



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
SOUTHERN COLORADO REGULATORY OFFICE
720 NORTH MAIN STREET SUITE 300
PUEBLO CO 81003-3047

October 18, 2006

Operations Division
Regulatory Branch

Ms. Nicolle Esquivel
PBS&J
4601 DTC Boulevard, Suite 700
Denver, CO 80237

Dear Ms. Esquivel:

This replies to your September 29, 2006 transmittal regarding the Colorado Department of Transportation's proposed 4th Street Bridge replacement in wetlands adjacent to the Arkansas River in Pueblo, Pueblo County, Colorado. We have assigned Action No. 2002 00746 to this activity. The work includes construction of two bridge piers, construction of a stormwater outfall, placement of temporary construction fill which will be underlain with fabric and straw, and 0.006 acre of riparian tree and shrub mitigation plantings.

The Corps of Engineers has published Nationwide Permits pursuant to Section 404 of the Clean Water Act (33 CFR 330). Nationwide Permit No. 23 authorizes discharges of dredged or fill materials into waters of the United States associated with approved categorical exclusions. A summary of Nationwide Permit No. 23 is enclosed for your information.

The project can be constructed under authority of the nationwide permit. The permittee must insure compliance with all conditions of the permit, including submittal of the enclosed Compliance Certification required by General Condition No. 14.

General Condition No. 11 requires that no activity is authorized under any Nationwide Permit which is likely to jeopardize the continued existence of a listed or proposed threatened or endangered species, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. We have determined that your proposed work, as described, will have no affect on any listed or proposed endangered or threatened species or its critical habitat.

This verification will be valid for 2 years unless the nationwide permit is modified, reissued or revoked. The verification will remain valid if, during that time, the nationwide permit is reissued without modification or the activity complies with any subsequent modification of the nationwide permit authorization. If the nationwide permit authorization expires, is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit, the provisions of 33 CFR 330.6(b) will apply.

If you have any questions regarding these regulations, please feel free to write or call me at (719) 543-6914 or by e-mail at anita.e.culp@usace.army.mil. At your convenience, please complete and return the attached Customer Service Survey.

Sincerely,



Anita E. Culp
Senior Project Manager

3 Enclosures

1. Nationwide Permit Summary
2. Compliance Certification form
3. Customer Service Survey



**U.S. Army Corps
of Engineers**
Albuquerque District

Nationwide Permit Summary

No. 23, APPROVED CATEGORICAL EXCLUSIONS
(NWP Final Notice, 67 FR 2082, para. 23)

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Before approval for purposes of this NWP of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this NWP. (Sections 10 and 404)

NATIONWIDE PERMIT GENERAL CONDITIONS

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

- 1. Navigation.** No activity may cause more than a minimal adverse effect on navigation.
- 2. Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- 3. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are

encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

- 4. Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
- 5. Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
- 6. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
Note: Statewide Regional Conditions have been added for activities within the states of Colorado, New Mexico, and Texas.
- 7. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in 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; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
- 8. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- 9. Water Quality.** (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).
(b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality

management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWP).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nmfs.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

(a) Timing: where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a pre-construction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity.

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an Individual Permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

- (2) Location of the proposed project;
- (3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);
- (4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));
- (5) For NWP 7 (Outfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;
- (6) For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;
- (7) For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;
- (8) For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;
- (9) For NWP 29 (Single-Family Housing), the PCN must also include:
- (i) Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;
 - (ii) A statement that the single-family housing activity is for a personal residence of the permittee;
 - (iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 1/4-acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than 1/4-acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));
 - (iv) A written description of all land (including, if available, legal

descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

- (i) Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

- (ii) A delineation of any affected special aquatic sites, including wetlands; and,

- (iii) Location of the dredged material disposal site;

(11) For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

(12) For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams, unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a

maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(16) For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the

prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the

District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre).

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the

activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

- (a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).
- (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
- (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland

vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound

waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites; and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into

waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters: The District Engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

(b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has flowing water only during and for a short duration after; precipitation events in a typical year.

Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered

to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of Waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Impacts to ephemeral streams are not included in the linear foot measurement of loss of stream bed for the purpose of determining compliance with the linear foot limits of NWPs 39, 40, 42, and 43. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US.

Non-tidal Wetland: A non-tidal wetland is a wetland (i.e., a water of the US) that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open Water: An area that, during a year with normal patterns of precipitation, has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material

into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface; and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the "single and complete project" (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations: each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs; which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that

range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f); respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to open-waters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement, or preservation of aquatic habitats to ensure that activities authorized by NWP's result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

ADDITIONAL INFORMATION

For additional information concerning the nationwide permits or for a written determination regarding a specific project, please contact the office below:

In New Mexico:

Chief, Regulatory Branch
Albuquerque District, US Army Corps of Engineers
4101 Jefferson Plaza, N.E.
Albuquerque, NM 87109-3435
Telephone: (505) 342-3283

In Southeastern Colorado:

Southern Colorado Regulatory Office
720 North Main Street, Room 300
Pueblo, Colorado 81003-3047
Telephone: (719) 543-9459

In Southern New Mexico and Western Texas:

El Paso Regulatory Office
P.O. Box 6096
Ft. Bliss, Texas 79906-0096
Telephone: (915) 568-1359

In Northwestern New Mexico:

Durango Regulatory Office
278 Sawyer Drive, Suite #1
Durango, Colorado 81303-7955
Telephone: (970) 375-9452

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits, may also be accessed on our Internet page: <http://www.spa.usace.army.mil/reg/>

This nationwide permit is effective March 18, 2002, and expires on March 19, 2007, unless sooner modified, suspended, or revoked.

