PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
Tres Rios Environmental Restoration Area
Operations and Maintenance Activities

Public Notice/Application No.: SPL-2019-00741
Project: Tres Rios Environmental Restoration Area Operations and Maintenance Activities
Comment Period: May 20, 2020 through June 20, 2020
Project Manager: Therese Carpenter; (602) 230-6952; Anne.T.Carpenter@usace.army.mil

Applicant
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Location

The project area is located at the Tres Rios Environmental Restoration Area (Tres Rios), and includes City-owned parcels along the Salt River between 91st Avenue and Avondale Boulevard, and along the Gila River between Avondale Boulevard and El Mirage Road. The cadastral location of the project is Township 1 North, Range 1 East, portions of Sections 31-33, and Township 1 North, Range 1 West, Section 36 (Gila and Salt River Baseline and Meridian).

Activity

To discharge dredged and/or fill material within Waters of the US (WOTUS) in order to perform Operations and Maintenance (O&M) activities to maintain the constructed and natural features of Tres Rios, control invasive species, and expand native habitat (see attached figure). All O&M activities will be done in compliance with the ESA Section 10 Safe Harbor Agreement, the Tres Rios Monitoring and Adaptive Management Plan (MAMP), and the City-Corps Project Cooperation Agreement (PCA), in association with Tres Rios Habitat Restoration. For more information see Additional Project Information section below.

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 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 supports 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.

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: Anne.T.Carpenter@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Therese Carpenter directly at (602) 230-6952.

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 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 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- A cultural resources survey of the project area was completed in 2002 by U.S. Army Corps of Engineers (Corps) archaeologists as part of a feasibility study for the Tres Rios wetlands. The survey recorded an archaeological site within 250 feet of the current Tres Rios limits. However, the delineated WOTUS are outside of the 250-foot buffer zone.

Endangered Species- An Safe Harbor Agreement (SHA) and Incidental Take Permit for Tres Rios was issued by the US Fish and Wildlife Service (USFWS) on April 30, 2014 (TE-75475A-0) covering management activities affecting lands owned or controlled by the City, with the purpose of providing and maintaining environmental restoration along the Salt and Gila rivers. The original SHA covered incidental take of the southwestern willow flycatcher (*Empidonax traillii extimus*) and Yuma Ridgeway's rail (*Rallus obsoletus yumanensis*) associated with the maintenance of the voluntary conservation efforts and public use of the enrolled lands. A Biological Opinion (02EAAZ00-2012-F-0412-R1) was issued on June 6, 2019 which amended the SHA to add the threatened western yellow-billed cuckoo (*Coccyzus americanus*) to the list of covered species. An amended SHA and associated incidental take permit was approved on September 6, 2019. With this amendment, assurances under the original SHA have not changed. The SHA and the activities it covers will provide a net conservation benefit to the covered species.

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).

The basic project purpose for the proposed project is to perform O&M of Tres Rios. There are approximately 96-acres of wetland habitat, 35-acres of open water, and 31-acres of other waters in the project area, which are proposed to be permanently impacted during the timeframe of the permit. The goal of the project is O&M of restored wetland and riparian habitat and associated features, which would require O&M activities to be conducted within WOTUS.

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 is to conduct O&M activities at Tres Rios in order to continue the upkeep, restoration, and enhancement of Tres Rios. The proposed O&M activities would aid in the ongoing rehabilitation and restoration of wetlands and riparian habitat at the Tres Rios Overbank Wetlands (OBW) and at City-owned parcels between 91st Avenue and El Mirage Road within the Salt and Gila Rivers.

Additional Project Information

Baseline Information- In 2000, the Corps Los Angeles District Civil Works Branch received approval from the United States Congress for Tres Rios. The overall project area consists of portions of the Salt and Gila Rivers between 83rd Avenue and the confluence with the Agua Fria River and former agricultural lands to the immediate north of the Salt and Gila Rivers. To date, completed project phases (i.e., Phases 1, 2, 3a, and 3b) include the construction of flood control levees, an effluent pump station, the Flow Regulating Wetlands (FRW) and OBW, mesquite bosque, the effluent channel, and riparian restoration and open water improvements within the Salt and Gila River channels.

As the non-federal sponsor for the project, the City entered into a Project Cooperation Agreement (PCA) with the Corps to identify each party’s responsibilities. The Department of the Army, represented by the Assistant Secretary of the Army (Civil Works), and the City, represented by the Deputy City Manager, entered into the PCA for this project as required by Public Law (99-662) on April 14, 2004. The PCA stipulates the City’s obligations for construction activities and future O&M activities following the transfer of the ecosystem restoration features to the City.

