PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
US 95, Ave 9E to Fortuna Wash Bridge

Public Notice/Application No.: SPL-2013-00155-KAT
Project: US 95, Ave 9E to Fortuna Wash Bridge (Tracs 095 YU 032 H4599 01)
Comment Period: 14 May 2014 through 12 June 2014
Project Manager: Kathleen Tucker; 602-230-6956; Kathleen.A.Tucker@usace.army.mil

Applicant
Paul Patane
ADOT Yuma District
2243 E. Gila Ridge Rd. (MDY 200)
Yuma, Arizona 85365

Contact
Emily Lester
ADOT EPG
1611 W. Jackson St
Phoenix, AZ 85007

Location
The proposed project is located along the existing US 95 between MP 31.86 and MP 34.89, approximately 6 miles north of Yuma. The cadastral location for this project includes portions of Sections 25 and 26 in Township 8 South, Range 22 West, and portions of Sections 29-32 in Township 8 South, Range 21 West. (Refer to US Geological Survey [USGS] 7.5' Quadrangle: Fortuna, Arizona).

Activity
This activity would involve the construction of a closed cell bridge that would permanently discharge fill material into 1.09 acres of waters within Fortuna Wash (see attached drawings). For more information see page 3 of this notice.

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). 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 Regulatory Division, you provide information that support the Corps' 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. Comments should be mailed to:

Department of the Army
US Army Corps of Engineers
Arizona Regulatory Branch
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Alternatively, comments can be sent electronically to: Kathleen.A.Tucker@usace.army.mil

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 minimizes 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 that

any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. 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.

Cultural Resources- This project does contain properties eligible for inclusion in the National Register of Historic Properties. There currently is a Programmatic Agreement for the treatment of cultural resources that will be a special condition of the permit.

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

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 the special aquatic site to fulfill its basic purpose). 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 project purpose for the proposed project is to meet anticipated traffic volumes, (2) improve traffic operational characteristics and capacity, (3) reduce traffic conflicts between oncoming traffic, and (4) eliminate closures of US 95 at Fortuna Wash crossing during storm events along US 95 from MP 31.86 to MP 34.90, in accordance to current ADOT roadway design standards.

Additional Project Information

Baseline information- The project is located along US 95 which is a north-south route that is running east-west through the project limits before turning north. The highway is roughly paralleled on the south by the Union Pacific Railroad (UPRR).

The project area is located in the South Gila Valley, part of the Lower Colorado River Valley subdivision of the Sonoran Desertscrub biotic community which generally has high temperatures and low precipitation. The project area is part of the Basin and Range physiographic province. The elevation in the project area ranges between 150 to 190 feet. The project area is generally flat with agriculture being the predominant land use (Figure 3). Between Avenue 9E at MP 31.86 and the Gila Gravity Main Canal at MP 33.55, there is agricultural land use on both sides of US 95. East of the canal to the end of the project (from MP 33.55 to MP 34.79) the land use north of US 95 is both agricultural crop land and ranch/farm homesteads. Land use south of US 95 is undeveloped. At the east end of the project area US 95 crosses Fortuna Wash at MP 34.5. Fortuna Wash is an ephemeral stream

that originates in the Gila Mountains, south of the project area, converging with the Gila River, an intermittent water course, approximately 2.0 miles northwest of the US 95 crossing.

Fortuna Wash is a braided, meandering wash that flows southeast to northwest along Fortuna Foothills and through desert terrain before reaching US 95. Just south of US 95, the wash passes beneath a UPRR bridge. After passing through the bridge, the wash splits into a western fork and a more dominant eastern fork before passing over US 95.

