

April 16, 2020

Mr. Kiel Downing, Chief – Denver Regulatory Office
U.S. Army Corps of Engineers – Omaha District
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, Colorado 80128-6901

RE: Keenesburg No. 2 Mine – Permit No. M-2019-058 (Application Pending)
USACE Response Letter (Received 12/19/19 by Division of Reclamation, Mining, and Safety)

Dear Mr. Downing:

Colorado Sand Company LLC (CSC) has been provided a copy of the Section 404 of the Clean Water Act Initial Comments letter received by the Colorado Division of Reclamation, Mining, and Safety (DRMS) on December 19, 2019. The Corps' letter pertains to CSC's proposed Keenesburg No. 2 Mine, to be located in Weld County, Colorado, for which the Regular 112C Construction Materials permit application is currently pending.

CSC duly acknowledges the comments and recommendations provided by the Corps in this regard, and in response, we note that significant effort has been expended to date in order to appropriately address potential concerns as relating to Waters of the United States (WOUS), to include the following: (1) the completion of an independent, third-party aquatic resources investigation at the proposed project site (more specifically, a wetland delineation for the "Ennis Draw" feature); and, (2) the seeking of an Approved Jurisdictional Determination from the Corps relative to those aquatic resources determined to be present within Ennis Draw, to wit:

- Wetland presence/absence investigations were completed by qualified wetland scientists from Rettew Associates, Inc. (Rettew) in a series of field efforts carried out in December 2018 and April 2019.
- Based, in part, on findings generated from the wetland presence/absence investigations, CSC then requested and obtained an Approved Jurisdictional Determination for all aquatic resources found at the project location. This approval was provided in a letter dated August 27, 2019 from the Corps, in which three onsite wetlands (referred to as Wetlands 1, 2 and 3, respectively) were determined by the Corps to be "isolated aquatic resources and (are) not jurisdictional".
- In an effort to quantify wetland habitat within Ennis Draw, a full wetland delineation of the drainage within the project area was then completed in September 2019 by Rettew.

- The wetland delineation and Approved Jurisdictional Determination findings were then summarized in a Memorandum dated October 16, 2019, a copy of which was included with/appended to the M-2019-058 Permit Application.

Thus, CSC is of the opinion that efforts completed to date are consistent with Section 404 of the Clean Water Act; and, as the project moves forward, CSC is committed to ensuring continued compliance with the requirements of the Act. If you have any questions or require additional information, please do not hesitate to contact me at (303) 968-7677 or via email at tmccarthy@schediogroup.com.

Respectfully, and on behalf of Colorado Sand Company LLC,

Schedio Group LLC



Timothy A. McCarthy, PE
Program Manager

cc: B. Bowles, Colorado Division of Reclamation, Mining and Safety
D. Patterson, Colorado Sand Company LLC