



HA: Ecological Resource Consultants, Inc.

5672 Juhls Drive ~ Boulder, CO ~ 80301 ~ (303) 679-4820

✓ July 10, 2015

✓ M-1990-098

✓ M-1989-120

Ms. Rena Brand

TO: ✓ US Army Corps of Engineers
Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, Colorado 80128

Re: Perry Pit, Weld County, CO

✓ Emergency Flood Repair Request for Authorization

Dear Ms. Brand,

Ecological Resource Consultants, Inc. (ERC) on behalf of the applicant and property owner, The Consolidated Mutual Water Company, provides the following notification and request for authorization associated with emergency flood repair work within waters of the US. The activities associated with this request for authorization specifically include re-establishment of the South Platte River bank and adjacent uplands. The river bank and uplands originally separated the South Platte River from a gravel operation pit (Platte Valley mine site). During 2015, high flows resulted in bank failure and significant portions of the South Platte River now flow into the pit. The applicant's property, which is the subject of this authorization, includes the stream bank and adjacent uplands on the South Platte River. Refer to **Figure 1** for a map of the proposed project.

A previous emergency flood repair project was completed on the property by the applicant as authorized by a Nationwide Permit (NWP) 45 from the USACE Denver Regulatory Office (**NWO-2013-2051-DEN** dated October 25, 2013). The previous flood repair work was conducted at a different location, on the opposite side of the South Platte River and was not associated with the request herein.

The Colorado Division of Reclamation, Mining and Safety (DRMS) conducted a flood event investigation at the site (subject of this request) on July 6, 2015, which documented observations concerning compliance at the mine as a result of flood related bank failure between the east bank of the South Platte River and the Aggregate Industries property line. The DRMS is requiring the applicant and the adjacent land owner to return the South Platte River to its channel within 10 days of the mailing date of the inspection report (corrective action due date: 7/18/15). The inspection report also summarizes communication with the USACE (Ms. Rena Brand) regarding the need for the property owner to complete the flood repair work. In order to re-establish pre-flood infrastructure and assume normal operations of the pit, the applicant is requesting expedited project review and authorization.

Notification Information

A. Submitted on behalf of the Project Applicant and Property Owner:

The Consolidated Mutual Water Company
12700 West 27th Avenue
Lakewood, Colorado 80215

B. Description of the Proposed Work

1. As a result of recent 2015 extremely high flows within the South Platte River, a 200 foot section of the river's eastern stream bank was severely eroded and subsequently breached, resulting in complete stream bank failure. During 2015 high flows this area breached allowing river flows to enter the adjacent Platte Valley Operation mine site, breach and enter the Gilheany Ditch, ultimately resulting in damage to County Road 6 and other lands.

The proposed work required to re-establish pre-flood conditions is described as follows:

2. An area of approximately 200 linear feet along the flow line of the South Platte River will be re-established. The top of the bank will be restored to a pre-flood height of approximately 10'. The current 10' average vertical eroded cut-bank will be restored at a 2.5:1 slope requiring an approximately 25' horizontal distance. The total area required to re-establish the river bank is estimated to be approximately 5,000 square feet (0.11 acre) with approximate overall dimensions of 200' by 25'. The bank repair will follow typical Urban Drainage and Flood Control District (UDFCD) guidelines for slope stabilization that include compacted random backfill to re-establish the basic bank contour, the placement of a protective 36" thick layer of soil filled riprap along the outer edge of the slope face. In addition the slope face will be capped with a 6" layer of topsoil above the normal water surface, seeded with native vegetation and surface temporarily stabilized with erosion control blanket. Based on the current eroded bank and ordinary high water mark (OHWM), approximately 1,020 cubic yards (average fill of 5.5') of fill material consisting of random sand, gravel and soil filled riprap will be placed below the current existing approximated OHWM in order to restore the bank. In order to restore the uplands between the river bank and the pit, approximately 2.5' of random fill will be placed across approximately 1.4 acres. An estimated 2,250 cubic yards of random fill will be placed below the current OHWM formed by the breach to restore the upland. Additional fill will also be imported and placed above the OHWM to restore the uplands.
3. The proposed activity is not anticipated to result in significant direct and/or indirect impacts to waters of the US. The proposed activity will be confined within the pre-existing footprint of the original bank and upland and is considered the minimum area required to stabilize the bank for protection of infrastructure and return the South Platte River to its original flow path. Minor downstream short term turbidity may result from construction implementation however is only considered a minor temporary disturbance as compared to the continual erosion and sedimentation that would occur if corrective actions are not taken. Typical best management practices will be employed as appropriate to minimize off-site disturbances.
4. The activity will only include the placement of fill material and will not require off-site disposal of excavated materials.

