STATE OF COLORADO

Yeldell - DNR, Amy <amy.yeldell@state.co.us>

RE: Response to Comment Request // Rolling Hills Gravel Pit // SPA-2023-00586

1 message

Megan Orloff <morloff@rccwest.com> Mon, Jan 15, 2024 at 2:26 PM
To: "Crosson, S B (Brad) CIV USARMY CESPA (USA)" <Steven.B.Crosson@usace.army.mil>, "amy.yeldell@state.co.us" <amy.yeldell@state.co.us>
Cc: "Emery, Ashley R CIV SPA" <Ashley.R.Emery@usace.army.mil>, Ivan Geer <igeer@rccwest.com>

Ms. Emery, Mr. Crosson, and Ms. Yeldell-

Please see attached for an aquatic resource delineation for the site, completed by ERO Resources. The memo conclusion is that the ephemeral streams on site would not likely be considered a WOTUS because of their lack of relatively permanent water and absence of a continuous downstream connection to a known WOTUS.

Please let us know if you need any additional information in order to provide a definitive determination.

Regards,

Megan Orloff, PE

River City Consultants

215 Pitkin Ave. #201 Grand Junction, CO 81501

(O) 970-241-4722 | (C) 720-347-9561

RIVERCITY CONSULTANTS

From: Crosson, S B (Brad) CIV USARMY CESPA (USA) <Steven.B.Crosson@usace.army.mil>
Sent: Wednesday, December 13, 2023 2:10 PM
To: amy.yeldell@state.co.us
Cc: Megan Orloff <morloff@rccwest.com>; Emery, Ashley R CIV SPA <Ashley.R.Emery@usace.army.mil>
Subject: Response to Comment Request // Rolling Hills Gravel Pit // SPA-2023-00586

Sent on behalf of Ms. Ashley Emery:

Ms. Yeldell,

Thank you for requesting comments from our office regarding the proposed subject project or activity that may have the potential to impact aquatic resources. **The proposed Rolling Hills Gravel Pit appears to possibly intersect with potential waters of the United States, but we would need additional information in order to provide a definitive determination.** If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in the following paragraphs.

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, and seeps. To ascertain the extent of waters on the project site, the project proponent should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the1987 Wetland Delineation Manual and the South Pacific Division's Updated Map and Drawings. These standards can be found on our website at: https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/.

An aquatic resource delineation should be evaluated prior to developing a range of alternatives that meet the project purpose. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits. Please refer to identification number SPA-2023-00586 in any correspondence concerning this project. If you have any questions, please contact me by email at ashley.r.emery@usace.army.mil, or telephone at (970) 243-1199 ext. 1010.

Sincerely,

Ashley Emery

Northwest Colorado Branch

Albuquerque District

US Army Corps of Engineers

Office: 970-243-1199 ext 1010

Rolling Hills Gravel Pit WOTUS Memo.pdf
3948K

ERO Resources Corporation

Denver 1626 Cole Boulevard, Suite 100, Lakewood, CO 80401-3306
Durango 835 East Second Avenue, Suite 400, Durango, CO 81301
Hotchkiss 161 South 2nd Street, PO Box 932, Hotchkiss, CO 81419
Idaho 7154 West State Street, Suite 398, Boise, ID 83714

January 17, 2024

TO: Andy Azcarraga, MA Concrete

FROM: Hidde Snieder, ERO Resources Corporation

RE: Rolling Hills Gravel Pit Development Project - Wetland Resources Technical Memorandum

ERO Resources Corporation (ERO) is providing this Technical Memorandum (memo) to discuss the results of data review and field surveys to evaluate potential isolated wetlands, jurisdictional wetlands, and other waters of the U.S. (WOTUS) to facilitate compliance with the Clean Water Act (CWA). The project evaluated is a portion of the Rolling Hills Gravel Pit Development Project west of Whitewater, Mesa County, Colorado (project area; Photo 1; Figure 1 attached). ERO biologist Jared Watson surveyed the project area for WOTUS on January 5, 2024 (2024 site visit), with supplemental field photos collected (Photos 1 through 11; see attached Photo Log).

