views are important to us, and we want our projects to bring meaningful benefits to the local community. A virtual community outreach meeting will be held on July 1, 2024, 6:00pm – 7:00pm.

Please visit https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting to attend the virtual community outreach meeting. We welcome any comments or queries during this period.

- **Meeting ID:** 324 241 083 909
- **Passcode:** TyHXPi

We hope this letter and enclosed information is a helpful introduction to our plans, but if you have further questions or would like to request to be added to the virtual community outreach meeting, please feel free to contact us using the details below.

Email: Dharris@enfinityglobal.com

Phone Number: (703) 489-0414

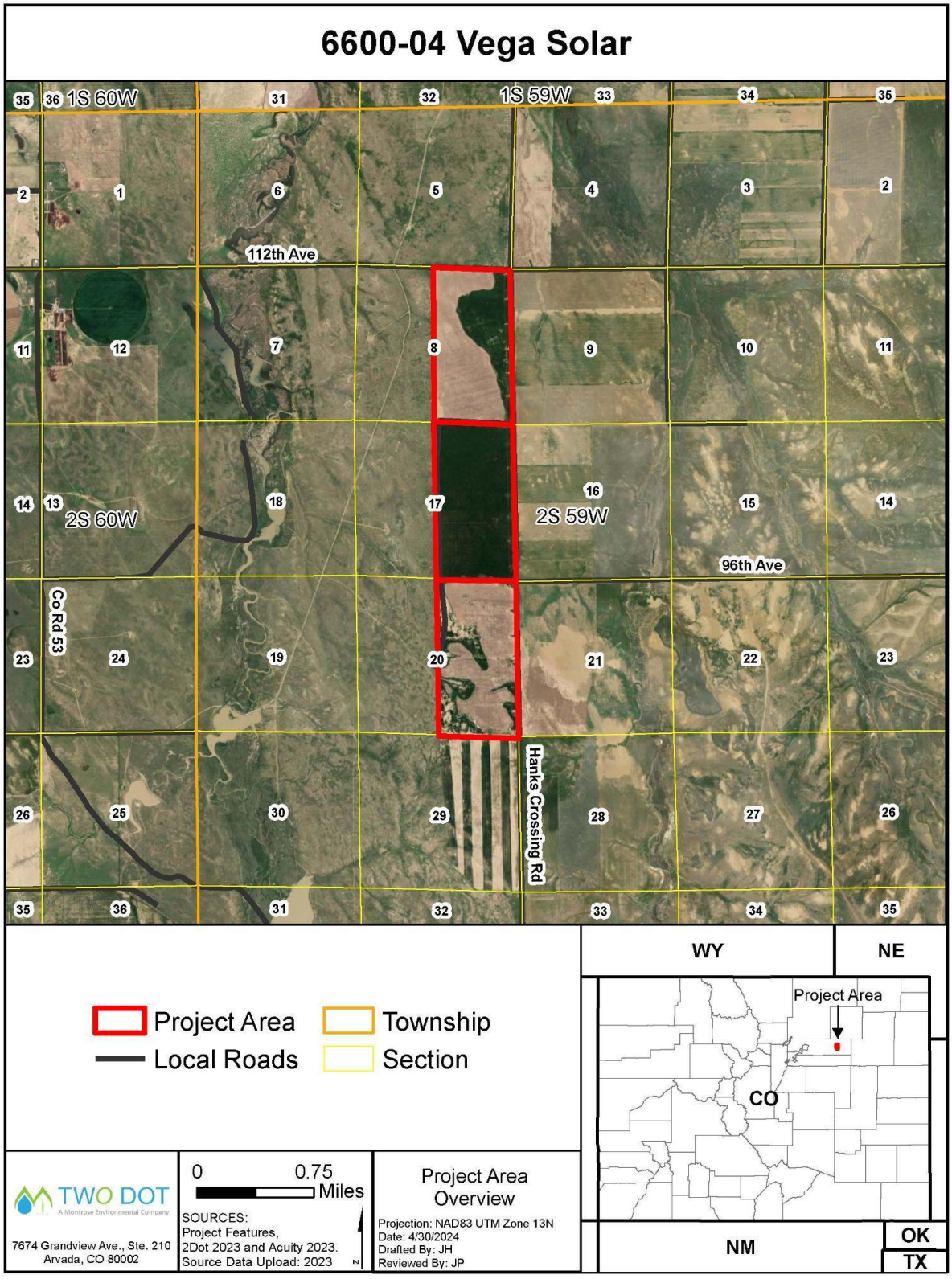


Figure 1. Vega Solar Project Overview

RE: July 1, 2024, Vega Solar Project Virtual Community Outreach Meeting

Enfinity Global (Enfinity) held a community outreach meeting regarding the development of the proposed Vega Solar Project (Project) located in Adams County, Colorado.

Vega Solar Energy Project

July 1, 2024, Community Outreach Meeting Summary

This meeting was held virtually, via Microsoft Teams, on July 1, 2024, from 6:00pm to 7:00pm MST.

Attendees:

Dale Harris (Enfinity)
Tom Anderson (Enfinity)
Sarah Chody (Enfinity)
Ethan Jahnke (2DOT)
Jack Pritchett (2DOT)

Key Points of Discussion:

- Dale Harris of Enfinity presented Project details.
- No community members were in attendance; no adverse comments to the Project were made.
- A recording of the virtual meeting is available upon request.

Supplemental Item B: Level 1 Storm Drainage Study

Drainage Letter

To: Adams County
4430 S. Adams County Parkway
Brighton, Colorado 80601

cc: Mr. Dale Harris, Enfinity Global Inc.
Mr. Ethan Jahnke, 2-Dot Consulting
Mr. Brian Venn, PE, 609 Consulting, LLC

From: Ms. Kathleen Goles, PE
609 Consulting, LLC
1095 Saberton Avenue
Sheridan, Wyoming 82801

Date: June 26, 2024

Subject: Vega Solar Project Drainage Analysis

To whom it may concern:

