



*Marshall cr*

CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
DEPARTMENT OF THE ARMY  
SACRAMENTO DISTRICT, CORPS OF ENGINEERS  
650 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814

REPLY TO  
ATTENTION OF

SPKCO-0 E 78-58

1 August 1978

Tezak Construction Company  
0949 Shannon Road  
Canon City, Colorado 81212

Dear Sirs:

This letter concerns your rechannelization and fill in Marshall Creek near the Town of Sargents, in Saguache County, Colorado.

Marshall Creek is a waterway of the United States and a Department of the Army Permit is required for the placement of dredged and/or fill material in the waterway or any adjacent wetland area. Our records indicate no such permit has been issued to you, therefore, your work is in violation of the Clean Water Act as amended (33 USC 1344).

Section 309 of the Act provides that every person who violates any provision of Section 404 may be punished by a fine of not less than \$2,500.00 nor more than \$25,000.00 per day of violation, or by imprisonment for not more than one year or by both. The removal of any illegal fills placed in violation of the provision of the said section may be enforced by an injunction issued by the District Court exercising jurisdiction in the District in which such fill exists, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

You are hereby directed to cease and desist further filling of the waterway.

We are currently conducting an investigation to determine the impact of this work on the public interest. You will be contacted regarding further disposition of this matter after the investigation is completed.

SPKCO-O E78-58

1 August 1978

Tezak Construction Company

If you have any questions or comments concerning this matter, please contact Mr. Rodney L. Woods, Regulatory Section, Room 230 Federal Building, 400 Reed Avenue, Grand Junction, Colorado, or telephone (303) 243-1199.

Sincerely yours,

DONALD M. O'SHEI  
Colonel, CE  
District Engineer

Copy furnished:

✓ Mr. Richard D. Sherman  
CO Division of Wildlife Resources  
1800 Hwy 550 South Box 788  
Montrose, CO 81401

Mr. Eugene L. Facetti, P.E.  
CO Department of Health  
1210 East 11th Avenue  
Denver, CO 80220

Mr. Bob Mairley  
U.S. Environmental Protection Agency  
222 Lincoln Street  
Denver, CO 80203

Mr. David A. Young  
Fish and Wildlife Service  
Federal Building  
125 South State Street  
Salt Lake City, UT 84138

Mr. J. J. Paynter Jr.  
State of Colorado  
1210 East 11th Avenue  
Denver, CO 80220

Mr. J. J. Paynter Jr.  
Wildlife Engineering  
P. O. Box 1210  
Denver, CO 80220

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6060 Broadway  
Denver, CO 80216