



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

May 7, 2020

Regulatory Division (SPK-2018-00836)

ERBM Recreation & Park District
Attn: Mr. Sean Von Roenn
101 Ute Road
Meeker, Colorado 81641
sean@erbmrec.com

Dear Mr. Von Roenn,

We are responding to your pre-construction notification for a Department of the Army (DA) Nationwide Permit (NWP) for the Circle Park Pond project. The approximately 5.25-acre project site is located at the southern end of 5th Street, in the Town of Meeker, directly south of the White River, within the NW ¼ NW ¼ of Section 26, Township 1 North, Range 94 West, 6th Principal Meridian, centered at Latitude 40.03369°, Longitude -107.91146°, Rio Blanco County, Colorado.

Based on the information you provided to this office, the Circle Park Pond project involves the discharge of fill material into 0.91 acres of waters of the U.S. for the construction of a recreational pond and associated bypass pipeline, subject to Section 404 of the Clean Water Act. The specific activities that require DA authorization are the discharge of fill material into a jurisdictional ditch and wetland. These activities will result in the permanent effects to 0.91 acres of waters of the U.S., including the permanent loss of 0.57 acre of palustrine emergent wetland and permanent impacts to approximately 0.34 acre of perennial canal. The proposed activities would be conducted in accordance with the Pre-construction Notification dated September 19, 2019.

We have determined that activities in waters of the U.S. associated with the project are authorized by NWP numbers 42 and 46. You must comply with all terms and conditions of the NWP and applicable regional conditions. Enclosed is information about the NWP terms and conditions and Sacramento District regional conditions for Colorado (Enclosure 1). Please note, you must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the work in waters of the U.S. authorized by this permit (Enclosure 2).

In addition, your work must comply with the following special condition:

1. To compensate for the loss of 0.57 acre of palustrine emergent wetland, you shall re-establish 0.83 acres of palustrine emergent wetland within the off-site preserve near Rio Blanco Lake, as shown and described in the *Mitigation and Monitoring Plan*. You shall fully comply with the *Mitigation and Monitoring Plan*, dated March 12, 2020, prepared by Jones & DeMille Engineering.

This verification is valid until March 18, 2022, when the existing NWP's are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. 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.

Please refer to identification number SPK-2018-00836 in any correspondence concerning this project. If you have any questions, please contact Tucker Feyder at the Colorado West Regulatory Section, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Tucker.J.Feyder@usace.army.mil, or telephone at (970) 243-1199, extension 1017. We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Tyler R. Adams
Project Manager
CO West Section

Enclosures

cc:

Mr. Wyatt Shakespear, Jones & DeMille Engineering, w.shakespear@jonesanddemille.com

Mr. Bailey Franklin, Colorado Parks & Wildlife, bailey.franklin@state.co.us

Mr. J. Leif Joy, Rio Blanco County Planning Division, leif.joy@rbc.us