



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

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**APPLICATION FOR PERMIT  
(EXTENSION OF COMMENT PERIOD)  
Deer Valley Road, El Mirage Road to 109<sup>th</sup>  
Avenue**

**Public Notice/Application No.:** SPL-2010-00884-AP

**Project:** Deer Valley Road, El Mirage Road to 109th Avenue (MCDOT Project Number: TT-248)

**Comment Period:** October 1, 2013 to ~~October 31, 2013~~ **November 18, 2013**

**Project Manager:** Ann Palaruan; 602-230-6955; [Cynthia.A.Palaruan@usace.army.mil](mailto:Cynthia.A.Palaruan@usace.army.mil)

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**Applicant**

Tricia Brown  
Maricopa County Department of Transportation  
2901 West Durango Street  
Phoenix, Arizona 85009

**Contact**

Joe Pinto  
Maricopa County Department of Transportation  
2901 West Durango Street  
Phoenix, Arizona 85009

**Location**

Maricopa County Department of Transportation's (MCDOT) proposed roadway and bridge construction project begins at El Mirage Road and ends at the intersection of 109th Avenue and Deer Valley Road, within portions of Sections 18 and 19 of Township 4 North, Range 1 East, and Sections 13 and 14 of Township 4 North, Range 1 West, Peoria, Maricopa County, Arizona.

**Activity**

MCDOT's proposed project would involve the discharge of dredged and/or fill material in the Agua Fria River, McMicken Dam Wash Outlet, and six unnamed washes, consisting of 25.74 acres (permanent fill) and 13.56 acres (temporary impact), for the widening of Williams Drive and construction of a new roadway and bridge over the Agua Fria River. For more information see page 3 of this notice and attached drawings.

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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. Comments should be mailed to:

US Army Corps of Engineers  
Los Angeles District, Phoenix Office  
3636 N. Central Ave., Suite 900  
Phoenix, AZ 85012

Alternatively, comments can be sent electronically to: [Cynthia.A.Palaruan@usace.army.mil](mailto:Cynthia.A.Palaruan@usace.army.mil) ***Due to the federal government shutdown that occurred between October 1, 2013 and October 16, 2013, this public notice is reissued to extend the comment time to allow additional time for public and agency comments.***

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 has applied for a water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

**Cultural Resources**- Based on information collected thus far, the project will adversely impact a cultural resource that is eligible for listing on the National Register of Historic Places. Consultation with Native American Tribes and the State Historic Preservation officer will occur with respect to cultural resources impacts associated with this project. Native American Tribes will also be consulted regarding the presence of any traditional cultural properties that could potentially be affected by this project.

**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 special aquatic sites would be impacted, 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 is to provide an additional all-weather east-west crossing of the Agua Fria River between Olive Avenue and Happy Valley Parkway to provide better transportation system connectivity and reduce traffic demand on Bell Road, Happy Valley Parkway, and the remainder of the area roadway network.

## **Additional Project Information**

MCDOT's proposed bridge and roadway construction site is located within approximately 87.6-acres of land, beginning at El Mirage Road and ending at the intersection of 109th Avenue and Deer Valley Road, as shown on the attached drawings. The lands within and adjacent to MCDOT's proposed project area are Arizona state trust lands managed by the Arizona State Land Department (ASLD), Flood Control District of Maricopa County (FCDMC) lands, City of Peoria lands, and privately owned lands.

Currently, Bell Road is the only bridged east-west crossing of the Agua Fria River for a span of approximately 10 miles, located north of Olive Avenue Bridge and south of Happy Valley Parkway Bridge. Traffic models prepared by the Maricopa Association of Governments forecast significant latent traffic demand for a crossing of the Agua Fria River between the existing crossings at Bell Road and Happy Valley Parkway, which are more than five miles apart. If additional crossing points are not constructed, the existing roadway network will become increasingly overtaxed and latent demand will not be met.

The project area is characterized as a broad, dry river floodplain situated in an expansive intermountain valley. Elevation ranges from approximately 1,200 to 1,270 feet above mean sea level. The project area encompasses the ephemeral Agua Fria River, its floodplain, adjacent upland areas, the McMicken Dam Outlet Wash, and six unnamed washes. The Agua Fria River flows very infrequently due to the dam that created Lake Pleasant, located approximately 12 miles upstream. The river bottom is also degraded due to sand and gravel mining operations. The primary low-flow channel within the Agua Fria River meanders around the mining operations, and the main thalweg of the river occurs on the western half of the project area. Within the project area, the Agua Fria River, McMicken Outlet Wash, and the six unnamed washes have been heavily disturbed and/or manipulated by existing roadways, residential development, Lake Pleasant Dam, and McMicken Dam.

