



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

October 19, 2023

**SUBJECT: Approved Jurisdictional Determination – Corps File No. NWO-2023-00354-DEN, Bernhardt Pit Project, Weld County, Colorado**

JC York  
J&T Consulting, Inc/ IHC Scott  
305 Denver Avenue, Suite D  
Fort Lupton, CO 80621

Dear Mr. York:

This letter is in reference to the property located at approximate latitude 40.300558, longitude -104.834744, in Weld County, Colorado. We received a request dated March 7, 2023, for an Approved Jurisdictional Determination for aquatic resources located within the above project area. The delineated area located on the subject property has been reviewed in accordance with Section 404 of the Clean Water Act (Section 404) under which the U.S. Army Corps of Engineers (Corps) 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.

At your request, an Approved Jurisdictional Determination has been prepared for the 134-acre review area, shown on the enclosed map dated April 5, 2023. Based on a review of available documentation, we have determined that the project site does not contain waters of the United States. Wetlands A, B, and C are not adjacent to the South Platte River. A Department of the Army permit is not required for the discharge of dredged or fill material onto this site.

The Approved Jurisdictional Determination is attached to this letter. If you are not in agreement with the Approved Jurisdictional Determination 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. It is not necessary to submit a Request for Appeal if you do not object to the Approved Jurisdictional Determination.

This Approved Jurisdictional Determination is valid for a period of five years from the date of this letter, unless new information warrants revisions of the Approved Jurisdictional Determinations before the expiration date, or unless the Corps has identified, after a potential 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 feel free to contact Celena Cui at (303) 979-4120 or by e-mail at Celena.H.Cui@usace.army.mil, and reference **Corps File No. NWO-2023-00354-DEN**.

Sincerely,

Handwritten signature of Aaron Eilers in black ink.

