

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Re: Ewing Bank Repair

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Thu, Jun 5, 2025 at 1:28 PM

To: Joel Bolduc <Joel.Bolduc@burnco.com>

Hi Joel.

Thank you for submitting the information to the Division regarding the bank stabilization project adjacent to the Ewing site. I reviewed the attachments and do not have any additional questions at this time.

Kind regards,

Nikie Gagnon
Environmental Protection Specialist**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Cell: 720.527.1640

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Address for FedEx, UPS, or hand delivery:

DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>

On Mon, Jun 2, 2025 at 7:05 AM Joel Bolduc <Joel.Bolduc@burnco.com> wrote:

Hi Nikie,

Please find attached documents related to a bank repair project on the South Platte River adjacent to our Ewing Gravel Mine (M-2023-033).

The project was unrelated to mining operations. I am bringing this to your attention because the project resulted in disturbance inside and outside of the affected area.

In short, the river eroded the bank on the east side of the river (west side of our Ewing property) such that Xcel Energy's Well 3-South (58543-F) was compromised and abandoned. In addition, the line running from Well 4-South (58540-F) to the vicinity of 3-South was also compromised and abandoned. As a result, three actions were taken:

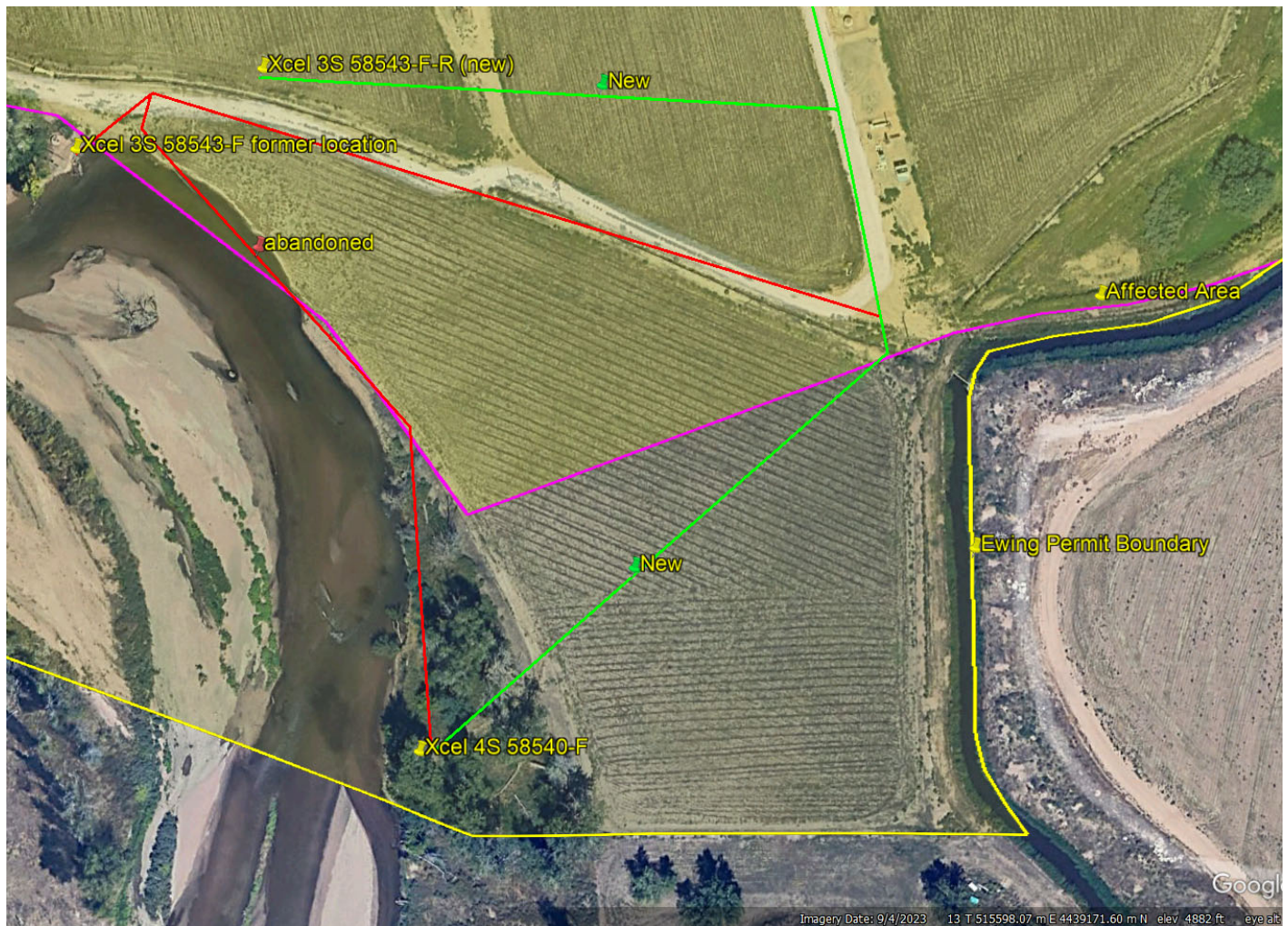
1. Well 3-South was redrilled approximately 150 ft to the northeast of the old location and re-permitted with DWR as 58543-F-R (replacement well)
2. New lines were installed from the new Well 3-South and Well 4-South directly to the water line that runs north through the pit
3. The bank was restored and armored under Corps of Engineers Nationwide permit NWO-2024-01527-DEN

Below is a map indicating the changes.

