



# PUBLIC NOTICE

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

**BUILDING STRONG®**

**APPLICATION FOR PERMIT  
Black Bridge Road Crossing Improvement Project**

**Public Notice/Application No.:** SPL-2010-00239

**Project:** Black Bridge Road Crossing Improvement Project

**Comment Period:** August 26, 2020 through September 25, 2020

**Project Manager:** Michael Langley; (602) 230-6953; [Michael.W.Langley@usace.army.mil](mailto:Michael.W.Langley@usace.army.mil)

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**Applicant**

Michelle Lammers  
ASARCO Hayden Operations  
866 North Hayden Avenue  
P.O. Box 8  
Hayden, Arizona 85135

**Contact**

Rion Bowers  
Bowers Environmental Consulting  
2164 North Jacana Loop  
Tucson, Arizona 85745

**Location**

The proposed project is located west of State Route 77 and south of State Route 177, Pinal County, Arizona (lat. 32.984325, lon. -110.787825) (See attached figures) near the Town of Hayden, Pinal County, AZ.

**Activity**

To permanently discharge fill material into 1.10 acres of non-wetland waters of the United States for construction of an improved at-grade road crossing at the confluence of the Gila and San Pedro Rivers (Project) and to temporarily discharge fill into 1.0 acre of waters of the U.S. to divert stream flows during construction.. The proposed project would support ASARCO's Hayden Operations associated with mining facilities located on the south and north side of the crossing. For more information see Additional Project Information section below.

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**Submittal of Public Comments**

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps's Regulatory Division, you provide information that supports the Corps's decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

**During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: [Michael.W.Langley@usace.army.mil](mailto:Michael.W.Langley@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Michael Langley directly at (602) 230-6953.**

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimize impacts to the regulated public.

During the permit process, the Corps considers the views of other federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **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 Part 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 is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 requires any applicant for an individual Section 404 permit to provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- Not applicable within the State of Arizona.

**Essential Fish Habitat**- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. In addition, cultural resources surveys have been conducted that indicate no historic properties are located in the project area. This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

**Endangered Species**- Preliminary determinations indicate the proposed activity may potentially affect federally-listed endangered or threatened species, or their critical habitat. Therefore, consultation under Section 7 of the Endangered Species Act is required.

**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**

**Basic Project Purpose**- 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 (i.e., requires access or proximity to or siting within a special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is transportation. The project is not water dependent.

**Overall Project Purpose**- 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 purpose for the proposed project is to construct a safe and reliable road crossing to support existing mining operations that are located on private land north and south of the Gila and San Pedro rivers near their confluence and facilitate regulatory compliance requirements of the ASARCO Hayden Operations Aquifer Protection Permit issued by the Arizona Department of Environmental Quality.

### **Additional Project Information**

Baseline information- The proposed project consists of a roughly 100-ft wide by 610-foot long corridor across the floodplain and main channels of the Gila and San Pedro rivers that is located on privately owned land south of Hayden, Arizona (project area). An existing at-grade road crossing, which is currently located within the project area, consist of an unimproved 30- to 70-foot wide roadway that follows the natural terrain through the river channels and floodplain. Approximately 2 acres of jurisdictional waters of the U.S. (WOUS) occur within the project area boundary. The WOUS include the main channel of the Gila River (80 feet wide), the main channel of the San Pedro River (67 feet wide), and the intervening floodplain with a total combined width of 550 feet wide. No vegetation occurs within the existing roadway, however the project area is within critical habitat for the southwestern willow flycatcher and proposed critical habitat for the yellow-billed cuckoo.

Project description- The proposed project includes placement of three 4x10x80-foot concrete box culverts in the San Pedro River channel and four 4x10x80-foot box culverts in the Gila River channel. The crossing configuration includes an engineered earthen roadbed through the intervening floodplain, pre-cast box culverts with wing-walls, riprap inlet and outlet protection, and a riprap grade control weir along the 1,907-foot elevation contour to manage flows through the culverts and floodplain. The proposed project will require approximately 9,266 cubic yards of native fill as cover material for the culverts and to prepare the roadbed. Approximately 1,000 cubic yards of concrete for the box culvert structures, and 4,216 cubic yards of grouted riprap will be placed along the roadbed and inlet and outlet structures to protect against the 10-year flood event. Project construction would include the following activities: removal of sediment and grading for site preparation, temporary diversion of the Gila River channel, installation of pre-cast box culverts and wing walls, backfilling and road surface preparation, finish grading and riprap installation. The construction footprint would cover approximately 2.4 acres. Approximately 1.10 acres of WOUS would be filled to develop the proposed project. During construction, the Gila River channel may be temporarily diverted into the floodplain. The diversion would consist of an earthen plug and berm placed across the active river channel so that flows would be directed into the floodplain between the Gila and San Pedro channels. Thus, an additional 1.0 acre of WOUS would be temporarily impacted during construction. Once the culvert within the Gila River channel is completed, the diversion berm would be removed. During construction, appropriate Best Management Practices (BMPs), will be installed to prevent sediment discharge into the Gila and San Pedro rivers. The effectiveness of BMPs will be monitored during construction as required by the AZPDES Construction General Permit, and outlined in a site-specific Stormwater Pollution Prevention Plan (SWPPP) and floodplain use permit that will be prepared for the project. (See attached figures)

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

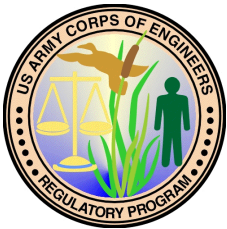
Avoidance and Minimization: The applicant has avoided and minimized project impacts to the maximum extent practicable. Minimization and avoidance efforts include considerations with respect to site selection, project alterations, design changes, the addition of stabilization features to protect nearby resources, and the implementation of Best Management Practices (BMPs) into the project construction requirements.

