

# **Savage and Savage** *Environmental*

*practical solutions for environmental issues*

4610 Haystack Drive  
Windsor, Colorado 80550

970 674 8080 telephone  
970 674 8088 facsimile  
savageandsavage@earthlink.net



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## **Transmittal**

**To:** Jacob Rice  
**Company:** Noble Energy, Inc.  
**Address:** 804 Grand Avenue  
**City, State, Zip:** Platteville, CO 80651

**From:** Edith Savage  
**Company:** Savage and Savage, Inc.  
**Project:** Grigsby PC AC 30-73HN  
**Phone:** 970-674-8080  
**Fax:** 970-674-8088  
**Date:** July 27, 2011

Attached for your files is the Corps of Engineers permit for the Grigsby PC AC 30-73HN drill pad. This permit allows for 0.01 acres of fill into the minor north-south drainage on the site.

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4610 Haystack Drive  
Windsor, Colorado 80550

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savageandsavage@earthlink.net



July 21, 2011

Terry McKee  
U.S. Army Corps of Engineers  
9307 South Wadsworth Blvd.  
Littleton, Colorado 80128-6901

**RE: Nationwide Permit Request for Noble Energy, Inc.  
Grigsby PC AC 30-73HN Drill Pad, Weld County, Colorado**

Dear Mr. McKee:

Savage and Savage conducted a wetland delineation within the proposed Grigsby PC AC 30-73HN drill pad on July 15, 2011. This delineation was conducted in order to determine the presence and extent of wetlands within two intersecting swales located along the south edge of the proposed 5.0 acre drill pad. Wetlands were found to be present in both drainage swales. The temporary pad construction will entail placement of a culvert and clean fill within a 0.01 acre segment of the upper reach of the minor north-south drainage swale. The east-west drainage swale will not be disturbed. The proponent requests a Nationwide Corps Permit in order to place 0.01 acres of fill into the minor north-south drainage.

If you have any questions or require further information please contact me.

Sincerely,

A handwritten signature in black ink that reads "Edith Savage". The signature is written in a cursive, flowing style.

Edith Savage  
Principal

attachment: Grigsby PC AC 30-73HN Drill Pad Wetland Delineation

c: ~~Jacob~~ Rice, Noble Energy, Inc.

**NOBLE ENERGY, INC.  
GRIGSBY PC AC 30-73HN DRILL PAD  
WATERS OF THE UNITED STATES IDENTIFICATION  
AND WETLAND DELINEATION  
WELD COUNTY, COLORADO**



Prepared by: Savage and Savage, Inc.  
4610 Haystack Drive  
Windsor, CO 80550  
970 674 8080

July 2011

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## **FIGURES**

1. Grigsby PC AC 30-73HN General Location Map
2. Sample Point 001 – East-West Swale Facing Northwest
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5. Location Drawing Grigsby PC AC 30-73HN

## **APPENDIX**

U.S. Army Corps of Engineers Great Plains – Interim Version Data Sheets



## INTRODUCTION

Savage and Savage conducted a wetland delineation for the proposed Grigsby PC AC 30-73HN drill pad for Noble Energy, Inc. on July 15, 2011. The proposed well pad is located southwest of the intersection of Weld County Roads 78 and 63 in Weld County, Colorado (Figure 1.). From Greeley, the site is accessed by traveling north on U.S. Highway 85 to State Highway 392, east on State Highway 392 for approximately 11.25 miles to Weld County Road 61, north on Weld County Road 61 for approximately 5 miles to Weld County Road 78, then east on Weld County Road 78 to the intersection of Weld County Roads 78 and 63. The latitude of the project site is 40.55127 degrees North and longitude is 104.47169 degrees West. The average elevation of the project site is 4758 feet. The site lies within Section 30, Township 7 North, Range 63 West of the 6<sup>th</sup> Prime Meridian, Weld County, Colorado.

## STUDY METHODS

A wetland delineation was conducted within the boundary of the proposed disturbance site in accordance with the requirements of the U.S. Army Corps of Engineers Wetlands Delineation Manual and Interim Supplement (USACE, 1987, 2008). To determine the areas subject to Corps jurisdiction, three criteria were evaluated: (1) evidence of a hydrologic regime reflecting saturation or periodic inundation by surface or ground water of sufficient duration and frequency, (2) soils which are considered hydric by classification or field characteristics indicating anaerobic conditions, and (3) a prevalence of vegetation typically adapted to areas of wetland hydrology and soils.