Summary Version: March 18, 2002

**Certification of Compliance
with Department of the Army Nationwide Permit**

Action Number: 2002 00746

Name of Permittee: Colorado Department of Transportation

Nationwide Permit: No. 23, Approved Categorical Exclusions

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Anita Culp
Albuquerque District, Corps of Engineers
Southern Colorado Regulatory Office
720 North Main Street, Suite 300
Pueblo, Colorado 81003-3047

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started _____

Date Work Completed _____

Date

Signature of Permittee



US Army Corps
of Engineers

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH
4101 JEFFERSON PLAZA NE
ALBUQUERQUE, NEW MEXICO 87109-3435

*CUSTOMER SERVICE SURVEY - REGULATORY PROGRAM
U.S. ARMY CORPS OF ENGINEERS*

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers and would like to know how well we have been doing. Who are our customers? You are our *customer* if you submitted a permit application, requested a jurisdictional determination or wetland delineation, or scheduled a pre-application meeting with us. *Other customers* include those of you who received our Public Notice and/or commented on a particular project or our work in general, because of your interest in the Regulatory Program. To identify how we can better serve you, we need your help. Please take the time to fill out this brief survey and mail it back to us. Your honest opinions will help us determine areas in which we need to improve. For each question, please indicate the level of service you received by circling the appropriate number on a scale from 1-5, with 1 being low (dissatisfied) and 5 being high (very satisfied). If the question does not apply to you, simply circle N/A. Thank you for your time and comments!

The Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (07100-XXXX), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE ADDRESS. RETURN COMPLETED APPLICATION TO THE ADDRESS SHOWN ON THE APPLICATION INSTRUCTION SHEET.

CUSTOMER SERVICE SURVEY - REGULATORY PROGRAM U.S. ARMY CORPS OF ENGINEERS

We at the US Army Corps of Engineers Regulatory Branch are committed to improving service to our customers and would like to know how well we have been doing. Who are our customers? You are our customers if you submitted a permit application, requested a jurisdictional determination or wetland delineation or scheduled a pre application meeting with us. Other customers include those of you who receive our Public Notice and/or commented on a particular project or our work in general, because of your interest in the Regulatory Program. To identify how we can better serve you, we need your help. Please take the time to fill out this brief survey and mail it back to us. Your honest opinions will help us determine areas in which we need to improve. For each question, please indicate the level of service you received by marking the appropriate number on a scale from 1-5, with 1 being low (dissatisfied) and 5 being high (very satisfied). If the question does not apply to you, simply mark N/A. Thank you for your time and comments! Response to this survey is VOLUNTARY. If you choose not to respond, it will not affect any decision.

I. FOR APPLICANTS & OTHERS REQUIRING AUTHORIZATIONS	LOW SATISFACTION			HIGH SATISFACTION		
	1	2	3	4	5	NA
1. Do you think you receive your Corps permit decision in a reasonable amount of time?	1	2	3	4	5	NA
2. Do you think you received your Corps jurisdictional determination in a reasonable amount of time?	1	2	3	4	5	NA
3. If we recommended/required project changes/modifications to reduce impacts, did we clearly explain the reasons why?	1	2	3	4	5	NA
4. If we recommended/required project changes/modifications to reduce impacts, did the changes seem reasonable to you?	1	2	3	4	5	NA
5. If we denied your permit, did we clearly explain the reasons why?	1	2	3	4	5	NA
6. For enforcement cases, did our office clearly and professionally explain the basis for the enforcement action (e.g., what work we believe your performed without authorization)?	1	2	3	4	5	NA
7. For Enforcement cases, did our office include options for resolution?	1	2	3	4	5	NA
II. FOR APPLICANTS & "OTHER" CUSTOMERS	1	2	3	4	5	NA
1. For permitted actions, was the permit effective in achieving appropriate protection/mitigation for impacts to aquatic resources?	1	2	3	4	5	NA
2. For enforcement actions, did the Corps require appropriate compensation/restoration for impacts to aquatic resources?	1	2	3	4	5	NA
III. FOR APPLICANTS & "OTHER" CUSTOMERS	1	2	3	4	5	NA
1. Did the Corps representative act professionally and treat you with courtesy?	1	2	3	4	5	NA
2. Did the Corps provide sufficient information to allow you to complete an application form, comment on a public notice, or otherwise evaluate our work?	1	2	3	4	5	NA
3. Did we respond to your letters and telephone calls in a reasonable amount of time?	1	2	3	4	5	NA
4. Did the Corps representative answer your questions clearly, giving you accurate information about our Regulatory Program?	1	2	3	4	5	NA
5. What is your OVERALL rating of the level of service provided by the Corps of Engineers Regulatory Program?	1	2	3	4	5	NA

Note: DATA FROM THIS QUESTIONNAIRE WILL BE USED BY THE DISTRICT TO IMPROVE SERVICE. ALSO, INFORMATION WILL BE TABULATED NATIONALLY BY SERVICE AREA. RESPONDENTS WILL NOT BE IDENTIFIED BY NAME OR ORGANIZATION FOR ANY REPORT DERIVED FROM THIS SURVEY.

U.S. Army Corps of Engineers
ALBUQUERQUE DISTRICT



Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the Nationwide Permit Program within SPA, including General and Regional Conditions. Please consult instructions prior to completing this form.

Box 1 Project Name: 4 th Street (SH 96A) Bridge Replacement		Applicant Name: Judy DeHaven	
Applicant Title: Environmental Officer		Applicant Company, Agency, etc.: CDOT – Region 2	
Mailing Address: P.O. Box 536, Pueblo, CO 81002-0536			
Work Phone: 719-546-5410	Home Phone: N/A	Fax: 719-546-5414	E-mail Address: <u>Judy.DeHaven@dot.state.co.us</u>
Relationship of applicant to property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other _____			
Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a Corps nationwide permit or permits as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received.			
Signature of applicant			Date

Box 2 Authorized Agent/Operator Name and Signature <i>(If an agent is acting for the applicant during the permit process)</i> Nicolle Esquivel			
Agent/Operator Title: Environmental Scientist II		Agent/Operator Company, Agency, etc.: PBS&J	
Mailing Address: 4601 DTC Boulevard, Suite 700, Denver, CO 80237			
E-mail Address: <u>nfesquivel@pbsj.com</u>			
Work Phone: 303-221-7275	Home Phone: N/A	Fax: 303-221-7276	Cell Phone: N/A
I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant			Date
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent			Date

Box 3 Name of property owner(s), if other than applicant: N/A	
Owner Title:	Owner Company, Agency, etc.:
Mailing Address:	
Work Phone:	Home Phone:

Box 4 Name of contractor(s) (if known): N/A	
Contractor Title:	Contractor Company, Agency, etc.:
Mailing Address:	
Work Phone:	Home Phone:

Include multiple copies of Box 5 for separate sites.

