



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

REPLY TO  
ATTENTION OF

July 27, 2009

Regulatory Division SPK-2009-01053

Mr. Jay Czarkowski  
Construction Design Group  
2031 16th Street  
Boulder, Colorado 80302

Dear Mr. Czarkowski:

We are responding to your consultant's request for an approved jurisdictional determination for the 1845 Steamboat Boulevard project. The project is located at an unnamed tributary to the Yampa River, within Section 21, Township 6 North, Range 84 West, Latitude 40.4611961° North, Longitude -106.812837° West, Routt County, City of Steamboat Springs, Colorado

Based on available information, we concur with the estimate of waters of the United States, as depicted on the June 25, 2009, "1845 Steamboat Boulevard Jurisdictional Wetlands" drawing prepared by Western Bionomics, LLC. Approximately 4875 square feet of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act, since they are directly abutting a perennial tributary to the Yampa River, a Traditionally Navigable Waterway.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2009-01053 in any correspondence concerning this project. If you have any questions, please contact Nathan Green at our Colorado West Regulatory Branch, 400 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563, email [Nathan.J.Green@usace.army.mil](mailto:Nathan.J.Green@usace.army.mil), or telephone 970-243-1199 x12. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Ken Jacobson  
Chief, Colorado West  
Regulatory Branch

Enclosures

Copy furnished without enclosures

Mr. Kelly Colfer, Western Bionomics, LLC, 348 River Road, Steamboat Springs, Colorado 80487