Attached are pertinent documents related to the Corps of Engineers permit.

Please let me know if you have any questions!

Joel



Joel Bolduc

Land & Resource Manager U.S.

1120 W 122nd Ave, Suite 301

Westminster, CO 80234

Tel: (303) 913-6583

joel.bolduc@burnco.com

SAFETY | TEAMWORK | CLARITY

October 25, 2024

Omaha District Corp of Engineers
Attn: Regulatory Specialist
9307 South Wadsworth Blvd
Littleton, CO 80128

RE: Xcel Energy Headgate Well Bank Stabilization (Ewing Property) – South Platte River

To Whom it May Concern:

Civil Resources is submitting this letter on behalf of Xcel Energy in the required format for Nationwide Permit requests. We are requesting that the project be permitted by Nationwide Permit and believe that a Nationwide Permit 45, *Repair of Uplands Damaged by Discrete Events*, is most appropriate as it authorizes the bank stabilization and restoration of upland areas damaged by flooding.

Project Description

Xcel Energy's headgate well (Well permit # 58543-F-R) is located in Weld County and diverts water from the South Platte River (SPR). The bank stabilization project is located on the east bank of the SPR approximately one-half mile downstream of Weld County Road 14.5 in Fort Lupton, Colorado. Water diversions from the well are sent to the Rocky Mountain Energy Power Plant in Keenesburg and used for steam generation and cooling water. The well structure is located in the Southwest Quarter of the Southeast Quarter of Section 30, Township 2 North, Range 66 West. Refer to the Site Location Map on Figure 1.

The bank upstream of the structure has been damaged during a discrete high flow event on May 12, 2023 by bank erosion and upstream scour. Enclosed are before and after aerial photos showing the conditions of the riverbank, along with a hydrograph showing historically high flows in the South Platte indicating the damaging potential of the May 12, 2023 discrete event.

The project includes filling the bank with riprap and clean fill to protect against future erosion. An excavator or other "non-pushing" type of construction equipment will be used to remove existing material prior to construction of the diversion dike. The excavated materials will be temporarily stockpiled on adjacent upland areas before placement. The repair work is proposed to be completed this winter (2024-2025) during low flow river.

Wetland and Waters of the United States Impacted

The proposed improvements will not impact wetlands but will require the fill of Waters of the United States to stabilize the erosion on the southeast side of the existing well structure. The impacts are summarized as follows:

- *Permanent Impacts:* The permanent repair generally includes placing clean backfill and rock on the upstream side of the structure to protect the riverbank from further erosion. The limits of the proposed riprap equal 940 cubic yards over 350 linear feet. All other proposed material is returning the bank to existing (pre-flood) conditions. Refer to the attached plans showing the proposed material.
- *Temporary Impacts:* A diversion dike is proposed to divert water around the project while the improvements are constructed and to observe the existing damage currently under water. The Temporary Impact area is 1,500 to 3,050 sf (0.035 acres to 0.07 acres).
- Once the project is completed, impacts to the historic streambed will be 0.15 acres or less.

If you have any questions please do not hesitate to call or email, 303-909-0776 or andy@civilresources.com.

Sincerely,



Andy Rodriguez, P.E.

Attachments:

Application

Aerial May 2023

Aerial September 2023 (After Event Damage)

Historical Daily Streamflow Data at South Platte River (Station CO – 06721000)

Exhibit 1 – Bank Erosion Repair

IPaC

EMial – historical research

Encls:

Cc: BURNCO - Travis Coates <Travis.Coates@burnco.com>

Xcel Energy – Kamin, David J <David.J.Kamin@xcelenergy.com>

U.S. Army Corps of Engineers (USACE)
NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)

For use of this form, see 33 CFR 330; the proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-0003
Expires: 08-31-2023

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

Principal Purpose Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

Routine Uses This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.

