



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT
Cascada Master Planned Community**

Public Notice/Application No.: SPL-2004-00459-KAT

Project: Cascada Master Planned Community

Comment Period: August 24, 2016 to September 22, 2016

Project Manager: Kathleen Tucker; 602-230-6956; Kathleen.A.Tucker@usace.army.mil

Applicant

Mr. Larry Kries
Red Point Development, Inc.
8710 N. Thornydale Rd
Tucson, AZ 85742
520-408-2300

Contact

Mr. Russell Waldron
SWCA Environmental Consultants
343 W. Franklin St
Tucson, AZ 85701
520-325-9194

Location

The project is located east of Interstate 10 and north of Twin Peaks Road within the Town of Marana, Pima, AZ (32.395460°N, -111.110283°W). Cadastral location is Sections 9-11, 15 and 22 in Township 12S and Range 12E.

Activity

To develop 794 acres out of 1405.7 acres as a mixed-use, master-planned development. This development was previously permitted but since then the project area has increased from 1,176.7 acres to 1406.7 acres we are reevaluating and updating the permit which will be extended. Although the project area increased the impacts to waters of the U.S. (waters) have remained the same (see attached drawings). For more information see Additional Information section below.

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 drawing(s). 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: Kathleen Tucker
3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

Alternatively, comments can be sent electronically to: Kathleen.A.Tucker@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 has obtained water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality, which will be updated with the extension of this existing permit. 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.

Cultural Resources- Formal consultation under Section 106 of the National Historic Preservation Act was completed for the previous permit applications between the Corps, State Historic Preservation Office and appropriate Native American Tribes regarding the projects effects on cultural resources. The Historic Preservation Treatment Plan dated November 11, 2016 is still being implemented. The Corps will ensure that all requirements are met and that any additional requirements are identified and executed.

Endangered Species- Preliminary determinations indicate the proposed activity may have an affect federally-listed endangered or threatened species, or their critical habitat. Therefore, informal consultation under Section 7 of the Endangered Species Act is being conducted 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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is to construct a master planned community with residential and commercial. 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 is to provide a mixed-use, master planned development in the northwest Tucson metropolitan area (Marana, Oro Valley, Avra Valley, Tucson, and unincorporated areas of Pima County), north of Ina Road, east of the Tucson Mountains, and west of the Catalina Mountains.

Additional Project Information

Baseline information- The Applicant is proposing to modify the Cascada project design subsequent to three U.S Army Corps of Engineers' (Corps') public notices that were issued on April 26, 2006, February 27, 2007, and December 17, 2012. The Cascada project was permitted in 2008 (Corps File No. SPL-2004-00459-KAT) based on the 2007 Public Notice, but due to changing economic and local regulatory conditions, the Applicant redesigned the project to ensure its economic practicability. The Public Notice in 2012 resulted in comments from the U.S. Environmental Protection Agency (EPA)

regarding the newly proposed Least Environmentally Damaging Practicable Alternative (LEDPA), which had significantly greater impacts than previously (35.6 acres, compared with 28.1 acres), and thus the permit was not modified at that time. However, the existing permit was extended as issued, from its 5-year expiration date in early 2013 to early 2016. The existing permit has been extended to allow for reevaluation of the modification. The jurisdictional determination, originally issued in 2004, renewed in 2012, and verified by the Corps in 2015, contains heavily braided (i.e., multiple channeled) drainages and does not include individual wash IDs. Therefore, impacts to waters were and are again categorized by development blocks.

The modifications to the project as currently permitted are as follows:

- Addition and subtraction of parcels netting an increase of 230 acres (1,176.7 acres in current permit to 1,406.7 acres today) of the project area;
- An increase of total waters on the project area from 51.1 acres to 58.35 acres; and a resulting increase of waters protection (i.e., avoided) from 23.0 to 33.5 acres;
- Changes to Cascada North Specific Plan, the portion of the project area largely north of Lambert Lane, to remove the economically impracticable large lot layout;
- Changes of the plan rejected in 2012 to reduce permanent impacts to waters, from 35.6 acres to 28.1, achieving the same overall loss of waters as currently permitted (i.e., 28.1 acres of direct and indirect impacts). This was accomplished primarily through lot layout consolidation and rearrangement, as well as the addition of drainage corridors that would reduce off-site indirect permanent impacts by maintaining downstream stormwater flow (i.e., functions and processes) connections.
- Expand and consolidate a regional wildlife corridor by preserving a large portion of the of the project area as a result of years of planning and negotiation between the Town of Marana, the Applicant, and the Coalition for Sonoran Desert Protection.

Project description-The nature of the activity has not changed from the current permit, with the exception of an increase in size of the property (16%) and other changes that essentially move impacts based on the development blocks modifications.

