



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

December 5, 2017

SUBJECT: Nationwide Permit Verification – Corps File No. NWO-2016-02158-DEN,
Larkspur Travel Center, Larkspur, Douglas County, Colorado

Mr. Tim Dumler
Off-the-Chain 2, LLC
Post Office Box 117
Larkspur, Colorado 80118

Dear Mr. Dumler:

This letter is in reference to the proposed project located at an approximate latitude of 39.243125 and longitude of -104.883039, in Larkspur, Douglas County, Colorado. The work as described in your submittal consists of the installation of an outfall structure and the associated riprap energy dissipater into wetlands associated with East Plum Creek. The project will result in 0.003-acre of permanent impacts and 0.011-acre of temporary impacts to wetlands.

Based on the information provided, this office has determined that the work is authorized by the **Department of the Army Nationwide Permit (NWP) 7 – Outfall Structures and Associated Intake Structures**, found in the January 6, 2017, Federal Register. Enclosed is a fact sheet, which fully describes this Nationwide Permit and lists the General Conditions, and Colorado Regional Conditions, which must be adhered to for this authorization to remain valid. In addition, the following Special Conditions must be followed:

1. This Corps permit does not authorize you to take an endangered species, in particular the Preble's meadow jumping mouse (*Zapus hudsonius preblei*). In order to legally take a listed species, you must have separate authorization under the ESA (e.g., an ESA section 10 permit, or a biological opinion (BO) under ESA section 7, with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with your Corps permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.
2. The effluent from the outfall must be authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act).

Although an Individual Department of the Army permit will not be required for this work, this does not eliminate the requirement that any other applicable federal, state, tribal or local permits be obtained as required. Please be advised that deviations from the original plans and specifications of this project could require additional authorization from this office.

The applicant is responsible for all work accomplished in accordance with the terms and conditions of the nationwide permit. If a contractor or other authorized representative will be accomplishing the work authorized by the nationwide permit on behalf of the applicant, it is strongly recommended that they be provided a copy of this letter and the enclosed conditions so that they are aware of the limitations of the applicable nationwide permit. Any activity which fails to comply with all the terms and conditions of the nationwide permit will be considered unauthorized and subject to appropriate enforcement action.

This verification will be valid until March 18, 2022. In compliance with General Condition 30, the enclosed "Certification of Completed Work" form (blue) must be signed and returned to this office upon completion of the authorized work and any required mitigation.

If there are any questions please feel free to contact Brooke Davis at (303) 979-4120 or by e-mail at Brooke.A.Davis@usace.army.mil, and reference **Corps File No. NWO-2016-02158-DEN**.

Sincerely,



Aaron Eilers
Chief, Denver Regulatory Office

Enclosure(s)

Copies Furnished:

- U.S. Fish and Wildlife Service
- Colorado Department of Public Health and Environment
- Environmental Protection Agency
- Colorado Parks and Wildlife

-Moneka Worah, ERO Resources Corp., 1842 Clarkson Street, Denver, CO 80218