

# PUBLIC NOTICE

## APPLICATION FOR PERMIT

### US Army Corps of Engineers®

**Public Notice/Application No. SPL-2010-00356-WHM**  
**Comment Period: 2 February 2012 – 3 March 2012**

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#### **Applicant**

Dan Nissen, Assistant City Engineer  
City of Peoria  
9875 N. 85<sup>th</sup> Avenue  
Peoria, AZ 85345  
(623) 773-7212

#### **Location**

The proposed Agua Fria Truck Road Reliever project site is located within and along the eastern bank of the Agua Fria River, between Rose Garden Lane and Pinnacle Peak Road, within unincorporated land in Maricopa County, Arizona (Figure 1 and 2). The proposed project area includes the SE ¼ of Section 7, S ½ and NE ¼ of Section 18, and N ½ of Section 19 within Township 4 North, Range 1 East, Gila & Salt River Baseline Meridian (refer to the USGS 7.5' Quadrangle Map: *Calderwood Butte, Ariz.* [1957, 1981]).

#### **Activity**

The City of Peoria proposes to discharge dredged and/or fill material into 7.33 acres of the Agua Fria River, 0.043 acre of an unnamed tributary, 0.058 acre of Rose Garden Channel, and 0.032 acre of another unnamed tributary. The proposed project includes the extension of the 112<sup>th</sup> Avenue alignment northeasterly for approximately 1.7 miles from 112<sup>th</sup> Avenue and Rose Garden Lane to Pinnacle Peak Road and 107<sup>th</sup> Avenue. For a detailed description of the proposed project, please see “Proposed Activity for Which a Permit is Required” and “Additional Information” on page 3 of this Public 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). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344). Comments can be e-mailed to William.H.Miller@usace.army.mil or mailed to:

**U.S. Army Corps of Engineers**  
**ATTENTION: Regulatory Branch (SPL-2010-00356-WHM)**  
**3636 N. Central Ave., Suite 900**  
**Phoenix, Arizona 85012**

## **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 that 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, floodplain 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, the evaluation of the activity will include application of the Environmental Protection Agency (EPA) Guidelines (40 CFR 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 (EIS) 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 Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

**Cultural Resources** – Two Class III cultural resources surveys were completed for the project, and it was determined that the proposed project will not have an effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

**Endangered Species** – A Biological Review has been prepared and submitted to the Corps. The Corps has determined the project will not have an effect to any threatened or endangered species or their habitats. 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**

The Applicant proposes to extend the 112<sup>th</sup> Avenue alignment northeasterly for approximately 1.7 miles from 112<sup>th</sup> Avenue and Rose Garden Lane to Pinnacle Peak Road (Church Driveway) and 107<sup>th</sup> Avenue. The proposed construction of the new roadway will require the construction of new drainage structures at the wash crossings within the roadway corridor. The proposed drainage structures will allow the continued conveyance of flows downstream through the washes on the project site.

Mining operations have occurred in the vicinity of the proposed project area for approximately 50 years, and are expected to continue for another 100 years or more. Currently, truck traffic from the mining operations in the Agua Fria River bottom are using streets through residential areas in the project vicinity, including along Beardsley Road from 112<sup>th</sup> Avenue to Lake Pleasant Road which provides access for the Ventana Lakes subdivision and portions of Sun City. Residents and neighborhoods near and adjacent to portions of the designated truck routes are subject to noise, dust, and pollution from mining trucks. The proposed project would provide an alternative truck route to address Agua Fria River mining operations truck traffic and alleviate its impacts to local residents. Following completion of construction, trucks used for mining operations along the Agua Fria River would utilize the new roadway and avoid city streets within residential areas.

The proposed construction of the Agua Fria Truck Route Reliever roadway will require dredge and fill within the Agua Fria River. Activities within designated “waters of the United States” (Waters) will include excavation and the placement of earthen fill, asphalt, soil cement, riprap, and concrete for the construction of the new roadway. In addition, the project will involve the installation or extension of drainage structures within Waters along the alignment of the new roadway and modified intersections.

