

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2003-00124-RJD

Comment Period: September 13, 2004 through October 13, 2004

Applicant

Joe Martinez
PO Box 5631
Tucson, Arizona 85703

Agent

Stantec Consulting, Inc.
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201 North Bonita Avenue, Suite 101
Tucson, Arizona 85745-2999
(520) 545-7449

Location

At the proposed Canada del Oro Estates residential subdivision and Rivers Edge (Lots 70-102) residential subdivision located between Naranja Drive and Lambert Lane (Section 12, T12S, R13E) in Oro Valley, Pima County, Arizona.

Activity

To channelize approximately 3,250 feet (3.31 acres) of an unnamed wash to accommodate development of remaining residential lots at Canada del Oro Estates residential subdivision (57.22 acres) and Rivers Edge (Lots 70-102) residential subdivision (9.68 acres). For more information, see page 3 of this notice and attached drawings.

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 robert.j.dummer@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2003-00124-RJD)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

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 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 will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification 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- The latest version of the National Register of Historic Places has been consulted and there are no listed historic properties within the Area of Potential Effect (APE). The APE has been surveyed by a professional archaeologist and one potentially eligible prehistoric site (AZ BB:9:375(ASM)) has been located. The Corps of Engineers will consult with the Arizona State Historic Preservation Office, interested tribes, and other parties and will follow the appropriate protection measures as required by the National Historic Preservation Act. The Corps of Engineers is otherwise unaware of the presence of any other historic properties within the APE.

Endangered Species- The Corps of Engineers has determined that the proposed project may affect the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*, pygmy-owl). The proposed project is outside of the proposed critical habitat for the pygmy-owl. The proposed project would have "no effect" to any other federally proposed/listed species or their proposed/designated critical habitat. The Corps of Engineers has initiated, pursuant to the Endangered Species Act, informal Section 7 consultation procedures with U.S. Fish and Wildlife Service for potential project impacts to the pygmy-owl. The Corps of Engineers will complete all requirements of Section 7 prior to reaching a decision on this permit application.

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

To construct approximately 2,800 feet improved channel to facilitate the development of the Canada del Oro Estates and Rivers Edge (Lots 70-102) residential subdivisions. The improved channel would replace approximately 3,250 feet of natural wash. The improved channel would have a 15-foot bottom width and would be lined with filter fabric and riprap as shown in the attached figures.

Additional Project Information

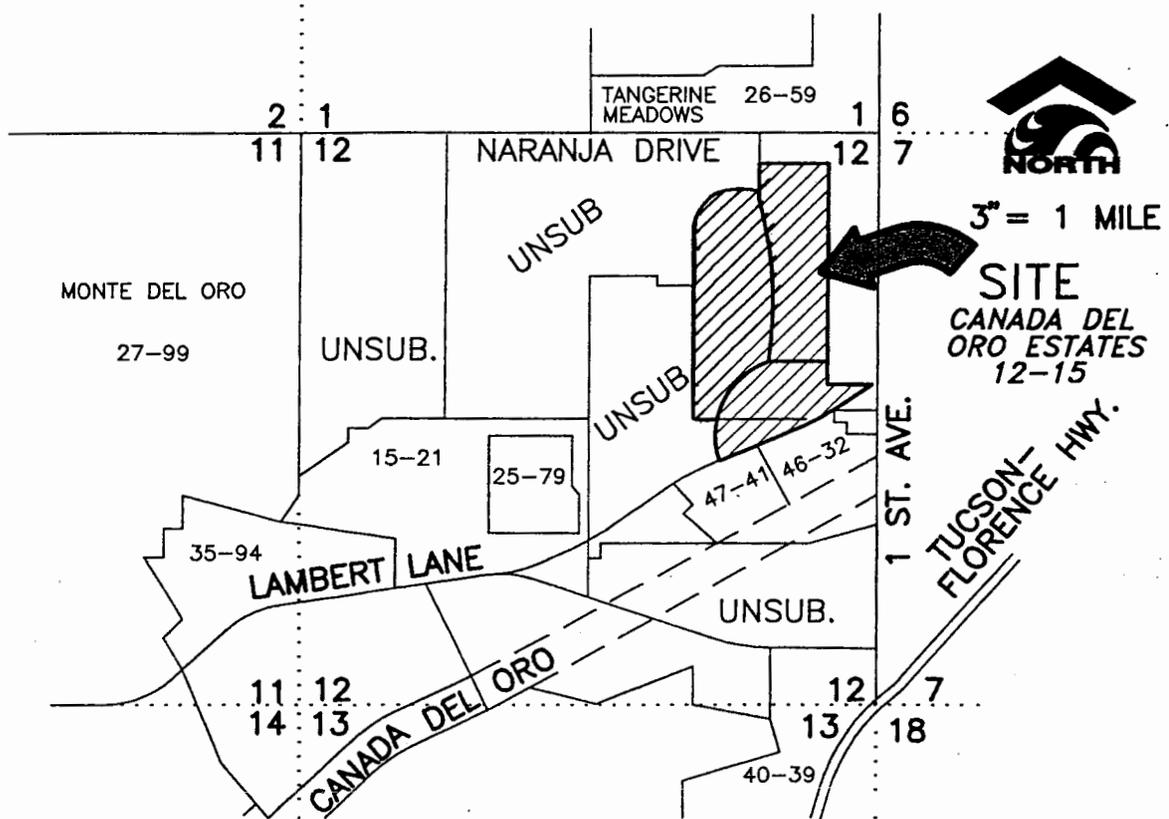
The overall project purpose is a residential development in the northern Tucson metropolitan area. The basic project purpose is residential housing. The 57.22-acres within Canada del Oro Estates and the 9.68-acres within Rivers Edge parcels are currently undeveloped. Other portions or lots within of each of these subdivisions have previously been developed. The undeveloped area from each of these two adjacent subdivisions forms a rectangular parcel located between Naranja Drive and Lambert Lane. The proposed project would have common areas but none are currently designated as natural area open space. Two new roads and the approximately 89 new residential lots would impact all 3.31 acres of natural wash within the project.

