

**US Army Corps
of Engineers®**

PUBLIC NOTICE

APPLICATION FOR PERMIT

Public Notice/Application No.: SPL-2007-260-KAT

Comment Period: September 19, 2008 through October 18, 2008

Co-Applicant

Arizona Department of Transportation
Mr. Greg Gentsch, P.E.,
Tucson District Engineer
1221 S. 2nd Ave. (T100)
Tucson, Arizona 85713-1602

Co-Applicant

Town of Marana
Mr. Keith Brann, P.E.
Assistant Director of Public Works
11555 W. Civic Center Dr., Bldg. A2
Marana, Arizona 85653-7003

Location

The project is located on Interstate 10 between milepost (MP) 240.5 and MP 249.6, approximately 13 miles north of the Tucson, Pima County, Arizona, in Township (T) 12 South (S) Range (R) 12 East (E) Sections 15, 16, 21, 22, and 23. Lands in the project area are Arizona Department of Transportation (ADOT), Town of Marana (Town), Pima County, City of Tucson, Cortaro-Marana Irrigation District, Union Pacific Railroad, and privately-owned lands.

Activity

The Town and ADOT propose to construct a new traffic interchange (TI) on Interstate 10 (I-10) at the Twin Peaks Road alignment in the Town of Marana, Arizona. The new TI will relieve existing and future traffic congestion on Cortaro and Silverbell roads, address issues meeting current design standards, address vehicle conflicts with a railroad, and eliminate storm water from the I-10 mainline and frontage roads.

Impacts to Waters of the US equates to 6.43 acres of permanent impacts to unnamed ephemeral watercourses. Permanent impacts to the Santa Cruz River will be 2.10, of which 0.32 acres are wetlands. Temporary impacts equate 4.06 acres of which there are 0.41 acres to unnamed ephemeral watercourses and 3.65 acres to the Santa Cruz River.

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: kathleen.a.tucker@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Division (2007-260)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

For additional information please call Kathleen A. Tucker at (602) 640-5385 ext 254 or send an e-mail to kathleen.a.tucker@usace.army.mil. This public notice is issued by the Arizona Regulatory Branch of the Los Angeles District of the US Army Corps of Engineers.

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 will 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. Federal Highways Administration (FHWA), ADOT, and the Town completed an Environmental Assessment entitled *Interstate 10 Traffic Interchange at Twin Peaks/Linda Vista, Final Environmental Assessment and Section 4(f) Evaluation*, dated February 2006.

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. 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- Through implementation of a programmatic agreement (PA) between FHWA, ADOT, Advisory Council on Historic Preservation, and the Arizona State Historic Preservation Office a cultural resources inventory was performed. The inventory concluded that this project will have an "adverse effect" on properties eligible for the National Register of Historic Places (NRHP). Consulting

parties include FHWA, ADOT, Advisory Council on Historic Preservation, Arizona State Historic Preservation Office, Pascua Yaqui Tribe, Tohono O'odham Nation, Hopi Tribe, Town of Marana, Pima County Cultural Resources, and the Arizona State Historic Preservation office and City of Tucson Cultural Resources and Historic Preservation Program. The PA stipulates that a treatment plan be implemented prior to construction to address impacts to NRHP-eligible properties. The consulting parties will be provided opportunities to review and comment on materials prepared per the PA to fulfill their Section 106 responsibilities.

Endangered Species- The U.S. Fish and Wildlife Service's (FWS) was initially consulted in August of 2004 requesting informal Section 7 consultation under the Endangered Species Act. The initial request was for concurrence regarding the determination of "may affect, but is not likely to affect" the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*; pygmy-owl). Due to design changes, FWS was consulted again in July of 2007. As of May 15, 2005, the pygmy-owl was removed from the Endangered Species list. FWS agreed that none of the changes in design will result in effects that were not considered in the original informal consultation, and that, in combination with the delisting of the pygmy-owl, reinitiation of Section 7 consultation is unnecessary. Therefore, the proposed project will not jeopardize the continued existence of any endangered, threatened, proposed, or candidate species, or destroy or adversely modify critical habitat of such species.

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

Project elements which impact unnamed ephemeral washes include constructing culverts beneath new and existing roadways, constructing berms to intercept drainages and direct flows to a central drainage structure, constructing new road grades, and constructing new concrete-sided channels that realign drainages and increase capacity of undersized conveyances. Bridge construction within the Santa Cruz River will impact an ephemeral portion of the low flow channel as well as wetlands within a perennial portion. Widening of the low flow channel of the Santa Cruz River will also impact the margins of the ephemeral portion. A detailed description of activities is provided below.

The Town and ADOT are partners in the proposed improvements and will, therefore, be co-permittees for these activities. ADOT will be responsible for those activities within the I-10 right-of-way and the I-10 frontage roads. The Town is responsible for all activities outside the I-10 right-of-way, including the work within the Santa Cruz River channel. The activities described below are separated by area of responsibility.

Town of Marana Responsibilities

Linda Vista Boulevard. Activities are proposed as a result of the reconstruction of a section of Linda Vista Boulevard to El Camino de Mañana. The Linda Vista Boulevard reconstruction includes a new intersection with El Camino de Mañana and Twin Peaks Road that will be located approximately 1,000 feet north of the current intersection of Linda Vista Boulevard and El Camino de Mañana. The reconstruction is necessary to provide a perpendicular intersection with the proposed alignment of El Camino de Mañana/Twin Peaks Road. The new roadway will be an all-weather roadway with two, 12-foot wide travel lanes and 10-foot wide shoulders. Ephemeral waters of the US cross Linda Vista Boulevard and will require culverts. Dikes upstream of the roadway will collect and direct flows to the culverts. Dikes and fill for the road grade will truncate braided ephemeral wash channels causing the loss of wash segments downstream to their connection with other washes.