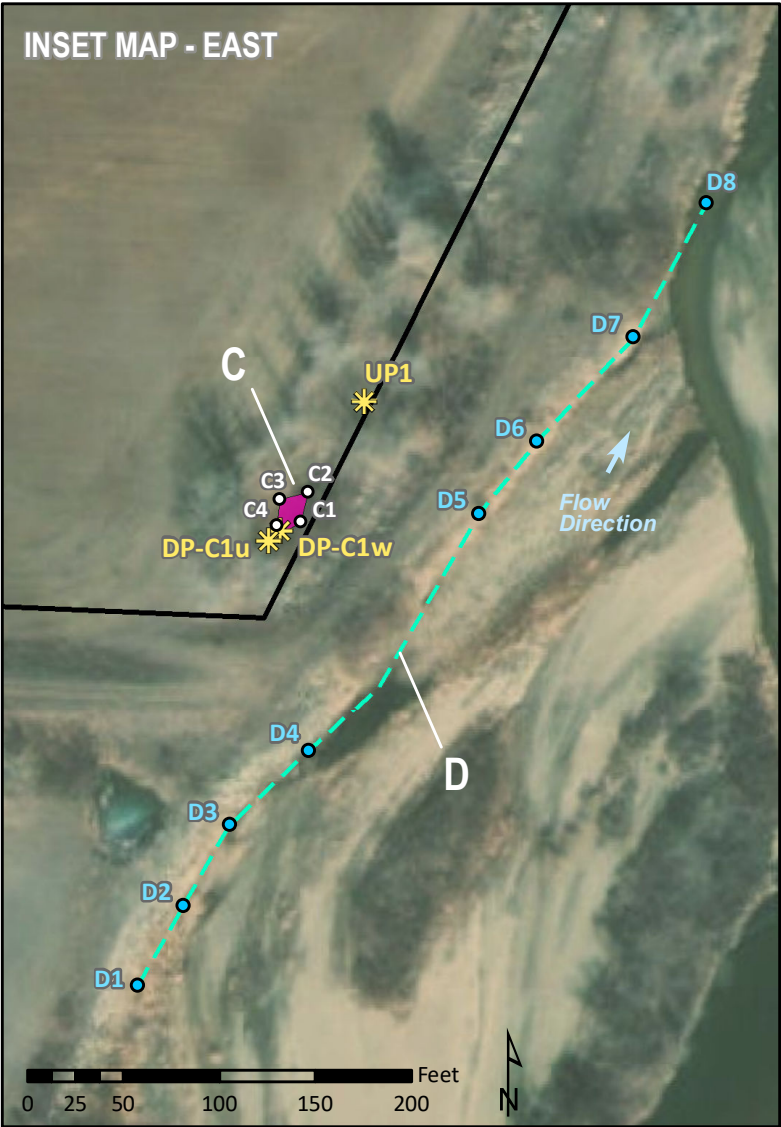
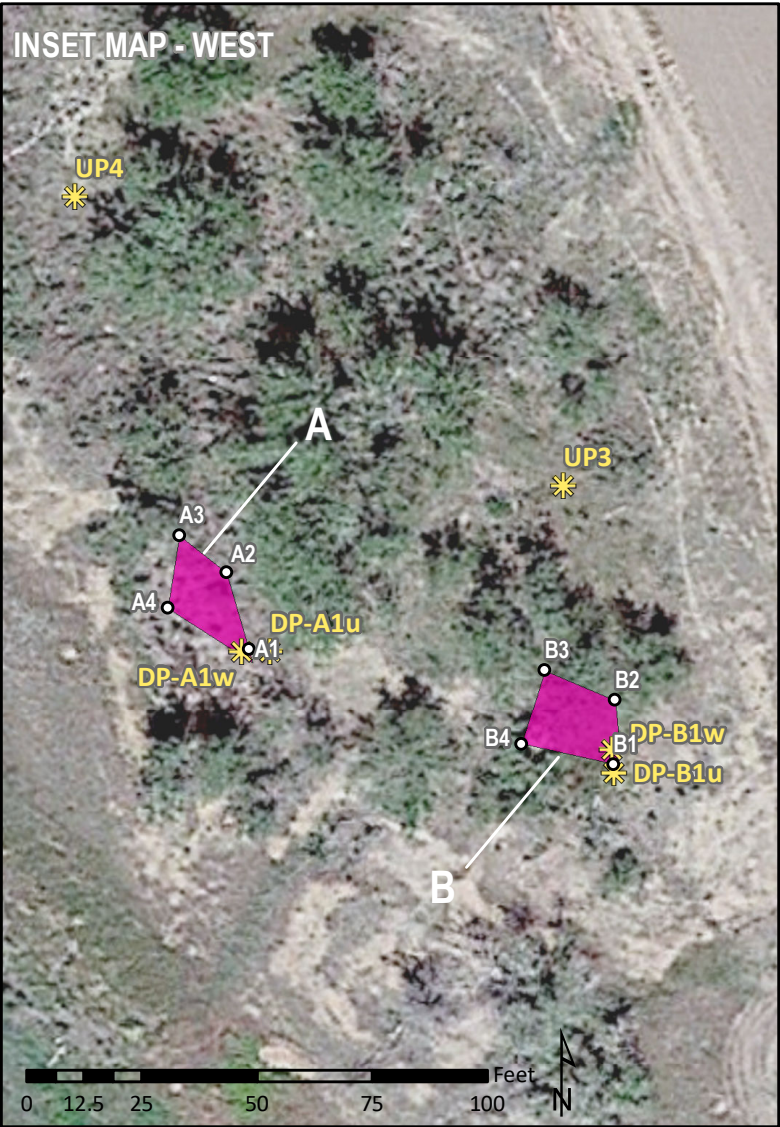
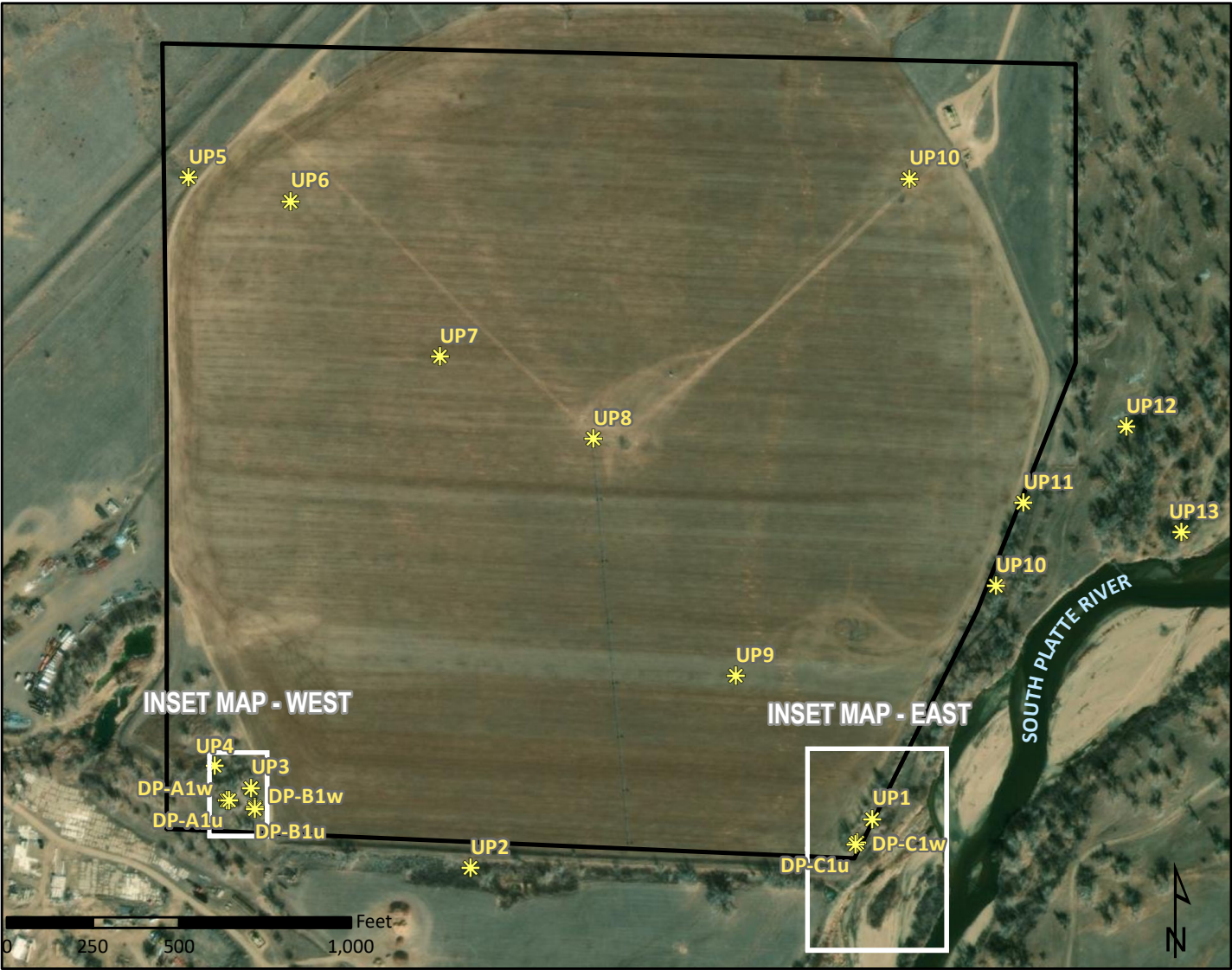
for

