

March 11, 2015

Bob Kalenak  
Delta County  
501 Palmer Street  
Delta, CO 81416



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: Whiting Pit, Permit No. M-2007-025, Comments Regarding 112c Amendment Application***

Dear Mr. Kalenak:

On March 5, 2015 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the U.S. Army Corps of Engineers (USACE).

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the USACE.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,

**Dustin Czapla**  
Environmental Protection Specialist  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup>, Suite 301  
Grand Junction, CO 81501  
Phone: (970) 243-6299  
Fax: (970) 241-1516

Enclosed: USACE comments dated February 27, 2015



pme



REPLY TO  
ATTENTION OF

FILE

**DEPARTMENT OF THE ARMY**

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

TO: DENIS

February 27, 2015

Regulatory Division SPK-2015-00164

RECEIVED

Mr. Bob Kalenak  
Delta County Engineer  
501 Palmer Street  
Delta, Colorado 81416

TO: DIVISION OF RECLAMATION  
MINING AND SAFETY

Dear Mr. Kalenak:

We are responding to your February 17, 2015, request for comments on the Whiting Pit project. The Division of Reclamation, Mining, and Safety project identification number is M-2007-025. The project is located approximately 3 miles east of the City of Delta within the S  $\frac{1}{2}$  S  $\frac{1}{2}$  of Section 15, Township 15 South, Range 95 West, Sixth Principal Meridian, Latitude 38.74185°, Longitude -107.99893°, Delta County, Colorado.

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.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

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, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2015-00164 in any correspondence concerning this project. If you have any questions, please contact Tyler Adams at the Colorado West Regulatory Branch, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at [Tyler.R.Adams@usace.army.mil](mailto:Tyler.R.Adams@usace.army.mil), or telephone at 970-243-1199, extension 13. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

**Original Signed**

Susan Bachini Nall  
Chief, Colorado West Branch  
Regulatory Division

cc:

Mr. Dustin Czapla, Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203

Mr. Michael Ripp, MVR Resources, Post Office Box 54, Delta, Colorado 81416

Mr. Larry Record, Delta County, 501 Palmer Street, Delta, Colorado 81416