Key features of modified development area are detailed below:

- Gross area of approximately 1,405.7 acres
- Development area of approximately 794 acres (53.3% of gross area) consisting of residential, commercial, and road/utility/municipal infrastructure
- 3,994 residential units
 - 1,568 medium density lots
 - 841 medium-high density auto court lots
 - 973 medium-high density alley court lots
 - 612 high density lots
- 517.6 acres of Natural Undisturbed Open Space (NUOS), 188.2 acres of which would support connectivity for a regional wildlife corridor
- 94 acres of Enhanced Open Space, consisting of enhanced drainage corridors
- 28.1 acres of permanent impacts to waters (25.9 acres direct and 2.2 acres indirect) to accommodate new roadways, building pads, and utilities). The project would avoid 33.5 acres of waters within the project area and temporarily impact a total of 1.5 acres of waters.

- 0.18 acre of temporary impacts from road and utility crossing related construction and 1.32 acres of temporary impacts to the downstream segments of the open space drainage ways.

Up to 10 road crossings of waters would require reinforced concrete box culverts of varying sizes. All crossings would be 50-foot easements granted to the public and used for below-grade construction of utilities such as water, electricity, gas, telephone, and possibly sewer.

Open space areas are to be enhanced with plantings of native trees and shrubs to improve their habitat value; no waters would be impacted in these areas, except for planned road, trail, or utility crossings (i.e. temporary impacts). Side slopes of these open space drainage areas would be reinforced, where necessary, with soil cement, gunite, or some other method to prevent lateral erosion into developed area.

The interceptor and collector channels would collect stormwater and convey it to the nearest enhanced open space drainage ways. The open space drainage ways would convey the stormwater flows downstream through the project area to retention/detention structures, which would meter stormwater flows into the Santa Cruz River via the existing culverts beneath the Union Pacific Railroad (UPRR) tracks and I-10. Prior to discharge of stormwater to the retention/detention basins, the water would flow through 400-foot transition zones at the downstream end of four of the enhanced open space drainage ways. The transition zones would act to control sediment discharge to the retention/detention areas, though surface water flows would remain generally unchanged. Regular maintenance to these areas would be required after construction in order to remove excess sediment.

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: Proposed discharges into waters have been designed to be the least amount necessary to construct the project, and protective measures would be taken during construction to avoid impacts to waters. Considering the heavily braided and distributed nature of ephemeral washes on-site, the Applicant has completed several iterations of redesigns over several years to avoid impacts. The project has been designed to avoid 33.5 of 58.35 acres (57.4% of total) of waters on-site and will avoid 2.2 acres of 4.7 acres (46.8%) of off-site waters.

A significant component to avoidance involves conserving undisturbed open space. The Applicant has designed the project such that approximately 36.8% (517.6 acres) of the entire project area would be left as NUOS, which includes creating a wildlife corridor along the north side of the project between the project and the adjacent Arizona State Land Department State Trust lands. There are no other uses permitted in all areas designated as NUOS, and there would be no impacts to waters within the NUOS.

Minimization: Planning efforts included consideration of whether some impacts to waters could be minimized by constructing all crossings of jurisdictional waters above the Ordinary High Water Mark (OHWM), so that no discharge of fill occurred in waters at these crossings. The Applicant determined that such a design was not economically feasible. All road and utility crossings would be completed with minimal temporary disturbance needed, and could include some road crossings that would utilize concrete arches to minimize impacts.

The project would also include 94 acres (6.7% of project area) of Enhanced Open Space (Open Space Drainage [OSD]) where existing vegetation would be retained and augmented with native plantings along waters within the areas.

Flows that originate from outside and upstream of the project area would be allowed to connect to downstream tributaries through proposed drainage corridors and detention basins, thereby minimizing indirect impacts to downstream hydrology.

Compensation: There are no wetlands, or perennial or intermittent streams onsite. The drainages onsite all are ephemeral in nature and there are no special or unique characteristics of the xeroriparian areas that will be unavoidably impacted by project activities. Waters on the site support xeroriparian habitat of varying quality; the larger drainages and resulting denser vegetation and higher quality wildlife habitat occurs in the northern portion of the project area and has been largely avoided. The vegetation communities associated with the type of habitat that will be directly impacted are similar to those in the surrounding upland areas. There are 2.2 acres of indirect impacts to habitat functions and processes of drainages downstream of the project site from surface water diversions as mentioned above. The Corps will evaluate the impacts and habitat to determine the ratio to the appropriate in lieu fee sponsor.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects: Currently being reviewed and developed.

