



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

REPLY TO
ATTENTION OF

CERTIFIED MAIL RETURN RECEIPT REQUESTED

August 14, 2014

RECEIVED

AUG 22 2014

GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

Regulatory Division (SPK-2007-00980-DC)

Varca Ventures, Inc
c/o National Registered Agents, Inc
1000 East William Street, Suite 204
Carson City, Nevada 89701

Wildcat Mining Corporation
c/o National Registered Agents, Inc
1535 Grant Street
Denver, Colorado 80203

Dear Madam or Sir:

We are writing in reference to your unauthorized work in waters of the United States. Specifically, the work involves improvement of an access road and construction of a storm water detention facility. The work is located within a wetland that abuts the La Plata River within Section 28, Township 36 North, Range 11 West, New Mexico Principal Meridian, Latitude 37.3500068873°, Longitude -108.0743005796°, Hesperus, La Plata County, Colorado.

Based on available information, we have determined that you have discharged dredged or fill material into a wetland, which is a water of the United States, without a Department of the Army (DA) permit. The information used to make this determination includes a site visit conducted by Kara Hellige of the Corps Durango Regulatory Office on June 25, 2014; the draft report entitled *Restoration and Compliance Plan for Wildcat Mine*, dated March 2013, prepared by Bikis Water Consultants; and the Corps-approved wetland delineation report entitled *Waters of the U.S. Delineation Report for a Portion of Wildcat Mining Corporation Lands*, dated July 20, 2007, prepared by Basin Hydrology. Section 404 of the Clean Water Act requires that a DA permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Since a DA permit has not been issued authorizing this discharge, the work is in violation of the Clean Water Act. Please note that we notified Varca Ventures, Inc. (Wildcat Mining Corporation) regarding the need for a permit, in an e-mail dated May, 5, 2014, to George Robinson, representative of Varca Ventures, Inc. (Wildcat Mining Corporation).

The U.S. Environmental Protection Agency (USEPA) is the lead enforcement agency for this action. Please coordinate with them on the resolution of this violation. We would appreciate being copied on all correspondence to the USEPA concerning this project. Please refer to identification number SPK-2007-00980-DC. If you have any questions, please contact me at the Durango Regulatory Office, 1970 E 3rd Ave., #109, Durango, Colorado 81301, by email at Kara.A.Hellige@usace.army.mil, or telephone at 970-259-1604. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Kara A. Hellige
Senior Project Manager, CO West Branch
Regulatory Division

cc:

Mr. Kenneth Champagne, US Environmental Protection Agency, Enforcement Officer,
1595 Wynkoop Street, Denver, CO 80202
Ms. Peggy Livingston, US Environmental Protection Agency, Enforcement Attorney,
1595 Wynkoop Street, Denver, CO 80202
Mr. Christopher Neumann, Esq. Greenberg Traurig, LLP, 1200 17th Street, Suite 2400,
Denver, CO 80202
Mr. Ron Falco, Acting Director, Colorado Department of Public Health and Environment,
Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, CO 80246
Mr. Steve S. Shuey, Colorado Division of Reclamation, Mining and Safety
Grand Junction Field Office, 101 South 3rd, Suite 301, Grand Junction, CO 81501
Mr. Dustin Dzapla, Colorado Division of Reclamation, Mining and Safety
Grand Junction Field Office, 101 South 3rd, Suite 301, Grand Junction, CO 81501
Mr. Wally Erickson, Colorado Division of Reclamation, Mining and Safety, Durango
Field Office, 691 County Road 233, Suite A-2, Durango, CO 81301
Ms. Victoria Schmidt, La Plata County, 1060 East 2nd Ave, Durango, Colorado 81301