Twin Peaks Road. The Twin Peaks Road is proposed to connect the existing road on the west side of the Santa Cruz River with the new intersection of El Camino de Mañana and Vista Linda Boulevard on the east side of I-10. This roadway will provide a major arterial that connects both sides of the I-10 corridor and the Santa Cruz River as well as access to and from I-10. The roadway will cross over I-10 and Union Pacific

Railroad (UPRR) tracks on an elevated grade. Twin Peaks Road will provide a four-lane divided roadway with 11-foot wide inside lanes and 12-foot wide outside lanes with 7-foot wide shoulders and will transition to a two-lane roadway to match the existing El Camino de Mañana east of the intersection with Linda Vista Boulevard. Dikes upstream of the roadway will collect and direct flows to the culverts. Fill for the road grade east of I-10 will truncate ephemeral wash channels causing the loss of wash segments downstream to their connection with other washes.

Access Road. Dredge and fill activities will occur within the outlet channel of Washes A and C as a result of an access road that is proposed between I-10 and the Santa Cruz River to provide access to private properties. The access road will connect the I-10 eastbound frontage road north and south of the Twin Peaks TI by intersecting Twin Peaks Road.

Low Flow Channel Widening. Constructing Twin Peaks Road and bridge approach embankments across the Santa Cruz River floodplain will change the 100-year floodplain elevation; therefore, the low flow channel of the river will be widened to prevent the increase in flood water elevations. Activities within the Santa Cruz River will include excavating the soils along an approximately 3,377-foot long segment of the channel to expose the toe of the existing soil cement protection. The soil cement along the exposed segment will be removed and soils behind the protection excavated to widen the channel. Excavated areas of the channel will be brought back to preexisting elevations.

Santa Cruz Low Flow Channel Maintenance. Long term maintenance will be required to ensure the stability of the Santa Cruz River. The continued release of effluent into the Santa Cruz River has likely lowered the flow channel in the project area which can lead to increased deposition of channel material during large flooding events. Deposition of material under the bridge will block the intended flow pattern beneath the bridge causing the flow channel to be redirected or restrict the drainage of excess flows. This could lead to erosion of the low flow channel and roadway structures. Removal of the sediments beneath the bridge will occur as necessary to repair or rehabilitate the channel as designed and prevent the potential for this condition to occur.

ADOT Responsibilities

I-10 and Frontage Roads Cross Drainage Structures. Activities are proposed on four existing reinforced concrete box culverts (RCBC) located beneath I-10 and the frontage roads. Improvements to the culverts within the ADOT right-of-way (R/W) were developed based on the 50-year storm event in accordance with ADOT design criteria. Additional concrete cells will be constructed to increase capacity, culverts will be extended to address the new frontage road location, and culverts will be removed and replaced on skewed alignments to match existing downstream channel sections.

Two outfall channels that convey water from the RCBCs will be realigned to improve the flow direction and all four will be widened to increase flow capacities. Outfall channels were designed to convey the 100-year flow in accordance with Pima County and Town of Marana design requirements.

The permanent impacts to waters of the US are 8.53 acres. There were multiple jurisdictional determinations utilized for this permit request. These determinations were finalized on December 22, 2003, February 25, 2004 and January 20, 2006, all of which are pre-Rapanos.

The proposed work described above will discharge the following material into the Santa Cruz River, 600 cubic yards earthen backfill, 3,276 cubic yards reinforced concrete, 661,440 pounds reinforcing steel, 1,587 cubic yards soil cement, and 390 cubic yards rock riprap.

The proposed work describe above will also discharge the following material into the unnamed washes that occur on the east side of I-10 that drain into the Santa Cruz; 180,157 cubic yards of material will be excavated, 4,972 cubic yards earthen backfill, 5,183 cubic yards concrete, and 693,825 pounds reinforcing steel.

Additional Project Information

The purpose of the proposed action is to relieve existing and future congestion on Cortaro and Silverbell Roads, eliminate storm water from the I-10 mainline and frontage roads, correct deficiencies related to roadways not meeting current design standards as well as vehicle conflicts with the railroad, and improve the bicycle, pedestrian, and general transportation system connectivity.

