



# PUBLIC NOTICE

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

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## **APPLICATION FOR PERMIT SANTA CRUZ WASH IMPROVEMENTS**

**Public Notice/Application No.:** SPL-2013-00353-WHM

**Project:** SANTA CRUZ WASH IMPROVEMENTS

**Comment Period:** July 15, 2014 – August 15, 2014

**Project Manager:** William Miller; 602-230-6954; [William.H.Miller@usace.army.mil](mailto:William.H.Miller@usace.army.mil)

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### **Applicant**

Steve Whites  
Midway Flood Control District  
1115 E. Cottonwood Lane, Suite 100  
Casa Grande, Arizona 85122

### **Contact**

Jeremy Casteel  
Logan Simpson Design, Inc.  
51 West Third Street, Suite 450  
Tempe, Arizona 85281

### **Location**

The project is located approximately 8 miles northwest of Casa Grande, Pinal, AZ (32.922153 N Lat., -111.885420 W Long.) within a Midway Flood Control District (MFCD) easement through private land.

### **Activity**

The Midway Flood Control District proposes to remove vegetation from within the Santa Cruz Wash channel to improve flows and prevent flooding. Vegetation removal will be only the minimum amount necessary to provide adequate flow movement within the wash. For more information see page 4 of this notice.

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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 (22 U.S.C. 1344).

Comments should be mailed to:

**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: William Miller (SPL-2013-00353-WHM)  
3636 N CENTRAL AVE SUITE 900  
PHOENIX AZ 85012-1939**

Alternatively, comments can be sent electronically to: [William.H.Miller@usace.army.mil](mailto:William.H.Miller@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.

**Essential Fish Habitat**- The Corps of Engineers preliminary determination indicates that the proposed activity would not adversely affect EFH. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. 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 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). 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 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 provide local flood risk management to the adjacent community.

### **Additional Project Information**

The proposed project would consist of removing vegetation from within the Santa Cruz Wash channel to improve flows and prevent flooding. Vegetation removal will be only the minimum amount necessary to provide adequate flow movement within the wash. All work will occur within the existing MFCD easement through private land; no new right-of-way or easement will be required. The project activities include the following:

- Remove vegetation within channel bottom the Santa Cruz Wash, with the exception of defined buffer areas and wetlands
  - Buffer areas will include 10 feet on both banks of the wash where vegetation will remain in place to provide cover and habitat for local wildlife
  - Higher value habitat in wetland areas will be preserved
  - Buffer areas and wetlands will be clearly marked in the field to ensure avoidance by vegetation removal personnel
- Grade the channel bottom in vegetation removal areas in order to remove root systems of trees and shrubs
- Maintain the improved portions of the channel bottom and remove vegetation as needed for 10 years
  - Buffer areas and wetlands will continue to be avoided during maintenance activities within the 10 year period
- Establish a maintenance baseline for the portion of the Santa Cruz Wash within the project area for future permitting needs

The proposed vegetation removal and grading activities will require dredging within the jurisdictional limits of Santa Cruz Wash (Wash 1). However, no structures will be installed, modified, or replaced within the project area and the current cross-section of the channel will not be altered. The dredging of earthen materials within "waters of the United States" (Waters) will be necessary for the removal of vegetation and regrading of the channel bottom in designated areas to improve flows through the wash and prevent flooding. The vegetative debris will be stockpiled onsite, outside of Waters. The soils disturbed during vegetation removal activities will be tire-compacted to reduce sedimentation downstream. The existing low-flow channel may be modified during replacement and compaction of earthen material, but is expected to reestablish following the next flow event. Approximately 24.085 acres of waters will be permanently impacted due to project activities, and approximately 0.014 acre of waters will be temporarily impacted as a result of temporary construction access and operations.

No new materials will be discharged within the Santa Cruz Wash due to the proposed activities. Dredging earthen materials will occur, but the soils will be backfilled and tire-compacted following completion of vegetation removal activities.

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 avoidance proposed, specifically the avoidance of all wetlands and the establishment of a minimum 10-foot vegetation buffer on both banks of the wash to minimize impacts to the aquatic resource and wildlife and/or their habitat, the proposed action will impact approximately 24.085 acres of waters. The applicant proposes to contribute to an in-lieu fee mitigation fund to compensate for the loss of waters of the U.S.

### **Proposed Special Conditions**

No special conditions have been proposed at this time.

