

## DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Farmington

Permit No. SPA-2015-00366

Issuing Office Albuquerque District, U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. 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.

**Project Description:** To discharge approximately 0.95 cubic yards of dredged and fill material into waters of the U.S. during construction of the Penny Lane Lowhead Dam. The project involves permanent impacts within the ordinary high water mark (OHWM) of the Animas River, a waters of the U.S., total approximately 0.95 acre (ac), including approximately 0.09 ac for the new concrete ramps; approximately 0.21 ac for the boulder and grout islands and bank protection; approximately 0.01 ac for the fish ladder; approximately 0.43 ac for the loose rock and gravel work downstream of the dam to control the water surface elevations; and approximately 0.21 ac of new floodplain fill on the southeast side of the river. Most of the permanent impacts will occur within the 0.98 AC of temporary impact caused by the dewatering effort for the dam construction. The project will be constructed in accordance with the attached drawings, entitled, "Penny Lane Lowhead Dam Modifications, in the Animas River in the City of Farmington, San Juan County, New Mexico, Application by the City of Farmington, Application No. SPA-2015-00366," sheets 1 through 6, dated September 16, 2015.

**Project Location:** Latitude 36.782, Longitude -108.102; City of Farmington, San Juan County, New Mexico; Animas River.

**Permit Conditions:** In accordance with attached Sheets 1 to 6 and New Mexico Environment Department Section 401 Water Quality Certification pages 1 through 2, dated January 25, 2016.

### General Conditions:

1. The time limit for completing the work authorized ends on February 15, 2021. 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.

**Special Conditions:**

1. A revegetation plan is part of the final design, and requires the applicant to revegetate all disturbed upland areas with a weed-free, native species seed mix.

**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).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
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).

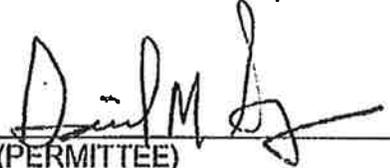
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. 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.

  
\_\_\_\_\_  
(PERMITTEE)

3-9-16  
\_\_\_\_\_  
(DATE)

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

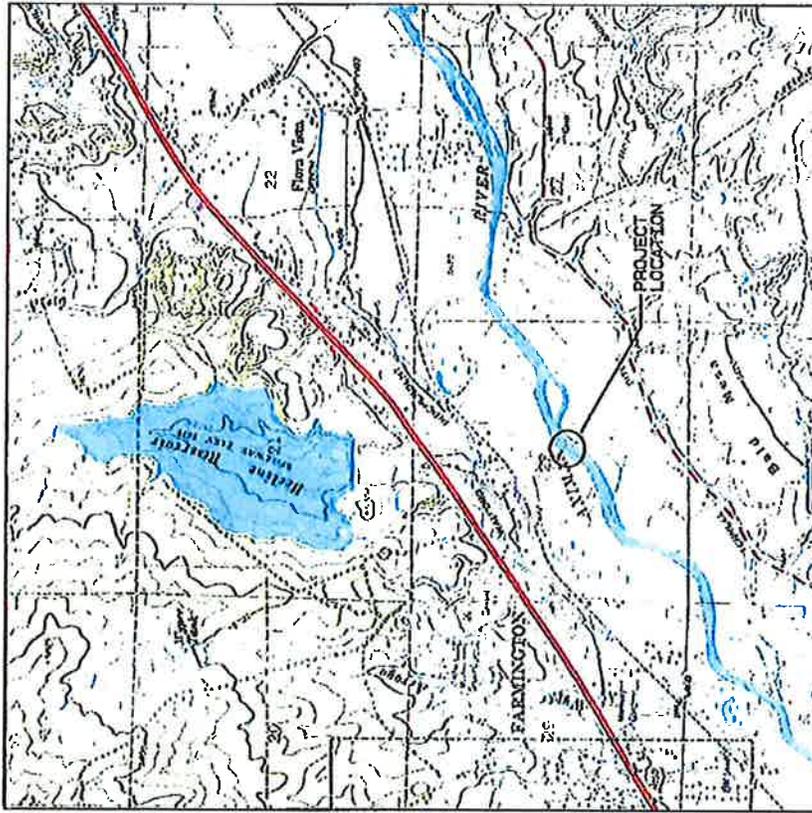
  
\_\_\_\_\_  
(FOR THE DISTRICT ENGINEER)  
Chris Wrbas  
Project Manager

3-9-16  
\_\_\_\_\_  
(DATE)

