



**DEPARTMENT OF THE ARMY**  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
1970 EAST 3RD AVENUE, SUITE 109  
DURANGO, COLORADO 81301-5025

February 24, 2023

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Regulatory Division

SUBJECT: Notice of Violation (SPA-2021-00338)

Winsome, LLC/Proterra Properties  
Joseph DesJardin, PE  
1864 Woodmoor Drive  
Suite 100  
Monument, CO 80132  
[JDesJardin@proterraco.com](mailto:JDesJardin@proterraco.com)

Dear Mr. DesJardin:

The U.S. Army Corps of Engineers (Corps) is contacting you in reference to recent work within waters of the United States that occurred on a portion of a 767-acre parcel north of Hodgen Road and west of Meridian Road in the Black Forest area at approximate latitude 39.077159°, longitude -104.62052°, El Paso County, Colorado (Enclosure 1).

On September 16, 2022, the Corps observed unauthorized fill within a wetland area identified as W2 on the delineation map set within Appendix A of the wetland delineation report prepared by Bristlecone Ecology, LLC (see photo provided within Enclosure 2). We have sufficient information at this time to determine that you discharged dredged or fill material into the referenced wetland, which is a water of the United States, without a Department of the Army (DA) permit.

Section 404 of the Clean Water Act requires that a DA permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Therefore, the work is in violation of the Clean Water Act, since a DA permit was not issued authorizing the discharge, and the activity does not qualify for an exemption.

By email dated November 22, 2022, the Corps was notified that the discharge of fill material at W2 had been removed and the area voluntarily restored to pre-existing contours. The purpose of this letter is to inform you that this discharge of fill resulted in violation.

Please refer to identification number SPA-2021-0338 in any correspondence concerning this notice of violation. If you have any questions, please contact Kerriane Zdimal at (970) 259-1764 X 1 or by email at [Kerriane.L.Zdimal-Quarles@usace.army.mil](mailto:Kerriane.L.Zdimal-Quarles@usace.army.mil).

Sincerely,

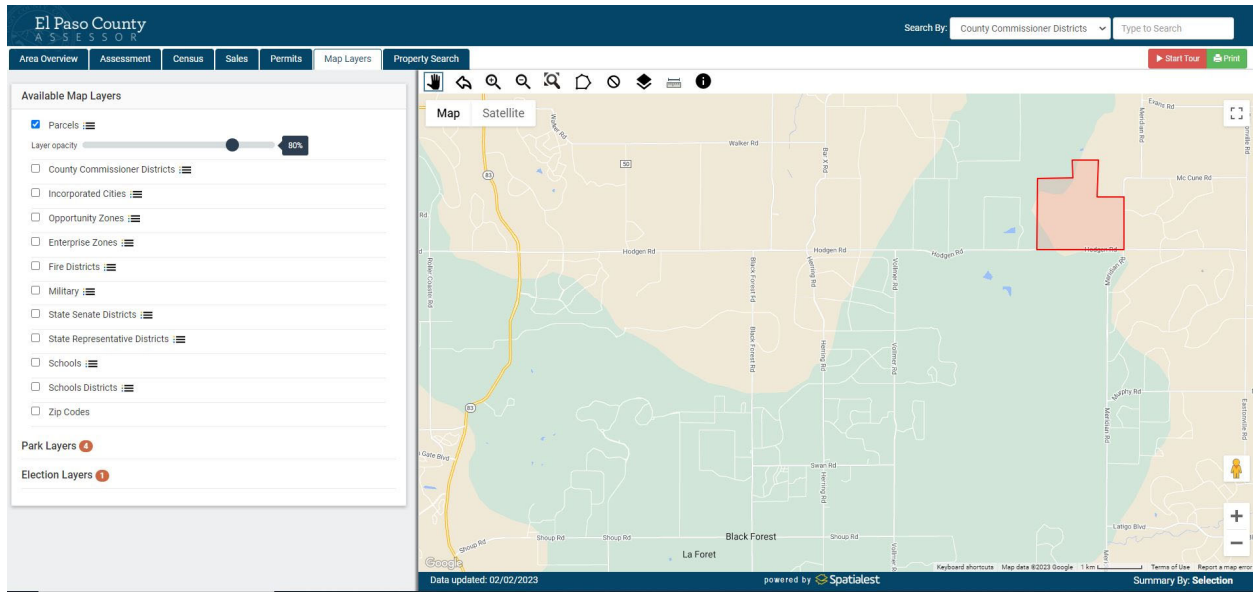
Kara Hellige  
Chief, Southern Colorado Branch

Enclosures

cc:

Mike Boeglin, U.S. Environmental Protection Agency, [boeglin.michael@epa.gov](mailto:boeglin.michael@epa.gov)  
El Paso County, [plnweb@elpasoco.com](mailto:plnweb@elpasoco.com)  
Daniel Maynard, Bristlecone Ecology, LLC, [dmaynard@bristleconeecology.com](mailto:dmaynard@bristleconeecology.com)  
Stephen Myers, Kimley-Horn, [Stephen.Myers@kimley-horn.com](mailto:Stephen.Myers@kimley-horn.com)

ENCLOSURE 1 Location Map  
SPA-2021-338



Street location map from <https://assessor.elpasoco.com/gis-legal-descriptions-parcel-numbering/>



Digital Globe – aerial 9/7/2022



Photo 9/16/2022 – taken by USACE (Zdimal); standing within aquatic resource W2; looking southwest and upslope towards constructed stormwater detention basin. Bristlecone Ecology staff is shown standing on rip rap below the outfall near the boundary of aquatic resource W2, indicating a portion of the riprap was been placed in W2, and fill/sediment has been placed/ deposited below the riprap.