The property lies within the northern portion of the Tucson basin on relatively flat topography with an elevation range of approximately 2,550 feet to 2,650 feet above mean sea level. One unnamed jurisdictional wash flows north to south through the property and is tributary to the Canada del Oro Wash. Canada del Oro Wash is tributary to the Santa Cruz River. At the northern boundary of the property the unnamed wash flows across Naranja Drive in an at-grade crossing. The wash channel is well defined at Naranja Drive and becomes less defined as it flows to the south. The slope of the channel lessens as it approaches Canada del Oro Wash and the unnamed wash is not as well defined. The unnamed wash is slightly incised near Naranja Drive, has erodible channel banks throughout the project, and has a sandy bottom with xero-riparian vegetation along the margins of the wash. There are no perennial streams, intermittent streams, or wetlands within the property. Vegetation within the upland portion of the property is typical of the Arizona Upland subdivision of the Sonoran Desertscrub biome. Vegetation on the low ridges within the property is less dense. The vegetation across the floodplain of this wash is well developed.

Proposed Special Conditions

None at this time.

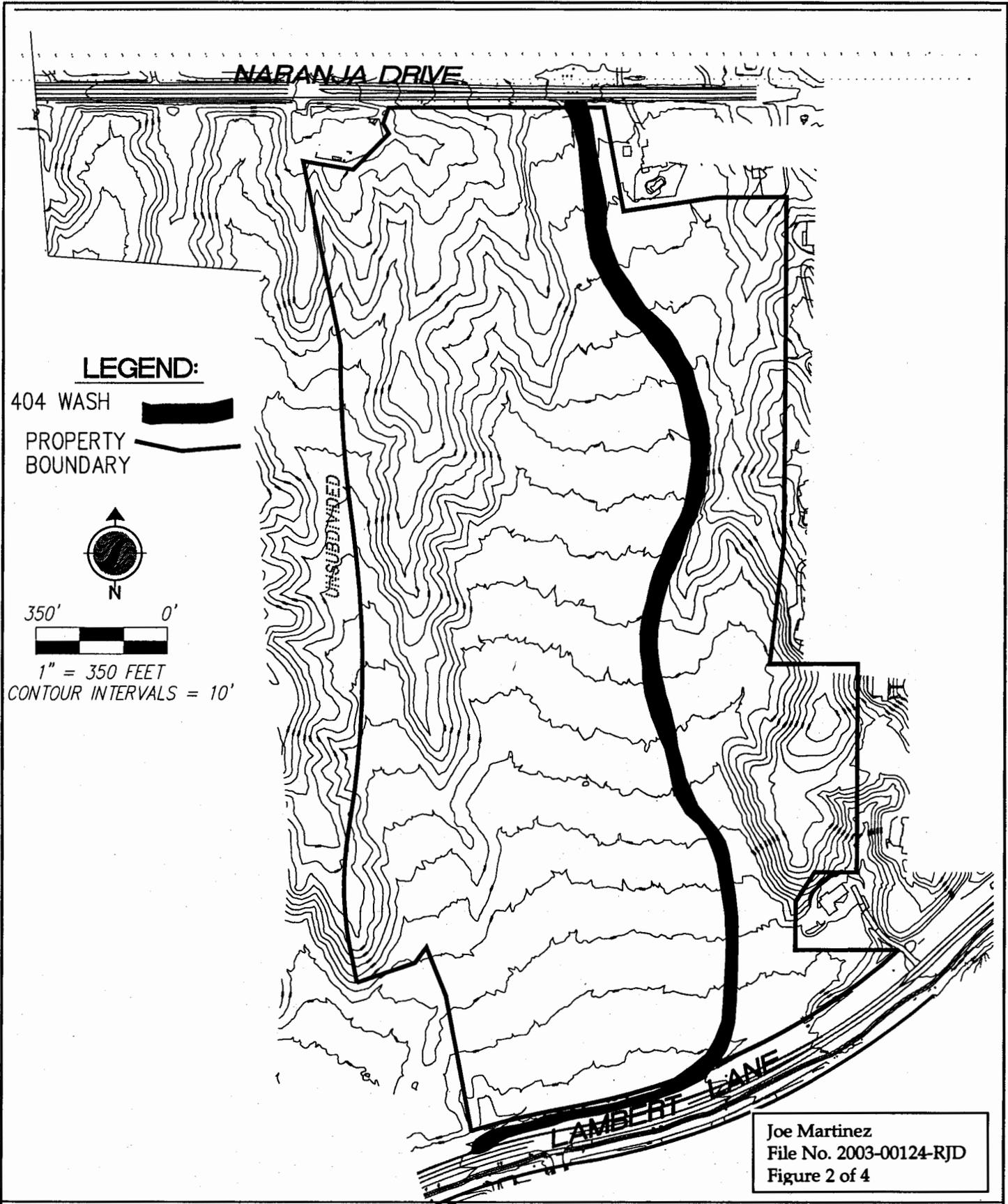
For additional information please call Robert J. Dummer at (602) 640-5385 x 224. This public notice is issued by the Chief, Regulatory Branch.