For additional information please call Kathleen Tucker of my staff at 602-230-6956 or via e-mail at Kathleen.A.Tucker@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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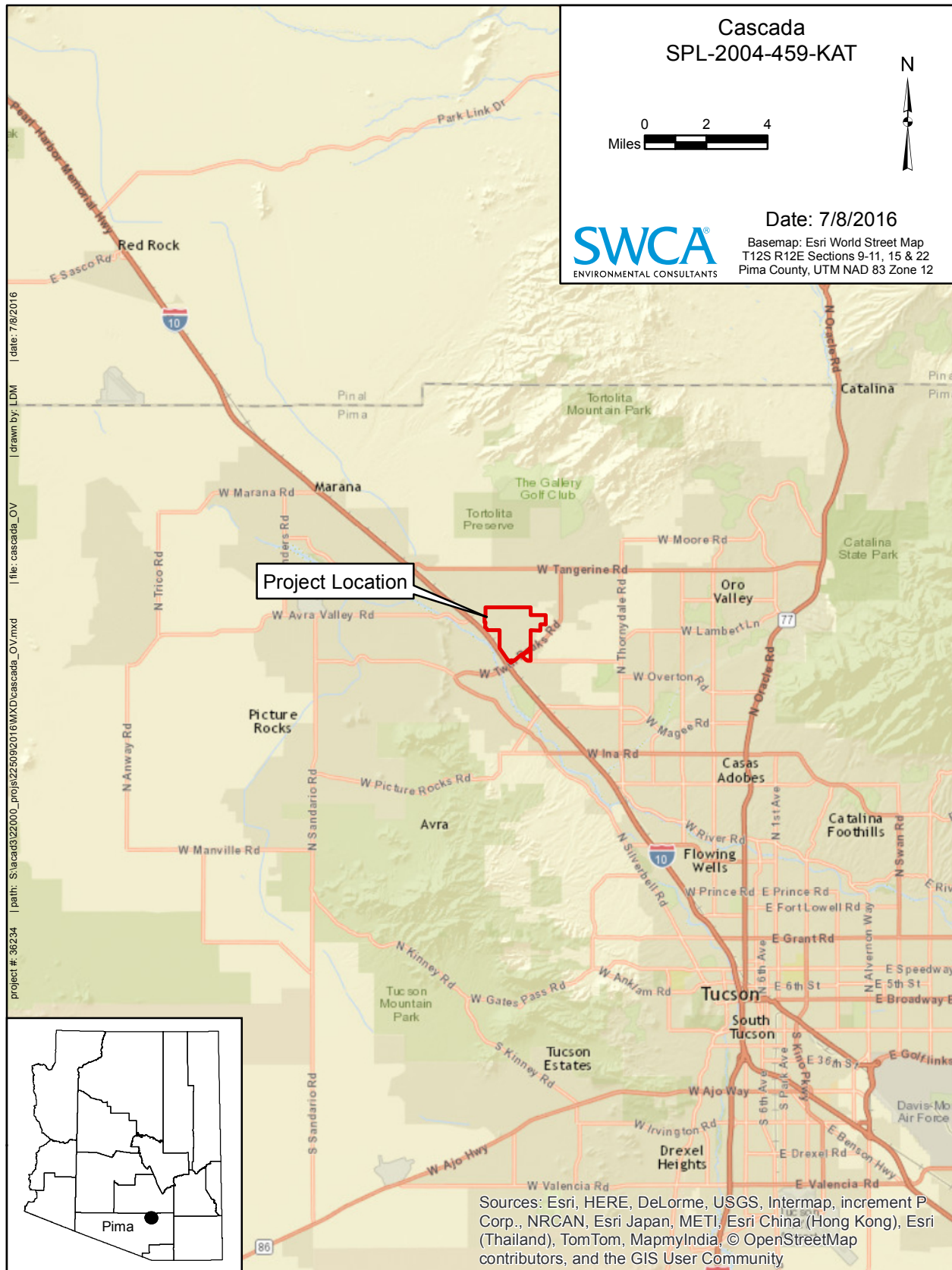


Figure 1.