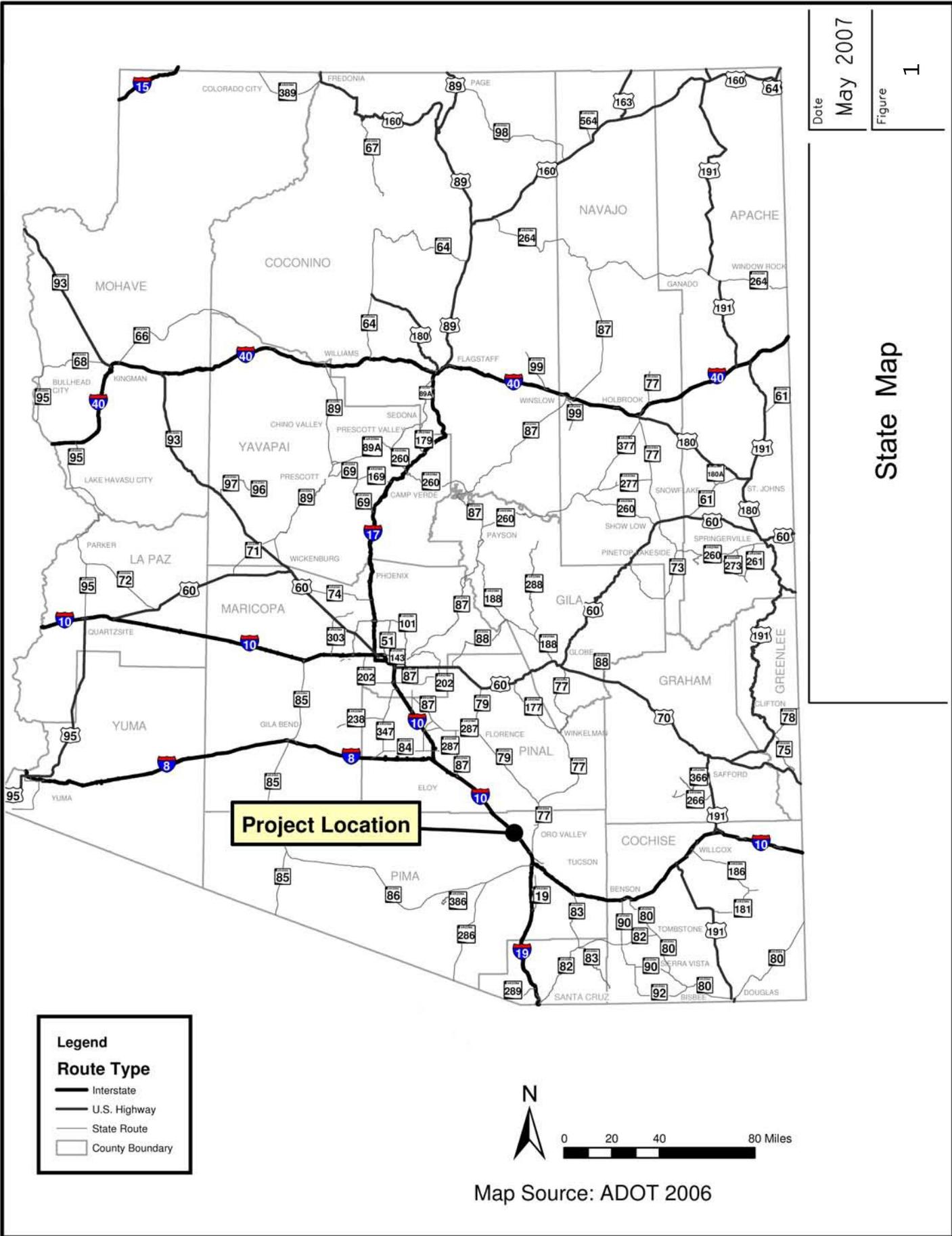
Alternative designs were developed and considered based on the potential to avoid and reduce impacts to waters of the US. Practicable alternatives that minimize permanent impacts to jurisdictional waters were selected and assessed. Road alignments were placed largely on existing alignment and culvert crossings are designed mostly perpendicular to the washes to minimize impacts. Impacts are also minimized by the use of construction materials that do not leach toxic pollutants (concrete, gabion blanket, rip rap, soil cement), constructing concrete sided channels with natural bottom, and through implementation of the requirements of storm water pollution prevention plans and 401 certification during construction. Vegetation loss will be kept to the minimum necessary.

Compensation for 8.53 acres of permanent and 4.06 acres of temporary impacts to waters of the US will be provided in the form of an vegetation enhancement plan, revegetation plan, and seeding with native species. Components of the plan include: in-kind replacement of all trees greater than 4 inches in diameter at breast height within the construction footprint at a 3:1 ratio, and implementing a vegetation enhancement plan for the loss of waters of the US. The vegetation enhancement plan includes providing 25 acres of native plant species that enhance habitat for wildlife along the over-bank area of the Santa Cruz River in the northwest segment of the project area. Although this permit application also contains provisions for in-lieu fee mitigation, the on-site mitigation is preferred by the applicants. By providing the on-site mitigation proposed in this application, the applicants also satisfy requirements under Pima County's Riparian Habitat Mitigation Standards which have already been negotiated with the Pima County Flood Control District (PCFCD).

