



COLORADO

Department of Transportation

Region 5

Environmental & Planning
3803 N. Main Avenue, Suite 300
Durango, CO 81301

March 29, 2019

Ms. Kara Hellige
Senior Project Manager, Colorado West Section
U.S. Army Corps of Engineers, Sacramento District
1970 E 3rd Ave, Suite 109
Durango, CO 81301
Delivered via email to: Kara.A.Hellige@usace.army.mil

Ms. Toney Ott
Environmental Scientist
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202
Delivered via email to: ott.toney@epa.gov

**RE: Pre-Construction Notification
Request for 401 Water Quality Certification
US 550-US 160 Connection South
Nationwide Permit 14 – Linear Transportation Projects
Nationwide Permit 46 – Discharges in Ditches
US 550-US160 South Connection
La Plata County, Colorado
USACE# SPK-2002-75568 (US 160) & SPK-2007-01880 (US 550)
CDOT# 22420**

Dear Ms. Hellige:

Please find the enclosed Pre-Construction Notification (PCN) for the above referenced project, which consists of the realignment of U.S. Highway (US) 550 where it intersects US 160 south of Durango, Colorado. Specifically, at approximate mile post (MP) 14.9, US 550 will be re-aligned and the new US 550 will connect to US 160 via the Grandview Interchange which is approximately 0.6 mile east of the existing US 160 and US 550 (south) connection. The connection from existing US 550 to US 160 via Grandview Interchange creates an additional 1.2 miles of new roadway, which will consist of four lanes. Two bridges will be constructed to span the existing drainages within this segment. The abandoned segment of US 550, known locally as Farmington Hill, will be reclaimed (asphalt removed) and seeded. The project also includes the widening of US 550 corridor from the point of the new road alignment south to approximate MP 9.13 (just north of Sunnyside Elementary School). Specifically, the highway will be expanded from two lanes to four lanes with a center median. Existing county road and driveway intersections in this corridor will also be improved. In addition to the bridges referenced above, the project includes two other

wildlife (deer/elk) underpasses, the installation of deer fence, and numerous small mammal crossings.

The overall scope of work will result in impacts to wetlands and other potentially jurisdictional Waters of the U.S. (WOUS) at six separate and distant locations. It is the opinion of the Colorado Department of Transportation (CDOT) that each of these separate and distant locations comprises a “single and complete project” as defined in 33 CFR § 330.2(i). With the submittal of this PCN, CDOT is requesting verification from the U.S. Army Corps of Engineers that each single and complete project is authorized under Nationwide Permit (NWP) 14 – Linear Transportation Projects or NWP 46 – Discharges in Ditches as indicated below.

The project includes work on private property (“fee land”) within the external boundary of the Southern Ute Indian Reservation. Therefore, the project also requires a Section 401 Water Quality Certification from the U.S. Environmental Protection Agency (USEPA). In a letter submitted to USACE on March 3, 2007, USEPA denied water quality certification for both NWPs 14 and 46. The information required in cases where certification is denied is provided below. Based on the information provided, CDOT respectfully requests that USEPA provides written certification or a waiver from Section 401 requirements.

US 160-US 550 Connection Project Background

The new interchange portion of the project is part of the larger US 160 Environmental Impact Statement (EIS) completed in 2006, which addresses the entire corridor from Durango to Bayfield. To ensure compliance with the National Environmental Policy Act (NEPA), the new interchange has been under study since the initiation of a Supplemental Environmental Impact Statement (SEIS) process which began in 2009 and concluded with a Record of Decision (ROD) completed in 2015. The interchange project is currently being re-evaluated by CDOT due to the passage of time (greater than three years) as well as some minor design changes. It is anticipated that CDOT and the Federal Highway Administration (FHWA) will determine that no substantial changes have occurred in the social, economic, or environmental impacts of the proposed action that would substantially impact the quality of the human, socio-economic, or natural environment. Therefore, the 2015 ROD remains valid for the proposed action.

The proposed interchange project is the final leg of a larger overall project intended to connect US 550 to US 160. All other components, including the construction of the Grandview Interchange ramps and the addition of a fourth lane to US 160 from Three Springs to Farmington Hill have been completed. Previous wetland impacts associated with the overall interchange relocation were permitted under a Clean Water Act (CWA) Section 404 Individual Permit (IP) that was issued on November 1, 2006 and expired on November 11, 2015 (Permit No. SPK-2002-75568.) The IP authorized all anticipated wetland impacts associated with the 2006 EIS. Since the expiration of the IP, it is our understanding that USACE would prefer to permit individual components of the overall corridor project as they are proposed for completion as opposed issuing another blanket IP that would include impacts that may not occur for several years. Given the linear nature of the scope of work covered in the 2006 EIS, CDOT concurs with his approach

since the WOUS impacts would occur at separate and distant locations and would likely be considered numerous single and complete projects per current regulation.