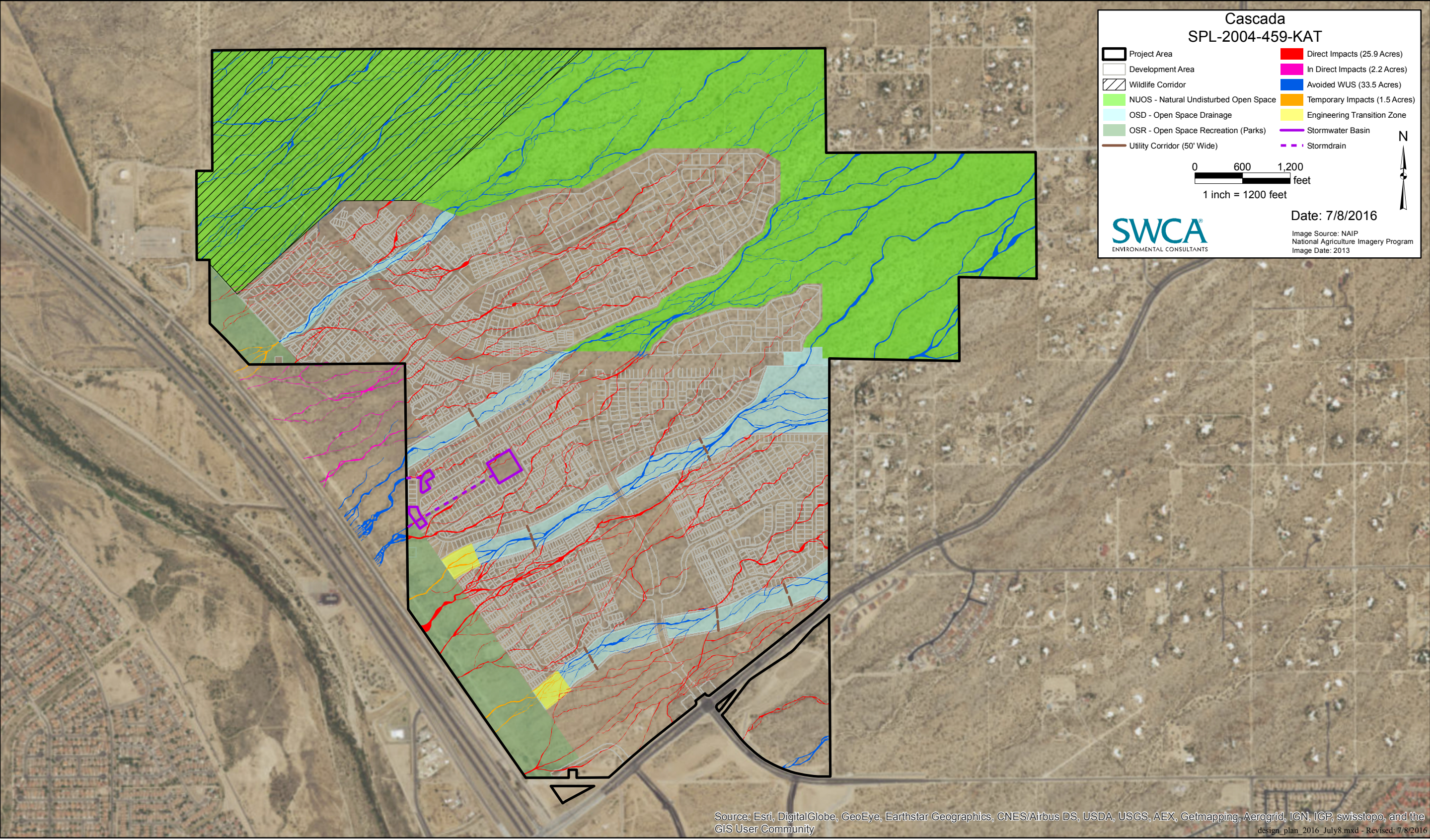
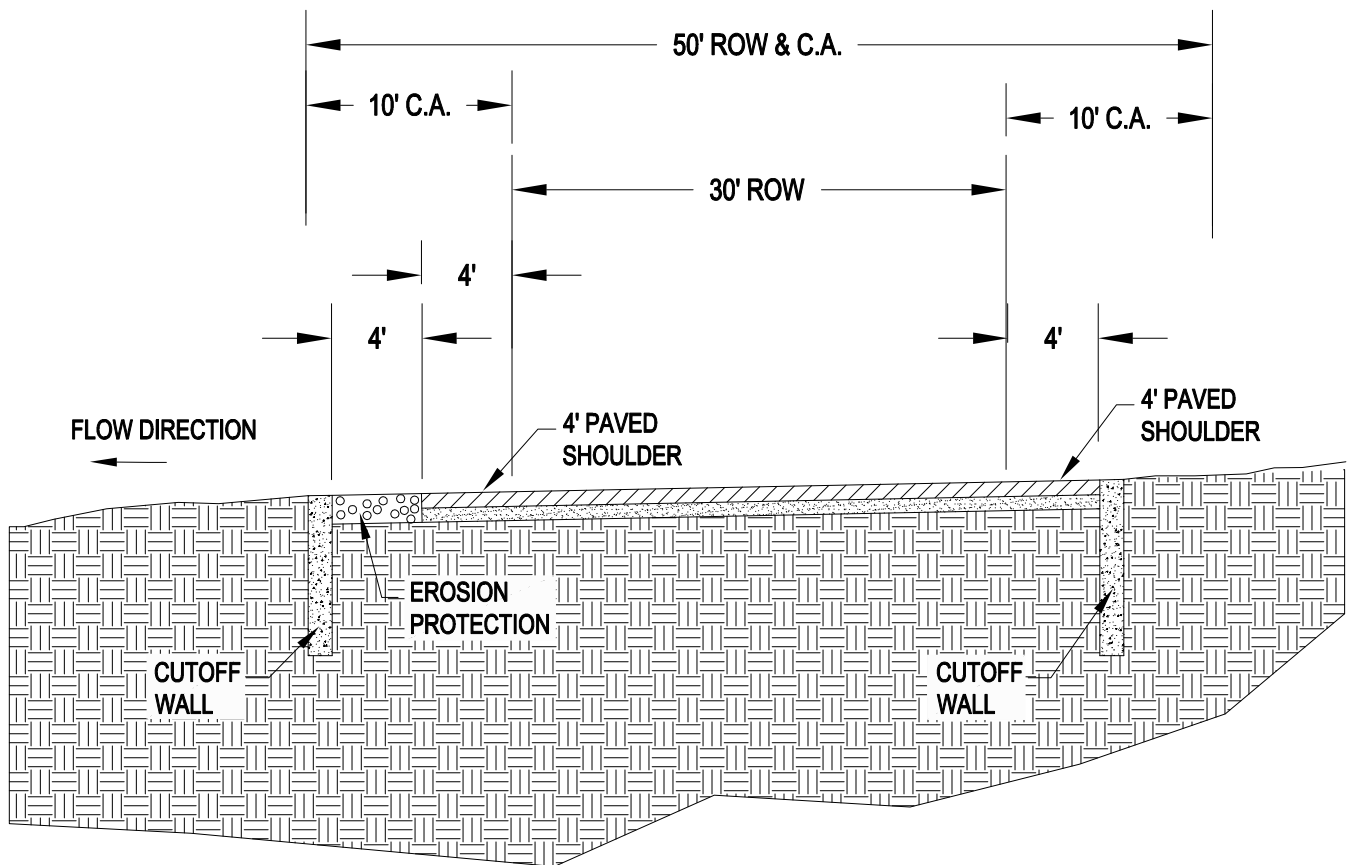