At two sample points within the proposed disturbance envelope the three wetland criteria were evaluated. Dominant individual plant species were identified, and their wetland indicator status was assessed (USFWS, 1988). Evidence of the hydrologic regime was

collected and evaluated. Soil test pits were dug using a core auger to approximately 20 inches from the soil surface. Soil horizons were inspected and described using texture, soil color (Munsell, 1992), and moisture. Observations were recorded on the attached USACE Great Plains – Interim Version approved data sheets.

## **PROJECT DESCRIPTION**

Proposed temporary disturbance will include construction of one drill pad that is approximately 5.0 acres within the investigated disturbance envelope. Permanent disturbance will include one fenced well head located on the drill pad remnant. The temporary pad construction will entail placement of a culvert and clean fill within a 0.01 acre segment of the upper reach of the minor north-south drainage swale.

## **SITE DESCRIPTION**

The Grigsby property is predominantly short grass prairie. There are no grazing, farming, or other activities occurring on the site. For the most part, the Grigsby drill site is located within uplands, though the south edge of the pad skirts the intersection of two swales that convey surface water through the site.

According to the Soil Survey of Weld County, Northern Part, Avar fine sandy loam soils are located throughout the proposed disturbance area. This soil type is well drained and is located on flood plains, swales, and on terraces adjacent to flood plains. The surface layer is light brownish gray fine sandy loam three inches thick. The upper five inches of the subsoil is clay loam, and the lower three inches is sandy clay loam. Avar fine sandy loam is not defined by the U.S. Army Corps of Engineers as hydric. On-site observation of soils within the site confirmed the presence of this soil map unit.

Vegetation in upland areas consists of short grass prairie. Upland vegetation is dominated by prickly pear cactus, sand dropseed, sunflower, and other xeric species. Vegetation within the east-west swale (Sample Point 001) consists of a monoculture of three-square. Vegetation found within the minor north-south swale (Sample Point 002) is dominated by three-square and rush species. (Figures 2. and 3.)

The topography of the site is largely rolling plains, with an east-west incised drainage swale and a minor north-south trending drainage swale. An adjacent surface water pond and agricultural runoff appear to be the sources of water feeding the incised drainage swale. The water sources are of sufficient quantity to promote and sustain hydrophytic vegetation and hydric soils.

## **RESULTS/CONCLUSION**

Savage and Savage conducted a wetland delineation at the proposed Noble Energy, Inc. Grigsby PC AC 30-73HN well pad site on July 15, 2011. This delineation was conducted in order to determine the presence and extent of wetlands in the swales located along the south edge of the proposed drill pad. Wetlands were found to be present in both drainage swales. (Figures 4. and 5.).