In support of the 2015 ROD, CDOT hired SME Environmental, Inc. (SME) to conduct a wetland delineation of the interchange project area. The final results of that effort were included in a Wetland Delineation Report, which was submitted to USACE in October 2016 along with requests for approved and preliminary jurisdictional determinations. On December 30, 2016 USACE issued an approved jurisdictional determination (AJD) stating that 0.55 acre of aquatic resources, including stock ponds, an ornamental pond and associated wetlands were not regulated under Section 404 of the CWA. Also included in the December 30, 2016 letter from USACE was a preliminary jurisdictional determination (PJD) stating that approximately 7.75 acres of delineated aquatic resources are potentially jurisdictional WOUS.

US 550 Widening Project Background

The widening of the existing US 550 in the project area is part of an overall CDOT corridor project to widen US 550 to four lanes from the intersection of County Road (CR) 220 south to the New Mexico State Line. CDOT and FHWA prepared an Environmental Assessment (EA) for the US 550 corridor in July 2005. Based on the EA, a Finding of No Significant Impact (FONSI) was issued by CDOT and FHWA in December 2005. Since the issuance of the EA/FONSI, CDOT has been implementing this the overall project in phases as funding becomes available. The segment from the New Mexico State Line (MP 0.0) to Bondad Hill (MP 2.75) was completed in 2009 (USACE Permit No. SPK-1999-75031), and the segment of US 550 in the vicinity of the intersection with County Road 302 (MP 11.66 to MP 12.5) was constructed in 2012 (USACE File No. SPK-2011-00279). The proposed scope of work also encompasses the CR 302 segment; however, the only new aquatic resource impacts in the existing four-lane segment will be associated with improvements to existing driveways (not the actual highway widening).

In support of the EA/FONSI, aquatic resources within the US 550 project area were delineated in 2001 and 2003 by URS Corp. This delineation was updated by SME in 2007, and the results of this effort were submitted to the U.S. Army Corps of Engineers (USACE) on October 3, 2007. USACE concurred with the extent of the presented aquatic resource boundaries in the current study area in a letter dated February 25, 2008 (USACE File No. SPK-2007-01880); however, this concurrence was not a formal jurisdictional determination. Due to the passage of time, CDOT staff re-evaluated all aquatic resources within the current project area (not including the areas previously verified in association with 160 interchange as described above) in October 2018 and requested an AJD and PJD of all identified aquatic resources on January 29, 2019. On January 30, 2019 USACE provided a PJD stating that approximately 0.67 acre of wetland and 1.46 acre of irrigation ditch are potentially WOUS and an AJD that 0.30 acre of aquatic resources (including stock ponds, septic lagoons and irrigation delivery ditches) are not jurisdictional WOUS.

PCN Required Information

The attached information is provided to satisfy the requirements of General Condition 32(b) (Contents of Pre-Construction Notification), as well as to satisfy all other applicable NWP general and regional conditions. A description of the enclosed materials is provided below:

- Attachment 1 – South Pacific Division Nationwide Permit PCN Form: This form has been completed per the U.S Army Corps of Engineers (USACE) *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)*.
- Attachment 2 - Multiple Single and Complete Projects Table: The proposed project will result in impacts to aquatic resources at six separate and distant locations, which CDOT believes constitute single and complete NWP projects. Location information as well as a summary of impacts for each single and complete project is provided in Attachment 2. A list of these projects and a rationale for why they should be considered separately is provided below:
 1. Temporary Stream Impacts Associated with New Bridges (NWP 14). The 1.2 mile of new highway will result in no permanent impacts; however, two bridges will be constructed that will span intermittent and ephemeral tributaries to Wilson Gulch. The two bridges are approximately 1,500 feet apart and construction of the bridges will require that these tributaries are crossed with construction equipment. Since CDOT could do the intersection improvements without abandoning the existing highway or widening US 550 south of the realignment, the construction of the bridges and the associated temporary impacts have independent utility from the rest of the overall construction project (See Impact Sheet 1 in Attachment 4).
 2. Temporary Wetland Impacts Associated with Reclaiming Abandoned Highway (NWP 14). Upon the completion of the new highway segment and interchange, CDOT intends to abandon and reclaim the existing Farmington Hill segment of US 550. Specifically, all asphalt will be removed and the highway will be ripped and seeded. It is anticipated that existing wetlands immediately adjacent to the asphalt will be temporarily impacted for construction access. The highway reclamation component of the project has independent utility from other aspects of the work (See Impact Sheet 1 in Attachment 4).
 3. Wetland Impacts associated with widening US 550 south of CR 220 (NWP 14). Approximately 1,000 feet south of the intersection of US 550 and CR 220 the highway crosses a natural topographic drainage that supports wetlands that will be permanently impacted. These impacts are located at the southern terminus of the US 160-US 550 interchange project that is addressed in the SEIS/ROD, which encompasses the improvements at the CR 220 intersection. The widening of US

550 south of this location (projects described below) is considered a separate project from a NEPA standpoint (See Impact Sheet 2 in Attachment 4).

