

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: SPL-2006-1396-AP

Comment Period: November 19, 2007 through December 18, 2007

Applicant

John Christensen
Surprise Grand Vista JV I, LLC
Toll Brothers AZ Construction Company
14350 N. 87th Street, Suite 310
Scottsdale, Arizona 85260
(480) 951-0782

Agent

Jorge Garre
Argus Consulting, P.C.
10405 E. McDowell Mountain Ranch Road
Scottsdale, Arizona 85255
(480) 596-1131

Location

The proposed project is within 5,500 acres of land at 33040 N. 203rd Avenue in portions of Sections 3-10, 15, 17, T5N, R2W, Section 12, T5N, R3W, and Sections 31, 33, T6N, R2W, Maricopa County, Arizona. The DaimlerChrysler Corporation proving ground currently operates on the proposed project site.

Activity

The applicant proposes to discharge dredged and/or fill material into 27.5 acres of waters of the United States for wash realignments, building pad and road fills, culverted road crossings, and utility crossings. This would occur during the applicant's proposed re-development of the site (from DaimlerChrysler Corporation proving grounds into a master planned community) named Grand Vista. For more information, see page 3 of this notice and the five 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 : cynthia.a.palaruan@usace.army.mil

or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2006-1396-AP)
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 this site is not listed. The proposed project area has been surveyed for the presence of properties that may be eligible, or potentially eligible for listing in the National

Register of Historic Places. Based on the survey report, the Corps of Engineers will consult, as necessary with the State Historic Preservation Office in regard to eligibility determinations and project affects to historic properties.

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

On June 27, 2006, the applicant requested a Clean Water Act (CWA) Section 404 jurisdictional delineation for their proposed 5,500 acre Grand Vista project site. Subsequently, the applicant requested that the Corps of Engineers (Corps) finalize this CWA Section 404 jurisdictional delineation under pre-Rapanos guidance. Therefore, on January 22, 2007 (under pre-Rapanos guidance) the Corps finalized the CWA Section 404 jurisdiction that consists of 144 acres of ephemeral washes within the proposed 5,500 acre Grand Vista project site.

On July 27, 2007, the applicant applied for a Department of the Army CWA Section 404 permit to discharge dredged and/or fill material into 27.5 acres of CWA Section 404 jurisdiction to develop their proposed Grand Vista master-planned community. The proposed impact to the 27.5 acres of washes would result from construction of culverted road crossings, utility crossings, building pad and road fills, and wash realignments. At several locations, washes will be realigned into constructed earthen bed channels to maintain downstream flows. Wash flow at roads will be passed through various-sized box culverts or at-grade crossings. Utility crossings will be buried within the wash beds. Upon completion of construction the wash bed areas would be returned to pre-construction contours. The applicant proposes to place all temporary features such as staging, material stockpiles, and storage outside of Section 404 jurisdictional areas. No wetlands or other special aquatic sites, perennial streams, or intermittent streams would be impacted by the proposed project.

Additional Project Information

The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct a master planned community within western Phoenix Metropolitan Area. The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water

dependent. The basic project purpose for the proposed project is the development of an integrated community.

Currently, the DaimlerChrysler proving ground operates within the proposed project area. The proving ground began their operations in the early 1980 timeframe. The proposed project area is disturbed from the construction and operation of the proving grounds which consists of several paved test tracks, off-road test tracks, support buildings, stormwater-detention areas, and security fencing and perimeter roads that encircle the facility. The applicant's proposed Grand Vista master-planned community will include two golf courses, residential, commercial, office/employment, schools, parks, and public buildings.