Project description-

- Widen the roadway from Avenue 9E (MP 31.86) to Fortuna Wash (MP 34.78) to create four 12-foot travel lanes, a continuous 12-foot center-turn lane, and up to 10-foot shoulders, for a total pavement width of up to 80 feet.
- Construct linear roadside retention basins from Avenue 9E (MP 31.86) to the Gila Gravity Main Canal (MP 33.55). Currently permitted access points would be maintained; other access points must be approved in the ADOT permit process.
- Construct a roundabout at the intersection of US 95 and Fortuna Road (approximately MP 33.7), including detention basins on the southeast and southwest corners connected by a new culvert.
- Remove/demolish the existing bridge and construct a new bridge at the Gila Gravity Main Canal (MP 33.55) to match the new alignment and widened roadway of US 95.
- Construct north and south canal access roads from US 95 to the Gila Gravity Main Canal, as needed.
- Construct a bridge and bank stabilization across Fortuna Wash (MP 34.60).
- Construct new frontage access roads parallel to and north of US 95 near MP 33.70 and MP 34.10.
- Construct a temporary detour road beginning at MP 34.00 and ending at MP 34.89 to allow for through traffic during construction of the new Fortuna Wash bridge.
- Replace existing culverts at MP 33.66 and MP 34.11.
- Relocate utilities as needed.

In the vicinity of Fortuna Wash, the proposed work consists of:

- Construct a new bridge structure approximately 602 feet in length and 86.83 feet in width, which will provide an 84-foot wide roadway. The bridge will consist of a reinforced concrete top slab with pier walls and a continuous concrete bottom slab.
- Remove rubble placed/dumped directly adjacent to US 95 that is within the footprint of the new bridge.
- Construct three new guide banks upstream of the new Fortuna Wash bridge (outside of Fortuna Wash Ordinary High Water Mark [OHWM]) to contain and direct the flows through the new bridge.
- Construct a grade control structure directly adjacent to the new bridge on the downstream side. The grade control structure will be a sloped concrete structure with baffle blocks.
- Construct a temporary detour road in the vicinity of the new Fortuna Wash bridge, to provide for uninterrupted traffic flow during bridge construction. The alignment of the detour road is parallel to existing US 95, with the centerline of the detour road is approximately 100 feet southeast of the existing edge of pavement. The detour road would extend from MP 34.0 (Station [Sta.]. 579+37.15) to MP 34.90 (Sta. 627+70.91), for a total length of approximately 4,8934 linear feet. The roadway would consist of one 15-foot lane of traffic in each direction, for a total width of temporary pavement of 30 feet.

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: Complete avoidance of impacts to Waters during project construction was determined to not be possible in achieving the project purpose. Impacts to Waters cannot be avoided because engineering restraints require the proposed structures to be constructed with Waters.

Within the project limits, the existing US 95 roadway extends through the OHWM of Fortuna Wash. In order to improve the existing roadway and low-flow crossing, work within the jurisdictional limits of Fortuna Wash cannot be avoided. Other efforts to minimize impacts with the OHWM include best management practices (BMPs) to minimize sedimentation and debris with the Wash and the reclamation of all disturbed areas to their existing elevation and topography.

The project has been designed and would be constructed to minimize adverse effects to Waters to the maximum extent practicable. Permanent impacts have been minimized by locating upstream guide banks and embankment spillways outside of the OHWM. Permanent impacts would include only the area of the Fortuna Wash bridge and grade control structure.

Activities associated with existing pavement removal, site access, and new bridge construction may require the general site clearing of desert scrub vegetation from within Waters and immediately adjacent uplands. Vegetation removal would be only the minimum amount necessary to provide the temporary detour road, an adequate work zone, and construction access. Dedicated construction access routes and staging areas have not been determined at this time. However, due to the presence of the temporary detour road on the south side of the bridge, it is anticipated that construction staging and stockpiling areas would be located downstream of the bridge and grade control structure, outside of the OHWM of Fortuna Wash and the abutments at either end of the bridge.

Compensatory Mitigation: The proposed action will result in 1.09 acres of permanent impacts to Fortuna Wash. ADOT will provide in-lieu fees to be contributed to an approved in-lieu fee sponsor to compensate for the loss of Waters associated with this project. The Corps will include the payment of in-lieu fees as a special condition of the permit.

Proposed Special Conditions

To be developed.