Compensation: The applicant is proposing to purchase credits from an In-Lieu Fee project site to compensate for the loss of aquatic resources as proposed under this project.

### **Proposed Special Conditions**

Special conditions for the permit will likely be required for this project and will be developed during a further review of the permit application.

For additional information please call Michael Langley of my staff at (602) 230-6953 or via e-mail at [Michael.W.Langley@usace.army.mil](mailto:Michael.W.Langley@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
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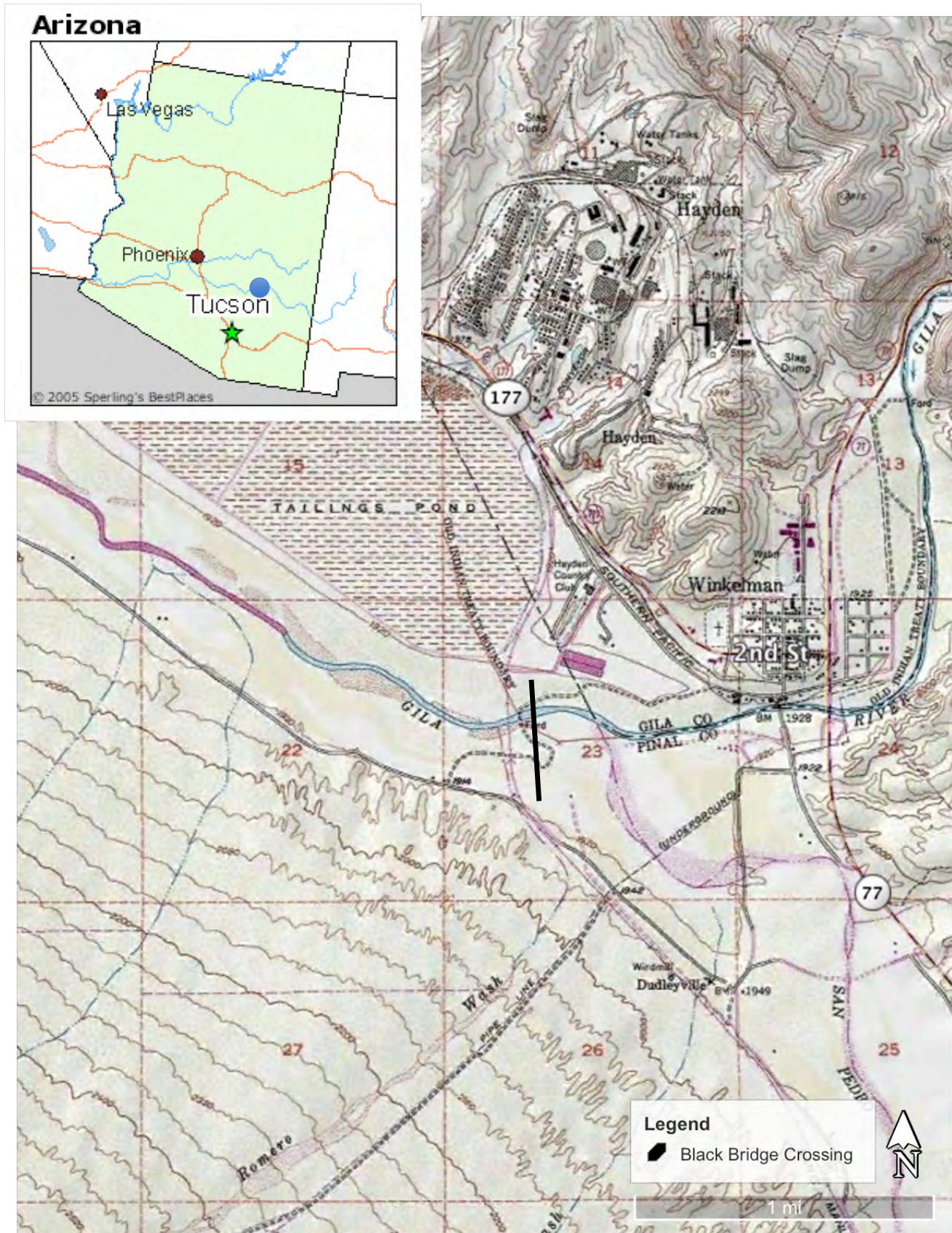