Figure 2.

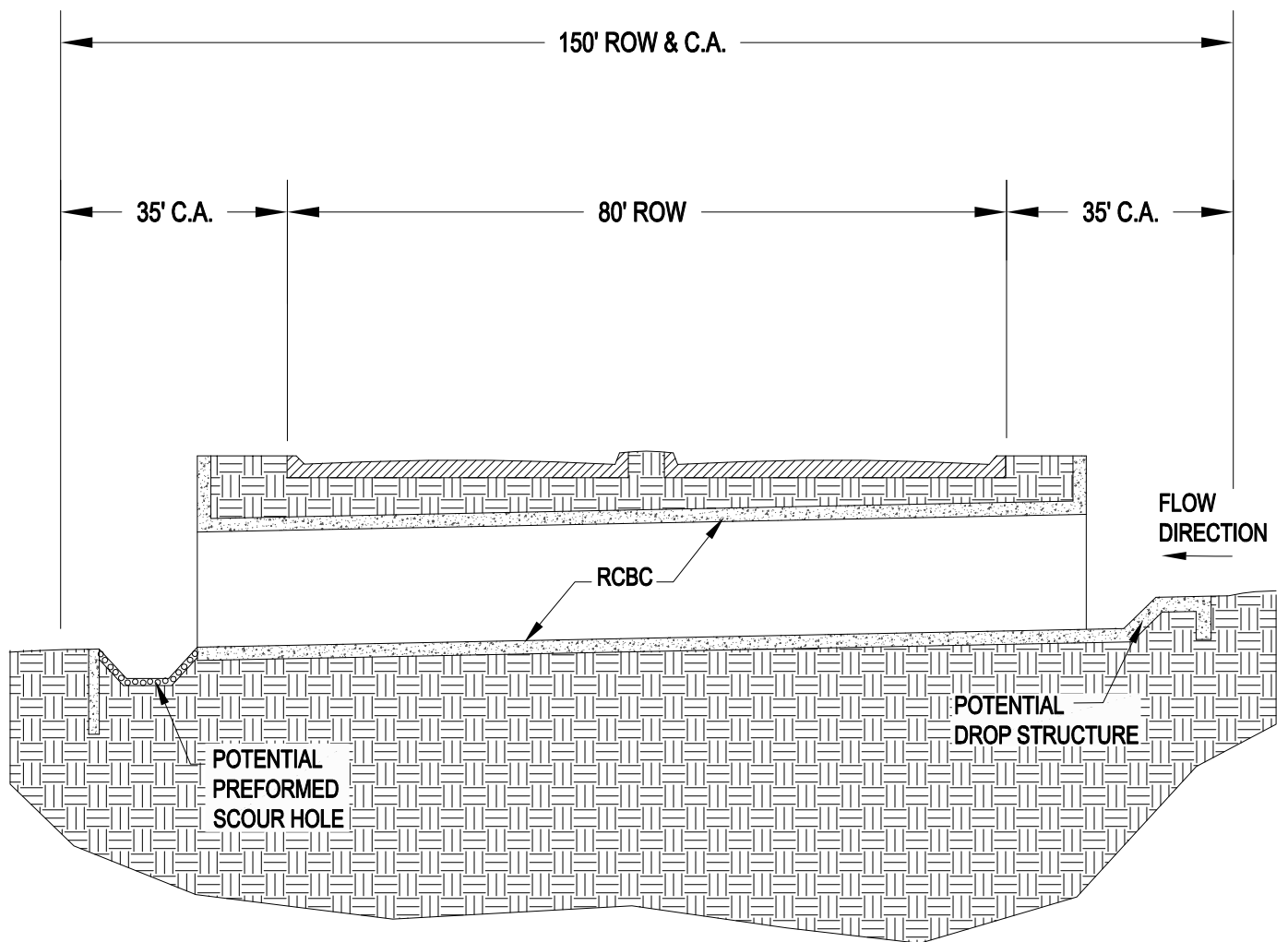


RED POINT DEVELOPMENT CASCADA

ACOE File No. SPL-2004-459-KAT

Typical Roadway / Drainageway Crossing
North of Lambert

Figure 4



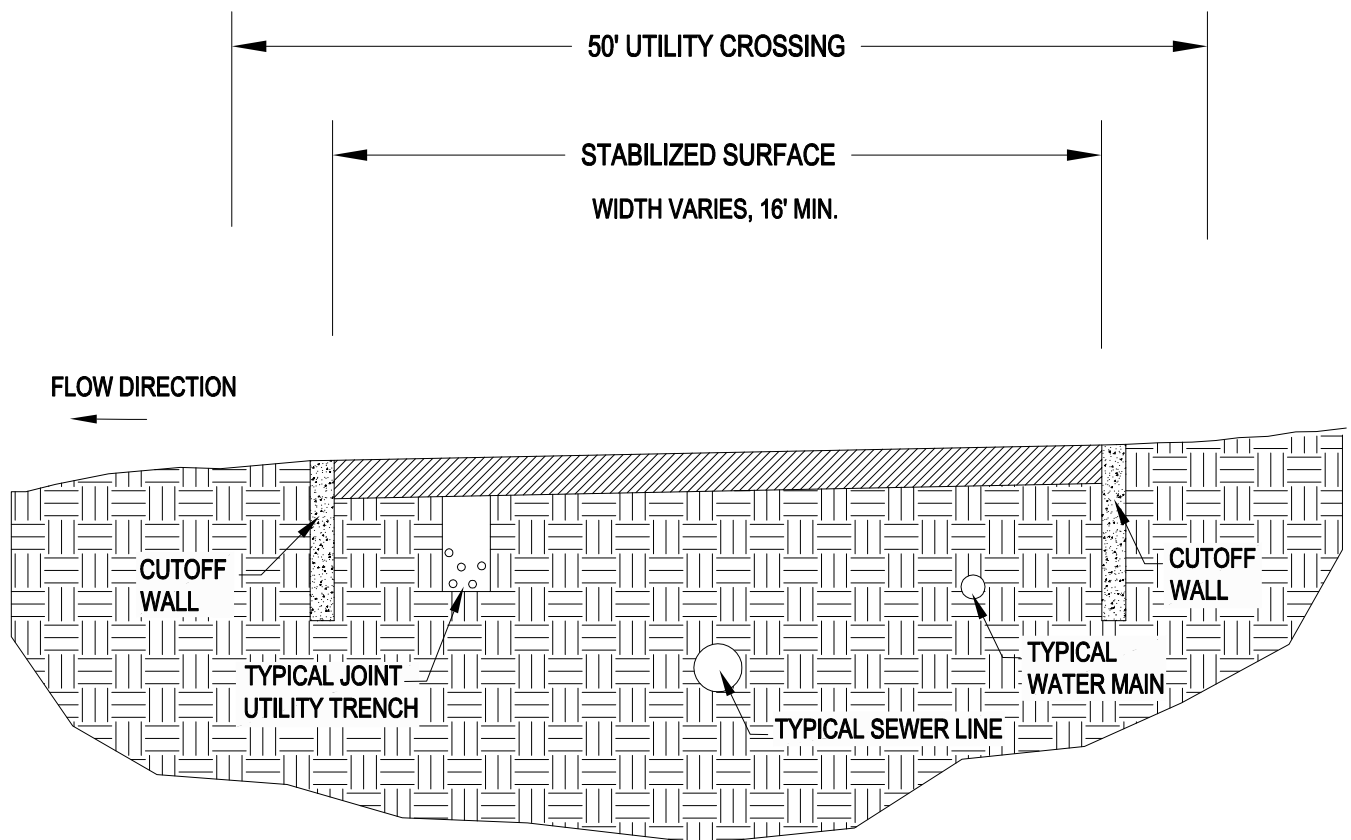