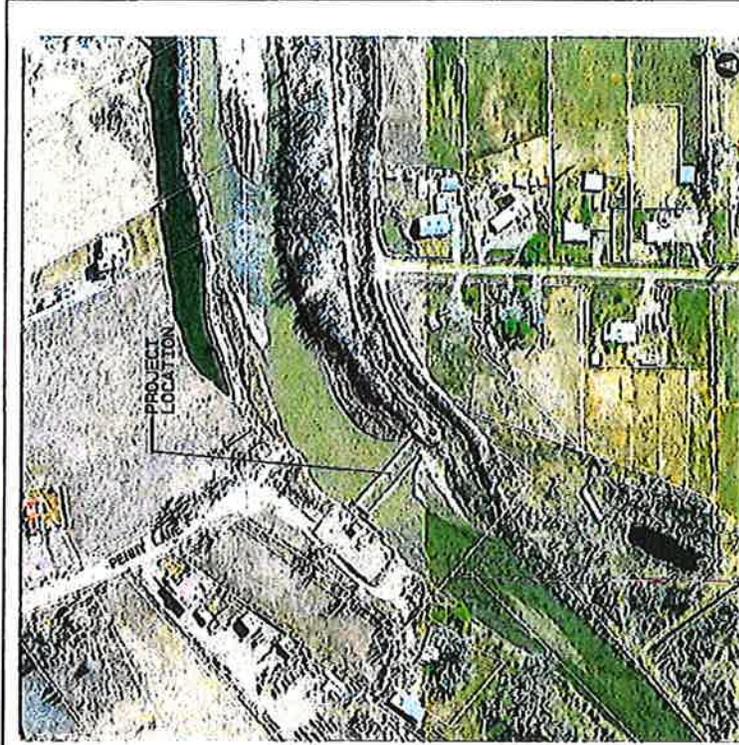
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFERREE)

\_\_\_\_\_  
(DATE)