Project description- MCDOT is proposing to widen Williams Drive from El Mirage Road to 117th Avenue and construct a new roadway with an all-weather bridged crossing of the Agua Fria River from the intersection of Williams Drive and 117th Avenue to the intersection of Deer Valley Road and 109th Avenue. The proposed project would require the discharge of dredged and/or fill material into waters of the United States (WUS). No wetlands are within the proposed project area. No wetlands would be impacted by MCDOT's proposed project. MCDOT's proposed project would involve the discharge of dredged and/or fill material in WUS involving the Agua Fria River, McMicken Dam Wash Outlet, and six unnamed washes, consisting of 25.74 acres (permanent fill) and 13.56 acres (temporary impact). MCDOT's specific proposed project activities involve the following:

- Widen the existing Williams Drive from El Mirage Road to 119th Avenue to a five-lane roadway consisting of two 12-foot travel lanes in each direction, a 14-foot center turn lane, curb and gutter, bike lanes and a 5-foot sidewalk on either side, crossing unnamed washes.
- Replace two 18-inch rubber gasket reinforced concrete pipes (RGRCP) with four 24-inch RGRCP with riprap at the outlet, within an unnamed wash.
- Extend the McMicken Dam Outlet Wash box culvert by about 45 feet to the north, channelizing approximately 471 linear feet of the wash (of which approximately 160 linear feet would be rip-rapped), and constructing 14-foot wide maintenance access driveways on the northwest and southeast banks.
- Extend an existing 8-foot by 4-foot concrete box culvert (CBC) and placing riprap, within an unnamed wash.
- Reconstruct sidewalk, curb and gutter, and pavement at the Williams Drive intersections with 123rd Avenue, 121st Avenue, 120th Lane, 119th Lane, and 117th Avenue, within an unnamed wash.
- Construct a new five-lane roadway from the intersection of 117th Avenue and Williams Drive to the intersection of Deer Valley Road and 109th Avenue. The new roadway will consist of two 12-foot travel lanes in each direction, a 14-foot center turn lane, curb and gutter, bike lanes and a 5-foot sidewalk on either side, within unnamed washes and the Agua Fria River.
- Install two 36-inch by 22-inch by 260-foot long concrete arch culverts and placing dumped riprap at the outlet, within unnamed washes and the Agua Fria River.
- Install a 36-inch diameter 256-foot long concrete pipe culvert, within unnamed washes and the Agua Fria River.
- Construct a new 711-foot long by 90-foot wide five span precast, prestressed AASHTO Type Super VI Concrete Girder Bridge over the Agua Fria River.
- Construct guide banks and finger dikes and installing scour protection (riprap) at both the east and west abutments of the new Agua Fria River Bridge.
- Construct maintenance access roads near the new bridge.

- Construct a 50-foot long by 91-foot wide underpass truck route bridge on the east bank of the Agua Fria River.
- Construct retention basins along the new roadway.
- Reconstruct sidewalk, curb and gutter, and pavement at the intersection of Deer Valley Road and 109th Avenue.

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

**Minimization:** MCDOT has made numerous attempts to evaluate a range of alternatives that would meet the purpose and need of the project while minimizing impacts to WUS. MCDOT originally completed a design concept report for this project which evaluated five alternatives and included a low-water crossing as the preferred alternative. However, the low-water crossing alternative did not meet the purpose and need for an all-weather crossing, and another study was performed to evaluate six additional alternatives for the Agua Fria River crossing. The additional study identified a short bridge constructed over the Agua Fria River, as the preferred alternative. MCDOT proposes that their preferred alternative was designed to minimize impacts to the extent practicable, to include during MCDOT's proposed construction, that their impacts would be limited to the minimum necessary to accomplish their project.

**Compensation:** The Applicant proposes compensatory mitigation for unavoidable impacts to WUS through contribution to an in-lieu fee program.

**Proposed Special Conditions**

Special Conditions have not yet been developed and will be based on the results of the EA and 404 permit analysis.