The proposed project includes the following:

- Construction of a 1.7-mile-long asphalt-paved roadway within and along the eastern bank of the Agua Fria River from Rose Garden Lane to Pinnacle Peak Road;
- Modifications to the slopes along the east bank of the Agua Fria River to accommodate the new roadway;
- Improvements at the intersections of 112<sup>th</sup> Avenue/Rose Garden Lane and 107<sup>th</sup> Avenue/Pinnacle Peak Road to tie into the new roadway;
- Installation of culverts within the Agua Fria River (Wash 1), Rose Garden Channel (Wash 5), and Wash 6, including associated inlet and outlet protection;
- Extension of the existing corrugated metal storm drain pipes at the Pinnacle Peak Road crossing of Wash 2;
- Installation of a storm drain pipe within a non-jurisdictional drainage, with riprap inlet and outlet protection, located immediately west of the intersection of the new roadway and 107<sup>th</sup> Avenue;
- Installation of diversion dikes and drainage channels to train flows through the new culverts;
- Construction of soil cement bank lining for approximately 4,250 feet along the west side of the new roadway;
- Relocation of select overhead electric poles from Station No. 26+33 to 38+36; and
- Striping, installation of signing, guardrails, fencing, and other associated roadway improvements.

Approximately 7.463 acres of permanent impacts to Waters would occur as a result of the proposed project. Additionally, approximately 2.560 acres of Waters would be temporarily disturbed as a result of equipment access and construction activities. Permanent impacts to Waters were minimized by proposing

to construct the new roadway outside of the jurisdictional limits of the Agua Fria River wherever practicable while still meeting the project purpose. The applicant proposes to contribute to in-lieu fee mitigation funds to compensate for the loss of Waters associated with this project.

### **Additional Project Information**

The basic project purpose for the proposed project is to improve a transportation facility, and is therefore not water dependent.

The proposed project is located within a floodplain as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FEMA FIRM Map Nos. 04013C1160H and 04013C1170H). The proposed project will cause impacts to the floodplain; however, impacts to the floodplain would be addressed via a Conditional Letter of Map Revision (CLOMR) that is currently being developed by the Maricopa County Department of Transportation (MCDOT) in association with the future Deer Valley Road project.

