



# Regional General Permit 15

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

## CITY OF COLORADO SPRINGS PERMANENT EXTENDED DETENTION BASIN (EDB) MAINTENANCE ACTIVITIES

**Effective Date:** March 1, 2019

**Expiration Date:** February 29, 2024

**Purpose of this Regional General Permit:** The purpose of this regional general permit (RGP) is to authorize discharges of dredged or fill material into waters of the United States associated with maintenance of existing stormwater management facilities under the City of Colorado Springs Permanent Extended Detention Basin (EDB) Maintenance Program. Activities in basins that have not been officially adopted into the EDB Maintenance Program or that do not comply with the provisions of this RGP may require an individual permit.

**Permittee:** City of Colorado Springs (City) and/or contractors and subcontractors acting on behalf of the permittee

**Permit Area:** City limits of the City of Colorado Springs

**Scope of Work:** Work that is authorized by this RGP will be limited to those activities that are required in order to maintain existing EDBs at the constructed baselines, as defined by the EDB Maintenance Program. These activities typically include cleaning, maintenance, and repair of inflow points, fore-bays, trickle channels, micro-pools, outlet structures, and embankments, removal of accumulated sediment, and other minor activities that are necessary to maintain the basin's capacity and designed stormwater management capabilities.

The U.S. Army Corps of Engineers (Corps) must approve all site proposed to be covered by this RGP. Attachment 1 provides a list of facilities that are approved by the Corps upon issuance of the RGP.

Attachment 2 provides a synopsis of the Standard Operating Procedures for the activities that are covered by this RGP.

**Preble's Meadow Jumping Mouse (PMJM):** In accordance with General Condition (GC) 7, the Corps will initiate consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, as appropriate, within 30 days of receipt of the annual reports (see GC 11). The consultation will attempt to address concerns that may be identified for any sites proposed to be added to the list of approved facilities for future work under this RGP.

Additionally, in an effort to avoid and minimize impacts to PMJM, the City has developed standard protocols for all activities located within PMJM critical habitat (Attachment 3).

**General Conditions:** All activities authorized under this RGP are subject to the following conditions:

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1. The discharge of dredged or fill material shall not consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and must be free from toxic pollutants in toxic amounts. Fill must be from a source where threatened or endangered species and historic property impacts have been reviewed and no impacts will occur. The use of broken concrete IS NOT authorized for use by this permit.
2. Measures must be taken to prevent spilled fuels, lubricants, wet concrete (other than that placed in forms), or other toxic materials from entering the stream.
3. Topsoil must be stripped and stockpiled at the site, and replaced as surface finish on disturbed areas. All disturbed areas will be seeded in accordance with City of Colorado Springs Drainage Criteria Manual, Volume I, tables 14-10 and 14-11 depending on location.
4. This RGP does not authorize activities that may impede fish passage.
5. Precautions shall be taken to avoid and minimize impacts and protect wetlands from damage during construction activities. Wetlands must be restored to pre-construction conditions for all impacts associated with temporary fill activities.
6. All activities authorized by this RGP shall be maintained in good condition and in compliance with the terms and conditions of the permit. The City is not relieved of this requirement if constructed structures are abandoned. In the event that the City wishes to abandon or cease maintenance of an authorized structure, the City shall either remove the structure in its entirety and restore the site to pre-construction grade, including stabilization of all disturbed areas, or obtain a permit modification from the Corps.
7. Activities authorized by this permit shall not jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which is likely to destroy or adversely modify the critical habitat of such species.

The Corps shall be responsible for all consultation with the U.S. Fish and Wildlife Service (USFWS) for projects that could impact threatened or endangered species, or species proposed for such designation, or critical habitat of such species.

Consultation between the Corps and the USFWS may conclude with the identification of conservation recommendations by the USFWS in non-jeopardy Biological Opinion (BO). At the Corps' discretion, these recommendations will be incorporated into the permit verification. If the USFWS renders a jeopardy BO and reasonable and prudent alternatives cannot be implemented to avoid the unacceptable impacts, the project will require an individual Department of the Army permit. Authorization of an activity under this permit does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a BO with "incidental take"

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provisions, etc.) from the USFWS, both lethal and non-lethal "takes" of protected species are in violation of the ESA.

8. Activities authorized by this permit shall not affect historic properties listed, or eligible for listing, in the National Register of Historic Places (Register) until the City has satisfied the requirements of the National Historic Preservation Act (NHPA) and the provisions of Title 33, CFR, Part 325, Appendix C.

The Corps shall be responsible for all consultation with the Colorado State Historic Preservation Officer (SHPO), and Native American Tribes and/or other consulting parties, if applicable, for projects that could affect any historic properties listed, determined to be eligible, or that the City has reason to believe may be eligible for listing on the Register.

