



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT Tempe Town Lake Dam Replacement

**Public Notice/Application No.:** SPL-2012-00921-WHM

**Project:** Tempe Town Lake Dam Replacement

**Comment Period:** November 22, 2013 – December 23, 2013

**Project Manager:** William Miller; 602-230-6954; [William.H.Miller@usace.army.mil](mailto:William.H.Miller@usace.army.mil)

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### **Applicant**

Andrew Y. H. Goh  
City of Tempe  
31 East Fifth Street  
Tempe, Arizona, 85281

### **Contact**

Frances Ackerman, P.E.  
Gannett Fleming, Inc.  
Suite 250  
4722 North 24th Street  
Phoenix, AZ 85016-4852

### **Location**

The proposed project site is located within Section 16, Township 1 North, and Range 4 East within the city of Tempe, Maricopa County, AZ. The site is located west of Priest Road immediately south of the Loop 202. A project vicinity and location map is enclosed.

### **Activity**

The City of Tempe proposes to construct a dam with hydraulically operated steel gates, located 100 feet downstream of the existing dam for Tempe Town Lake. For more information see page 4 of this notice.

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Interested parties are hereby notified that 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 support 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 (22 U.S.C. 1344).

Comments should be mailed to:

**U.S. Army Corps of Engineers  
ATTENTION: Regulatory Branch (SPL-2012-00921-WHM)  
3636 N. Central Ave., Suite 900  
Phoenix, Arizona 85012**

Alternatively, comments can be sent electronically to: [William.H.Miller@usace.army.mil](mailto:William.H.Miller@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 that 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 State Department of Environmental Quality. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Essential Fish Habitat**- Preliminary determinations indicate the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

**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 she is otherwise unaware of the presence of such resources.

**Endangered Species**- Preliminary determinations indicate that the proposed activity would not adversely 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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. 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 construct a new dam in the Salt River to replace the existing structure.

### **Additional Project Information**

The Salt and Verde Rivers upstream from Tempe Town Lake drain a watershed of approximately 13,000 square miles. Flow in these rivers is controlled by four upstream dams on the Salt River which, form a continuous chain of lakes almost 60 miles long, and by two dams on the Verde River. Only the Roosevelt Dam has a dedicated flood control storage volume while the other dams are for irrigation, water supply and other uses. The Granite Reef Diversion Dam is located approximately 40 miles downstream of the confluence of the Salt and Verde Rivers and 22 miles east (upstream) of Tempe Town Lake. Downstream of the Tempe Town Lake dam there is an ecological project known as the Rio Salado Environmental Restoration Project. This restoration project re-established riparian forests dominated by a combination of mesquite, cottonwood, native shrubs and wetlands. The Rio Salado Environmental Restoration Project provides restoration in environmentally sensitive areas, where over 110 acres of land were restored to their natural habitat.

Tempe Town Lake is a 220-acre urban recreational lake located in Tempe, Arizona. The lake is formed by two Bridgestone inflatable rubber dams constructed across the Salt River bed at the upstream and downstream ends of the lake. The downstream dam consists of four rubber bladders anchored between the abutments and three reinforced concrete piers. The downstream bladders were replaced after a failure of one of the bladders in 2010. The replacement bladders were provided by Bridgestone under a five-year lease agreement to the City. The City is now planning to construct a replacement dam approximately 100 linear feet downstream of the existing structure.

The proposed project would permanently impact approximately 4.2 acres of the Salt River. The applicant proposes to contribute to an in-lieu fee mitigation fund to compensate for the loss of waters of the U.S.

## **Proposed Special Conditions**

No special conditions have been proposed at this time.

For additional information please call William Miller of my staff at 602-230-6954 or via e-mail at [William.H.Miller@usace.army.mil](mailto:William.H.Miller@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.

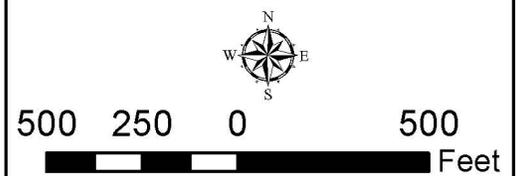
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**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**