5. The activity will be completed utilizing standard heavy construction equipment with import of fill materials with end or side dumps and placement of materials with excavators and loaders.
6. Review of available historic aerial photography and a post-flood site visit (ERC 7-9-15) indicates that the proposed activity will not result in the loss of vegetated wetland or native riparian habitats. Some vegetated wetlands and riparian habitat may have existed along the toe of the original river bank, however the current condition resulting from the flood event now consists of a vertical eroded bank and sand/gravel/river with no vegetation present. All work will occur within the OHWM of the South Platte River. The OHWM of the South Platte River is considered jurisdictional waters of the US.
7. Photos 1 through 3 depict the general characteristics of the proposed emergency repair area taken after the flood event during an ERC site visit on 7-9-15.

Photo 1. View southwest along the South Platte River and breached stream bank.

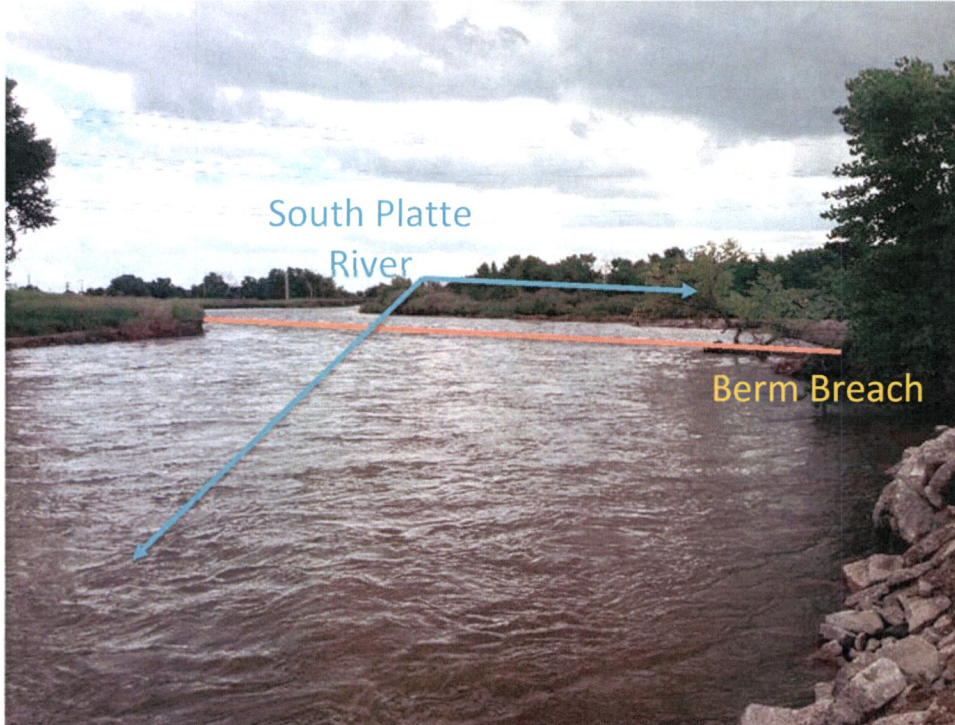


Photo 2. View of vertical cut bank at location of breached stream bank.

