



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
201 WEST EIGHTH STREET, SUITE 350
PUEBLO, COLORADO 81003

December 14, 2022

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2022-00444)

El Paso County
C/O Alissa Werre
3275 Akers Drive
Colorado Springs, CO 80922
AlissaWerre@elpasoco.com

Dear Ms. Werre:

The U.S. Army Corps of Engineers (Corps), Albuquerque District, is responding to your preconstruction notification (PCN), dated October 24, 2022, submitted to us for verification of authorization under Nationwide Permit (NWP) 14 for the *Highway 105 Improvements Segment A* project. The project site is located at approximate latitude 39.093°, longitude -104.849°, El Paso County, Colorado. The site can be reached by taking exit 161 off I-25, continuing east toward Colorado 105. The project area extends approximately one mile, ending at Lake Woodmoor Drive.

Based on the information provided, we have determined that the *Highway 105 Improvements Segment A* 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 activities that require Corps authorization are roadway improvements that will consist of road widening, new sidewalks, and an additional acceleration lane. A roundabout is also proposed at Knollwood Drive and Village Ridge Point. Additionally, stormwater upgrades are proposed throughout the corridor, and a water quality point will be constructed with an outfall into Dirty Woman Creek. Retaining walls are proposed north of Highway 105 in the eastern extent of the project area. The project will permanently impact approximately 0.15 acre of wetlands and temporarily impact 0.03 acre of wetlands and will be conducted as described in the referenced PCN.

The Corps has 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. 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 condition(s)**:

- 1. To mitigate for the loss of 0.15 acre of waters of the United States, you shall purchase 0.15 acre of credits at the Maria Lake Wetland Bank. Evidence of this purchase shall be provided to the Corps prior to initiation of construction activities within waters of the United States.**

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 is not likely to adversely affect federally listed species or their critical habitat. Additionally, the project will have no adverse effect on 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-2022-00444 in any correspondence concerning this project. If you have any questions, please contact Jordan Kemp by email at jordan.n.kemp@usace.army.mil, or telephone at (970) 261-2498.

- 3 -

Sincerely,

Tucker J. Feyder
Sr. Project Manager
Southern Colorado Branch

Enclosure

cc:
Rebecca Hannon, Smith Environmental & Engineering, rebeccahannon@smithdelivers.com

COMPLIANCE CERTIFICATION

Action Number: SPA-2022-00444

Name of Permittee: El Paso County, Attn: Alissa Werre

Permit: NWP 14

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
201 West Eighth Street, Suite 350
Pueblo, Colorado 81003
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 (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