For additional information please call Kathleen Tucker of my staff at 602-230-6956 or via e-mail at Kathleen.A.Tucker@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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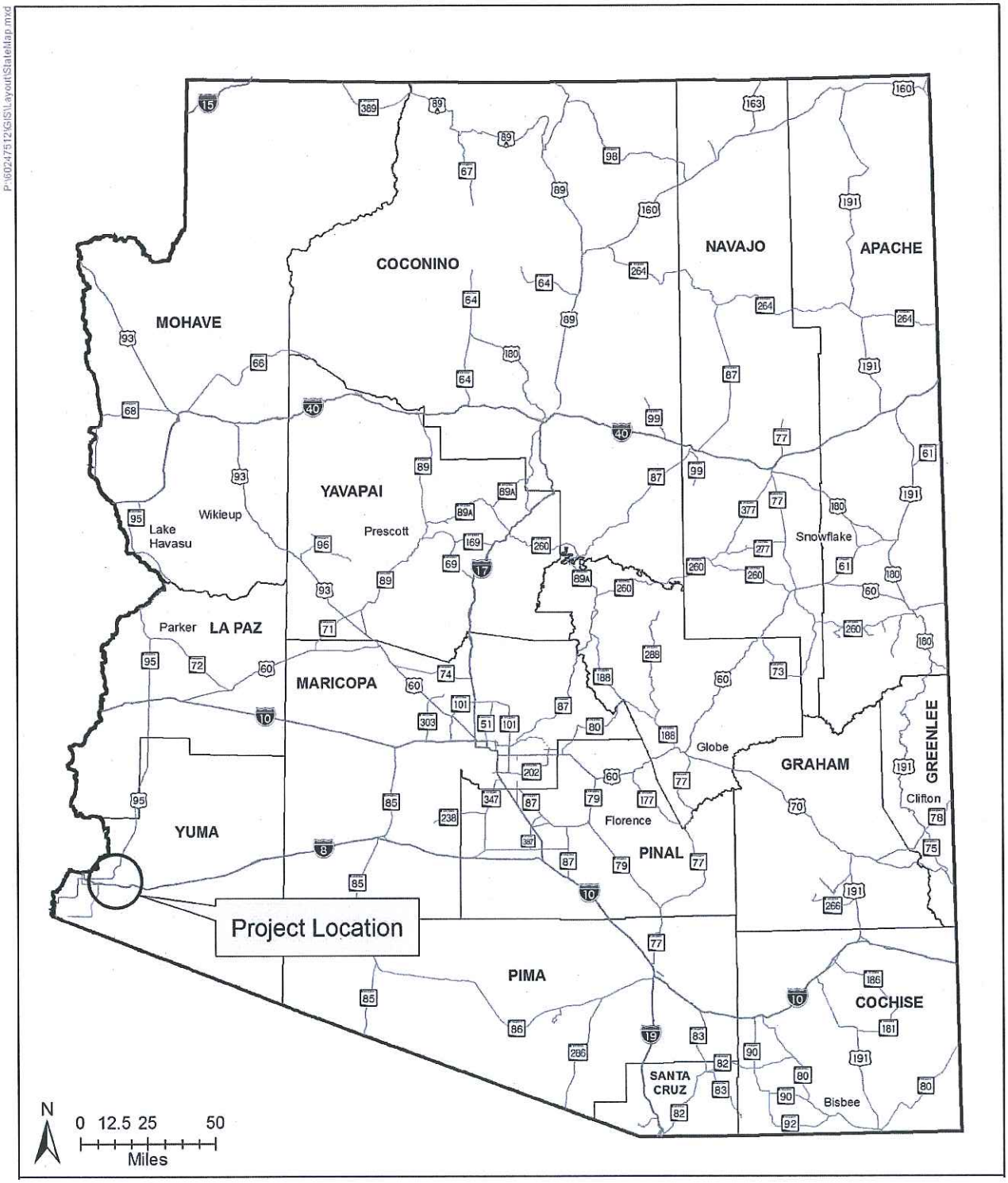

Figure 1. State Location Map
TCSP 095-B(201)T
095 YU 32 H4599 01C
US 95 Avenue 9E - Fortuna Wash Bridge