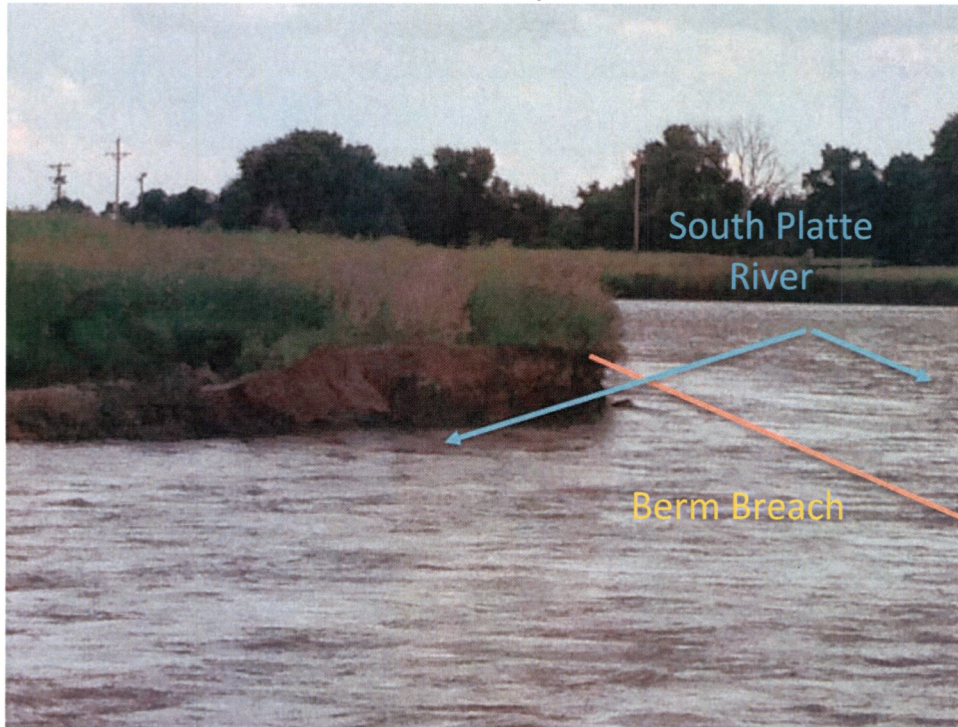
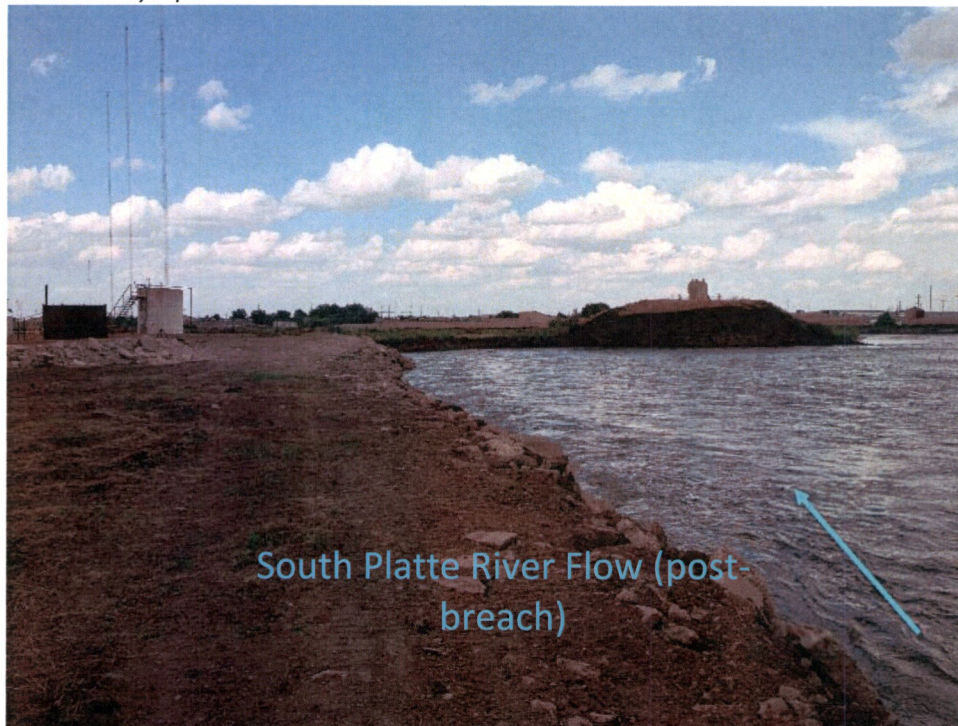


Photo 3. View northeast at land located east of the berm breach. Aerial imagery depicts this land was previously upland prior to the breach. Currently, the South Platte River flows unobstructed through the Platte Valley Operation mine site.