Disclosure Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see *sample drawings and/or instructions*) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

| | | | |
|--------------------|----------------------|------------------|------------------------------|
| 1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED | 4. DATE APPLICATION COMPLETE |
|--------------------|----------------------|------------------|------------------------------|

(ITEMS BELOW TO BE FILLED BY APPLICANT)

| | |
|--|--|
| 5. APPLICANT'S NAME First - Wesley Middle - L Last - Eversole Company - Xcel Energy Company Title - Environmental Services Supervisor E-mail Address - wesley.l.eversole@xcelenergy.com | 8. AUTHORIZED AGENT'S NAME AND TITLE (<i>agent is not required</i>) First - Andy Middle - Last - Rodriguez Company - Civil Resources, LLC E-mail Address - Andy@civilresources.com |
| 6. APPLICANT'S ADDRESS Address- 414 Nicollet Mall City - Minneapolis State - MN Zip - 55401 Country - US | 9. AGENT'S ADDRESS Address- 8308 Colorado Blvd. Suite 200 City - Firestone State - CO Zip - 80504 Country - US |
| 7. APPLICANT'S PHONE NOS. with AREA CODE a. Residence b. Business c. Fax d. Mobile 303-833-1416 | 10. AGENT'S PHONE NOS. with AREA CODE a. Residence b. Business c. Fax d. Mobile 303-833-1416 |

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Andy Rodriguez to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.

Wesley Eversole 10/29/2024
SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME or TITLE (*see instructions*)
Xcel Energy Headgate Well Bank Stabilization (Ewing Property) – South Platte River

| NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY | | | | |
|--|--|--|--|--|
| 13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> South Platte River | | 14. PROPOSED ACTIVITY STREET ADDRESS <i>(if applicable)</i> | | |
| 15. LOCATION OF PROPOSED ACTIVITY <i>(see instructions)</i> <div style="display: flex; justify-content: space-between;"> <div>Latitude 40</div> <div>°N 6°11.67"</div> <div>Longitude 104</div> <div>°W 49°6.31"</div> </div> | | City: _____ State: _____ Zip: _____ <small>303-833-1416</small> | | |
| 16. OTHER LOCATION DESCRIPTIONS, IF KNOWN <i>(see instructions)</i> <div style="display: flex; justify-content: space-between;"> <div>State Tax Parcel ID 1309300000039</div> <div>Municipality</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Section 30</div> <div>Township 2n</div> <div>Range 66w</div> </div> | | | | |
| 17. DIRECTIONS TO THE SITE Entrance is west side of SH-85 approx 2640' south of the intersection of SH-85 and WCR-18. | | | | |
| 18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE Nationwide Permit 45, Repair of Uplands Damaged by Discrete Events | | | | |
| 19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY <i>(see instructions)</i> The project includes filling the bank with riprap and clean fill to protect against future erosion. | | | | |
| 20. DESCRIPTION OF PROPOSED MITIGATION MEASURES <i>(see instructions)</i> An excavator or other “non-pushing” type of construction equipment will be used to remove existing material prior to construction of the diversion dike. The excavated materials will be temporarily stockpiled on adjacent upland areas before placement. The repair work is proposed to be completed this winter (2024-2025) during low flow river. | | | | |
| 21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY <i>(Describe the reason or purpose of the project, see instructions)</i> Repair of damage caused by a discrete high flow event on May 12, 2023. | | | | |
| 22. QUANTITY OF WETLANDS, STREAMS, OR OTHER TYPES OF WATERS DIRECTLY AFFECTED BY PROPOSED NATIONWIDE PERMIT ACTIVITY <i>(see instructions)</i> <div style="display: flex; justify-content: space-between;"> <div>Acres 0.15</div> <div>Linear Feet 250</div> <div>Cubic Yards Dredged or Discharged</div> </div> | | | | |
| Each 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. | | | | |
| 23. List 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. <i>(see instructions)</i> NA | | | | |
| 24. If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and requires pre-construction notification, explain how the compensatory mitigation requirement in paragraph (c) of general condition 23 will be satisfied, or explain why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required for the proposed activity. NA | | | | |

ENG FORM 6082, SEP 2022 Page 3 of 6

**Instructions for Preparing a
Department of the Army
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant's Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity 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. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of 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 additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List 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. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands When Pre-Construction Notification is Required. Paragraph (c) of NWP general condition 23 requires compensatory mitigation at a minimum one-for-one replacement ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre, or provide an explanation of why the district engineer should not require wetland compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>.

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre-Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- * NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- * NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- * NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.
- * NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification.
- * NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- * NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- * NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
- * NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each 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 wetland delineation manual and regional supplement published 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. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