## LITERATURE CITED

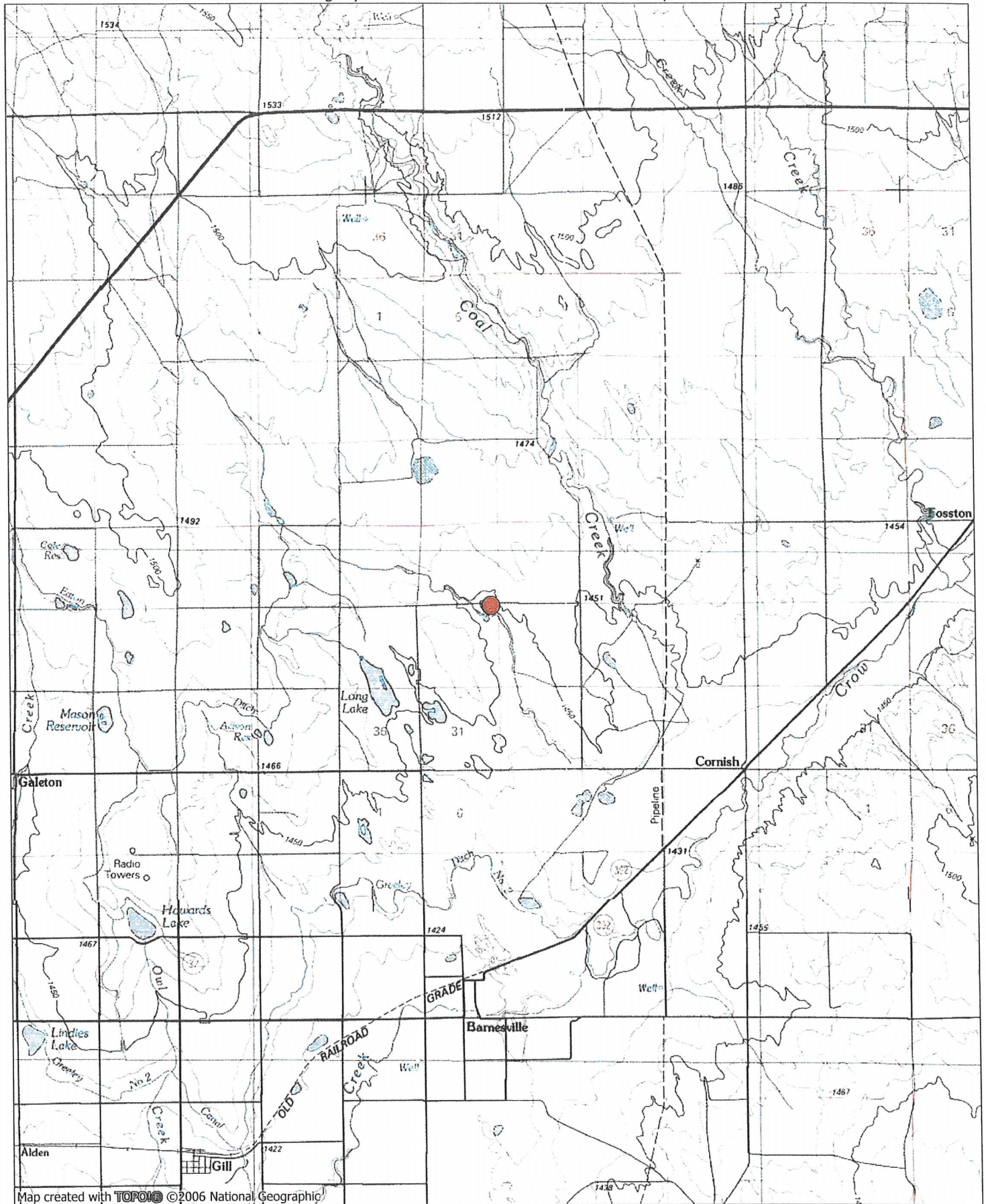
- Killmorgen Instruments Corp. 1992. Munsell® Soil Color Charts. Newburg, NW.
- U.S. Army Corps of Engineers. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Department of the Army, Waterways Experiment Station, Vicksburg, Mississippi.
- U.S. Army Corps of Engineers. 2008. Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region, ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble, ERDC/EL TR-08-12. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Department of Agriculture Soil Conservation Service. 1982. Soil Survey of Weld County, Colorado, Northern Part.
- U.S. Fish and Wildlife Service. 1988. National List of Plant Species that Occur in Wetlands: Central Plains (Region 5). U.S. Department of Interior, Fish and Wildlife Service Research and Project, Biological Report 88(26.5), Washington, D.C.



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## FIGURES

Grigsby PC AC 30-73HN General Location Map



0.0 0.5 1.0 1.5 2.0 2.5 3.0 miles  
0 1 2 3 4 5 km

TN \* MN  
9°  
07/17/11



**Figure 2. Sample Point 001 – East-West Swale Facing Northwest**





**Figure 3. Sample Point 002 – North-South Swale Facing South**



# Noble Energy Grigsby PC AC 30-73HN Wetland Delineation

Co Rd 70



001  
002

Data SIO, NOAA, U.S. Navy, NGA, GEBCO  
© 2011 Google  
Image © 2011 DigitalGlobe