C. Location Maps and Legal Description

Site Location:

- Section 30, Township 1 North, Range 66 West in Weld County, Colorado
- Latitude 40.025571 North, Longitude -104.824967 West

Figure 1. Vicinity Map of Project Location

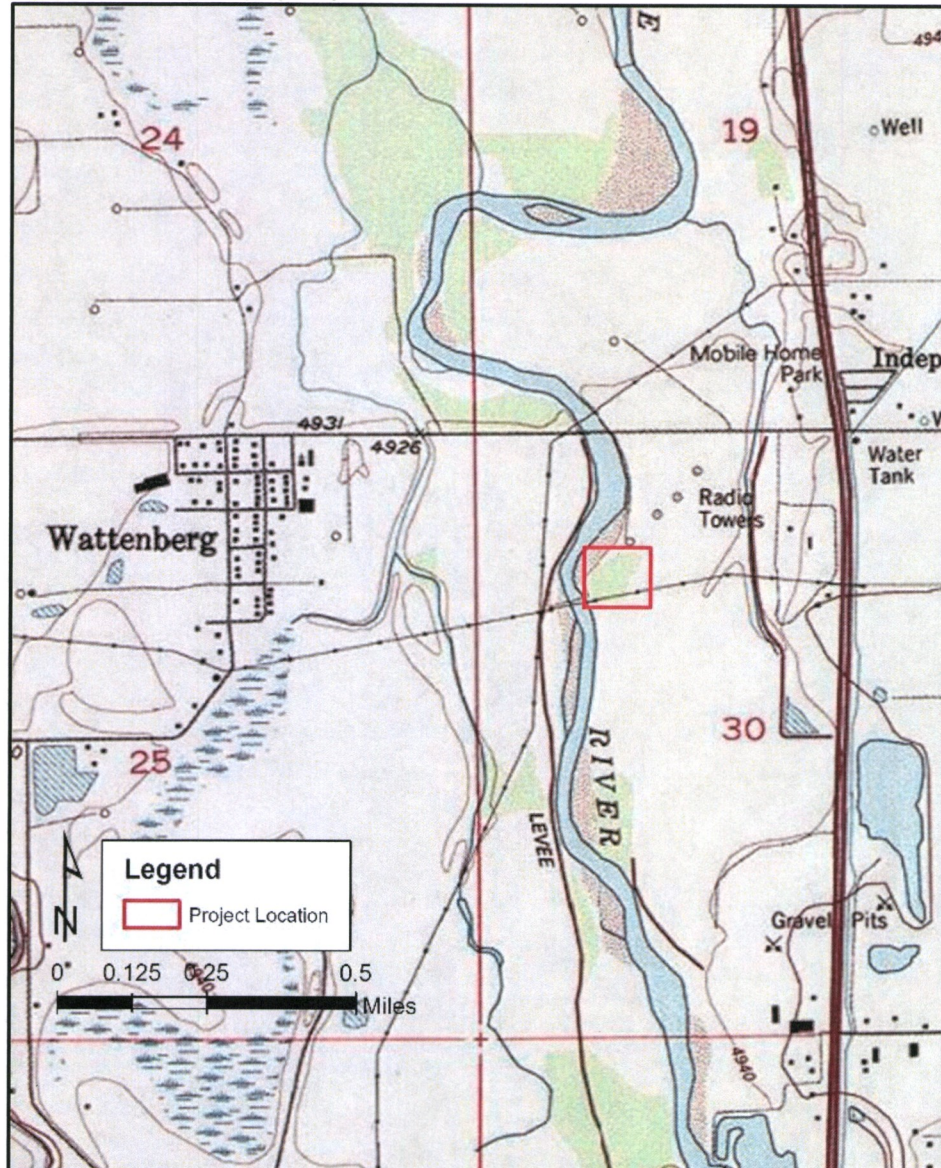
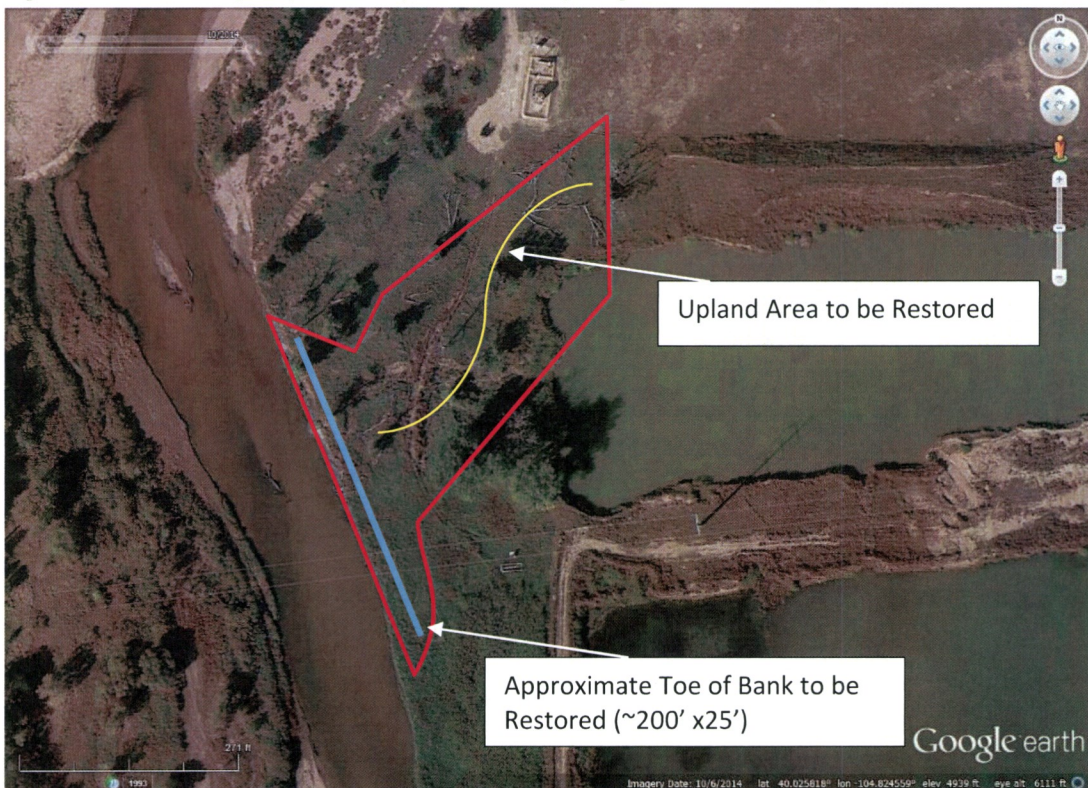