Ewing Bank Repair

SOUTH PLATTE RIVER
AERIAL DATE: 05/2023

EXISTING
HEADGATE WELL

EXISTING RIVER
BANK

South Platte River

South Platte River



Ewing Bank Repair

SOUTH PLATTE RIVER
AERIAL DATE: 09/2023

EXISTING
HEADGATE WELL

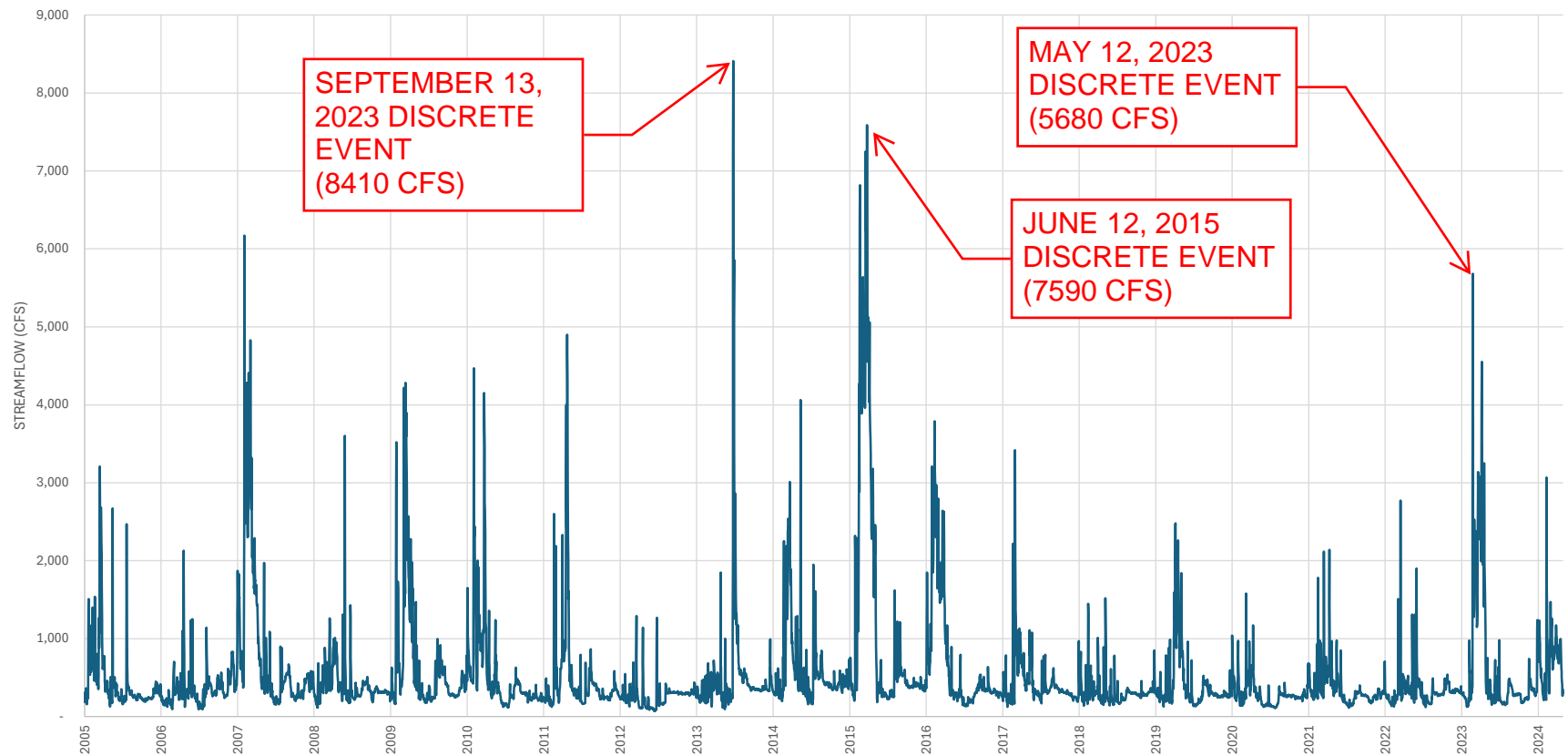
DAMAGED RIVER
BANK

South Platte River

South Platte River



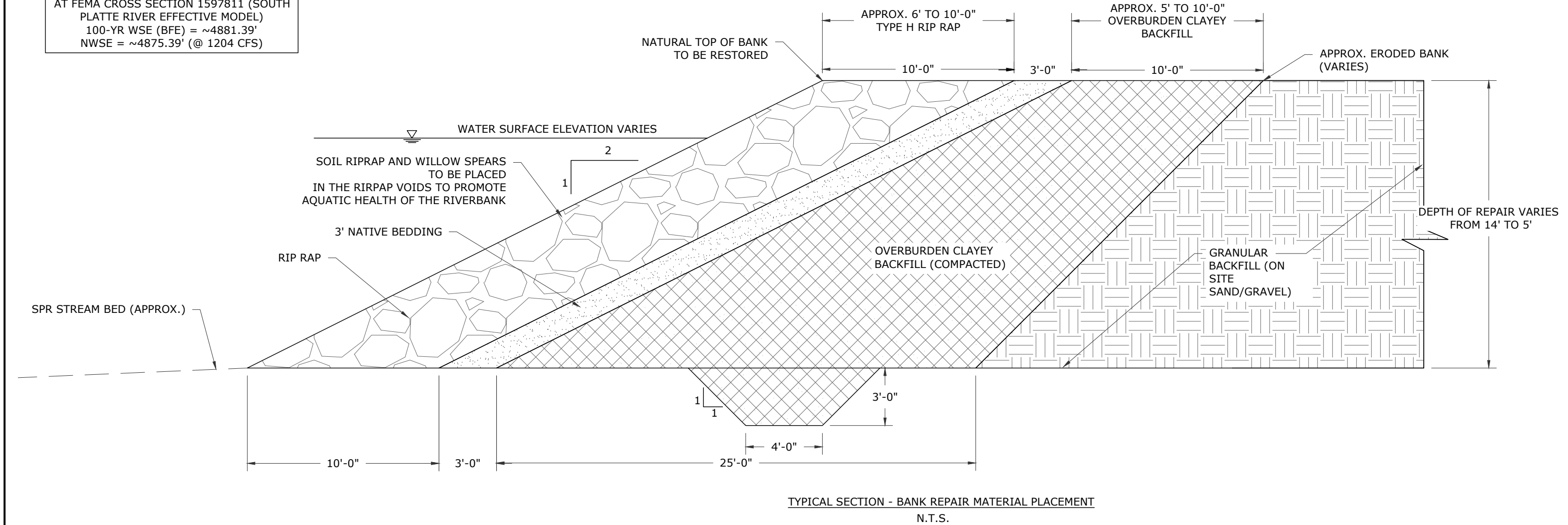
Historical Daily Streamflow Data at South Platte River (Station CO - 06721000)





