

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: SPL-2005-1684-RWF
Comment Period: March 11, 2008 through April 10, 2008

Applicant

Buckeye 1680, L.L.C.
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Bainbridge Island, Washington 98110
(206) 780-2332

AGENT

SWCA Inc. Environmental Consultants
ATTN: Devin Keane
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Phoenix, Arizona 85012
(602) 274-3831

Location

At the site of the proposed Desert Creek master-planned community located in Sections 2, 3, 10, 11, 14, 15, 22, 23, and 26, T1N, R5W, in the Town of Buckeye, Maricopa County, Arizona. The proposed project area is bounded by Interstate 10 to the north, Powers Butte Road to the east, the Hassayampa River to the west, and the Southern Road alignment to the South.

Activity

The applicant is seeking a Department of the Army Section 404 (Clean Water Act) permit to discharge dredged and fill material impacting a total of 3.74 acres of unnamed ephemeral washes during the course of constructing the approximate 2,230-acre Desert Creek master-planned community.

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 ronald.w.fowler@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2005-1684-RWF)
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 that 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, 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 - 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. The applicant will be required to apply for and obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality.

Cultural Resources – The applicant commissioned a cultural resource survey of the proposed project area which resulted in the identification of four archaeological sites, and 19 isolated occurrences. The four archaeological sites identified during the survey efforts consist of three sites of historic nature, and one site of prehistoric nature. The prehistoric property, a previously identified site which was assigned designation AZ T:9:67(ASM), consists of several rock pile features and a small lithic scatter. This site has been apparently been impacted by human related activities since its original recording. The three historic sites consist of a segment of the Roosevelt Canal (AZ T:10:83[ASM]), a refuse scatter associated with a lateral of the Roosevelt Canal (AZ T:10:309[ASM]), and a refuse dump associated with a dirt road alignment (AZ T:10:308[ASM]). The eligibility determinations and ultimate treatment of these sites will be performed in coordination with the State Historic Preservation Officer. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of any additional resources.

Endangered Species - Preliminary determinations indicate that the project activities 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

The applicant has applied to the Corps of Engineers for a Department of the Army Section 404 (Clean Water Act) permit to impact a total of approximately 3.74 acres of ephemeral waters of the United States. Of this total, 3.34 acres of impacts would be a direct result of the discharges of dredged and/or fill material into the ephemeral tributaries to the Hassayampa River. An additional 0.43 acres of ephemeral washes would be indirectly impacted by the proposed project through truncation of flows as a result of upstream pad fills. The 3.31 acres of direct impacts to waters of the United States include 0.82 acres for the construction of 18 culverted road crossings and 2.49 acres for the construction of pad fills. The 0.43 acres of indirect impacts would be a result of upstream pad fills.

Additional Project Information

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and serves to guide the Corps in establishing whether the applicant's proposal is water dependent. The basic project purpose for this water dependency test is the development of an integrated community.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is further defining the basic project purpose in a manner that specifically described the applicant's goals for the proposed project. This establishes the criteria analyzing a reasonable range of project alternatives. The overall project purpose is the construction of a master-planned community in the western Phoenix metropolitan area.

Elevations within the proposed project area range from approximately 950 feet above mean sea level (msl) at the Hassayampa River to 1,080 feet above msl. The topography of the area is relatively flat and consists of both disturbed and undisturbed native desert habitat. There are no permanent surface water sources or wetlands within the proposed project area. The Corps prepared an approved jurisdictional determination for the proposed project, dated May 15, 2006, which identified a total of approximately 21.50 acres of ephemeral waters of the United States within the site of the proposed 2,230-acre Desert Creek master-planned community.

The proposed project area is located within the Lower Colorado River Valley subdivision of the Sonoran Desertscrub biotic community. Two distinct types of plant communities have been identified within the proposed project area: upland vegetation and xeroriparian vegetation. The dominant species found in the upland plant community consist of foothill paloverde (*Parkinsonia microphylla*), creosotebush (*Larrea tridentate* var. *tridentate*), and white bursage (*Ambrosia dumosa*). The xeroriparian plant community is associated with the ephemeral waters within the proposed project area. The dominant species within the xeroriparian plant community consist of velvet mesquite (*Prosopis velutina*), catclaw acacia (*Acacia greggii*), desert ironwood (*Olneya testota*), thornbush (*Lycium* sp.) and foothill paloverde. This vegetation is typically more robust than those in the upland due to the additional available moisture.

Proposed Special Conditions

To be developed.

