



REPLY TO
ATTENTION OF

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


November 3, 2006

Regulatory Branch (199900529)

Bill Miller
President/CEO
Dodge Ridge Winter Sports Areas
Post Office Box 1188
Pinecrest, California 95364

Dear Mr. Miller:

This letter concerns your request for an After-The-Fact Nationwide Permit (NWP) 14 verification for the Dodge Ridge Ski Resort, Chair Eight Development Project Area. This project is located in Sections 17,18,19, and 20 Township 4 North, Range 19 East, MDB&M, Tuolumne County, California.

As of the date of this letter, we have not received information addressing the five (5) items listed our February 1, 2006 letter addressed to you; therefore, we can not process your After-The-Fact request. As you are aware, the Corps has tried to resolve this matter with you since 1999, and this is documented in several letters to your company and the U.S. Forest Service. Each letter addressed our requirements in order to restore and stabilize the site. At this time, we are reiterating that the information we require is still outstanding. Section 404 of the Clean Water Act requires that a Department of the Army permit be obtained prior to the discharge of dredge or fill material into a water of the United States including wetlands. Since a Department of the Army permit has not been issued authorizing this discharge, the work is still in violation of the Clean Water Act. Enclosed is a copy of our February 1, 2006 letter for your reference. 

Please refer to identification number 199900529 in any correspondence concerning this project. If you have any questions, please contact Elizabeth Dyer at Elizabeth.Dyer@spd02.usace.army.mil or me at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Kathy.Norton@usace.army.mil*, or telephone 916-557-5260. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Kathy Norton
Chief, San Joaquin Valley Office



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

February 1, 2006

Regulatory Branch (199900529)

Beny Hughes
Dodge Ridge Winter Sports Areas
Post Office Box 1188
Pinecrest, California 95364

Dear Mr. Hughes:

We are responding to your October 31, 2005 request for an After-The-Fact (ATF) Nationwide Permit (NWP) 14 verification for the Dodge Ridge Ski Area project. This project is located at Latitude 38° 11' 22.2", Longitude 119° 56' 56.8", Section 24, Township 4 North, Range 18 East, near Pinecrest, in Tuolumne County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

→ We require some additional information in order to verify your ATF permit:

1. Show the location of trail 7 (Amazing Grace) on your wetland delineation map. Also delineate all jurisdictional features in the vicinity of this trail. The Contract Daily Diary dated June 21, 2000, refers to "a seasonal natural drainage that has been filled for purposes of access...". If this fill occurred within waters of the U.S., compensatory mitigation measures must be added to address those impacts.
2. Please provide a soils map for the project area. Also include soil descriptions, and a list of hydric soils or soils with hydric inclusions on the site.
3. Your data points must be shown on your wetland delineation map. Each feature or complex must be documented by at least one set of paired data points.
4. In your October 31, 2005 document, "Request for Jurisdictional Determination

4. In your October 31, 2005 document, "Request for Jurisdictional Determination and After-the-Fact Request for use of Nationwide Permit 14", the proposed mitigation consists of restoring the waterbar and monitoring for vegetation recolonization for 3 subsequent years. This is not consistent with the mitigation recommendations made during the Corps of Engineers' June 29, 2005 visit to the site. The entire reach of altered portion of the channel, referred to as "DR05-CO5" on your October 27, 2005 Dodge Ridge Spring Creek Wetlands Delineation map, should be actively revegetated, with a seed mix favoring native species dominance. The revegetation should be conducted during a seasonally appropriate time period, chosen for maximum recruitment success, and completed within the next six months. Present the revegetation plan for this channel reach to the USDA Forest Service, Stanislaus National Forest for their approval, and to this office within 30 days of the date of this letter.

5. Successful completion of the ATF NWP 14 verification process is a necessary prerequisite in order for us to verify your NWP 14 Dodge Ridge Winter Sports Area Parking Facilities Proposal package, dated November 21, 2005. We will not begin the permit verification process for that project, Corps of Engineers file number 200500640, until the current ATF NWP 14 verification is completed, as indicated to you during the Corps of Engineers' June 29, 2005 site visit.

Please refer to identification number 199900529 in any correspondence concerning this project. If you have any questions, please contact Kathy Norton at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Kathy.Norton@usace.army.mil, or telephone 916-557-5260. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

ORIGINAL SIGNED

Kevin J. Roukey

Chief, San Joaquin Valley Office

Copy furnished:

California Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Russ LeBlanc, U.S. Forest Service, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370