



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

April 4, 2019

SUBJECT: Approved Jurisdictional Determination, Phillips 66 Site, Corps File No. NWO-2019-00148-DEN, Broomfield City/County, CO

Ms. Jordan Swisher
Brue Baukol Capital Partners
1555 Blake Street, Suite 210
Denver, CO 80202

Dear Ms. Swisher:

Reference is made to the above-mentioned project centered at approximately 39.945675°N, -105.135760°W, in the City and County of Broomfield, Colorado. You have requested an Approved Jurisdictional Determination (JD) for all aquatic resources found at the project location.

The project area 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.

We have determined that the following aquatic resources are jurisdictional waters of the U.S., and a Department of the Army permit will be required for any work that impacts these resources:

- Goodhue Ditch and its abutting wetlands
- Rock Creek and its abutting wetlands

We have determined the following aquatic resources are not jurisdictional waters of the U.S.:

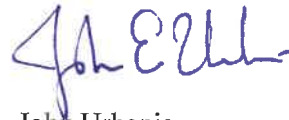
- Community Ditch Lateral
- South Boulder Coal Creek First Extension Lateral
- Stock Ponds 1, 2, 3, and 4, and their abutting wetlands
- Detention Ponds 1 and 2, and their abutting wetlands
- Duck Pond
- Ephemeral Drainage 1 Wetlands
- Ephemeral Drainage 2 Wetlands

At your request, an approved JD has been completed for two aquatic resources in this area. The approved 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.

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 additional questions or concerns, please contact **Mr. Nicholas Franke** of my office at **303-979-4120** or by email at Nicholas.A.Franke@usace.army.mil and reference **Corps File No. NWO-2019-00148-DEN**.

Sincerely,



John Urbanic
Chief, Denver Regulatory Office

Attachments:

Approved Jurisdictional Determination (April 4, 2019)
Approved Jurisdictional Determination Appeal Form
Approved Jurisdictional Determination Appeal Form Instruction Sheet

Copies Furnished:

Heidi Gerstung, ERO Resources Corp., 1842 Clarkson Street, Denver, CO/80218