- NOTES:
1. PHOTOS TAKEN JULY 18, 2024 AND AERIAL IMAGERY USED IS FROM JULY 2024. TOPOGRAPHIC DATA WAS USED AS A TOOL BUT NOT SUITABLE FOR PRELIMINARY DESIGN.
 2. NATIVE BEDDING AND CLAYEY BACKFILL COMPACTED TO MINIMUM 95% MDD AT 2% ± OPTIMUM MOISTURE CONTENT.
 3. TYPE H (D50 = 18") TO V# (D50 = 24") RIPRAP TO BE USED IN CHANNEL STABILIZATION AND TAMPED WITH EXCAVATOR BUCKET.
 4. CHANNEL EROSION BANK DEPTH (TOP OF ERODED BANK MEASURED WITH WEIGHTED TAPE TO BOTTOM OF CHANNEL) VARIES FROM APPROXIMATELY 12'-14' NEAR THE EXISTING WELL AND DROPS TO 4'-6' THE FURTHER SOUTH ALONG BANK.

AT FEMA CROSS SECTION 1597811 (SOUTH PLATTE RIVER EFFECTIVE MODEL)
100-YR WSE (BFE) = ~4881.39'
NWSE = ~4875.39' (@ 1204 CFS)



| | | ESTIMATED MATERIAL VOLUME (CUBIC YARDS) | | | | |
|-------------|-----|---|----------------|--|--------|---|
| | | RIP RAP | NATIVE BEDDING | OVERBURDEN CLAYEY BACKFILL (COMPACTED) | KEYWAY | GRANULAR BACKFILL (ON SITE SAND/GRAVEL) |
| SECTION 1 | | 202 | 61 | 202 | 33 | 800 |
| DEPTH (FT) | 13 | | | | | |
| LENGTH (FT) | 42 | | | | | |
| WIDTH (FT) | 55 | | | | | |
| SECTION 2 | | 306 | 92 | 306 | 58 | 1450 |
| DEPTH (FT) | 11 | | | | | |
| LENGTH (FT) | 75 | | | | | |
| WIDTH (FT) | 63 | | | | | |
| SECTION 3 | | 467 | 140 | 467 | 109 | 1500 |
| DEPTH (FT) | 9 | | | | | |
| LENGTH (FT) | 140 | | | | | |
| WIDTH (FT) | 45 | | | | | |
| TOTAL (CY) | | 974 | 292 | 974 | 200 | 3750 |

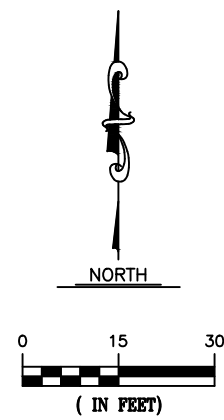


PHOTO 1: LOOKING SOUTHEAST FROM EXISTING WELL LOCATION (JULY 18, 2024)



8308 COLORADO BLVD.
SUITE 200
FIRESTONE, CO 80504
303.833.1416.
WWW.CIVILRESOURCES.COM



BURSCO COLORADO, LLC
10100 DALLAS STREET
HENDERSON, COLORADO 80640
970.578.7277 (p)
CONTACT: TRAVIS COATES

EWING GRAVEL MINE PROPERTY
SOUTH PLATTE RIVER
BANK EROSION REPAIR
FORT LUPTON, COLORADO

| REVISIONS | | |
|-----------|-------------|------|
| NO. | DESCRIPTION | DATE |
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| | | |
| | | |
| | | |

DESIGNED BY: ARR DATE: OCTOBER 2024
DRAWN BY: JPM SCALE: AS NOTED
CHECKED BY: ARR AS NOTED
JOB NO.: 213.001.43
DWG NAME: QUANT-SPR_BANK EROSION REPAIR.DWG

