



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

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**APPLICATION FOR PERMIT
SR 264, Thsohotso Wash**

Public Notice/Application No.: SPL-2017-00304

Project: SR 264, Thsohotso Wash

Comment Period: March 30, 2018 through April 30, 2018

Project Manager: Ann Palaruan; (602) 230-6955; Cynthia.A.Palaruan@usace.army.mil

Applicant

Lynn Johnson
Arizona Department of Transportation
Northeast District
2407 E Navajo Boulevard (H700)
Holbrook, AZ 86024-1828

Contact

Emily Lester
Arizona Department of Transportation
Environmental Planning
1611 W. Jackson Street (MD EM02)
Phoenix, AZ 85007

Location

The proposed project is located at and adjacent to the existing culvert in Thsohotso Wash along State Route (SR) 264, between Mile Post (MP) 472.70 and MP 472.82. The approximate coordinates in decimal degrees where Thsohotso Wash crosses SR 264 is 35.655322 Latitude, -109.104768 Longitude. The proposed project is located within the community of Saint Michaels, approximately 3 miles west of the City of Window Rock, Apache County, Arizona.

Activity

The Arizona Department of Transportation (ADOT) is proposing a maintenance and sediment removal project at and adjacent to the existing culvert in Thsohotso Wash along SR 264, between MP 472.70 and MP 472.82. The project will restore the conveyance capacity of the culvert system and ease the risk of water back-up and flooding during storm events. For more information see Additional Project Information section below and attached drawings.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Ann Palaruan
3636 North Central Avenue Suite 900
Phoenix, AZ 85012-1939

Alternatively, comments can be sent electronically to: Cynthia.A.Palaruan@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality-The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- Not applicable within the State of Arizona.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is transportation. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to maintain the functional integrity of the SR 264 transportation corridor and reduce the potential of water back-up and flooding during storm events.

Additional Project Information

Baseline information- The project is located within the community of Saint Michaels, Apache County, Arizona. Saint Michaels is a small, rural community in northeastern Arizona with surrounding lands managed by the Navajo Nation. The project will occur within ADOT's right-of-way through lands that are privately owned. SR 264 within the project area is an undivided highway with two lanes in each travel direction and one center lane. Land adjacent to SR 264 is somewhat developed with rural residences interspersed with undisturbed land.

The project vicinity is hilly as the project is located at the southern end of Black Creek Valley which divides Defiance Plateau to the east from the Chuska Mountains to the west. Surface waters within the greater project area generally flow in a southeasterly direction toward Black Creek and onto the Puerco River. Thsohotso Wash 1 and the unnamed wash 2 (both ephemeral features), to include the wetland area adjacent to the existing culvert are the 404 jurisdictional areas within the project limits (see attached drawing). The project limits are located at approximately 6,782 feet above mean sea level. Unnamed wash 2 parallels SR 264 to the north and flows east to west, contributing drainage to Thsohotso Wash directly north of the culvert at SR 264. Thsohotso Wash flows in a southeasterly direction and is a tributary to Cienega Creek approximately 0.75 mile downstream of the project area. Thsohotso Wash occurs along a gentle sloping (less than 1%) corridor with heavily vegetated banks. Upstream (north) of SR 264, there is no distinct channel, and downstream (south) there is an incised channel that is approximately 3 feet wide and 6 inches deep. The wash corridor north of SR 264 is generally lacking an overstory and middle story, though a few scattered mature and sapling Goodding's willow (*Salix gooddingii*) trees are present. South of SR 264, a riparian corridor is present along Thsohotso Wash that includes a closed-canopy over story of predominantly Russian olive (*Elaeagnus angustifolia*) with scattered lanceleaf cottonwood (*Populus acuminata*) and Goodding's willow trees. A middle story or shrub stratum is generally lacking along the corridor south of SR 264, though occasional saplings of the same tree species comprising the canopy are present.