Figure 1. Project Location Map



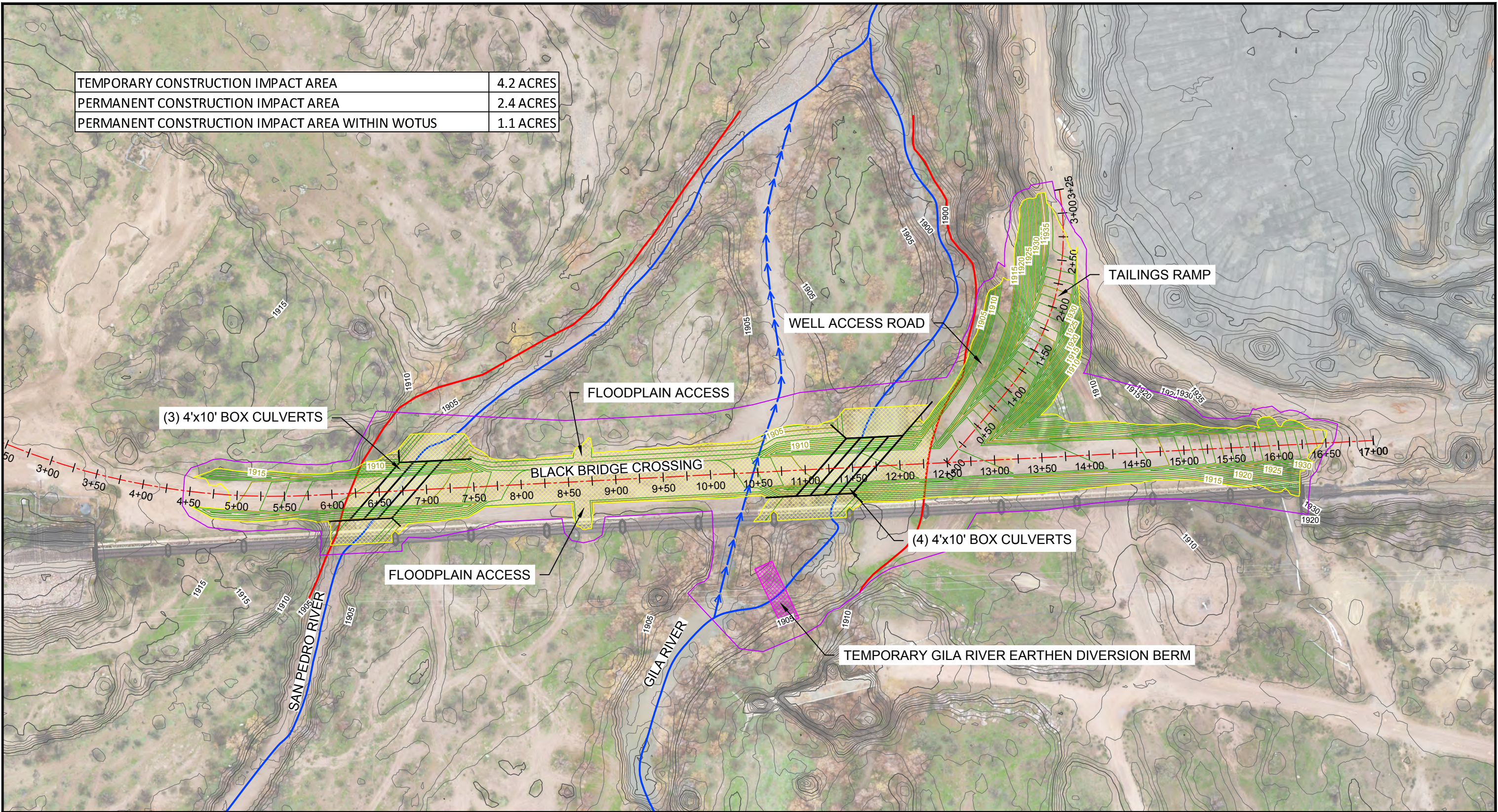


Figure 2. Aerial Overview Map



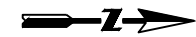
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TEMPORARY CONSTRUCTION IMPACT AREA	4.2 ACRES
PERMANENT CONSTRUCTION IMPACT AREA	2.4 ACRES
PERMANENT CONSTRUCTION IMPACT AREA WITHIN WOTUS	1.1 ACRES



**LEGEND**


EXISTING CONTOUR	HAUL ROAD ALIGNMENT	PERMANENT CONSTRUCTION IMPACT WITHIN WOTUS
PROPOSED CONTOUR	TEMPORARY CONSTRUCTION IMPACT BOUNDARY	WOTUS
RIVER CENTERLINE	PERMANENT CONSTRUCTION IMPACT BOUNDARY	
TEMPORARY RIVER DIVERSION		



