



PUBLIC NOTICE

Rio de Flag – Lone Tree Road Overpass.

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

Public Notice No.: 408-SPL-PN-2023-0007

Permit No.: 408-SPL-2023-0007

Comment Period: 2022-12-09 to 2023-01-09

Requester: In compliance with Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"), the City of Flagstaff, Arizona has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the future Rio de Flag, a feature for flood control along Rio de Flag and Clay Avenue Wash (USACE project), in Coconino County, Arizona.

Location:

The proposed action (Section 408 Activity) would be located inside Rio de Flag between East Butler Avenue and Route 66, and over the Burlington Northern Santa Fe Railway main line corridor in the city of Flagstaff, Coconino County, Arizona.

Requester's Proposed Action:

The proposed action involves the construction of a vehicular bridge pier within Rio de Flag.

Details of the proposed action are as follows: construct one new bridge pier, a 15 feet wide access road, and a 6 feet wide drainage ditch within the future USACE right of way inside Rio de Flag. The purpose of the proposed action is to accommodate the increase in capacity for traffic.

Authority: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, the Chief of Engineers. The Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

Limits of Section 408 Authority: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the

Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). If any Section 10/404/103 permit is required, the compliance determination for such Section 10/404/103 permit decision associated with the proposed alteration will also address the Section 408 compliance determination. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

Environmental Compliance: A decision on a Section 408 request is a federal action, and therefore, subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Los Angeles District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Los Angeles District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. Comments received on this public notice will be used in the evaluation.

Consideration of Comments: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, and other interested parties. Comments will be made part of the record, and they will be considered before permission is granted to proceed with this action. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration described in this public notice.

Submission of Comments: Interested parties may submit, in writing, any comments concerning this proposal. Comments should reference public notice no. 408-SPL-PN-2023-0007 and be forwarded by the comment due date of January 09, 2023. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Engineering Division, ATTN: Section 408 Permits, 915 Wilshire Boulevard, Suite 1109, Los Angeles, California 90017-3409. Alternatively, comments can be sent electronically to spl.408permits@usace.army.mil.

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