For additional information please call William Miller of my staff at 602-230-6954 or via e-mail at William.H.Miller@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  
3636 N CENTRAL AVE SUITE 900  
PHOENIX AZ 85012-1939**

[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)

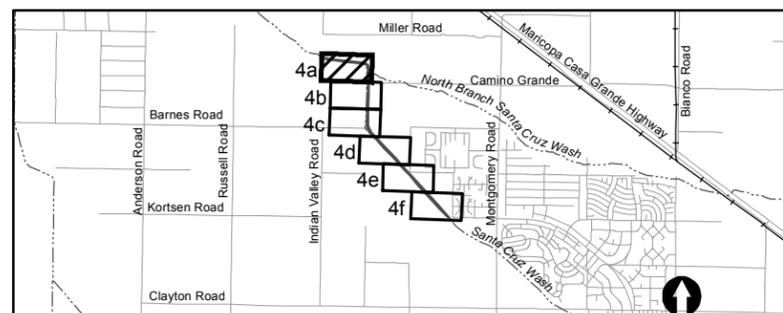


Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

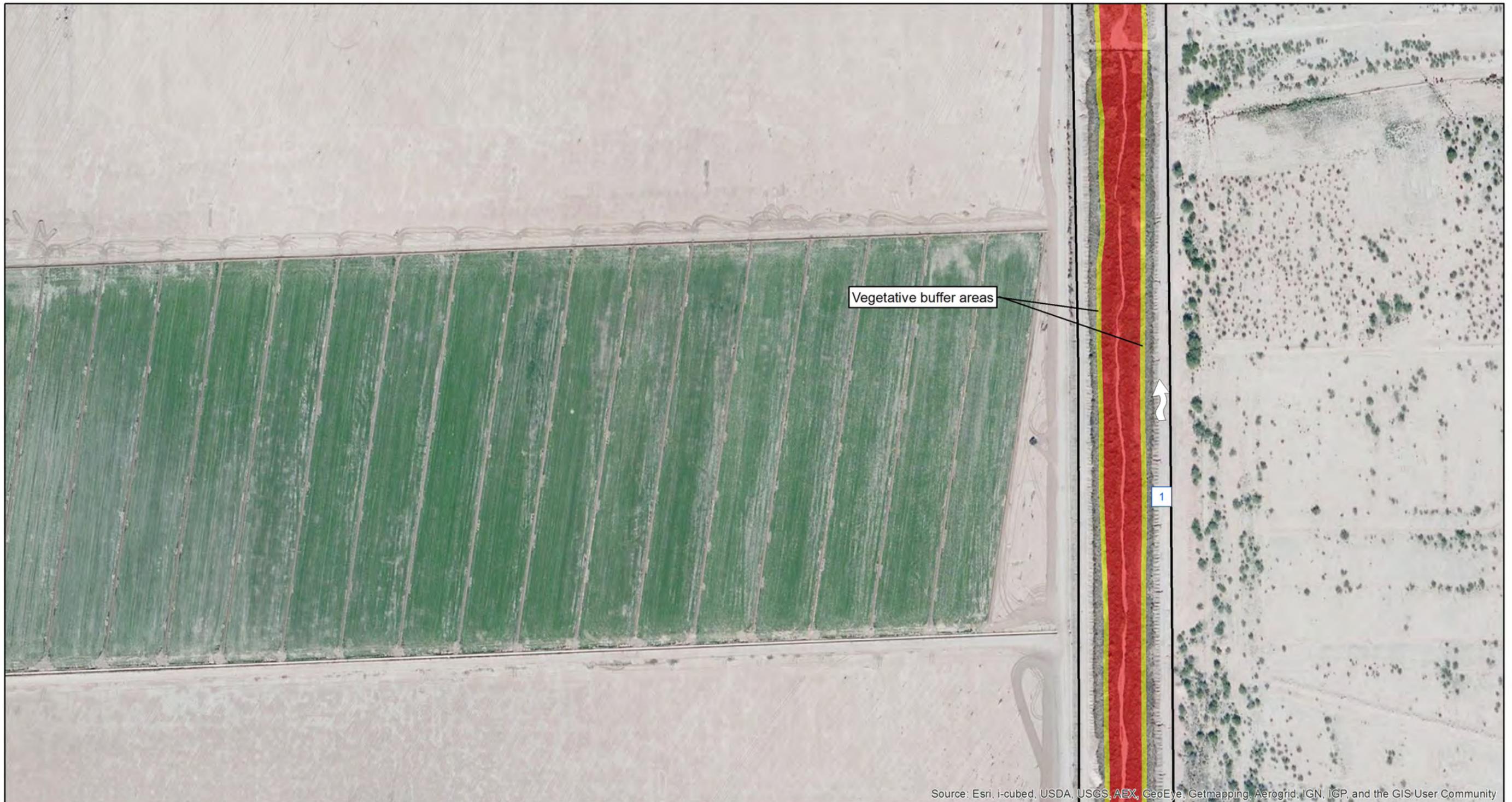
Aerial Date: Unknown

**Key**

- Project area
- █ Wetlands (0.793 acre)
- █ Waters of the US (1.691 acres)
- █ Permanent Impacts to Waters of the US (5.372 acres)
- █ Temporary Impacts to Waters of the US (0.009 acre)
- ⇨ Flow direction
- # Wash number
- W# Wetland number



<p><b>Section 404 Individual Permit</b>  <b>Santa Cruz Wash Improvements Project</b></p>		
<p>Source: USGS 7.5' Quadrangles  Stanfield, Ariz. (1973);  T6S, R4E, Sec. 1 and 2;  UTM 1983 Zone 12  416759.83mE, 3644184.83mN</p>	<p>Feet</p> <p>0      200</p> <p>1" = 200'</p>	<p>August 2013</p> <hr/> <p>Figure 4a</p>