Project description- ADOT is planning a maintenance and sediment removal project along SR 264 at and adjacent to the existing culvert crossing in Thsohotso Wash. The condition of the existing culvert is four, eight-foot diameter Corrugated Metal Pipes (CMPs) that are functioning at only 25 percent conveyance capacity due to sediment accumulation within and downstream of the CMP. The project proposes to remove approximately 4.3 feet of silt from the within the culvert to the pipe inverts, and remove sediment within the wash channel south (downstream) of SR 264 to the drainage easement boundary. Grading within the wash channel from the pipe invert to the drainage easement line would be tapered to promote positive flow through the project limits and avoid ponding or retention of flows in the project limits. Sediment removal would be done with a loader or backhoe, and excavated material would be loaded into dump trucks and hauled off site. Mostly herbaceous wetland vegetation would be removed with the grading activities but some trees may also require removal.

The project would also repair and install riprap in a runoff channel located south of SR 264 and east of Mission Road. Currently stormwater runoff from SR 264 and adjacent paved surfaces drain down the

embankment to Thsohotso Wash. Characteristics of a 404 ordinary high water mark were not observed in this channel thus this drainage was not considered waters of the US in the preliminary jurisdictional delineation that was completed for this project.

In order to remove the sediment from Thsohotso Wash and repair the contributing runoff channel, ADOT is proposing to clear trees and vegetation to create a 15-foot wide temporary two-track access road. The access road would be located east of the culvert and would parallel SR 264 to the south. The majority of the tree removal activities for the project would be for the access road. Through the entire project native riparian trees would be avoided to the maximum extent practicable. Trees that are anticipated to be removed are primarily non-native Russian olive (*Elaeagnus angustifolia*) and a few mesquite (*Prosopis* sp.). Furthermore, the ADOT Northeast District Environmental Coordinator will be onsite during all vegetation removal to ensure vegetation removal is kept to a minimum and desirable species are retained to the greatest extent possible.

After project activities are complete, the access road would be returned to pre-maintenance contours and would remain natural ground surface providing opportunity for vegetation to re-establish. Additionally, all graded areas south of SR 264 within Thsohotso Wash would also remain natural ground surface, and are anticipated to readily revegetate species of similar composition and densities as are currently present.

A total of 0.331 acre of waters of the US would be impacted involving 0.207 acre of permanent impacts in Thsohotso Wash and the wetland area due to grading and vegetation removal in the downstream channel to provide a positive flow throughout the project limits; and 0.124 acre of temporary impacts due to sediment being removed from within the existing culvert at Thsohotso Wash where no vegetation is present.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: To restore the conveyance capacity of the existing culvert system, ease the risk of water back-up and flooding during storm events, and maintain the functional integrity of the SR 264 transportation corridor, the aforementioned activities would be accomplished. Because the excess sedimentation is within the 404 ordinary high water mark, the jurisdictional limits of Thsohotso Wash and the wetland area cannot be avoided.

Minimization: The project would minimize impacts to waters of the US by restricting all project activities to the south side of SR 264. Therefore, no impacts would occur in unnamed wash 2 as a result of this project. All permanently impacted areas would remain natural ground surface after the project is complete and herbaceous species impacted by the project are anticipated to reestablish in similar densities and composition as are currently present. Tree removal within waters of the US would be limited to non-native species and the ADOT Northeast District Environmental Coordinator will be present to monitor all tree removal activities to ensure native species are avoided to the maximum extent practicable. Furthermore, the project would occur during the dry season when no surface water is present, thereby reducing impacts to soil and vegetation in areas used for access. Finally, all staging activities would occur outside of waters of the US on the south side of SR 264, and removed sediments would be hauled off-site and deposited at a waste location that is outside of waters of the US.

Compensation: The applicant proposes compensatory mitigation for unavoidable impacts to waters of the U.S. The compensatory mitigation will be developed based on the 404 permit analysis.

Proposed Special Conditions: Special Conditions have not yet been developed and will be based on the 404 permit analysis.