For projects that may affect historic properties, the Corps shall notify the City that the required consultation has been completed before the project may proceed. If previously unknown historic or archeological materials are discovered while accomplishing the activity authorized by this permit, the City shall stop work immediately and notify the Corps. The Corps will initiate the internal provisions to deal with the Inadvertent Discovery of Archaeological, Cultural, or Paleontological Materials, as appropriate, and in coordination with the SHPO. The authorized activity shall not resume until the Corps provides the City with a written verification that the requirements of the NHPA have been satisfied.

9. This permit does not authorize discharges of dredged or fill material associated with channelization, ditching, mechanized land clearing, cutting off meanders, blocking off channels, or otherwise realignment of stream channels.
10. This RGP only applies to sites that have been accepted into the City of Colorado Springs Permanent EDB Maintenance Program and approved by the Corps for inclusion in Attachment 1. The list of sites may be updated at any time deemed necessary by the Corps, but typically will be updated based on the information contained in the annual report submitted to the Corps in accordance with GC 11.
11. Annual reports shall be provided to the Corps by September 30 of each calendar year. These reports will include a list of completed actions that were authorized under the RGP during the prior 12 months and a list of sites that are scheduled for maintenance in the following 12 months. The following information must be included for each activity:
  - a. Types of activities (as listed in Attachment 1);
  - b. Location information including the facility name, facility ID number, and latitude/longitude coordinates;
  - c. Name of waterway(s);

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- d. Date of work completion;
  - e. Estimated acres of temporary and permanent impacts to wetlands and other waters of the U.S. resulting from the maintenance activities, including drawings and other supporting documentation of the impacts;
  - f. For projects involving permanent impacts to wetlands, a statement addressing any potential compensatory mitigation requirements that may be warranted, including a description of the wetlands that were affected and the activities that caused the impacts;
  - g. Assessments of the stability of the sites, including access and staging areas, and any remedial work that may be required, if any;
  - h. Before and after photos of completed work with figure labels including time, date, bearing, and a general description of the site;
  - i. A statement regarding the status of all sites covered by this permit, including sites that were not subjected to maintenance work during the current reporting period; and
  - j. A list of new sites proposed to be added or previously approved sites to be removed from the list (Attachment 1). In order for new sites to be added to the list, the City must provide the following information for each site and receive written approval from the Corps:
    - (1) Basin ID;
    - (2) Basin Name;
    - (3) Baseline narrative, including:
      - i. Basin capacity in acre-feet;
      - ii. Top, bottom, and 100-year water surface elevations; and
      - iii. 100-year peak in-flow and out-flow in cubic feet per second;
    - (4) Presence/absence of wetlands and streams;
    - (5) A general assessment of anticipated maintenance needs; and
    - (6) Potential PMJM critical habitat.
12. Within 30 days of receipt of annual reports, the Corps will notify the City of any one-time only compensatory mitigation that may be required for projects completed during the review period. Typically, such mitigation will be required for greater than 1/10 acre of permanent impacts to wetlands for sites where compensatory mitigation

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previously has not been accomplished, either during original construction or prior maintenance, in association with a Corps authorization.

Once the one-time mitigation has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline for the facility.

If one-time mitigation is required, the permittee will provide the Corps with a schedule for identification of compensatory mitigation option(s) to be implemented, upon written Corps approval, and completed by the end of the following reporting cycle. Failure to satisfy mitigation requirements will constitute a violation of the permit conditions, and may result in suspension or revocation of the RGP.

13. Representatives from the Corps shall be allowed to inspect the authorized activities at any time deemed necessary in order to ensure that the activities are being, or have been accomplished, in accordance with the terms and conditions of the permit.

**Further Information:**

1. Colorado Law: The City is responsible for obtaining necessary authorizations under state water law or dam safety regulations.
2. District Engineers have authority to determine if an activity complies with the terms and conditions of a RGP;
3. Congressional Authorities. This permit authorizes work in accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344);
4. 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; and
  - c. This permit does not authorize interference with any existing or proposed federal projects;
5. 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;

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- c. Damages to persons, property, or 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; and
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit;
6. Reliance on applicant's data. The determination by the Corps that a verification based upon this permit is not contrary to the public interest will be made in reliance on the information provided by the applicant;
7. Re-evaluation of permit decisions. The Corps may reevaluate its decision on this permit at any time the circumstances warrant (33 CFR 325.7(a)). Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. Failure 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; or
  - c. Significant new information surfaces that the Corps did not consider before verifying that the project is authorized by this permit.