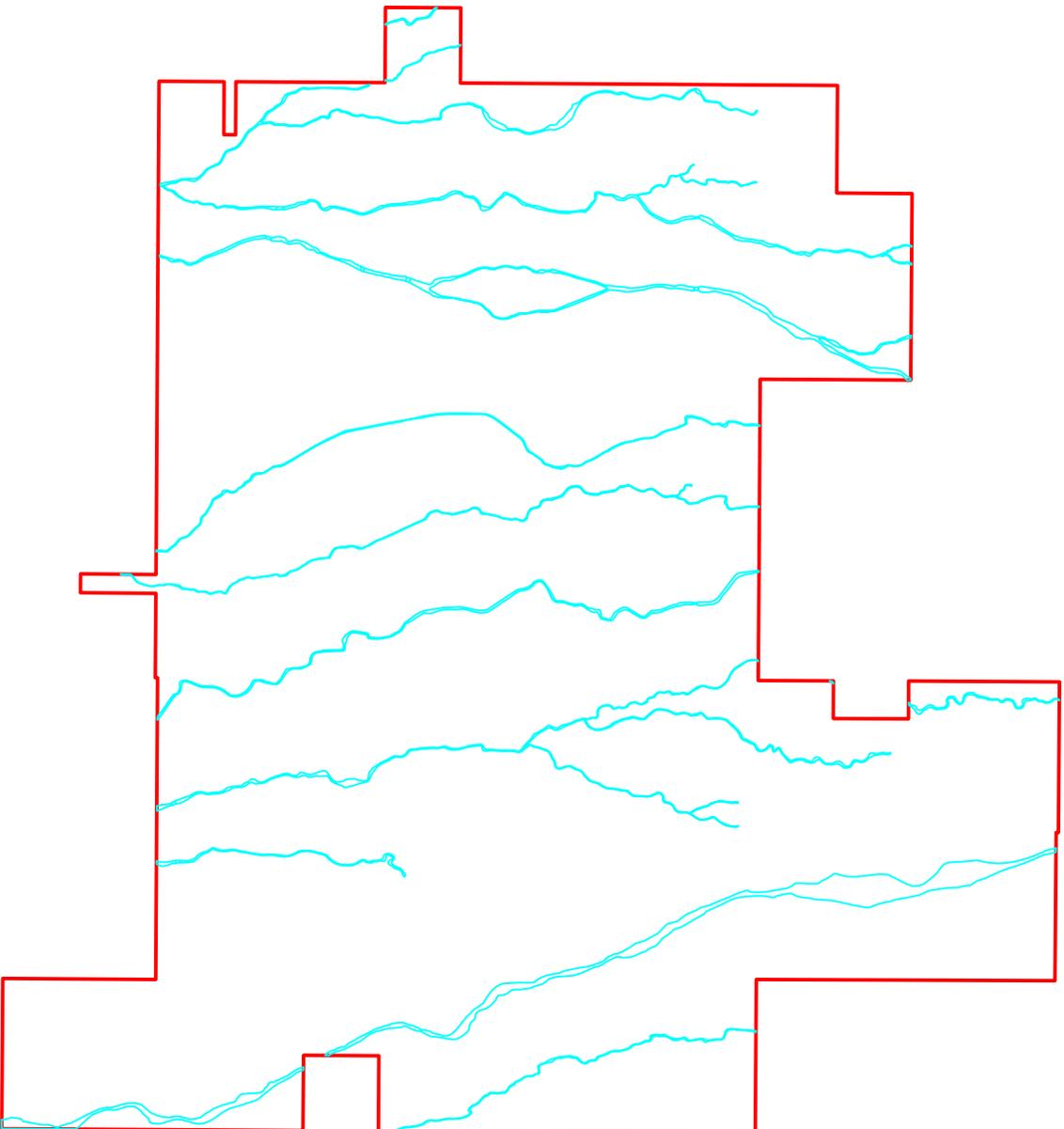
The proposed project area is northeast of US Highway 60. It is mostly bordered to the west by 211th Avenue, to the south by Dove Valley Road, and to the east by the 183rd Avenue alignment. The proposed project area is currently in unincorporated Maricopa County near the Town of Wittmann. The applicant anticipates that the proposed project area will soon be annexed into the City of Surprise.

The proposed project area ranges from approximately 1,640 to 1,930 feet above mean sea level on the alluvial plain south of the Hieroglyphic Mountains. The vegetation onsite is consistent with the Lower Colorado River Subdivision of Sonoran Desertscrub. Vegetation on the upland areas include creosotebush, triangle-leaf bursage, barrel cactus, prickly pear cactus and a few saguaro cactus, while vegetation at the margins of ephemeral drainages includes ironwood, blue paloverde, foothills paloverde, catclaw acacia, and greythorn.

