

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:14-cv-02749-PAB

AUDUBON SOCIETY OF GREATER DENVER,

Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS,

Respondent,

CASTLE PINES METROPOLITAN DISTRICT,
CASTLE PINES NORTH METROPOLITAN DISTRICT,
CENTENNIAL WATER AND SANITATION DISTRICT,
CENTER OF COLORADO WATER CONSERVANCY DISTRICT,
CENTRAL COLORADO WATER CONSERVANCY DISTRICT,
TOWN OF CASTLE ROCK, and
COLORADO DEPARTMENT OF NATURAL RESOURCES,

Intervenor Respondents.

NOTICE OF ERRATA REGARDING RESPONDENT'S RESPONSE BRIEF [DOC 54]

Please take notice that Respondent, the United States Army Corps of Engineers, hereby corrects the following errors occurring in its Response Brief (Doc. 54), filed on May 25, 2016.

1. The last sentence on page 6 and continuing onto page 7 of the brief incorrectly cites to AR035125 of the Administrative Record, instead of AR036125, and should be corrected to read:

Any reallocation was conditioned on agreement of the nonfederal parties (the water providers) to repay the costs of

the reallocated storage space in accordance with federal law. AR036125.

2. The last sentence beginning on page 31 and continuing onto page 32 of the brief omitted the word “not” between the words “do” and “govern” and should be corrected to read:

Although Petitioner asserts that whether NEPA regulations creating the concept of improper segmentation should also be applied to analyses under Section 404(b)(1) of the CWA is an “issue of first impression under the [CWA],” Pet’r’s Br. 27-28, there is no issue—NEPA regulations do not govern Section 404(b)(1) analyses.

3. The second sentence on page 43 incorrectly cited to the ECF page numbers at the top of Petitioner’s Opening Brief (pp. 44-45), rather than the pagination supplied by Petitioner (pp. 38-39), and should be corrected to read:

Petitioner therefore argues that “the Corps should have analyzed the potential impacts based on the “range of reasonable variation in seniority of the water rights” rather than relying on the information available to it at the time it made its recommendation. *Id.* at 38-39.

Dated: June 3, 2016

Respectfully Submitted,

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/s/ Phillip R. Dupré

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2016, I electronically filed the foregoing Notice of Errata Regarding Respondent's Response Brief with the Clerk of Court using the ECF system which will send notification of such filing to the following e-mail address:

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