Such re-evaluation 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 the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate;

8. Renewal of the RGP: This RGP may be reviewed for reissuance prior to its expiration date. Any reissuance will be processed in accordance with 33 CFR 325.2 including a public notice and environmental procedures and documentation required by the national Environmental Policy Act of 1969.

This permit becomes effective when the federal official designated to act for the Albuquerque District Engineer has signed below.

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Van A. Truan, Chief  
Southern Colorado Regulatory Branch

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Date

Attachment 1: Approved Sites.

| Pond ID | Name                       | Lat.    | Long.     |
|---------|----------------------------|---------|-----------|
| 1       | Briargate Pond #1          | 38.9436 | -104.7831 |
| 2       | Briargate Pond #2          | 38.9441 | -104.7894 |
| 4(a)    | Chapel Hills Pond #1       | 38.9516 | -104.7837 |
| 4(b)    | Trafalger Detention Pond   | 38.9509 | -104.7845 |
| 5       | Chapel Hills Pond #2       | 38.9486 | -104.7783 |
| 10      | Pine Creek F               | 38.9742 | -104.7546 |
| 12      | Ridgeline                  | 39.0005 | -104.7948 |
| 13      | Interquest South Pond A    | 38.9818 | -104.8076 |
| 17      | Stoneglen/Hollycrest       | 38.9699 | -104.7669 |
| 26      | Kettle Creek Detention E   | 38.9827 | -104.7724 |
| 30      | Estates @Middlecreek #3    | 39.0116 | -104.8023 |
| 31      | Estates @ Middlecreek #2   | 39.0127 | -104.7995 |
| 32      | Estates @ Middlecreek #1   | 39.0139 | -104.7952 |
| 35      | West Creek @ Wolf Ranch    | 38.5732 | -104.4306 |
| 37      | Flying Horse #1            | 38.9669 | -104.7588 |
| 38      | Pine Creek C               | 38.5801 | -104.4533 |
| 40      | Ramtron                    | 39.0045 | -104.8015 |
| 48      | Pine Creek B               | 38.9664 | -104.7686 |
| 50      | Voyager and Stout          | 39.0168 | -104.8121 |
| 51      | Grey Hawk                  | 39.0233 | -104.8127 |
| 251     | Voyager Business Park      | 38.9998 | -104.7966 |
| 503     | Campglen                   | 38.7528 | -104.8148 |
| 504     | Chaseglen and Farthing     | 38.7620 | -104.8134 |
| 507     | Zeppelin and Powers        | 38.7910 | -104.7291 |
| 512     | Sandcreek Detention Pond 1 | 38.8719 | -104.7129 |
| 517     | Sandcreek Detention Pond 2 | 38.8906 | -104.7115 |
| 522     | Mesa and Filmore           | 38.8695 | -104.8537 |

Attachment 2: Standard Operating Procedures for Maintenance Activities.

- 1. Inflow Point (Inlet):** The inflow point is where runoff enters the EDB through storm sewer pipe, surface drainage channel or ditch. Activities at the inflow point will include:
  - a. Removal of sediment, trash, or other debris that has accumulated near or in the inlet;
  - b. Removal of large, woody and other excess vegetation from the area around the inlet that limits flow and/or risks damage to the inlet structure; and
  - c. Maintenance and repair of erosion/structural damage to the inflow point (may include adding rip-rap or concrete structure to provide energy dissipation and concrete patching).
  
- 2. Fore-bay:** The fore-bay is located below the inflow point and is designed to remove large particles, trash, and other debris. It is typically (but not always) made of concrete and has a flat bottom for easier maintenance. Activities at the fore-bay may include:
  - a. Removal of accumulated sediment, trash, or other debris:
    - (1) For large fore-bays, heavy machinery (skid steer loader, long reach excavator, front end loader) may be utilized; and
    - (2) Wet sedimentation may be temporarily stockpiled on site and allowed to de-water prior to hauling to materials handling facility or certified/licensed land fill for disposal;
  - b. Drain pipe/weir maintenance and restoration; and
  - c. Concrete structure repair.
  
- 3. Trickle Channel:** The trickle channel conveys small flows from the fore-bay (or inlet) to the micropool (or outlet structure). Trickle channels are typically concrete but may also be constructed of rock. Activities in the trickle channel may include:
  - a. Removal of accumulated sediment, trash, or other debris:
    - (1) Sediment and debris that is left to accumulate in the trickle channel will eventually block the flow of water. Water that is diverted out of the trickle channel will cause damage to and erosion within the EDB;
  - b. Removal of woody vegetation growing near the trickle channel; and
  - c. Erosion/structure repair, including concrete patching/repair.

