

SITE VISIT RECORD

Subject: Violation: 2020-00951 Wetlands and Channels Excavated

Date: May 18, 2021

Attendees: Drew Vlazny (USACE) and Keith Simmons (USACE)

Keith Simmons and I, hereinafter referred to as “we” conducted a site visit to investigate a complaint regarding excavation of a channel and construction of a berm along the south bank of a channel.

[REDACTED] (Tom Villegas) had excavated south of the existing channel allowing the water on the south side of the channel to flow into the existing channel. [REDACTED]

[REDACTED] Mr. Villegas then installed a berm containing a plastic culvert pipe (approximately 24-inch) east to west crossing the newly created channel. Photos were taken facing south from Feeney property toward the work completed.

We met with Mr. Tom Villegas on his property located at 41.002168, -100.459266, and explained that we were there to take a look at the berm and excavation in the area. Mr. Villegas walked us to the north and showed us the work that he had done. Mr. Villegas has done a substantial amount work to include the creation of numerous crossings and excavation in numerous locations. Impact amounts are shown in a digital globe image attached to this document.

Total cumulative impacts are approximately 0.024 acre (149-linear feet) of channel below the ordinary high water mark (OHWM) and 7.0 acre of wetlands.

Site 1, Crossing 1 (PP 1242), Crossing 2 (PP 1254) and Excavation: Mr. Villegas constructed an approximately 21-foot by 21-foot crossing (Crossing 1) at 41.0037194, -100.456619, containing a single CMP and excavated an approximately 15-to-20-foot wide channel approximately 3-foot below the existing grade for several hundred feet east and west. Mr. Villegas installed an approximately 21-foot by 30-foot crossing (Crossing 2) at 41.00421, -100.45596, containing a single CMP. Mr. Villegas stated that he widened out the existing “channel” from approximately 6-foot wide to its new width. Mr. Villegas installed a 5-to-7-foot berm along the north side of the channel extending east and west of the crossing, it appears that the berm was constructed by excavation of the new channel and side casting the material to the north. Mr. Villegas excavated an approximately 90-foot by 900-foot area along the north bank of the widened channel. **Impacts: Crossing 1 impacts 0.01 acre, Crossing 2 impacts 0.014 acre, Channel Excavation impacts 1.859 acre**

Site 2, Vegetation Removal (PP 1246): Mr. Villegas stated that he removed Phragmites and dead trees and piled them east of this site. **Impacts: Vegetation Removal approximately 3.719 acre**

Site 3, Excavation (PP 1260) and Berm: Mr. Villegas excavated out an approximately 12-foot 120-foot channel (north channel) 1-to-2-feet below the existing grade, and side casted the material to the north creating an approximately 21-foot by 21-foot berm and expanded upland bench. Mr. Villegas installed an approximately 24-inch culvert under the new berm outletting into the Platte River. The north channel is excavated to the southwest then meets with another approximately 300-foot by 60-foot excavated channel (south channel) that flows to the east eventually making its way through the new culvert abutting the existing channel. **Impacts: Berm impacts 0.01 acre, North Channel Excavation 0.033, South Channel Excavation 0.413**

Site 4, Vegetation Removal and Side Cast: Mr. Villegas and an approximately 270-foot by 96-foot area of vegetation was removed and excavated material was side casted. **Impacts: 0.595 acre**

Photo 1278 shows where the north to south excavation (site 4) which flows into the existing channel meets with the east to west excavation (site 3) and the side casted material to the north.

Site 5, Crossing 3, Crossing 4, and Excavation (PP 1289): Mr. Villegas constructed double crossings within 300-foot of each other at this location, both crossings contain twin (approximately 36-inch) CMPs. Mr. Villegas constructed an approximately 27-foot by 21-foot crossing (Crossing 3) at 41.00271, -100.45307 and an approximately 36-foot by 18-foot crossing (Crossing 4) at 41.0032, -100.45302. Mr. Villegas excavated several hundred feet east and west in this location and constructed a 7-foot (+/-) berm along the north side of the excavated area. The excavation is defined below.

