



PUBLIC NOTICE

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

BUILDING STRONG®

**APPLICATION FOR PERMIT
Rancho Paloma Residential Development**

Public Notice/Application No.: SPL-2014-00044-PC

Project: Rancho Paloma Residential Development

Comment Period: October 20, 2015 through November 20, 2015

Project Manager: Penny Childers; 602-230-6891; Penny.Childers@usace.army.mil

Applicant

Larry Schuneman
Londen Land Company
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Phoenix, Arizona 85018
Telephone: 602-957-1650

Agent

Devin Keane
SWCA Environmental Consultants
3033 N. Central Ave, Suite 145
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Location

An approximately 19.80-acre parcel located on the Southeast corner of North Cave Creek Road and Rancho Paloma Drive within the City of Phoenix, Maricopa, AZ (at: Lat 33.781802°N, Long - 111.972329°W; Section 17, Township 5N, Range 4E)

Activity

The applicant intends to develop the parcel, including right-of-way in Phoenix, Arizona, into a single-family residential community. Activities include construction of residential building pads, drainage infrastructure, and collector and access roads, all of which would result in the discharge of fill material to 0.83 acres of Waters of the United States (WUS) located on or near the parcel.

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: Penny Childers

3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

Alternatively, comments can be sent electronically to: Penny.Childers@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.

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). The basic project purpose is to provide affordable single-family homes. The proposed project is not water dependent. There are no special aquatic sites within the project area.

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 provide affordable single-family homes to accommodate population growth and demand for housing between north Phoenix and Cave Creek area.

Additional Project Information

The applicant proposes to discharge fill material into 0.83 acres of Waters of the United States in order to develop 70 single-family homes on the parcel. Development of lots and pad fill will impact

approximately 0.27 acre of WUS and 0.50 acre of impact for construction of culverts, riprap, and road improvements. Additionally, 0.06 acre will be impacted for the development of open spaces which would consist of retention basins and drainage easements. These areas would include desert riparian landscaping and a recreational trail.

The applicant would construct permanent stormwater retention basins to control increased run-off from impervious surfaces. Retention basins and other drainage controls would prevent post-development increases in peak flows to WUS onsite or downstream. Areas proposed for residential and development would be cleared of vegetation and graded to create elevated building pads. Utilities would be buried and road crossings of WUS would be constructed with concrete box culverts. Box culverts would also be constructed with the improvements of Rancho Paloma Drive.

Proposed Special Conditions

The applicant proposes to mitigate for the project impacts to 0.83 acres of ephemeral wash through the use of a Corps of Engineers approved in-lieu fee program.

For additional information please call Penny Childers of my staff at 602-230-6891 or via e-mail at Penny.Childers@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.

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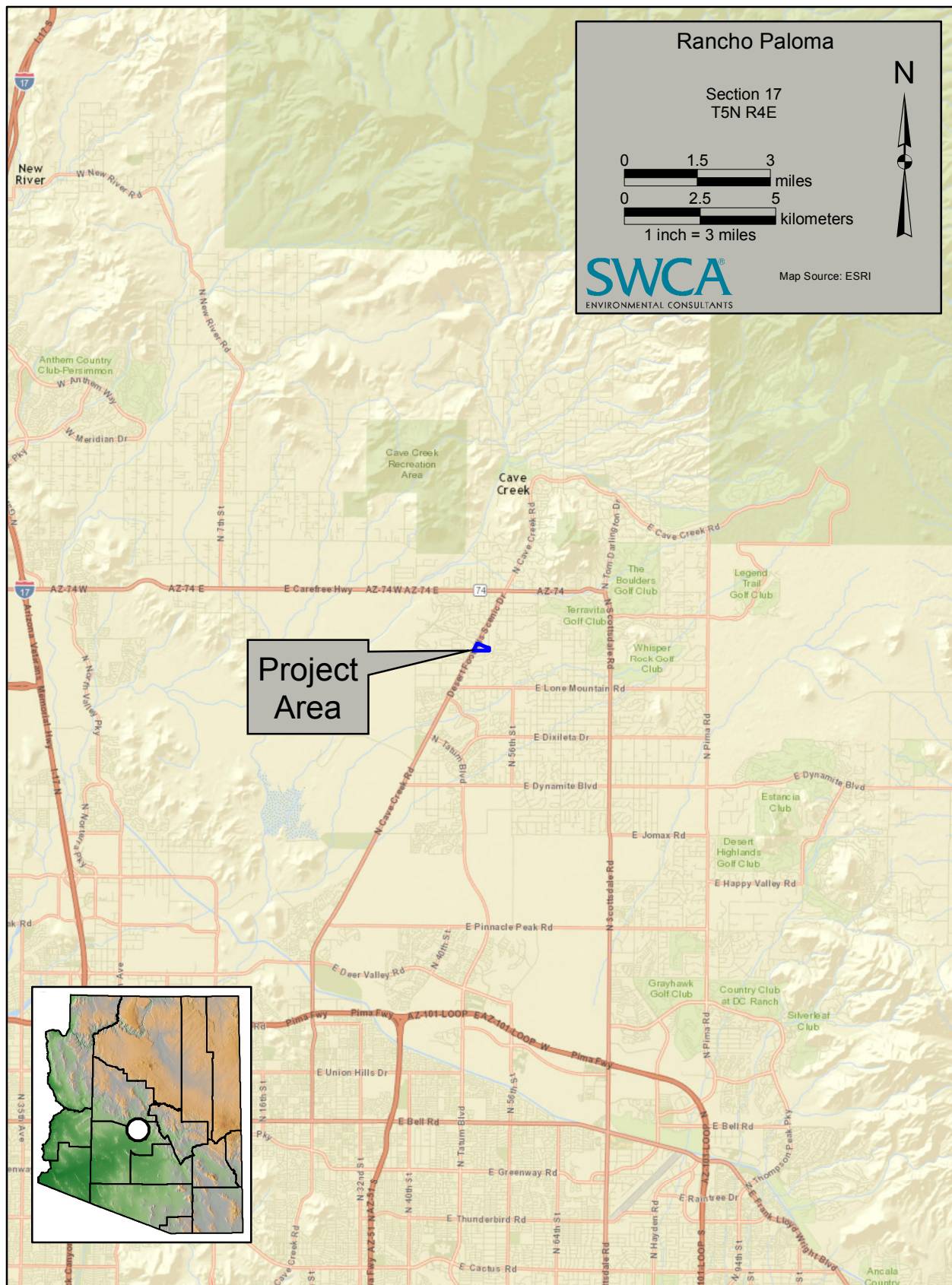


Figure 1. General location of the project area.

26577-16Fig1.mxd - Revised by: cquery 9/15/2015