LOCATION MAP



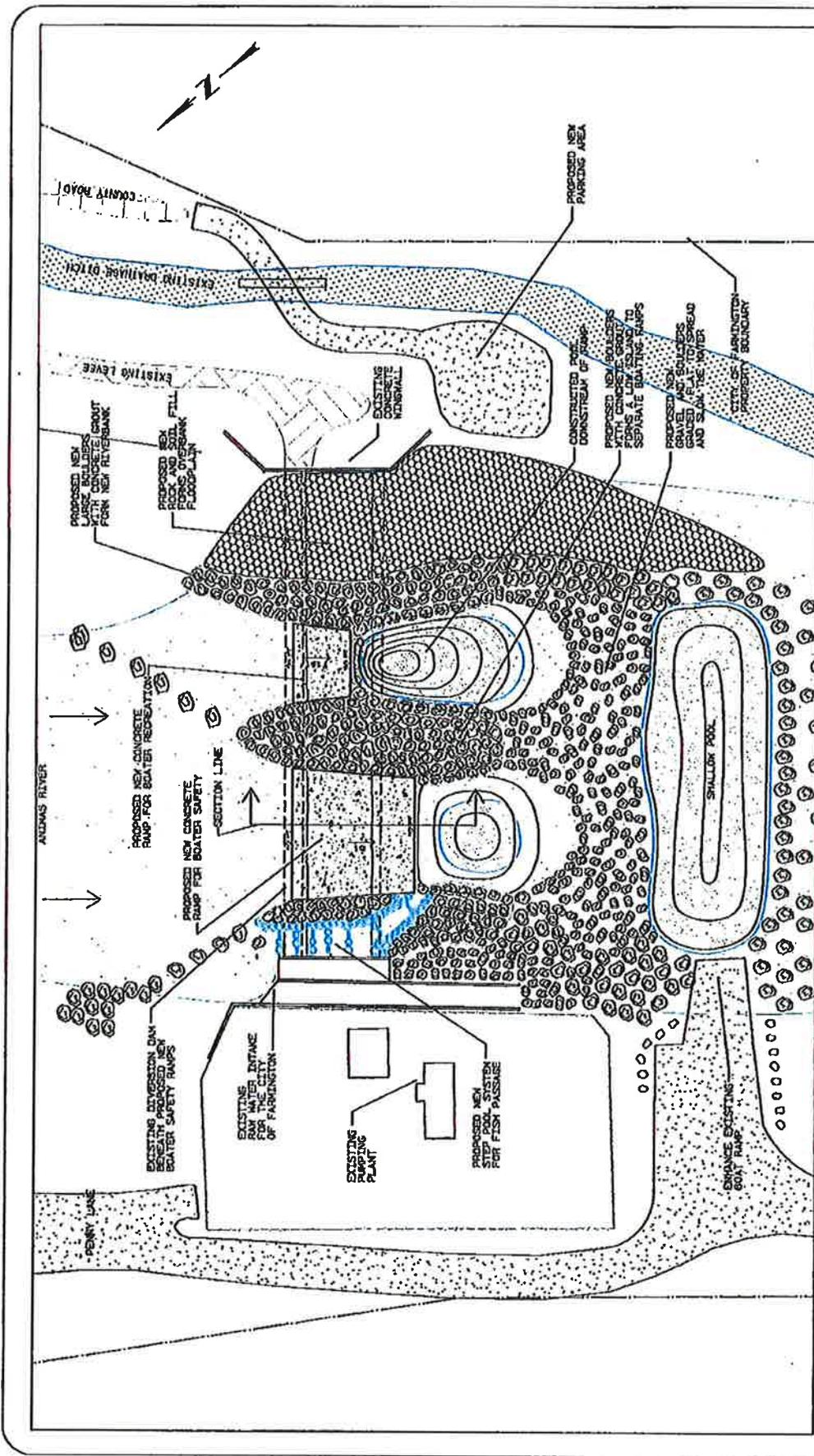
**SAN JUAN COUNTY NEW MEXICO**

San Juan County, New Mexico  
 2000 Phillips St. N. Albuquerque, NM 87107  
 Tel: 505.243.2000 Fax: 505.243.4888 Website: www.sanjuancounty.com

100 Third St., P. O. Box 2272, Pagosa Springs, CO 81429  
 Tel: 970.248.2295 Fax: 970.248.1198 Email: info@riverbend.com

<p><b>City of Farmington, NH Public Works Department</b></p> <p>600 Main Street, Dr. Farmington, NH 07424</p> <p>Tel: 505.222.3062 Fax: 505.222.1112</p>	<p><b>Riverbend Engineering, LLC</b></p> <p>2000 Phillips St. N. Albuquerque, NM 87107          Tel: 505.243.2000 Fax: 505.243.4888 Website: www.riverbend.com</p> <p>100 Third St., P. O. Box 2272, Pagosa Springs, CO 81429          Tel: 970.248.2295 Fax: 970.248.1198 Email: info@riverbend.com</p>	<p>PROJECT LOCATION</p>	<p>Sheet 1 of 5</p>
		<p>PROJECT LOCATION</p>	<p>Sheet 1 of 5</p>