430 ft



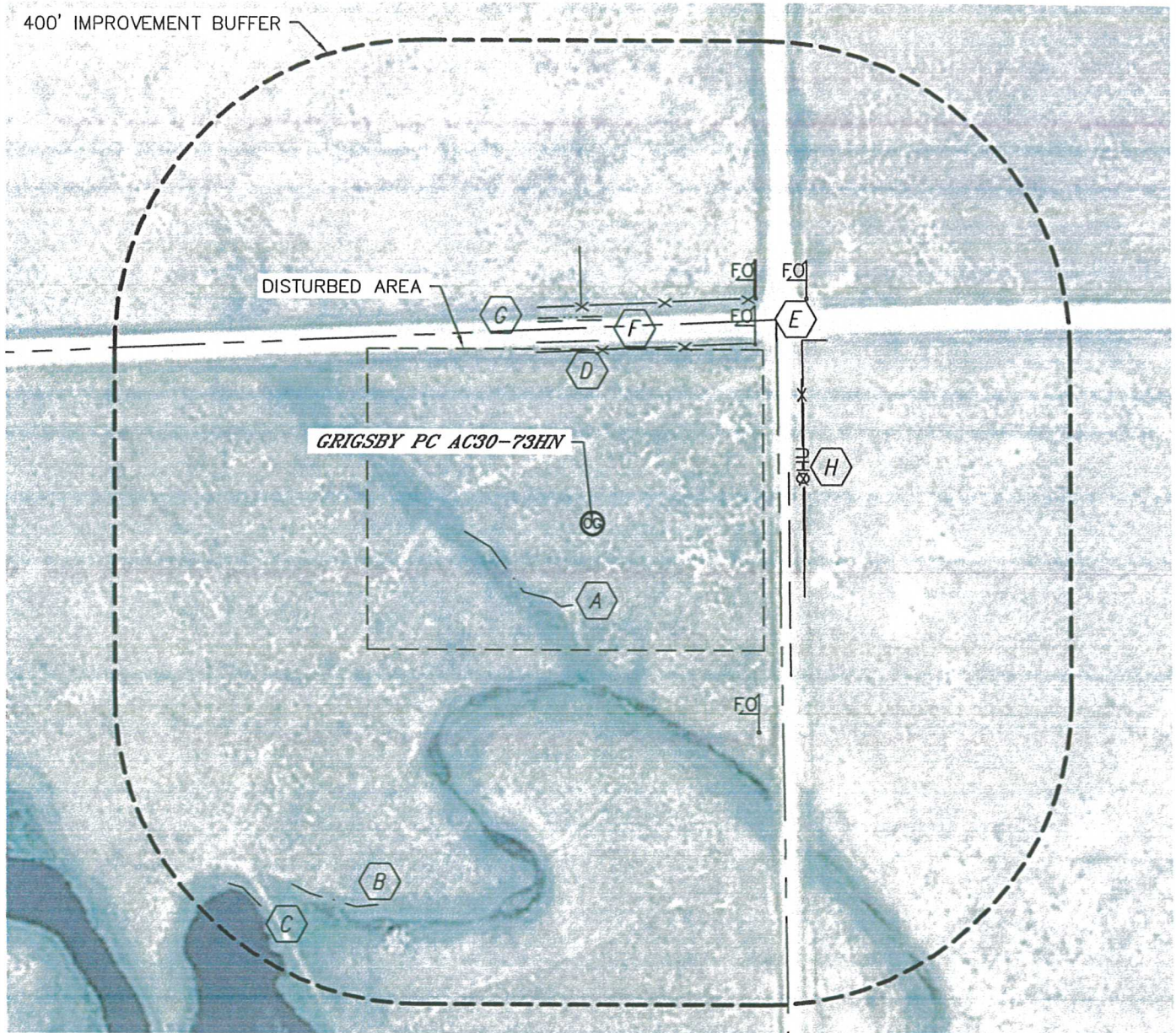
Google











## LOCATION DRAWING

GRIGSBY PC AC30-73HN

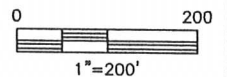
SECTION: 30  
TOWNSHIP: 7N  
RANGE: 63W



### IMPROVEMENTS:

- |  |  |
|--|--|
|  TOP OF DRAINAGE 109' SW                                  |  BARROW DITCH 236' N, 267' N |
|  WET AREA 570' SW   |  PUBLIC ROAD (CR 78) 240' N  |
|  POND 660' SW   |  OVERHEAD UTILITY 278' E     |
|  FENCE 224' N, 279' E                                     |  |
|  FIBER OPTIC MARKER 315' NE,<br>347' SE, 362' NE, 405' NE |  |

NEAREST: BUILDING 1604' SE, PUBLIC ROAD 240' N (CR 78),  
ABOVE GROUND UTILITY 278' E, RAILROAD 5280'+, PROPERTY LINE 246' E









## SOIL

Sampling Point: 001

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6"	2.5/5PB	95	N/A				LOAM	MUCK w/ ORGANICS