Excavation: Mr. Villegas excavated an approximately; 129-foot by 30-foot channel east of Crossing 3, 189-foot by 30-foot crossing between Crossing 3 and Crossing 4, 510-foot by 9-foot crossing east of Crossing 4, and a 90-foot by 9-foot crossing northeast of Crossing 4. **Impacts: Crossing 3 impacts 0.013, Crossing 4 impacts 0.015, Excavation A impacts 0.089, Excavation B impacts 0.130, Excavation C impacts 0.105, Excavation D impacts 0.019**

It should be noted that the property lines between Mr. Villegas and Ms. Feeney are contested. Neither believes the others property line is where they say it is. Per online resources, it appears that Mr. Villegas did work on Ms. Feeney's property. Mr. Villegas does have a Kubota backhoe on site and stated that he does want to do more work. We informed Mr. Villegas of what we regulate and what types of activities require permits. We advised against continued work at this time.

Impact location information:

Site 1-

- a. Crossing 1 (south crossing) Fill 7x7 Meters (21x21=441sqft)
- b. Crossing 2 (north crossing) Fill 7x10 Meters (21x30=630sqft)
- c. Excavation North of Crossings 30x300 Meters (90x900=81,000sqft)

Site 2-

- a. Vegetation Removal (excavation) and side cast (fill) 300x60 Meters (180x900=162,000sqft)

Site 3-

- a. Fill (berm) and culvert installation 7x7 Meters (21x21=441sqft)
- b. Excavation North Channel 4x40 Meters (12x120=1440sqft)

c. Excavation South Channel 100x20 Meters (300x60=18,000sqft)

Site 4-

a. Vegetation Removal 90x32 meters (270x96=25,920)

Site 5-

a. Crossing 3 (south crossing) Fill 9x7 Meters (27x21=567sqft)

b. Crossing 4 (north crossing) Fill (12x6 Meters (36x18=648sqft)

Site 5 Excavation

a. Excavation 43x10 Meters (129x30=3,870sqft) east of Crossing 3

b. Excavation 63x10 Meters (189x30=5,670sqft) between Crossing 3 and Crossing 4

c. Excavation 170x3 Meters (510x9=4,590sqft)

d. Excavation 30x3 Meters (90x9=810sqft)

Photolog attached.

Drew Vlazny

2020-00951

Corps' inspectors: Drew Vlazny and Keith Simmons
May 18, 2021
Alleged Violator: Tom Villegas

Overview Map





Photo taken from the north side of the channel facing south. The photo shows the area excavated behind the fence line and the berm installed between the channel and the newly excavated channel. There is a plastic culvert (about 24-inch) installed connecting the excavated area to the channel.

IMG_1229.JPG

Title:



Photo taken from the north side of the channel facing south. The photo shows the area excavated behind the fence line and the berm installed between the channel and the newly excavated channel. There is a plastic culvert (about 24-inch) installed connecting the excavated area to the channel.

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Title:

IMG_1230.JPG



Photo taken from the north side of the channel facing south. The photo shows the area excavated behind the fence line and the berm installed between the channel and the newly excavated channel. There is a plastic culvert (about 24-inch) installed connecting the excavated area to the channel.

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Title:



Photo taken from the north side of the channel facing south. The photo shows the area excavated behind the fence line and the berm installed between the channel and the newly excavated channel. There is a plastic culvert (about 24-inch) installed connecting the excavated area to the channel.

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Photo showing the culvert installed below the berm.



Photo taken from the north side of the channel facing south. The photo shows the area excavated behind the fence line and the berm installed between the channel and the newly excavated channel. There is a plastic culvert (about 24-inch) installed connecting the excavated area to the channel.

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Title:



Photo shows the landscape abutting the area of work downstream.

IMG_1241.JPG



Photo taken facing west showing excavated channel south of the crossing.



