

STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

NWO-2025-00537-DEN (Section 25 Sand Mine, File No. M-2025-015 (Anywork))

1 message

Holland, Ronetta G CIV USARMY CENWO (USA) <Ronetta.G.Holland@usace.army.mil>Thu, Apr 10, 2025 at 12:47
PM

To: "Patrick.lennberg@state.co.us" <Patrick.lennberg@state.co.us>

Dear Patrick Lennberg:

This email is to inform you that we received your email or letter request on April 10, 2025. Please see the attached "Anywork Letter" regarding your request.

Sincerely,

Ms. Ronetta G Holland

Office Automation Assistant, Denver Regulatory Office

Omaha District Corps of Engineers

[9307 S Wadsworth Blvd](#)[Littleton CO 80128](#)

720-922-3843

"The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the nation's aquatic resources and navigable capacity, while allowing reasonable development through fair, flexible, and balanced permit decisions."

The Denver Regulatory Office accepts digital submittals! Effective immediately, please submit new requests in digital form to DenverRegulatoryMailbox@usace.army.mil for initial in-processing. (NOTE: Emails including attachments cannot exceed 40Mb). Further information and instructions regarding submitting requests electronically can be found at: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>

Please note that most regulatory requests, such as requests for permit actions and requests for jurisdictional determinations, can also be completed online through USACE's Regulatory Request System (RRS). We encourage users to explore and utilize the new Regulatory Request System to take advantage of its benefits and features. Visit rrs.usace.army.mil today!

The U.S. Army Corps of Engineers (USACE) announces the availability of new and updated Engineer (ENG) forms for use in our delivery of the USACE Regulatory Program. These new and updated forms are designed to efficiently and effectively collect information needed to implement our Regulatory Program. Practitioners and the public can access USACE's Regulatory ENG forms at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Regulatory-Program-Forms/>.



Anywork Letter.pdf
2100K



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

SUBJECT: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act (Section 404), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in waters of the United States (WOUS). WOUS may include ephemeral, intermittent and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches.

In order to determine if a discharge of fill material would occur in a WOUS, we recommend a wetland delineations be conducted in the field by a qualified environmental consultant that identifies any aquatic resource boundaries. A wetlands delineation identifies the aquatic resources and its boundaries on a project site and must be conducted using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement). Once the aquatic resources and its boundaries have been identified, the wetland delineation is not official unless verified by the Corps. Please note that the discharge of dredged or fill material into upland areas or non-jurisdictional aquatic resources does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 54 types of nationwide permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/>. Some fill activities require a pre-construction notification to the Corps prior to any work. The pre-construction notification requirements are enclosed. Additionally, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/Regional-General-Permits/>. These fill activities require notification to the Corps prior to starting work, and possibly other local or state agencies. Please note several of the RGP's are applicant and location specific.

Individual permits authorize fill activities that are not covered under the NWP or RGP. This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis must be provided with this permit action. The alternative analysis must contain an evaluation of environmental impacts for a range of alternatives. Other action alternatives should include other practicable alternatives (with regards to cost, logistics, and technology) that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred action. The individual permit application form and form instructions can be found

on our website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>.

If the activity requires a Department of the Army permit as a result of any impacts to WOUS or any earth disturbances within that resource, a federal action will occur. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic site are minimal. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If the information that was submitted could impact WOUS, which are jurisdictional resources, this office should be notified. If a section 404 permit is required, work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude, Decimal Degrees (example: 39.555555; -104.555555) and the dimensions of work in each aquatic site.

If there are any questions, please call the Denver Regulatory Office at 303-979-4120.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Downing', with a stylized flourish at the end.

Kiel Downing
Chief, Denver Regulatory Office

Enclosure



Pre-Construction Notification (PCN) Requirements

(Nationwide Permit General Condition No. 32
from the January 6, 2017 Federal Register)

US Army Corps of Engineers, Omaha District, Denver Regulatory Office
9307 South Wadsworth Blvd, Littleton, CO 80128
Phone: (303) 979-4120

Contents of Pre-Construction Notification:

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Identify the specific NWP or NWP(s) the prospective permittee want to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.