Scale: AS SHOWN 9-28-2015

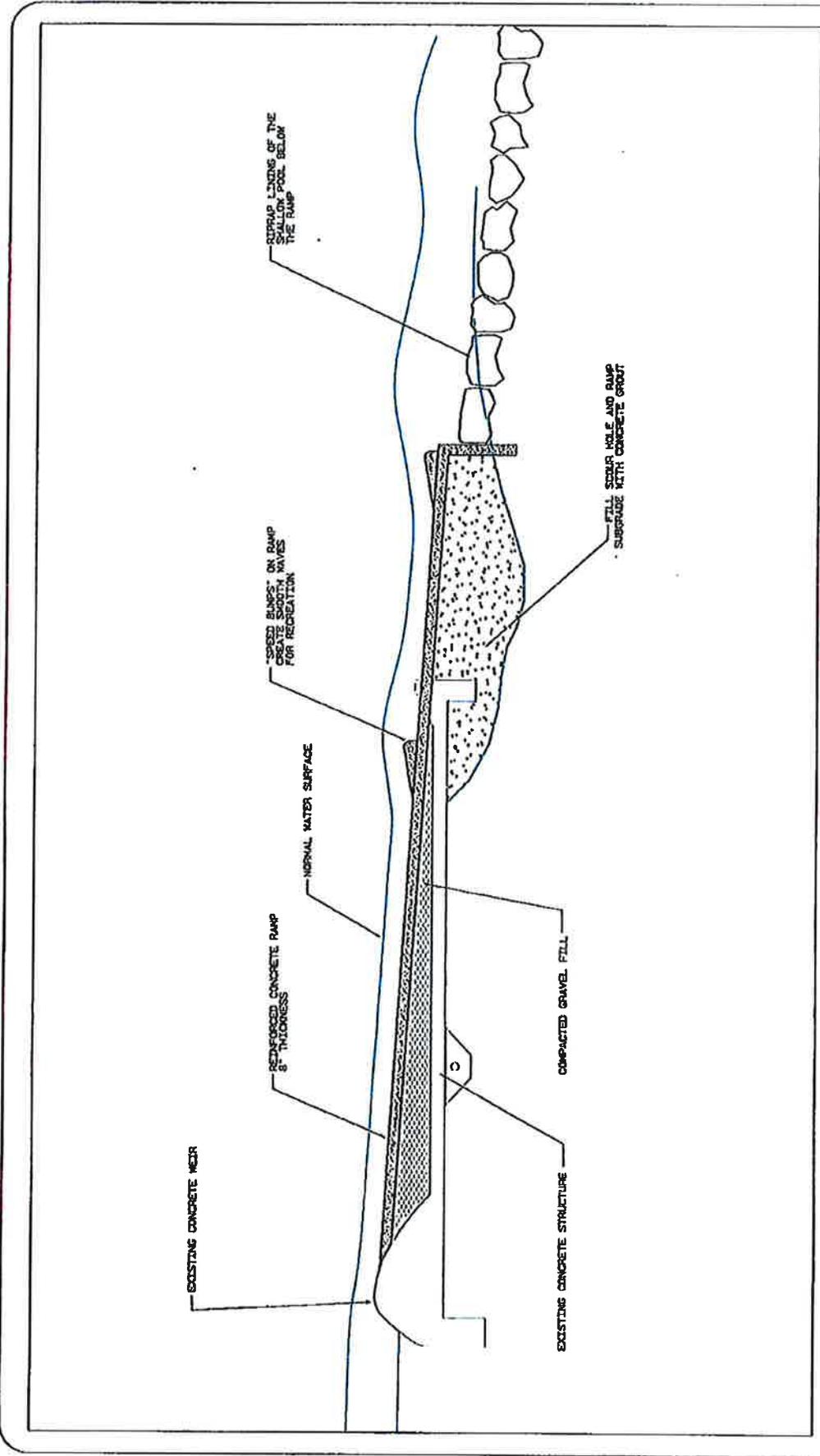


POINT LINE LOW HEAD DAM MODIFICATIONS	SHEET
ADAMS RIVER NEAR FARMINGTON	2
	OF
PROPOSED ACTION	8
Scale: 1" = 20 FT	9-16-2015

**Riverbend Engineering, LLC**  
 5229 Paulding St. IN 47107  
 TEL: 812.344.2228 FAX: 812.344.2229 Website: www.riverbendeng.com  
 102 Third St., P. O. Box 2278, Prosser, IA 51050  
 TEL: 712.724.1125 FAX: 712.724.1126 Email: ccollins@riverbend.com

**City of Farlington, NH  
 Public Works Department**  
 800 Municipal Dr.  
 Farmington, NH 07831  
 TEL: 802.529.1062 FAX: 802.529.1115