SPR - BANK
EROSION REPAIR
QUANTITIES

SHEET:



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
Phone: (303) 236-4773 Fax: (303) 236-4005



In Reply Refer To:

09/30/2024 22:04:31 UTC

Project Code: 2024-0151473

Project Name: Ewing - South Platte Riverbank Erosion Repair

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Colorado Ecological Services Field Office

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

(303) 236-4773

PROJECT SUMMARY

Project Code: 2024-0151473

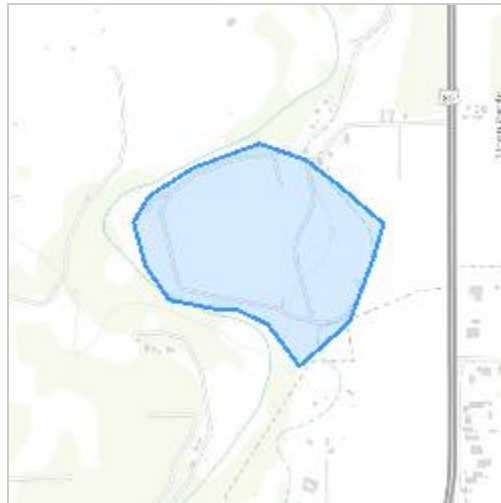
Project Name: Ewing - South Platte Riverbank Erosion Repair

Project Type: Restoration / Enhancement of Waterbody

Project Description: After recent flooding along the South Platte River, near Fort Lupton, Colorado, the property owner is seeking to perform repairs to the eastern bank of the river to avoid further erosion. The property's future use is a sand and gravel mine and eventually a bentonite slurry lined water storage facility. The current erosion is close to the slurry wall liner and to avoid future damage the owner is seeking to repair the bank to historic conditions using rip rap and natural soils from the site.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.1055098,-104.81845243385757,14z>



Counties: Weld County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

| NAME | STATUS |
|---|------------|
| <p>Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/4090</p> <p>General project design guidelines:</p> <p>https://ipac.ecosphere.fws.gov/project/VBQWAB3R3ZAUTDLTLQTQXEB5I/documents/generated/6861.pdf</p> | Threatened |

BIRDS

| NAME | STATUS |
|--|------------|
| <p>Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/10477</p> | Threatened |
| <p>Piping Plover <i>Charadrius melodus</i></p> <p>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/6039</p> | Threatened |
| <p>Whooping Crane <i>Grus americana</i></p> <p>Population: Wherever found, except where listed as an experimental population</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/758</p> | Endangered |

FISHES

| NAME | STATUS |
|---|------------|
| <p>Pallid Sturgeon <i>Scaphirhynchus albus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. <p>Species profile: https://ecos.fws.gov/ecp/species/7162</p> | Endangered |

INSECTS

| NAME | STATUS |
|---|-----------|
| <p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p> | Candidate |

FLOWERING PLANTS

| NAME | STATUS |
|--|------------|
| Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2159 | Threatened |
| Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669 | Threatened |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: John Marvel
Address: 8308 COLORADO BLVD. SUITE 200
City: FIRESTONE
State: CO
Zip: 80504
Email: jack@civilresources.com
Phone: 3039105788

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Celena Cui
Email: Celena.H.Cui@usace.army.mil

Andy Rodriguez

From: Cui, Celena H CIV (USA) <Celena.H.Cui@usace.army.mil>
Sent: Thursday, September 26, 2024 3:26 PM
To: Andy Rodriguez
Subject: Re: T&E & Historical

Hello Andy,

We generally like an updated IPAC report because the species list can change. You can use the website below to generate a report. Let me know if you run into any issues.

<https://ipac.ecosphere.fws.gov/>

As for the historic properties search, we can work with the information you found below for this project because most of the area was extensively modified by the bank erosion.

Thanks,

Celena Cui

From: Andy Rodriguez <andy@civilresources.com>
Sent: Wednesday, September 25, 2024 1:48 PM
To: Cui, Celena H CIV (USA) <Celena.H.Cui@usace.army.mil>
Subject: [Non-DoD Source] T&E & Historical

Celena,

Here is the IPAC from approximately 1 year ago. Is this satisfactory when I resubmit?

I believe you mentioned a historic structures/properties search as well.

Using this website (<https://www.historycolorado.org/national-state-register-listed-properties>) here are my results.

Searched:

- State Register – nothing on or in the nearby vicinity of the Ewing Property.
- National Historic Landmark – nothing on or in the nearby vicinity of the Ewing Property.
- National & State Register Listed Properties – nothing on or in the nearby vicinity of the Ewing Property.
- Word Heritage Sites - nothing on or in the nearby vicinity of the Ewing Property.

Is this an adequate historical search?