For additional information please call Ann Palaruan of my staff at 602-230-6955 or via e-mail at Cynthia.A.Palaruan@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
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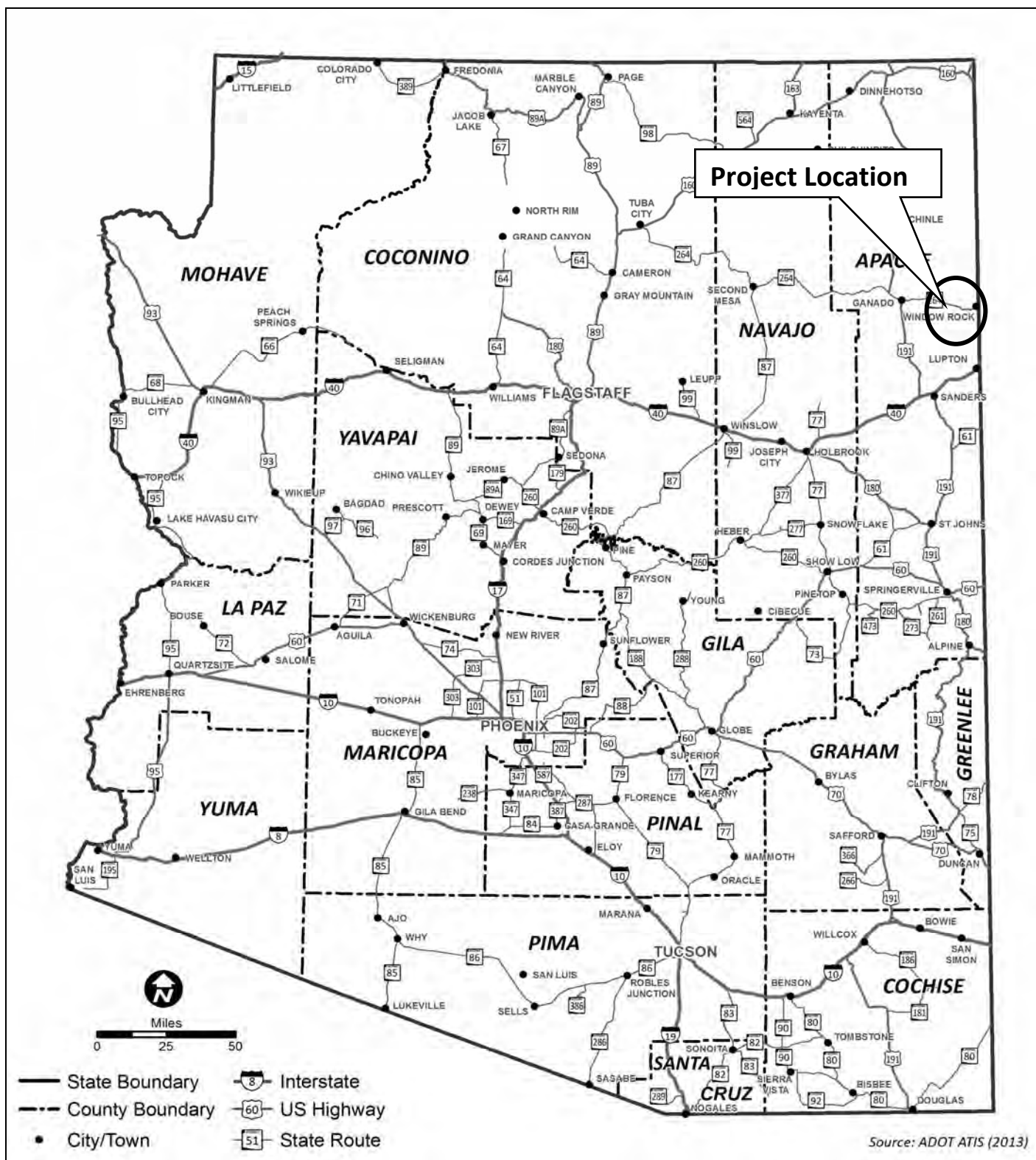


