DEPARTMENT OF THE ARMY
SECTION 404 PERMIT

Permittee: Regents of the University of Colorado
Permit No.: 200180184
Issuing Office: Omaha District, Corps of Engineers
Denver Regulatory Office

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transeree. 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 of that office acting under the authority of the commanding officer.

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

Permit Contents:

1. General Information, signature blocks
2. Detailed Description of Authorized Work
3. General Conditions
4. Special Conditions
5. Figures

Project Location:

The project is located southeast of the intersection of Baseline Road and 30th Street in the City of Boulder, Colorado. It is generally bounded on the west by 30th Street and on the east by residences along Erie Drive, in Section 5, Township 1 South, Range 70 West in the City of Boulder, Boulder County, Colorado.

Further Information:

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

    ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

    (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

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 measures 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. The time limit for completing the work authorized ends on May 31, 2008. 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. 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 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.

[Signature]
Permittee

[Date]

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

[Signature]
Kurt F. Ubbelohde
Colonel, Corps of Engineers
District Engineer

[Date]

BY: [Signature]
Timothy F. Carey
Chief, Denver Regulatory Office

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.

[Signature]
Transferee

[Date]
2. DETAILED DESCRIPTION OF AUTHORIZED WORK

In accordance with the terms and conditions of this Department of the Army permit, the Regents of the University of Colorado are granted authorization by the Secretary of the Army to excavate and place fill material into Bear Canyon Creek and adjacent waters in connection with the proposal to construct new student, faculty, and staff housing units at Williams Village. Maps and drawings are attached. Issuance of this permit and the description of the project is based on documents submitted in the original permit application received by the Denver Regulatory Office on March 12, 2002.

2.1 Location

The project is located southeast of the intersection of Baseline Road and 30th Street in the City of Boulder, Colorado, and encompasses the area south to U.S. Hwy 36 (Denver-Boulder Turnpike). It is generally bounded on the west by 30th Street and on the east by residences along Erie Drive, in Section 5, Township 1 South, Range 70 West in the City of Boulder, Boulder County, Colorado.

2.2 Existing conditions

Bear Canyon Creek winds through the primarily undeveloped reach from US 36 to Baseline Road. A drainage lateral joins Bear Canyon Creek from the southwest approximately halfway between US 36 and Baseline Road. The project will be constructed east of the Williams Village tower dormitories. An existing City of Boulder multi-use recreational trail flanks the western streambank of Bear Canyon Creek and an informal footpath parallels the east bank.

Bear Canyon Creek is a channelized stream in the project reach, on which a series of grade control structures have been constructed. Wetlands are associated with Bear Canyon Creek and the lateral drainage. The channel generally exhibits narrow terraces confined in the channel bottom. Relatively steep slopes rise abruptly from the frequent flood terraces to meet existing grade through most of the project area. The drainage lateral, which conveys intermittent flows, is vegetated throughout most of the reach.

2.3 Description of work

At the full build-out of the new housing, Williams Village is planned to accommodate 1,900 students and 200 faculty families in apartment and townhouse units. These facilities are planned in three phases:

1. Phase IA is planned to provide housing and related facilities for 400 new beds ready for occupancy by August 1, 2003.
2. Phase IB is planned to add housing facilities for 500 new beds by August 1, 2004.
3. Phase II is not yet scheduled, but, depending on favorable market conditions, anticipates full build out by 2008.

The project attempts to minimize the impacts to the Bear Canyon Creek corridor and utilize opportunities to enhance and expand the riparian area as part of the floodplain construction beside the existing creek. To accommodate the needed buildings, the small drainage lateral will be filled. Impacts to Bear Canyon Creek will be limited to those impacts needed to construct two vehicular and one pedestrian crossing over the creek. The floodplain...
channel will be constructed outward from the drip line of the existing trees along Bear Canyon Creek, effectively widening the riparian corridor and keeping a minimum buffer of 50 feet on each side of the existing creek. The proposed floodplain channel will meander around a large shrub mass on the east side of Bear Canyon Creek.

Expansion of the existing water and sanitary facilities to support the planned buildings will require an additional utility crossing under Bear Canyon Creek. It is planned that these new water and sanitary sewer lines will cross at approximately the north road crossing, minimizing the total number of crossings of Bear Canyon Creek. The estimated 0.01 acre impacts from the water and sanitary sewer installation are temporary and are not included in the total wetland impacts shown below.