Thanks,

Andy Rodriguez, P.E.
Civil Resources, LLC
8308 Colorado Blvd Suite 200
Firestone, CO 80504



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

November 13, 2024

**SUBJECT: Nationwide Permit Verification; NWO-2024-01527-DEN, Xcel Energy
Headgate Well Bank Stabilization (Ewing Property) - South Platte River**

Wesley Eversole
Xcel
414 Nicollet Mall
Minneapolis, MN 55401

Dear Mr. Eversole:

This letter is in response to your October 29, 2024, Pre-construction Notification (PCN), requesting Department of the Army (DA) Nationwide Permit (NWP) verification for the above-referenced project. The project site is located at Latitude 40.103335°, Longitude -104.818475°, within Section 30, Township 2 N, Range 66 W, in Weld County, Colorado.

For the above-referenced project you propose to permanently discharge fill material into the South Platte River, in order to reclaim the uplands and stabilize the bank. The uplands will be restored to the pre-flood extent and the 250 linear feet of bank will be stabilized with riprap. The bank will be reseeded and staked with willows. The project will permanently impact 0.30 acre of the post-flood streambed of the South Platte River. The diversion dike will also temporarily impact 0.07 acre of the South Platte River.

The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The Corps' regulations are published in the Code of Federal Regulations at 33 CFR parts 320 through 332. NWPs are defined in the Federal Register published on December 27, 2021 (86 FR 73522) and January 13, 2021 (86 FR 2744). Based on a review of the information you furnished and available to us, we have determined the above referenced work requires DA authorization under Section 404 of the CWA.

Based upon the information you provided, we hereby verify that the work described above, which would be performed in accordance with the plans you provided, dated October 2024, is authorized by NWP 45 Repair of Uplands Damaged by Discrete Events. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office. This NWP and associated

Regional and General Conditions are enclosed and can be accessed on our website at: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado>. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization, and you may be subject to appropriate enforcement action. You shall comply with all terms and conditions associated with this NWP.

Unless this NWP is suspended, modified, or revoked, it is valid until **March 14, 2026**. It is incumbent upon you to remain informed of changes to this NWP. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization as per 33 CFR 330.6(b). Any project specific conditions listed in this letter continue to remain in effect after the NWP verification expires unless the district engineer removes those conditions.

To assist in your compliance with NWP General Condition 30, enclosed is a "Compliance Certification" form, which shall be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Authorizations under this NWP does not relieve permittees from obtaining permits or other authorizations from any required federal, state, or local agency. If you have any questions, please contact Celena Cui via email at Celena.H.Cui@usace.army.mil, by mail at the address above, or by phone at (720) 922-3857.

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

Enclosures

cc: Andy Rodriguez, Civil Resources

COMPLIANCE CERTIFICATION

USACE File Number: NWO-2024-01527-DEN
Permit Type: NWP 45 Repair of Uplands Damaged by Discrete Events
Name of Permittee: Wesley Eversole, Xcel Energy
County: Weld County, Colorado
Date of Issuance: November 13, 2024
Project Manager: Celena Cui

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to
DenverRegulatoryMailbox@usace.army.mil or the following address:

**CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE
9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

April 22, 2025

Wesley Eversole
Xcel
414 Nicollet Mall
Minneapolis, MN 55401

Re: Ewing Gravel Mine/Xcel Energy Well - South Platte River Bank Stabilization

Mr. Wesley Eversole:

This letter summarizes the South Platte Riverbank stabilization per the approved Nation Wide Permit (NWP) 45. See attached *Nationwide Permit Verification; NWO-2024-01527-DEN, Xcel Energy Headgate Well Bank Stabilization (Ewing Property) - South Platte River*, issued on November 13, 2024.

The Ewing property is located in Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian. The site address is 7501 and 7503 Highway 85 in Weld County, Colorado. The site is bound by a meander of the South Platte River on the west, agricultural land on the north and south, and U.S. Highway 85 on the east.

Erosion of the bank occurred in the Spring of 2023. The bank cutting was encroaching on the Xcel Energy groundwater production well and the BURSCO Gravel Mine and associated appurtenances. Xcel Energy submitted a bank stabilization permit to the United States Army Corps of Engineers (USACE). Xcel replaced their damaged well and proceeded with the bank stabilization to deter further erosion, the redrilled well is located 200' north of the repaired river a bank.

The contractor used best management practices during construction. The attached pictures show the bank stabilization during March 2025. The construction was completed in accordance with the permit.

Sincerely,
CIVIL RESOURCES, LLC.



Andy Rodriguez, P.E.
Civil/Water Resources Engineer

Cc: Travis Coates, P.Eng. BURSCO

Attachments:
NWP Verification
Construction Photos

J:\BURSCO-213\Ewing\SPR Bank Repair\USACE\as built\Ewing Bank Repair-report_letter style.docx

NWP VERIFICATION



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

November 13, 2024

**SUBJECT: Nationwide Permit Verification; NWO-2024-01527-DEN, Xcel Energy
Headgate Well Bank Stabilization (Ewing Property) - South Platte River**

Wesley Eversole
Xcel
414 Nicollet Mall
Minneapolis, MN 55401

Dear Mr. Eversole:

This letter is in response to your October 29, 2024, Pre-construction Notification (PCN), requesting Department of the Army (DA) Nationwide Permit (NWP) verification for the above-referenced project. The project site is located at Latitude 40.103335°, Longitude -104.818475°, within Section 30, Township 2 N, Range 66 W, in Weld County, Colorado.