Kiel Downing  
Chief, Denver Regulatory Office

Enclosure(s)

cc: Tyler Worley, ERC





Summary of Aquatic Resources Delineated Within and Adjacent to the Survey Area					
Location Relative to Survey Area	Aquatic Resource Name	Classification		Acres	Linear Feet
		Cowardin <sup>1</sup>	Location (lat/long)		
Inside	A	PEM1A	40.2979°N, -104.8386°W	0.005	--
Inside	B	PEM1A	40.2978°N, -104.8384°W	0.007	--
Inside	C	PEM1A	40.2975°N, -104.8320°W	0.005	--
Outside	D	Riverine	40.2972°N, -104.8318°W	--	--
TOTAL				0.02	--

Notes:  
1 - Habitat Type based on Cowardin et al. 1979


- NOTES:
1. THE SURVEY AREA IS LOCATED IN WELD COUNTY, COLORADO. SECTION 24, TOWNSHIP 4 NORTH, RANGE 67 WEST.
  2. AQUATIC RESOURCE LOCATIONS WERE FIELD DELINEATED BY ERC ON FEBRUARY 8, 2023, USING THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL; GREAT PLAINS REGIONS (VERSION 2.0).
  3. THESE AREAS HAVE BEEN FIELD DELINEATED AND MAPPED WITH HAND-HELD SUB-METER ACCURACY GLOBAL POSITIONING SYSTEM (GPS) EQUIPMENT (+/-2 FEET). AQUATIC RESOURCE MAPPING WAS PREPARED BY ERC USING GEOGRAPHIC INFORMATION SYSTEMS (GIS).
  4. SATELLITE IMAGERY WAS OBTAINED FROM ESRI WORLD IMAGERY (MARCH 3, 2021) AND GOOGLE EARTH (JUNE 11, 2021).
  5. THE PROJECTED COORDINATE SYSTEM FOR THE AQUATIC RESOURCE DELINEATION MAPPING IS: NAD\_1983\_STATEPLANE\_COLORADO\_NORTH\_FIPS\_0501\_FEET.
  6. REFER TO THE AQUATIC RESOURCE DELINEATION REPORT (FEBRUARY 16, 2023) FOR MORE DETAILED INFORMATION.


Prepared By:


 **ERC**


2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820  
ERC #420-2301


**MAP LEGEND**


 Survey Area


 Aquatic Resource Name


 Data Point

 Field Flag Location & ID - Inside Survey Area

 Field Flag Location & ID - Outside Survey Area

 Delineated Aquatic Resource (Cowardin)

 PEM1A

 Ordinary High Water Mark

**OVERVIEW - AQUATIC RESOURCE DELINEATION MAP**  
**APRIL 5, 2023**

**BERNHARDT PROPERTY**  
**WELD COUNTY, COLORADO**