Proposed Special Conditions

To be developed

State Map

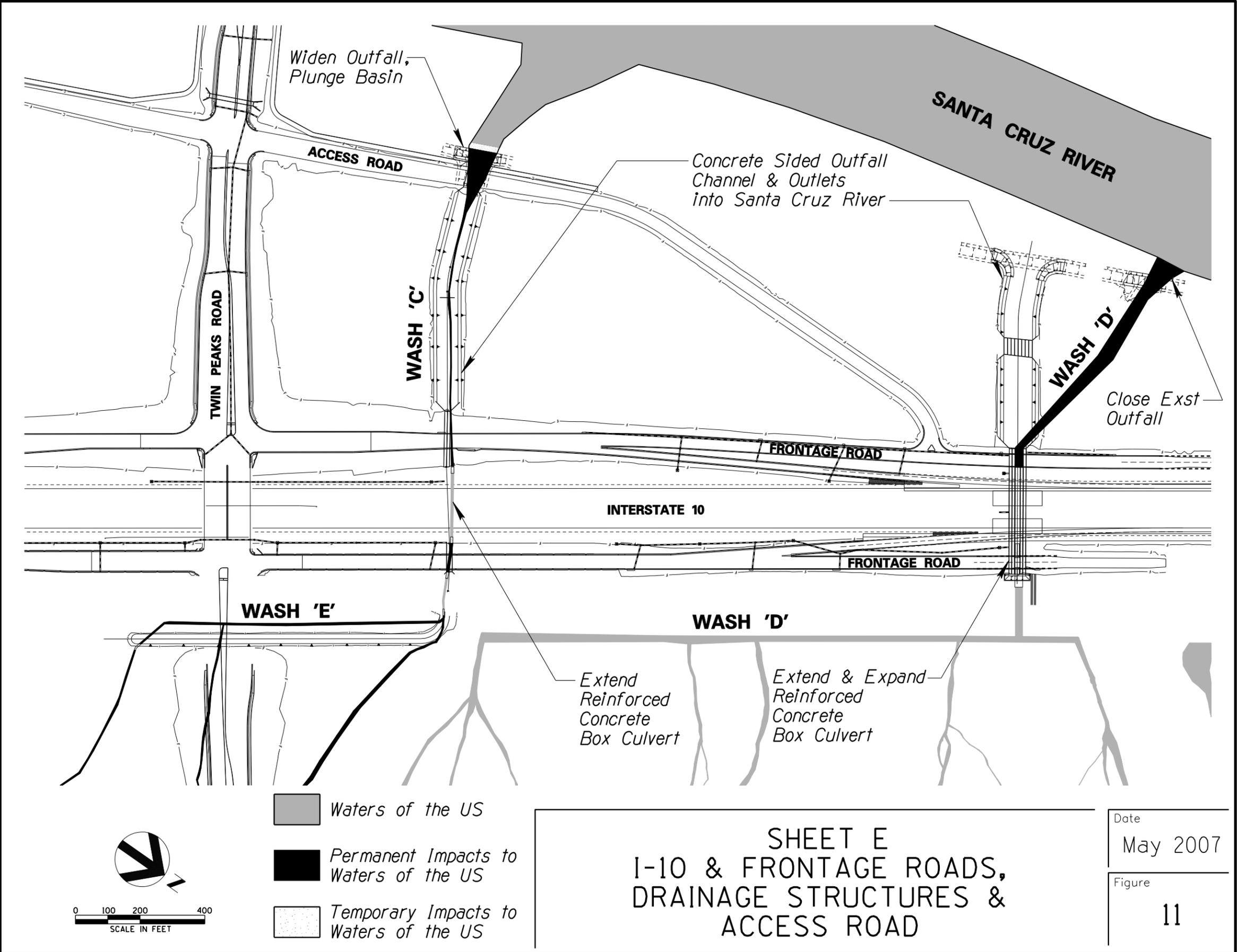


Applicant: Arizona Department of Transportation/Town of Marana
Project: I-10 Twin Peaks TI