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☒ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5) (LRR F)  
☒ 1 cm Muck (A9) (LRR F, G, H)  
☐ Depleted Below Dark Surface (A11)  
☐ Thick Dark Surface (A12)  
☐ Sandy Mucky Mineral (S1)  
☐ 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)  
☐ 5 cm Mucky Peat or Peat (S3) (LRR F)

- ☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Loamy Mucky Mineral (F1)  
☐ Loamy Gleyed Matrix (F2)  
☐ Depleted Matrix (F3)  
☒ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ High Plains Depressions (F16)  
 (MLRA 72 & 73 of LRR H)

- ☐ 1 cm Muck (A9) (LRR I, J)  
☐ Coast Prairie Redox (A16) (LRR F, G, H)  
☐ Dark Surface (S7) (LRR G)  
☐ High Plains Depressions (F16)  
 (LRR H outside of MLRA 72 & 73)  
☐ Reduced Vertic (F18)  
☐ Red Parent Material (TF2)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes ☒ No ☐

Remarks:

## HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (minimum of two required)

- ☒ Surface Water (A1)  
☐ High Water Table (A2)  
☒ Saturation (A3)  
☐ Water Marks (B1)  
☐ Sediment Deposits (B2)  
☐ Drift Deposits (B3)  
☐ Algal Mat or Crust (B4)  
☐ Iron Deposits (B5)  
☐ Inundation Visible on Aerial Imagery (B7)  
☐ Water-Stained Leaves (B9)

- ☐ Salt Crust (B11)  
☐ Aquatic Invertebrates (B13)  
☒ Hydrogen Sulfide Odor (C1)  
☐ Dry-Season Water Table (C2)  
☐ Oxidized Rhizospheres on Living Roots (C3)  
 (where not tilled)  
☐ Presence of Reduced Iron (C4)  
☐ Thin Muck Surface (C7)  
☐ Other (Explain in Remarks)

- ☐ Surface Soil Cracks (B6)  
☐ Sparsely Vegetated Concave Surface (B8)  
☐ Drainage Patterns (B10)  
☐ Oxidized Rhizospheres on Living Roots (C3)  
 (where tilled)  
☐ Crayfish Burrows (C8)  
☐ Saturation Visible on Aerial Imagery (C9)  
☐ Geomorphic Position (D2)  
☐ FAC-Neutral Test (D5)  
☐ Frost-Heave Hummocks (D7) (LRR F)

Field Observations:

Surface Water Present? Yes ☒ No ☐ Depth (inches): 1"Water Table Present? Yes ☒ No ☐ Depth (inches): SURFACESaturation Present? Yes ☒ No ☐ Depth (inches): SURFACE  
(includes capillary fringe)Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



## SOIL

Sampling Point: \_\_\_\_\_

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-3"	10YR 2/1	95	N/A				LOAM	MOIST
3-6"	10YR 3/2	95	N/A				LOAM	MOIST
6+ "							AGGREGATE	MOIST

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils<sup>3</sup>:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> 1 cm Muck (A9) (LRR I, J)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Coast Prairie Redox (A16) (LRR F, G, H)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Dark Surface (S7) (LRR G)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input checked="" type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> High Plains Depressions (F16)
<input type="checkbox"/> Stratified Layers (A5) (LRR F)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> (LRR H outside of MLRA 72 & 73)
<input type="checkbox"/> 1 cm Muck (A9) (LRR F, G, H)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	<sup>3</sup> Indicators of hydrophytic vegetation and
<input type="checkbox"/> 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)	<input type="checkbox"/> High Plains Depressions (F16)	wetland hydrology must be present,
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR F)	(MLRA 72 & 73 of LRR H)	unless disturbed or problematic.

Restrictive Layer (if present):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes ☒ No ☐

Remarks:

## HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (minimum of two required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)
<input type="checkbox"/> Saturation (A3)	<input checked="" type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	(where tilled)
<input type="checkbox"/> Drift Deposits (B3)	(where not tilled)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Iron Deposits (B5)	<input checked="" type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Frost-Heave Hummocks (D7) (LRR F)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_Water Table Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_Saturation Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_  
(includes capillary fringe)Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:





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

July 25, 2011

Ms. Edith Savage  
Savage and Savage  
4610 Haystack Drive  
Windsor, CO 80550-2597

**RE: Grigsby PC AC 30-73HN Drill Pad, Culverted Road Crossing, Wetland Tributary  
Nationwide Permit No. 14, Corps File No. NWO-2011-1448-DEN**

Dear Ms. Savage:

Reference is made to the above-mentioned project located at 40.55127; -104.47169, Weld County, Colorado.