RED POINT DEVELOPMENT CASCADA

ACOE File No. SPL-2004-459-KAT

Typical Roadway / Drainageway Crossing
South of Lambert

Figure 5

Date: 7/8/2016



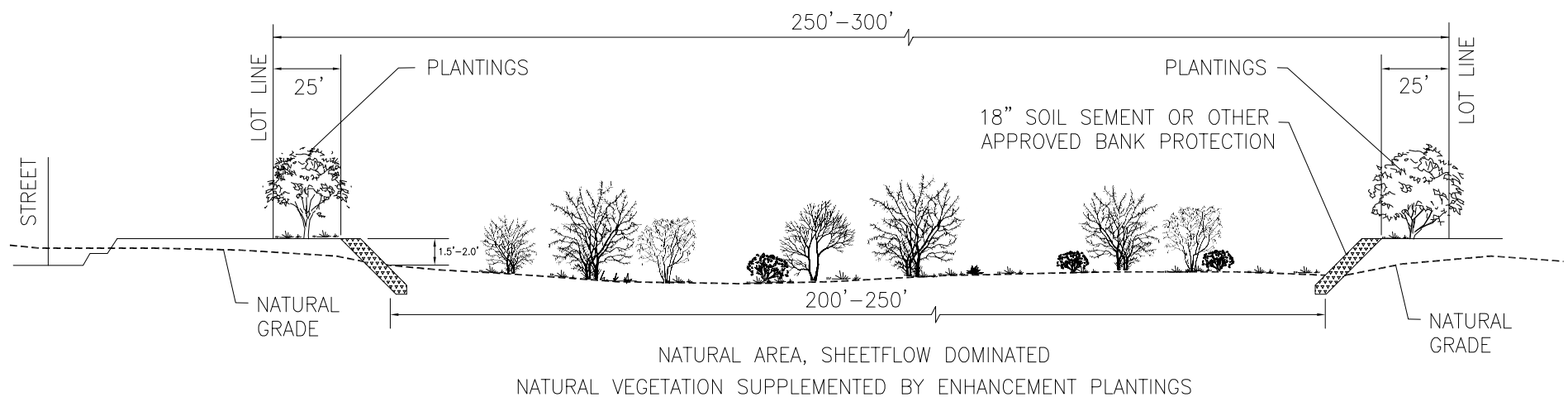
