



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

January 17, 2012

Mr. Keith Caplan  
Bonanza Creek Energy, Inc.  
410 17<sup>th</sup> Street, Suite 1500  
Denver, CO 80202

**RE: Bonanza Creek Energy North Platte 14-34 Well Pad Development with Access Road, 0.09 Acre of Wetland Impact  
Nationwide Permit No. 18, Corps File No. NWO-2012-135-DEN**

Dear Mr. Caplan:

Reference is made to the above-mentioned project submitted to my office on your behalf by Mr. Eric Berg of LWR Consultants, Inc. This project is located at 40.350088; -104.430490, 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. 18**, 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.**

A Department of the Army will not be required for the 24-34 Well Pad.

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.

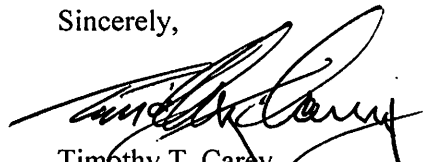
Please notify your consultant, Mr. Eric Berg of your receipt of this nationwide permit verification letter.

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-2012-135-DEN**.

Sincerely,



Timothy T. Carey  
Chief, Denver Regulatory Office

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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):**

January 17, 2012

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

Mr. Keith Caplan  
Bonanza Creek Energy, Inc.  
410 17<sup>th</sup> Street, Suite 1500  
Denver, CO 80202

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

Denver Regulatory Office, Bonanza Creek Energy North Platte 14-34 Well Pad Development with Access Road, 0.09 Acre of Wetland Impact, NWO-2012-135-DEN

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

State: Colorado

City:

County: Weld

Name of nearest waterbody: Wetland adjacent to the Empire Intake Canal and the South Platte River

Identify amount of waters in the review area: unknown, only the wetland boundary in the area was identified

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
Wetland adjacent to the Empire Intake Canal and the South Platte River	40.35008	-104.43049		Palustrine	unknown	.09 acre	Non-tidal

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

- ☒ Office (Desk) Determination. Date: January 17, 2012  
☐ 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: LWR Consultants, Inc.  
☐ 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, Hardin.  
☐ 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*

January 17, 2012

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

*Kel & Co* 2/16/2012

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