Based on the information provided, this office has determined that the work within Colorado is authorized by the **Department of the Army Nationwide Permit No. 14**, found in the March 12, 2007, Federal Register. Enclosed is a fact sheet, which fully describes this Nationwide Permit and lists the General Conditions, Section 404 Only Conditions, and Colorado Regional Conditions, which must be adhered to for this authorization to remain valid.

Although an Individual Department of the Army permit will not be required for this work, this does not eliminate the requirement that any other applicable Federal, state, tribal or local permits be obtained as required. Please be advised that deviations from the original plans and specifications of this project could require additional authorization from this office.

The applicant is responsible for all work accomplished in accordance with the terms and conditions of the nationwide permit. If a contractor or other authorized representative will be accomplishing the work authorized by the nationwide permit on behalf of the applicant, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable nationwide permit. Any activity which fails to comply with all the terms and conditions of the nationwide permit will be considered unauthorized and subject to appropriate enforcement action.

**This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. In compliance with general Condition 14, the attached "Certification of Completed Work" form (blue) must be signed and returned to this office upon completion of the authorized work and any required mitigation.**



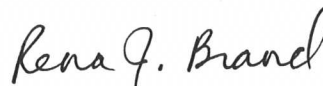
We have prepared a Preliminary Jurisdictional Determination (JD) which is a written indication that wetlands and waterways within your project area may be Waters of the United States (attached). Such waters will be treated as jurisdictional Waters of the US for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. If you believe the Preliminary JD is inaccurate, you may request an Approved JD, which is an official determination regarding the presence or absence of Waters of the US. If an approved JD is requested, the Corps will complete one and you may not begin work on the proposed project until after the Approved JD is complete. If you do not want the Corps to complete an Approved JD, you may proceed with the proposed project.


In accordance with the Endangered Species Act, the Corps of Engineers has reviewed your project for potential impacts to threatened and endangered (T&E) species and their critical habitat. We have determined that no T&E species or critical habitats are present in the activity area. However, should anyone at any time become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, this office must be notified immediately.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax (Completing the survey is a voluntary action).

If there are any questions call **Mr. Terry McKee** of my office at **(303) 979-4120** and reference **Corps File No. NWO-2011-1448-DEN**.

Sincerely,



 Timothy T. Carey  
Chief, Denver Regulatory Office

tm

Enclosures

Copies Furnished:

U.S. Fish & Wildlife Service  
Colorado Department of Public Health & Environment  
Environmental Protection Agency  
Colorado Division of Wildlife  
State Historic Preservation Office

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**A. Report Completion Date for Preliminary Jurisdictional Determination (JD):**

July 25, 2011

**B. Name and Address of Person Requesting Preliminary JD:**

Ms. Edith Savage  
Savage and Savage  
4610 Haystack Drive  
Windsor, CO 80550-2597

**C. District Office, File Name, and Number:**

Denver Regulatory Office, Grigsby PC AC 30-73HN Drill Pad, Culverted Road Crossing,  
Wetland Tributary, NWO-2011-1448-DEN

**D. PROJECT LOCATION(S), BACKGROUND INFORMATION, AND WATERS:**

State: Colorado

City:

County: Weld

Name of nearest waterbody: unnamed wetland tributary

Identify amount of waters in the review area: .01 acre

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

**Table 1 - Waters of the U.S.**

Site	Latitude	Longitude	Stream Flow	Cowardin Class	Estimated amount of aquatic resources in review area	Estimated amount of aquatic resource impact	Class of aquatic resource
unnamed wetland tributary	40.55127	-104.47169	ephemeral	Palustrine	.01 acre	.01 acre	Non-tidal

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: July 25, 2011

☐ Field Determination. Date(s):

**F. SUPPORTING DATA:**

**Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Savage and Savage  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .  
☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Site quad name: 1:24000, CORNISH.
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: GIS.
- ☐ National wetlands inventory map(s). Cite name: GIS.
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Project site  
or ☒ Other (Name & Date): Project site
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Other information (please specify): .

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*T. McKee*

July 25, 2011

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining the  
signature is impracticable)

**G. EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.