STP-NH-010-D(201)N
 010 PM 240 H5838 01D

Applicant: Arizona Department
of Transportation/
Town of Marana

Project: I-10 Twin Peaks TI



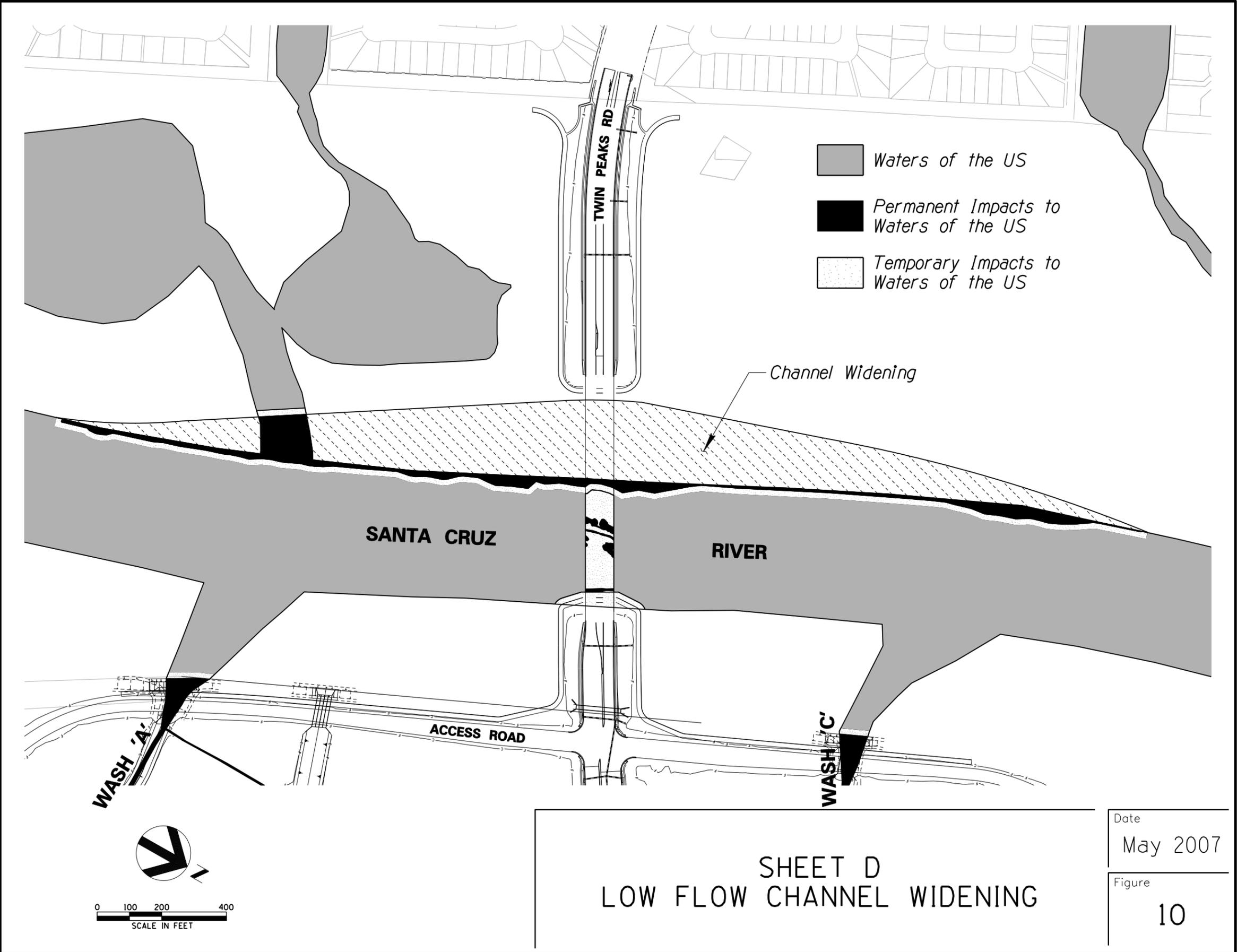
SHEET E
I-10 & FRONTAGE ROADS,
DRAINAGE STRUCTURES &
ACCESS ROAD

Date
May 2007

Figure
11