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SCALE IN FEET

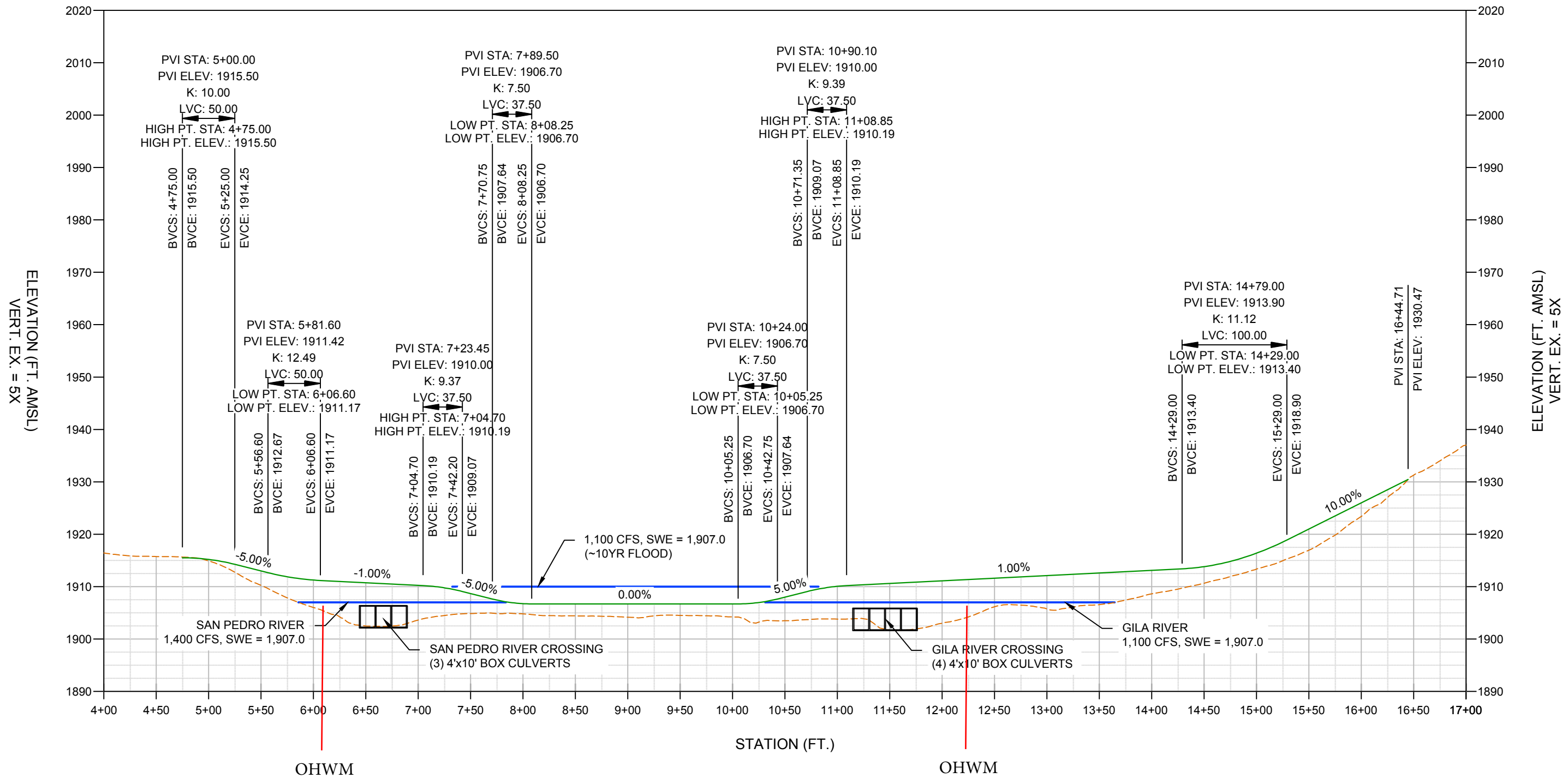
COORDINATE SYSTEM  
NAD83 ARIZONA STATE PLANES,  
EAST ZONE, US FOOT

**FIGURE 3  
BLACK BRIDGE CROSSING -  
PLAN VIEW**

PROJECT: 110100	TASK: 001-01	DATE: 8/3/2020	DRWN BY: JC	PREPARED FOR:
PREPARED BY: <b>TELESTO</b> SOLUTIONS INCORPORATED				 GRUPO MEXICO

