

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2006-00634-DE

Comment Period: December 17, 2007 through January 15, 2008

Applicant

PLM Partners, LLC
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(928) 561-9900

Agent

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Phoenix, Arizona 85004
(602) 274-3831

Location

In Walnut Creek, Hydraulic Unit Code 15020005 - Silver, within Sections 5 & 8, T8N, R23E, Pinetop, Navajo County, Arizona.

Activity

To construct a multi-family residential development with associated infrastructure, impacting approximately 1.51 acres of Section 404 jurisdictional wetlands of the United States, for roadway development and lot fill. 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 daisy.eldridge@usace.army.mil, or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2006-00634-DE)
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, Cumulative impacts, 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 applicant's consultant conducted both a project site records search, and a systematic pedestrian survey of the project area. No archaeological sites were

identified in the project area, and no cultural resources were observed during the pedestrian survey. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

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 consisting of native fill, concrete, and asphalt (approximately 12,000 cubic yards) into approximately 1.51 acres of Section 404 jurisdictional wetlands for the construction of project roadways and lot fills. The approved jurisdictional determination was a revision to an existing delineation that pre-dates the June 2007 guidance entitled "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* and *Carabell v. United States*," and was therefore processed using the pre-Rapanos delineation procedures that were in place at the time of the original delineation.

Additional Project Information

The overall project purpose for the 404(b)(1) Alternatives Analysis is to construct a multi-family residential development in Pinetop, Arizona. The basic project purpose for the Water Dependency Test is to provide shelter.

The project sits on approximately 13.8 acres of land located within Pinetop, Arizona at an elevation of approximately 7,037 feet above mean sea level (2,145 meters). The project area is located within an open meadow dominated by various grasses and forbs, with ponderosa pine (*Pinus ponderosa*) flanking the property edges. The topography of the project area consists of a relatively flat area with small, low-lying depressions that are inundated, seasonally to varying degrees with water. It appears that the low-lying areas were created through excavation/grading and are not a natural feature within the project area. The project area lies within the Walnut Creek drainage, a tributary to Billy Creek, which is tributary to Show Low Creek, which is tributary to Silver Creek, which is tributary to the Little Colorado River, which flows into the Colorado River. A complete soil survey of Navajo County has not been published by the Natural Resources Conservation Service at this time. Soil texture is relatively uniform across the project area consisting of fine sandy clay loams with various degrees of organic matter. Soils on the project site are derived from sedimentary and volcanic sources located upgradient from the project area.

The project area is located within the Ponderosa Pine series of the Petran and Madran Montane Conifer Forest subdivision of the Cold-Temperate Forests and Woodlands biotic community (Brown, 1994). Two main vegetation communities occur within the project area: wetland, and upland. The upland vegetation community within the project area consists of Arizona fescue (*Festuca arizonica*), curlytop gumweed (*Grindelia nuda* var. *aphanactis*), foxtail barley (*Hordeum jubatum*), yellow sweetclover (*Melilotus officianalis*) and false goldenaster (*Heterotheca* sp.). The wetland vegetation community within the project area is dominated by sedge (*Carex* spp.), common cattail (*Typha latifolia*), and water smartweed (*Polygonum amphibium*).

Proposed Special Conditions

To be developed.

For additional information please call Daisy Eldridge at (602) 640-5385 x 268 or send an e-mail to daisy.eldridge@usace.army.mil. This public notice is issued by the Regulatory Branch of the Los Angeles District of the US Army Corps of Engineers.

Brown, David E., Editor. 1994. Biotic Communities: Southwestern United States and Northwestern Mexico. University of Utah Press, Salt Lake City, Utah, 342 pages.

