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Susan Nall, Chief
Colorado West Section
US Army Corps of Engineers
400 Rood Avenue, Room 224
Grand Junction, CO 81501
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March 17, 2020

Delivered Via Email and Federal Express

RE: Response to Request for Enforcement Notice (SPK-2019-00889)

Ms. Nall:

This letter serves as the response of Colorado Stone Quarries, Inc. (CSQ), through Greg Lewicki and Associates (GLA), to the U.S. Army Corps of Engineers' (USACE or Corps) March 5, 2020 Enforcement Notice.

CSQ intends to apply for an Individual Permit, with such permit application to be delivered to the USACE by May 14, 2020. The application will include an Alternatives Analysis that details the three options outlined in my February 14, 2020 email correspondence to you and Ben Wilson. As you note in your March 5, 2020 letter, the time period during which CSQ can undertake construction at the site is limited by the on-going remediation and monitoring efforts associated with the October 2019 spill event. Additionally, as the site is located in a subalpine environment, the weather window for surface construction is temporally limited to May-October in any given year. Accordingly, CSQ will detail timeline limitations in their Individual Permit application.

While CSQ acknowledges that the USACE contends the work conducted by CSQ pursuant to Technical Revision (TR) 05 to its Colorado Mined Land Reclamation Permit did not qualify as an exemption under Section 404 of the Clean Water, CSQ notes that the USACE was provided with notice of the proposed creek diversion and associated road work via verbal communications and email correspondence prior to undertaking the work. USACE also was provided with a copy of TR-05 at the time it was submitted to the Colorado Division of Reclamation, Mining and Safety (DRMS). This timeline of noticing is detailed in my letter to you and to Mr. Wilson dated January 31, 2020. CSQ reasonably concluded that the USACE did not object to the proposed work.

As noted, CSQ intends to work cooperatively with USACE to reach a satisfactory solution that provides the best conditions for Yule Creek given its location immediately adjacent to an active mine site. Additionally, CSQ is willing to host a site visit for all applicable governmental agencies in the summer months to detail the options evaluated in its Individual Permit application. Please contact me should you wish to schedule a site visit and I will coordinate.

Regards,

A handwritten signature in black ink, appearing to read 'Katie Todt', with a stylized, cursive script.

Katie Todt
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CC: Daniele Treves, Colorado Stone Quarries; Ben Miller, Lewicki and Associates;
Dustin Czapla, DRMS; David Baumgartner, Gunnison County Attorney