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The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The Corps' regulations are published in the Code of Federal Regulations at 33 CFR parts 320 through 332. NWPs are defined in the Federal Register published on December 27, 2021 (86 FR 73522) and January 13, 2021 (86 FR 2744). Based on a review of the information you furnished and available to us, we have determined the above referenced work requires DA authorization under Section 404 of the CWA.

Based upon the information you provided, we hereby verify that the work described above, which would be performed in accordance with the plans you provided, dated October 2024, is authorized by NWP 45 Repair of Uplands Damaged by Discrete Events. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office. This NWP and associated

Regional and General Conditions are enclosed and can be accessed on our website at: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado>. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization, and you may be subject to appropriate enforcement action. You shall comply with all terms and conditions associated with this NWP.

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To assist in your compliance with NWP General Condition 30, enclosed is a "Compliance Certification" form, which shall be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

Authorizations under this NWP does not relieve permittees from obtaining permits or other authorizations from any required federal, state, or local agency. If you have any questions, please contact Celena Cui via email at Celena.H.Cui@usace.army.mil, by mail at the address above, or by phone at (720) 922-3857.

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

Enclosures

cc: Andy Rodriguez, Civil Resources

COMPLIANCE CERTIFICATION

USACE File Number: NWO-2024-01527-DEN
Permit Type: NWP 45 Repair of Uplands Damaged by Discrete Events
Name of Permittee: Wesley Eversole, Xcel Energy
County: Weld County, Colorado
Date of Issuance: November 13, 2024
Project Manager: Celena Cui

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to
DenverRegulatoryMailbox@usace.army.mil or the following address:

**CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE
9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.



Signature of Permittee

4/23/2025

Date

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

PHOTOS



DAMAGED BANK LOOKING SOUTHEAST



CONSTRUCTION PHOTO LOOKING NORTHWEST



RIPRAP LOOKING NORTHWEST



SOIL COVERED RIPRAP LOOKING NORTHWEST



SOILED COVERED AND SEEDED LOOKING NORTHWEST



WILLOW PROPAGATION



SEED PROPAGATION



SEED & WILLOW PROPAGATION

Joel Bolduc

From: Andy Rodriguez <andy@civilresources.com>
Sent: Wednesday, April 23, 2025 8:55 AM
To: Cui, Celena H CIV (USA)
Cc: Wesley.L.Eversole@xcelenergy.com; Travis Coates
Subject: Ewing Bank Stabilization
Attachments: Signed Ewing Bank Repair-CERT042225.pdf

[EXTERNAL EMAIL]

This email was sent from an entity outside of our organization. If the email sender's name resembles someone who works for our organization, this email should be deleted or reported via your PhishAlert button in Outlook.

Celena,

See attached letter and signed compliance cert.

Andy Rodriguez, P.E.
Civil Resources, LLC
8308 Colorado Blvd Suite 200
Firestone, CO 80504
Phone: 303 833 1416 x202
Cell: 303 909 0776
www.civilresources.com

Travis Coates

From: Andy Rodriguez <andy@civilresources.com>
Sent: Wednesday, April 23, 2025 1:04 PM
To: Wesley.L.Eversole@xcelenergy.com
Cc: Travis Coates; Joel Bolduc
Subject: FW: Ewing Bank Stabilization

[EXTERNAL EMAIL]

This email was sent from an entity outside of our organization. If the email sender's name resembles someone who works for our organization, this email should be deleted or reported via your PhishAlert button in Outlook.

USACE confirmation on submitted compliance cert.

From: Cui, Celena H CIV (USA) <Celena.H.Cui@usace.army.mil>
Sent: Wednesday, April 23, 2025 1:01 PM
To: Andy Rodriguez <andy@civilresources.com>
Subject: RE: Ewing Bank Stabilization

Received.

Thanks,

Celena Cui
Regulatory Specialist, Denver Regulatory Office
Omaha District Corps of Engineers
9307 S. Wadsworth Blvd.
Littleton, CO 80128
720- 922-3857

"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/>.

From: Andy Rodriguez <andy@civilresources.com>
Sent: Wednesday, April 23, 2025 8:55 AM
To: Cui, Celena H CIV (USA) <Celena.H.Cui@usace.army.mil>
Cc: Wesley.L.Eversole@xcelenergy.com; Travis Coates <Travis.Coates@burnco.com>
Subject: [Non-DoD Source] Ewing Bank Stabilization

Celena,

See attached letter and signed compliance cert.

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