Photo taken facing north showing culverted crossing and vegetation removal to the northeast.

IMG_1243.JPG



Photo taken facing east showing excavated channel and berm installed along north side of the channel.

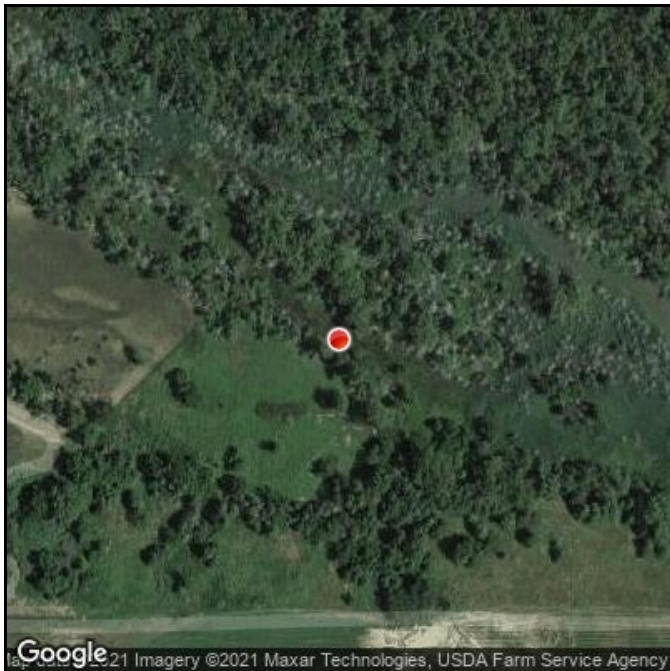
IMG_1244.JPG



N 41.00°
W 100.46°

2677 ft

Photo of CMP in the crossing.



Google 21 Imagery ©2021 Maxar Technologies, USDA Farm Service Agency

IMG_1248.JPG

Title:



Photo of the berm along excavated channel.

IMG_1249.JPG



Showing veg removal as above.



Showing berm as above.

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Photo facing east following the constructed berm.



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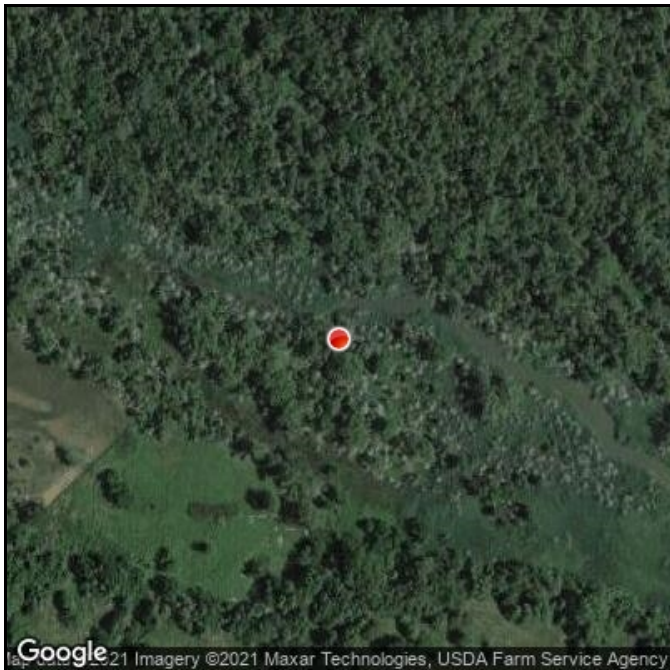


Photo facing west from another crossing showing excavated channel.

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Photo facing north showing another crossing.