Box 5 Site Number 1 of 1. Project location(s), including street address, city, county, state, zip code where proposed activity will occur: 4 th Street (SH 96A) bridge at Arkansas River, City of Pueblo, Pueblo County, Colorado 81003. The bridge is designated as structure K-18-Z and is located at mile post 54.8.	
Waterbody (if known, otherwise enter "an unnamed tributary to"): Arkansas River	
Tributary to what known, downstream waterbody: John Martin Reservoir	
Latitude & longitude (D/M/S, DD, or UTM): 38° 16' 07" N & 104° 37' 25" W	Zoning Designation (no codes or abbreviations): Subregional business district Regional business district Light industrial district Heavy industrial district
Assessors parcel number(s): 535119013 536200005 536200006	Section, Township, Range: Section 36, Township 20 south, Range 65 west
USGS Quad map name: Northeast Pueblo	
Watershed and other location descriptions, if known: Upper Arkansas watershed (USGS Cataloging Unit 11020002)	
Directions to the project location: From I-25, take 4 th Street (SH 96A) west to the Arkansas River crossing	

Nature of Activity (Description of project, include all features, see instructions):

The project involves constructing a new 4th Street bridge (SH 96A) across the Union Pacific Railroad & Burlington Northern Santa Fe Railroad yard and Arkansas River in Pueblo County, Colorado. The bridge currently consists of two 11-foot travel lanes, two 2-foot shoulders, and a 4-foot sidewalk in each direction. The total width of the existing structure is 68 feet. The proposed structure would consist of two separate bridges (east- and west-bound) and the total width of the proposed structure would be 108 feet. The proposed structure would include two 12-foot travel lanes, an inside 6-foot shoulder, and an outside 10-foot shoulder to allow for breakdowns and future expansion, a 10-foot shared use path, and a railing. Subsequent to completion of the new bridge, the old bridge would be demolished. Stormwater mitigation features, including BaySaver water quality systems, vegetated swales, and a stair-step drainage structure to capture runoff from the road and bridge would also be constructed.

Project Purpose (Description the reason or purpose of the project, see instructions):

The purpose of the proposed project is to increase capacity the capacity of and improve motorist and pedestrian safety on the 4th Street bridge. The need for the proposed project is due to CDOT classifying the existing structure as "structurally deficient," providing a sufficiency rating of 24 out of a possible 100 (February 2002), the horizontal clearance under the bridge is substandard because of the proximity of the railroad tracks to the existing bridge piers, and the existing structure has a substandard load rating when compared to the current Colorado design standard.

Use Box 6 if dredged and/or fill material is to be discharged:

Box 6 Reason(s) for Discharge into waters of the United States:

Bridge support piers

Type(s) of material being discharged and the amount of each type in cubic yards:

Approximately 66 cubic yards of concrete (drilled caissons to bedrock; bedrock depth is approximately 15 feet)

Total surface area in acres of wetlands or other waters of the U.S. filled (see

instructions): 0.315 acre

Indicate in ACRES and LINEAR FEET (where appropriate) the proposed **waters of the United States** to be impacted, and identify the impact(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent		Temporary	
	Acres	Linear feet	Acres	Linear feet
Wetland	0.003 (bridge piers)	N/A	0.312 (workspace and erosion control mat)	55 (erosion control mat)
Riparian streambed				
Unveg. streambed				
Lake				
Ocean				
Other				
Total:	0.003	N/A	0.312	55

Required drawings (see instructions):

Vicinity map: Attached (or mail copy separately if applying electronically)

To-scale plan view drawing(s): Attached (or mail copy separately if applying electronically)

To-scale elevation and/or cross section drawing(s): Attached (or mail copy separately if applying electronically)

Has a wetlands/waters of the U.S. delineation been completed?

Yes, Attached (or mail copy separately if applying electronically) No

If a delineation has been completed, has it been verified in writing by the Corps?

Yes, Date of approved jurisdictional determination: _____ Corps file number: _____ No

Please attach¹ one or more color photographs of the existing conditions (aerials if possible).

¹or mail copy separately if applying electronically

Color photographs are included in the attached wetlands finding report (August 2006).

Dredge Volume: Indicate in CUBIC YARDS the proposed waters of the United States:

Approximately 135 cubic yards of non-forested wetland would be dredged for a new stormwater outfall (vegetated swale); material would be disposed off-site in an upland location and/or approved land disposal facility

Indicate type(s) of material proposed to be discharged in waters of the United States: Concrete and erosion control mat

For proposed discharges of dredged material into waters of the U.S. (including beach nourishment), please attach² a proposed Sampling and Analysis Plan (SAP) prepared according to Inland Testing Manual (ITM) guidelines (including Tier I information, if available). N/A

²or mail copy separately if applying electronically

Is any portion of the work already complete? YES NO

If yes, describe the work: N/A

Box 7 Intended permit type³: NWP 23

Intended permit type (2nd): N/A

Intended permit type (3rd): N/A

³Select the applicable permit type(s) from the dropdown lists. See NWP regulations for permit types and qualification information (<http://www.spa.usace.army.mil/reg/>).

