



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

September 28, 2018

Max Moss
HF2M
430 North College Avenue, Suite 410
Fort Collins, Colorado 80524

**RE: Approved Jurisdictional Determination for Isolated Irrigation Ditches and Wetlands,
Larimer County, Colorado
Corps File No. NWO-2018-01605-DEN**

Dear Mr. Moss:

Reference is made to the above-mentioned project located in Sections 32 and 33, Township 8 North, Range 68 West, in Larimer County, Colorado. This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

An approved jurisdictional determination (JD) has been completed for this project. The JD is attached to this letter. If you are not in agreement with the JD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the JD.

Number 8 Outlet Ditch, Wetland 3, and Wetland 4 were determined to be waters of the U.S. Those aquatic resources that were determined to be jurisdictional are known as "Waters of the United States" and are regulated under Section 404 of the Clean Water Act. Any placement of fill material into these aquatic resources would require a Department of the Army permit prior to impacts. Mitigation requirements would be determined during the Department of the Army permitting review.

Regarding Wetlands 1 and 2, and Irrigation Ditches 1, 2, 3, 4, and 5, the November 13, 1986 Federal Register, Part 328 (a) states: The Corps of Engineers generally does not consider non-tidal drainage and irrigation ditches constructed on dry land as waters of the U.S., except on a case-by-case basis. In this case, the Wetlands 1 and 2, and Irrigation Ditches 1, 2, 3, 4, and 5 are not jurisdictional.

Based on the information provided, a Department of the Army (DA) Permit will not be required for work in Wetlands 1 and 2, and Irrigation Ditches 1, 2, 3, 4, and 5. Although a DA Permit will not be required, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

This JD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the JDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

If there are any questions please contact Brooke Davis of my office by phone at (303) 979-4120, or email at brooke.a.davis@usace.army.mil and reference **Corps File No. NWO-2018-01605-DEN**.

Sincerely,



for

Kiel Downing
Chief, Denver Regulatory Office