

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

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July 9, 2012

Steve Baker  
3B Enterprises, LLC  
P.O. Box 1665  
Craig, CO  
81626

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

***RE: Wand Pit, Permit No. M-2010-007, Comments Regarding 110c-112c Permit Conversion Application (CN-1)***

Dear Mr. Baker,

On July 6, 2012 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the U.S. Army Corp of Engineers (USACE). In order to provide specific, detailed comments, USACE has requested a complete copy of your CN-1 application. The Division will provide USACE with a copy of the application.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dustin Czapla", with a long horizontal flourish extending to the right.

**Dustin Czapla**  
Environmental Protection Specialist  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup>, Suite 301  
Grand Junction, CO 81501  
Phone: (970) 243-6299  
Fax: (970) 241-1516

Enc: USACE Comments email dated July 6, 2012

Cc:

## Czapla, Dustin

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**From:** Moore, Stephen A SPK [Stephen.A.Moore@usace.army.mil]  
**Sent:** Friday, July 06, 2012 9:48 AM  
**To:** Czapla, Dustin  
**Subject:** USACE comments, Wand Pit M-2012-007 (UNCLASSIFIED)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Classification: UNCLASSIFIED  
Caveats: NONE

Mr. Czapla,

This email constitutes U.S. Army Corps of Engineers comments regarding the Permit Conversion application for the Wand Pit, M-2012-007.

The June 15, 2012 Notice does not contain enough information for us to give specific, detailed comments regarding the proposed work as it relates to Corps jurisdiction under Section 404 of the Clean Water Act (CWA). We request a copy of the permit application be sent to us so that we may provide you with specific comments.

We would also like to take this opportunity to inform you that work done on the Wand Pit property along the bank of the Yampa River, allegedly performed by Northwest Aggregates, may constitute a violation of Section 404 of the CWA. We have attempted to gain access to this property on two occasions as part of our investigation but to date have been unsuccessful. We will be sending a formal Notice of Violation letter to Northwest Aggregates and Wand, Inc. in the near future and will copy you on all correspondence.

EPA recently made us aware of another potential CWA violation involving Northwest Aggregates, this one in an active gravel pit located SW of the Wand property. We have opened an initial investigation into this potential violation. Our preference is that Wand, Inc. and Northwest Aggregates cooperate in our investigation and grant us access to these sites so that a determination of CWA compliance/noncompliance can be made as soon as possible.

Should DRMS make a site visit to either of these sites we request the Corps be included. Thank you for the opportunity to provide comment.

Sincerely,

Steve Moore  
Project Manager  
Colorado West Regulatory Office  
Sacramento District, USACE  
p. 970.243.1199 x13  
f. 970.241.2358

Performing a delineation of waters of the U.S.? Be sure to follow the Minimum Standards:  
[http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pdf/min\\_standards.pdf](http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pdf/min_standards.pdf)

Let us know how we're doing.

<http://per2.nwp.usace.army.mil/survey.html>

Information on the Regulatory Program.

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

Classification: UNCLASSIFIED

Caveats: NONE