

EXHIBIT X – WETLANDS IMPACT LETTER



Proposed Project Description

The existing Ramah wastewater lagoon is located approximately 450 feet from the Upper Big Sandy Creek, which is where the nearest water body is located. The proposed evaporative ponds facility will be located approximately 4,200 ft from the Upper Big Sandy Creek and will not be subject to surface water discharge limitations because it will be non-discharging.

Construction of a new evaporative pond treatment system will have direct positive impacts on water quality because the existing lagoon facility will be removed. This will end the wastewater seepage from it into the surrounding groundwater and soils. This will result in changes with respect to quantity of effluent being discharged into the ground with the proposed project. There are no changes to land use as part of this project that would result in secondary impacts. Erosion control measures will be used during construction to minimize sediment runoff resulting from construction activities.

Wetlands Impacts

As seen on the US Fish & Wildlife Services Wetlands map attached to this letter, two (2) types of wetlands exist within the planning area: freshwater pond and riverine. The freshwater pond wetlands comprise the existing wastewater lagoon and are therefore located within the existing WWTP property boundary. The riverine wetlands will be affected as described in the previous section. The proposed evaporative ponds project will reduce potential sources of contamination to surface waters by removing the contamination source which is the existing wastewater lagoon. Direct and secondary impacts would therefore be positive although this does include the removal of the freshwater pond wetlands with the decommissioning of the existing wastewater lagoon. No other impacts to wetlands are expected as a result of construction or completion of the proposed project.

A description of the proposed project was submitted to the State of Colorado Water Resources Division and US Fish and Wildlife for comment on March 25, 2022. A response from the Water Resources Division was received on April 5, 2022. The response stipulated that the project would not cause any issues related to water rights and that the proposed work to the existing wastewater pond is required to address inadequacies with existing treatment. A response from the US Fish and Wildlife Service was received on May 26, 2022 and issued a finding of no concerns with the project resulting in impacts to species listed as candidate, proposed, threatened, or endangered.

A description of the proposed project was also submitted to the US Army Corps of Engineers (USACE) for comment on March 31, 2022. A response from USACE was received on April 8, 2022. The response stipulated that the project would subject to additional Army Corps permitting if dredging or placement of fill into surface waters was anticipated as part of the proposed project. No such activities are proposed with the project.

Attachments:

US Fish & Wildlife Service Wetlands Map
Response Email US Army Corps of Engineers
Response Email US Fish & Wildlife Service
Response Email State of Colorado Water Recourses Division



September 17, 2021

Wetlands

- | | | |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

From: [Williams, Jennifer \(Jen\)](#) on behalf of [ColoradoES, FW6](#)
To: [Karl Duffield](#)
Subject: Ramah wastewater treatment
Date: Thursday, May 26, 2022 4:58:51 PM
Attachments: [3132_001.pdf](#)

Hi, Karl -

Thank you for contacting the U.S. Fish and Wildlife Service (Service). Apologies for the delayed response. Because staff were teleworking due to the COVID-19 pandemic and only recently returned to the office in early May, your letter was not processed until then. **Please note: The Colorado Ecological Services Office in Lakewood is moving toward 100% electronic project and technical assistance requests. Please submit all future requests to us via email at ColoradoES@fws.gov, which will ensure a timely review and response.**

The Service has reviewed your project and has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered. We recommend that you review the Service's migratory bird guidance on [avoiding and minimizing incidental take](#) and our [nationwide standard conservation measures](#).

On page 1 of your letter, you wrote, "Because no critical habitats were found within the planning area, the proposed project is not expected to affect these threatened and endangered species." The Service bases their evaluation of impacts to species protected under the Endangered Species Act based on presence of suitable habitat, not just critical habitat. However, if critical habitat is present, then we need to determine what impacts, if any, a proposed project will have on the critical habitat as well.

We appreciate your efforts to ensure the conservation of threatened and endangered species. Thank you for contacting us and please let me know if you have any further questions. I can be reached at jen_williams@fws.gov or at 303-236-4758.

Project Number: 2022-0040272

From: FW6Scan2Email@fws.gov <FW6Scan2Email@fws.gov>
Sent: Wednesday, May 4, 2022 4:43 PM
To: ColoradoES, FW6 <ColoradoES@fws.gov>
Subject: Ramah wastewater treatment

Karl Duffield

From: Dickinson - DNR, Wenli <wenli.dickinson@state.co.us>
Sent: Wednesday, April 13, 2022 11:47 AM
To: Karl Duffield
Cc: Joanna Williams - DNR; Keith Vander Horst - DNR
Subject: Re: Town of Ramah Wastewater Treatment Plant Improvements, Element Job No: 0043.0001
Attachments: Letter 2022-04-05.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Karl Duffield:

Thank you for your letter dated March 25, 2022 concerning improvements to the Ramah WWTP, consisting of constructing three new ponds for wastewater treatment. These changes are proposed because the current pond (unlined and unpermitted) is not adequate.

There do not appear to be any water rights issues with this referral. Our comment on the project is that the new ponds need to be constructed in accordance with Colorado law, and that the existing pond cannot expose groundwater without a replacement plan.

Please let me know if you have any questions.