For additional information please call Ann Palaruan of my staff at 602-230-6955 or via e-mail at [Cynthia.A.Palaruan@usace.army.mil](mailto:Cynthia.A.Palaruan@usace.army.mil) . This public notice is issued by the Chief, Regulatory Division.



*Regulatory Program Goals:*

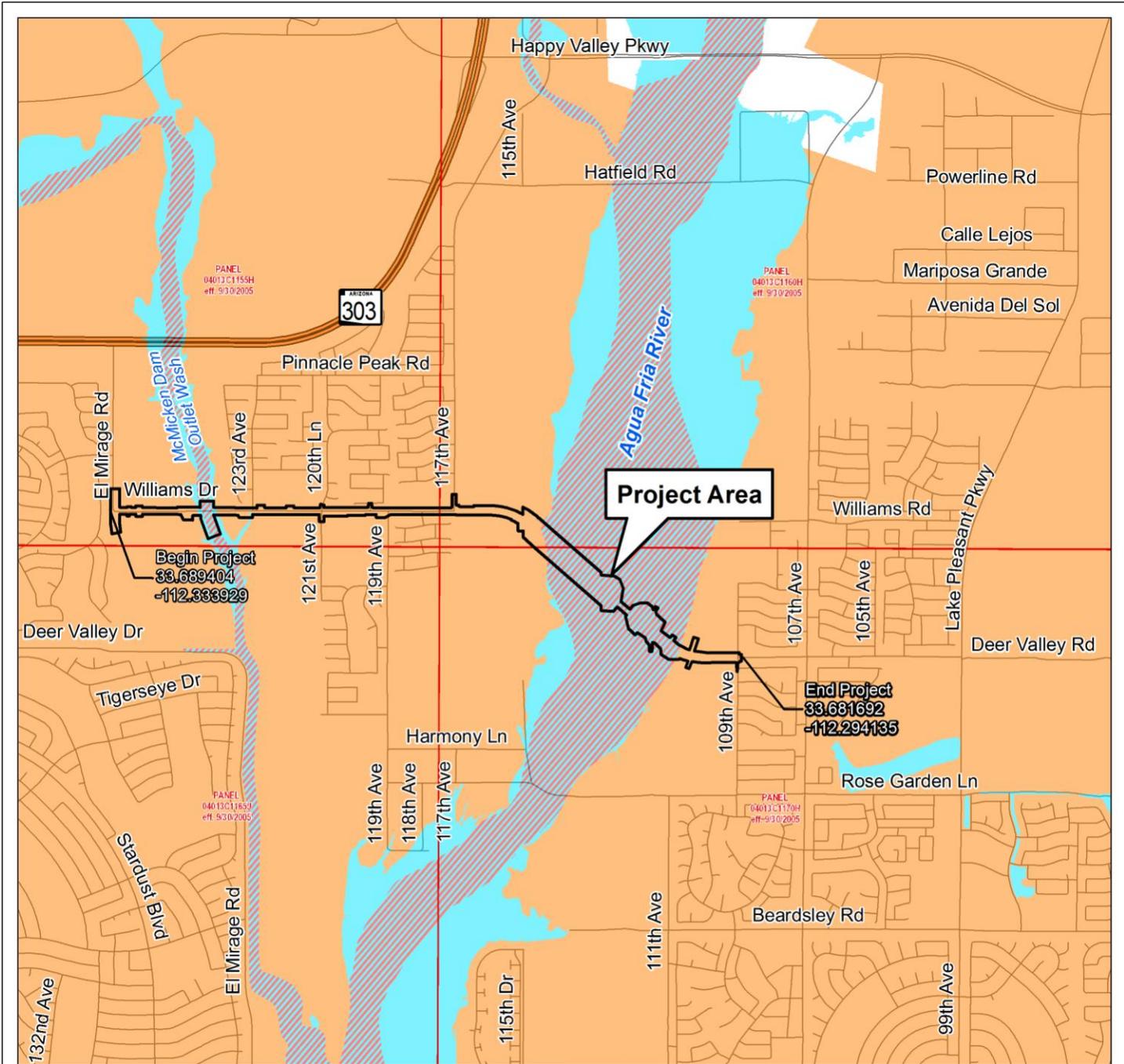
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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

US Army Corps of Engineers  
 Los Angeles District, Phoenix Office  
 3636 N. Central Ave., Suite 900  
 Phoenix, AZ 85012

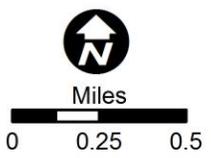
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Sources: ADOT ATIS (2010), AZTEC (2013), FEMA NFHL (2013).