Article VIII of the PCA states that the non-federal sponsor shall “operate, maintain, repair, replace, and rehabilitate the entire Project or the functional portion of the Project at no cost to the Government [Corps], in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws… and specific directions prescribed by the Government in the [Operation, Maintenance, Repair, Replacement, and Rehabilitation] OMRR&R Manual and any subsequent amendments thereto.” The OMRR&R for Phase 2 was completed by the Corps in December 2010 and is specific to the construction of the FRW, OBW and many other

associated structures. Phase 3a of the Corp's restoration project, located between 105th Avenue and 115th Avenue, was completed in March 2011, and Phase 3b, located between 115th Avenue and El Mirage Road, was completed in July 2012. In both Phases 3a and 3b, the Corp completed the environmental restoration activities, which included the removal of non-native salt-cedar and the establishment of riparian corridors and open water marsh areas in the Salt River channel. The OMRR&R for habitat restoration phases 3a and 3b from the Corp is still pending. Therefore, the Draft Tres Rios Wetlands Project Monitoring and Adaptive Management Plan (MAMP) is the basis for the City's O&M responsibilities. The City is responsible for O&M activities within the FRW, OBW, and the City-owned portions of the Corp's Phase 3a and 3b. The City is not responsible for O&M or adaptive management activities within the areas outside of the City-owned lands.

Description of Activity Requiring Permit: The City is the non-federal sponsor of Tres Rios. As the non-federal sponsor, the City is responsible for the O&M of the project area which encompasses the constructed wetlands and associated features, and other City-owned parcels within the Salt and Gila rivers between 91st Avenue and El Mirage Road. The draft Tres Rios MAMP serves as the reference document which outlines the City's objectives and responsibilities for managing Tres Rios. To complete these objectives, the City will be required to perform dredge and fill activities within WOTUS. This permit will cover routine O&M of existing and future ecosystem restoration features and maintenance would be performed in-kind. Operation activities may require minor construction that modifies existing facilities to achieve the objectives of the overall project and MAMP. However, major construction of new features would not be covered by this permit. The proposed dredge and fill operations would be required in order to complete a variety of O&M activities deemed necessary to continue the upkeep, restoration and enhancement of the ecosystem restoration features at Tres Rios, as well as comply with local, state and federal permits and agreements. In all cases, the O&M activities would be undertaken in such a way as to minimize impacts to the ecosystem restoration project and would be completed under the overarching goal of habitat restoration and proper functioning of the Tres Rios project features. All activities would be done in compliance with the Tres Rios Safe Harbor Agreement SHA between the City and USFWS. Activities required for O&M within WOTUS at Tres Rios are as follows:

Infrastructure Management

Ecosystem restoration features within the Tres Rios project area include numerous structures that are used for treating and controlling water and for facilitating O&M activities. Ecosystem restoration features also support and maintain vegetation communities that are considered habitat for wildlife.

Erosion Control/Repair and Sediment Removal: Erosion repair may be needed in order to maintain slope and flow capacity of ecosystem restoration features. Channel hydraulics can be impacted by excess sediment build-up, which would need to be removed in order to restore capacity and proper function. Erosion may occur along access roads and pedestrian trails, banks of the Salt and Gila Rivers, and berms and side slopes around the overbank wetlands (OBW); while sediment accumulation may occur at drainage pipes and in flow channels throughout the project area. Repair and maintenance of eroded features can involve activities such as re-grading and/or placement of fill (e.g. dirt or gravel) or suitable soil stabilizers. (e.g. angular rock, riprap, shotcrete, tackifier, etc.) to stabilize the eroding areas. Sediment removal activities could include temporarily draining wetland ponds for equipment access as well as using a hydro-vacuum truck in order to excavate or dredge excess sediment from WOTUS. Equipment used to complete both erosion repair and sediment removal activities include front-end loaders, backhoes, Mobitrac, trolling boat with motor, and excavators.