USACE File No.: SPL-2013-155-KAT

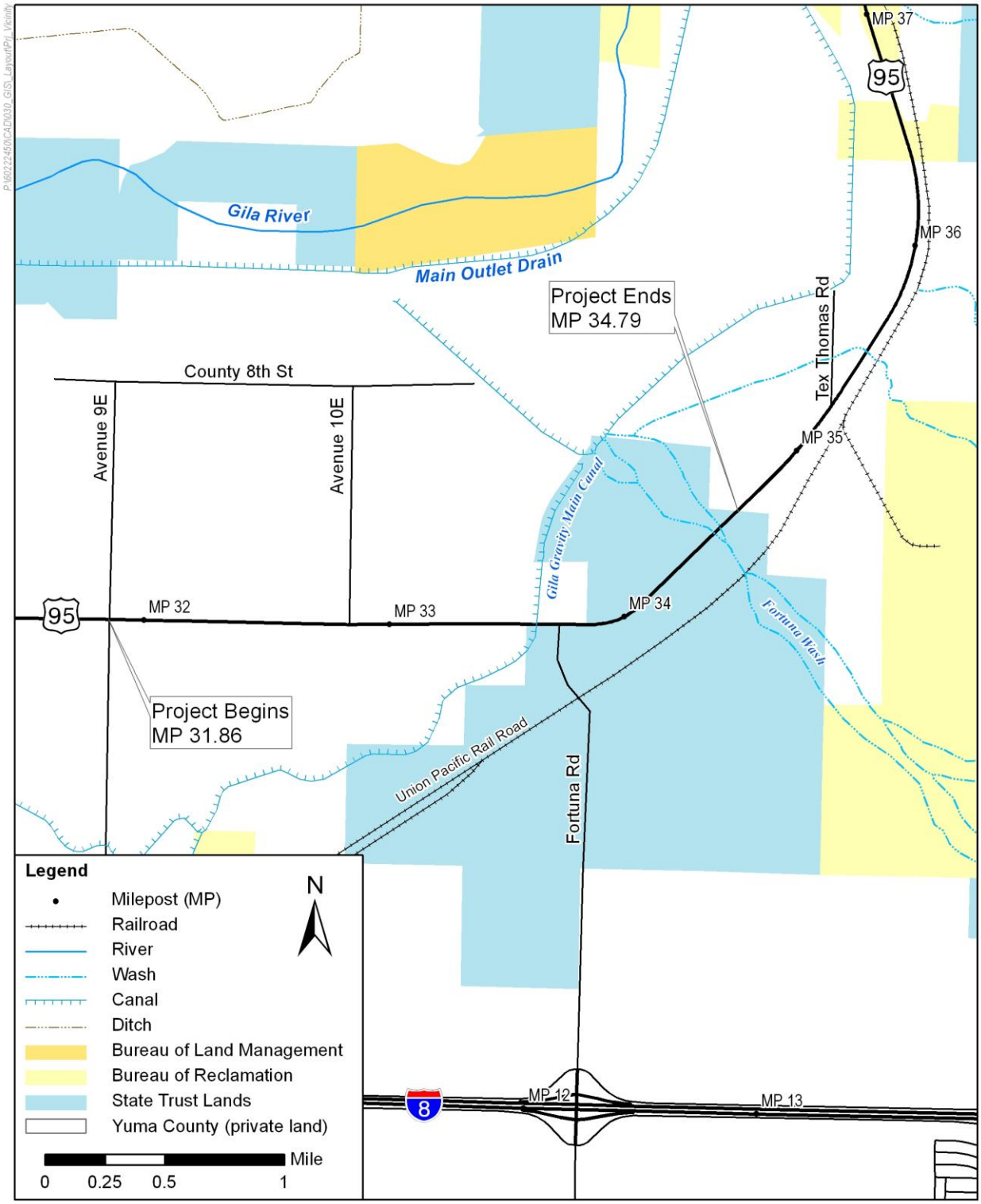

Figure 2. Project Vicinity Map
TCSP 095-B(201)T
095 YU 32 H4599 01C
US 95 Avenue 9E - Fortuna Wash Bridge