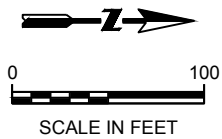


BLACK BRIDGE CROSSING PROFILE



LEGEND

- EXISTING GRADE
- FINISHED GRADE
- FLOOD PROFILE



COORDINATE SYSTEM  
NAD83 ARIZONA STATE PLANES,  
EAST ZONE, US FOOT

FIGURE 4  
BLACK BRIDGE CROSSING -  
PROFILE VIEW

PROJECT: 110100	TASK: 001-01	DATE: 8/3/2020	DRWN BY: JC
PREPARED BY: <b>TELESTO</b> SOLUTIONS INCORPORATED			

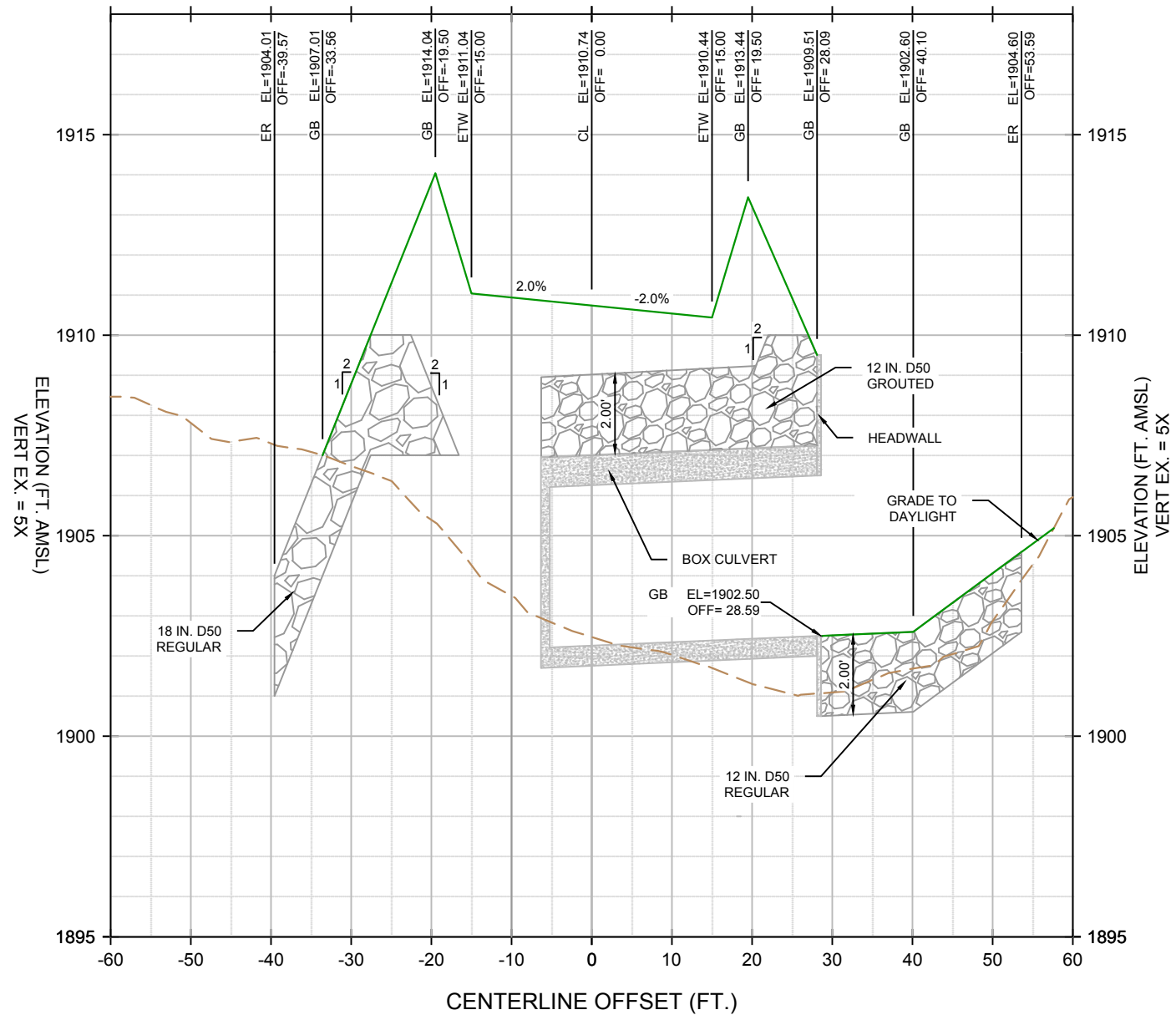
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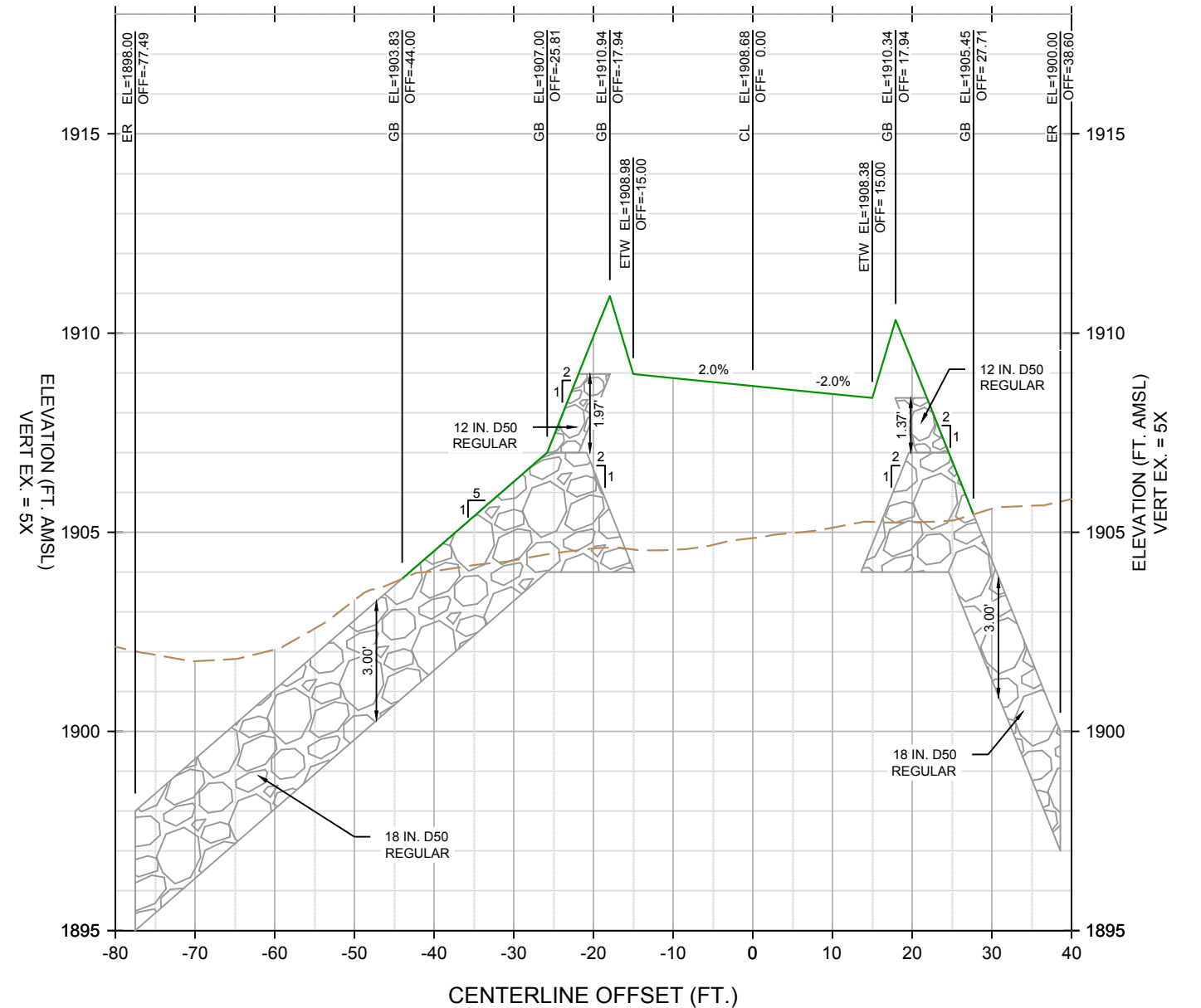


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BLACK BRIDGE CROSSING STATION: 6+50