Hydraulic Control Structures: Hydraulic control structures are responsible for regulating flow to and from ecosystem restoration features. Hydraulic control structures within WOTUS at Tres Rios include:

- Salt River discharge structures allow discharges from Tres Rios to the Salt River. The first structure is located at the west end of the Effluent Channel, before the OBW. The second is at the west end of the OBW.
- OBW inlet structures control the water elevation of the Effluent Channel, and direct flows to the OBW and Mesquite Bosque.
- OBW flow control structures are culvert structures that separate and move flows between the internal deep zones of the OBW.
- Stormwater Channels and Underdrain Structures. Stormwater channels (which are not Waters of the U.S.) paralleling the OBW capture stormwater runoff and upland drainage from neighboring communities. Captured flows are directed to a concrete drop structure and associated culvert (underdrain) that conveys flows under the OBW to the Salt River.
- Spillways and Dewatering Structures. The Effluent Channel (which is not a Water of the U.S.) includes an overflow spillway that will direct excess flows over the associated structure's berm and into the Salt River.

Repair and replacement of hydraulic control structures are anticipated in order to repair damage, or restore proper function. Equipment used for maintenance and replacement of hydraulic control structures may include front-end loaders, backhoes, and excavators.

Maintenance of Irrigation Systems: Flood and drip irrigation is utilized to supply supplemental water to ecosystem restoration features. Existing irrigation systems are present at the OBW, which receive supplemental water via a 20-inch pipeline from the Salt River Project irrigation district junction box located at 91st Avenue and Roeser Road intersection. Current and future irrigation systems may need maintenance, enhancement, and/or replacement and such activities would generally require some form of trench to access the buried system. Temporary irrigation systems may be needed for establishment of new vegetation. Equipment used for the maintenance of irrigation systems may include front-end loaders, backhoes, excavators, Kubota tractors, and water pumps.

Maintenance of Access Roads and Trails: O&M roads allow for maintenance vehicles to travel throughout the project area, provide for emergency vehicle access, and are used as non-motorized trails for the public. Maintaining surface conditions of O&M roads in conformance with design standards provide safe usage by City staff, authorized agents, and the public. The maintenance of O&M roads, including existing low-flow channel crossings, can require grading and dirt fill placement, replacement or repair of concrete spillways, construction of roadside berms, and use of non-asphalt-based soil stabilizers (sealing, decomposed granite, tackifier and dust suppressants). Equipment used for the maintenance of O&M roads can include front-end loaders, backhoes, excavators, and drag mats. Other trails not coinciding with O&M roads may also need similar maintenance and repair activities and can also require the removal of unauthorized informal trails and access control features (such as berms, large rocks, etc.) to protect the habitat restoration features.

Maintenance of Electrical, Security, and Communication Systems: The electrical infrastructure at Tres Rios includes electrical and fiber optic conduit, weather and water monitoring stations, lighting, alarms, security cameras and poles, and inlet and discharge controls and is necessary for the control and monitoring of the ecosystem restoration project. Berms and side slopes of the OBW house electrical and fiber optic conduit that provides connections between electrical and communication infrastructure. Current and future electrical systems could require maintenance or replacement to continue the operation of the ecosystem restoration features. Trenching may be required to access

buried equipment for repair or replacement. Equipment used for the maintenance or replacement of electrical and communication systems may include front-end loaders, backhoes, and excavators.

Vegetative Management

The objective of vegetative management is to assist the vegetative communities within the Tres Rios project area function as designed with the appropriate vegetation species composition, densities, and aerial extent needed to sustain the constructed and restored environment.

Vegetation Removal: Vegetation removal may be needed to control overgrowth of approved vegetation, maintain proper hydraulic conditions, remove undesirable/invasive/non-native species such as salt cedar (Tamarisk sp.), remove environmental hazards, and respond to pest infestations. Vegetation removal activities may be needed at WOTUS throughout Tres Rios. Methods of vegetation removal may include:

- Small areas of problematic vegetation can be mechanically removed via common landscaping tools (e.g. chainsaws, polesaws, etc.), while large areas would require conventional earthmoving and landscaping equipment (e.g. backhoe, front-end loader, Mobitrac, mower, and Kobuta tractor) to remove. Temporary stockpiling of brush piles may occur within WOTUS. The use of equipment such as mulchers and brush chippers to break up larger vegetation may be needed.
- Prescribed burns may be conducted to remove excess vegetation such as senesced bulrush or to improve the nutrient content of the soil. With the appropriate permits and approvals, vegetation may be burned from November to February.
- Water level manipulation may be used for invasive species control. Temporarily draining wetland ponds could be used to starve unwanted water-dependent plant species of nutrients and to provide access for equipment to mechanically remove problematic vegetation. Additionally, increasing water depth is a strategy used to discourage aquatic plant overgrowth or unwanted aquatic plant species from establishing. The depth of the water may be increased at the OBW in order to drown plant roots.
- Chemical control of nuisance, noxious, invasive species, or the overgrowth of vegetation may occur via the application of herbicides. Such activities would be done in compliance with required permits (such as an Arizona Pollutant Discharge Elimination System Pesticide General Permit from the Arizona Department of Environmental Quality).
- Woody debris such as dead vegetation may accumulate at hydraulic control structures and within WOTUS throughout the project area. Build-up of woody debris would need to be removed via grading and/or excavation in order to maintain flow capacity. Equipment such as front-end loaders, backhoes, excavators, and Mobitracs may be used to remove woody debris throughout the project area. Stockpiling of woody material or temporary use of roll-off bins may be needed during woody debris removal.

Native Species Plantings/Seeding: The replanting of riparian, xero-riparian, and wetland vegetation is a beneficial adaptive management strategy to maintain appropriate coverage for the restoration of transitional and emergent wetland zones and to promote the expansion of suitable habitat for threatened and endangered species covered by the Tres Rios SHA. Native species re-plantings may occur at WOTUS throughout Tres Rios. Methods for replanting include application of native seed mix or physical native tree, shrub, aquatic or wetland forbs, etc. replanting. Temporary irrigation systems may be installed for supplemental watering of new plantings. If tree survival in a given area is inadequate, cuttings from existing native species at Tres Rios may be collected and re-planted in problematic areas. Additionally, hydroseeding or plantings may be used to aid in the reduction of erosion throughout the project area. Equipment used for native species plantings can include front-end loaders, backhoes, excavators, tillers, augers, and tree spades.

Improvements to Soil Salinity and Quality: Soil salinity may increase over time as a result of continued irrigation. In irrigated locations at Tres Rios, salt content can become elevated as irrigation water evaporates and leaves behind a salt residue that accumulates over time. Salt cedar has also been documented to increase soil salinity. The salt-laden leaf litter produced by salt cedar trees increases the salinity of the surface soil around the plant and inhibits the growth of other less salt tolerant plant species. The elevated salinity can negatively affect the health of the soil and native vegetation around it. Increasing irrigation water levels by 50% for one week can help restore high salinity soils. Additionally, mechanically restoring topsoil via tilling and puncture aeration may be utilized. Improving soil quality would benefit the establishment and growth of native plant species. Equipment used for mechanical topsoil restoration can include front-end loaders, backhoes, tillers, and excavators.

Wildlife Management

Ecosystem restoration features within the Tres Rios project area are regularly occupied by a variety of bird, mammal, fish, and invertebrate species. The presence of these species provides excellent recreational opportunities for the visiting public. Management of wildlife as a part of the MAMP is necessary to support O&M activities while maintaining and promoting the expansion of habitat, overall use by wildlife, and complying with existing permits and agreements.

Animal control: The presence of water and diverse vegetation at Tres Rios provides an ideal opportunity for many species of animal, including coyote, javelina, bobcat, beaver, and various rodent and fish species to frequent the project area. Since these animals can become difficult to control and can create unfavorable conditions through nuisance activity or if dense populations occur, management of these animals may be necessary. Nuisance animal activity can negatively impact infrastructure, flow capacity and function, vegetation or other wildlife. Beavers are known to occur at Tres Rios and have potential to create unfavorable conditions through the creation of burrows and dams which impound flows and by injuring or felling young native trees. O&M activities relating to beavers may include, physical removal of plant debris or dams placed in WOTUS by beavers, and removal of individual beavers through trapping and relocation by the Arizona Game and Fish Department. Re-planted or young vegetation is particularly susceptible to impacts and predation from nuisance animals. Temporary fencing may be installed to protect young, vulnerable or re-planted vegetation. Wetland ponds may also be drained temporarily to remove invasive fish species from the habitat. Equipment used for animal control activities can include front-end loaders, backhoes, excavators, trolling boat with motor, air boat, and Mobitrac.

Mosquito control: The presence of stagnant, ponded, or slow-moving water can create favorable sites for breeding mosquitos which are considered pests and pose a threat to public health and diminish the user experience at Tres Rios. Mosquito breeding sites can be eliminated in several ways, including grading areas of ponded water (outside of wetland ponds); introducing natural predators such as mosquito fish (Gambusia affinis) or other fish species that feed on mosquito larvae; and the application larvicides and pesticides to wetland basins. Equipment used for mosquito control can include front-end loaders, backhoes, and excavators.