<p>0 20 40 80</p>	
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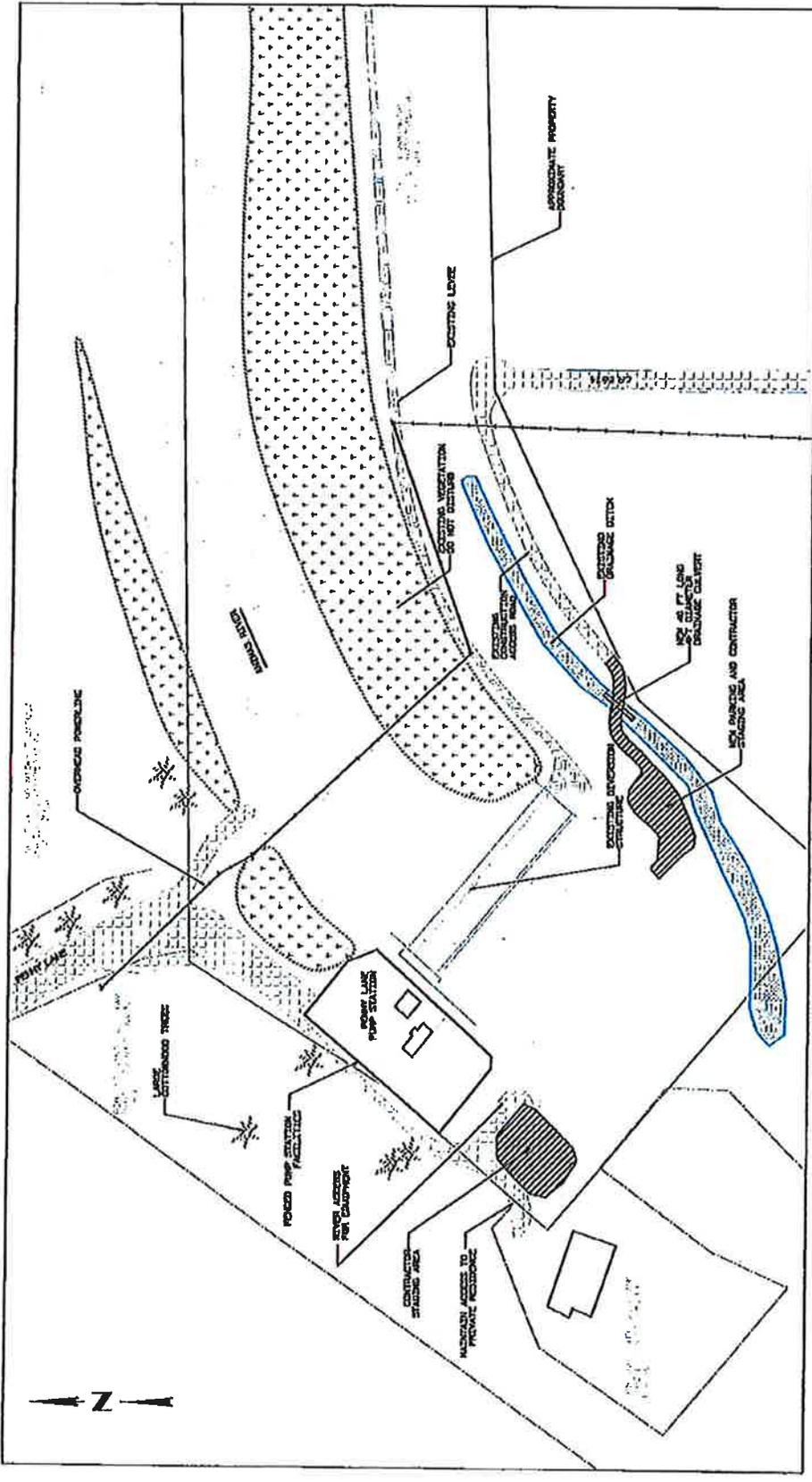


POWY LAKE LOW HEAD DAM IMPROVEMENTS	SHEET
ANDHUS RIVER NEAR FARMINGTON	3
PROPOSED ACTION	OF
SAFETY RAMP	5
PROFILE VIEW	5

**Riverbend Engineering, LLC**  
 5029 Pauline St NE Albuquerque, NM 87107  
 TEL: 505.241.2085 FAX: 505.241.2086 Website: www.riverbend.com  
 2402 Third St., P. O. Box 3070, Prosser, Georgia, GA 31707  
 TEL: 706.264.1188 FAX: 706.264.1186 Email: info@riverbend.com

**City of Farmington, NM  
 Public Works Department**  
 600 Municipal Dr.  
 Farmington, NM 87401  
 TEL: 505.293.2062 FAX: 505.200.1113

