



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

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY PERMIT

Permittee: Everist Materials, LLC  
Attn: Greg Norwick  
Post Office Box 1150  
Silverthorne, Colorado 80498

Permit Number: **SPK-2010-01226**

Issuing Office: U.S. Army Engineer District, Sacramento  
Corps of Engineers  
Colorado West Regulatory Branch  
400 Rood Avenue, Room 134  
Grand Junction, Colorado 81501

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

**Project Description:** The applicant is proposing to expand an existing gravel pit operation within an existing mine permit boundary to maximize on-site extraction of aggregate resources. This project would result in impacts to 2.72 acres of wetlands adjacent to Vendette Creek. Compensatory wetland mitigation in the amount of 2.72 acres would be created nearby. All work is to be completed in accordance with the attached plans.

**Project Location:** The proposed permit area is located north of the Town of Silverthorne within Section 22, Township 4 South, Range 78 West, specifically at Latitude 39.6869°, Longitude - 106.1057°, Summit County, Colorado. The existing gravel operation is located in the Blue River valley, on the west side of Highway 9, about 3 miles north of its intersection with Interstate Highway 70. State Highway 9 and upland areas separate the gravel mining operations from the Blue River channel and its overbank.

**Permit Conditions:**

*General Conditions:*

1. The time limit for completing the work authorized ends on **April 1, 2016**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

*Special Conditions:*

1. All terms and conditions of the enclosed March 22, 2011 Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.
2. To protect both surface and ground water from contamination, the applicant shall comply with the Spill Prevention and Response Plan as well as Material Management Practices (Stormwater Management Plan (October 1996). This Plan and Practice identifies potential spill areas, spill prevention methods, and emergency response procedures. This Plan and Practices shall be adhered to by the applicant for all relevant activities. This will protect both surface and ground water from contamination from petroleum and chemical products during equipment maintenance and storm events.
3. To mitigate for the loss of 2.7 acres of waters of the United States, you shall create 2.72 acres of wetland as outlined in the Final Compensatory Wetland Mitigation Plan, date February 11, 2011. This plan includes annual Compensatory Wetland Mitigation monitoring report

submittal with photographs to the Corps of Engineers by October 31 for at least 5 years or until mitigation is deemed successful in writing by the Corps.

4. Compensatory mitigation work shall commence concurrently with, or prior to initiation of construction activities within waters of the U.S., including wetlands. In addition, you shall notify the District Engineer in writing at least 30 calendar days prior to the scheduled compensatory wetland mitigation construction date and within 30 calendar days following completion of the required creation and enhancement work.
5. Prior to initiation of construction activities within waters of the U.S., you shall implement the following financial assurance measures to ensure long-term viability of the mitigation and enhancement areas:
  - a. Establish a fully-funded endowment to provide for maintenance and monitoring of on-site mitigation areas. Information on the proposed endowment holder and the proposed endowment agreement shall be provided to this office for approval prior to establishment.
  - b. Designate an appropriate conservation-oriented third-party entity to function as preserve manager and to hold the required conservation easements. Information on the proposed conservation easement holder shall be provided to this office for approval prior to designation.
  - c. Record permanent conservation easements maintaining all mitigation, preservation, and avoidance areas as wetland preserve and wildlife habitat in perpetuity. Copies of the proposed conservation easement language shall be provided to the Corps of Engineers for approval prior to recordation.
  - d. Provide copies of the recorded documents to the Corps of Engineers no later than 30 days prior to the start of construction of any of the activities authorized by this permit.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - ( ☒ ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.


Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

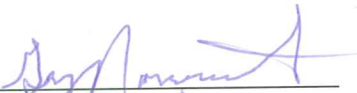
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be

required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

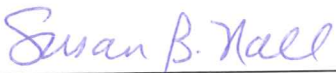


Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
Name GREG NOWICK  
Title PRESIDENT  
Permittee

