

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

DEPARTMENT OF THE ARMY PERMIT

Permittee: ADOT Flagstaff District; Audra Merrick

Permit Number: SPL-2013-00486-KAT, US 180 Columbus Ave – Snow Bowl

Issuing Office: Los Angeles District

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 onto 0.025 acres of waters of the U.S. to include 0.025 acre of wetlands and to temporarily discharge fill onto 0.004 acres of waters of the U.S. pursuant to Section 404 of the Clean Water Act of 1972, in association with the US 180 Columbus Ave – Snow Bowl Project (180 CN 216 H8118 01C) as shown on the attached drawings.

Specifically, you are authorized to:

Wash 1:

1. Remove two feet of existing CMP on the downstream side.
2. Extend CMP 16-feet on the downstream side.
3. Place fill material over top of CMP to re-contour roadside slope and accommodate new length of CMP.
4. Remove vegetation to extend CMP.
5. Temporarily divert flows around the construction site to downstream of the project
6. Salvaging and replanting a single willow (*Salix exigua*) tree and installing willow pole plantings within and adjacent to waters of the US
7. Reseeding disturbed areas outside of the active channel with a native seed mix
8. Permanent impacts due to CMP extension are 0.025 acre. Temporary impacts due to access and construction are 0.004 acre.

Project Location: The proposed project area is located along United States Highway (US) 180 at milepost (MP) 217.85, Section 4, Township 21 North, Range 7 East, portions of Section 4; Latitude 35.228891°N, Longitude -111.660171°W; within the City of Flagstaff, Coconino County, Arizona.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on September 3, 2018. 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 the Corps Archeology Staff within 24 hours (Steve Dibble at 213-452-3849) 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 dated September 6, 2013, 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 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.

2. **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.
3. **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.
4. 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.
5. 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.

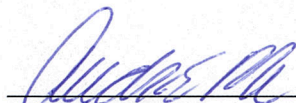
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- 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.



PERMITTEE



DATE

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



CHIEF, ARIZONA BRANCH



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

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2013-00486-KAT, US 180 Columbus Ave – Snow Bowl*
Name of Permittee: *ADOT Flagstaff District, Audra Merrick*
Date of Issuance: *September 3, 2013*

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.

Signature of Permittee

Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Kathleen.A.Tucker@usace.army.mil
OR

(2) MAIL to the following address:
U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2013-00486-KAT
3636 N. Central Ave, Suite 900
Phoenix, AZ 85012-1939

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**NOTIFICATION OF COMPLETION OF WORK AND
CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY PERMIT**

Permit Number: *SPL-2013-00486-KAT, US 180 Columbus Ave – Snow Bowl*
Name of Permittee: *ADOT Flagstaff District, Audra Merrick*
Date of Issuance: *September 3, 2013*

Date work in waters of the U.S. completed: _____
Construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

Signature of Permittee

Date

Upon completion of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

(1) E-MAIL a statement including all the above information to:
Kathleen.A.Tucker@usace.army.mil

OR

(2) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2013-00486-KAT
3636 N. Central Ave, Suite 900
Phoenix, AZ 85012-1939