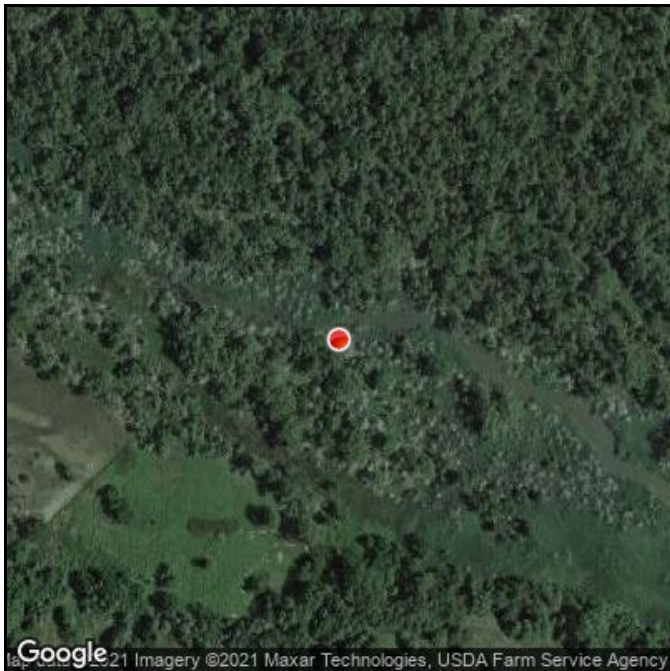
IMG_1256.JPG



N 41.00°
W 100.46°

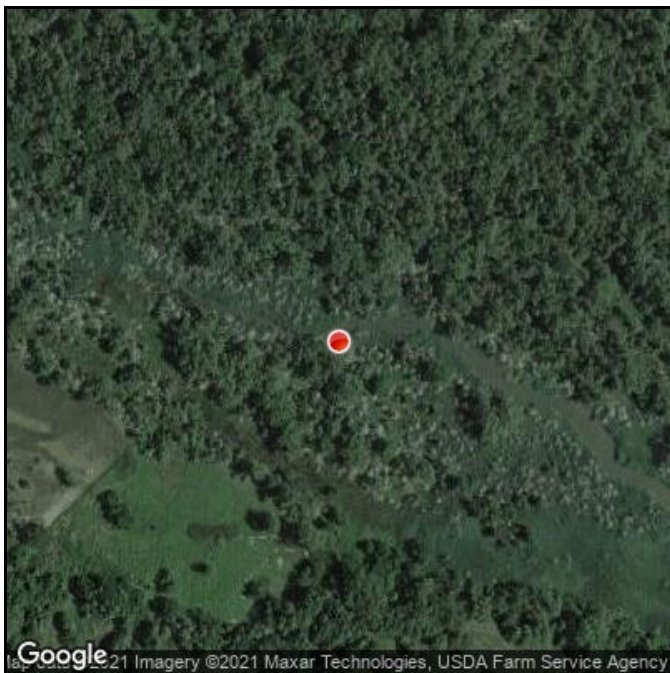
2675 ft

Photo of both CMP structures in the crossing.



Google 21 Imagery ©2021 Maxar Technologies, USDA Farm Service Agency

IMG_1257.JPG



Excavated channel from the crossing.

IMG_1258.JPG



Excavated channel from the crossing.