5/9/11  
Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below

  
Susan Bachini Nall  
Chief, Colorado West Regulatory Branch

5-12-11  
Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

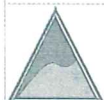
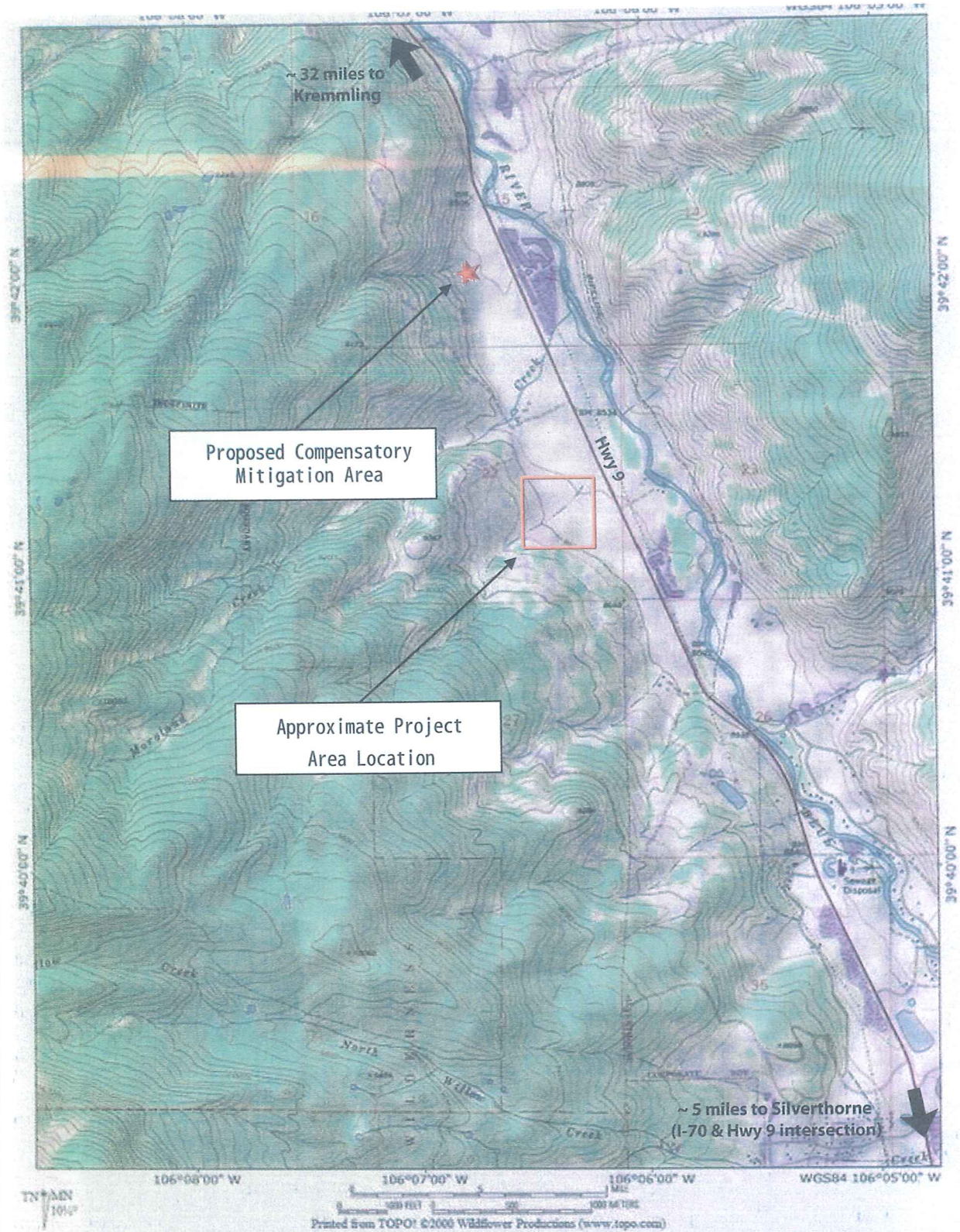
\_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Transferee

\_\_\_\_\_  
Date









Ecological Resource Consultants, Inc.  
5672 Juhl's Drive, Boulder CO 80301  
(303) 679-4820

EVERIST MATERIALS, LLC.  
MCR GRAVEL MINEPIT  
SUMMIT COUNTY, CO

GRAVEL PIT EXPANSION  
CLEAN WATER ACT SEC. 404  
PERMIT APPLICATION  
REVISED 11-15-10

USGS 7.5 Minute Sries  
Topographic Map of the  
Project Area

FIGURE  
2





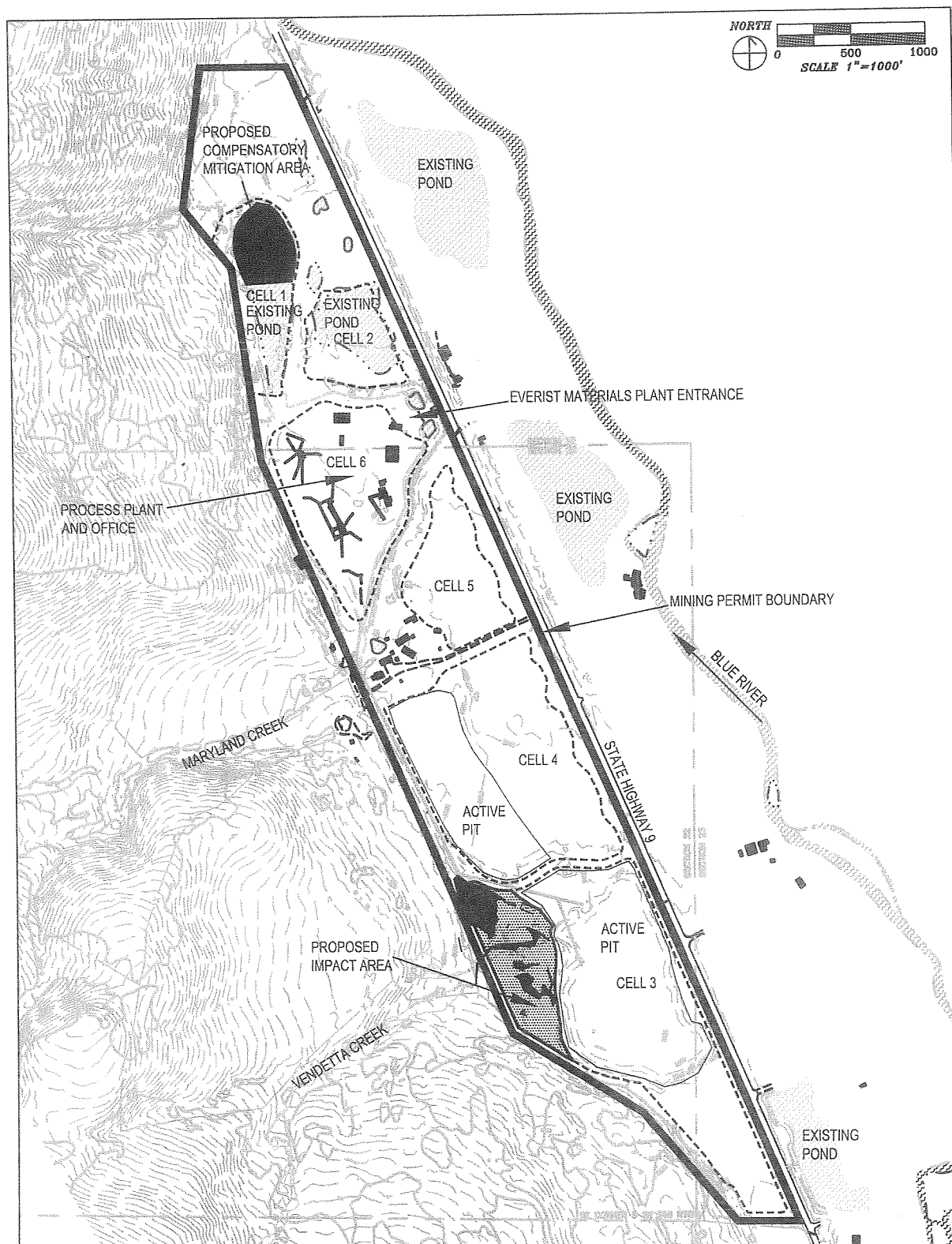
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MCR GRAVEL PIT  
SUMMIT COUNTY, CO