Scale: 1" = 30 FT	9-16-2015
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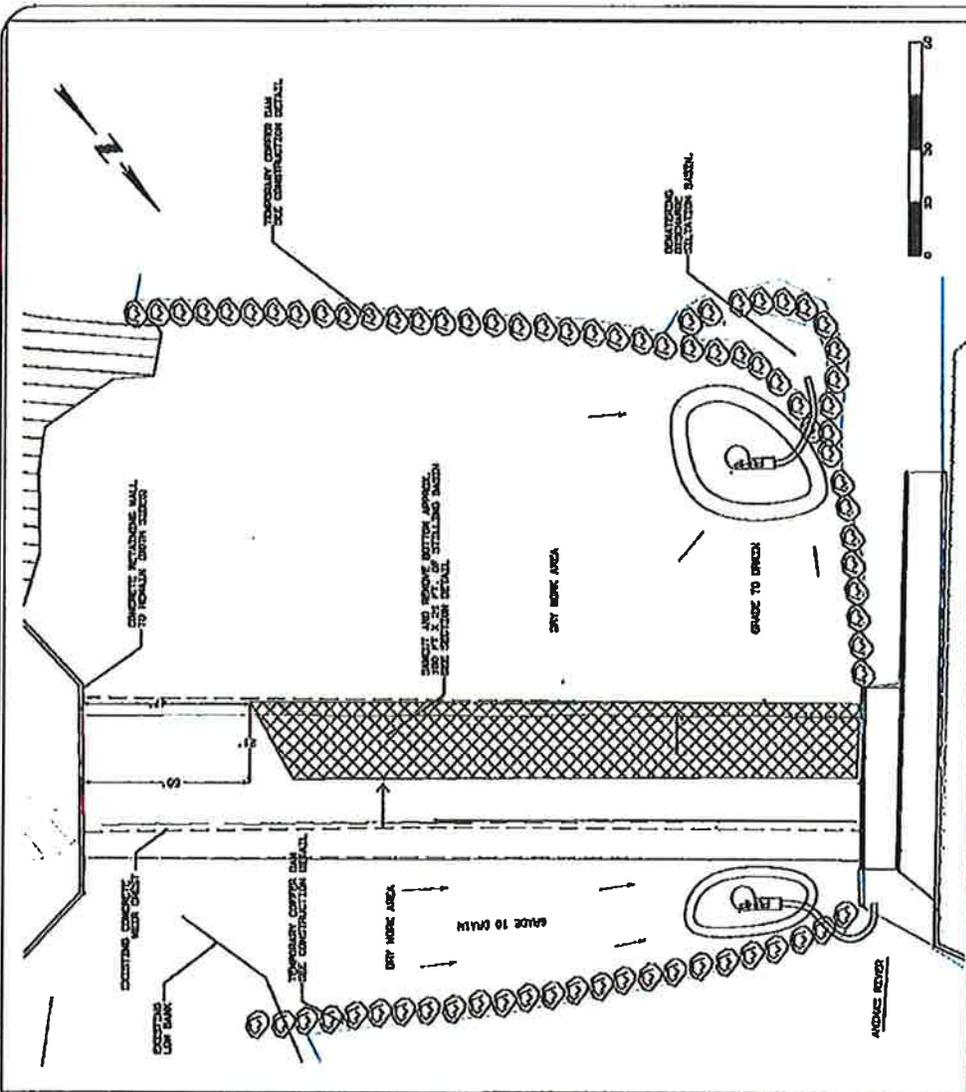


POINT LAKE LOW HEAD DAM MODIFICATION	SHEET
ADDAMS RIVER NEAR FARMINGTON	4
CONTRACTOR STAGING AND ACCESS PLAN	
	OF
	8
Scale: 1" = 50 ft. 9-18-2015	

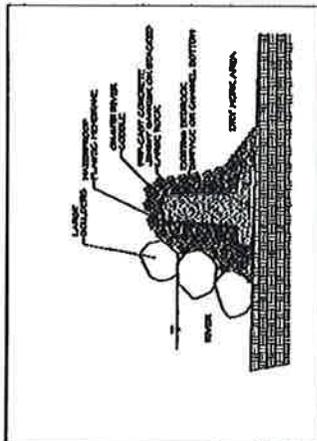
**Riverbend Engineering, LLC**  
 8000 Phillips St. #100 Albany, NY 12212  
 Tel: 518-262-1234 Fax: 518-262-1234 Website: www.riverbendeng.com  
 1402 Third St., P. O. Box 2074, Pagosa Springs, CO 81447  
 Tel: 970-264-1788 Fax: 970-264-1588 Email: info@riverbendeng.com

**City of Farmington, NM  
 Public Works Department**  
 400 Municipal Dr.  
 Farmington, NM 87401  
 Tel: 505-320-1000 Fax: 505-320-1111