2.4 Jurisdiction

Bear Canyon Creek, the adjacent fringe wetlands and the lateral tributary are jurisdictional waters of the US since Bear Canyon Creek flows into Boulder Creek which flows into St. Vrain Creek, which is a jurisdictional tributary of the South Platte River.

2.5 Purpose

For purposes of definition under Section 404, the basic project purpose is to construct new University of Colorado housing facilities. The overall project purpose is to construct new student, faculty, and staff housing units at the Williams Village site.

2.6 Impacts and Mitigation

The work will impact 0.38 acres of jurisdictional wetlands, primarily on the drainage lateral, and will be mitigated at a minimum 1:1 areal ratio.

The applicant will conserve and enhance the existing Bear Canyon Creek riparian corridor by constructing necessary floodplain improvements adjacent to the existing Bear Canyon Creek riparian zone and maintain the floodplain areas with natural native species consistent with the need to convey flood flows. The plan will utilize woody species along the outside edge of the corridor to clearly define the wider riparian area and serve as a buffer zone and physical barrier to entry into the riparian corridor.

The entire 812 foot length of the drainage lateral will be filled to construct housing. The flow previously contained in the drainage lateral will be diverted to the newly created west floodplain and used to support the compensatory wetlands, mitigating the loss of the drainage lateral.

Other site impacts include the future construction of two road crossings with pedestrian underpasses and a pedestrian bridge over Bear Canyon Creek. These will require tree removal and filling for the road crossing culvert installations. Headwalls will be utilized to minimize the length of culvert and fill impacts. The future pedestrian bridge over Bear Canyon Creek near the middle of the site will not require filling of wetlands, but it is likely that tree removal will be necessary at the small bridge. Removal of native trees will be limited to areas on Bear Canyon Creek shown in the circled areas on Figure 2 where creek crossings will be constructed. Approximately 70 trees greater than 6 inches in diameter, and 60 trees less than 6 inches in diameter will be removed. All trees removed greater than 6 inches in diameter will be replaced with native species in the wetland mitigation and vegetated buffer areas at a ratio
of 2:1. All trees removed less than 6 inches in diameter will be replaced with native species in the wetland mitigation and vegetated buffer areas at a ratio of 1:1.

To fully implement all future phases of the plan the northern portion of the site is dependent on channel and floodplain improvements through the property of St. Andrews Church and potentially on City of Boulder property at the approach to the box culvert at Baseline Road. At this time it is unknown if these improvements will ever be implemented, since the University does not hold any ownership in or options to buy and extend flood improvements through the St. Andrews Church property. For these reasons, the impacts that might occur from potential future channel improvements on the St. Andrews Church or City of Boulder property are not included in this request.

The existing concrete trail on the west side of Bear Canyon Creek will be relocated as a part of the flood channel/wetland mitigation. Since several citizens were concerned about children using the US 36 underpass at Bear Canyon Creek to walk to and from school, several design changes were made concerning the path as follows:

- Construction, revegetation and landscaping of the flood mitigation channel will occur as planned, but the vegetated buffer vegetation directly impacted by the temporary trail will not be planted until after construction of the second building.
- Locate a temporary trail within the earthen flood channel close to the existing trail alignment but at a lower elevation outside of the compensatory mitigation area. Remove, regrade and reclaim the temporary trail immediately upon completion of the second building and associated permanent trail outside the vegetated buffer.
- Place safety fencing to separate the pedestrian traffic on the temporary trail from the building construction activities and place silt fencing to separate pedestrian traffic on the temporary trail from the mitigation area.
3. GENERAL CONDITIONS

1. The time limit for completing the work authorized ends on May 31, 2008. The mitigation plan meets the requirements of Option A of the Compensatory Mitigation Policy for Long-Term Projects for the Denver Regulatory Office. 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 of 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. If a conditioned water quality certification 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 if it contains such conditions.

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 in accordance with the terms and conditions of your permit.

7. All construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.

8. Equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.

9. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

10. Steps will be taken to prevent materials spilled or stored on shore from washing into the water as a result of cleanup activities, natural runoff, flooding, and that, during construction, any materials which are accidentally spilled into the water will be retrieved.

11. All work in the waterway will be performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

12. All areas along the bank disturbed or newly created by the construction activity will be seeded with vegetation indigenous to the area for protection against subsequent erosion.