Recreational Use

The project area and associated ecosystem features are currently accessed by the public using a permit system for passive recreation opportunities and include O&M roads within the OBW and City-owned land along the Salt River, including a portion of the Maricopa Trail. Maintenance of existing and future recreational and betterment features is anticipated to address safety concerns and protect ecosystem restoration features.

Trash/garbage clean-up: Due to high levels of unauthorized human activity, extensive trash dumping occurs throughout the project area, especially along the Salt and Gila rivers. Clean-up operations would require heavy equipment to be operated within WOTUS and temporary WOTUS crossings (such as temporary culverts or low-flow crossings) may be needed for equipment access to clean-up sites. Clean-up activities may also include the repair of existing structures due to vandalism. Equipment that may be used for trash clean-up include front-end loaders, backhoes, dumpsters and roll-off bins, and dump trailers.

Public access control: In addition to maintaining existing access roads, the City may make modifications to or improve the existing, access roads and trail systems within Tres Rios to respond to increasing demands for additional outdoor recreational opportunities. Improvements to public access may also be necessary to address safety concerns and to protect ecosystem restoration features in areas where formal public access and visitor amenities have not been developed. Methods for controlling public access would include:

- Passive trail expansion: Passive trail expansion would increase public access for more diverse groups of people as well as providing safe ingress and egress to the OBW and Salt and Gila River channels. Informal trails resulting from pedestrian access to the OBW and Salt and Gila River channels continue to be used by the public but are not considered dedicated trail systems. Incorporating these informal trails into the authorized trail system and maintaining them could require grading operations and dirt fill placement to accomplish the task. Equipment that may be used for passive trail expansion include front-end loaders, backhoes, excavators, and drag mats.
- Public access restrictions: Signage, placement of natural barriers, and obliteration of informal trails could be used to prompt the public to avoid specific areas and stay on authorized trails. Natural barriers such as vegetation or boulders may be placed within WOTUS for access control but would be placed outside the flow line so as to be non-impounding. Additionally, recreation improvements such as benches, trash receptacles, pole holders, and used fishing line deposits may be implemented to focus recreation to specific areas and reduce unnecessary impacts to the habitat from the recreational activities. Equipment used for restricting public access can include front-end loaders, backhoes, excavators, and 6” augers.

Proposed Avoidance and Minimization Measures: The proposed O&M activities are deemed necessary to maintain the habitat restoration project’s overall integrity and function. Activities will be required within WOTUS to meet the objectives outlined in the Tres Rios MAMP; therefore, avoidance is not possible. For every O&M activity, impacts to WOTUS will be minimized to the maximum extent practicable while still completing the activity to meet the City’s obligation to the responsibilities and objectives of the Tres Rios MAMP and SHA. In addition, all O&M activities would be completed per the City’s best management practices so as to limit disturbance to the project area.

Proposed Compensatory Mitigation: The purpose of proposed O&M activities in WOTUS at Tres Rios is ongoing rehabilitation and restoration of wetland and riparian habitat. Therefore, no additional compensation is required for the loss of resource values that would result from the O&M 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 above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The proposed O&M activities are deemed necessary to maintain the project's overall integrity and function. Activities will be required within WOTUS to meet the objectives outlined in the PCA, SHA, and MAMP; therefore, avoidance is not possible

Minimization: Activities will be completed per the City's best management practices so as to limit disturbance to the project area while fulfilling the City's obligation to the responsibilities and objectives of the MAMP and SHA.

Compensation: The proposed action would result in rehabilitation and restoration of wetland and riparian habitat. Therefore, no additional compensation is required for the loss of resource values that would result from the O&M activities.

For additional information please call Therese Carpenter of my staff at (602) 230-6952 or via e-mail at Anne.T.Carpenter@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.