Figure 2. Aerial Overview of Project Pre-2013 Regional Flood (Google Earth 10/7/12)



Figure 2. Overview of Proposed Project Activities (Google Earth 10/6/14)



D. Drawing Set

A preliminary drawing for the proposed project is provided as Attachment 1. Final drawing sets are being prepared as additional project details are incorporated.

E. Compensatory Mitigation Plan

A compensatory mitigation plan for the fill or drainage activities of wetlands is not applicable for the proposed activity. All work will occur within the pre-flood footprint of the original bank of the river and berms associated with the ditch. No permanent loss of wetlands will occur as a result of this activity.

F. Written Statement

- The applicant and owner agrees to abide by the terms and conditions of the permit.
- Upon completion of the work, the applicant will provide written certification that all work has been completed in accordance with the permit and will submit documented photographs of the work prior to and post construction activities as may be required per conditions of the permit.

The proposed flood repair activities summarized in this notification and request for authorization are intended to re-establish pre-flood infrastructure and normal operations of mine activities.

Summary

This request for authorization is submitted to the USACE Denver Regulatory Office for emergency bank repair and restoration of eroded uplands along the South Platte River located northwest of Brighton in Weld County, Colorado as a result of recent flooding (June/July 2015) and subsequent damages from the September 2013 regional flood event.

Proposed emergency flood repairs include re-establishment of a 200' river bank located on the eastern side of the South Platte River in addition to upland restoration. The river bank and associated upland restoration is required to re-establish original flow path of the South Platte River and normal pit operations to pre-flood conditions.