Applicant: Arizona Department
of Transportation/
Town of Marana

Project: I-10 Twin Peaks TI

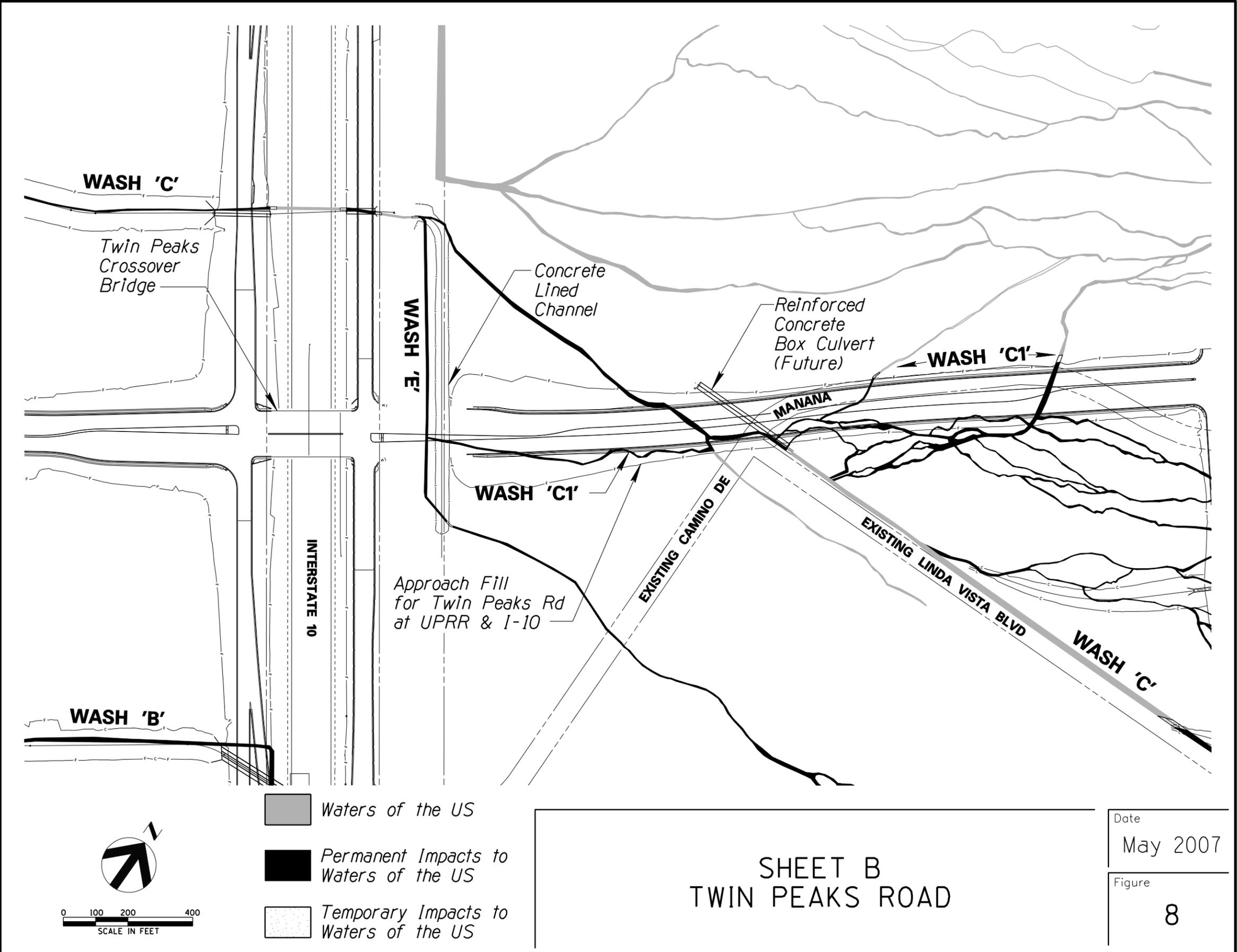


Date
May 2007

Figure
10

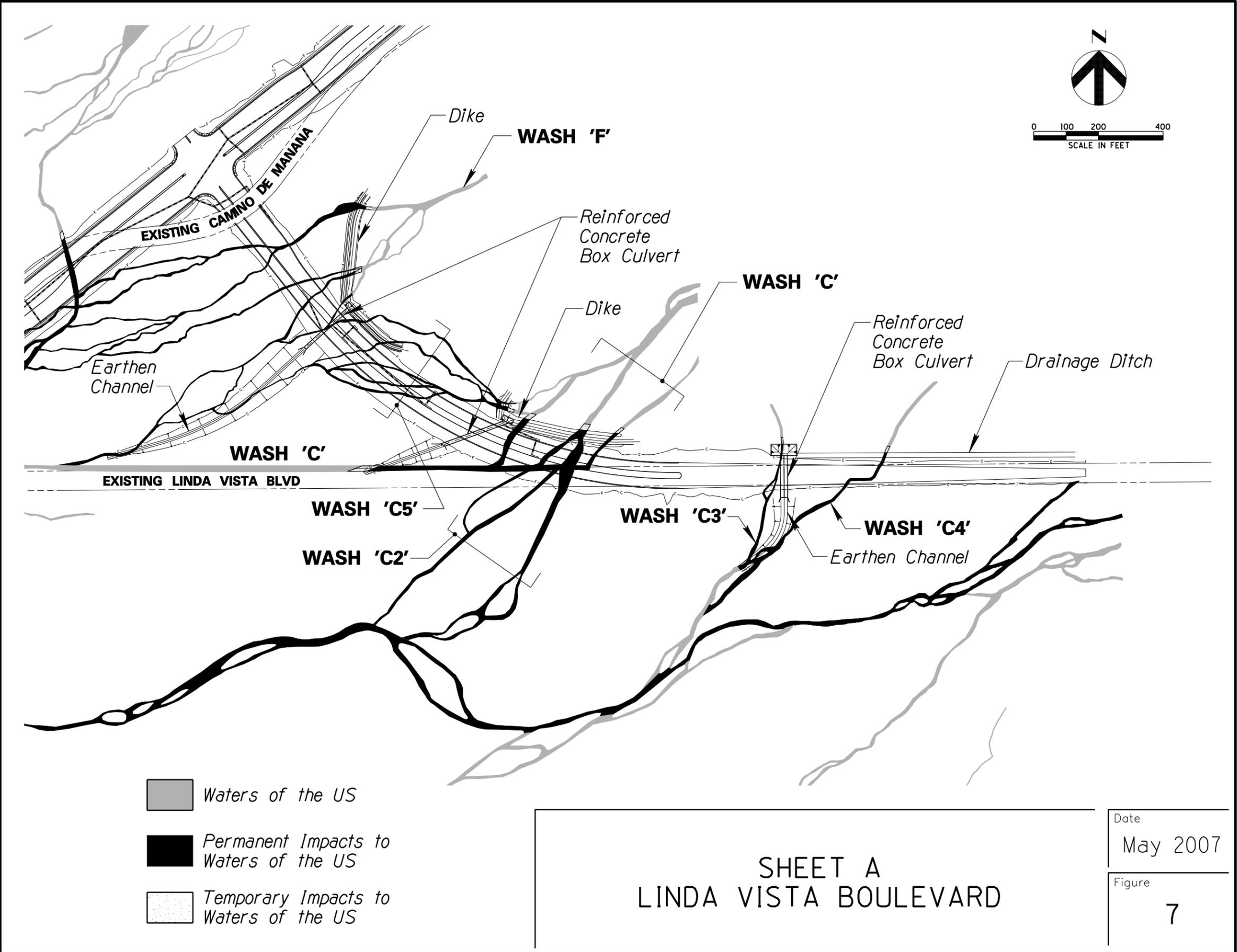
Applicant: Arizona Department
of Transportation/
Town of Marana