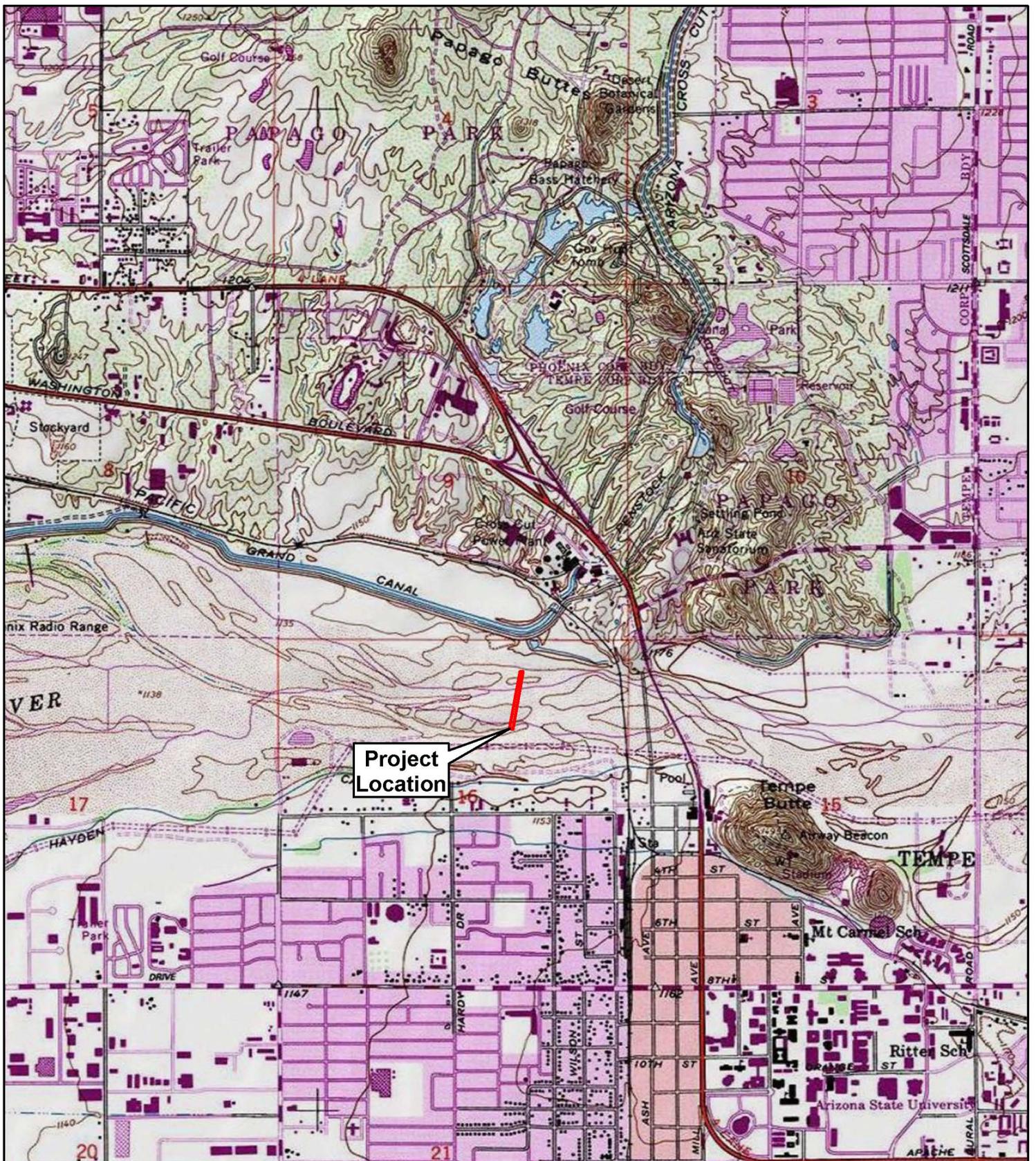
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**Figure 1 - Aerial Location Map:**  
**Tempe Town Lake Downstream**  
**Dam Replacement Project**

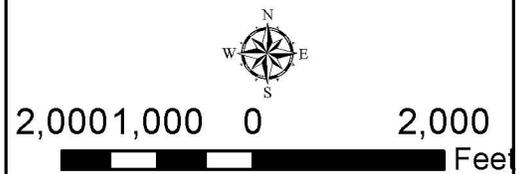


Sources: Project Location as described from Tempe Town Lake Dam Final Alternatives Report, March 2012. Orthoimagery provided by BING MAPS.



**Project Location**

**Figure 2 - USGS Topographic Location Map:  
Tempe Town Lake Downstream  
Dam Replacement Project**



**Gannett Fleming**

*Excellence Delivered As Promised*

Sources: Project Location as described from Tempe Town Lake Dam Final Alternatives Report, March 2012.  
USGS Topography Basemap, Tempe 7.5' Quadrangle.