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Map Depicting Project  
Area After Reclamation

FIGURE  
3



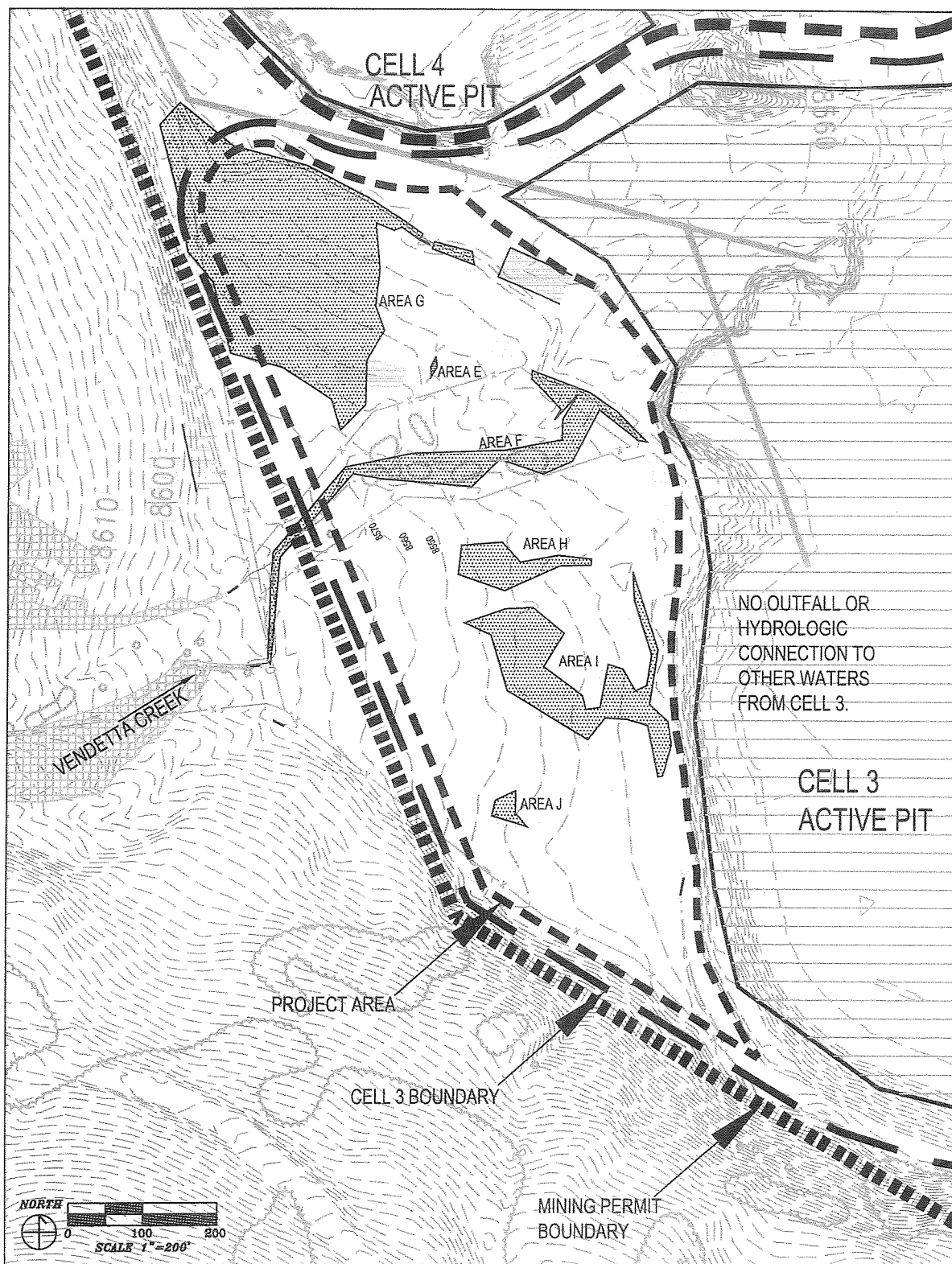
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OVERVIEW MAP  
(REVISED 11-15-10)