4. Impacts to Mason Lateral Ditch (NWP 46). The Mason Lateral Ditch (referred to as the Coop Ditch on the U.S. Geologic Survey map) crosses US 550 at approximate MP 14.7 and parallels the highway (with some deviation) south to the approximate location of the intersection with County Road 302 (where US 550 is an existing four lane highway), at which point the main channel of the ditch is diverted to the west. The proposed project will result in impacts to 12 segments of this ditch as a result of the highway widening and driveway improvements. There are no wetland impacts in this segment (See Impact Sheets 3, 4 and 5 in Attachment 4).
 5. Impacts South of CR 302 to CR 214 (NWP 14). As described above, US 550 in the vicinity of County Road 302 is an existing four-lane highway and the widened portion of US 550 north of this intersection will be constructed to blend into the existing four-lane highway at this location. Although there will be minor work such as changes with signage in this segment, the existing highway will not see significant earthmoving at this location, making it a logical terminus to the project if adequate funding is not available to continue the widening further to the south. There are several ditch and wetland impacts in the approximately 3,200-foot segment of the project from the southern end of the existing four-lane segment to CR 214 where intersection improvements are proposed. The intersection of CR 214 is another logical terminus of the widening project (See Impact Sheets 6 and 7 in Attachment 4).
 6. Impacts to Hess Lateral Ditch (NWP 46). Approximately 1.2 miles south of the CR 214 intersection, the Hess Lateral Ditch flows into the existing CDOT ROW from the east and flows south along the highway until the southern terminus of the proposed scope of work. Multiple segments of the Hess Lateral Ditch will be impacted in coordination with the ditch company. There are no wetland impacts proposed as part of this project (See Impact Sheets 8, 9 and 10 in Attachment 4).
- Attachment 3 – Single and Complete Project Location Maps: Maps of the locations described above.
 - Attachment 4 – Wetland Impact Sheets: Plan view drawings that depict the extent of the aquatic resources that will be permanently and temporarily impacted. Based on these drawings, the overall project will result in 1.699 acre of permanent impact to aquatic resources, including 0.384 acre of wetland and 1.315 acre (8,584 linear feet) of ditch. Additionally, the project will result in approximately 0.391 acre of temporary impacts to aquatic resources, including 0.168 acre of wetland, 0.036 acre (291 linear feet) of streams, and 0.187 acre (1,739 linear feet) of ditch associated with construction access.

- Attachment 5 – US 550 Cross Sections: Cross section drawings of typical wetland impact (Station 968+00) and ditch impacts (Stations 900+00 and 875+00).
- Attachment 6 – Section 7 Threatened and Endangered Species Documentation: The project is being partially funded by the Federal Highways Administration (FHWA), and they are acting as the lead federal agency with regards to Section 7 of the Endangered Species Act (ESA). On January 31, 2019, FHWA requested an extension of a previous concurrence from the U.S. Fish and Wildlife Service (USFWS) that the US160-550 interchange and US 550 realignment project is not likely to adversely affect the endangered Southwestern Willow Flycatcher and New Mexico meadow jumping mouse. The letter also requested concurrence that minor and temporary water depletions associated with the project that are likely to adversely affect the endangered Colorado pikeminnow and razorback sucker are addressed in the May 21, 1999 Minor Water Depletions of 100 Acre-feet or Less from the San Juan River Basin Biological Opinion. On February 28, 2019, USFWS extended its previous concurrence. On February 1, 2019, FHWA requested formal consultation on the potential effects of the widening of US 550 within the project area. On February 28, 2019, USFWS provided a letter stating that they expect the impacts from the project to be insignificant and discountable. The letters to and from the USFWS are provided in this attachment to document compliance with Section 7 of the ESA.
- Attachment 7 –Section 106 Documentation: As with ESA compliance, FHWA is acting as the lead federal agency with regards to Section 106 of the National Historic Preservation Act (NHPA). On February 1, 2018, CDOT requested concurrence from the State Historic Preservation Officer (SHPO) on updated determinations of eligibility and effects for the US 160-US 550 interchange and re-alignment. On March 12, 2018, SHPO provided concurrence of those determinations. With regards to the US 550 widening, SHPO provided concurrence on July 9, 2018 that no historic properties will be affected under Section 106. The above referenced letters are provided in this attachment to document Section 106 compliance.

Section 401 Required Information

For projects where certification has been denied, the following information is required:

- The information required in Corps of Engineers Nationwide Permits General Condition 31(b), "Contents of Pre-Construction Notification."