BLACK BRIDGE CROSSING STATION: 7+50



LEGEND

- EXISTING GRADE
- FINISHED GRADE



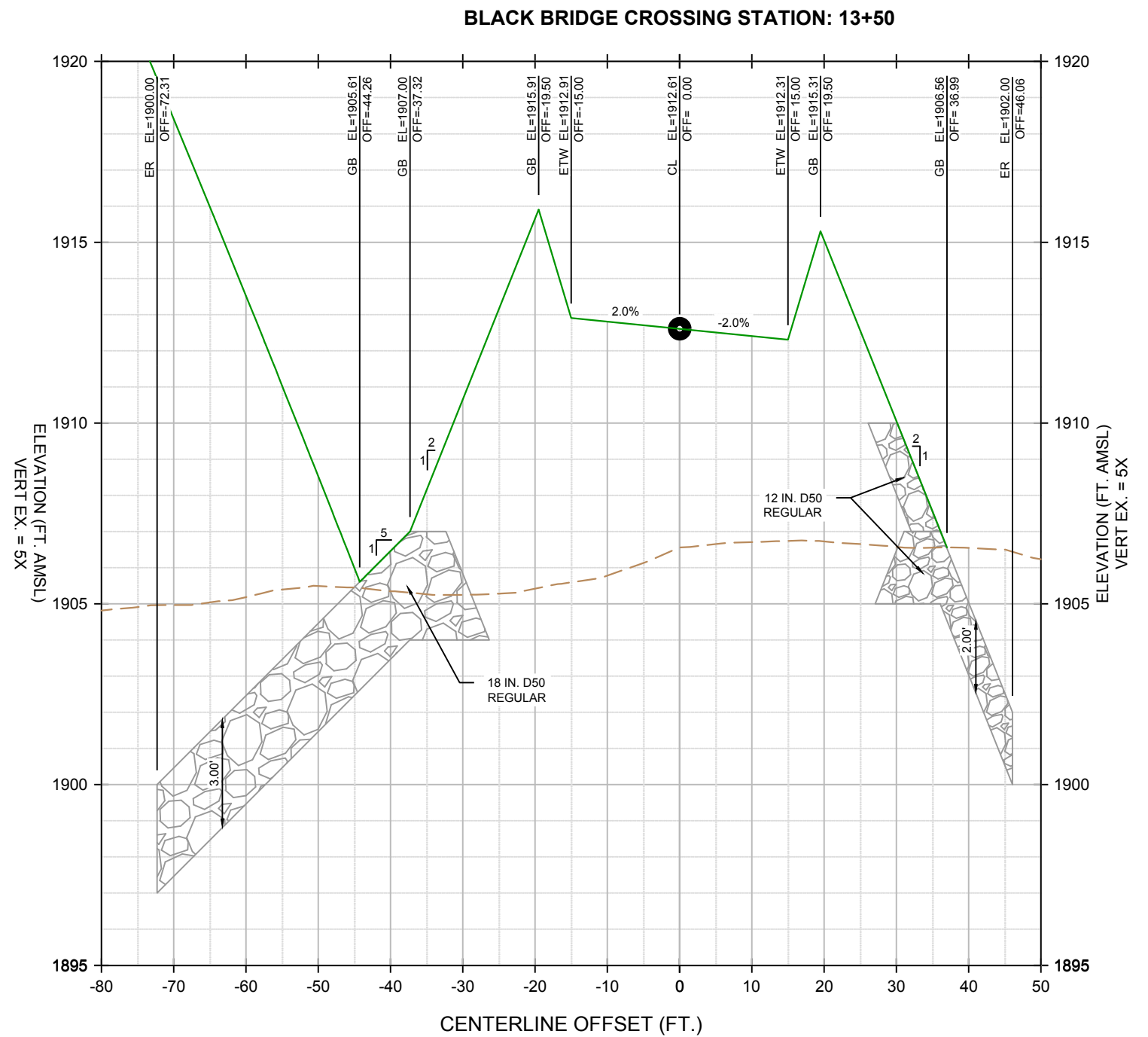
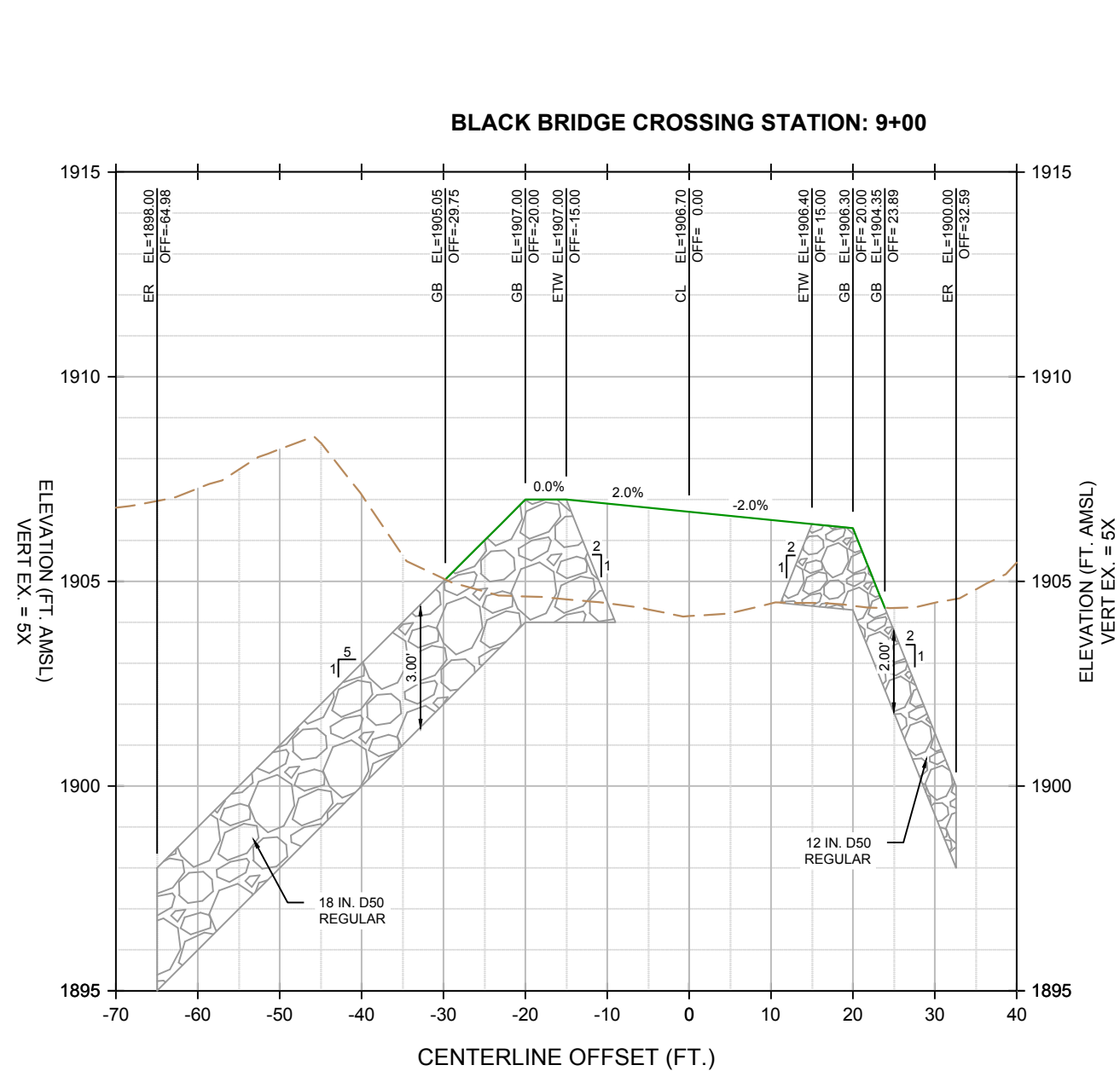
COORDINATE SYSTEM  
NAD83 ARIZONA STATE PLANES,  
EAST ZONE, US FOOT