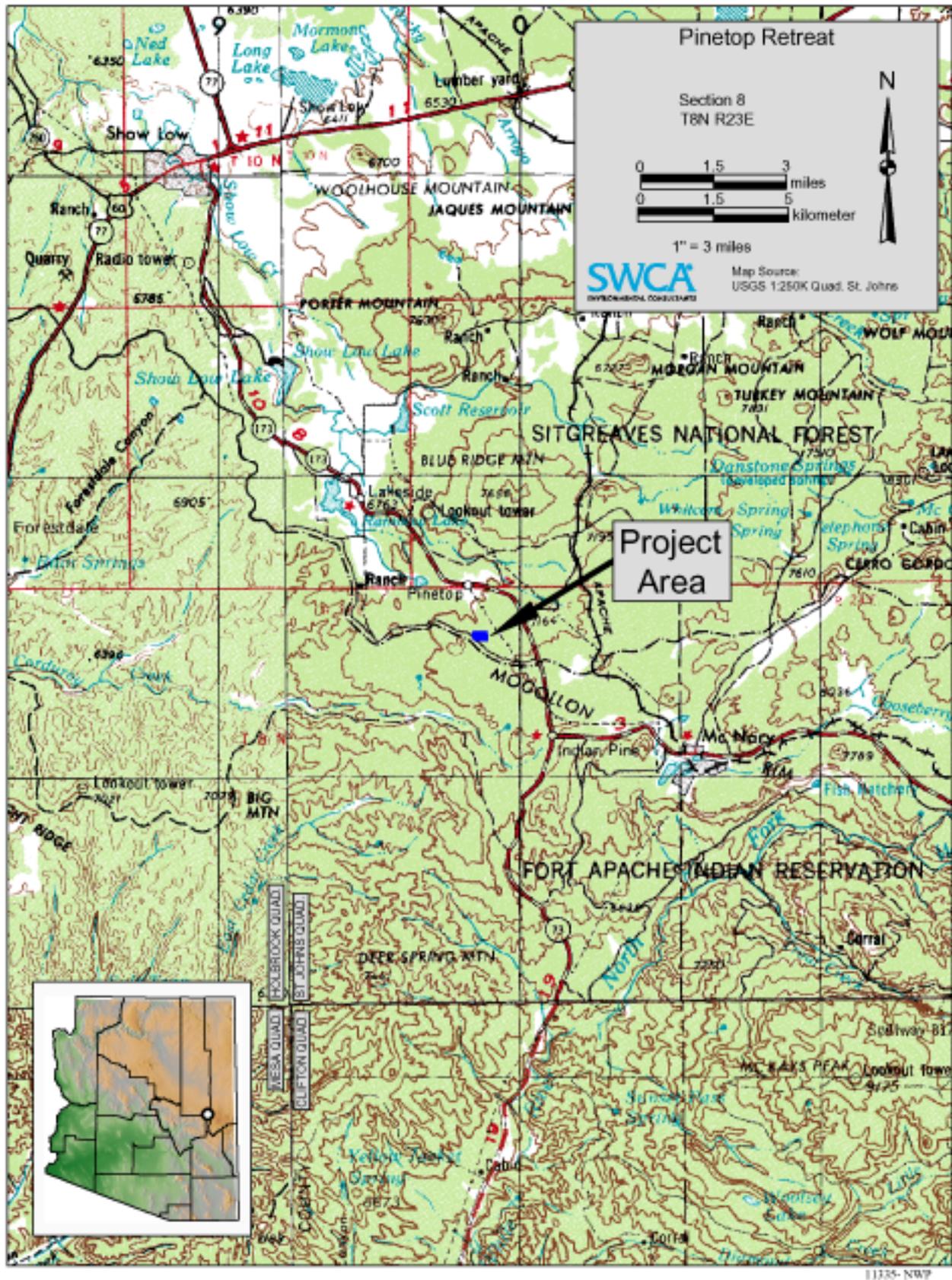
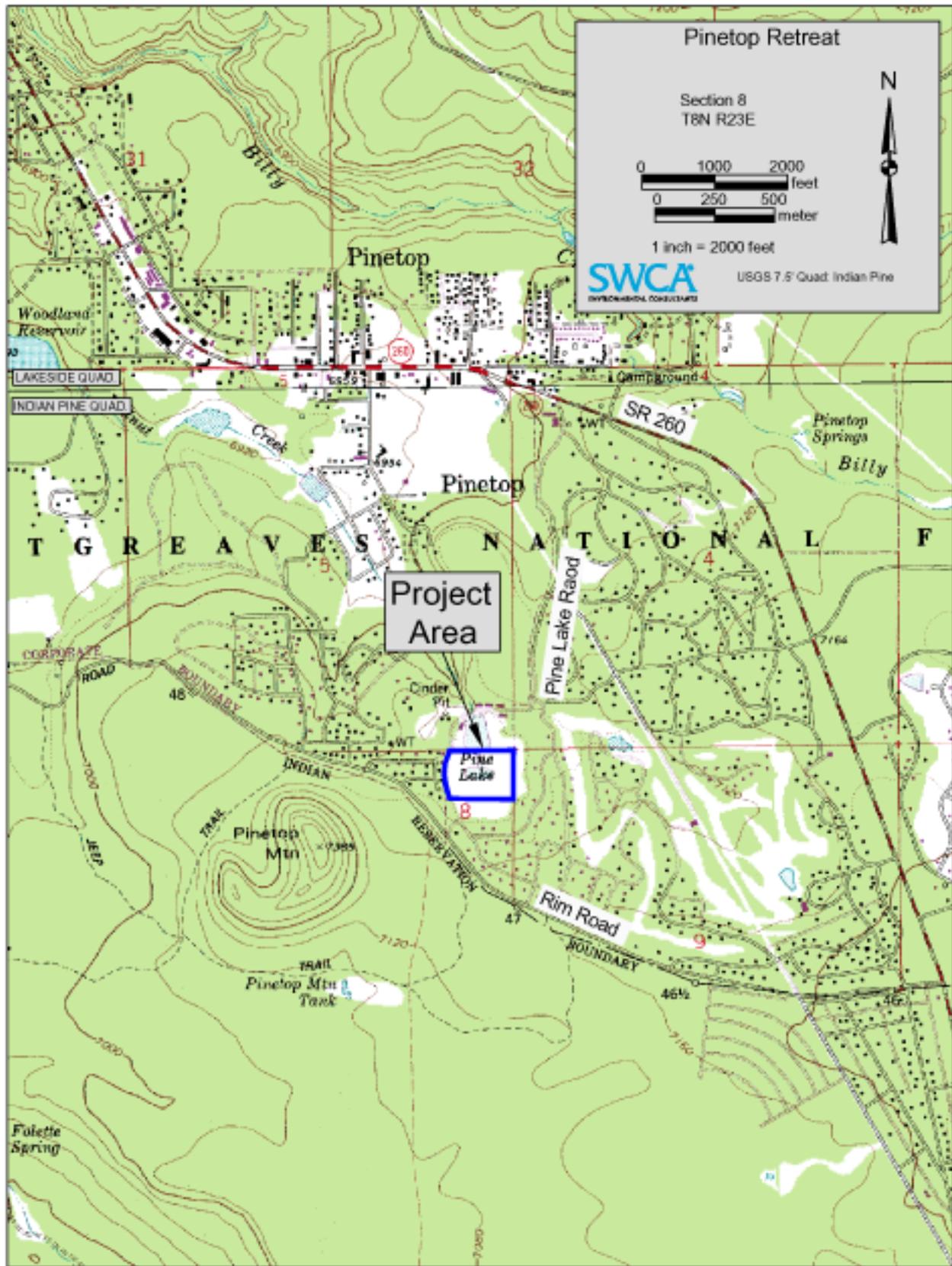


Figure 1. General location of the project area.



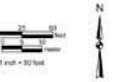
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Figure 2. Project area location.



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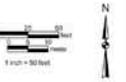
- Project Area
- Other Waters
- Wetlands



Map Source:
Innovative Engineering
Image Date:
June 6, 2006

KEY

- Project Area
- Other Waters
- Wetlands



Map Source:
Inville Engineering
Image Date:
June 6, 2006