For additional information please call Ron Fowler at (602) 640-5385 x 226. This public notice is issued by the Chief, Regulatory Branch.

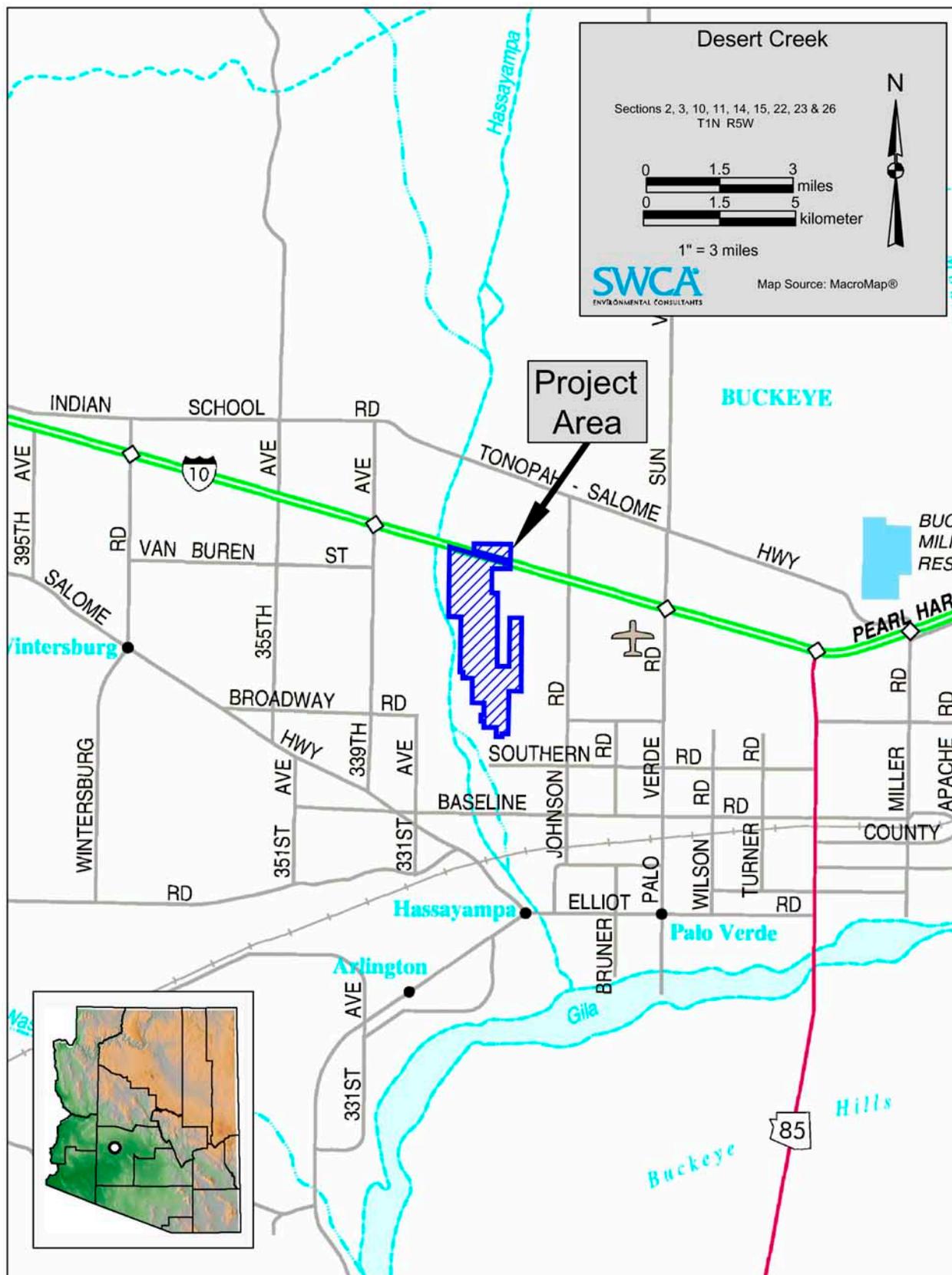


Figure 1. General location of the project area.