FIGURE 5  
BLACK BRIDGE CROSSING -  
SECTIONS (STA. 6+50 AND 7+50)

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PREPARED BY: <b>TELESTO</b> SOLUTIONS INCORPORATED				



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**LEGEND**

- EXISTING GRADE
- FINISHED GRADE



COORDINATE SYSTEM  
NAD83 ARIZONA STATE PLANES,  
EAST ZONE, US FOOT

**FIGURE 6  
BLACK BRIDGE CROSSING -  
SECTIONS (STA. 9+00 AND 13+50)**

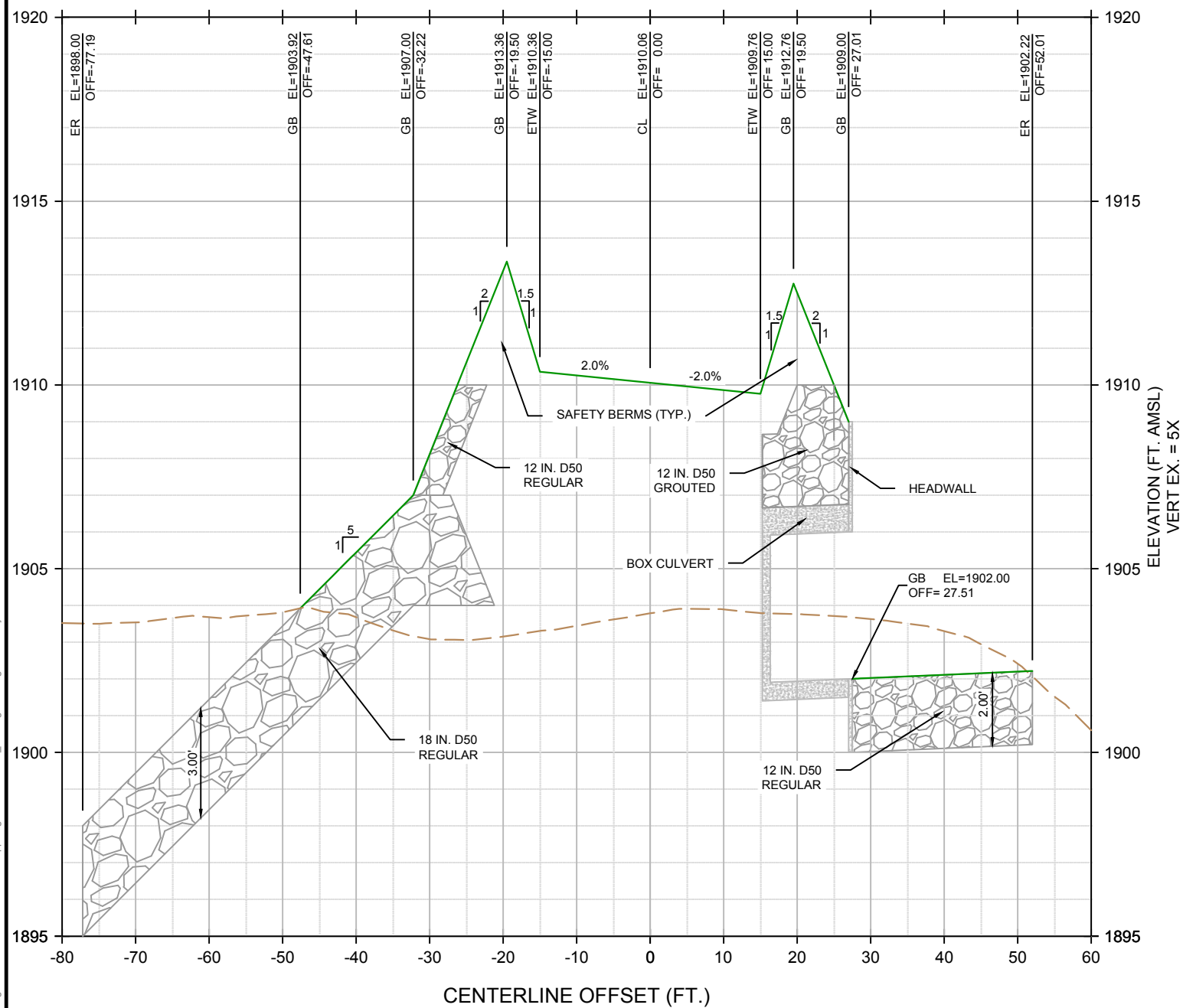
PROJECT: 110100	TASK: 001-01	DATE: 8/3/2020	DRWN BY: JC
PREPARED BY: <b>TELESTO</b> SOLUTIONS INCORPORATED			