RED POINT DEVELOPMENT CASCADA

ACOE File No. SPL-2004-459-KAT

Typical 50' Utility / Drainageway Crossing

Figure 6

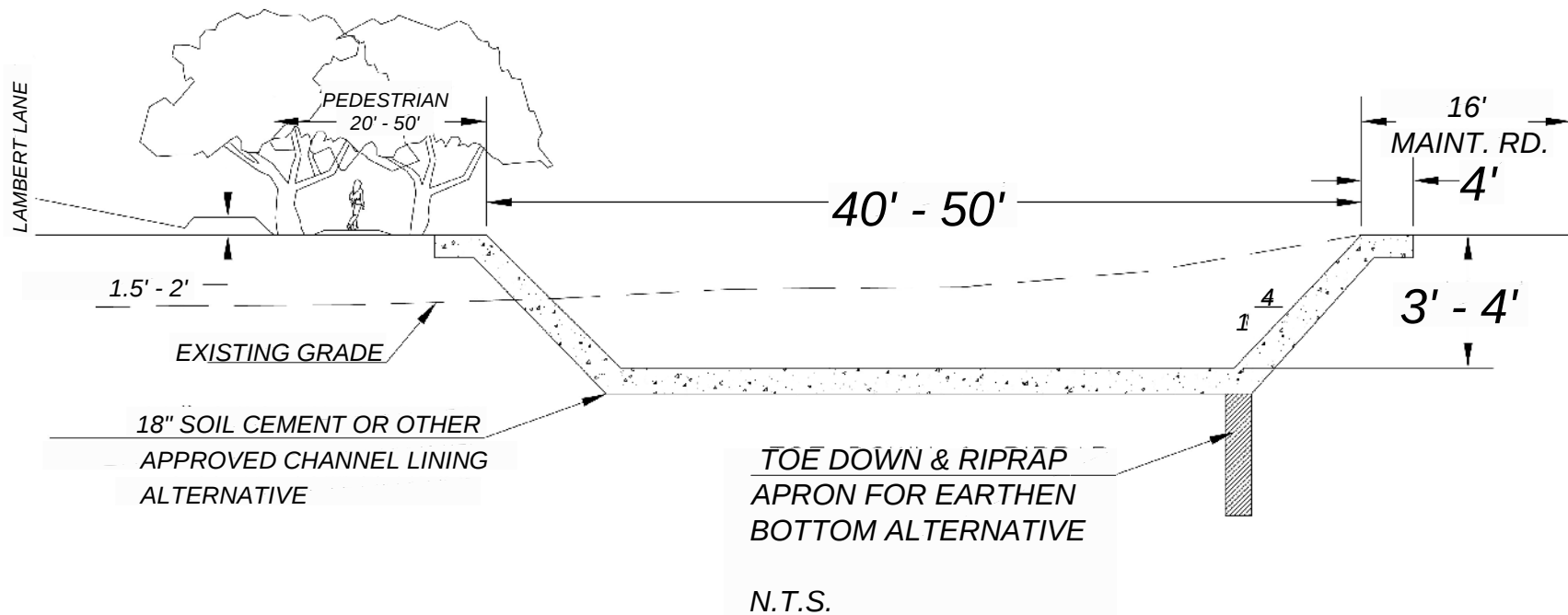
Date: 7/8/2016



TYPICAL WASH CROSS SECTION
N.T.S.