Box 8 Authority:

Is Section 10 of the Rivers and Harbors Act applicable?: YES NO

Is Section 404 of the Clean Water Act applicable?: YES NO

Box 9 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

Agency	Type Approval ⁴	Identification No.	Date Applied	Date Approved	Date Denied
FHWA	CE	BR-0961-008		12/14/05	
FHWA	Section 4(f)	BR-0961-008		8/25/05	
SHPO	Section 106	BR-0961-008		2/11/03, 3/25/04	
City	Floodplain	BR-0961-008		9/06	

⁴Would include but is not restricted to zoning, building, and flood plain permits

Box 10 Is the discharge of fill or dredged material for which Section 10/404 authorization is sought part of a larger plan of development?: YES NO

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates): N/A

Location of larger development (If discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail of the entire project site should be included): N/A

Total area in acres of entire project area (including larger plan of development, where applicable): Approximately 13.25 acres

Box 11 Threatened or Endangered Species

Please list any federally-listed (or proposed) threatened or endangered species or critical habitat within the project area (use scientific names (e.g., Genus species), if known):

- | | |
|--------|--------|
| a. N/A | b. N/A |
| c. N/A | d. N/A |
| e. N/A | f. N/A |

Have surveys, using U.S. Fish and Wildlife Service/NOAA Fisheries protocols, been conducted?
 Yes, Report attached (or mail copy separately if applying electronically) No

If a federally-listed species would be impacted, please provide a description and a biological evaluation.
 Yes, Report attached (or mail copy separately if applying electronically) Not attached

Has the USFWS/NOAA Fisheries issued a Biological Opinion?
 Yes, Attached (or mail copy separately if applying electronically) No
 If yes, list date Opinion was issued: N/A

Has Section 7 consultation been initiated by another federal agency?
 Yes, Initiation letter attached (or mail copy separately if applying electronically) No

Has Section 10 consultation been initiated for the proposed project?
 Yes, Initiation letter attached (or mail copy separately if applying electronically) No

Box 12 Historic properties and cultural resources:

Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places:

- | | |
|--|-------------------------------|
| a. 4 th Street Bridge (5PE3943) | b. Pueblo Rail Yard (5PE4247) |
| c. Arkansas River Levee (5PE4245) | d. |
| e. | f. |

Are any cultural resources of any type known to exist on-site?
 Yes No

Has an archaeological records search been conducted?
 Yes, Report attached (or mail copy separately if applying electronically) No

Has an archaeological pedestrian survey been conducted for the site?
 Yes, Report attached (or mail copy separately if applying electronically) No

Has a Section 106 MOA been signed by another federal agency and the SHPO?
 Yes, Attached (or mail copy separately if applying electronically) No
 If yes, list date MOA was signed: 2/11/03 and 3/25/04

Has Section 106 consultation been initiated by another federal agency?
 Yes, Initiation letter attached (or mail copy separately if applying electronically) No

Include multiple copies of Box 13 for separate sites.

Box 13 Proposed Compensatory Mitigation (site 1 of 1) related to fill/excavation and dredge activities. Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of waters of the United States proposed to be created, restored, enhanced and/or preserved for purposes of providing compensatory mitigation. Indicate water body type (wetland, riparian streambed, unvegetated streambed, lake, ocean, other) or non-jurisdictional (uplands⁵). Indicate mitigation type (on- or off-site by applicant, mitigation bank, in-lieu fee agreement):

Water Body Type	Created	Restored	Enhanced	Preserved	Mitigation type
Riparian buffer	-	0.006 acre (minimum)	-	-	On-site by app
Totals:					

⁵ For uplands, please indicate if designed as an upland buffer.

If no mitigation is proposed, provide detailed explanation of why no mitigation would be necessary: N/A

Has a draft/conceptual mitigation plan been prepared in accordance with the Army Corps of Engineers District guidelines? Yes, Attached (or mail copy separately if applying electronically) No Please see attached Wetland Mitigation Notes sheet; plantings would be spread throughout the delineated wetland area within the ROW and a CDOT landscape architect would be on-site during planting.

Mitigation site latitude & longitude (D/M/S, DD, or UTM): 38° 16' 07" N & 104° 37' 25" W **USGS Quad map name:** Northeast Pueblo

Assessors parcel number(s):
 535119013
 536200005
 536200006 **Section, Township, Range:**
 Section 36, Township 20 south, Range 65 west

Other location descriptions, if known:
 The proposed mitigation site is the same as the project site

Directions to the mitigation location:
 From I-25, take 4th Street (SH 96A) west to the Arkansas River crossing

Box 14 Water Quality Certification (see instructions):

Applying for certification? Yes, Attached (or mail copy separately if applying electronically) No

Certification issued? Yes, Attached (or mail copy separately if applying electronically) No

Exempt? Yes No

If exempt, state why: The State of Colorado has certified NWP's by statute

Agency concurrence? Yes, Attached No

Box 15 Coastal Zone Management Act (see instructions):

Is the project located within the Coastal Zone? Yes No

If yes, applying for a coastal commission-approved Coastal Development Permit?

Yes, Attached (or mail copy separately if applying electronically) No

If no, applying for separate CZMA-consistency certification?

Yes, Attached (or mail copy separately if applying electronically) No

Permit/Consistency issued? Yes, Attached (or mail copy separately if applying electronically) No

Exempt? Yes No

If exempt, state why: The proposed project is not located within a Coastal Zone

NWP General conditions (GC) checklist:

1. Navigation:

Project would be in compliance with GC? Yes No

2. Proper Maintenance:

Project would be in compliance with GC? Yes No

3. Erosion and Siltation Controls:

Project would be in compliance with GC? Yes No

4. Aquatic Life Movements:

Project would be in compliance with GC? Yes No

5. Equipment:

Project would be in compliance with GC? Yes No

6. Regional and Case-by-Case Conditions:

Complete the Regional Conditions checklist below.

Project would be in compliance with any Case-by-case conditions? Yes No

7. Wild and Scenic Rivers:

Project would be in compliance with GC? Yes No

8. Tribal Rights:

Project would be in compliance with GC? Yes No

9. Water Quality (401 Certification): see Box 14 above.

10. Coastal Zone Permit: see Box 15 above.

11. Endangered Species: see Box 11 above.

12. Historic Properties: see Box 12 above.

13. Notification (*Check mark and provide those that apply*)

NWP 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43: Delineation

NWP 7: Original Design Capacity & Configurations

NWP 14: Compensatory Mitigation Proposal & written statement describing how temporary losses will be minimized to the maximum extent possible

NWP 21: Office of Surface Mining or State-approved mitigation Plan

NWP 27: Documentation of Prior Condition of Site

NWP 29: Past use of NWP, statement of personal residence, parcel size description, land description

NWP 31 (for repeat use): 5 year Maintenance Plan, baseline channel information, delineation, and disposal site information

NWP 33: Restoration Plan

NWP 39, 43, and 44: Written Statement on Avoidance and Minimization Measures

NWP 39 and 42: Compensatory Mitigation Plan/Justifications of no plan

NWP 40: Compensatory Mitigation Proposal

NWP 43: Maintenance Plan (for new construction) and compensatory mitigation proposal