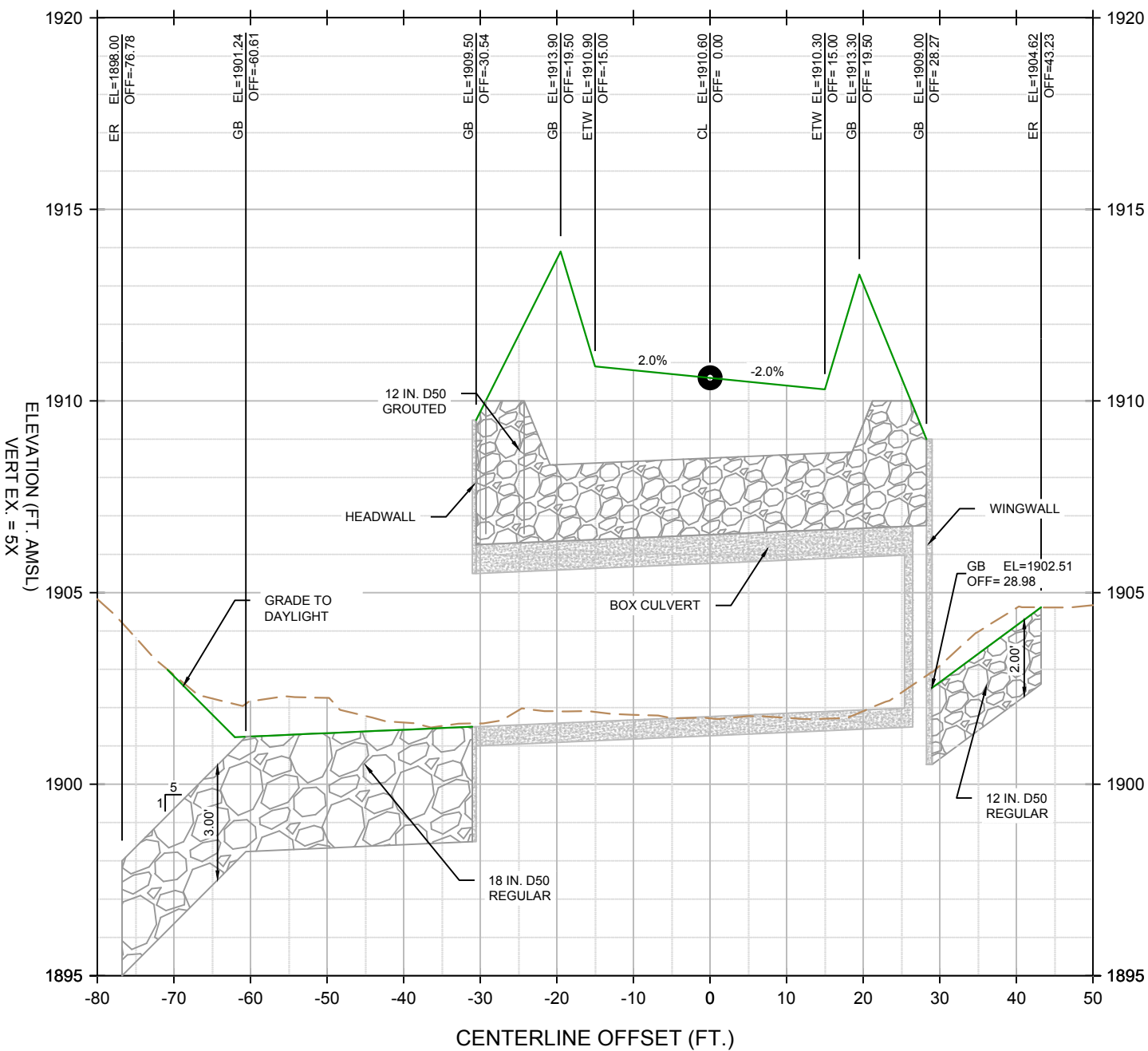


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BLACK BRIDGE CROSSING STATION: 11+00



BLACK BRIDGE CROSSING STATION: 11+50



LEGEND

- EXISTING GRADE
- FINISHED GRADE



COORDINATE SYSTEM  
NAD83 ARIZONA STATE PLANES,  
EAST ZONE, US FOOT

FIGURE 7  
BLACK BRIDGE CROSSING -  
SECTIONS (STA. 11+00 AND 11+50)

PROJECT: 110100	TASK: 001-01	DATE: 8/3/2020	DRWN BY: JC
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