FIGURE  
4



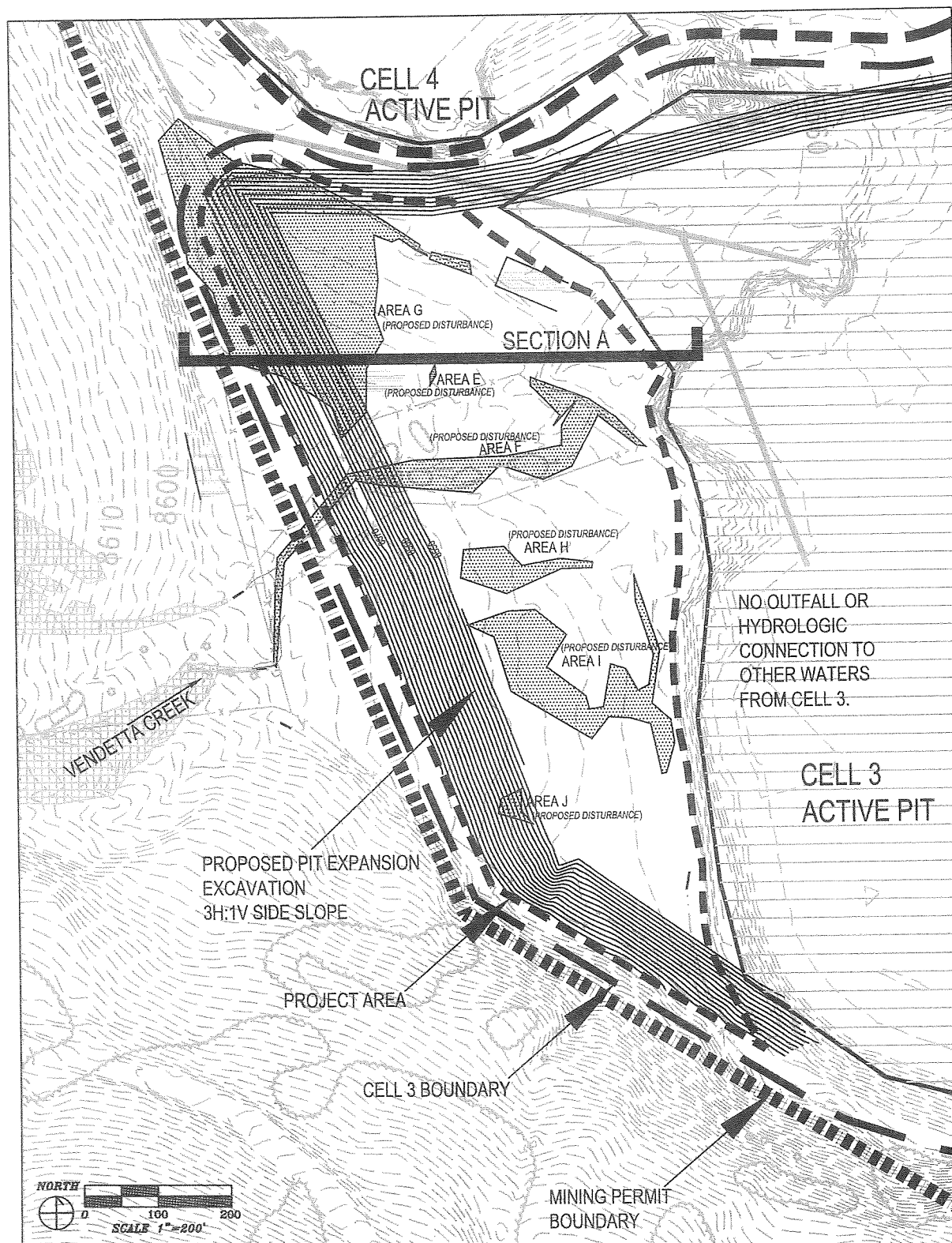
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MCR GRAVEL PIT  
SUMMIT COUNTY, CO

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PROJECT AREA MAP  
PREFERRED ALTERNATIVE  
(REVISED 11-15-10)

FIGURE  
5



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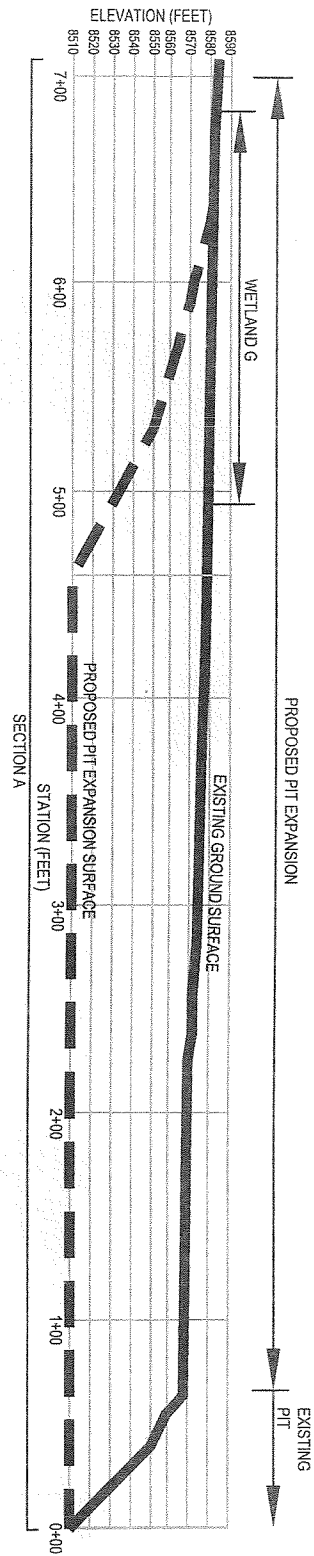
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PROPOSED DISTURBANCE MAP  
PREFERRED ALTERNATIVE  
(REVISED 11-15-10)