Project: I-10 Twin Peaks TI



Applicant: Arizona Department
of Transportation/
Town of Marana

Project: I-10 Twin Peaks TI



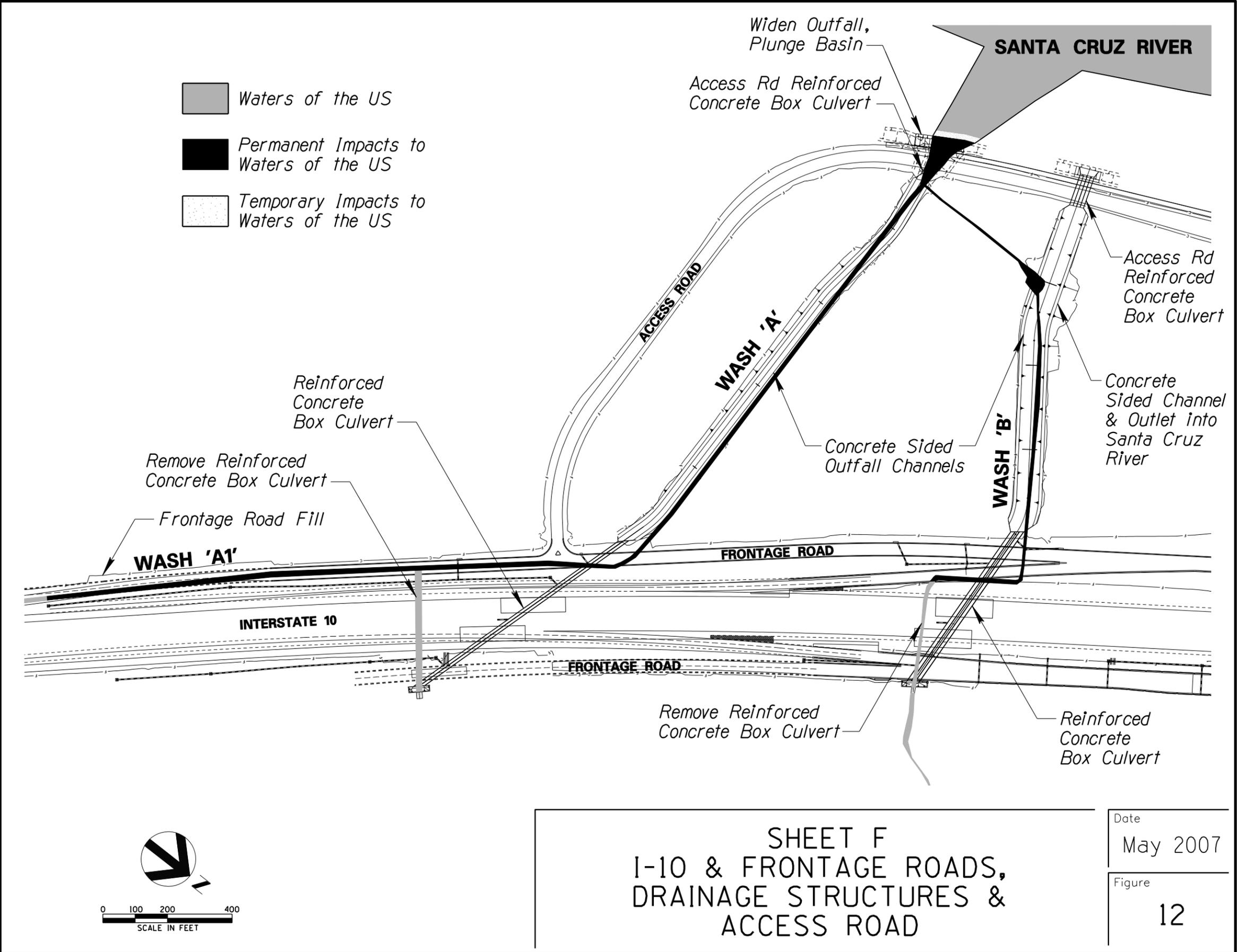
SHEET A
LINDA VISTA BOULEVARD

Date
May 2007

Figure
7

Applicant: Arizona Department of Transportation/
Town of Marana

Project: I-10 Twin Peaks TI



SHEET F
I-10 & FRONTAGE ROADS,
DRAINAGE STRUCTURES &
ACCESS ROAD

Date	May 2007
Figure	12

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	STP-NH-010-D(20)IN	557	867	
			010 PM 240	MARANA NO. 2001-44	

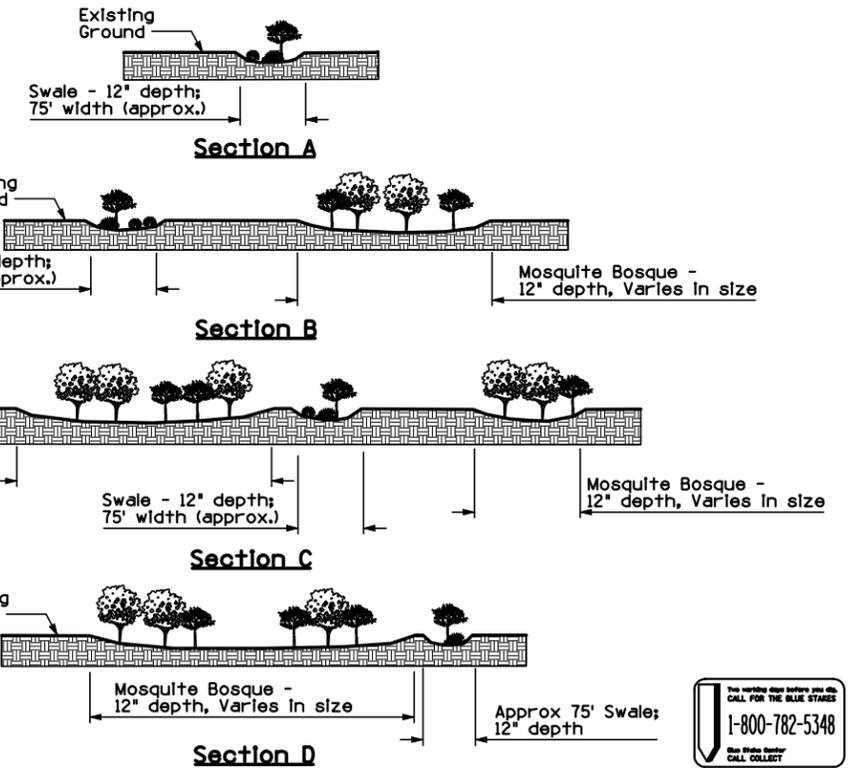
Mitigation Plants

Symbol	Quantity	Botanical Name	Common Name
	216	<i>Prosopis velutina</i>	Velvet Mesquite
	175	<i>Prosopis pubescens</i>	Screwbean Mesquite
	47	<i>Chilopsis linearis</i>	Desert Willow
	63	<i>Chilopsis linearis</i> 'Warren Jones'	Desert Willow 'Warren Jones'
	106	<i>Celtis pallida</i>	Desert Hackberry
	Seed Mix H2- Mesquite Bosque w/ Desert Adapted Upland Mix		
	Seed Mix H3- Swale w/ Drought Tolerant Trees & Plants		
	Seed Mix H4- Mesquite Bosque w/ Desert Adapted Upland Mix		

PLANTING NOTE:
All Mitigation Plants to be Grown and Installed from 23" Dia. Tall Pot Containers. Refer to Planting Details and Special Provisions.