NWP 44: Description of affected waters, minimization measures and reclamation plan

NWPs 12, 14, 29, 39, 40, 42, 43, and 44: FEMA map, FEMA construction requirements and demonstration of FEMA compliance

14. Compliance Certification:

Applicant is aware of this post-construction requirement? Yes No

15. Use of Multiple Nationwide Permits:

Applicant is aware that if total proposed acreage of impact exceeds acreage limit of NWP with highest specified acreage, no NWP can be issued? Yes No

16. Water Supply Intakes:

Project would be in compliance with GC? Yes No

17. Shellfish Beds:

Shellfish beds present? Yes No

Project would be in compliance with GC? Yes No

18. Suitable Material:

Project would be in compliance with GC? Yes No

19. Mitigation:

Project would be in compliance with GC? Yes No

20. Spawning Areas :

Spawning areas present? Yes No

Project would be in compliance with GC? Yes No

21. Management of Water Flows:

Project would be in compliance with GC? Yes No

22. Adverse Effects From:

Project would be in compliance with GC? Yes No

23. Waterfowl Breeding Areas:

Waterfowl breeding areas present? Yes No

Project would be in compliance with GC? Yes No

24. Removal of Temporary Fills:

Project would be in compliance with GC? Yes No

25. Designated Critical Waters (check mark those that apply)

Includes:

- 1) NOAA designated marine sanctuaries,
- 2) National Wild and Scenic Rivers,
- 3) Critical habitat for Federally listed species,
- 4) Coral reefs,
- 5) State natural heritage sites,
- 6) Officially designated waters

Applicant is aware of the restrictions a) and b) below? Yes No

a) NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 : No NWP can be issued (except in certain cases described in full text of GC#25).

b) NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38:
Notification required.

26. Fills within 100-Year Floodplains:

Project would be within 100-year floodplains? Yes No

If yes, project would be in compliance with restrictions a) and b) below? Yes No

a) Discharges Below Headwaters (*below point of 5 cfs*) resulting in permanent above-grade fills:

NWP 29, 39, 40, 42, 43, and 44: No NWP can be issued.

NWP 12 and 14: Notification required.

b) Discharges in Headwaters (*above point of 5 cfs*) resulting in permanent above-grade fills:

Flood Fringe

NWP 12, 14, 29, 39, 40, 42, 43, and 44: Notification required.

Floodway

NWP 29, 39, 40, 42, 43, and 44: No NWP can be issued.

NWP 12 and 14: Notification required.

27. Construction Period

Applicant is aware of requirements below? Yes No

Non-Reporting NWP: (Work must be completed within 1 year of expiration of NWP (March 19, 2007) if under contract to construct or in construction by the NWP expiration date)

Reporting NWP: (Work may be authorized beyond expiration of NWP (March 19, 2007) to facilitate project construction schedules)

List date work in waters of the U.S. completed:

April 2007 – October 2009 (work in waters of the U.S. will not be continuous)

NWP-specific requirements checklist:

1. Nationwide 03 (case iii):

Evidence of damage (due to storm, flood, etc.) such as recent topographic surveys or photographs attached? Yes No

2. Nationwide 07:

NPDES permit or other proof of CWA Section 402 compliance attached? Yes No

3. Nationwides 13, 14, 18, 29, 39, 40, 42, 43, 44:

Activity/crossing must be part of a single and complete project.

Project would be in compliance with this requirement? Yes No

4. Nationwide 31:

As-built or approved engineering drawings for each structure attached? Yes No

5. Nationwide 40:

Documentation of an NRCS exemption, a NRCS-certified wetland delineation, and a NRCS-approved compensatory mitigation plan attached? Yes No

NWP Regional Conditions (RC) checklist for the State of Colorado:

Albuquerque District (SPA):

1. Is the project for bank stabilization activities necessary for erosion prevention in streams that average less than 20 feet in width (measured between the ordinary high water marks) limited to the placement of no more than 1/4 cubic yards of material per running

foot below the plane of the ordinary high water mark?

Yes No

If yes, notification pursuant to general condition # 13 is required.

2. Is the project located in streams classified as "Gold Metal Waters"?

Yes No

If yes, nationwide permit number 27 may not be used. Applicant must apply for a Standard Individual permit.

3. Is project for Stream and Wetland Restoration activities which include a fishery enhancement component

Yes No

If yes, letter from the Colorado Division of Wildlife concurring that the project will benefit the fishery.

4. Is the project using or removing temporary fills in wetlands?

Yes No

If yes, a horizontal marker (i.e., fabric, certified weed-free straw, etc.) must be used to delineate the existing ground elevation of wetlands that will be temporarily used during construction.

5. Is project located in an Important Spawning Area and is the work being done during spawning season (March 15 – July 15; and September 15 – July 15)?

Yes No

If yes, not authorized by any nationwide permit.

If no, bio-engineering techniques, such as native riparian shrub plantings are required for all bank protection activities that exceed 50 linear feet in important spawning areas. See Critical Resource Waters in Colorado.

6. Is project located in a wetland, and are fens present?

Yes No

If yes, Nationwide Permit Numbers 1, 2, 4, 6-11, 13-19, 21-25, 28-31, 33-36, and 39-44 are revoked.

7. Is project located within 100 feet of the water source of a natural spring?

Yes No

If yes, all nationwide permits are revoked.

8. Does NWP or Regional General Permit require prior notification (a PCN) be given to the District Engineer?

Yes No

If yes, are the required color photographs or color photocopies of the project area taken from representative points documented on a site map included?

Yes No

9. Is project located in a special aquatic site as defined by 40 CFR 230.40-45 or in a perennial watercourse or waterbody in the State of Colorado?

Yes No

If yes, notification pursuant to general condition #13 is required.

10. Is project located in an area designated as Essential Fish Habitat?

Yes No

If yes, notification pursuant to general condition #13 is required.

NWP Regional Conditions (RC) checklist for the State of New Mexico:

Albuquerque District (SPA):

1. Is the project for utility line discharges crossing in waterways wider than 200 feet?

Yes No

If yes, notification pursuant to general condition # 13 is required.