-  Project Area
-  FEMA Firm Panel
-  Regulatory Floodway
-  100-Year Floodplain



Map Disclaimer: This map is intended for general siting purposes only.

Figure 2 – Floodplain Map

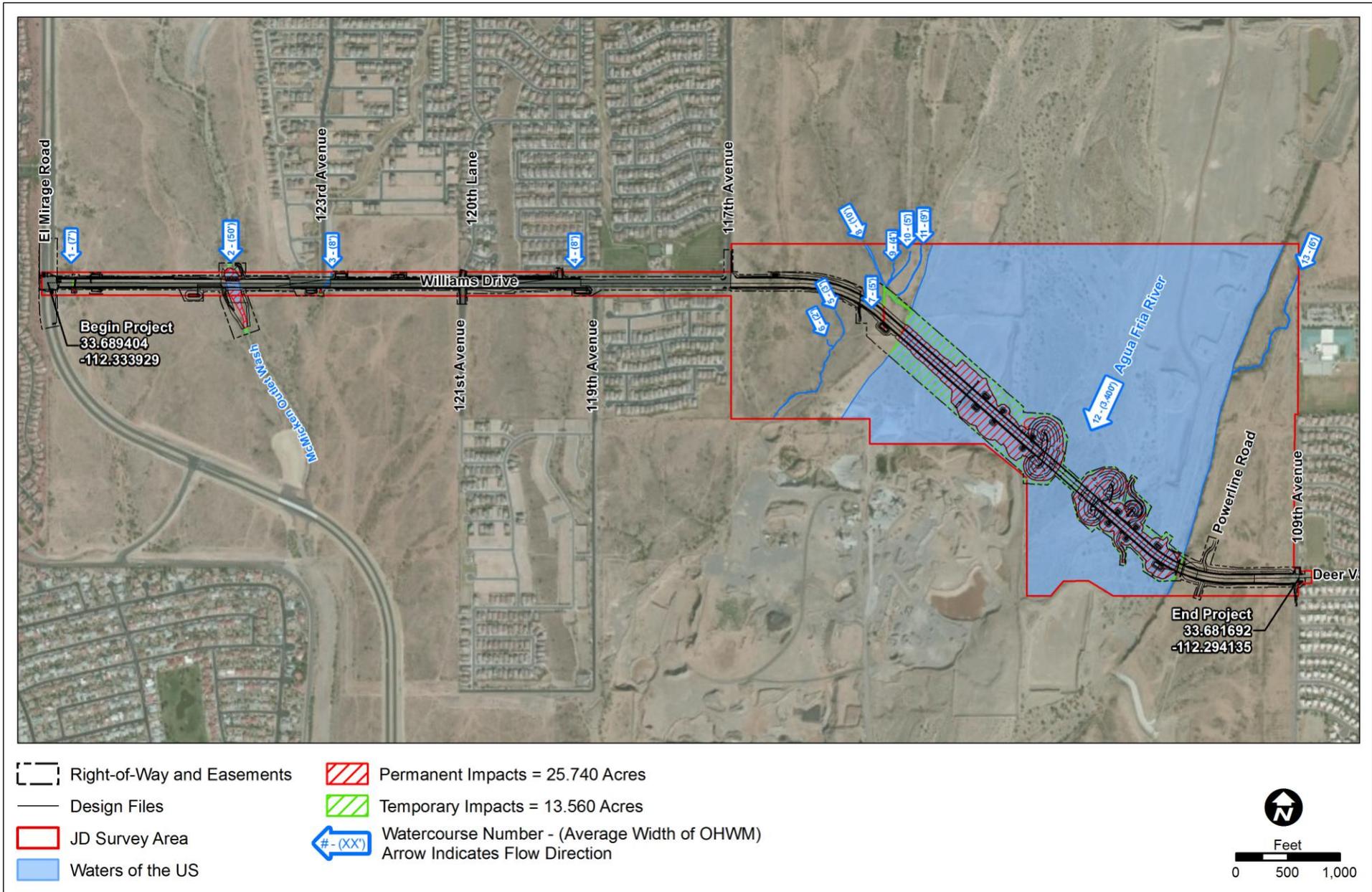


Figure 3 – Short Bridge Alternative (Preferred Alternative) Impacts to Waters of the US