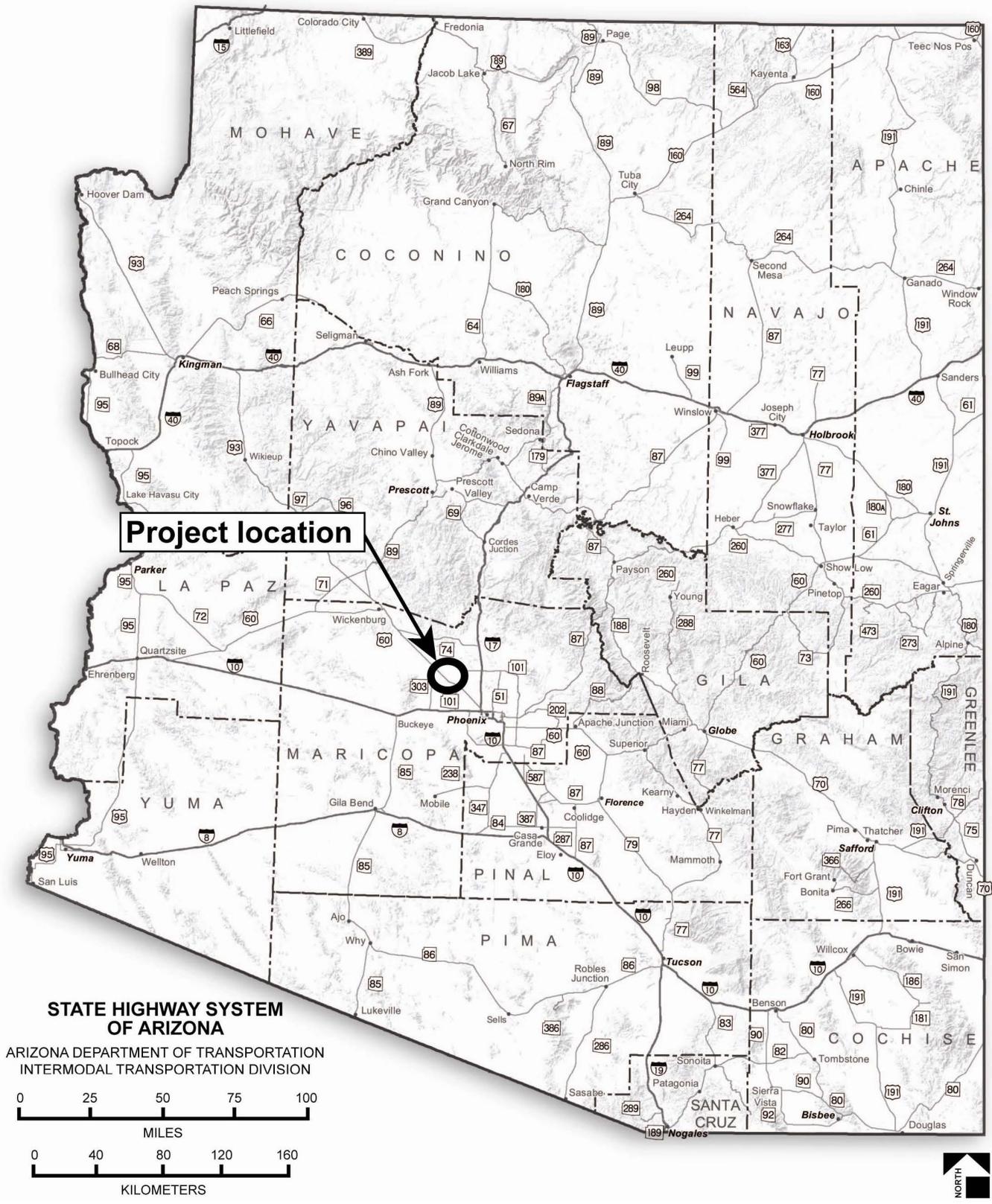
Activities associated with the proposed project will require the clearing of desert scrubland vegetation within Waters and uplands within the project corridor. Desert scrubland vegetation such as creosotebush (*Larrea tridentata*), triangle-leaf bursage (*Ambrosia deltoidea*), globe mallow (*Sphaeralcea ambigua*), palo verde (*Parkinsonia* spp.), ironwood (*Olneya tesota*), and cheeseweed (*Hymenoclea salsola*), with various scattered cacti within the uplands may be removed throughout the project area. Vegetation removal will be only the minimum amount necessary to provide an adequate work zone and construction access. The proposed roadway construction activities would be similar to land uses currently taking place within and adjacent to the project area, so the proposed roadway would not have a significant impact on wildlife and/or their habitat during and after construction of the proposed project. The proposed project would not impact any proposed or designated riparian areas.

Traffic would generally not be impacted by the construction of the proposed improvements. At the connections to existing Rose Garden Lane and 107<sup>th</sup> Avenue, two-way traffic shall be maintained, with flagger operations allowable during work hours. In non-work hours, no lane restrictions will be permitted. Construction access to work sites would occur via existing roadways.