The information provided above and in the attachments satisfies this requirement.

- A summary of contacts/discussions with the affected Tribe's water quality staff regarding the project.

The Southern Ute Indian Tribe's Water Quality Program has been copied on this submittal.

- A summary of tribally identified aquatic resource concerns, if any.

CDOT will address any concerns of the Southern Ute Indian Tribe's Water Quality Staff, if such concerns arise.

- A description of best management practices (BMPs) and how the project will utilize construction BMPs to reduce or eliminate water quality degradation as a result of the project.

The project will result in greater than one acre of land disturbance and will require coverage under the Colorado Department of Public Health & Environment (CDPHE) Permit COR400000 for stormwater discharge. Use of this permit will require that CDOT's contractor develop a Stormwater Management Plan (SWMP) that addresses (at a minimum) spill prevention, materials handling, as well as the installation, inspection, and maintenance of erosion control measures. A copy of the SWMP will be kept on-site throughout construction. A copy of the SWMP can be provided to USEPA and the Southern Ute Indian Tribe prior to construction, if requested.

- A discussion of how the project has been designed to be resilient to the effects of climate change. Provide in the discussion a projection of future climate in the project area including a reference to how the projection was made.

According to the *Climate Change in Colorado* report prepared the Western Water Assessment (Lukas et al 2014), statewide annual temperatures are projected to warm by 2.5°F to 5°F by 2050. Although the project is not located within any regulated floodplains, the most applicable consequence of climate change to the project is the anticipated frequency and severity of extreme precipitation events. Specifically, a study (Janssen et al. 2014) suggests that extreme rainfall events of the magnitude that now occur every 5 years in Colorado will instead occur every 3 years in 2050. Per the CDOT Bridge Design Manual, all bridges will be designed to withstand 100-year and 500-year storm scour events without failing. Storm drains will be designed to meet the minimum standards of the CDOT Drainage Design Manual, which ensures that no unexpected flood hazards are inherent in the proposed facility.

- All Corps of Engineers Regional Conditions

On January 11, 2017, USACE issued *2017 Regional Conditions to Nationwide Permits in the State of Colorado*. There are no regional conditions specific to either NWP 14 or 46. With regards to the conditions applicable to all NWPs, the proposed project does not involve work in important spawning areas, fens, or springs. Additionally, per Regional Condition 8, broken concrete is not proposed to be utilized as a fill material.

- Any information submitted to the Corps, such as cultural resource reports or summaries, biological assessment for endangered species, etc., must be included in the certification application.

Attachments 6 and 7 include the cultural resource and endangered species information related to this project.

Conclusion

CDOT respectfully requests authorization from USACE for the single and complete projects described in this submittal pursuant to NWP 14 and 46, as indicated in Attachment 2. Additionally, CDOT respectfully requests Section 401 water quality certification from USEPA for Project Nos. 3, 4, 5, and 6, which are located on fee land within the external boundary of the Southern Ute Indian Reservation. If you require any additional information to process this request, please contact me at (970) 385-8367.

Sincerely,



Tim Funk, PWS
CDOT Region 5 Wetland Specialist

Encls.

cc: Mr. Jeff Seebach, Senior Water Quality Specialist, Southern Ute Indian Tribe

ATTACHMENT 1

South Pacific Division Nationwide Permit PCN Form

U.S. Army Corps of Engineers South Pacific Division



Nationwide Permit Pre-Construction Notification (PCN)

This form integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit Program within the South Pacific Division (SPD). Boxes 1-10 must be completed to include all information required by General Condition 32. Box 11 (or other sufficient information to show compliance with all General Conditions) must be completed for activities in Arizona, California, Nevada, and Utah, and is recommended for activities in Colorado and New Mexico. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions for completing the PCN, as well as additional information on the attachments and tables included with this PCN that may be used.

0. To be filled by the Corps

Application Number:	Date Received:	Date Complete:
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1. Prospective Permittee and Agent Name and Addresses (see Instructions)

a. Prospective Permittee

First - Mr. Tim Middle - J Last - Funk
 Company - Colorado Department of Transportation Email Address - timothy.funk@co.state.us
 Address - 3803 N. Main Ave, City - Durango State - CO Zip - 81301
 Phone (Residence/Mobile) - (970) 759-5012 Phone (Business) - (970) 385-8367

b. Agent (if applicable)

First - _____ Middle - _____ Last - _____
 Company - _____ Email Address - _____
 Address - _____ City - _____ State - _____ Zip - _____
 Phone (Residence/Mobile) - _____ Phone (Business) - _____

c. **Statement of Authorization:** I hereby authorize _____, to act in my behalf as my agent for the proposed activity. (Optional, see instructions)

Tim Funk

Signature of Applicant

03/29/2019

Date

2. Name and Location of the Proposed Activity (see Instructions)

The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 10, and 11, if applicable.

a. Project Name or Title:

US 550-US 160 Connection South

b. County, State:

La Plata County, Colorado

c. Name of Waterbody: Mason Lateral Ditch, Hess Lateral Ditch, Trumble Draw

d. Coordinates:

Unknown (please provide other location descriptions below)

Latitude - 37.185894

Longitude - -107.84797

e. Other Location Description (optional, see instructions):

See Attachment 2 for location information of each single and complete project.

f. Driving Directions to the site (optional, see instructions):

The proposed project is located at the intersection of US 160 and US 550 approximately 5 miles southeast of downtown Durango, extending south down US 550 to approximate milepost 9.13.