Figure 1. State Location Map

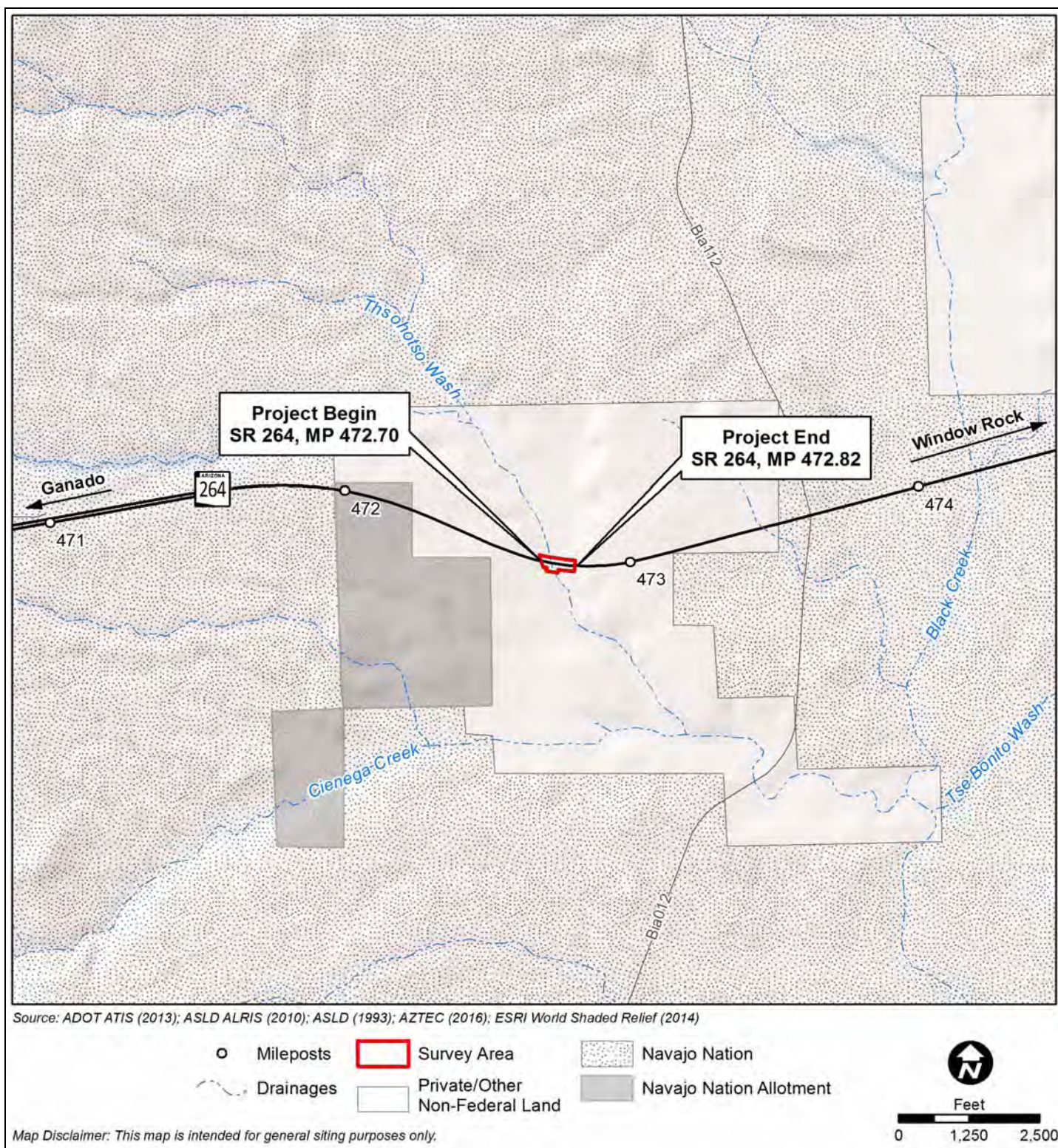


Figure 2. Project Vicinity Map