2. Is the project for bank stabilization activities necessary for erosion prevention in streams that average less than 20 feet in width (measured between the ordinary high water marks) limited to the placement of no more than 1/4 cubic yards of material per running foot below the plane of the ordinary high water mark?

Yes No

If yes, notification pursuant to general condition # 13 is required.

3. Is the project for linear transportation crossings in perennial waterways?

Yes No

If yes, culverts shall be designed to provide for fish passage. Culverts shall be designed and installed so that waterflow shall be at least 0.8 feet deep, the maximum hydraulic drop in the culvert shall not exceed 0.8 ft, and the maximum velocity shall not exceed 4.0 fps for culverts less than 100 feet long, 3.0 fps for culverts 100-200 feet long, and 2.0 fps for culverts longer than 200 feet.

4. Is project for stream and wetland restoration or enhancement activities that incorporate the use of rip-rap, channelization, or levees?

Yes No

If yes, notification pursuant to general condition #13 is required.

5. Is the project for residential, commercial, and institutional development?

Yes No

If yes, not authorized for channelization or relocation of any intermittent or perennial water course regardless of size or rate of flow.

6. Is project for mining activities?

Yes No

If yes, nationwide permit is revoked.

7. Is the project activity involve fills in perennial waters or wetlands larger than 1/2 acre?

Yes No

If yes, applicant must apply for a Standard Individual Permit.

8. Is project located within 100 feet of the water source of a natural spring?

Yes No

If yes, all nationwide permits are revoked.

9. Does the project require temporary water diversion or totally dewatering more than 100 linear feet of stream channel?

Yes No

If yes, applicant must apply for a Standard Individual Permit.

If no, notification pursuant to general condition # 13 is required.

10. Is the project located in a special aquatic site, including wetlands, whose principal activity is not water dependent?

Yes No

If yes, notification pursuant to general condition #13 is required?

11. Is the project requiring external notification sent to the appropriate city, county, or tribal agencies for their comments?

Yes No

If yes, for activities authorized by NWP No. 4, 13, 27, and 30 the District Engineer (DE) will notify the New Mexico Department of Game and Fish and other appropriate agencies.

12. Is project using any poured concrete, heavy equipment, fuel, or petrochemicals within 100 feet of any water of the U.S. including wetlands?

Yes No

If yes, notification pursuant to general condition #13 is required.

13. Is project located in an important spawning area and is the work to be done during spawning season (March 15 – July 15; and September 15 – July 15)?

Yes No

If yes, not authorized by any nationwide

If no, notification pursuant to general condition #13 is required.

14. Will project result in changes to local stream gradient, streambed elevation, direction, velocity of streamflow, or cause significant changes in channel size, shape and streambank habitat (unless the project specifically designed to restore previously degraded and unstable streams)?

Yes No

If yes, notification pursuant to general condition # 13 is required.

15. Is project located in an area designated as a Critical Resource Water?

Yes No

If yes, notification pursuant to general condition #13 is required.

NWP Regional Conditions (RC) checklist for the State of Texas:

Albuquerque District (SPA):

1. Is project located in an area designated as a Critical Resource Water?

Yes No

If yes, notification pursuant to general condition #13 is required.

End of form

Instructions:

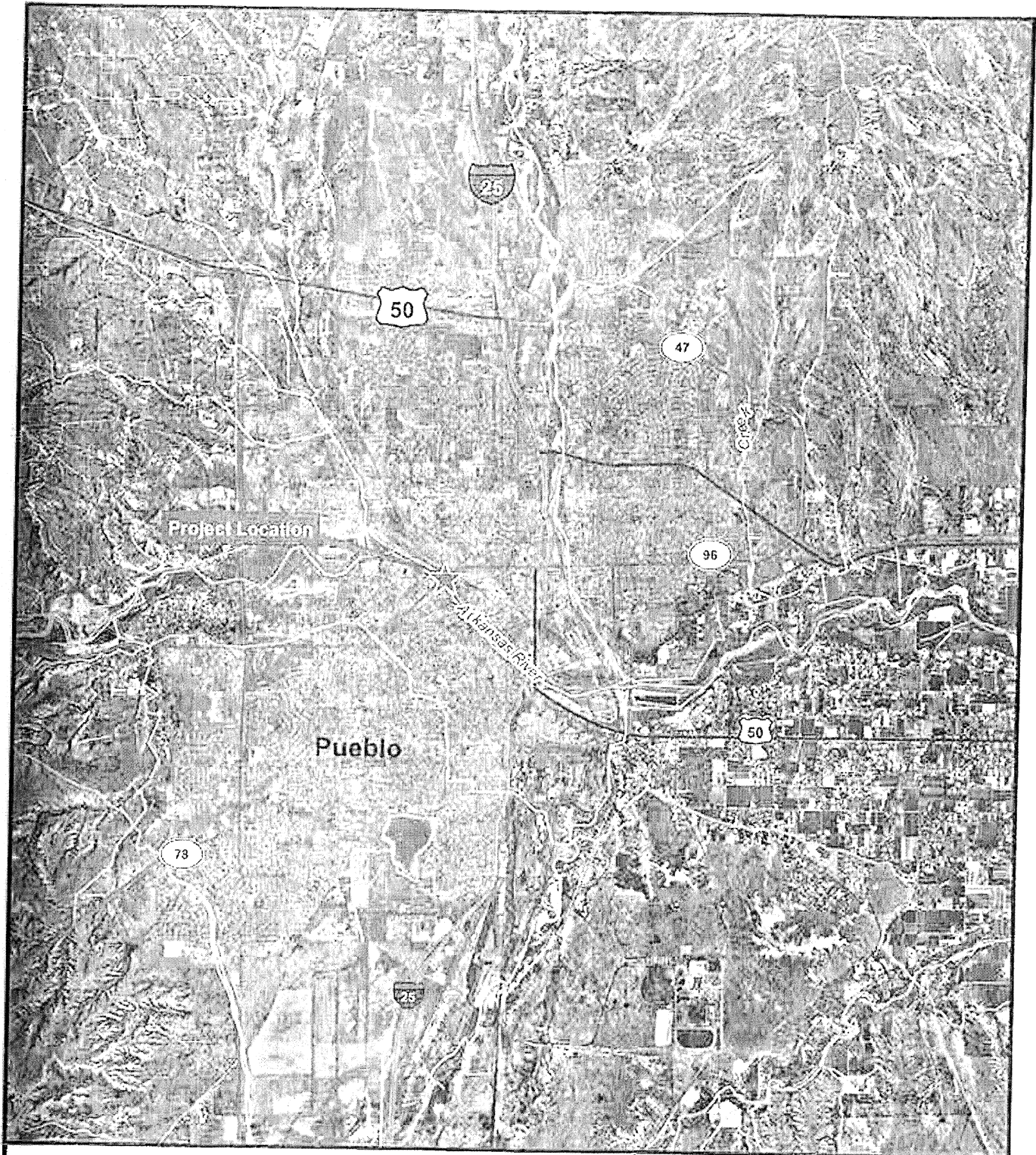
1) Box 5:

- a. **Nature of Activity:** Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach a separate sheet marked "Box 5 Nature of Activity."

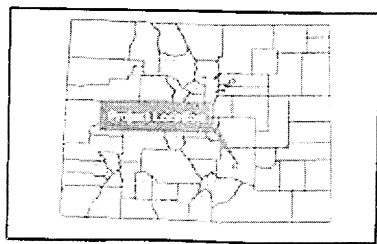
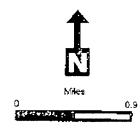
- b. **Proposed Project Purpose:** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project.

2) Box 6:

- a. Corps jurisdiction consists of waters of the U.S. Waters of the U.S. are defined under 33 CFR part 329 as "navigable waters of the United States" and/or under 33 CFR part 328.3(a) as "waters of the United States." Under Section 404 of the Clean water Act, either the ordinary high water mark (non-tidal) or the high tide line (tidal), as well as any adjacent wetlands, demarcate waters of the U.S. Under Section 10 of the Rivers and Harbors Act, either the mean high water mark (tidal) or the ordinary high water mark (non-tidal), as well as any adjacent wetlands, demarcate waters of the U.S. Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (1987 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.
 - b. **Required drawings:** Submit one legible copy of all drawings (8 1/2 x 11-inch or 11 x 17-inch) with a 1-inch margin around the entire sheet. The title box shall contain the title of proposed activity, name of water body, county, city, date, and sheet number.
 - i. Vicinity map: Cover an area large enough so the project can be easily located, include arrow marking the project area, identifiable land marks, name or number of roads, north arrow, and scale.
 - ii. Plan view: Include existing bank lines, ordinary high water mark line(s), average water depth around the activity, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, north arrow, scale.
 - iii. Elevation and/or cross-section views: water elevation as shown on plan view drawing, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, scale
- 3) **Box 14:** You may need State water quality certification from the appropriate state or tribal agency (e.g., Regional Water Quality Control Board for non-tribal California lands). You need not have obtained water quality certification before applying for a Corps nationwide permit verification.
- 4) **Box 15:** You may need a federal coastal consistency certification under the Coastal Zone Management Act from the appropriate state agency (e.g., California Coastal Commission for California Coastal Commission). You need not have obtained federal coastal consistency certification before applying for a Corps nationwide permit verification.



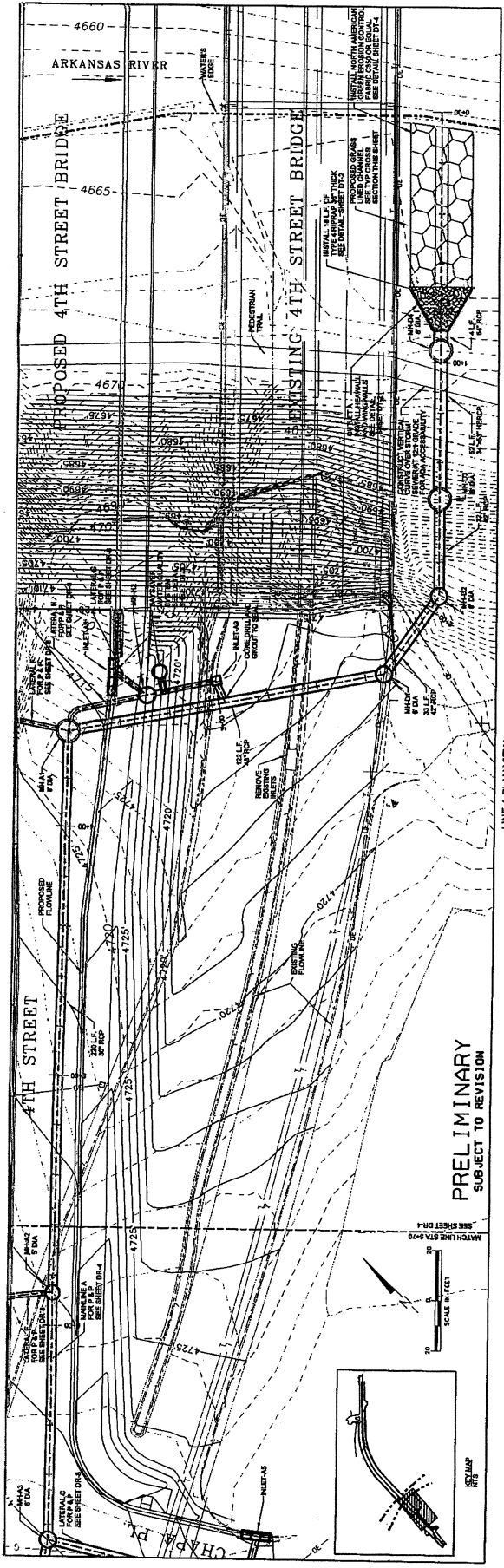
- Interstate
- U.S. Highway
- State Highway
- Rivers & Streams
- ▭ City of Pueblo



