



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942

April 20, 2016

Sean O'Malley, P.E.
Teton County Engineer
P.O. Box 3594
Jackson, Wyoming 83001

Dear Mr. O'Malley:

This letter is in response to a pre-construction notification we received from Alder Environmental, LLC (AE) on March 24, 2016, concerning Department of the Army authorization to construct the Path 22-Middle Section (Phase 2) and the adjoining East Section (Segment 3) of a pedestrian pathway on the south side of U.S. Highway 22 near Jackson. The route is located within the highway right-of-way in the NE ¼ of Section 31 and NW ¼ of Section 32, Township 41 North, Range 117 West, Teton County, Wyoming.

The U.S. Army Corps of Engineers regulates placement of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 332. Information on Section 404 requirements in Wyoming can be obtained from our website at: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx>.

Phase 2 of the pathway extends east from the Cattle Tunnel for approximately 4,650 feet to a connection with Segment 3 at Spring Gulch Road intersection. The pathway would cross Spring Creek on the existing road embankment but wetlands would be crossed at five locations resulting in a loss of 0.05 acre. Segment 3 of the pathway continues east for another 360 feet and would cross wetlands at two locations resulting in a loss of 0.02 acre.

Based on the information provided, it has been determined that proposed activities described above are authorized by Nationwide Permit (NP) 14 as defined in the *Federal Register* published on February 21, 2012 (Vol. 77, No. 34). A copy of NP 14 is enclosed. Please take time to carefully review the terms and general conditions of NP 14.

In a letter dated March 16, 2012, the Wyoming Department of Environmental Quality (WDEQ) certified that use of NP 14 for activities such as those described above is acceptable provided all terms and conditions of NP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable water quality standard. A copy of the WDEQ's letter is enclosed. Please note that the WDEQ has added specific conditions to its certification and those requirements have been adopted as regional conditions of NP 14.

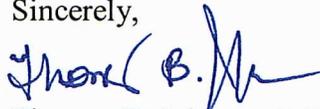
Teton County is authorized to commence with activities described above in accordance with NP 14. Teton County is responsible for ensuring that all activities undertaken at the location specified above comply with all terms and conditions. If a contractor or other authorized representative will be accomplishing any activities on behalf of Teton County, it is recommended that they be provided a copy of this letter and the attached permit so that they are also aware of the terms and conditions. Any regulated activities that do not comply with NP 14 will be considered unauthorized and all responsible parties would be subject to appropriate enforcement action.

Also enclosed is a Compliance Certification form. Please complete the form and return it to this office within 30 days after project completion as required by General Condition 30. The purpose of the form is to document which activities were actually completed and to certify that the activities were accomplished in compliance with terms and conditions of NP 14.

Please be aware that obtaining Department of the Army authorization does not eliminate requirements to obtain any other applicable federal, state, tribal or local permits. Additional authorization could be required for any deviations from plans and specifications for Phase 2 of the project prepared by Teton County dated March 4, 2016, and Segment 3 prepared by Jorgensen Associates, P.C. dated February 22, 2016.

This verification letter is valid until the nationwide permits expire on **March 18, 2017**, unless NP 14 is modified, suspended, or revoked prior to that date. Please contact me by e-mail at Thomas.B.Johnson@usace.army.mil or by telephone at (307) 772-2300 if you have any questions concerning this verification and reference file NWO-2011-02412.

Sincerely,



Thomas B. Johnson, P.E.
Project Manager
Wyoming Regulatory Office

Enclosures

Copies Furnished:

Brian Remlinger
Alder Environmental, LLC
P.O. Box 6519
Jackson, Wyoming 83002

Eric Hargett
Wyoming DEQ
Water Quality Division
Herschler Building, 4-W
122 West 25th Street
Cheyenne, Wyoming 82002

The Omaha District, Regulatory Branch, Wyoming Regulatory Office is committed to providing quality and timely service to our customers. Please take a moment to complete a Customer Service Survey found on our web site at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx> Paper copies of the survey are also available upon request for those without Internet access.