DEMATERING AND DEMOLITION  
PLAN VIEW



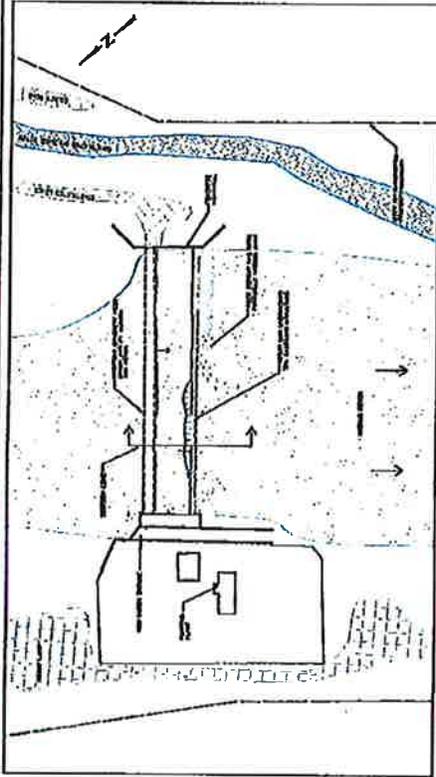
COFFER DAM  
CONSTRUCTION DETAIL



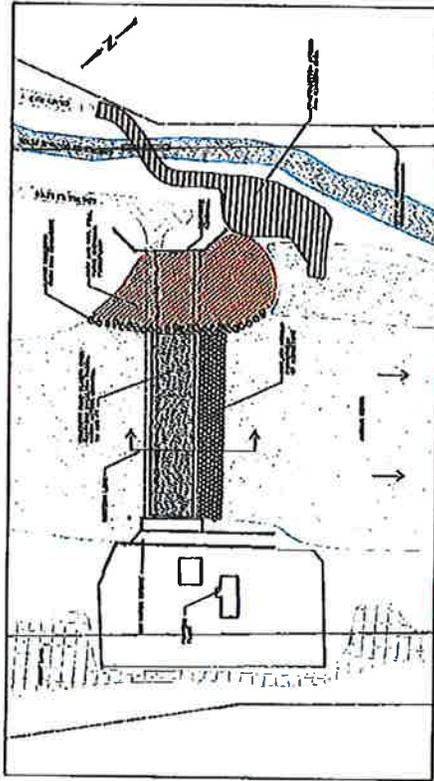
POINT NAME	DEMATERING AND DEMOLITION	SHEET
PROJECT NAME	ANDRASE RIVER NEAR FARMINGTON	5
DATE	DEMATERING & DEMOLITION PLAN	6
SCALE	1" = 25 FT	9-18-0515

Riverbend Engineering, LLC  
 2020 Pauline St NE Albuquerque, NM 87107  
 TEL: 505.344.2339 FAX: 505.344.0888  
 302 Taylor Dr., P. O. Box 2074, Pagosa Springs, CO 81447  
 TEL: 970.264.1170 FAX: 970.264.0888

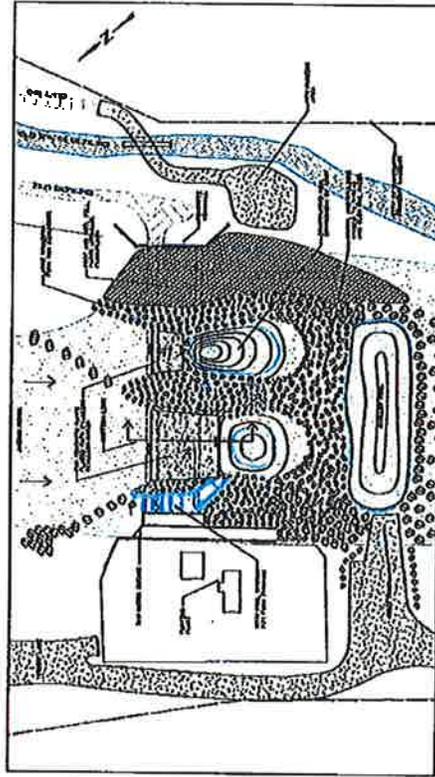
City of Farmington, NM  
 Public Works Department  
 500 Marquette Dr.  
 Farmington, NM 87401  
 TEL: 505.529.1662 FAX: 505.509.1511



ALTERNATIVE 1: NO ACTION



ALTERNATIVE 2: CONSTRUCT A CONCRETE RAMP OVER THE EXISTING DAM



ALTERNATIVE 3: PROPOSED ACTION

PENNY LINE LOW HEAD DAM MODIFICATIONS ANDASIS RIVER NEAR FARMINGTON	Sheet 6 of 6
ALTERNATIVES	
SCALE: 1" = 48 FT 9-29-2015	

**Riverbend Engineering, LLC**  
 3029 Pennington Rd. #100  
 Farmington, NJ 07834  
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 Tel: 908.264.1000 Fax: 908.264.1111

