



**DEPARTMENT OF THE ARMY**  
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS  
1970 E 3RD AVE, STE. 109  
DURANGO, CO 81301-5025

March 19, 2024

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2001-00552)

James D. Hull  
3405 Hay Creek Road  
Colorado Springs, CO 80921  
[James.goldwest@gmail.com](mailto:James.goldwest@gmail.com)

Dear Mr. Hull,

We are responding to your preconstruction notification (PCN), dated January 29, 2024, submitted to us for verification of authorization under Nationwide Permits (NWP) for the *3405 Hay Creek* project. The project site is located on Hay Creek, a perennial stream, centered at latitude 39.048095, longitude -104.891800, 3405 Hay Creek Road, Colorado Springs, in El Paso County, Colorado.

Based on the information provided, we have determined that the *3405 Hay Creek* project involves the discharge of dredged or fill material into waters of the United States, subject to Section 404 of the Clean Water Act. The specific activity that require Corps authorization is the expansion of an existing stream crossing over Hay Creek from 14' wide to 24' wide, which will improve vehicular safety. The project will result in the permanent impact of approximately 60 ft<sup>2</sup> (0.001 acres) of palustrine scrub-shrub wetlands, as well as the discharge of approximately 18.5 cubic yards of fill within a perennial stream and will be conducted as described in the referenced PCN.

We have determined that activities associated with the project are authorized by 2021 NWP 14. A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at [www.spa.usace.army.mil/reg/nwp](http://www.spa.usace.army.mil/reg/nwp). Failure to comply with all terms and conditions of this NWP may result in the suspension or revocation of this authorization. As required by General Condition 30, you shall sign the enclosed Compliance Certification (Enclosure 1) and return it to this office within 30 days after completion of the authorized work. For specific information regarding compliance with water quality certification (WQC) requirements, please refer to our website at [www.spa.usace.army.mil/reg/wqc](http://www.spa.usace.army.mil/reg/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 have no effect to federally listed species or their critical habitat. Additionally, the project has no potential to cause effects to historic properties. However, these determinations may be

invalidated if the project is not completed as authorized or you did not provide accurate information in your PCN.

This permit verification is valid until March 14, 2026, unless the NWP is modified, suspended, reissued, or revoked prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation.

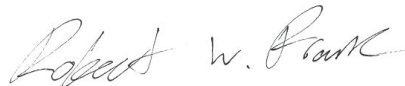
This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state, local, or tribal laws or regulations. 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, to undertake the proposed work.

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 permit.

We would appreciate your feedback on this permit action including your interaction with our staff or suggestions for improving our program. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>.

Please refer to identification number SPA-2001-00552-SCO in any correspondence concerning this project. If you have any questions, please contact Morgan Liebmann by email at [morgan.j.liebmann@usace.army.mil](mailto:morgan.j.liebmann@usace.army.mil), or telephone at 970-259-1764 ext. 1754.

Sincerely,



Robert Frank  
Project Manager  
NW Colorado Branch

Enclosure

**COMPLIANCE CERTIFICATION**

Action Number: SPA-2001-00552-SCO

Name of Permittee: James D. Hull

Nationwide Permit: NWP No. 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:

SPA-RD-CO@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a 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.

***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