



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

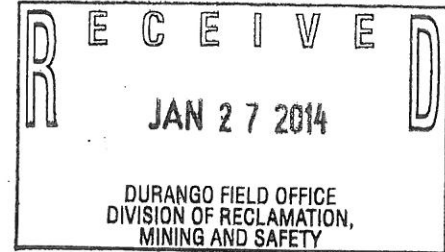
REPLY TO
ATTENTION OF

January 23, 2014

Regulatory Division SPK-2014-00042

Mr. L. Richard Bratton
Gunnison Valley Properties, LLC
234 North Main Street, Suite 3 A
Gunnison, Colorado 81230

Dear Mr. Bratton:



TOMICHI PIT
M-2013-081
"ACOE RESPONSE"

We are responding to Colorado Division of Reclamation, Mining, and Safety's January 14, 2014, request for comments on the Tomichi Pit project. The site is located north of Tomichi Creek, approximately three miles east of the City of Gunnison within Section 4, Township 49 North, Range 1 East, Latitude 38.5409°, Longitude -106.8637°, Gunnison County, Colorado. Your identification number with the State is File No. M-2013-081.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work. Regulated waters located on your property appear to include two unnamed tributaries of Tomichi Creek and any associated wetlands.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, you should contact our office to discuss permitting and potential mitigation options.

We have assigned identification number SPK-2014-00042 to this site. Please refer to this number in any correspondence with our office concerning this project. If you have any questions or wish to arrange an onsite inspection, please contact Carrie Sheata at the Colorado West Regulatory Branch, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Carrie.A.Sheata@usace.army.mil, or telephone at (970) 243-1199, extension 14. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Original Signed

Susan Bachini Nall
Chief, Colorado West Regulatory Branch
Regulatory Division

cc:
Mr. Bob Oswald, Colorado Division of Reclamation, Mining, and Safety, 691 CR 233,
Room A-2, Durango, Colorado 81301
Ms. Joanne Williams, Gunnison County Community Development, 221 N. Wisconsin,
Suite D, Gunnison, Colorado 81230