In order to restore the river bank to pre-flood contours and condition, an area of approximately 1,020 cubic yards of fill material will be placed within 5,000 square feet (0.11 acre) of waters of the US. In addition, approximately 2,250 cubic yards of fill material will be placed within approximately 1.4 acres of the current OHWM (formed by the breach) to restore the uplands.

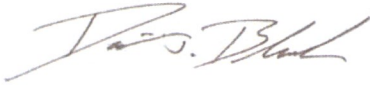
All fill material will be placed into non-vegetated waters of the US and no vegetated wetlands will be impacted as a result of the proposed activity.

- The proposed activity has been designed to be the minimum area of disturbance necessary to properly restore the bank and uplands to pre-flood contours and condition.
- The proposed activity is scheduled to commence as soon as possible.

Please contact me directly with any questions or if additional information is required.

Sincerely,

Ecological Resource Consultants, Inc.

A handwritten signature in dark ink, appearing to read "Dave J. Blaich", written in a cursive style.

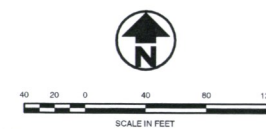
David J. Blaich, V.P., Sr. Ecologist, P.W.S.
dave@erccolorado.net
Direct phone: 720-564-0788



Attachments:

- Attachment 1 Perry Pit Flood Repair (Plan and Section) J&T Consulting, Inc. 7-7-15

ATTACHMENT 1

[illegible]

Job #	1512
Date	7.9.1
Drawn By	TP
Designed By	TP
Checked By	JC
File	J1-S Platte River Repa
Scale	1" = 4'



FW: South Platte River East Bank Breach Repair - The Consolidated Mutual Water Company Property

2 messages

JC York <jcyork@j-tconsulting.com>

Mon, Jul 13, 2015 at 1:11 PM

To: Tony Waldron - DNR <tony.waldron@state.co.us>, "Hays - DNR, Peter" <peter.hays@state.co.us>

Tony / Peter –

Attached is what we submitted to the Corps of Engineers on Friday. Rena Brand called me this morning and gave us a verbal approval that the work would fall under a Nationwide Permit. She said she would also provide a formal response and I will send that to you when we get it as well. NCC and Agg Industries have started getting material moved and will likely start filling in the breach later this afternoon.

Regards,

J.C.

J.C. York, P.E.

J&T Consulting, Inc.

305 Denver Avenue, Suite D

Fort Lupton, CO 80621

Office: (303) 857-6222

Mobile: (970) 222-9530

FAX: (303) 857-6224

From: JC York [<mailto:jcyork@j-tconsulting.com>]

Sent: Friday, July 10, 2015 5:00 PM

To: 'Brand, Rena J NWO'

Subject: South Platte River East Bank Breach Repair - The Consolidated Mutual Water Company Property

Rena –

Attached is the information for the Nationwide Permit request for the repair to the east bank of the South Platte River that is located on The Consolidated Mutual Water Company's property. The cross section that is shown will be the permanent fix for the river bank utilizing concrete riprap mixed with soil. Please let me know if you have any questions or require any additional information. We would like to start the repair work on Monday morning if at all possible.

Regards,

J.C.

J.C. York, P.E.

J&T Consulting, Inc.

305 Denver Avenue, Suite D

Fort Lupton, CO 80621

Office: (303) 857-6222

Mobile: (970) 222-9530

FAX: (303) 857-6224



PerryPit_ER AuthorizationRequest 07-10-15_Final.pdf
1296K

Waldron - DNR, Tony <tony.waldron@state.co.us>

Mon, Jul 13, 2015 at 2:58 PM

To: JC York <jcyork@j-tconsulting.com>

Cc: "Hays - DNR, Peter" <peter.hays@state.co.us>

Thanks JC and that is great news. Peter is out for part of this week but I am available if something comes up where we need a quick approval. Thanks for getting this moving and let me know if you need anything from us.
Tony

Tony Waldron
Minerals Program Supervisor



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

P 303.866.3567 | F 303.832.8106

1313 Sherman Street St., Suite 215, Denver, CO 80203

tony.waldron@state.co.us | <http://mining.state.co.us>

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