



**DEPARTMENT OF THE ARMY**  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
400 ROOD AVENUE, ROOM 224  
GRAND JUNCTION, CO 81501-2520

August 9, 2022

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2022-00265)

Town of Snowmass  
Attn: Clint Kinney  
P.O. Box 5010  
Snowmass Village, CO 81615  
[ckinney@tosv.com](mailto:ckinney@tosv.com)

Dear Mr. Kinney:

The U.S. Army Corps of Engineers (Corps), Albuquerque District, is responding to your preconstruction notification (PCN), submitted to us for verification of authorization under Nationwide Permit (NWP) 42 for the Town of Snowmass Recreational Facility Improvement project. The project site is located on Brush Creek, in the Town of Snowmass Village directly northeast of the existing rodeo grounds, at approximately latitude 39.226213°, longitude -106.921040°, Pitkin County, Colorado.

Based on the information provided, we have determined that the Town of Snowmass Recreation Facility project involves the discharge of dredged or fill material into waters of the United States, subject to Section 404 of the Clean Water Act. The specific activity that requires Corps authorization is the placement of 580 cubic yards of fill materials into wetlands located at the south end of an existing wetland-pond complex, as shown on the *Figure 3 - Proposed Impacts* map prepared by ERO Resources Group, dated June 6, 2022. The project will result in the permanent loss of 0.09 acre of palustrine scrub-shrub wetlands. Please note that any future permit requests that involve additional impacts to aquatic resources associated with the expansion and improvement of the site may be viewed cumulatively for the purpose of determining compensatory mitigation requirements.

The Corps has determined that activities associated with the project are authorized by 2021 NWP 42- Recreational Facilities. A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at [www.spa.usace.army.mil/reg/nwp](http://www.spa.usace.army.mil/reg/nwp). Failure to comply with all terms and conditions of this NWP may result in the suspension or revocation of this authorization. As required by General Condition 30, you shall sign the enclosed Compliance Certification (Enclosure 1) and return it to this office within 30 days after completion of the authorized work. For specific information regarding compliance with water quality certification (WQC) requirements, please refer to our website at [www.spa.usace.army.mil/reg/wqc](http://www.spa.usace.army.mil/reg/wqc).

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with General Conditions 18 and 20. Based on the information provided, we have determined that this project will have no effect on federally listed species or their critical habitat. Additionally, the project has no potential to cause effects on historic properties. However, these determinations may be invalidated if the project is not completed as authorized or you did not provide accurate information in your PCN.

This permit verification is valid until March 14, 2026, unless the NWP is modified, suspended, reissued, or revoked prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state, local, or tribal laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, to undertake the proposed work.

The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

We would appreciate your feedback on this permit action including your interaction with our staff or suggestions for improving our program. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>.

Please refer to identification number SPA-2022-00265 in any correspondence concerning this project. If you have any questions, please contact me by email at [Benjamin.R.Wilson@usace.army.mil](mailto:Benjamin.R.Wilson@usace.army.mil), or telephone at (970) 243-1199 X 1012.

Sincerely,

Benjamin R. Wilson  
Project Manager  
NW Colorado Branch

Enclosure

cc:

Cassandra Shenk, ERO Resources, [CShenk@eroresources.com](mailto:CShenk@eroresources.com)  
Aleta Powers, ERO Resources, [apowers@eroresources.com](mailto:apowers@eroresources.com)

**COMPLIANCE CERTIFICATION**

Action Number: SPA-2022-00265

Name of Permittee: Town of Snowmass, Clint Kinney

Permit: NWP 42

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Albuquerque District  
400 Rood Avenue, Room 224  
Grand Junction, CO 81501-2520  
[spa-rd-co@usace.army.mil](mailto:spa-rd-co@usace.army.mil)

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 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.***

Date Work Started \_\_\_\_\_

Date Work Completed \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date