



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

July 7, 2014

M.J. Dillard, P.E.
Project Manager
City Of Tucson
Department of Transportation
201 North Stone Ave., 6th Floor
Tucson, AZ. 85701

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Dear Mr. Dillard:

I am responding to your April 30, 2014 request (SPL-2014-00090-KWG) for a Department of the Army permit. Your proposed project, Houghton Road and Broadway Boulevard to 22nd Street Project, is located at Sections 11-14 of Township 13 South, Range 13 East, within the municipality limits of the City of Tucson, Pima County, Arizona. This project would result in a discharge of 0.30 acres dredged and/or fill material into jurisdictional 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 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 drawing(s)/map(s), you are authorized to conduct the following regulated activities:

1. Site (Wash) 1: Estes Wash at Houghton Road

Authorized activities include the new construction of an all-weather access road crossing consisting of a 60' concrete basin, 100' riprap plunge basin, and utility connection. Permanent impacts to WoUS will be 0.14 acres.

2. Site (Wash) 2: Estes Wash at 22nd Street

Authorized activities include the construction of a 180' x 10' x 6' RCBC, plunge basin, and utility connection. Permanent impacts to WoUS will be 0.13 acres.

3. Site (Wash) 3: Kensington Wash

Authorized activities include remove the three (3) existing 42" HERPCs and replace with construction of a 160' x 10' x 6' RCBC, a 60' concrete channel, a 60' riprap plunge basin, apron, and utility connection. Permanent impacts to WoUS will be 0.03 acres.

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 Conditions listed below:

1. The Permittee shall mitigate for the permanent loss of 0.30 acres of Waters of the United States associated with the roadway improvements for the Silverbell Road Widening Project; Phase One, Grant to Goret Roads. The Permittee shall purchase 0.30 acres from an approved In-Lieu Fee Program and submit confirmation of receipt to the Corps Phoenix Office by December 31, 2013.
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 Arizona Department of Environmental Quality issued a waiver to individual certification signed on September 17, 2013. The permittee shall comply with all the 401 conditions that are a part of the NWP 14. A copy of this letter is enclosed (Enclosure 1).
5. 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.
6. 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.
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.
8. 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.

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. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it 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 the regulatory program. If you have any questions, please contact Kevin W. Grove at 602-230-6957 or via e-mail at Kevin.W.Grove@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

Enclosure(s)

1. NWP-14 Enclosure
2. Certificate of Compliance (attached)
3. Project Plans: Exhibit 1 - 3



**LOS ANGELES DISTRICT
US ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

Permit Number: *SPL-2014-00090-KWG, Houghton Road and Broadway Boulevard to 22nd
Street Project*

Name of Permittee: *M.J. Dillard, P.E.*

Date of Issuance: *July 7, 2104*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

- 1) Email a digital scan of the signed certificate to Kevin.W.Grove@usace.army.mil

OR

- 2) Mail the signed certificate to:

US Army Corps of Engineers
ATTN: Regulatory Division SPL-2010-01072-KWG
LOS ANGELES DISTRICT CORPS OF ENGINEERS
ARIZONA-NEVADA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 900
PHOENIX, AZ 85012-1939

I hereby certify 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(1)(3) to confirm the appropriate number and resource type of credits have been secured.

Signature of Permittee

Date