



*LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS*

DEPARTMENT OF THE ARMY PERMIT

Permittee: Arizona Department of Transportation; Paul Patane

Permit Number: SPL-2013-00155-KAT

Issuing Office: Los Angeles District – CESPL-RG-A

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To permanently discharge fill into 1.09 acre(s) of waters of the U.S., and to temporarily discharge fill onto 1.46 acre(s) of waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972, in association with the US 95, Avenue 9E to Fortuna Wash Bridge project (Tracs 095 YU H4599 01C) as shown on the attached drawings.

Specifically, you are authorized to:

Fortuna Wash:

1. Remove existing at grade crossing and rubble placed/dumped directly adjacent to US 95 that is within the footprint of the new bridge
2. Construct a 30-foot wide temporary access roadway.
3. Construct a 602-foot by 86.83-foot 15 span reinforced concrete closed cell bridge.
4. Construct a 23.5-foot wide concrete baffle chute grade control structure adjacent to the bridge floor.
5. Construct a spur dike on the west bank and construct a guide bank on the east bank of Fortuna Wash
6. Impact 1.09 acre permanently and 1.46 acre temporarily due to access and construction.

Project Location: The proposed project is located along the existing US 95 between MP 31.86 and MP 34.89, approximately 6 miles north of Yuma. The cadastral location for this project includes portions of Sections 25 and 26 in Township 8 South, Range 22 West, and portions of

Sections 29-32 in Township 8 South, Range 21 West. (Refer to US Geological Survey [USGS] 7.5' Quadrangle: *Fortuna, Arizona*).

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **June 9, 2019**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. A conditioned water quality certification from the Arizona Department of Environmental Quality has been issued, for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall mitigate for the permanent loss of 1.09 acres of waters of the United States associated with the bridge and roadway improvements for the Fortuna Wash project. **The permittee shall purchase .2725 (1.09 acres at .25:1) credits from an approved program sponsor's In-Lieu Fee Program.** The permittee shall submit the funds to the approved sponsor. A copy of the transmittal letter to the sponsor will be submitted to the Corps after the sponsor has signed and acknowledged payment. **The permittee shall submit the check to the Corps by December 31, 2014.**

2. **The construction limits for all work within waters of the U.S. shall be fenced, staked, or flagged prior to construction.** The contractor(s) shall be thoroughly familiar with each of the project boundaries, and all perimeter markings shall be maintained intact for the life of the project. The contractor shall monitor each of the construction zones during the entire length of the contract to ensure fencing, staking, or flagging remains in place and that no vegetation is disturbed outside of the construction limits.
3. **The permittee shall provide notification, either written or verbal, to the Corps of Engineers at least one week prior to the start of work, as to the anticipated beginning and ending dates of construction.** The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit.
4. **A copy of the permit shall be on the job site at all times during construction.** The permittee shall provide a copy of this permit to all construction representatives. The permittee shall require that all construction representatives read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein.
5. **The permittee shall comply with all the requirements and conditions of the Programmatic Agreement** among the Federal Highway Administration, US Bureau of Land Management, US Bureau of Reclamation, US Army Yuma Proving Grounds, Arizona Department of Transportation, Arizona State Land Department, Arizona State Museum, Yavapai-Prescott Indian Tribe, Cocopah Tribe, Hopi Tribe, Colorado River Indian Tribe, Ft Yuma-Quechan Tribe, Ft Mohave Indian Tribe, US Army Corps of Engineers, Arizona State Historic Preservation Office regarding the treatment of historic properties along SR 95 between Avenue 9E and Aberdeen Road, Yuma County, Arizona. This requirement is meant to assure compliance with the permittee's responsibilities under Section 106 of the National Historic Preservation Act. A copy of the agreement is enclosed.
6. The permittee shall ensure that all project areas disturbed by construction-related activities are stabilized and restored to their pre-project conditions/contours, to the maximum extent possible, upon project completion. Watercourse morphology shall be re-established to match pre-construction configurations. Areas disturbed above the ordinary high water mark will be reseeded with a locally native plant species.
7. The permittee shall not discharge dredged or fill material while constructing this project or any other phase of this project, other than the permitted activities identified above.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

- () Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be

required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Paul V. Palmer
PERMITTEE

7-7-14
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Sallie Diebolt

10 July 2014
DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFeree

DATE