



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
DURANGO REGULATORY OFFICE
799 EAST THIRD STREET, #2
DURANGO, CO 81301

August 5, 2009

Regulatory Division (SPA-2009-00469-DUR)

30-045-07846
RCVD AUG 7 '09
OIL CONS. DIV.

Mr. Charlie Perrin, District Supervisor
Oil Conservation Division
1000 Rio Brazos Road
Aztec NM 87410

DIST. 3

Dear Mr. Perrin:

This replies to your August 3, 2009 letter regarding the equipment crossing in San Juan County, New Mexico. We have assigned Action No. SPA-2009-00469 to this activity.

We have evaluated the information you provided and studied the project description, other records, our phone conversation, our site visit on August 5, 2009, and documents available to us. We concur with your findings that no waters of the United States will be affected by the proposed project. Therefore, the project is not regulated under the provisions of Section 404 of the Clean Water Act and a Department of the Army permit will not be required. It is recommended that if the project plans change that you submit a revised request to our office for review.

Our disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, state and local laws may apply to the activities. Therefore, the applicant should also contact other Federal, state and local regulatory authorities to determine whether the activities may require other authorizations or permits.

This letter contains an approved jurisdictional determination for your subject site. 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 Appeal Process and Request for Appeal form. If you request to appeal this determination you must submit a

completed Appeal form to the South Pacific Division Office at the following address:

Mr. Tom Cavanaugh
Appeal Review Office
U.S. Army Corps of Engineers, CESPD-PDS-O
1455 Market Street, Room 1760
San Francisco, CA 94103-1399
Tel. 415-503-6574 FAX 415-503-6646

In order for an appeal to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the Appeal form. Should you decide to submit an Appeal form, it must be received at the above address by day 60.

It is not necessary to submit an Appeal form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination will be valid for 5 years from the date of this letter unless new information warrants revision of the determination within that time.

If you have any questions, please feel free to contact me at 970-375-9509 or e-mail me at Christopher.r.wrbas@usace.army.mil. For more information about the regulatory program, please see our web site at www.spa.usace.army.mil/reg.

Sincerely,



Chris Wrbas, Chief
Project Manger
Durango Field Office
Albuquerque District