



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS ALBUQUERQUE DISTRICT
SOUTHERN COLORADO BRANCH, DURANGO OFFICE
1970 EAST 3RD AVENUE, SUITE 109
DURANGO, COLORADO 81301-5025

December 17, 2024

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2024-00207)

El Paso County, Department of Public Works
Attn: John Lantz
3275 Akers Drive
Colorado Springs, CO 80922
JohnLantz@elpasoco.com

Dear Mr. Lantz:

We are responding to your pre-construction notification (PCN), dated May 16, 2024, submitted to us for verification of authorization under nationwide permit (NWP) for the *Eastonville Road Improvements* project. The project site is located along the Eastonville Road corridor from Londonderry Drive to Rex Road, within an unnamed tributary to Black Squirrel Creek at approximately latitude 38.984978°, longitude -104.570113°, El Paso County, Colorado.

Based on the information provided, we have determined that the *Eastonville Road Improvements* 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 requires Corps' authorization is the replacement of an existing undersized 24-inch corrugated metal pipe culvert with a 10-foot high by 3-foot wide 4-sided concrete culvert and wing walls that will convey the natural stream flow of the unnamed tributary under Eastonville Road to the downstream portions of this tributary. The project will permanently impact approximately 0.287 acre of wetland and 0.024 acre of stream. Temporary impact to 0.133 acre of wetland and 0.032 acre of stream will result from temporary access, temporary diversion and the installation of buried soil rip rap scour aprons up and downstream of the concrete culvert. Work will be conducted as described in the referenced PCN and supplemental documentation provided in July, August, October, and December 2024.

We have determined that activities associated with the project are authorized by 2021 NWP 14 *Linear Transportation Projects*. A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at 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. In addition, the work must comply with the following **special conditions**:

1. To compensate for the loss of 0.287 acre of wetland, you shall purchase 0.574 credits at Maria Lake Mitigation Bank. Evidence of this purchase shall be provided to this office prior to initiation of construction activities in waters of the United States authorized by this verification.

2. To ensure that permanent losses of wetland do not result from the temporary impacts authorized to 0.050 acre of wetland for buried soil rip rap scour aprons, you shall fully restore these areas in accordance with the restoration plan outlined in the letter dated November 15, 2024, prepared by Ecosystem Services, LLC.

3. You shall monitor the restoration areas (0.050 acre of buried soil rip rap scour aprons) for at least three (3) consecutive growing seasons after construction, and/or until the Corps determines the performance standards are met for at least two full growing seasons. The report must also contain preconstruction and 3-year post construction photographs taken from the same reference point and orientation.

4. Within three years following project construction, you shall submit a final monitoring report, documenting restoration success of the 0.050 acre of buried soil rip rap scour aprons, to the Corps' Albuquerque District. The site will be determined successful once the disturbed areas comprise 80% vegetative cover with similar wetland species to pre-construction conditions and/or a nearby reference wetland. If the performance measures are not met within 3 years from the completion of construction, the Corps may require compensatory mitigation to compensate for the functional loss of wetlands associated with the proposed project.

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 on 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-2024-00207 in any correspondence concerning this project. If you have any questions, please contact by email at Kerri.L.Zdimal@usace.army.mil, or telephone at (970) 259-1764 X 1.

Sincerely,

Kerrienne Zdimal
Regulatory Specialist
Southern Colorado Branch

Enclosure

cc:
Ecosystem Services, LLC, Jon Dauzvardis, jon@ecologicalbenefits.com

COMPLIANCE CERTIFICATION

Action Number: SPA-2024-00207

Name of Permittee: El Paso County, Department of Public Works, John Lantz

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:

U.S. Army Corps of Engineers, Albuquerque District
Southern Colorado Branch, Durango Office
1970 East 3rd Avenue, Suite 109
Durango, Colorado 81301-5025

Or submit electronically to: 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