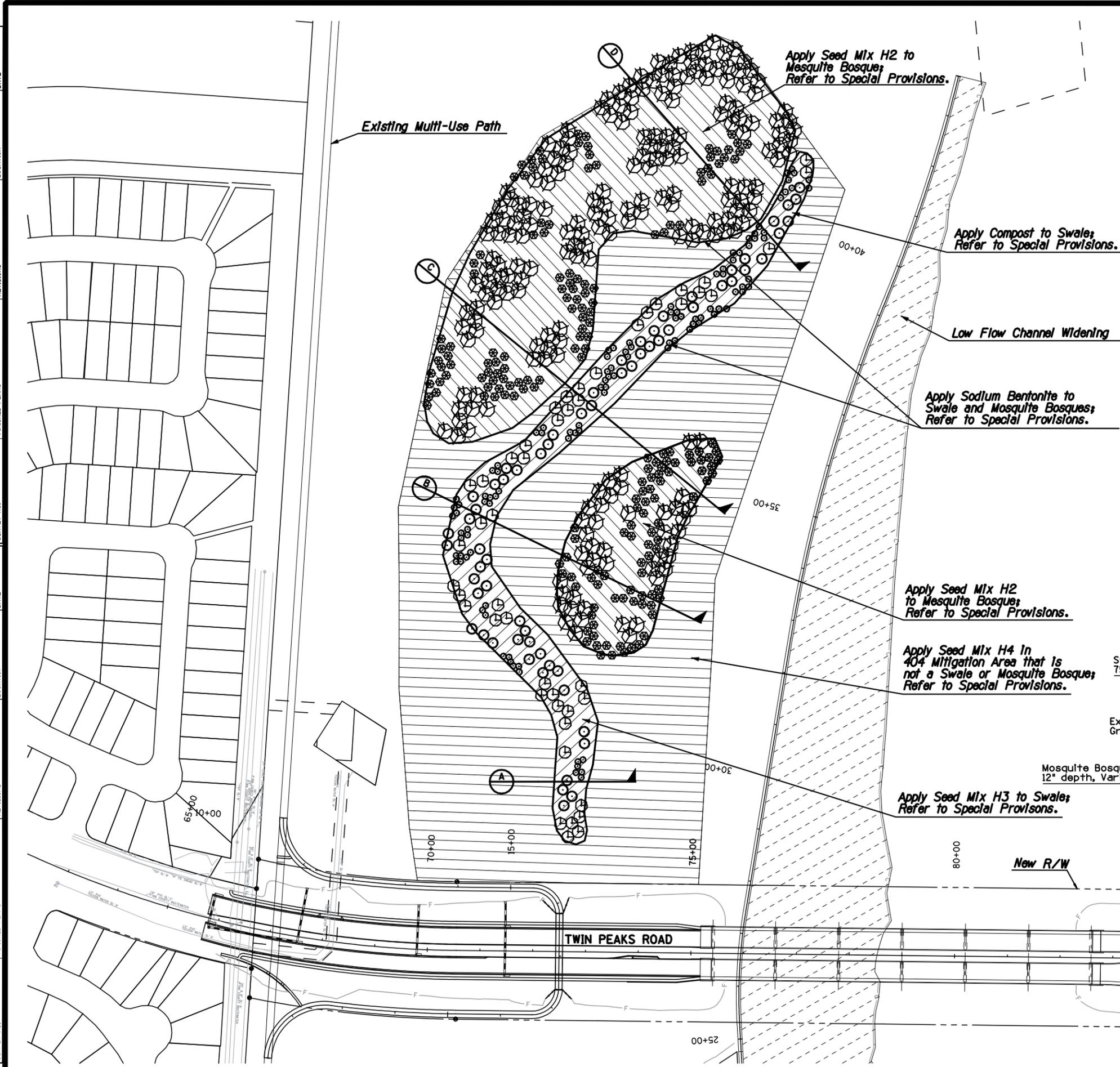
MITIGATION AREA GRADING SEQUENCING:

- Excavate top 12" of Existing Soil from Swale and (2) Mesquite Bosque Areas. Stockpile Soil to be used back in Mitigation Area.
- Excavate an Additional 12" of Existing Soil from Swale and (2) Mesquite Bosque Areas and Use as Embankment in other parts of the Project.
- Apply Solum Bentonite to Swale and (2) Mesquite Bosque Areas.
- Apply Compost to Swale. Do not Mix with Solum Bentonite.
- Apply Stockpiled Existing Soil on top of Compost and/or Solum Bentonite in Swale and (2) Mesquite Bosque Areas.
- Grade Site. Finish Grade to be Smooth. Edges of Swale and (2) Mesquite Bosques to be Rounded.



1-800-782-5348
CALL COLLECT

DESIGN	NAME	DATE	ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION ROADWAY DESIGN SERVICES	
DRAWN	WSA	07/08		
CHECKED	LM	07/08		
			PLANTING PLAN 404 MITIGATION AREA	
ROUTE	LOCATION			
I-10	TWIN PEAKS T.I.		EXPIRES 6-30-2010	
TRACS NO. H5838 01C			STP-NH-010-D(20)IN	557 OF 867



SURVEY NO. FINISHED PLANS DATE LOCATION REVISIONS FINISHED PLANS SURVEY NO. DATE LOCATION REVISIONS FINISHED PLANS SURVEY NO. DATE LOCATION REVISIONS