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

Nationwide Permit 14 & Nationwide Permit 46

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

Construction of a new 1.2 mile segment of US 550 from milepost 14.9 to the existing Grandview Interchange. The new highway segment will consist of four lanes with a center median. Two bridges will be constructed to span the existing drainages within this segment. The abandoned segment of US 550 will be reclaimed (asphalt removed) and re-seeded. The project also includes the widening of US 550 corridor from the point of the new road alignment south to approximate MP 9.13 north of Sunnyside Elementary School, as funding allows. Specifically, the highway will be expanded from two lanes to four lanes with a center median. Existing county road and driveway intersections in this corridor will also be improved. In addition to the two bridges included in the new highway segment, the project includes two other wildlife (deer/elk) underpasses, and numerous small mammal crossings.

b. Purpose of the Proposed Activity:

The purpose of the new interchange is to increase travel efficiency/capacity to meet current and future needs, improve safety for the traveling public by reducing the number and severity of crashes, and to control access for safety and mobility flow improvements. The purpose of the US 550 widening is to improve safety, address future highway capacity needs, improve access conditions, and address roadway deficiencies.

c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands and other waters of the U.S. expected to result from the NWP(s) activity:

Aquatic Resource Impact drawings are provided as Attachment 4. Cumulatively, the overall construction project will result in: 0.384 acre of permanent wetland impact, 0.168 acre of temporary wetland impact, 1.315 acre (8,584 linear feet) of permanent ditch impact, 0.187 acre (1,739 linear feet) of temporary ditch impact, and 0.036 acre (291 linear feet) of temporary stream impact. A breakout of impacts at each single and complete project is provided in Attachment 2.

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

Impacts to aquatic resources have been avoided and minimized to the greatest extent practicable while still achieving the project goals. Of the 9.88 acres of potentially jurisdictional aquatic resources that were delineated in support of the project, the project will result in only 1.699 acres of permanent impact (85% not impacted). Erosion Control Plans will be developed to prevent impacts to adjacent waters associated with construction activities. To minimize disturbance associated with temporary impacts, existing vegetation will be trimmed to stubble height, and if the ground is saturated, pre-fabricated timber mats will be placed under construction equipment. If earth-moving is required in any wetland area designated for temporary impact, wetland topsoil will be excavated, stockpiled, and returned to the top of the disturbed area. At the completion of construction, temporary stream and wetland impact areas will be restored to preexisting elevations. Additionally, all temporarily impacted wetlands and streambanks will be re-vegetated through the application of appropriate native seed mixes.

e. Any other NWP(s), Regional/Programmatic General Permit(s) or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity:

Completed portions of interchange permitted under Individual Section 404 Permit No. SPK-2002-75568. Widening of US 550 in the vicinity of County Road 302 permitted under NWP 14 (SPK-2011-00279).

f. Have sketches been provided containing sufficient detail to provide an illustrative description of the proposed activity?

Yes, Attached No

N/A; The activity is located in the Los Angeles District boundaries of Arizona and California, See Attachment 1

N/A, The activity is located in the San Francisco District boundaries of California, See Attachment 2

N/A, The activity is located in the Sacramento District boundaries of California, Nevada, or Utah, See Attachment 3

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources been conducted in accordance with the current method required by the Corps? Yes No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? Yes No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? Yes No

If yes, describe how you propose to compensate for the loss of each type of wetland:

CDOT proposes to compensate for the 0.384 acre of permanent wetland impact through the purchase of 0.384 wetland credits from the Animas River Wetlands, LLC mitigation bank. Documentation of this credit transfer will be provided to USACE prior to the onset of construction. The 0.168 acre of temporary wetland impacts will be restored as described under box 4d. To ensure the temporarily impacted wetlands are properly restored, they will be inspected and maintained until they achieve 70% total cover, excluding noxious weeds, with greater than 50% of the dominant species categorized as facultative or wetter.