13. The clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
14. Close coordination will be maintained by the contractor with downstream water users, advising them of any water quality changes to be caused by the construction.

15. All dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.

16. Deposition of excavated materials on shore and all earthwork operations on shore will be carried out in such a way that sediment runoff and soil erosion to the water are controlled.

17. Adequate pipes shall be installed in any temporary crossing to carry normal flows and prevent the restriction of expected high flows during construction.

18. Concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.

19. The use of machinery in the waterway will be kept to a minimum.

20. When the District Engineer has been notified that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

21. Fuel storage tanks above ground shall be diked or curbed or other suitable means provided to prevent the spread of liquids in case of leakage in the tanks or piping.
4. SPECIAL CONDITIONS

A. The alignment of the temporary trail and other construction activities will be relatively close to Bear Canyon Creek. Appropriate precautions will be taken to prevent damage to any of the trees or other creek habitat along Bear Canyon Creek. Approximately 70 trees greater than 6 inches in diameter, and 60 trees less than 6 inches in diameter will be removed. All trees removed greater than 6 inches in diameter will be replaced with native species in the wetland mitigation and vegetated buffer areas at a ratio of 2:1. All trees removed less than 6 inches in diameter will be replaced with native species in the wetland mitigation and vegetated buffer areas at a ratio of 1:1. Native cottonwood and coyote willow plant materials will be harvested cuttings, rooted cuttings, or bare-root materials. Other shrubs and trees will be bare-root or 1-gallon container plant materials, depending on availability.

B. Prior to construction, photo documentation will be made of the trees and existing riparian habitat along Bear Canyon Creek. A representative from the Denver Regulatory Office will accompany the applicant during this initial photo documentation session. Similar photos will be taken from the same photo point annually and submitted to the Denver Regulatory Office as part of the Annual Mitigation Progress Reports discussed in Special Condition J. If trees other than those scheduled for impact and mitigation have been damaged or destroyed or if the riparian habitat along Bear Canyon Creek is significantly impacted more than is indicated in the plans, all activity in waters of the US will cease until an appropriate mitigation plan is submitted to and approved by the Denver Regulatory Office.

C. The Colorado Department of Public Health and Environment issued Section 401 Water Quality Certification No. 2973 on April 9, 2002, in accordance with Section 401 of the Clean Water Act. The permittee agrees to comply with Section 401 Colorado Water Quality Certification Number 2973, the requirements from which are attached to, and made a part of, this permit. The water quality certification is shown on Figures 18-22.

D. The temporary trail in the flood channel will be kept clear of debris and trash during construction so it doesn't create a water quality problem when flows occur.

E. Mitigation will be accomplished in accordance with the attached mitigation plan and with these special conditions. The special conditions supersede the mitigation plan.

F. The permittee agrees that a professional ecologist approved by the Denver Regulatory Office will be on-site to implement the mitigation.

G. There will be no mowing, spraying or other maintenance that is detrimental in the mitigation areas.

H. Wetland mitigation will be considered successful when at least 85 percent of the mitigation site consists of wetland plants.

I. Once the mitigation areas have been constructed and planted, proper precautions will be taken to prevent domestic animals and human activity from adversely affecting them.

J. The mitigated wetlands will be monitored by the applicant each year beginning in 2002 until the Corps of Engineers determines them to be viable and self-sustaining. Annual Mitigation Progress Reports will be submitted to the Denver Regulatory Office before December 31 of each year beginning in 2002. These reports will include but not be limited to:
• permit number and county where the project is located;
• a discussion of successes, failures, and problems;
• percent of ground surface area that is vegetated, percent of the vegetated area that contains wetland species, list of prevalent plant species;
• maps, and drawings as needed for illustration; and
• photographs of mitigation area (to be taken from the same location each year and submitted with each report).

If during the first three years after initial implementation of mitigation the site conditions indicate that the success criteria are not likely to be achieved, remedial efforts will be undertaken after consultation with the Corps of Engineers.