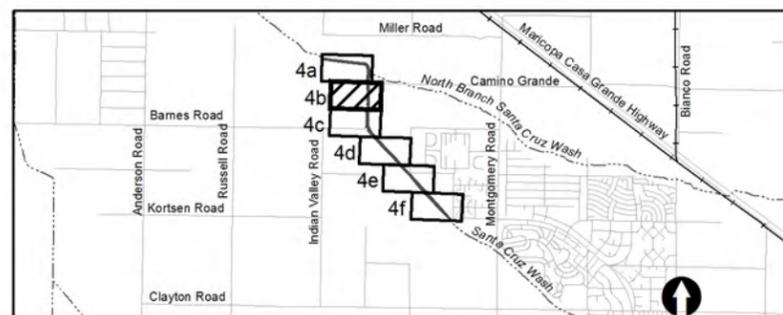


Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

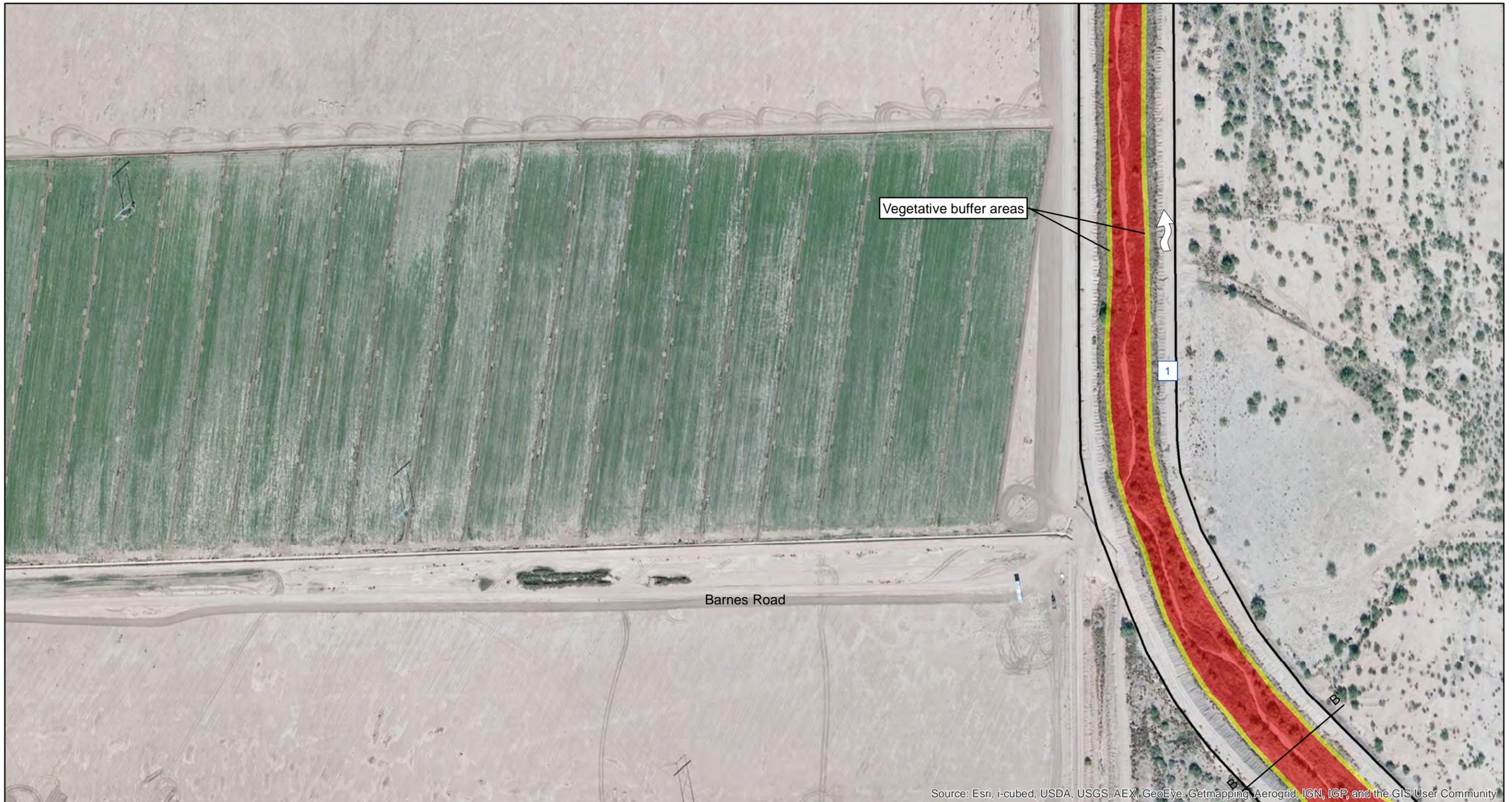
Aerial Date: Unknown

**Key**

- Project area
- Wetlands (0 acre)
- Waters of the US (0.734 acre)
- Permanent Impacts to Waters of the US (2.666 acres)
- Temporary Impacts to Waters of the US (0 acre)
- Flow direction
- # Wash number
- W# Wetland number

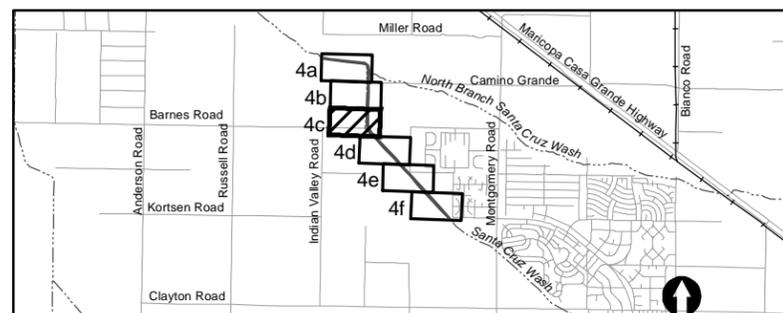


<p><b>Section 404 Individual Permit Santa Cruz Wash Improvements Project</b></p>		
<p>Source: USGS 7.5' Quadrangles Stanfield, Ariz. (1973); T6S, R4E, Sec. 1; UTM 1983 Zone 12 416926.09mE, 3643692.95mN</p>	<p>Feet</p> <p>0 200</p> <p>1" = 200'</p>	<p>August 2013</p> <hr/> <p>Figure 4b</p>



**Key**

- Project area
- █ Wetlands (0 acre)
- █ Waters of the US (0.799 acre)
- █ Permanent Impacts to Waters of the US (3.035 acres)
- █ Temporary Impacts to Waters of the US (0 acre)
- ↗ Flow direction
- # Wash number
- W# Wetland number



<p><b>Section 404 Individual Permit</b>  <b>Santa Cruz Wash Improvements Project</b></p>		
<p>Source: USGS 7.5' Quadrangles  Stanfield, Ariz. (1973);  T6S, R4E, Sec. 1 and 12;  UTM 1983 Zone 12  416913.38mE, 3643205.74mN</p>	<p>Feet</p> <p>0      200</p> <p>1" = 200'</p>	<p>August 2013</p> <hr/> <p>Figure 4c</p>

