



# PUBLIC NOTICE

Indian Bend Wash Levees Side Inlet Pipe Rehabilitation

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

**BUILDING STRONG®**

**Public Notice No.:** SPL-408-PN-2019-0017

**Permit No.:** SPL-408-2019-0017

**Comment Period:** 2019-09-26 to 2019-10-25

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**Requester:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Flood Control District of Maricopa County (FCDMC), has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Indian Bend Wash Levees IBW 1 and IBW 3.

**Location:**

The proposed action would rehabilitate an existing side inlet pipe in Indian Bend Wash Levees IBW 1 and IBW 3, northeast of the intersection of N. Miller Road and Highway 202 in the City of Tempe, Maricopa County, Arizona. The proposed features are inside the existing levee but not inside the channel, and will therefore not require construction within the channel.

**Requester's Proposed Action:**

FCDMC is proposing to open up the existing 48" pipe at the levee riverside slope face, construct a spillway down the levee face, place a new catch basin at the trail's edge, permanently abandon in place the 24" pipe vertical drop and the lateral 24" pipe segment from the existing wood plug to the backside of the new catch basin concrete, raise the vault lid to the top of the existing asphalt pavement, and install an access barrier on the downstream end of the 48" pipe. The purpose of the project is to correct structural defect that may cause corrosion and failure in the future, address excessive sediment in the 48" pipe, rectify the inability to open the vault and to clean the 24" pipe, and rectify the exposed rebar condition on top of the drop manhole.

**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). 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.

**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. SPL-408-PN-2019-0017 and be forwarded by the comment due date of October 25, 2019. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Engineering Division, ATTN: Priyo Majumdar, 915 Wilshire Boulevard, Suite 930, Los Angeles, California 90017-3409. Alternatively, comments can be sent electronically to [Priyodarshi.Majumdar@usace.army.mil](mailto:Priyodarshi.Majumdar@usace.army.mil).

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[WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS/](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS/)