K. After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.
Fig. 1. Project Location Maps

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO
UNIVERSITY OF COLORADO AT BOULDER
WILLIAMS VILLAGE

OVERVIEW OF WETLAND IMPACT AREAS

Fig. 2

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO

Corps No. 200180184

Drainage Lateral
Regrading Impact

Drainage Lateral
Fill Impact

Future Pedestrian
Crossing Impact

Proposed Compensatory
Wetland Sites

Future Road Crossing and
Utility Crossings Impact:
- 8" San. Sewer
- 12" Water Line

Stabilize U.S. 36 Outlet
And Future Apache Road Crossing Impact

1 inch = 300 ft.

( IN FEET )
TYPICAL CROSS SECTION OF PROPOSED RIPARIAN WETLANDS AND FLOODPLAIN

N.T.S.
NOTE:
RIPRAP SOIL SHALL BE PREMIXED WITH THE
APPROVED RIPRAP SIZE AT THE RATE OF 30% SOIL
AND 70% RIPRAP BY VOLUME TO PRODUCE A
UNIFORM MIXTURE OF SOIL AND RIPRAP.

RIPRAP GRADATION

<table>
<thead>
<tr>
<th>PERCENT</th>
<th>ROCK PASSING</th>
<th>SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>100</td>
<td>30&quot;</td>
</tr>
<tr>
<td>50</td>
<td>70</td>
<td>24&quot;</td>
</tr>
<tr>
<td>35</td>
<td>50</td>
<td>18&quot;</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>6&quot;</td>
</tr>
</tbody>
</table>

EXISTING GROUND
GRADE BACK AT 2:1 SLOPE FROM EXISTING INVERT TO EXISTING GROUND
EXISTING INVERT ELEVATION AND WIDTH
EXISTING GRADE

PRAP SOIL $D_{50} = 18"$
UNDISTURBED OR COMPACTED SUBGRADE
EXISTING BIKE PATH
FILTER FABRIC MIRAFI 140NS OR APPROVED EQUAL

TYPICAL CROSS SECTION OF RIPRAP PROTECTION
DOWNSTREAM OF U.S. 36
N.T.S.
UNIVERSITY OF COLORADO AT BOULDER
WILLIAMS VILLAGE

FEB. 28, 2002

SHEET INDEX
FLOODPLAIN CHANNEL
CONTOURS WILL BE
GRADED TO THE
SITE GRADING PLAN

COMPENSATORY
WETLAND AREA

RELOCATED
TRIBUTARY

50' VEGETATED
BUFFER LIMIT
EXCEPT AS NOTED

RELOCATED STORM
SEWER FROM U.S. 36

U.S. 36
DENVER BOULDER TURNPIKE

Anderson & Company
eco environmental planning
architecture
riverine/wetlands consulting
<20 Sunset St.
La Grange, Co.
303-776-4636

UNIVERSITY OF COLORADO AT BOULDER
WILLIAMS VILLAGE

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO

FEB. 28, 2002
GRADING PLAN

Corps No. 200180184
Fig. 7
FLOODPLAIN CHANNEL CONTOURS WILL BE GRADED TO THE SITE GRADING PLAN.

MATCH LINE SHEET G-2

30' CONST. LIMIT - PATH CROSSING (APPROX. LOCATION) FINAL LOCATION TO BE SET IN FIELD.

50' BUFFER ZONE

RELOCATED TRIBUTARY

COMPENSATORY WETLAND AREA

50' VEGETATED BUFFER LIMIT EXCEPT AS NOTED

MATCH LINE SHEET G-2

LIMITS OF NEW PATH ENCROACHMENT

UNIVERSITY OF COLORADO AT B
WILLIAMS VILLAGE

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO

Corps No. 200180184 Fig. 8

FEB. 28, 2002
- Match line sheet G-5
- Limits of new path encroachment
- 50' buffer zone
- Relocated greenway path outside buffer
- Relocated tributary
- Floodplain channel contours will be graded to the site grading plan
- 30' const. limit - path crossing (approx. location) final location to be set in field

University of Colorado at Boulder
New Williams Village Housing
Bear Canyon Creek, Boulder, CO

Corps No. 200180184 Fig. 9

FEB. 28, 2002
LEGEND

EXISTING FEATURES

EXISTING TREES/SHRUBS

EXISTING WETLANDS, PRESERVED

EXISTING WETLANDS, FILLED

PROPOSED FEATURES

NEW WETLAND OR RIPARIAN TREES

DRYLAND SHRUBS

WETLAND SHRUBS

EMERGENT WETLAND

MESIC ZONE

STREAM CHANNEL

SEE "WETLAND COMPENSATION" SECTION OF THE 404 APPLICATION FOR PLANTING AND SEEDING INFORMATION.