Proposed Special Conditions

To be developed.

For additional information please call: Ann Palaruan at (602) 640-5385 ext. 227 or send an e-mail to: cynthia.a.palaruan@usace.army.mil. This public notice is issued by the Regulatory Branch of the Los Angeles District of the US Army Corps of Engineers.



LEGEND



404 WASH

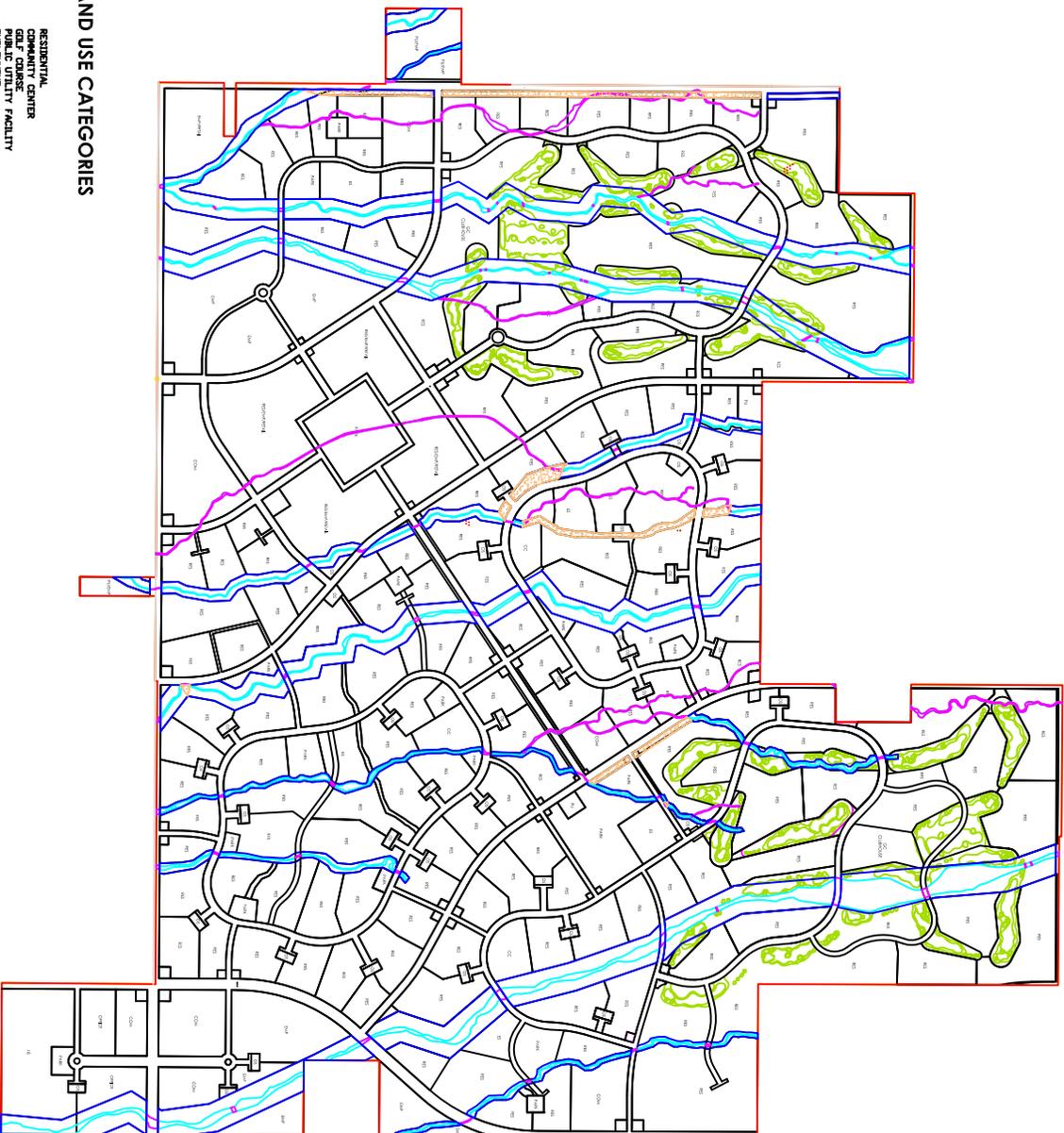
TOTAL 404 WASH AREA = 144.0 AC.