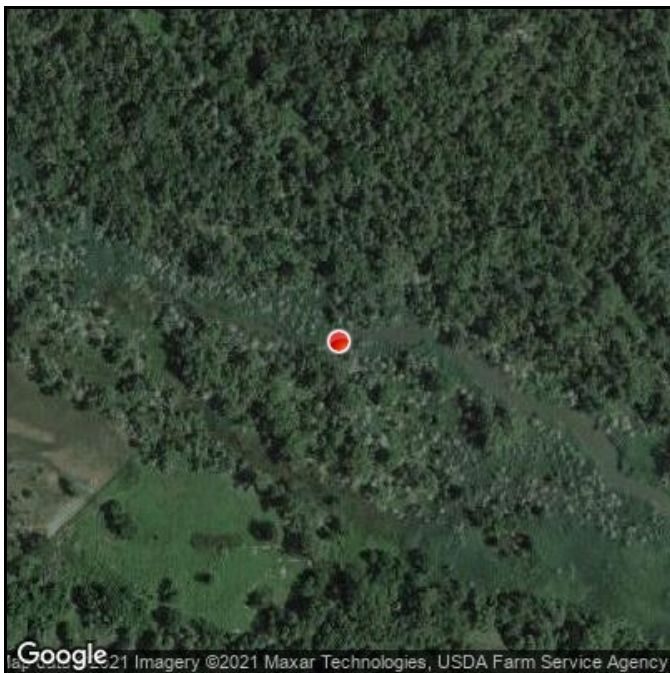




Photo facing east, this is the western limit of the excavated channel connecting to the constructed berm abutting the Platte River.

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N 41.01°
W 100.46°

2675 ft



Photo shows the fill from the excavated channel to the north.



Showing the berm, excavated channel to the south and Platte River to the north.

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Photo shows culvert connecting the Platte River to the new excavated channel to the south.