FIGURE  
6





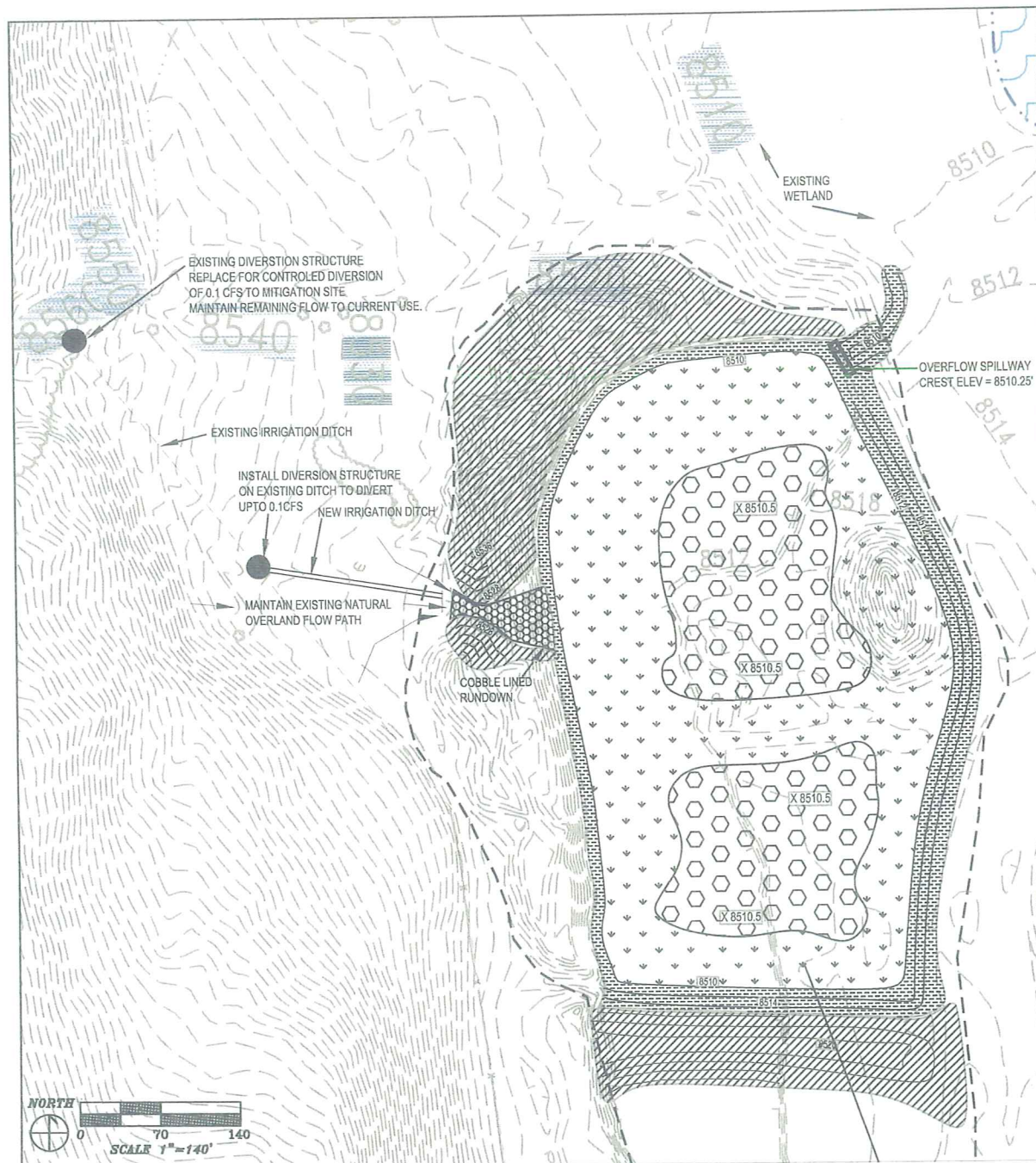
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PROPOSED DISTURBANCE AREA  
TYPICAL SECTION A  
(REVISED 11-15-10)

FIGURE  
7



#### LEGEND

8510 — EXISTING CONTOURS  
--- EXISTING AREA OF DISTURBANCE  
8514 — PROPOSED CONTOURS

Total Wetland Area ~ 3 acres

Palustrine Emergent Wetland Area ~ 2 Acres  
Palustrine Scrub-Shrub Wetland Area ~ 1 Acre  
Transition Buffer Zone ~ 1 Acre  
Transition Area-Spoil Berm and Reclaim (Upland) ~ 1.5 Acres

(REVISED 11-15-10)



