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**RE: Feathered Elk Ranch; Hayden, CO**

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**From** Feyder, Tucker J CIV USARMY CESPA (USA) <Tucker.J.Feyder@usace.army.mil>

**Date** Fri 1/31/2025 5:33 PM

**To** Robert Miller <rbmills88@gmail.com>

 3 attachments (854 KB)

Exempt-Irrigation or Agriculture.pdf; Exempt-Maintenance.pdf; 2021 - NWP 03.pdf;

Hi Rob,

Based on your description, it appears all of the work you mentioned would fall under either our Irrigation/Ag/Stock Pond exemption or our Maintenance exemption.

Stock ponds, especially those that allow flows to pass through and provide water to livestock (cattle, horses, etc) fall under our "Irrigation" exemption. I've attached a summary of that exemption for reference, as well as our maintenance exemption.

Culvert repairs would fall under our maintenance exemption when replaced with an "apples for apples/like for like" culvert. Since you replaced the culvert with a culvert of identical size, it would fit the exemption. If for some reason in the future you needed a larger culvert (aka apples for oranges/slightly different size), the maintenance exemption would not apply, but our Nationwide Permit (NWP) #3 for Maintenance would apply. NWP 3 allows for some minor deviations in size to accommodate higher flows, regulatory changes/requirements, etc. NWP 3 is "non-notifying", meaning the work is authorized without the need for submitting a Pre-Construction Notification (PCN). PCN is just a fancy term for a permit application. I've also attached a summary of NWP 3 for your records.

Based on what you've described, there is no further action required of you as far as the Corps is concerned. Your work is either exempt or covered by an existing permit.

If you have future projects planned in wetlands or streams, feel free to run them by me and I can let you know whether a permit is required or not.

Have a great weekend!

Very Respectfully,

Tucker Feyder  
Sr. Regulatory Project Manager  
Southern Colorado Branch  
U.S. Army Corps of Engineers  
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**From:** Robert Miller <rbmills88@gmail.com>  
**Sent:** Friday, January 31, 2025 7:02 AM  
**To:** Feyder, Tucker J CIV USARMY CESP (USA) <Tucker.J.Feyder@usace.army.mil>  
**Subject:** [Non-DoD Source] Re: Feathered Elk Ranch; Hayden, CO

Tucker:

It was a pleasure chatting with you. In brief, I own a ranch (26105 CR 37B) located in Hayden, Colorado where we primarily do haying and grazing of cattle. We are currently working with Routt County on a Special Use Permit for recreation. Recreation would consist of sporting clays and upland bird hunting. Since the time of our purchase, we have been involved with basic maintenance projects including trying to improve elk and bird habitat. We refer to the area of the ranch that we discussed yesterday as the Salt Creek Pasture. In this area we replaced a damaged culvert with a new culvert of identical length and width. This culvert is part of our ditch system (McSweeney Ditch) with measuring box which we use to irrigate the hay fields at Salt Creek Pasture for cattle grazing. We also anticipate being able to hunt upland birds over top of these grass fields. With the improvement in seasonal water flow resulting from the culvert repair, we next created two on-channel ponds for livestock purposes. We talked with the Commissioner of the Division of Water Resources for the State of Colorado (District 44 and 57) about this project. Their response was that they do not regulate this type of project because it is considered a widening of the channel (on-channel pond without diversion) and did not involve an impoundment structure to be built. Moreover, they said that since we were creating a pond for livestock purposes that we were ag-exempt. We also discussed no discharge of fill and maximum depth of 10 feet. I believe they also referred to Salt Creek as an ephemeral creek during our conversations given the fact that it runs dry for a portion of the year without precipitation.

As part of our application process with Routt County they have asked that we check with you regarding exemption/permitting status. I'm hoping to submit my application in the next few days. Thank you for your time and continued best regards.

Rob Miller

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**From:** Feyder, Tucker J CIV USARMY CESP (USA) <Tucker.J.Feyder@usace.army.mil>  
**Sent:** Thursday, January 30, 2025 6:26 PM  
**To:** [rbmills88@gmail.com](mailto:rbmills88@gmail.com) <[rbmills88@gmail.com](mailto:rbmills88@gmail.com)>  
**Subject:** Feathered Elk Ranch; Hayden, CO

Hi Rob,

Thank you for the phone call today.



If you could provide a brief description of the recent projects on the ranch concerning Sand Creek or other waterways, I would be happy to review them and provide an update on their exemption/permitting status and applicability.

Thank you!

Very Respectfully,

Tucker Feyder

Sr. Regulatory Project Manager

Southern Colorado Branch

U.S. Army Corps of Engineers

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