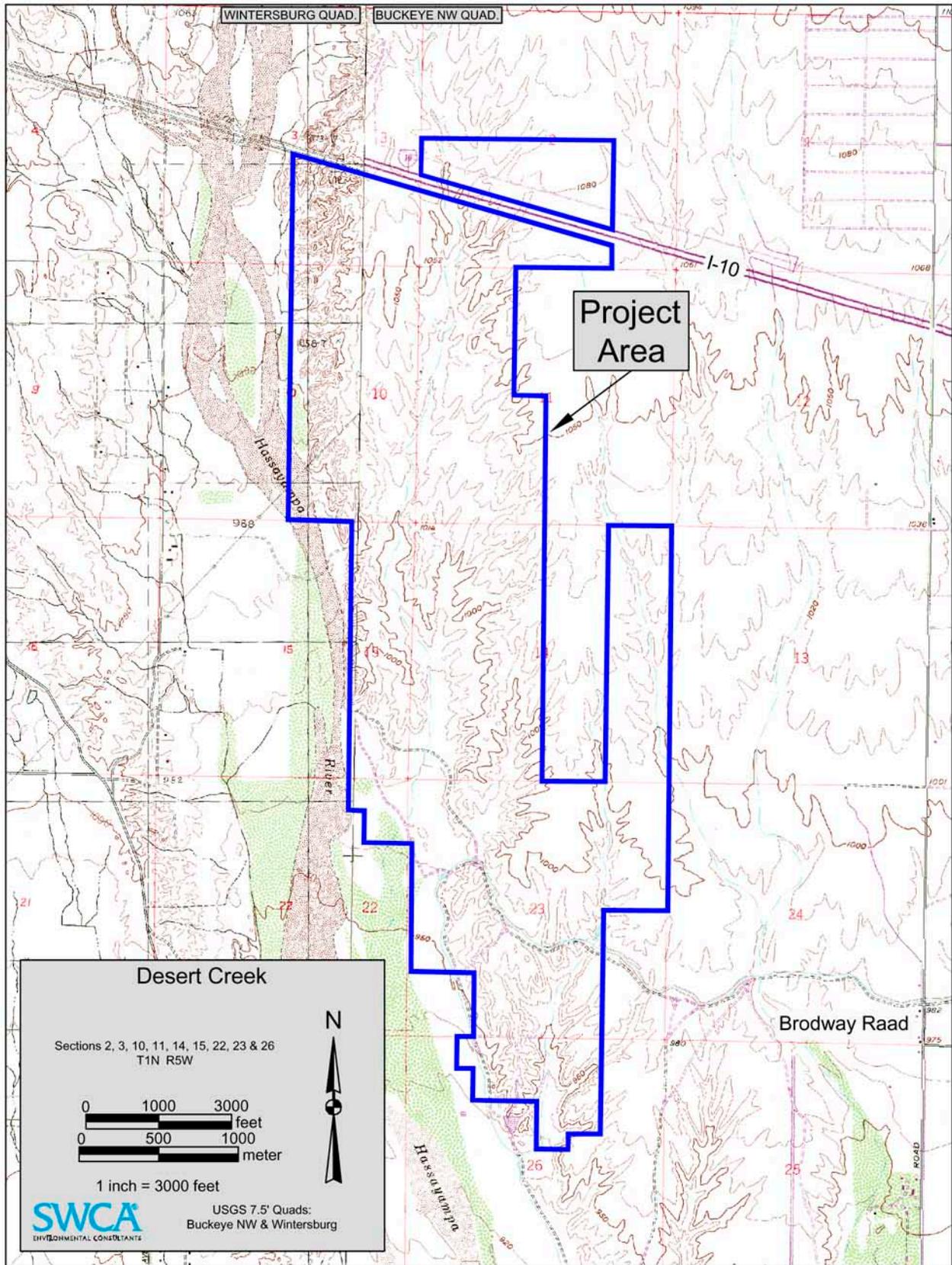
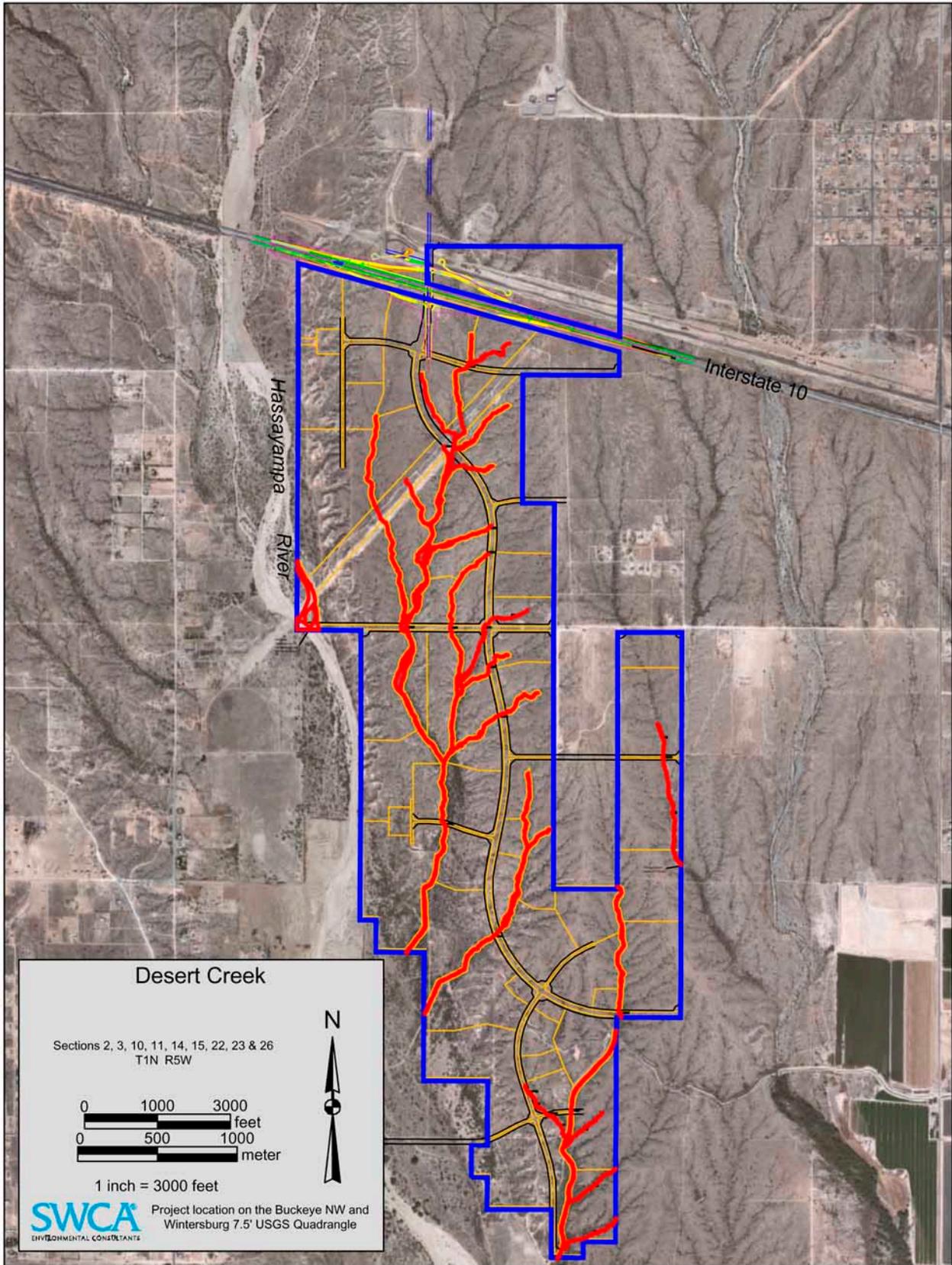