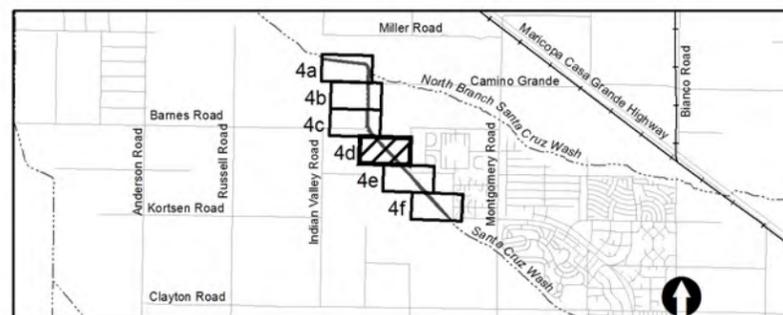


Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

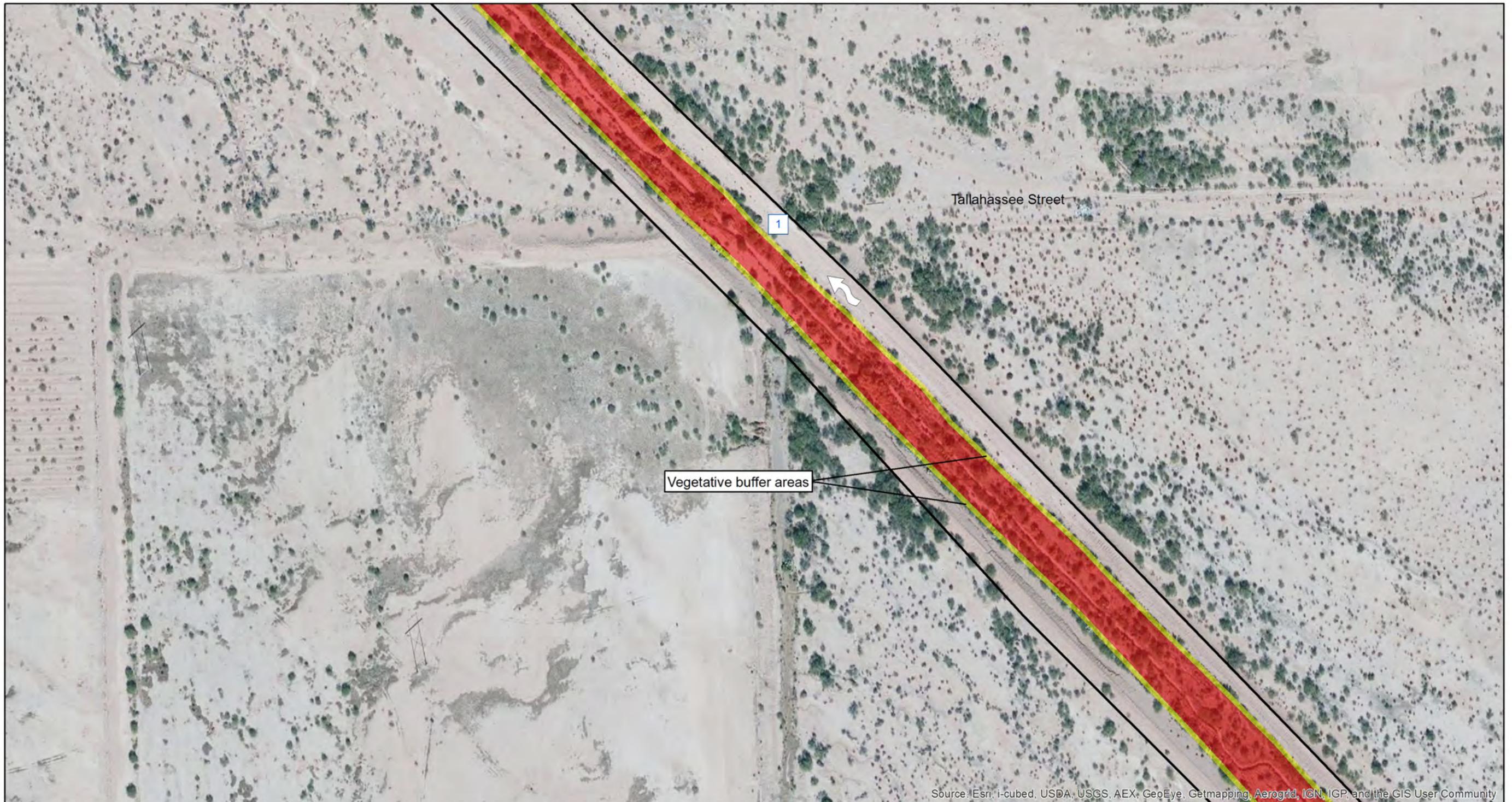
Aerial Date: Unknown

Key

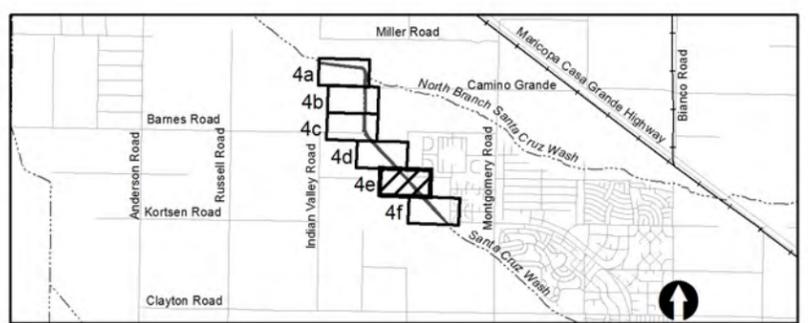
- Project area
- Wetlands (0 acre)
- Flow direction
- Waters of the US (1.033 acres)
- # Wash number
- Permanent Impacts to Waters of the US (4.630 acres)
- W# Wetland number
- Temporary Impacts to Waters of the US (0 acre)



<p>Section 404 Individual Permit Santa Cruz Wash Improvements Project</p>		
<p>Source: USGS 7.5' Quadrangles Stanfield, Ariz. (1973); T6S, R4E, Sec. 12; T6S, R5E, Sec. 7; UTM 1983 Zone 12 417460.95mE, 3642704.09mN</p>	<p>Feet</p> <p>0 200</p> <p>1" = 200'</p>	<p>August 2013</p> <hr/> <p>Figure 4d</p>



Key	
	Project area
	Flow direction
	Wash number
	Wetland number
	Wetlands (0 acre)
	Waters of the US (1.032 acres)
	Permanent Impacts to Waters of the US (4.298 acres)
	Temporary Impacts to Waters of the US (0 acre)