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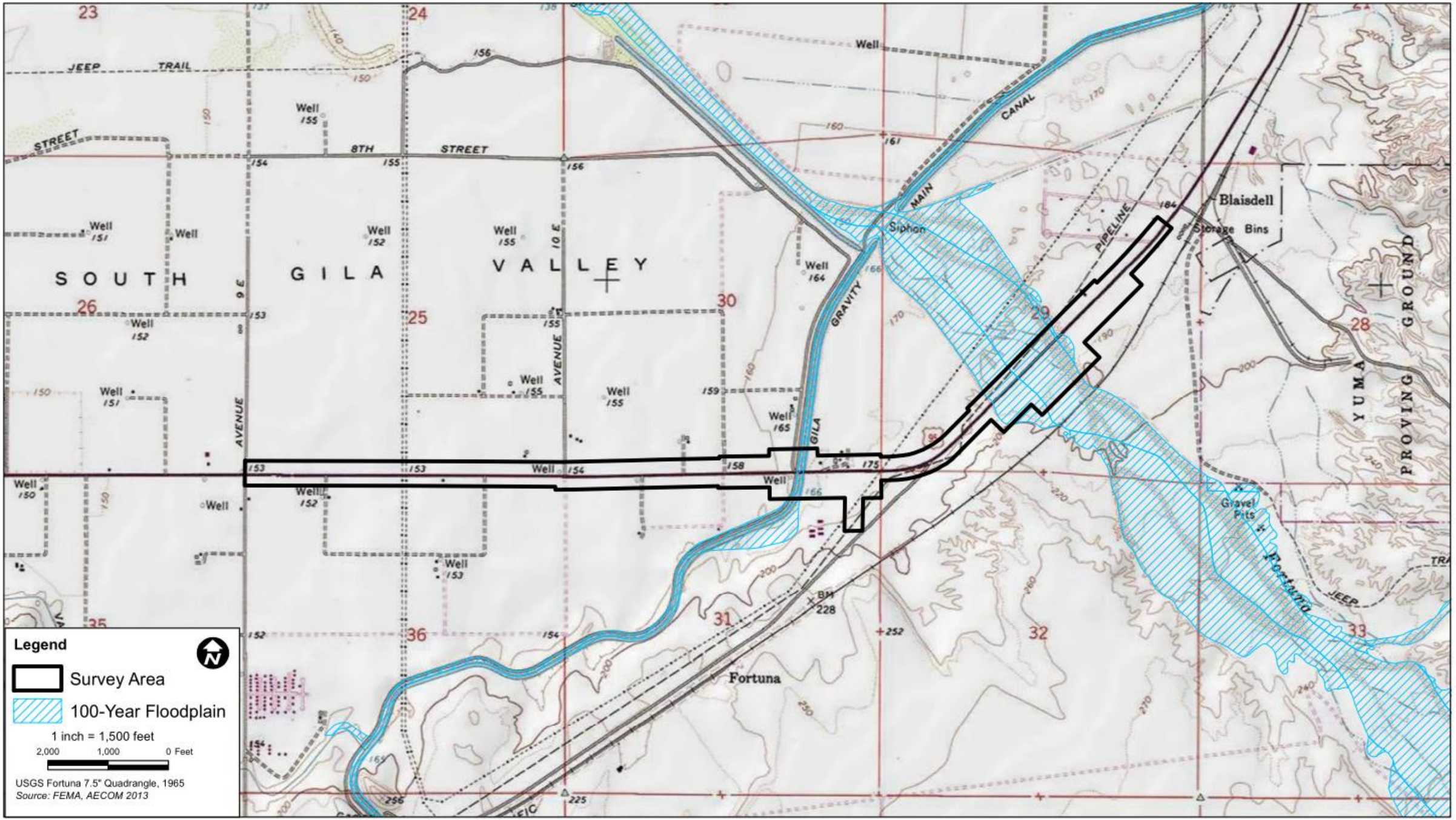

