



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT
4101 JEFFERSON PLAZA NE
ALBUQUERQUE, NM 87109

September 3, 2021

Regulatory Division

SUBJECT: Nationwide Permit (NWP) Verification by Default – Action No. SPA-2021-00178, Forest Heights Estates

Phyllis Didleau
8250 Forest Heights Circle
Colorado Springs, CO 80908

Dear Ms. Didleau:

This letter responds to your June 15, 2020 pre-construction notification (PCN) for the proposed Forest Heights Estates road improvement located at approximately latitude 39.02027 N, longitude -104.67258 W, in El Paso County, Colorado. The work as described in your submittal will consist of widening the road to a typical section of 24 feet wide with borrow ditches on both sides of the roadway and the replacement of three 18" CMP culverts with three 24" CMP culverts and flared end sections. We have assigned Action No. SPA-2021-00178 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, the project is authorized by Nationwide Permit 14 - Linear Transportation Projects. A summary of this permit and the Colorado Regional Conditions are available on our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/NWP/>. Please refer to our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Water-Quality-Certification/> for specific information regarding compliance with state water quality certification (WQC) requirements. The permittee must ensure that the work complies with the terms and conditions of the permit, including Colorado Regional Conditions and WQC

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 18 and 20. Based on the information provided, we have determined that this project will not affect any federally listed threatened or endangered species or any historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that the permittee is responsible for meeting the requirements of general condition 18 on endangered species and general condition 20 on historic properties.

This verification by default is only valid for the project as described in your submittal. Appropriate erosion and sediment controls should be implemented to ensure that construction materials and/or activities do not enter any wetlands or other waterbodies beyond the scope of the authorization. If there are any changes in the project purpose, location, or design, you should contact our office for a reevaluation of Department of the Army permit requirements.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

This permit verification is valid until March 18, 2022 (33 CFR 330.6), unless the nationwide permit is modified, suspended, revoked or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permits expiration, modification, or revocation.

Within 30 days of project completion, the permittee must fill out the enclosed Certification of Compliance form and return it to our office. The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the nationwide permit.

I am forwarding a copy of this letter to Kenneth Harrison (KCH Engineering Solutions, LLC). If you have any questions, please contact me at (505) 342-3678 or by e-mail at Forrest.Luna@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Sincerely,

A handwritten signature in blue ink that reads "Forrest Luna".

Forrest Luna
Regulatory Specialist

Enclosure(s)

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

Action Number: SPA-2021-00178

Name of Permittee: Phyllis Didleau,

Nationwide Permit: 14 - Linear Transportation Projects

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:

Forrest Luna
Albuquerque District, U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Please note that your permitted activity is subject to a compliance inspection by an U.S. 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 _____

Signature of Permittee

Date