RED POINT DEVELOPMENT
CASCADA
ACOE File No. SPL-2004-459-KAT

Typical Enhanced Drainageway Cross Section
Figure 7

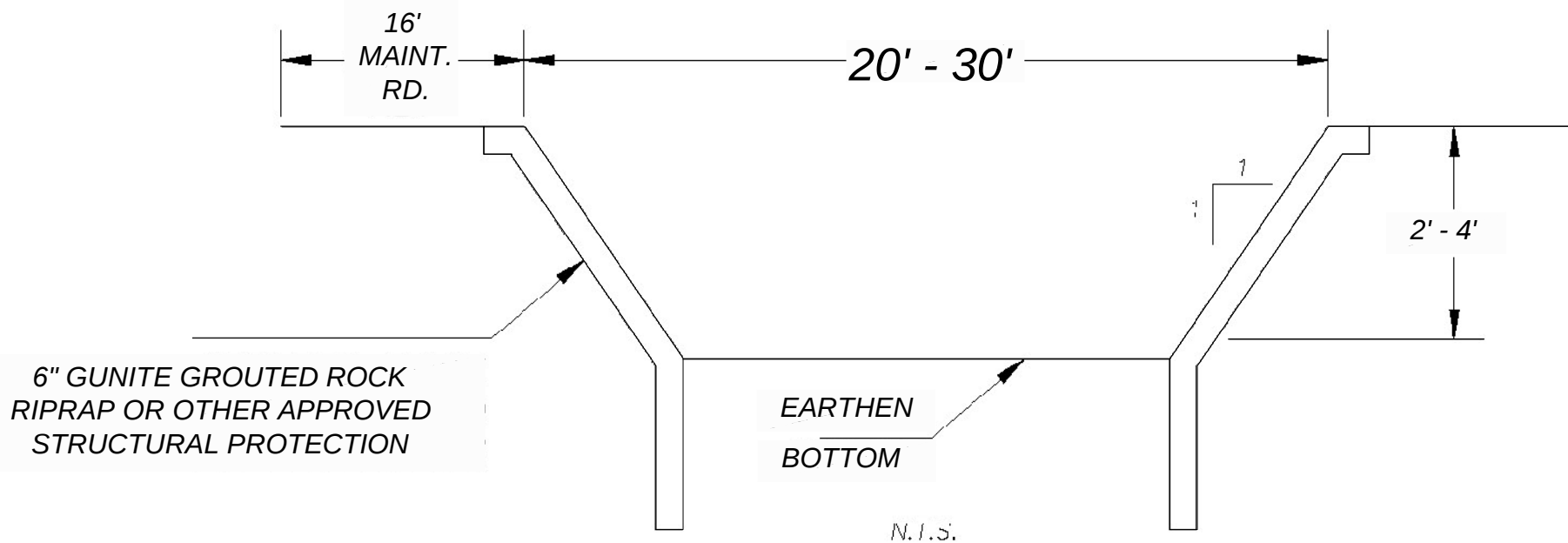


RED POINT DEVELOPMENT CASCADA

ACOE File No. SPL-2004-459-KAT

Interceptor Channel Typical Cross Section

Figure 8

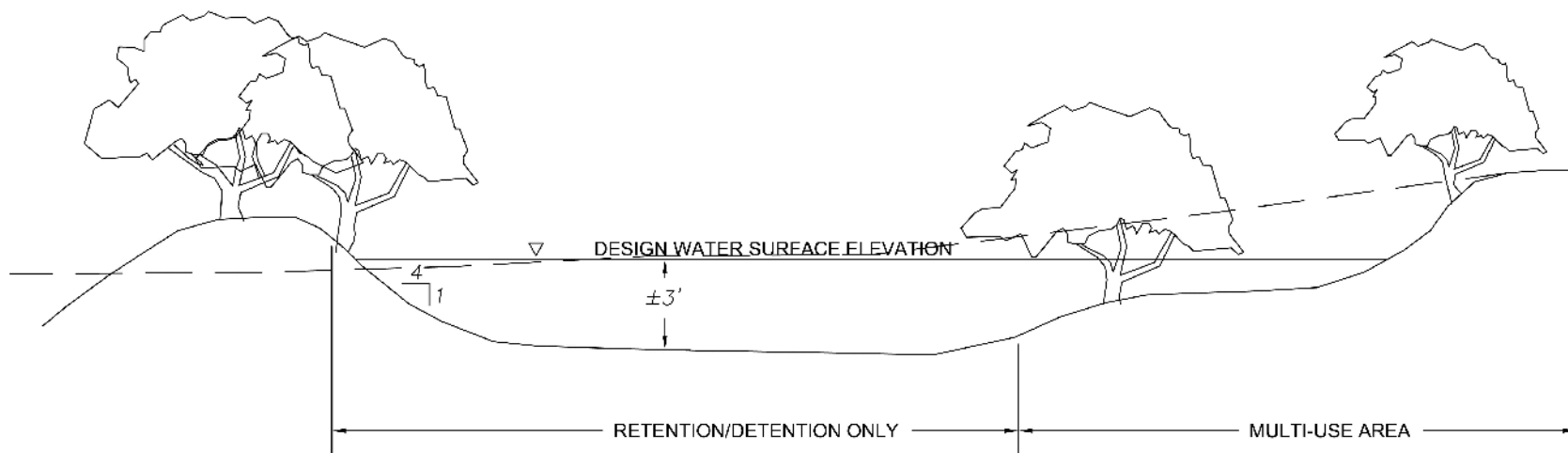


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ACOE File No. SPL-2004-459-KAT

Collector Channel Typical Cross Section

Figure 9



N.T.S.

RED POINT DEVELOPMENT CASCADA

ACOE File No. SPL-2004-459-KAT

Retention Basin Typical Cross Section

Figure 10