Methods

ERO evaluated the project area for potential wetlands and wetland vegetation during a wandering pedestrian survey during the 2024 site visit. The boundaries of identified wetlands, ordinary high water mark (OHWM), and other characteristics of potential WOTUS were mapped using a Trimble Global Positioning System (GPS) unit. Data were differentially corrected using the CompassCom base station. All differential correction was completed using Trimble Pathfinder Office 5.9 software. GPS data were incorporated using ESRI ArcGIS Desktop software. Additionally, where appropriate, features were drawn on georectified aerials and then digitized.

Results

ERO documented three sections of OHWM (OHWM 1, OHWM 2, and OHWM 3) that extend throughout the project area and appear to be primarily fed by stormwater runoff and snowmelt from adjacent uplands (Figure 2, attached). Vegetative cover in the project area was scarce and was dominated by nonnative grasses and upland species, and no wetland species were observed during the 2024 site visit. Dominant vegetation species consisted of greasewood (*Sarcobatus vermiculatus*), kochia (*Bassia scoparia*), cheatgrass (*Bromus tectorum*), cactus (*Opuntia* spp. and *Cholla* spp.), crested wheatgrass (*Agropyron cristatum*), and threeawn (*Aristida* sp.) (Photo 11). ERO did not observe active water flow at the time of the 2024 site visit, no wetland indicators were present in the project area, and no wetlands were identified.

OHWM 1 is the northernmost drainage flowing generally from northwest to southeast in the project area (Photos 2 and 4; Figure 2). OHWM 1 is not shown on the Whitewater, CO U.S. Geological Survey (USGS) quadrangle but is shown on the National Wetland Inventory (NWI) as an intermittently flooded

stream (Service 2023; USGS 2024). ERO mapped 0.446 acre of OHWM associated with OHWM 1 during the 2024 site visit. No flowing water or wetlands were observed in OHWM 1 during the 2024 site visit. Vegetation was dominated by upland species such as cheatgrass, threeawn, crested wheatgrass, greasewood, and cactus. OHWM 1 is an ephemeral drainage that does not contain relatively permanent water (RPW). OHWM 1 appears to have a downstream connection to two detention ponds outside of the project area; the detention ponds do not appear to have a continuous surface connection to a known WOTUS or other RPW feature.

OHWM 2 is along the southern border of the project area, running generally west to east toward Coffman Road (Photo 9; Figure 2). OHWM 2 is not shown on the Whitewater, CO USGS quadrangle or NWI. ERO mapped 0.455 acre of OHWM associated with OHWM 2 during the 2024 site visit. No flowing water or wetlands were observed in OHWM 2 during the 2024 site visit. Vegetation was dominated by upland species such as cheatgrass, threeawn, crested wheatgrass, greasewood, and cactus. OHWM 2 is an ephemeral drainage that does not contain RPW. OHWM 2 does not appear to have a continuous surface connection downstream to a known WOTUS or other RPW feature. Portions of OHWM 2 consist of an upland vegetated swale lacking a defined OHWM that separates it from the two detention ponds east of Coffman Road. A historic irrigation canal truncates the lower end of OHWM 2 and is filled with sediment and upland vegetation (Photo 6).

OHWM 3 initiates from a high point near the center of the project area and flows northwest to southeast in the project area (Photo 8; Figure 2). OHWM 3 is not shown on the Whitewater, CO USGS quadrangle or NWI. ERO mapped 0.304 acre of OHWM associated with OHWM 3 during the 2024 site visit. No flowing water or wetlands were observed in OHWM 3 during the 2024 site visit. Vegetation was dominated by upland species such as cheatgrass, threeawn, crested wheatgrass, greasewood, and cactus. OHWM 3 is an ephemeral drainage that does not contain RPW. OHWM 3 does not appear to have a continuous surface connection downstream to a known WOTUS or other RPW feature. Portions of OHWM 3 consist of an upland vegetated swale lacking a defined OHWM that separates it from the two detention ponds east of Coffman Road.