Sincerely,

Wenli Dickinson
Water Resource Engineer



P 303.866.3581 x8206
1313 Sherman St, Suite 821, Denver, CO 80203
wenli.dickinson@state.co.us | dwr.colorado.gov

From: [Karl Duffield](#)
To: [SPA-RD-CO](#)
Cc: [Alice Arsenault](#)
Subject: RE: Town of Ramah Wastewater Treatment Plant Improvements
Date: Thursday, April 14, 2022 4:07:00 PM

Kara,

My apologies for the mix up and thank you for expanding on the permitting requirements as it relates to potential wetlands.

All the proposed activities relating to the wastewater improvements project in Ramah will not involve fill or dredged materials into surface waters.

Thank you for your time discussing the project details and permitting process.

Karl Duffield, EIT

Project Engineer

303.518.2361 | karld@elementengineering.net

From: SPA-RD-CO <SPA-RD-CO@usace.army.mil>
Sent: Thursday, April 14, 2022 3:20 PM
To: Karl Duffield <karld@elementengineering.net>
Cc: Alice Arsenault <alicea@elementengineering.net>; SPA-RD-CO <SPA-RD-CO@usace.army.mil>
Subject: RE: Town of Ramah Wastewater Treatment Plant Improvements

Karl

The U.S. Fish & Wildlife Service National Wetlands Inventory (NWI) map has not been field verified and is simply an indicator that there could be wetlands at that location. NWI does not satisfy permitting requirements for a wetland delineation. If the activity does not discharge dredged or fill material into a waters of the United States, then you do not legally need to contact us. If the activity does cause the discharge of dredged or fill material into a waters of the United States, then a Department of the Army permit under Section 404 of the Clean Water Act will be required.

If you have question regarding the locations of waters of the United States and whether your activity will involve the discharge of dredged or fill material into waters of the United, then I advise the project proponent hire a wetland consultant to delineate (using the appropriate USACE Regional Supplements) all potential waters of the U.S. within the project area.

Sincerely

Kara Hellige
Chief, Southern Colorado Branch
US Army Corps of Engineers, Albuquerque District
970-259-1604 ext 1007 (office)
970-218-7466 (cell)

Please visit our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and->

[Permits/](#)

From: Karl Duffield <karld@elementengineering.net>
Sent: Thursday, April 14, 2022 12:39 PM
To: Hellige, Kara A CIV USARMY CESPA (USA) <Kara.A.Hellige@usace.army.mil>
Cc: Alice Arsenault <alicea@elementengineering.net>; SPA-RD-CO <SPA-RD-CO@usace.army.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Town of Ramah Wastewater Treatment Plant Improvements

Hello Kara,

Thank you for responding to our request for review of potential surface water impacts. As requested, and to help clarify the project's area of potential impact and disturbance, I have included the attached map to my email. This map depicts the potential area of disturbance for the proposed wastewater upgrades in Ramah which I overlaid on top of the U.S. Fish & Wildlife Service National Wetlands Inventory map of the area that was included in my original letter. Also attached, is the original wetland inventory map.

I hope this map overlay helps to clarify the distance between the proposed work and the existing wetlands in the area. As shown, all the proposed work for the wastewater system upgrades is to be outside of any known wetlands with the exception being the decommissioning of the existing, unpermitted, and unlined wastewater lagoon that is shown as freshwater pond wetlands. As the lagoon was originally constructed in the 1960s, it never received the proper site approval, permitting or liner and is believed to be in violation of Colorado Department of Public Health and Environment (CDPHE) regulations for maximum allowable seepage of wastewater into the ground. Because of these deficiencies, the lagoon is suspected to be contributing to the contamination of the surrounding ground and groundwater. The removal of this lagoon and the restoration of the area back to the natural state of the surrounding floodplain is included in the project to improve surrounding groundwater quality. It is also a condition required by El Paso County and (CDPHE) that all abandoned wastewater structures be decommissioned and removed which includes the existing wastewater lagoon.

Please let us know that you received this map for clarification of the extent of the proposed project and whether there are any changes in the requirements for your office's review.

Thank you,

Karl Duffield, EIT

Project Engineer

303.518.2361 | karld@elementengineering.net

From: Hellige, Kara A CIV USARMY CESPA (USA) <Kara.A.Hellige@usace.army.mil>
Sent: Friday, April 8, 2022 3:33 PM
To: Karl Duffield <karld@elementengineering.net>
Subject: Town of Ramah Wastewater Treatment Plant Improvements

Mr. Duffield

We received your request to review the subject project proposal to identify potential impacts to waters of the United States. In order for our office to determine if a Department of the Army permit is required for the subject project, you will need to provide us with an aquatic resource delineation and a map identifying the project's limits of disturbance as it relates to potential waters of the United States. I advise that you hire a wetland consultant to perform this aquatic resource delineation, which should include a review of wetlands and ordinary high water. You can find a list of wetland consultants on our website at

https://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/Consultants_List_August%202021.pdf.

Please provide this information to SPA-RD-CO@usace.army.mil. Once we receive this information, we will assign it a project number and project manager to complete our review.

Sincerely

Kara Hellige

Chief, Southern Colorado Branch

US Army Corps of Engineers, Albuquerque District

970-259-1604 ext 1007 (office)

970-218-7466 (cell)

Please visit our website at: <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>