PBS&J 4601 DTC Blvd., Ste 700
 Denver, Colorado 80237
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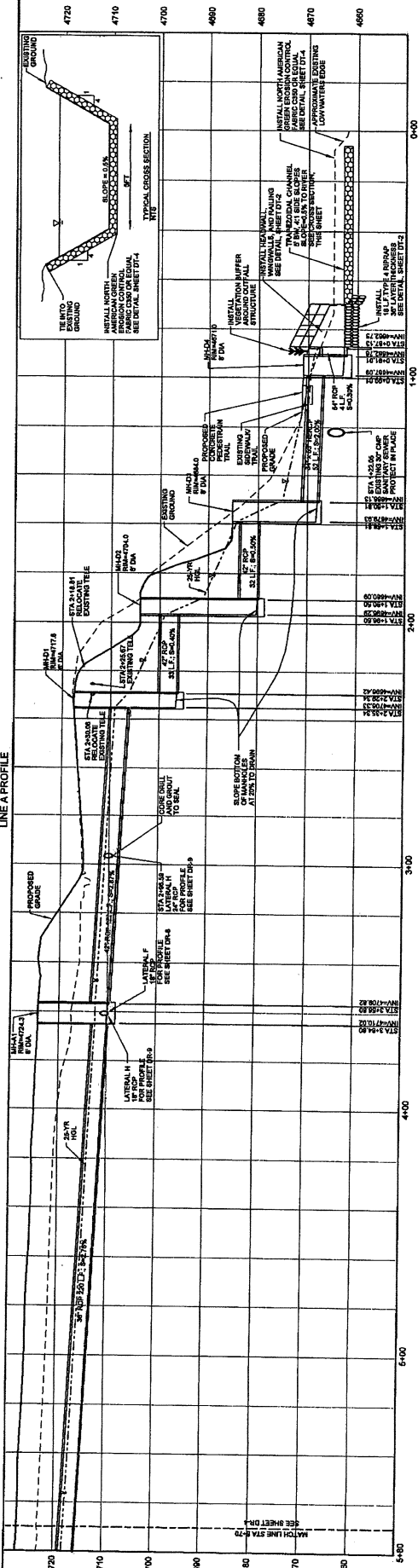
Figure 1
 4th Street Bridge
 City Pueblo, Pueblo County
 Location Map

Prepared for:	
Job no.: 246083.04	Scale: 1:12000
Prepared by: PBS&J / jk	Date: Feb 24, 2005
File: Location.mxd	



PRELIMINARY
SUBJECT TO REVISION

LINE A PLAN VIEW



LINE A PROFILE

Print Date: 8/07/06		Project No./Code	
Drawing File Name: DR-05_Mainline_A.dgn		BR 0961-008	
Unit Information		MAINLINE A	
Horiz. Scale: 1" = 40'		Designer: E. Lessard	
Vert. Scale: 1" = 4'		Structure: K-18-GS (EB)	
Unit Leader Initials		Detailer: C. Kulick	
AVRES ASSOCIATES, INC. 3685 JEFF PINEWAY, BUILDING 2, SUITE 200 FORT COLLINS, COLORADO 80525 ASSOCIATES (970)223-3588		Sheet Number: XXX	
Region 2		Sheet Subsets: Drainage	
Colorado Department of Transportation 902 Erie Avenue Pueblo, CO 81001 Phone: 719-546-5438 Fax: 719-546-5702 KSR		As Constructed	
Sheet Revisions		No Revisions:	
Date:	Comments:	Revised:	
init.		Void:	
0000			

Wetland Mitigation Notes:

The Contractor shall notify the Engineer 72 hours in advance so that the landscape architect and biologist can be on site during layout and planting of nursery stock. Location of plants shall be as directed.

It is estimated that 8 backhoe hours will be required to fine grade wetland mitigation area as directed.

It is estimated that 200 brush layer cuttings shall be placed on site and or within the wetland mitigation area as directed.

Refer to SWMP for seeding (native) requirements. No fertilizer will be required within wetland area.

214 Deciduous shrub (5 gallon container) each:

Common name	Scientific name
15-Woods rose	Rosa woodsii
15-Golden currant	Ribes aureum
15-Skunkbush sumac	Rhus trilobata
15-American plum	Prunus americana
15-Chokecherry	Prunus virginiana

214 Deciduous tree (8 foot) each:

10-Plains cottonwood	Populus sargentii
10-Box elder	Acer negundo

All shrubs in the temp. impacted areas shall be trimmed to within 2 inches of the ground and the area shall be protected with geotextile fabric. Above the geotextile place a layer of loose straw and a minimum of 2 feet of soil (see earthwork summary).

After construction activities are complete, soil, straw and geotextile shall be carefully removed, as directed. The final straw shall be removed using a toothless backhoe. Straw and geotextile shall be removed from the property of the Contractor and shall be removed from the site. All straw shall not be wasted in wetland or creek floodplain areas.

Temp protection will not be done in a single phase, but shall be installed before the start of new structure construction and before the start of existing structure removals directed. Pruning, removal of straw and geotextile shall be included in the price of the work.

It is estimated that 6 tons of straw will be required and shall be included in the price of the geotextile.

It is estimated that 1250 square yards of item 420- geotextile (erosion control) (class b) will be required under work access areas/ wetlands.

Wetland Mitigation Tab:

PAY ITEM	DESCRIPTION	UNIT	QUANT
203	EMB MAIL (GIP)	CY	832
203	BACKHOE	HR	8
208	SILT FENCE	LF	600
214	BRUSH LAYER CUTTING	EACH	200
214	DECID SHRUB (5 GAL)	EACH	75
214	DECID TREE (8 FT)	EACH	20
420	GEOTEXTILE (EROSION CONTROL) (CLASS B)	SY	1250
607	FENCE (PLASTIC)	LF	600

Computer File Information		Sheet Revisions		As Constructed		WETLAND MITIGATION NOTES		Project No./Code	
Creation Date:	/ /	Date:		No Revisions:		Designer:	MB	Structure	BR 0981-008
Last Modification Date:	\$DATE\$	Comments		Revised:		Detailer:	MB	Numbers	13141
Full Path:	\$FILES\$			Void:		Sheet Subset:	Mitigation	Subst Sheets:	M1 of 1
Drawing File Name:	\$FILES\$								
CAD Ver: MicroStation V8	Scale: Net to Scale	Units: English							