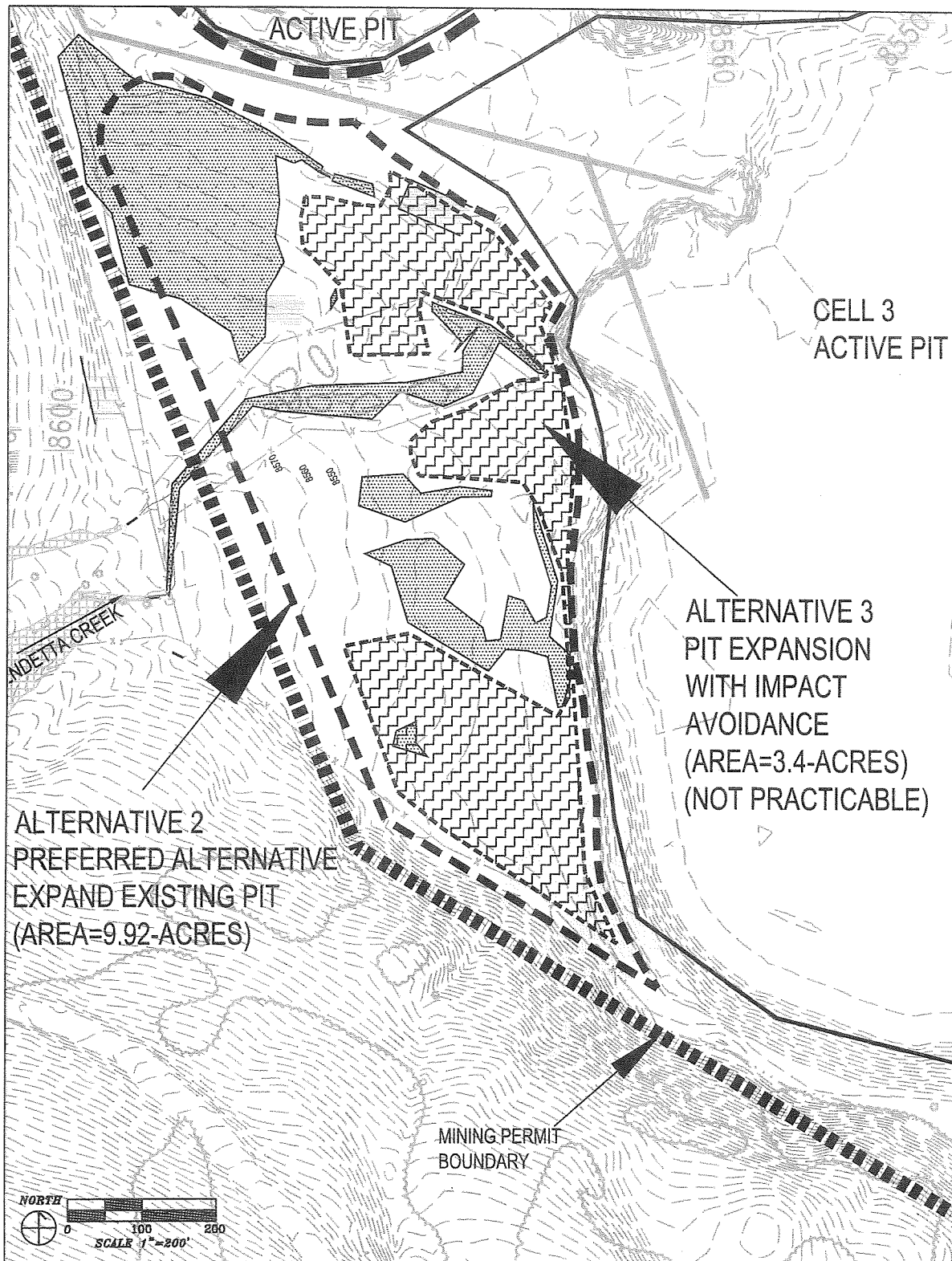
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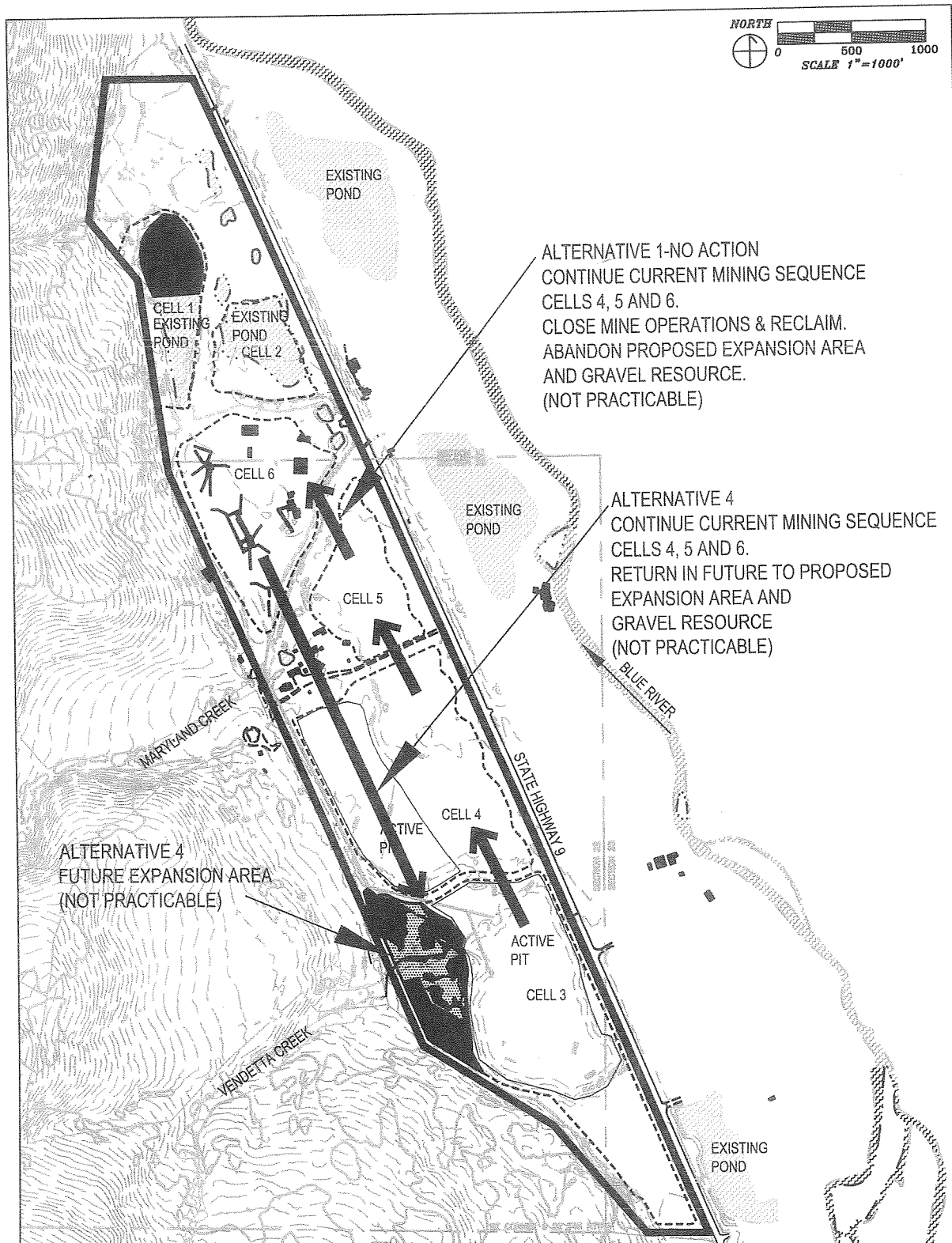
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PRELIMINARY COMPENSATORY  
WETLAND MITIGATION  
DESIGN PLAN

