

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2004-01259-SDM

Comment Period: August 11, 2004 through September 9, 2004

Applicant

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AGENT

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Location

At the proposed El Rancho Santa Rosa residential development in the Santa Rosa Wash, tributary to the Santa Cruz River, at (Section 35, T4S, R3E), Maricopa, Pinal County, Arizona. (Hydrologic Unit Code 15050303 – Lower Santa Cruz)

Activity

To discharge dredged and/or fill material into approximately 9.2 acres of the Santa Rosa Wash to provide adequate flood protection for the 200-acre residential development known as El Rancho Santa Rosa, which will include 720 lots. 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 sallie.mcguire@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2004-01259-SDM)
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- A cultural resources survey is being conducted for the project area for any sites eligible or potentially eligible for listing on the National Register of Historic Places. Compliance with Section 106 of the National Historic Preservation Act will be conducted for any sites found.

Endangered Species- Preliminary determinations indicate that 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

To discharge dredged and/or fill material into approximately 9.2 acres of the Santa Rosa Wash to provide adequate flood protection for the 200-acre residential development known as El Rancho Santa Rosa, which will include 720 lots. The project area includes approximately 9.2 acres of ephemeral waters of the U.S. (Santa Rosa Wash). Modification of approximately 4,000 feet of Santa Rosa Wash will be necessary to provide adequate capacity for a 100-year storm event. Excavation of approximately 100,000 cubic yards of material and grading along the 4,000 feet of the wash was determined to provide sufficient capacity to avoid flooding the residential development.

Additional Project Information

The Santa Rosa Wash is located amid agricultural properties that are beginning to be developed commercially and residentially. The Santa Rosa Wash is a human-made channel that contains very little vegetation. The wash and the surrounding area do not exhibit native vegetation characteristics normally associated with the Sonoran Desert.

The applicant's project purpose is to provide flood control for a residential community near Maricopa, Pinal County, Arizona. The basic project purpose is flood control, which is not water dependent.

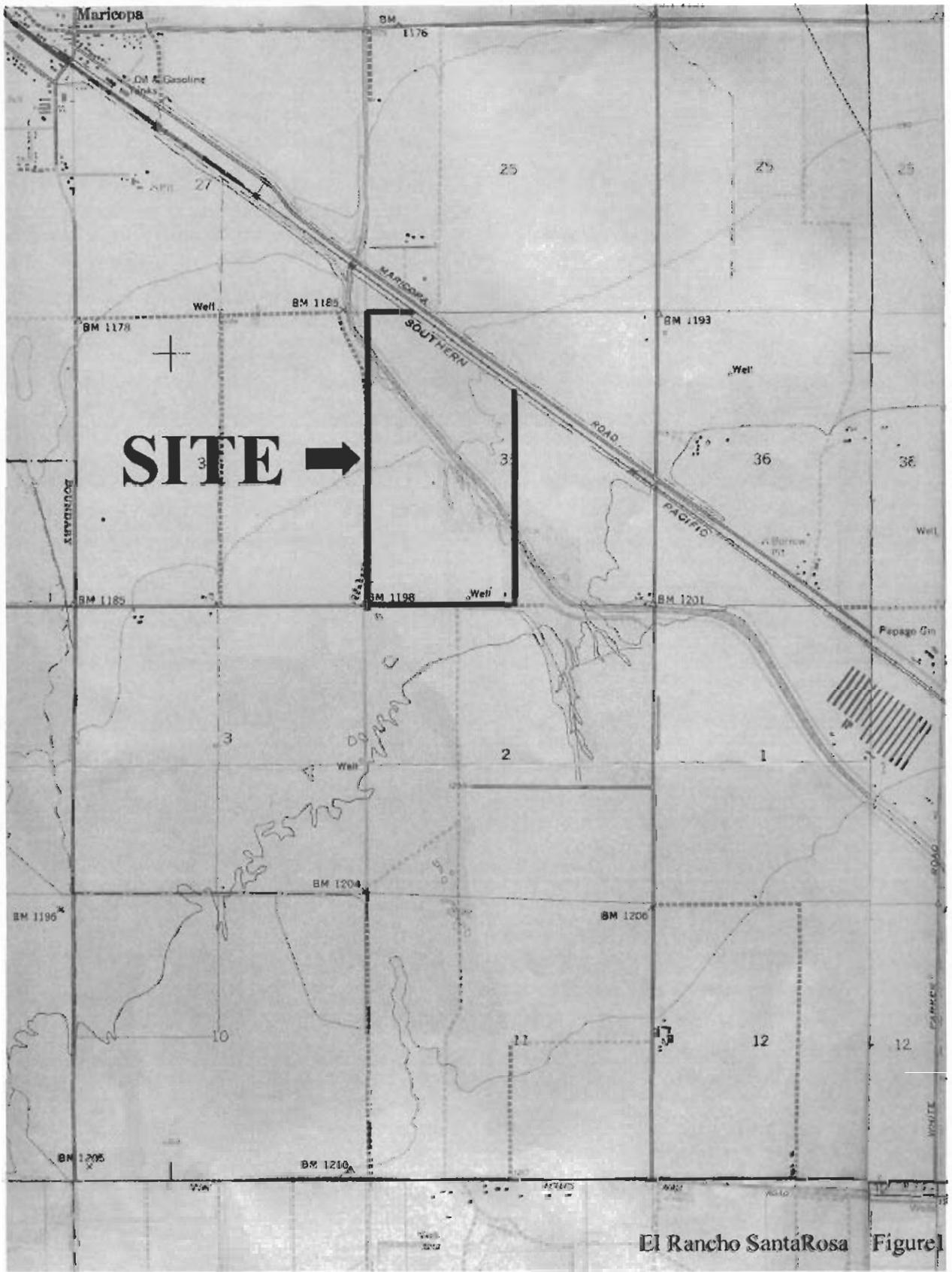
Proposed Special Conditions

To be developed.

For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.



Vicinity Map



El Rancho Santa Rosa Figure 1

Proposed- SantaRosa Wash Cross-Section