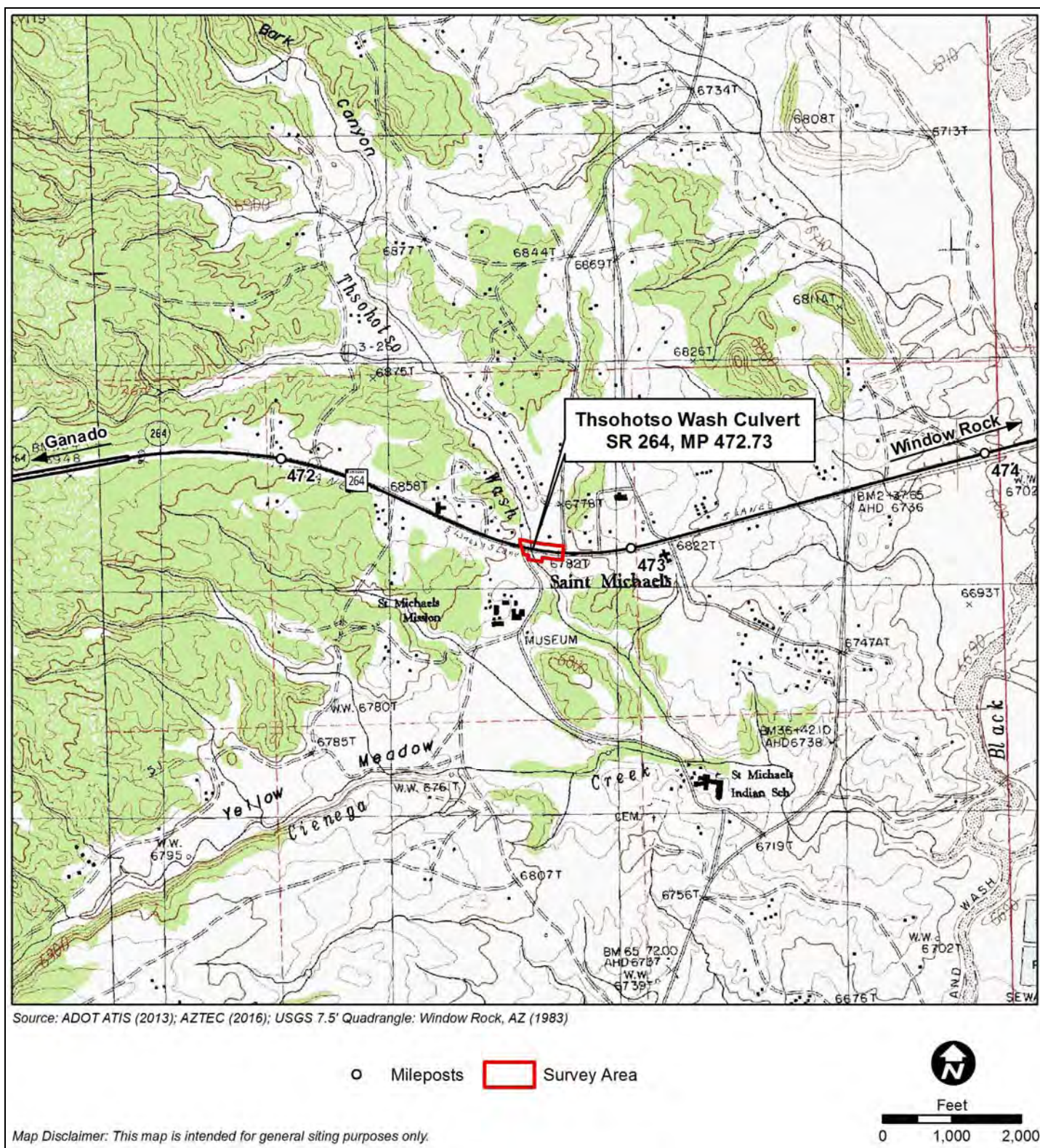
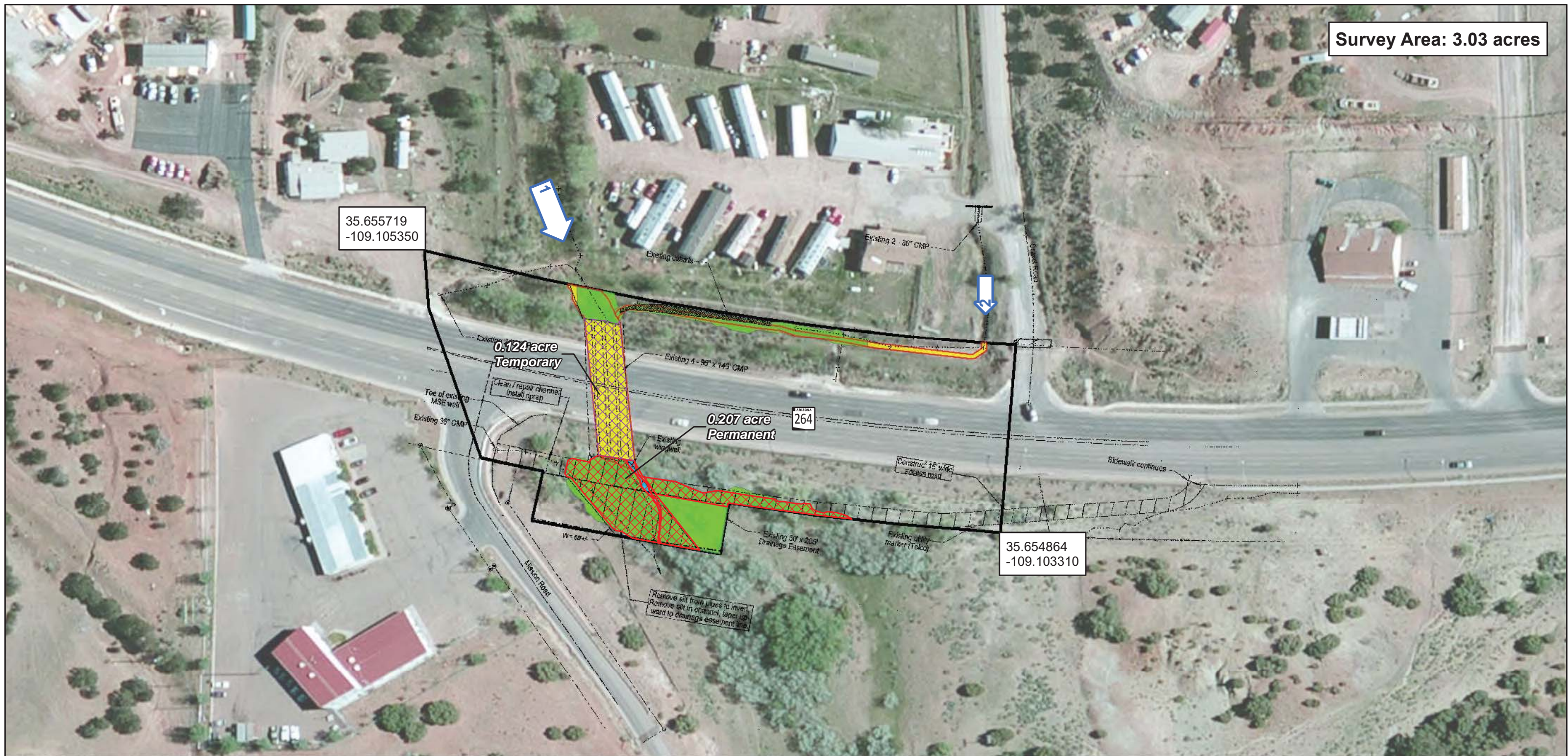