LOCATION MAP

PART OF SECTION 12, TOWNSHIP 12 SOUTH,
RANGE 13 EAST, G&SRM, PIMA COUNTY, ARIZONA.

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 Figure 1 of 4



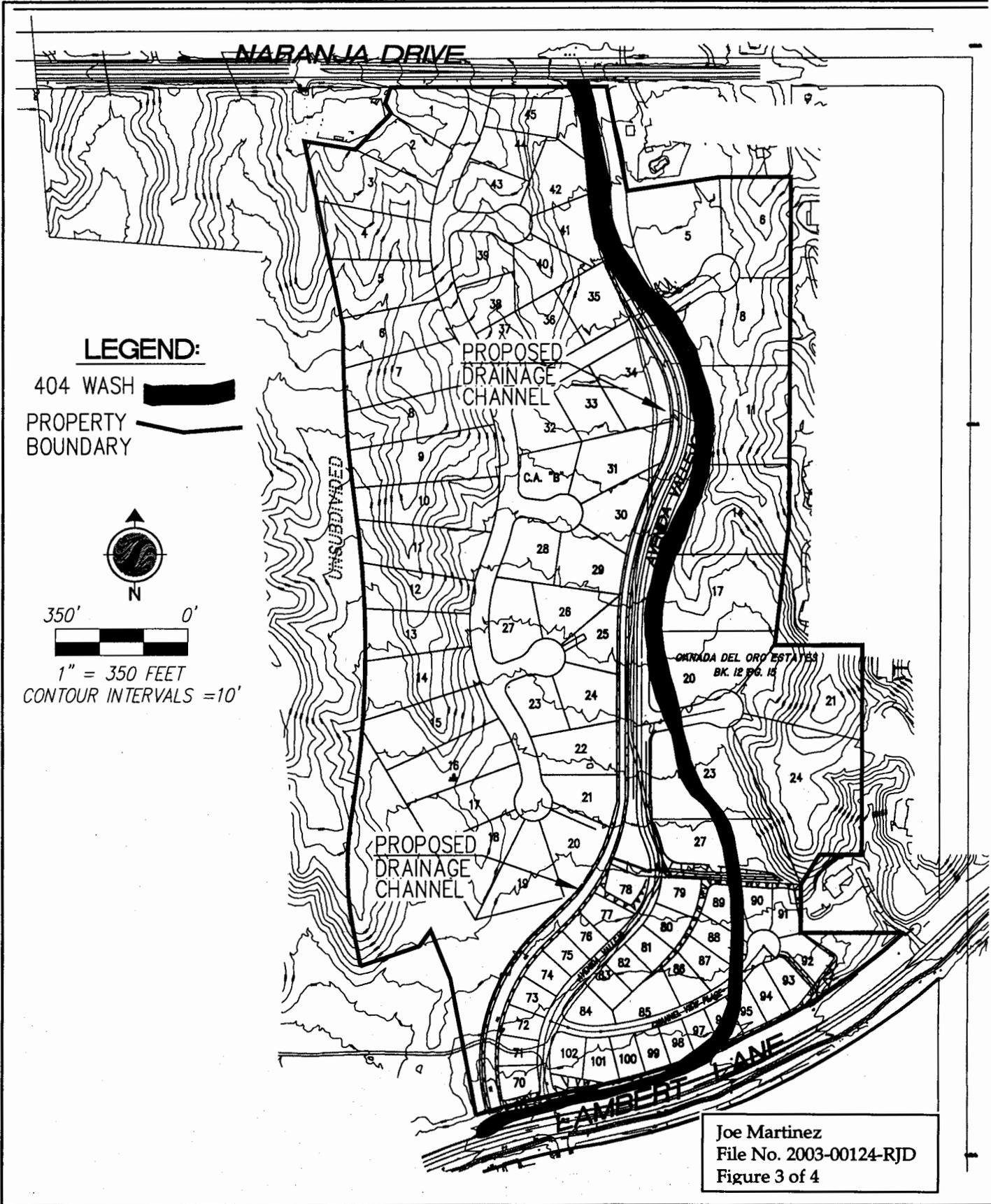
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 Figure 2 of 4