Additionally, ERO documented 3.337 acres of upland swales throughout the project area during the 2024 site visit (Figure 2). ERO mapped these swales to document the absence of wetlands and OHWM in portions of the ephemeral drainages (OHWM 1, OHWM 2, and OHWM 3) in the project area. The upland swales convey stormwater and snowmelt in the project area and do not contain defined bed and bank characteristics (Photos 3, 5, 7, and 10). Dominant vegetation was small greasewood shrubs, cheatgrass, and cactus.

Recommendations

OHWM 1, OHWM 2, and OHWM 3 are ephemeral in nature and, under the current guidance, would not likely be considered a WOTUS by the U.S. Army Corps of Engineers (Corps) because of their lack of RPW and absence of a continuous downstream connection to a known WOTUS. If the Corps needs further documentation, ERO recommends submitting a request for an approved jurisdictional determination to the Corps to confirm no further action regarding Section 404 permitting is necessary.

SIGNED:

Hidde Snieder, Biologist

Attachments:

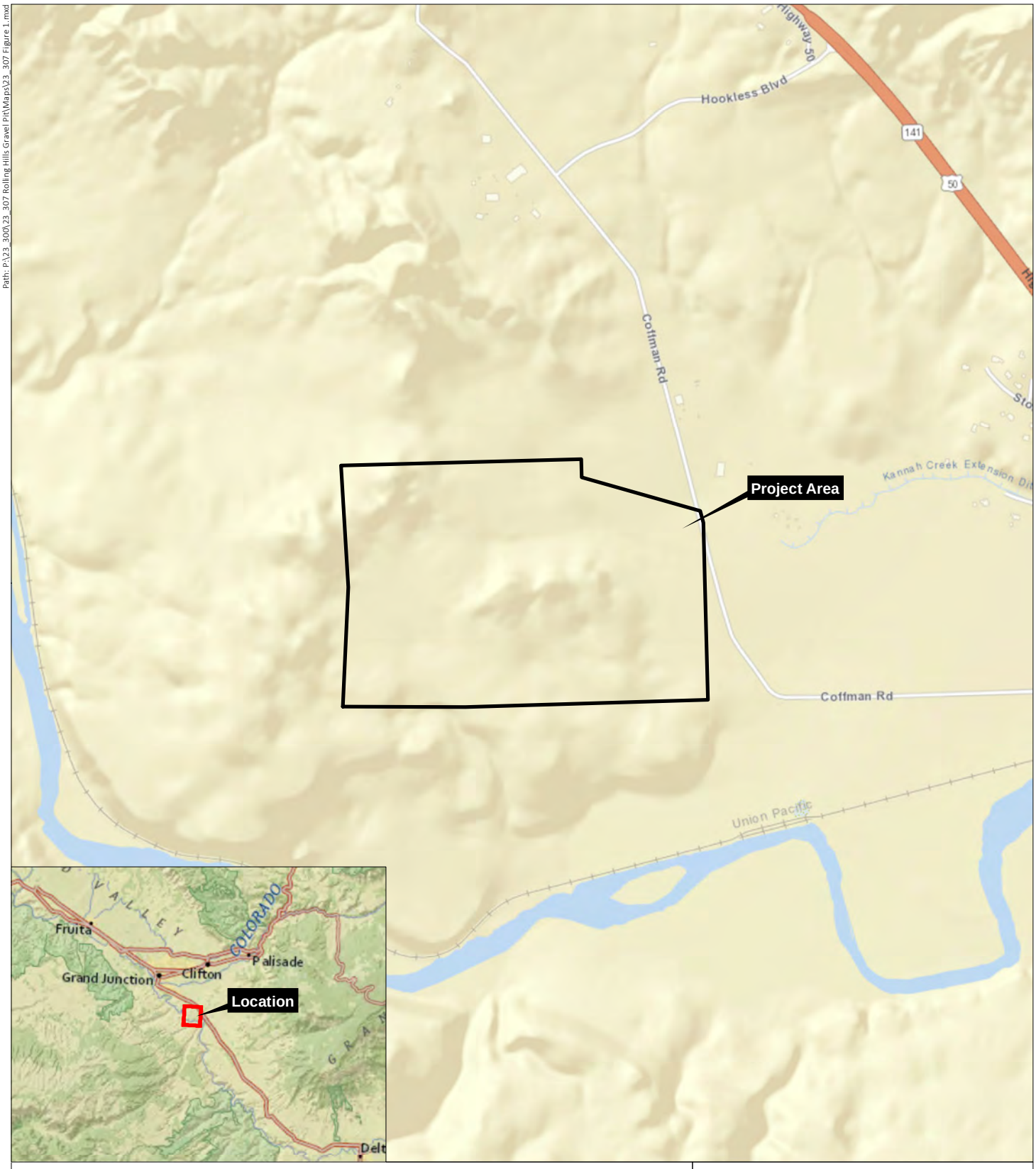
Photo Log
Figure 1 Project Area
Figure 2 Existing Conditions