Note: for the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? Yes No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

All permanent impacts to non-wetland waters are to man-made irrigation ditches. The primary function of these ditches is to deliver decreed irrigation water to downstream agricultural users. The proposed project will not negatively affect the quantity or quality of irrigation water conveyed through the project area. This will be accomplished by relocating the permanently impacted ditch segments either to a new channel or irrigation pipe, based on the needs and requests of the downstream irrigation user(s). As such there will be no functional loss associated with the ditch impacts. All stream impacts will be temporary and impacted streams will be restored as described in box 4d. Re-vegetated streambanks will be inspected and maintained until they achieve 70% of pre-existing cover, excluding noxious weeds.

Note: if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity? Yes No

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? Yes No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Has information sufficient to initiate consultation with the U.S. Fish and Wildlife Service/National Marine Fisheries Service for compliance with Section 7 of the ESA been prepared? Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the ESA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment.

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect? Yes No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

OR

A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. Has information sufficient to initiate consultation with the State Historic Preservation Officer/Tribal Preservation Officer for compliance with Section 106 of the National Historic Preservation Act (NHPA) been prepared?

Yes No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the NHPA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment.

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity(s) occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a “Study River” for possible inclusion in the system while the river is in an official study status?

Yes, in a component of a National Wild and Scenic River System; Yes, in a “study” river No

If yes, identify the Wild and Scenic River or the “study river”

Note: per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the NWP also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project? Yes No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? Yes No

If yes, please attach the Section 408 permission

If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

11. Compliance with NWP General Conditions (see Instructions)

Check	General Condition	Rationale for Compliance with General Condition
<input checked="" type="checkbox"/>	1. Navigation	None of the waters affected by the project are navigable.
<input checked="" type="checkbox"/>	2. Aquatic Life Movements	Due to a lack of perennial flowing water, impacted streams and ditches are not anticipated to provide passage for aquatic life.
<input checked="" type="checkbox"/>	3. Spawning Areas	The project will not impact any spawning areas.
<input checked="" type="checkbox"/>	4. Migratory Bird Breeding Areas	CDOT's standard conservation measures, including pre-construction surveys if clearing and grubbing is conducted during the MBTA nesting season, will be followed to prevent adverse affects to migratory birds.
<input checked="" type="checkbox"/>	5. Shellfish Beds	Not applicable
<input checked="" type="checkbox"/>	6. Suitable Material	Only suitable material will be used as fill.

<input checked="" type="checkbox"/>	7. Water Supply Intakes	Not applicable
<input checked="" type="checkbox"/>	8. Adverse Effects from Impoundments	Not applicable
<input checked="" type="checkbox"/>	9. Management of Water Flows	The project will be designed to pass all anticipated high flows.
<input checked="" type="checkbox"/>	10. Fills Within 100-Year Floodplains	None of the aquatic resource impacts are located within a regulated floodplain.
<input checked="" type="checkbox"/>	11. Equipment	Equipment use within wetlands and waters will be avoided as practical. If saturated soil conditions are present during construction then equipment access within the wetland will be via pre-fabricated timber mats.
<input checked="" type="checkbox"/>	12. Soil Erosion and Sediment Controls	As the overall project will result in greater than 1 acre of land disturbance, CDOT will be required to obtain coverage under the Colorado Department of Public Health and Environment's General Stormwater Permit for Construction. To comply with this permit, CDOT's selected contractor will be required to develop a Stormwater Management Plan and Erosion Control Plans.

<input checked="" type="checkbox"/>	13. Removal of Temporary Fills	All temporary fills will be removed.
<input checked="" type="checkbox"/>	14. Proper Maintenance	The roadway will continue to be maintained by CDOT as needed.
<input checked="" type="checkbox"/>	15. Single and Complete Project	Each separate and distant crossing of wetlands and other waters are considered single and complete projects. It is CDOT's opinion that this submittal encompasses 6 single and complete projects.
<input checked="" type="checkbox"/>	16. Wild and Scenic Rivers	Not applicable
<input checked="" type="checkbox"/>	17. Tribal Rights	The project will not impede upon any Tribal rights. A portion of the project is located within the external boundary of the Southern Ute Indian Reservation, and the Tribe has been consulted with on the project.
<input checked="" type="checkbox"/>	18. Endangered Species	See Box 7 above.
<input checked="" type="checkbox"/>	19. Migratory Bird and Bald and Golden Eagle Permits	CDOT's standard conservation measures will be employed as necessary to prevent the take of migratory birds and bald or golden eagles.