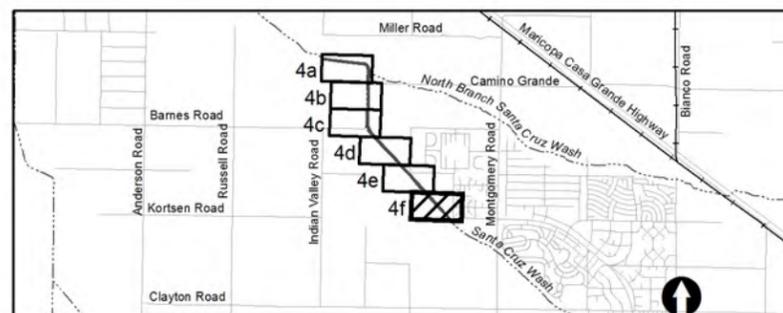


<b>Section 404 Individual Permit</b> <b>Santa Cruz Wash Improvements Project</b>		
Source: USGS 7.5' Quadrangles Casa Grande West, Ariz. (1973); Stanfield, Ariz. (1973); T6S, R4E, Sec. 12; T6S, R5E, Sec. 7; UTM 1983 Zone 12 417884.85mE, 3642205.50mN	Feet  1" = 200' 	August 2013 <hr/> Figure 4e



**Key**

- Project area
- █ Wetlands (0 acre)
- █ Waters of the US (0.948 acre)
- █ Permanent Impacts to Waters of the US (4.091 acres)
- █ Temporary Impacts to Waters of the US (0.005 acre)
- ↗ Flow direction
- # Wash number
- W# Wetland number



<p><b>Section 404 Individual Permit</b>  <b>Santa Cruz Wash Improvements Project</b></p>		
<p>Source: USGS 7.5' Quadrangles Casa Grande West, Ariz. (1973); Stanfield, Ariz. (1973); T6S, R5E, Sec. 7 and 18; UTM 1983 Zone 12 418403.89mE, 3641704.40mN</p>	<p>Feet</p> <p>1" = 200'</p>	<p>August 2013</p> <hr/> <p>Figure 4f</p>