



Lauren Evans, PE, ENV SP
President
Pinyon Environmental

It's Pinyon...Only Better

I am pleased to announce the creation of Pinyon 3.0. This new organizational structure better aligns us with our mission and vision of better serving our clients. At Pinyon, honesty, ethical practices and respect are key elements in how we treat our clients and each other. We strive for accuracy, efficiency and innovation while providing our clients high quality work in a timely, cost-efficient and value driven manner. The following corporate

functional areas have been created to help streamline and improve our operations and processes all while maintaining the same technical excellence our clients have come to expect. Be assured that as our company grows and changes, our dedication to deliver innovative and quality-driven environmental services to our diverse clientele will not waiver. It's still Pinyon...only better.



PROJECT DELIVERY | Brian Partington, *Principal*

Lead by Principal Brian Partington, the Project Delivery Group is responsible for the delivery of a number of high quality technical products. Technical expertise is grouped so that projects may be delivered more efficiently from a centralized area.



QUALITY ASSURANCE | Karlene Thomas, *Principal*

Quality has always been a top priority for Pinyon Environmental, Inc. Karlene Thomas has been tasked as the Principal of our Quality Assurance Team to deliver high quality products and services at every level of the company. The QA Team will be responsible for maintaining and improving the quality of our customer satisfaction.



INNOVATION & OPTIMIZATION | Jeremy Musson, *Principal*

One of the most unique facets of Pinyon 3.0 is the creation of the Innovation and Optimization Group. Lead by Jeremy Musson, this group's primary area of responsibility is to provide research and development in an effort to streamline problem solving for the company and our clients. The team will concentrate on improving and building processes and develop technological procedures that will define Pinyon as a leader in cost effectiveness and innovative project delivery.



STRATEGIC IMPLEMENTATION | Scott Epstein, *Principal*

We know our clients from the various market sectors have differing needs and different methods to conduct their business. Scott Epstein, our Director of Strategic Implementation, has been tasked to facilitate Pinyon's ability to serve our clients' diverse needs. As trusted advisors, Scott and our other market managers will be responsible for building and maintaining strong client relationships.



EMPLOYEE SERVICES & OPERATIONS | Shannon Lucio, *Principal*

Internally, we have grouped our corporate functions to create a more streamlined operation. Shannon Lucio has been promoted to Principal of Employee Services and Operations.

Did You Know?

The Latest Ruling on the Clean Water Act and How it Affects the State of Colorado

Tim DeMasters, Environmental Biologist | Pinyon Environmental



HISTORY

The Clean Water Act (CWA) was enacted in 1972 to “restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” Since that time, three Supreme Court cases have resulted in more

confusion as to what qualifies as a “Waters of the US (WUS)”, as well as inconsistencies in agency interpretation of jurisdiction. The majority of the confusion centers on defining “neighboring or adjacent” wetlands and other waters. The EPA and the USACE released a proposed rule in 2014 in order to clarify the way that the public and regulators apply the CWA. The Final Rule on the Clean Water Act became effective on August 28th, 2015.

Since publication of the Final Rule, numerous lawsuits have been filed challenging the regulation, and several parties sought preliminary injunctions to delay implementation of the rule.

On August 27, 2015, United States District Courts in Georgia and West Virginia agreed with the Agencies that legal challenges to the Rule could only be brought in the United States Court of Appeals for the 6th Circuit and therefore denied the requests for preliminary injunction.

However, the District Court for North Dakota granted the request of 13 States, including Colorado, and issued a decision preliminarily enjoining the Clean Water Rule (meaning it doesn’t apply, yet, in those 13 states). And most recently, on October 9th, Judges on the 6th U.S. Circuit Court of Appeals in Cincinnati issued an order granting states’ request to stay the Waters of the U.S. rule while the court considers its legality, nationwide.

PROJECT IMPLICATIONS

How will this affect projects in Colorado if the stay and injunction are overruled? The first is by programmatically including into USACE Jurisdiction any open or other water that is wholly, or in part, within 1,500’ horizontal feet of a Traditionally Navigable River (TNW), as well as within the 100-year floodplain. Very few 100-year floodplains are wider than 1,500’ in Colorado with some exceptions such as floodplains surrounding the South Platte and Arkansas Rivers in eastern Colorado.