<input checked="" type="checkbox"/>	20. Historic Properties	See Box 8 above.
<input checked="" type="checkbox"/>	21. Discovery of Previously Unknown Remains and Artifacts	Per the Section 106 consultation, a qualified archaeologist will be onsite during construction.
<input checked="" type="checkbox"/>	22. Designated Critical Resource Waters	Not applicable.
<input checked="" type="checkbox"/>	23. Mitigation	See Boxes 4(d) and 6 above.
<input checked="" type="checkbox"/>	24. Safety of Impoundment Structures	N/A
<input checked="" type="checkbox"/>	25. Water Quality, including status of Section 401 Water Quality Certification	The portions of the project within the Southern Ute Indian Reservation will only be commenced when a Section 401 Water Quality Certification has either been granted or waived by the U.S. Environmental Protection Agency.
<input checked="" type="checkbox"/>	26. Coastal Zone Management, including status of CZM Consistency Certification from the State of California (for projects in or affecting the Coastal Zone)	N/A

<input checked="" type="checkbox"/>	27. Regional and Case-by-Case Conditions	The project will be in compliance with all 2017 Regional Conditions to Nationwide Permits in the State of Colorado. Specifically, the project does not involve a discharge into a spring, fen, or designated critical resource water.
<input checked="" type="checkbox"/>	28. Use of Multiple Nationwide Permits	Although the overall construction project will utilize two NWP's, each single and complete project will use only one NWP.
<input checked="" type="checkbox"/>	29. Transfer of Nationwide Permit Verifications	Following discussions with USACE, CDOT does not plan to transfer the NWP verification to the selected contractor.
<input checked="" type="checkbox"/>	30. Compliance Certification	A compliance certification will be submitted by CDOT upon completion of the project.
<input checked="" type="checkbox"/>	31. Activities Affecting Structures or Works Built by the United States	See Box 10 above.
<input checked="" type="checkbox"/>	32. Pre-Construction Notification	This document satisfies the requirements of a pre-construction notification.

ATTACHMENT 2

Multiple Single and Complete Projects Table

Attachment 2 Single and Complete
Project Location Information

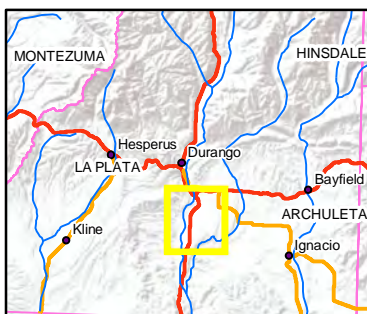
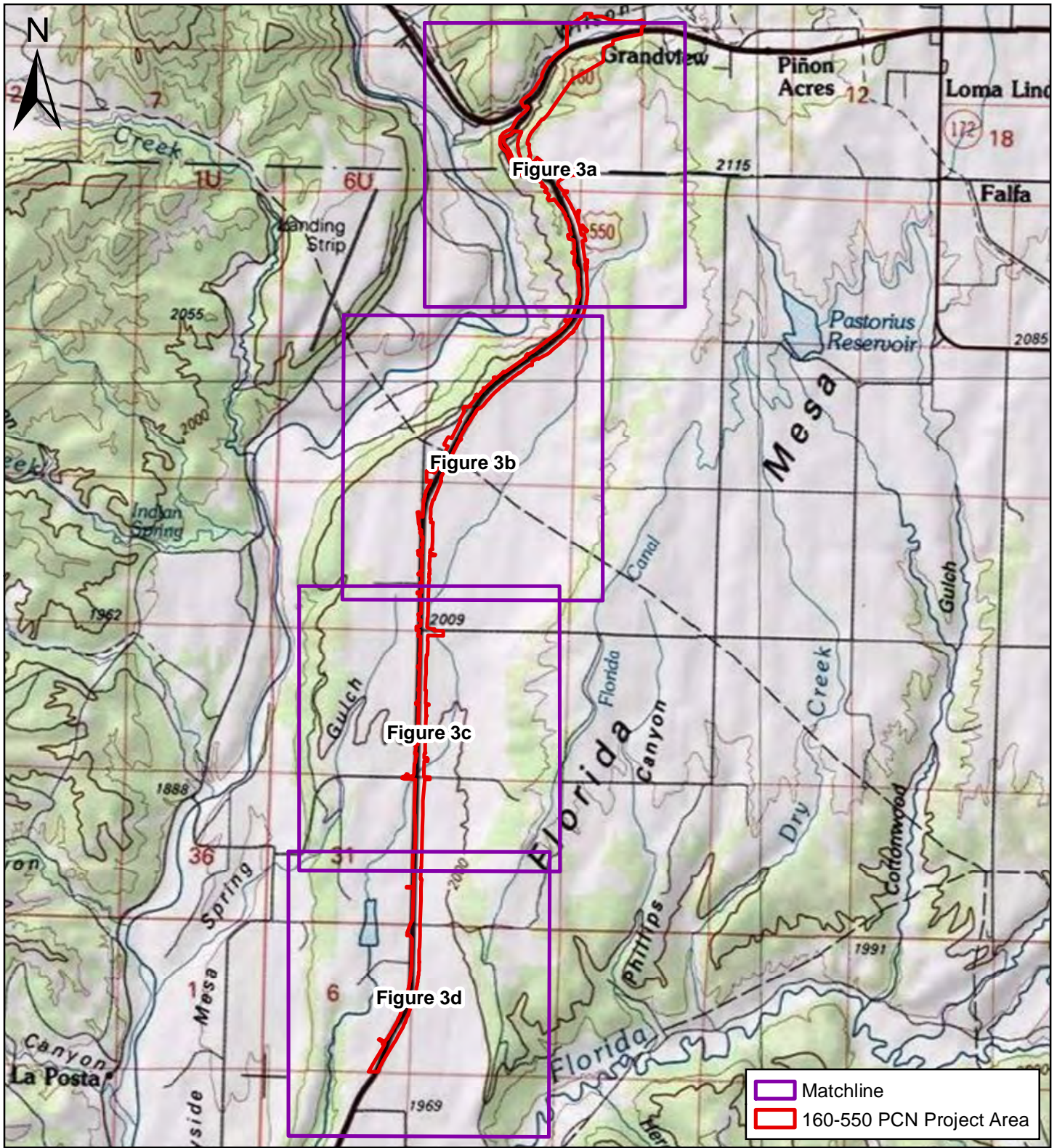
Single and Complete Project Number	Nationwide Permit	County	State	Name of Waterbody (optional if known)	Latitude (NAD83)	Longitude (NAD 83)	Permanent Impacts (Acres)	Temporary Impacts (Acres)	Permanent Impacts (Linear Feet)	Temporary Impacts (Linear Feet)
1	14	La Plata	CO	Tributaries to Wilson Gulch	37.223041	-107.842083	0	0.036	0	291
2	14	La Plata	CO	N/A	37.21855	-107.847743	0	0.062	N/A	N/A
3	14	La Plata	CO	N/A	37.209067	-107.840573	0.238	0.024	N/A	N/A
4	46	La Plata	CO	Mason Lateral Ditch	37.187201	-107.850998	0.567	0.087	3465	532
5	14	La Plata	CO	Trumble Draw	37.15926	-107.857874	0.24	0.144	1034	982
6	46	La Plata	CO	Hess Lateral Ditch	37.132124	-107.859587	0.654	0.038	4085	225