Figure 3. Topographic and Floodplain Map
TCSP 095-B(201)T
095 YU 32 H4599 01C
US 95 Avenue 9E - Fortuna Wash Bridge
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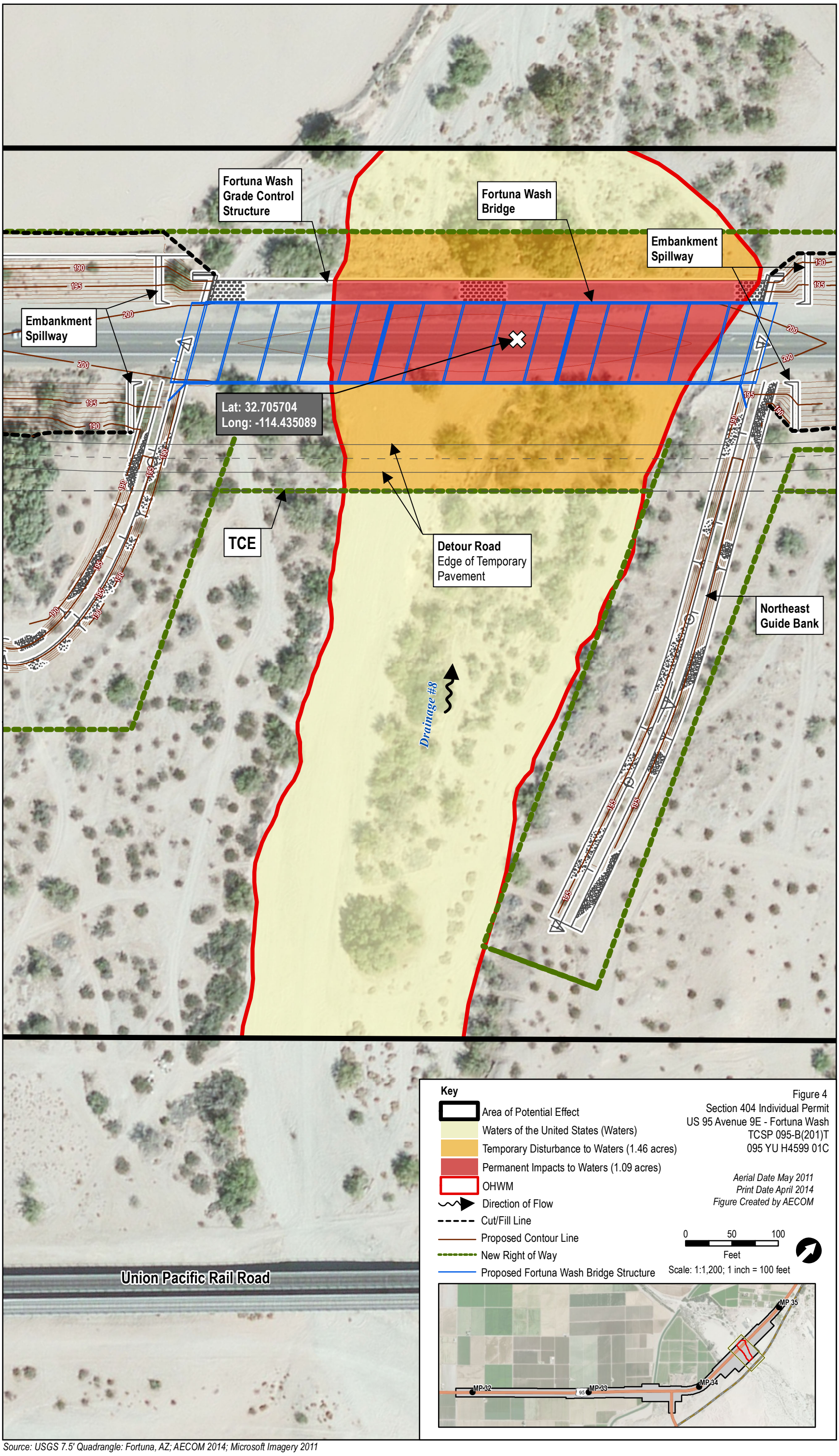

Figure 4
Section 404 Individual Permit
US 95 Avenue 9E - Fortuna Wash
TCSP 095-B(201)T
095 YU H4599 01C

Aerial Date May 2011
Print Date April 2014
Figure Created by AECOM

Source: USGS 7.5' Quadrangle: Fortuna, AZ; AECOM 2014; Microsoft Imagery 2011