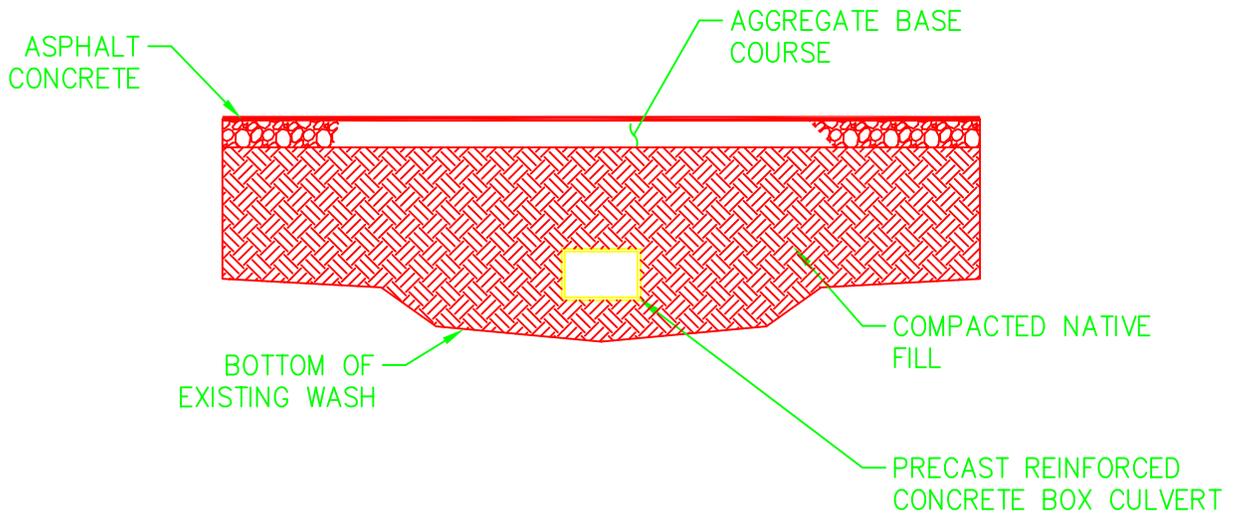
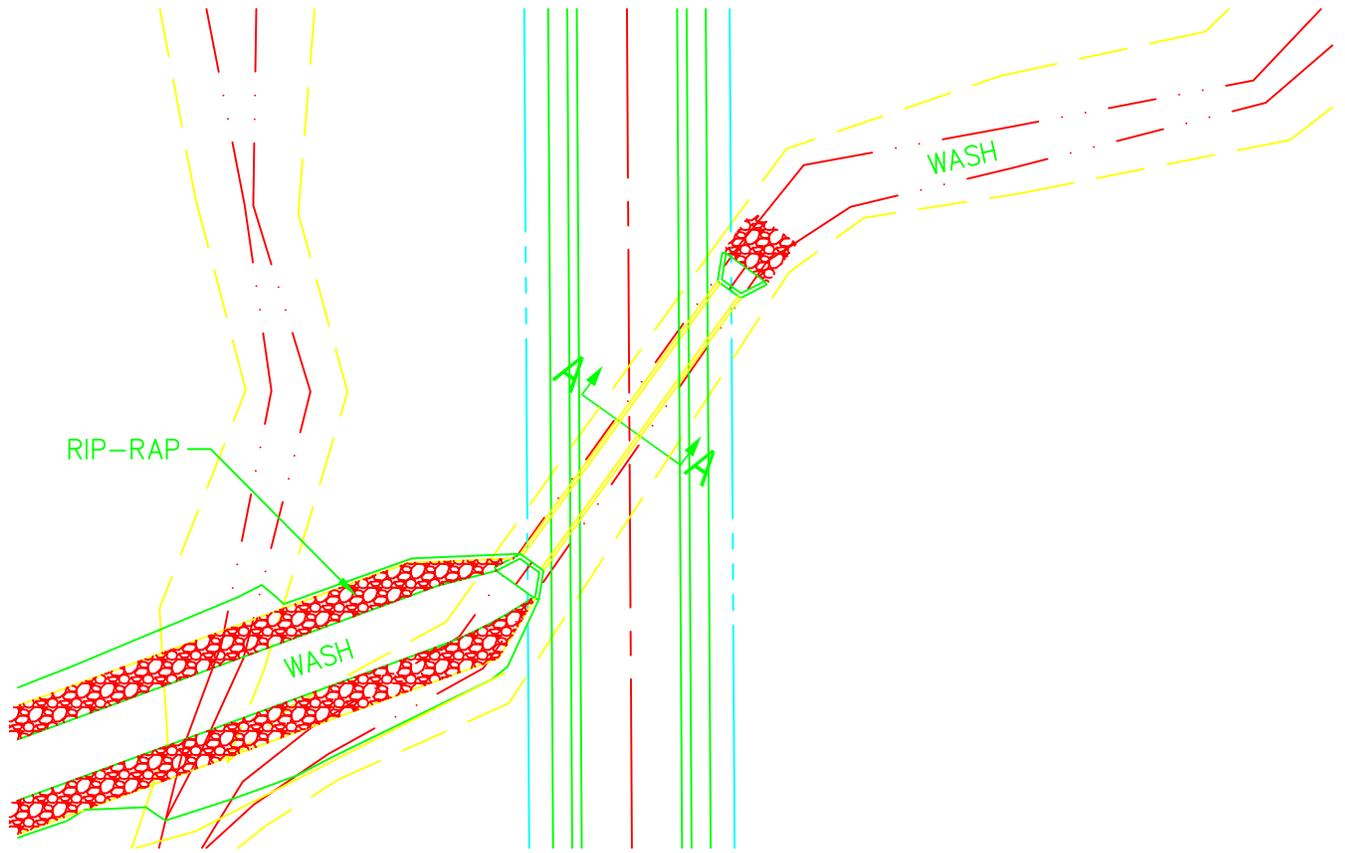


Figure 2. Project area location.



Site plan



TYPICAL BOX CULVERT STREET CROSSING

CROSS SECTION A-A

N.T.S.