



DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Los Angeles District, Phoenix Office  
3636 N. Central Ave., Suite 900  
Phoenix, AZ 85012

January 21, 2014

REPLY TO

ATTENTION OF:

Office of the Chief  
Regulatory Division

Roderick Lane, P.E.  
ADOT Tucson District  
1221 S. 2<sup>nd</sup> Ave (T100)  
Tucson, AZ 85713-1602

### **DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION**

Dear Mr. Lane:

I am responding to your December 12, 2013 request (SPL-2013-00681-KAT) for a Department of Army permit. Your proposed project, SR 86 San Isidro Segment (Tracs 086 PM 123 H8468 01C) is located on Sells Wash, Pavo Kug Wash, and unnamed tributaries (S 25, 34-36, T16S, R6E; S30, T16S, R7E; S3, 4 T17S, R6E), located 10 miles east of Sells, Pima County, Arizona. This project would result in a discharge of 0.168 acre of permanent fill material into Sells Wash, Pavo Kug Wash, and unnamed waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 323 and 330), your proposed project requires a Department of the Army permit.

I have determined that construction of your proposed project would comply with Nationwide Permit (NWP) No. 14, "Linear Transportation Projects", if constructed as described in your application. Specifically, and as shown on the attached figures, you are authorized to conduct the following regulated activities:

#### **Unnamed Wash 1, MP, Sta 124.09 1110+72.55**

1. Extend the 4-cell, 10-foot by 5-foot by 36.6-foot long Concrete Box Culvert (CBC) by 32 feet on the left and 25 feet on the right.
2. Install new headwalls and wingwalls.
3. Permanent impacts would be 0.033 acre and temporary impacts would be 0.022 acre.

#### **Sells Wash MP 125.5, Sta 1036+7.45**

1. Extend the 4-cell, 10-foot by 8-foot by 40-foot CBC by 30 feet on the left and right.
2. Install new headwalls and wingwalls.
3. Install concrete utility cap at the outlet.
4. Permanent impacts would be 0.033 acre and temporary impacts would be 0.022 acre.

**Pavo Kug Wash, MP, Sta 126.79 968+7.92**

1. Extend the 4-cell, 10-foot by 8-foot by 47.5-foot long CBC by 29 feet on the left and 23 feet on the right.
2. Install new headwalls and wingwalls.
3. Permanent impacts would be 0.033 acre and temporary impacts would be 0.022 acre.

**Unnamed Wash 7, MP 127.65, Sta 921+50.00**

1. Permanent impacts would be 0.001 acre and temporary impacts would be 0.001 acre.
2. Impacts due to CBC extension and headwall at Unnamed Wash 8.

**Unnamed Wash 8, MP 127.66, Sta 921+10.00**

3. Extend the 4-cell, 10-foot by 7-foot by 34.6-foot long CBC by 28 feet on the left and 27 feet on the right.
4. Install new headwalls and wingwalls.
5. Install concrete utility cap at the outlet.
6. Install a 49-foot long riprap basin at the outlet.
7. Permanent impacts would be 0.036 acre and temporary impacts would be 0.009 acre.

**Unnamed Wash 9, MP 127.67, Sta 920+50.00**

1. Permanent impacts would be 0.002 acre and temporary impacts would be 0.004 acre.
2. Impacts due to CBC extension and headwall at Unnamed Wash 8.

**Unnamed Wash 12, MP 128.41, Sta 883+26.82**

1. Remove existing 36-inch by 89.3-foot Corrugated Metal Pipe (CMP).
2. Install 2-36-inch by 135-foot CMPs with headwalls.
3. Install an 18-foot long riprap basin at the outlet.
4. Install concrete utility cap at the outlet.
5. Permanent impacts would be 0.014 acre and temporary impacts would be 0.007 acre.

**Unnamed Wash 13, MP 128.55, Sta 876+11.90**

1. Extend the 4-cell, 10-foot by 4-foot by 39.1-foot long CBC by 25 feet on the left and 23 feet on the right.
2. Install new headwalls and wingwalls.
3. Permanent impacts would be 0.037 acre and temporary impacts would be 0.025 acre.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Condition listed below:

1. 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.
2. The permittee shall 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 within the terms and conditions of the 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 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.
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.
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. All project areas disturbed above the ordinary high water mark shall be reseeded with locally native plant species. Watercourse morphology shall be re-established to match pre-construction configurations.
7. Unless specifically authorized all temporary construction access, staging activities, and stockpiling shall be located outside of the waters of the U.S. The location of these activities shall be sited to minimize the removal of mature trees, to utilize previously disturbed areas to the extent practicable, and to minimize the total area of disturbance.
8. The permittee shall comply with all the requirements and conditions of the Programmatic Agreement among the Federal Highway Administration, the Arizona State Historic Preservation Office, the Arizona Department of Transportation, Tohono O'odham Nation Tribal Historic Preservation Office, Arizona State Land Department, Bureau of Land Management, and the Advisory Council on Historic Preservation regarding the effects to cultural resources along State Route 86, between milepost 53.00 and milepost 137.10 Pima 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.
9. The permittee shall comply with all requirements and conditions in the letter of Conditional Clean Water Act Section 401 certification of the 2012 Nationwide Permits for Tribal Lands within Region 9 of the U.S. Environmental Protection Agency issued on March 30, 2012. This certification demonstrates that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of this letter is enclosed.

This verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity we can exercise discretionary authority and thereby modify, suspend, or revoke this specific verification at an earlier date in accordance with procedures in 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). At the national level the Chief of Engineers at any time prior to the

expiration of a NWP may chose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 C.F.R. § 330.5.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact Kathleen Tucker at 602.230.6956 or via e-mail at [Kathleen.A.Tucker@usace.army.mil](mailto:Kathleen.A.Tucker@usace.army.mil). Please complete the customer survey form at <http://per2.nwp.usace.army.mil/survey.html> which would help me to evaluate and improve the regulatory experience for others.

Sincerely,

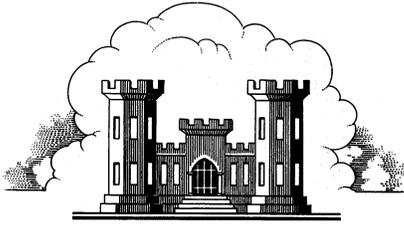
Sallie Diebolt  
Chief, Arizona Section  
Regulatory Division

Enclosures

1. Enclosure 1
2. Certificate of Compliance
3. Project Plans

Copies Furnished  
(Without enclosures)

Melissa Reuter, DEC Tucson District  
William Knight, ADOT EPG  
Julia Manfredi, ADOT OES



LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2013-00681-KAT, SR 86 San Isidro Segment*

Name of Permittee: *Arizona Department of Transportation, Roderick Lane, P.E.*

Date of Issuance: *January 21, 2014*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it to the following address using any **ONE** of the following:

- 1) Email a digital scan of the signed certificate to [Kathleen.A.Tucker@usace.army.mil](mailto:Kathleen.A.Tucker@usace.army.mil)
- OR**
- 2) Mail the signed certificate to

U.S. Army Corps of Engineers  
Regulatory Division  
ATTN: CESPL-RG-SPL-2013-00681-KAT  
U.S. Army Corps of Engineers  
Los Angeles District, Phoenix Office  
3636 N. Central Ave., Suite 900  
Phoenix, AZ 85012

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(l)(3) to confirm that the appropriate number and resource type of credits have been secured.

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Signature of Permittee

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Date