



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

March 27, 2020

SUBJECT: No Permit Required Verification – Corps File No. NWO-2020-00467-DEN, Redtail Ridge Development

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

Dear Ms. Swisher:

Reference is made to the above-mentioned proposed project located at approximately 39.949841°N, -105.129202°W, in Boulder County, Colorado. The work as described in your submittal will consist of piping approximately 400 linear feet of Goodhue Ditch in RCP culvert to facilitate a road crossing of the Goodhue Ditch. The Goodhue Ditch is an agricultural irrigation ditch constructed in uplands that conveys irrigation water to users downstream of the project area before terminating in Coal Creek.

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 dredge and fill material and certain excavation activities in waters of the United States. Waters of the U.S. includes ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce. Based on the information provided on your behalf by ERO Resources in a submittal dated March 2, 2020, this office has determined that the proposed piping of Goodhue Ditch constitutes an exempt activity under Section 404(f)(3) of the Clean Water Act. Therefore, a Department of the Army permit will not be required for this activity.

Although a Department of the Army permit will not be required for this activity, this does not eliminate the requirements that other applicable federal, state, tribal, and local permits are obtained if needed. Please be advised that deviations from the original plans and specifications of this project could require additional authorization from this office. In addition, please note that this letter is specific to this case. Any future impacts to Goodhue Ditch at this location may not be exempt and may require a Department of the Army permit.

If there are any questions please feel free to contact Nicholas Franke at (303) 979-4120 or by e-mail at Nicholas.A.Franke@usace.army.mil, and reference **Corps File No. NWO-2020-00467-DEN**.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Downing', with a stylized flourish at the end.

Kiel Downing
Chief, Denver Regulatory Office

Copies Furnished:

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