FIGURE  
8



 <p>Ecological Resource Consultants, Inc. 5672 Juhls Drive, Boulder CO 80301 (303) 679-4820</p>	<p>EVERIST MATERIALS, LLC. MCR GRAVEL PIT SUMMIT COUNTY, CO</p>	<p>GRAVEL PIT EXPANSION CLEAN WATER ACT SEC. 404 PERMIT APPLICATION</p>	<p>ALTERNATES ANALYSIS ALTERNATIVES 2 &amp; 3 (REVISED 11-15-10)</p>	<p>FIGURE 9</p>
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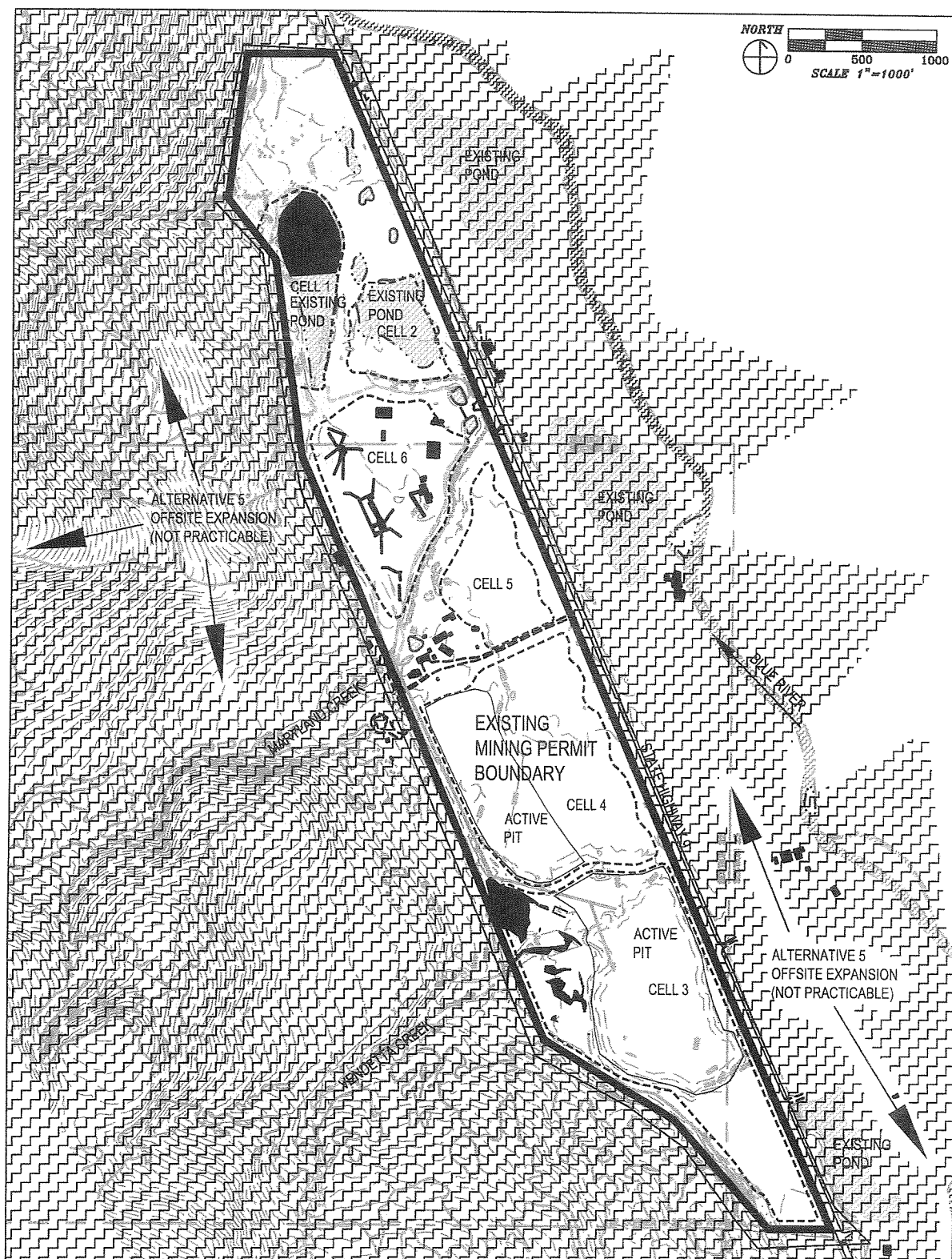
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ALTERNATIVES ANALYSIS  
 ALTERNATIVE 1 & 4  
 (REVISED 11-15-10)