On behalf of Enfinity Global Inc., we have developed this letter in reference to the hydrologic analysis and drainage report requirements for the Vega solar project located within Adams County. The proposed site is located on property owned by L and S Capital LTD in the east halves of Sections 8, 17, and 20 in Township 2 South, Range 59 West. The property is vacant agricultural land west of County Road 56 and south of 112th Avenue and generally drains east towards Little Muddy Creek. The proposed development will include the placement of solar panels and approximately 10,000 feet of primitive access roads to maintain and operate the panels. There will be no permanent grading improvements other than the access road construction.

The current on-site conditions have been reviewed for the proposed solar site including a comparison of historical and proposed runoff and the existing drainage conditions located onsite. Currently, all overland flow generated onsite will be conveyed to the east to an existing roadside ditch along County Road 56. Runoff will then flow east through several existing culverts under County Road 56 towards Little Muddy Creek. The proposed development will not negatively alter these conditions. After a review of the findings, we have determined that a complete drainage analysis and report would not be necessary at this location for the following reasons:

1. At this time our client proposes minimal road grading improvements for the site resulting in little or no change to the historical flow patterns on the property. These primitive road improvements total approximately 10,000 feet of length and a total area less than 1 acre of disturbance.

2. For previous agricultural and rangeland purposes, the property was graded to have a flatter terrain relative to its historical topography. Due to the flat area, re-grading the site will not be necessary to install the solar panels, and current drainage patterns will be preserved.

3. The property is not located within any flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panels 08001C0500H, 08001C0525H, 08001C0785H, & 08001C0825H, Effective Date: March 5, 2007).

We greatly appreciate your time and consideration in reviewing this submittal. Please contact us with any questions you may have.

Respectfully,

Kathleen Goles
Registered Professional Engineer
State of Colorado No. 63868