As the previous (and interim current) rule was interpreted, wetlands or isolated waters that lacked a surficial connection to a jurisdictional water, even if they were situated in a floodplain, were often not considered jurisdictional. In the Final Rule, FEMA floodplain maps will need to be obtained and evaluated for the entirety of a project impact area, which is just one example of added complexity to a given project. Floodplain maps are not always available, or if they are, they may not be in a format (paper or pdf vs. GIS shapefile or web map) that provides the level of accuracy needed.

Another part of the Final Rule that will involve different approaches to the investigation and permitting of WUS is what they are calling Case-Specific Significant Nexus Evaluation. The New Rule identifies particular waters that are not jurisdictional by rule but are subject to case-specific analysis to determine if a significant nexus exists and the water is a “water of the United States.”

For now all states are allowed to operate under the previously existing rule and guidance and permitting wetlands and other waters of the US will continue as before. If the regulatory environment changes, we’ll be ready to help with permitting and avoidance. Give us a call to discuss your project at any time.

Pinyon in Action

Pinyon is pleased to be a part of the AECOM Team that will initiate work on the I-11 and Intermountain West Tier I EIS and conceptual engineering Project later this year. The Project will identify a preferred corridor alignment and preferred modal choice for accommodating future traffic needs from Nogales (beginning at the US 189 and I-19 Traffic Interchange) to Wickenburg (ending at the US 93 and SR 71 Traffic Interchange), Arizona as recommended in the final I-11 and Intermountain West Corridor Study. The Project is needed to provide regional transportation infrastructure in support of a growing population and changing economic trends. The study area spans several hundred miles and a wide array of resources will be evaluated in the Tier I EIS.

News From Around the Office

- It's been a big summer for President **Lauren Evans**. On July 17th she said "I do" to Will Davis at Red Rocks Chapel in front of a small group of family and close friends. She also took the plunge in July and became the proud owner of nine chickens!
- **Lauren** recently became the **Chair of the Colorado Water Quality Control Commission**. The CWQCC is directed by the Colorado Water Quality Control Act to review all water quality classifications and standards at least once every three years. Lauren is also wrapping up her term as the Chair of the Arizona Forward Transportation Committee.
- **Pinyon's Arizona office address has changed!** The new address is 2700 Woodlands Village Blvd (Suite 300-248), Flagstaff, AZ. 86001
- Two of Pinyon's employees are celebrating major milestones with the company. Principal of Operations and Employee Services, **Shannon Lucio** is celebrating 20 years and Accounting Manager **Denise Krejci** is celebrating 19 years!
- Pinyon sponsored a table at the **17th Annual Cherry Creek Conference** on Wednesday November 4th at CU Denver South/Wildlife Experience. **Karlene Thomas** and **Bridget Mitchell** led the way in representing Pinyon as experts in the field of water resources.



Karlene Thomas with Glenn Tacke of Karcher North America and Lynette Myers of the Environmental Leadership Program.

- Since 2001, Pinyon has provided consulting services to Karcher North America. In that time, **Karlene Thomas** and team helped them achieve Silver Partner status with the Environmental Leadership Program. Karcher North America was honored along with their fellow Bronze, Silver and Gold level partners on Friday October 16th at the 16th Annual ELP Awards Dinner.

Pinyon Welcomes!



Bridget Mitchell, PE
Environmental Engineer

Bridget comes to Pinyon with 13 years' experience as a Project Engineer/Manager in water resources, stormwater management, utility design and land development. A native Bostonian, she received an MS in Environmental Engineering from the University of Massachusetts Amherst.



Lindsey Freytag, EIT
Environmental Engineer

Lindsey started at Pinyon this July. She comes to us with a BS in Engineering from the Colorado School of Mines. Prior to Pinyon she interned with the Colorado Oil and Gas Conservation Commission and Coer Mining.



Garrett Butler
Economist

Garrett received a BA in Environmental Studies and Economics from Eckerd College in St. Petersburg, Florida. His experience includes a blend of economic analysis and modeling, environmental resource stewardship, environmental policy, green building design, regression analysis, wetland reclamation, and environmental education.



Robert Kurvink
Environmental Engineer

Robert started with Pinyon in August and has extensive experience in air monitoring and asbestos, mold, lead and hazardous material inspections.



Tim Merlino
Environmental Technician

Tim received an Animal Behavior and Environmental Studies degree from Franklin and Marshall College in Lancaster, Pennsylvania. He has 2.5 years' experience in biological research, invasive beetle surveying and veterinary support.



Mathew Hagman
Economist

Mathew joined us in July with four years of economics experience under his belt. He earned a degree in Natural Resource Economics from New Mexico State University.