DEPARTMENT OF THE ARMY
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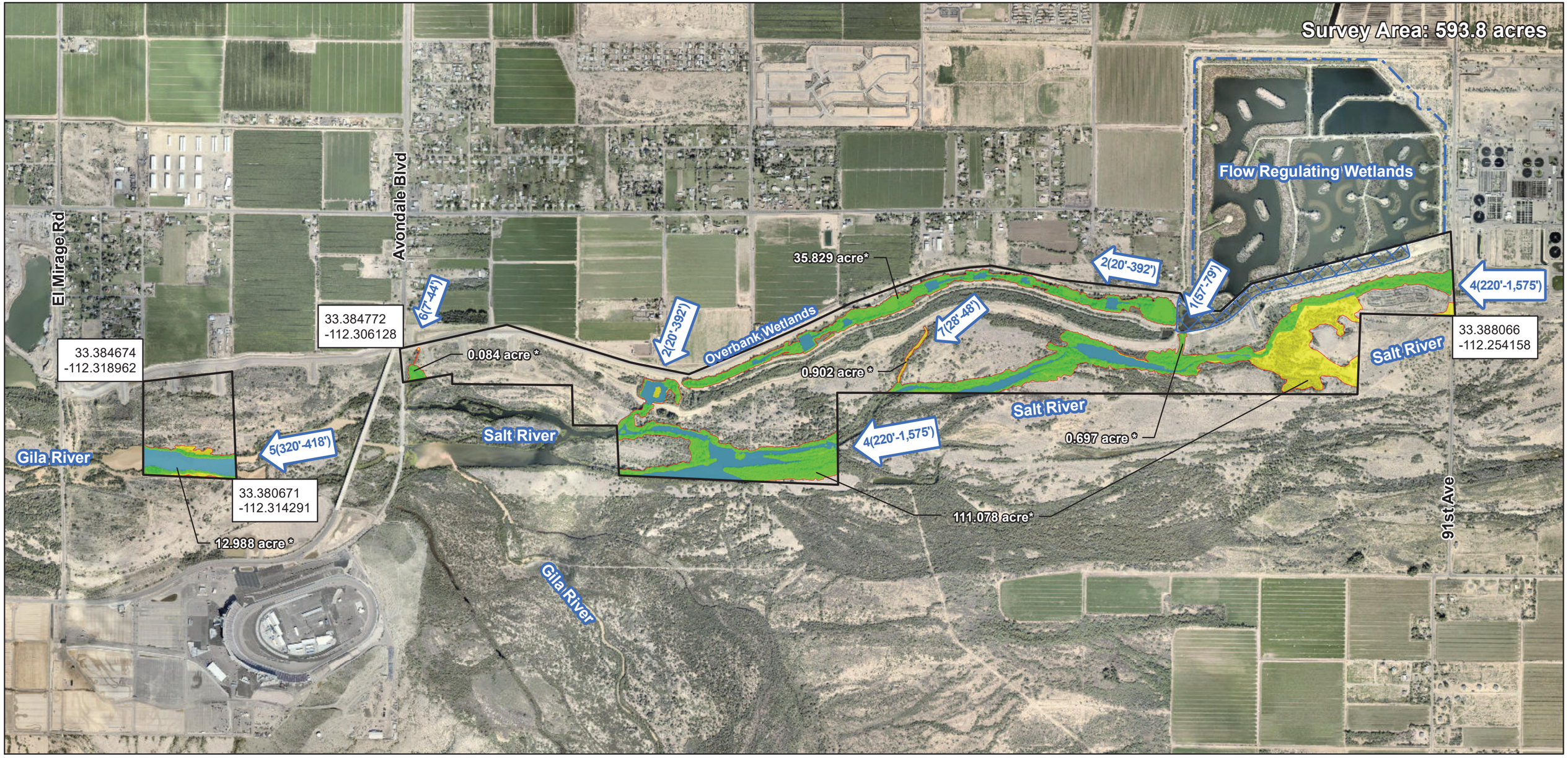

Sources: ADOT ATIS (2013); AZTEC (2019); Maricopa County Aerial Imagery (2019): Maricopa County (2016). Corresponding USGS 7.5' Quadrangle: Tolleson, AZ (1982).

IMPACTS TO WATERS OF THE US
Tres Rios Environmental Restoration Project Maintenance Activities
City of Phoenix Project Number: WS90500270
Corps File Number: SPL-2019-00741
Print Date: November 13, 2019, Nicholas Vandehei, AZTEC

- Project Area
- Flow Regulating Wetlands
- Tres Rios Effluent Channel
- Ordinary High Water Mark (OHWM)
- Open Water
- Other Waters
- Wetland
- # (XX') Watercourse Number (Average Width of OHWM) Arrow Indicates Flow Direction

* All Waters of the US within the project area are anticipated to incur permanent impacts from routine operation and maintenance activities.

Feet
0 1,000 2,000