SCALE FOR SHEETS M1 - M5

( IN FEET )

1 inch = 50 ft.

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO

Corps No. 200180184 Fig. 11

Andersen & Company
eco environmental planning
ning landscape architecture
riverine/wetlands consulting
420 Sunset St.
Longmont, Co 303-776-4636

UNIVERSITY OF COLORADO AT E WILLIAMS VILLAGE

FEB. 28, 2002 COMPENSATORY WETLAND MITIGATION PLAN
Bill Owens, Governor  
Jane E. Norton, Executive Director  

Dedicated to protecting and improving the health and environment of the people of Colorado  

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Laboratory and Radiation Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado  
(303) 692-3090  
http://www.cdphe.state.co.us  

April 9, 2002  

Paul Tabolt  
The Regents of the University of Colorado  
Campus Box 24  
Boulder, Colorado 80309-0024  

Re: Section 401 Water Quality Certification  
Permit No. COE 200180184  
Colo. Cert. No. 2973  

Dear Mr. Talbot:

The Water Quality Control Division has reviewed the federal license or permit application, public notice, or other information submitted related to certification for the activity described below. Provided the plans of operation included in the submitted information are followed and the attached General Conditions (where applicable) are complied with, the Division is reasonably assured that Sections 301, 302, 303, 306 and 307 of the Clean Water Act and applicable sections of the Colorado Water Quality Control Act will not be violated by this activity.

An antidegradation review has also been completed as required by the Basic Standards and Methodologies for Surface Water effective July 31, 1988. This review showed that only temporary changes to water quality would occur as a result of this project. Thus this project is certified as designed with the attached General and Special Conditions (where applicable).

Description: Fill wetlands in connection with housing construction.

Location: Section 5, Township 1 South, Range 70 West in Boulder Count, Colorado.

Watercourse: Bear Canyon Creek and wetlands, South Platte River Basin, Segment COSPBO02 of Boulder Creek Subbasin.

This certification does not constitute a relinquishment of the Water Quality Control Division’s authority as delineated in the “Colorado Water Quality Control Act”, or any subsequent alterations thereto, nor does it fulfill or waive any other local, state or federal regulations.

Sincerely,

\[Signature\]

Aimee Majewski  
Water Quality Assessor  
WATER QUALITY CONTROL DIVISION

Attachment

cc: Corps of Engineers, Denver Regulatory Office  
Corps of Engineers, Omaha District  
Applicant’s Agent, Dick Smith, Love & Associates, Inc.  
District Engineer, Cary Pilon, WQCD  
File

New Williams Village Housing  
University of Colorado at Boulder  
Bear Canyon Creek, Boulder, CO

Corps No. 200180184  
Fig. 18
Section 401 Certification Requirements
State of Colorado

(A) The following requirements shall apply to all certifications:

(1) Authorized representatives from the Division shall be permitted to enter upon the site where the construction activity or operation of the project is taking place for purposes of inspection of compliance with BMPs and certification conditions.

(2) In the event of any changes in control or ownership of facilities where the construction activity or operation of the project is taking place, the successor shall be notified in writing by his predecessor of the existence of the BMPs and certification conditions. A copy of such notification shall be provided to the Division.

(3) If the permittee discovers that certification conditions are not being implemented as designed, or if there is an exceedance of water quality standards despite compliance with the certification conditions and there is reason to believe that the exceedance is caused, in whole or in part, by the project, the permittee shall verbally notify the Division of such failure or exceedance within two (2) working days of becoming aware of the same. Within ten (10) working days of such notification, the permittee shall provide to the Division, in writing, the following:

(a) In the case of the failure to comply with the certification conditions, a description of (i) the nature of such failure, (ii) any reasons for such failure, (iii) the period of noncompliance, and (iv) the measures to be taken to correct such failure to comply; and

(b) In the case of the exceedance of a water quality standard, (i) an explanation, to the extent known after reasonable investigation, of the relationship between the project and the exceedance, (ii) the identity of any other known contributions to the exceedance, and (iii) a proposal to modify the certification conditions so as to remedy the contribution of the project to the exceedance.