DRAWN	R.L.M.
DATE	05-20-04
JOB No.	85602025-169
SHT.	1 OF



201 NORTH BONITA AVE.
 TUCSON, AZ 85745-2999
 PH: [520] 750-7474
 FAX: [520] 750-7470

CANADA DEL ORO ESTATES
 AND RIVERS EDGE
 404 EXISTING CONDITIONS



LEGEND:

404 WASH 

PROPERTY BOUNDARY 


N


350' 0'

1" = 350 FEET
CONTOUR INTERVALS = 10'

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Figure 3 of 4

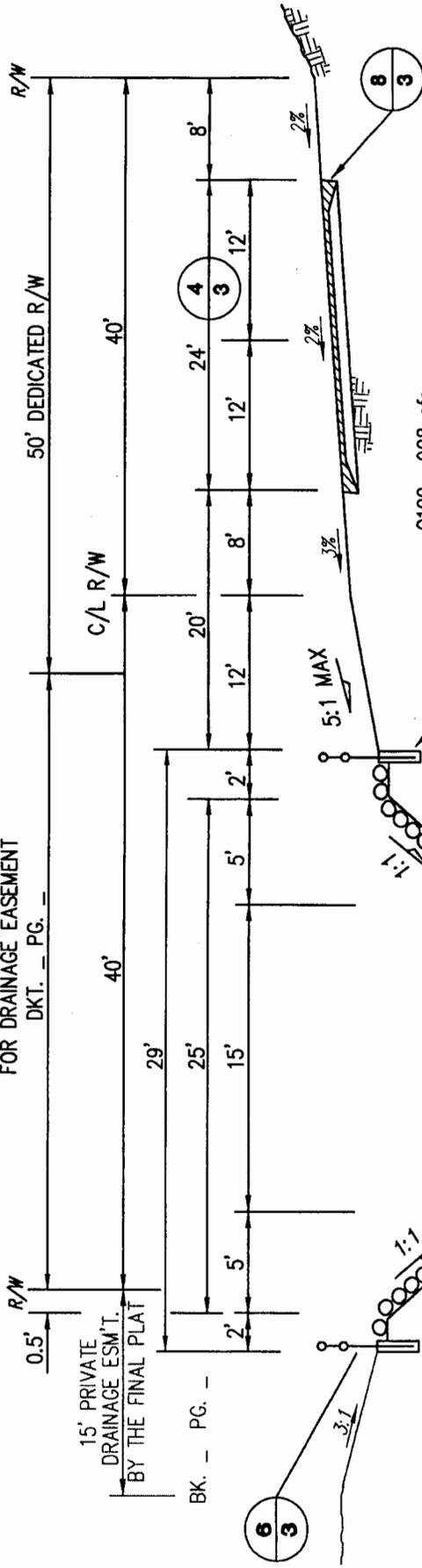
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**CANADA DEL ORO ESTATES
AND RIVERS EDGE
404 PROPOSED CONDITIONS**

30' ABANDONED R/W
FOR DRAINAGE EASEMENT
DKT. - PG. -



15' PRIVATE
DRAINAGE ESM'T.
BY THE FINAL PLAT

BK. - PG. -

Q100 = 908 cfs
D = 5.0 FT.
(INCLUDES F.B.)
V = 13.5 F.P.S.
FB = 1.5 FT.
S = 2.76%
N = 0.035
FLOW DEPTH = 3.5'

TYPICAL ROADWAY SECTION

STA. 19+53.36 TO THE NORTH N.T.S.

HAND PLACE RIP-RAP
12" MIN. ROCK OVER
FILTER FABRIC

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Figure 4 of 4