Attachment 2
Single and Complete Project Information

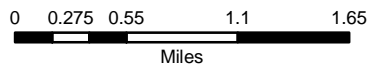
Single and Complete Project Number	Aquatic Resource Name	Discharge of Fill Material (Y/N)	Acreage Direct Effect	Linear Feet Direct Effect	Acreage Loss of Waters of the U.S.	Linear Feet Loss of Stream Bed	Complete Description of Proposed Activity	Purpose of Proposed Activity	Description of Direct and Indirect Adverse Environmental Effects	Description of Proposed Mitigation Measures
1	37-1	Y	0.022	151	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
1	37-2	Y	0.012	105	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
1	37-2a	Y	0.002	35	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
2	38-1	Y	0.062	N/A	0	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
3	40-3	Y	0.111	N/A	0.111	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 6.a
3	40-5	Y	0.151	N/A	0.127	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
4	W-7a	Y	0.035	384	0.032	353	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-7b	Y	0.107	675	0.107	675	See Cover Letter	See Box 4.b	See Box 4.c	See Box 6.b
4	W-7c	Y	0.05	184	0.04	147	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-7d	Y	0.171	1162	0.162	1119	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-7e	Y	0.18	685	0.147	535	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-7f	Y	0.027	119	0.01	40	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-7g	Y	0.013	47	0.013	47	See Cover Letter	See Box 4.b	See Box 4.c	See Box 6.b
4	W-10	Y	0.059	664	0.053	529	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-15b	Y	0.005	25	0.002	11	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-15c	Y	0.005	36	0.001	9	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
4	W-15d	Y	0.002	16	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	W-17d	Y	0.03	516	0.001	62	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	W-84	Y	0.059	N/A	0.059	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See 6.a
5	Area A	Y	0.081	741	0.079	708	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	Area T	Y	0.019	N/A	0.005	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
5	Area S	Y	0.014	315	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	Area R	Y	0.002	N/A	0	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
5	Area Q	Y	0.014	141	0.001	6	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	Area P	Y	0.029	N/A	0.016	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
5	Area O	Y	0.001	18	0	0	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	Area M	Y	0.072	N/A	0.032	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
5	Area D	Y	0.01	230	0.009	215	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
5	Area E	Y	0.034	N/A	0.034	N/A	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.a
5	W-29	Y	0.006	55	0.004	43	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b
6	Area G	Y	0.692	4310	0.654	4085	See Cover Letter	See Box 4.b	See Box 4.c	See Box 4.d and 6.b

ATTACHMENT 3

Single and Complete Project Location Maps



COLORADO
 Department of Transportation
 Region 5



1:60,000

Date: 3/6/2019

Figure 3
Overall Scope of Construction
US 550 South Design Build

La Plata County, CO