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Berm culvert

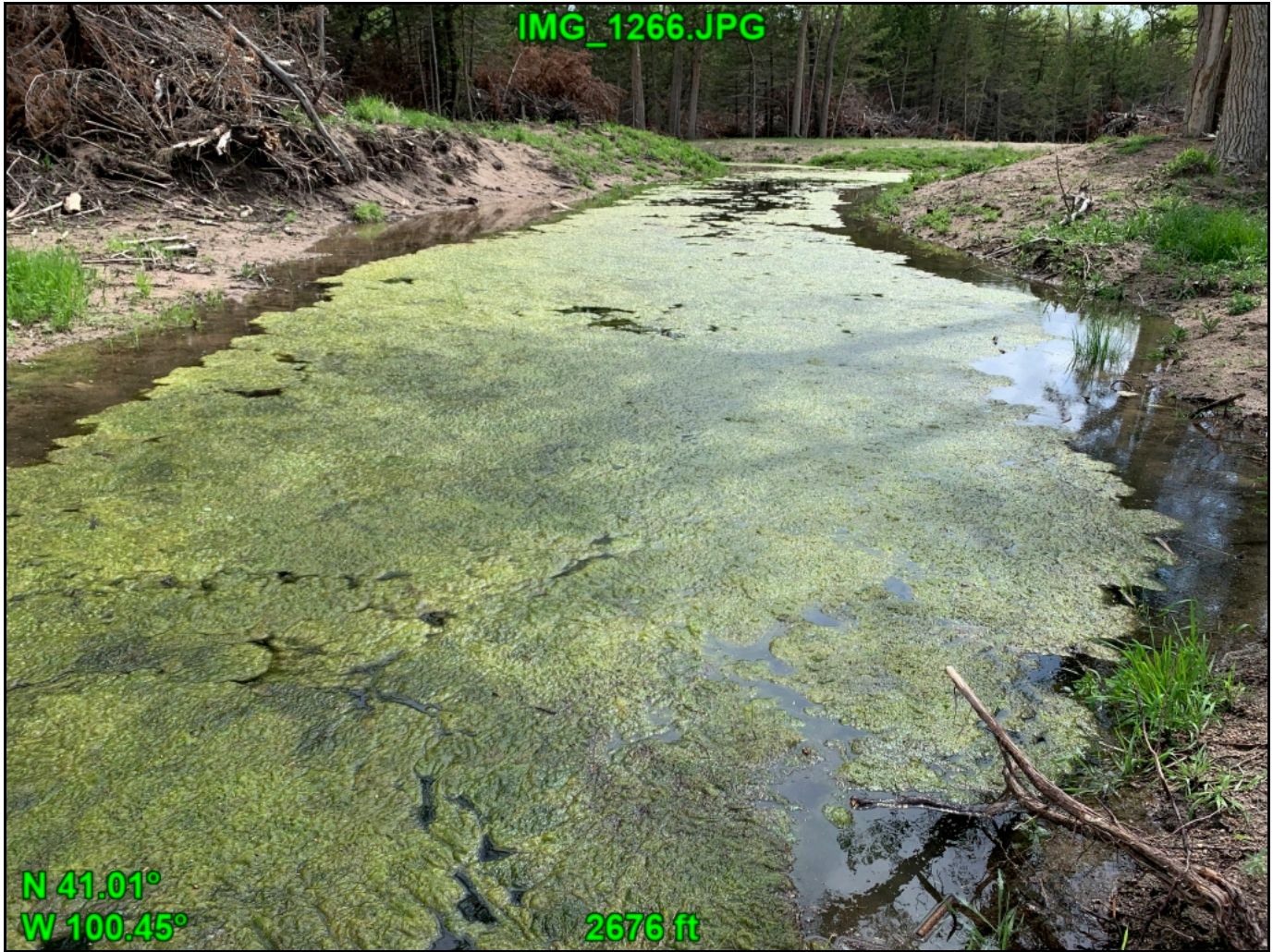


Photo facing south from the berm along the south bank of the Platte River. This area was excavated south and extends west (photo 1260).



Berm and excavated channel.

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Title:



Culvert outlet at Platte River

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Title:



IMG_1270.JPG



Berm south of the Platte River



From the berm facing west showing area of excavation.

IMG_1272.JPG



From berm facing south showing area of excavation.

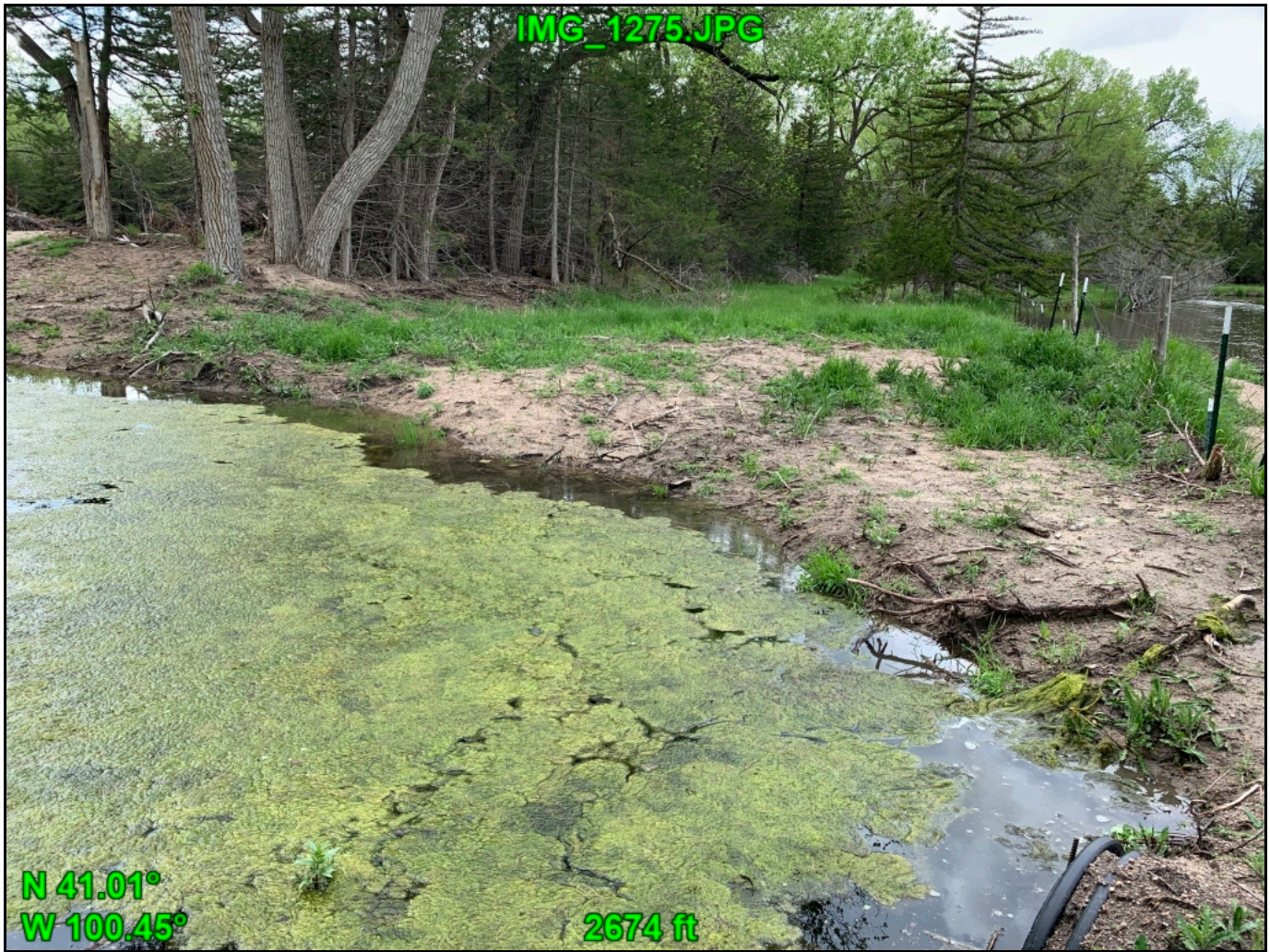
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Debris pile east of dug channel.