### **Proposed Special Conditions**

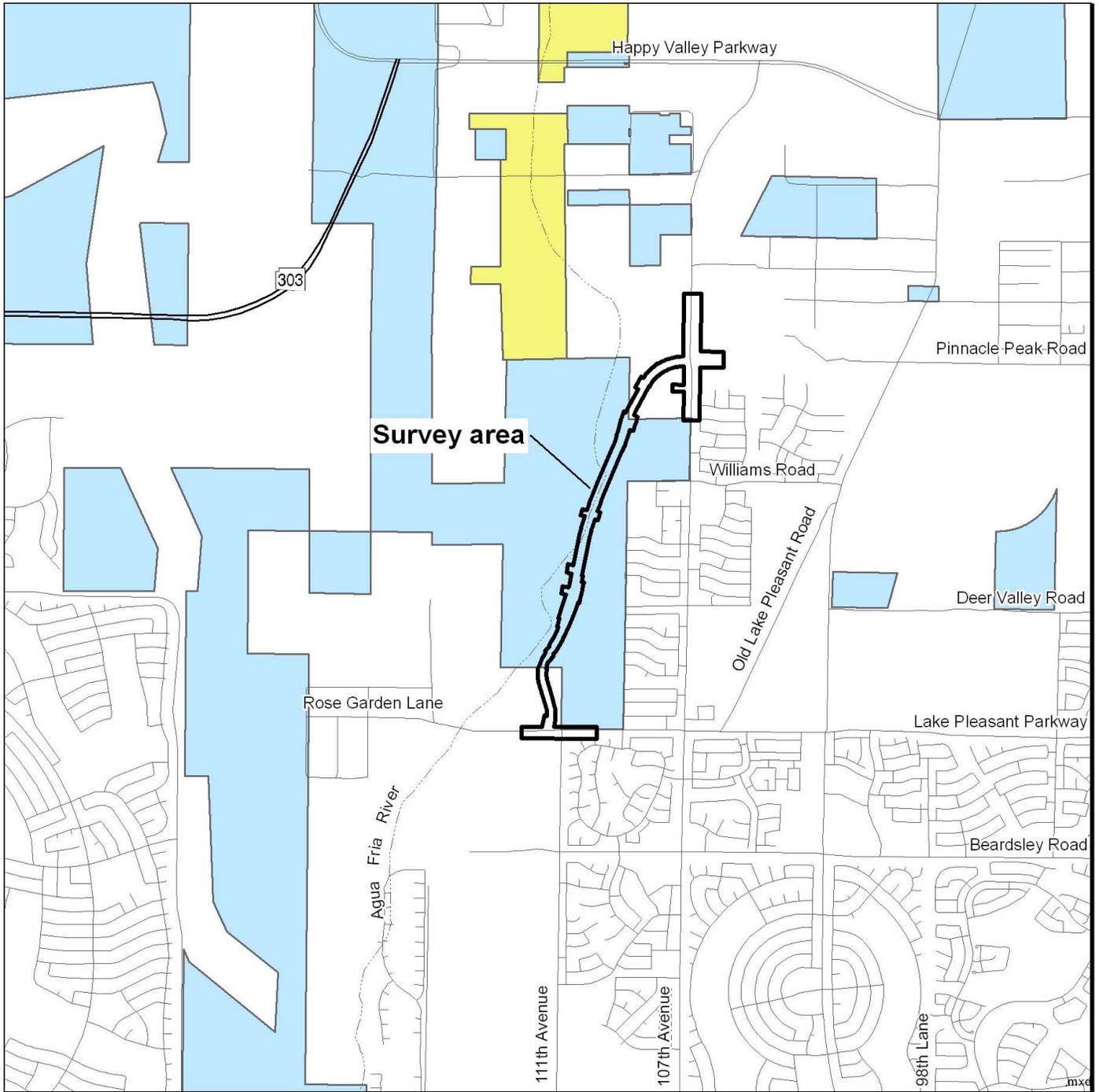
None at this time.

For additional information please call William Miller at (602) 230-6954. This public notice is issued by the Chief, Regulatory Division.



**Figure 1. State Location Map**

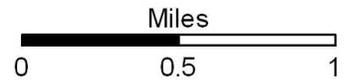
Section 404 Individual Permit Application  
 Agua Fria Truck Road Reliever



Source: Land Ownership GIS Coverage provided by Arizona State Land Department

Key

- Survey area
- State Trust
- Private
- Bureau of Land Management



**Figure 2. Project Vicinity Map**

Section 404 Individual Permit Application  
 Agua Fria Truck Road Reliever

July 2011