



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

September 30, 2020

Regulatory Division (SPK-2020-00743)

Colorado Divisions of Reclamation, Mining, and Safety
Attn: Mr. Eric Scott
1313 Sherman Street, Room 215
Denver, Colorado 80203
eric.scott@state.co.us

Dear Mr. Scott:

We are responding to your request for comment regarding the proposed Peak Meadows Ranch Surface Mining project. The Colorado Division of Reclamation, Mining, and Safety (DRMS) project identification number is M2020041. The project site is located between the Blue River and Colorado State Highway 9, approximately 11 miles north of the Town of Silverthorne, at Latitude 39.776452°, Longitude -106.154221°, Summit 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 (WOTUS). WOTUS 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 WOTUS will require Department of the Army authorization prior to starting work.

Documents provided as part of your request for comment indicate that a delineation of aquatic resources has been conducted but a detailed report regarding this matter was not provided. The applicant should prepare a wetland delineation report, 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 <https://www.spk.usace.army.mil/Missions/Regulatory.aspx> and submit it to this office for verification.

Based on the information provided, the project plans include implementing a minimum 25-foot setback between surface mining activities and potential wetlands, but the construction of associated infrastructure (e.g., access road, widening of Colorado State Highway 9) may require the placement of fill material into WOTUS. A range of alternatives should be considered for all project features that will involve the discharge of dredged or fill material into WOTUS and every effort should be made to avoid project features which require the discharge of dredged or fill material into WOTUS. In the

event it can be clearly demonstrated that there are no practicable alternatives to filling WOTUS, mitigation plans should be developed to compensate for the unavoidable impacts resulting from project implementation.

We have assigned identification number SPK-2020-00743 to this proposed project. Please refer to this number in any correspondence concerning this project. If you have any questions, please contact me at the Colorado West Regulatory Section, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Benjamin.R.Wilson@usace.army.mil, or telephone at 970-243-1199 ext. 1012.

Sincerely,

Benjamin R. Wilson
Project Manager
Colorado West Section

cc:

Ben Langenfeld, Greg Lewicki and Associates, benl@lewicki.biz

Don Reimer, Summit County Planning Director, Don.Reimer@summitcountyco.gov