FIGURE  
 10





 <p>Ecological Resource Consultants, Inc. 5672 Juhls Drive, Boulder CO 80301 (303) 679-4820</p>	<p>EVERIST MATERIALS, LLC. MCR GRAVEL PIT SUMMIT COUNTY, CO</p>	<p>GRAVEL PIT EXPANSION CLEAN WATER ACT SEC. 404 PERMIT APPLICATION</p>	<p>ALTERNATIVES ANALYSIS ALTERNATIVE 5 (REVISED 11-15-10)</p>	<p>FIGURE 11</p>
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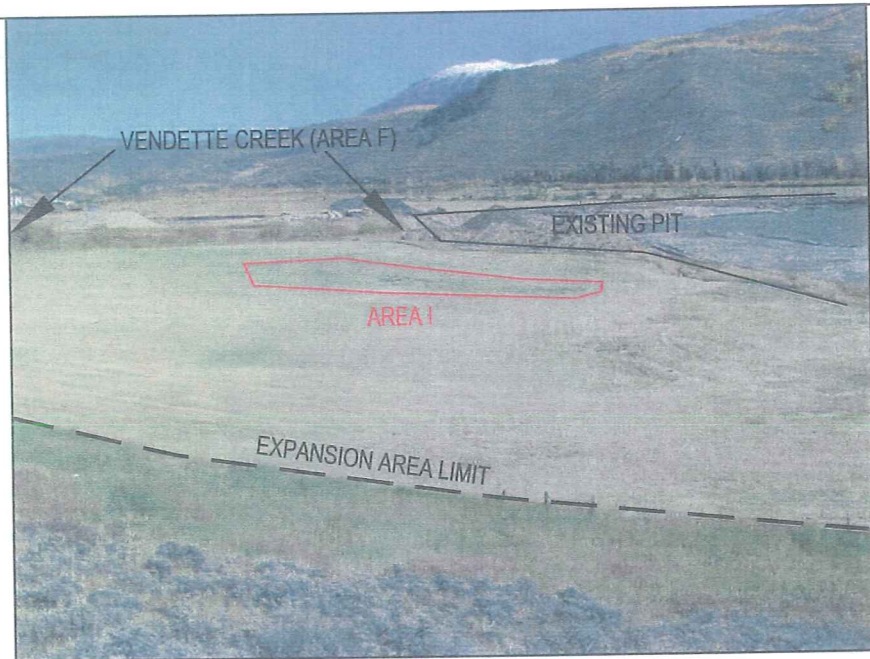


Photo Example 1. Overview of the proposed pit expansion area looking north. The existing pit is identified to the right and Vendette Creek towards the upper left of the photo. Wetland Area I is marked in the center of the photo. Wetland Areas E, H, I and J (subject of the permit application) are flood irrigated paulstrine emergent wet meadows. The meadows are bisected by Vendette Creek which terminates in the existing pit. Vendette Creek is a vegetated intermittent palustrine scrub-shrub wetland highly influenced from irrigation diversion. The proposed expansion area is currently managed as a flood irrigated hay meadow. Wetland Areas E, H, I and J are Functioning Impaired and Vendette Creek (Area F) is Functioning per FACWet Method.

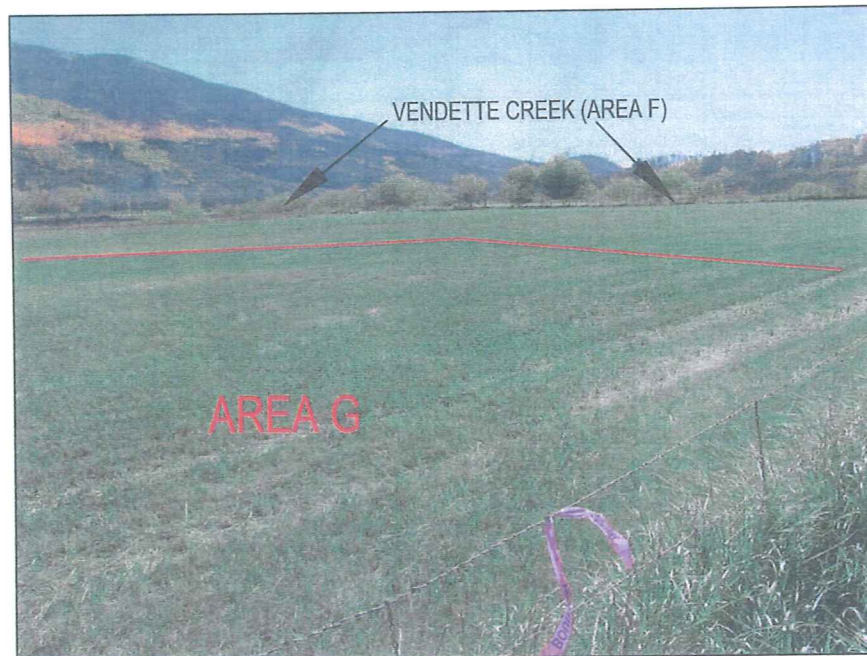


Photo Example 2. View south across Wetland Area G. The proposed expansion area would result in impact to Wetland Area G and Vendette Creek (Area F). Vendette Creek is identified in the upper portion of the photo. The existing pit is to the left of the photo. Wetland Area G is managed as a flood irrigated hay meadow. The wetland hydrology is manipulated as part of flood irrigation practices. Routine haying practices limit vegetation development with the wetland. The wetland is dominated primarily by a single species (*Carex* sp.).



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PROPOSED WETLAND IMPACT  
AREA CHARACTERISTICS  
(REVISED 11-15-10)

FIGURE  
12