ARGUS CONSULTING
 A CIVIL ENGINEERING COMPANY, P.C.
 10405 E. McDowell, Mesa, AZ 85206
 Scottsdale, Arizona 85258 480-596-1131

PREDEVELOPMENT MAP

GRAND VISTA
 SURPRISE - ARIZONA



LAND USE CATEGORIES

- RES RESIDENTIAL
- CC COMMUNITY CENTER
- GC GOLF COURSE
- PC PUBLIC FACILITY
- EP EMPLOYMENT
- CM COMMERCIAL
- PK PARK
- HS HIGH SCHOOL
- RE RETAIL
- PS OFFICE BUILDINGS
- DR DRIVEWAYS

LEGEND

- PRESERVED 404 WASH
- IMPACTED 404 WASH
- ROADWAY R.D.W.
- MAJOR WASH CORRIDOR
- REROUTE OF 404 WASH
- GOLF COURSE

TOTAL 404 WASH AREA = 144.0 AC.
 IMPACTED 404 WASH AREA = 27.5 AC.
 PERCENT OF 404 WASHES IMPACTED = 19%

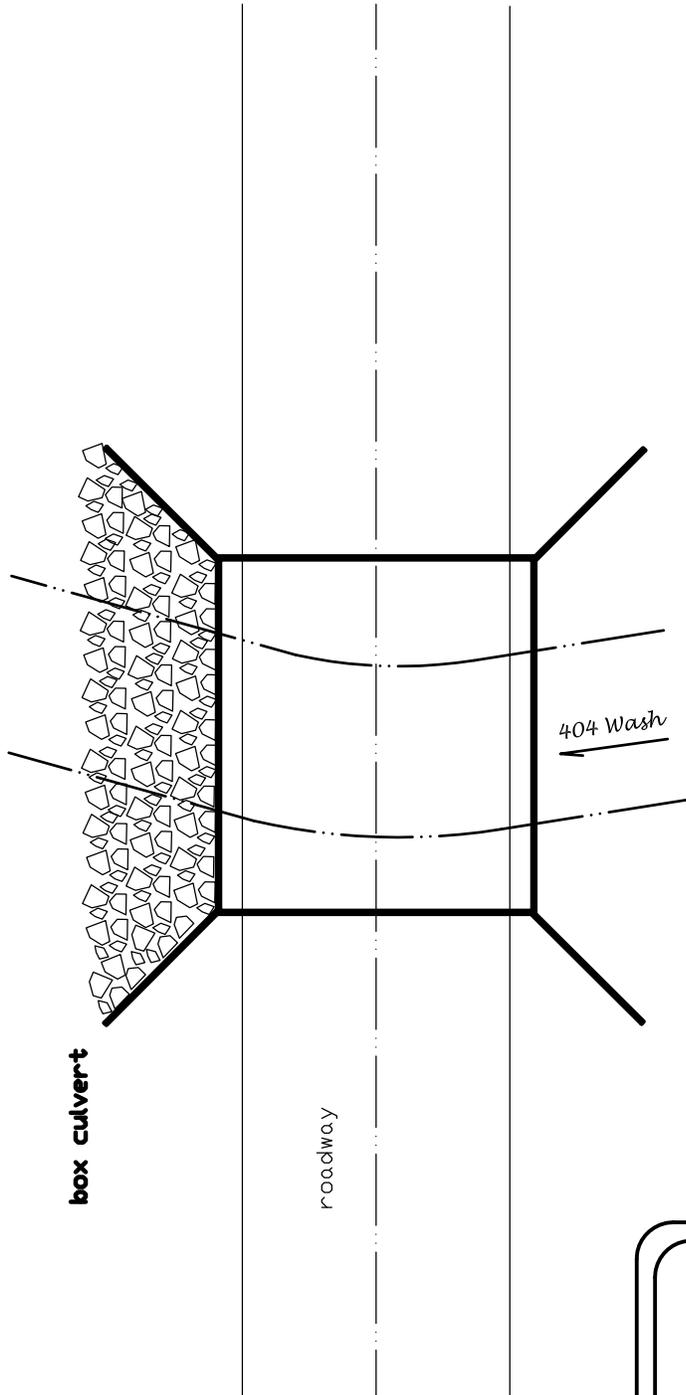


ARGUS CONSULTING
 A CIVIL ENGINEERING COMPANY, P.C.
 10405 E. McDowell, Mesa, AZ 85206
 Scottsdale, Arizona 85255 480-596-1717

DEVELOPMENT OVERLAY

CONCEPTUAL
 GRAND VISTA
 SURPRISE - ARIZONA

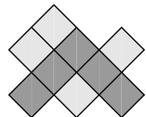
FILE NAME:
MACHINE NUMBER:
DATE PLOTTED:



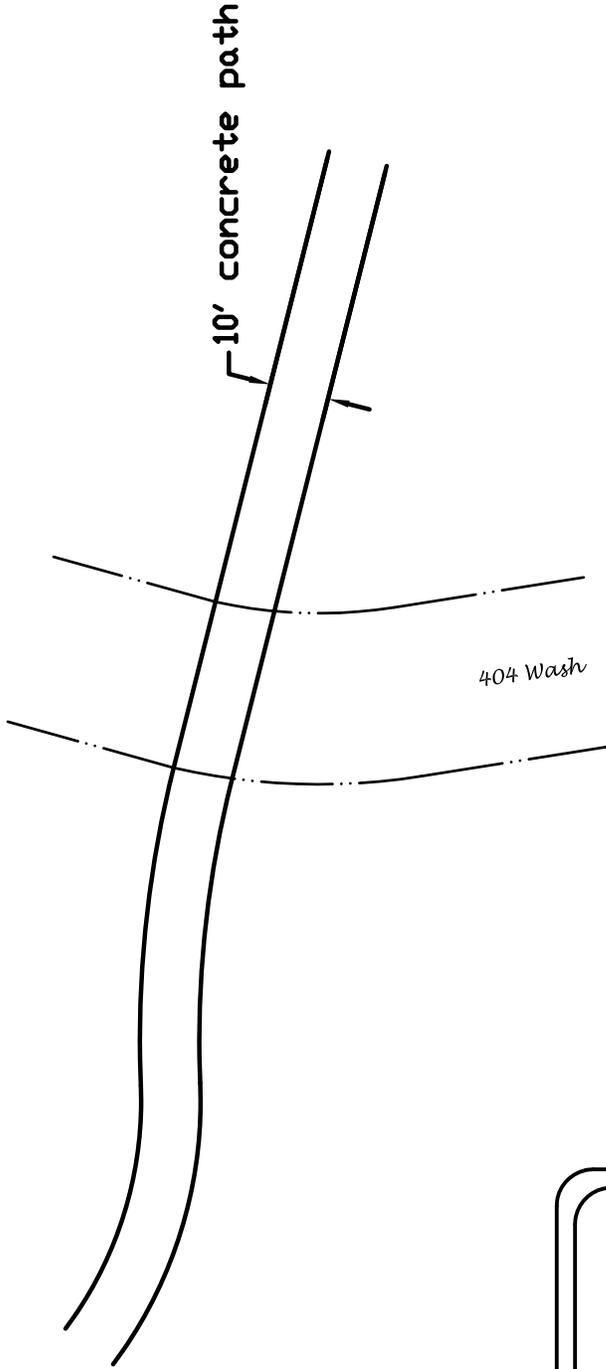
CONCEPT ROAD CROSSING

CONCEPTUAL
ROAD CROSSING

GRAND VISTA



FILE NAME:
MACHINE NUMBER:
DATE PLOTTED:



CONCEPT CART PATH CROSSING

CONCEPTUAL
CART PATH
CROSSING

GRAND VISTA