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Elevation change- normal ground level is shown near tree line.



Fill location from excavation of channels.

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Fill location and excavated channel confluence. This flows north into the Platte River.

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Excavated channel

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Title:



Excavated channel



Excavated channel from confluence toward Platte River.



Fill location from excavated channels.



Shows another berm along the new channel north of crossing 3.

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Crossing 4 and excavated channels. This is the largest area of excavation.

IMG_1288.JPG



Excavated channels east of crossing 4.



Northern end of excavated channel northeast of crossing 4.

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Excavation east of crossings 3 and 4.

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Title:



Excavated channel east of crossing 3.

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Berm material from excavated channels.

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Title:



Excavated channel along constructed road crossing 3.

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Shows excavated channels west from crossing 3.

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Crossing 3.

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Shows excavated channels from crossing 3.

IMG_1303.JPG

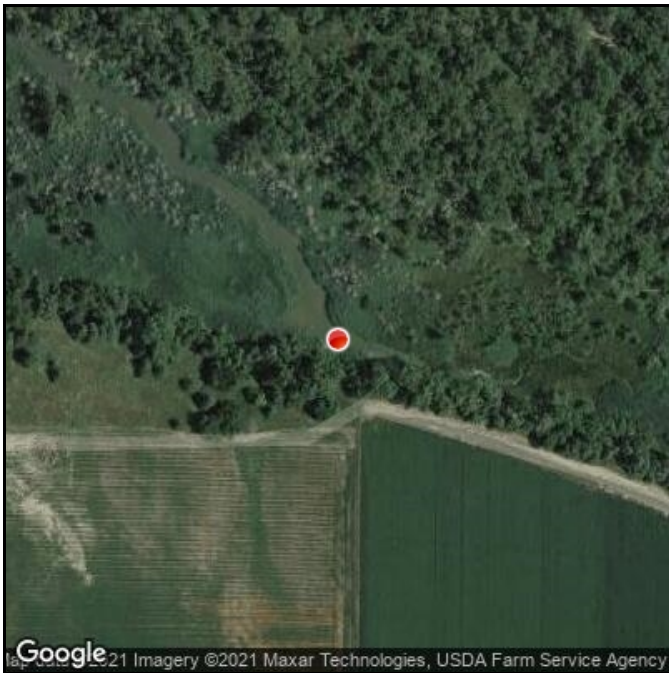


Roadway constructed and crossings installed.

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Constructed road and crossings looking north.



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Title:



Kubota excavator on site 41.002622 -100.458396.