- 4. Micropool:** The micropool is a small area of standing water (about 2-3 foot deep) just in front of the outlet structure. It is designed to prevent the outlet structure from clogging by maintaining a constant pool of water and is the only area in an EDB where standing water is not a problem. (Note: Not all EDBs have micropools). Activities in the micropool include:
- a. Removal of accumulated sediment:
    - (1) Sediment removal will normally take place once sedimentation reaches 12 inches of accumulation;
    - (2) Sediment removal may require a vacuum truck that is capable of removing both sediment and water;
    - (3) For large micropools, heavy machinery (skid steer loaders, long reach excavator, front end loader) may be utilized; and
    - (4) Concrete structure repair.
- 5. Outlet Structure:** The outlet structure controls the rate that stored runoff is discharged from the EDB. It includes several different components (well screen, orifice plate, trash rack) that each require frequent maintenance. Inadequate maintenance of these components can cause severe problems with EDB performance; including standing water, inadequate pollutant removal and downstream flooding. Activities at the outlet structure include:
- a. Well Screen/Trash rack maintenance and repair;
  - b. Orifice Plate maintenance and repair;
  - c. Sediment/Trash/Debris Removal; and
  - d. Concrete structure repair.
- 6. Sediment Removal:** General sediment removal from within the body of the EDB may be required in order to return the EDB to its baseline capacity and capability. Often, these operations require the use of heavy machinery to include dump trucks and can include the removal of up to 30,000 cubic yards of sedimentation. Sedimentation removal activities can include:
- a. Inventory and maintenance needs;
  - b. Sampling and evaluation of sediment;
    - (1) For ponds greater than one acre and less than four acres, one sampling station should be located in each acre; and
    - (2) For ponds larger than 4 acres, the pond will be divided into four sections with a minimum of 1 sampling station from each section;

- c. Excavation utilizing heavy machinery and tandem axle or articulated heavy haul trucks;
- d. On-site, temporary, stockpiling operations for de-watering of sediment; and
- e. Site restoration and erosion control.

**7. Embankments:** Erosion control/maintenance/repair can require several pieces of heavy machinery depending on severity. Repairing embankment erosion is a critical piece of EDB maintenance as it prevents sedimentation from developing in key pieces of the EDB as well as ensuring the EDB functions to baseline capacity and capability. Activities on EDB embankments include:

- a. Installation of clean fill and topsoil materials;
- b. Compaction of materials once placed;
- c. Placement of seeding in accordance with City of Colorado Springs Drainage Criteria Manual, Volume I, Tables 14-10 and 14-11; seed can be placed utilizing two processes:
  - (1) Hydro-seeding (works well on flat or slightly sloped areas); and
  - (2) Direct placement of seed mixture, usually 1.5 – 2 pounds per acre, followed by installation of straw mat (works well on slopes greater than 3:1);
- d. In some instances where no other effective alternative has been found, rock armoring the embankment with rip-rap may be accomplished:
  - (1) Rip rap utilized will be large (12 inch or greater) granite rock or other suitable material in compliance with General Condition 1; and
  - (2) Concrete grout may be used between rocks to hold it in place.

**8. Maintenance of Ditches and Unpaved EDB Access Roads:** In cases where drainage ditches may be jurisdictional and feeding or exiting an EDB, this RGP authorizes routine maintenance, grading, and reshaping of drainage ditches in order to restore their original conformation and capacity. This RGP also authorizes the repair and maintenance of EDB access roads within jurisdictional areas.

Attachment 3: Protocols for activities located within PMJM critical habitat.

1. Designate a single route through the habitat. The route will be of minimal width (i.e. one narrow lane).
2. Stage heavy equipment outside of the habitat (preferably > 150 feet) whenever practicable.
3. Excavate, fill, or clear only those areas absolutely necessary.
4. Remove excess fill from the site or to an area at least 150 feet from PMJM habitat.
5. Direct dewatering activities away from habitat and into an area that will not drain directly in PMJM habitat.
6. Minimize local and downstream erosion by placing erosion barrier fences around excavated materials, if they are to remain for more than one day.
7. Revegetate disturbed areas as soon as equipment is moved and maintenance activities are complete. Whenever possible, seed mixtures or planting stock will be native species that match the vegetation existing at the site prior to disturbance.
8. Any residue of chemicals should be cleaned and/or removed from the site to a safe disposal area.
9. Submit, annually, to the Fish and Wildlife Service a report summarizing all activities in EDBs characterized as containing PMJM habitat and not covered under the Colorado Springs City-Wide Block Clearance Zone dated 4 November 2014.
10. Submit, annually, to the Fish and Wildlife Service a report of any new EDBs that may require consultation for adding to the list of EDBs containing PMJM habitat.