Figure 3. Survey Area Topographic Map



Sources: ADOT ATIS (2013), ADOT Northeast District (2015); AZTEC (2017); ESRI World Imagery (Accessed 2017). Corresponding USGS 7.5' Quadrangle: Window Rock, AZ (1983).

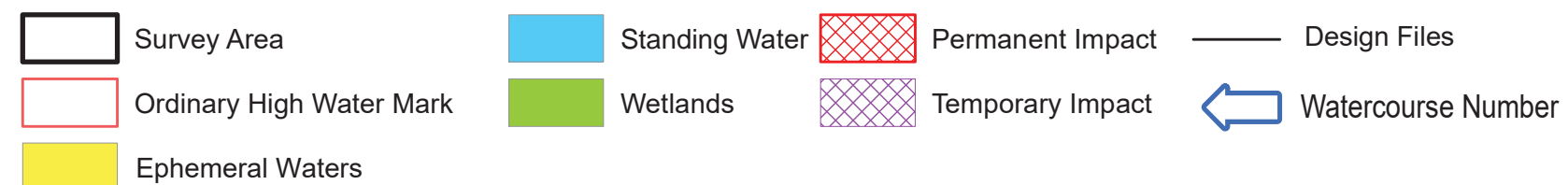
IMPACTS TO WATERS OF THE US

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SR 264, Thsohotso Wash

Corps File Number: SPL-2017-00304

Print Date: June 2, 2017, Jessica Rybczynski, AZTEC



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