(4) Any anticipated change in discharge location and/or quantities associated with the project which may result in water quality impacts not considered in the original certification must be reported to the Division by submission of a written notice by the permittee prior to the change. If the change is determined to be significant, the permittee will be notified within ten days, and the change will be acknowledged and approved or disapproved.

(5) Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions herein is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with limitations and prohibitions.
herein. The Division shall be notified immediately in writing of each such diversion or bypass.

(6) At least fifteen days prior to commencement of a project in a watercourse, which the Division has certified, or conditionally certified, the permittee shall notify the following:

(a) Applicable local health departments;
(b) Owners or operators of municipal and domestic water treatment intakes which are located within twenty miles downstream from the site of the project; and
(c) Owners or operators of other intakes or diversions which are located within five miles downstream from the site of the project.

The permittee shall maintain a list of the persons and entities notified, including the date and form of notification.

(7) Immediately upon discovery of any spill or other discharge to waters of the state not authorized by the applicable license or permit, the permittee shall notify the following:

(a) Applicable local health departments;
(b) Owners or operators of municipal and domestic water treatment intakes which are located within twenty miles downstream from the site of the project; and
(c) Owners or operators of other intakes or diversions which are located within five miles downstream from the site of the project.

The permittee shall maintain a list of the persons and entities notified, including the date and form of notification.

(8) Construction operations within watercourses and water bodies shall be restricted to only those project areas specified in the federal license or permit.

(9) No construction equipment shall be operated below the existing water surface unless specifically authorized by the 401 certification issued by the Division.

(10) Work should be carried out diligently and completed as soon as practicable. To the maximum extent practicable, discharges of dredged or fill material shall be restricted to those periods when impacts to designated uses are minimal.
(11) The project shall incorporate provisions for operation, maintenance, and replacement of BMPs to assure compliance with the conditions identified in this section, and any other conditions placed in the permit or certification. All such provisions shall be identified and compiled in an operation and maintenance plan which will be retained by the project owner and available for inspection within a reasonable timeframe upon request by any authorized representative of the Division.

(12) The use of chemicals during construction and operation shall be in accordance with the manufacturers specifications. There shall be no excess application and introduction of chemicals into state waters.

(13) All solids, sludges, dredged or stockpiled materials and all fuels, lubricants, or other toxic materials shall be controlled in a manner so as to prevent such materials from entering state waters.

(14) All seed, mulching material and straw used in the project shall be state certified weed-free.

(15) Discharges of dredged or fill material in excess of that necessary to complete the project are not permitted.

(16) Discharges to state waters not identified in the license or permit and not certified in accordance therewith are not allowed, subject to the terms of any 401 certification.

(17) Except as otherwise provided pursuant to subsection 82.7(C), no discharge shall be allowed which causes non-attainment of a narrative water quality standard identified in the Basic Standards and Methodologies for Surface Waters, Regulation #31 (5 CCR 1002-31), including, but not limited to discharges of substances in amounts, concentrations or combinations which:

(a) Can settle to form bottom deposits detrimental to beneficial uses; or
(b) Form floating debris, scum, or other surface materials sufficient to harm existing beneficial uses; or
(c) Produce color, odor, or other conditions in such a degree as to create a nuisance or harm existing beneficial uses or impart any undesirable taste to significant edible aquatic species, or to the water, or
(d) Are harmful to the beneficial uses or toxic to humans, animals, plants, or aquatic life; or
(e) Produce a predominance of undesirable aquatic life; or
(f) Cause a film on the surface or produce a deposit on shorelines.

New Williams Village Housing
University of Colorado at Boulder
Bear Canyon Creek, Boulder, CO

Corps No. 200180184  Fig. 21
(B) Best Management Practices:

(1) Best management practices are required for all projects for which Division certification is issued except for section 402 permits. Project applicants must select BMPs to be employed in their project. A listing and description of best management practices is located in Appendix I of Regulation No. 82: 401 Certification Regulation 5 CCR 1002-82.

(2) All requests for certifications which require BMPs shall include a map of project location, a site plan, and a listing of the selected BMPs chosen for the project. At a minimum, each project must provide for the following:

(a) Permanent erosion and sediment control measures that shall be installed at the easiest practicable time consistent with good construction practices and that shall be maintained and replaced as necessary throughout the life of the project.

(b) Temporary erosion and sediment control measures that shall be coordinated with permanent measures to assure economical, effective, and continuous control throughout the construction phase and during the operation of the project.