References

U.S. Fish and Wildlife Service. (2023). *National Wetlands Inventory Wetlands Mapper*. https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

U.S. Geological Survey. (2024). *National Hydrography Dataset* [Map]. U.S. Department of the Interior, U.S. Geological Survey. https://apps.nationalmap.gov/viewer/

Path: P:\23_300\23_307 Rolling Hills Gravel Pit\Maps\23_307 Figure 1.mxd



Rolling Hills Gravel Pit

Sections 9 and 10, T2S, R1E; Ute Meridian

UTM NAD 83: Zone 12N; 718145mE, 4319142mN

Longitude 108.481145°W, Latitude 38.994116°N

USGS Whitewater, CO Quadrangle

Mesa County, Colorado

0 750 1,500 Feet

N

Figure 1
Vicinity Map

Prepared for: MA Concrete
File: 23_307 Figure 1.mxd (GS)
January 9, 2024

ERO Resources Corp.

Path: P:\23_300\23_307 Rolling Hills Gravel Pit\Maps\23_307 Figure 2.mxd

P4
P1
P3
OHWM 1
Coffman Road
P11
P2
P10
OHWM 2
P5
OHWM 3
P9
P8
P6
OHWM 2
OHWM 2
P7

Rolling Hills Gravel Pit

- Photo Point
- Flow Direction
- Ordinary High Water Mark
- Upland Swale
- Permit Boundary

Image Source: Google Earth©, May 22, 2023

0 175 350 Feet

N

Figure 2
Existing Conditions

Prepared for: MA Concrete
File: 23_307 Figure 2.mxd (GS)
January 11, 2024

ERO Resources Corp.

Photo 1 - Project area overview with typical vegetation species and coverage found across the site. View is to the west.

Photo 2 - OHWM 1, an ephemeral drainage in the northeast portion of the project area. View is to the north.

Photo 3 - Upland swale in the northeast portion of the in project area with typical vegetation coverage and species. View is to the northwest.

Photo 4 - OHWM 1 without water and unconsolidated channel bottom. View is to the southeast.

Photo 5 - Upland swale with walking path at the lower extent of OHWM 3. View is to the southwest.

Photo 6 - Historic irrigation canal filled in with sediment and upland vegetation. View is to the south.

Photo 7 - Sediment wash into an upland swale at the lower extent of OHWM 2. View is to the northeast.

Photo 8 - Channel characteristics of OHWM 3. View is to the north.

Photo 9 - Channel characteristics of OHWM 2. View is to the southeast.

Photo 10 - Erosional feature initiating at the base of a hill near OHWM 2. View is to the north.

Photo 11 - Hillslope features from walking path in the center of the project area. View is to the east.