



# PUBLIC NOTICE

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

**BUILDING STRONG®**

## **APPLICATION FOR PERMIT**

**Public Notice/Application No.:** SPL-2012-31-RJD

**Project:** The Promenade at Sierra Vista

**Comment Period:** January 29, 2013 through February 28, 2013

**Project Manager:** Robert J. Dummer; 602-230-6952; robert.j.dummer@usace.army.mil

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### **Applicant**

Scott Ries  
KMC Sierra Vista, LLC  
1900 West Chandler Boulevard #15-369  
Chandler, Arizona 85224

Telephone: 602-620-1200

### **Agent**

Clinton M. Glass  
CMG Drainage Engineering, Inc.  
3555 North Mountain Avenue  
Tucson, Arizona 85719

Telephone: 520-882-4244  
Email: clint@cmgdrainage.com

### **Location**

An approximately 15.2 acre property at the northeast corner of Busby Drive and State Route 92 (31.55006°N 110.25560°W; Section 6, T22S, R21E) Sierra Vista, Cochise County, Arizona.

### **Activity**

To straighten and channelize approximately 1,200' of an unnamed ephemeral wash with 320 lineal feet of stabilized channel, 700 lineal feet of concrete culvert, a grade control structure, and a drop structure. The proposed improvements would begin at the State Route 92 culvert and would continue downstream to connect into an existing reach of the wash that has already been stabilized.

The project would result in the loss of approximately 0.67 acres of a natural wash. Both upstream and downstream of the project this wash has already been improved. Additional details of the proposed improvements are shown in Figures 1-7 and on pages 3 and 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 this public notice and provide your 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:

LOS ANGELES DISTRICT CORPS OF ENGINEERS  
REGULATORY DIVISION, ARIZONA BRANCH  
3636 NORTH CENTRAL AVENUE, SUITE 900  
PHOENIX, AZ 85012-1939

Alternatively, comments can be sent electronically to: [Robert.J.Dummer@usace.army.mil](mailto:Robert.J.Dummer@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.

**Cultural Resources**- Professional Archaeological Services of Tucson (PAST) completed a records search and a one day intensive field survey of the 15.2 acre project area for the Applicant (KMC Sierra Vista, LLC). The records search found no sites and the field survey found no isolated artifacts and no sites within the project area. Therefore, unless additional information is received the Corps of Engineers will proceed with its preliminary determination that the proposed project would have no effect to any National Register eligible property. The proposed project currently is in compliance with all requirements of the National Historic Preservation Act and no further action is required.

**Endangered Species**- There is no threatened or endangered species that occur within the 15.2-acre project area. The project area contains no proposed or designated critical habitat. Lesser long-nosed bats (*Leptonycteris yerbabuena*) occur in the surrounding area but with no roosting habitat and no forage plants with the project area the Corps of Engineers has determined that the proposed project would have “no effect” to the bat or any other proposed/listed threatened or endangered 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). The basic project purpose is to provide affordable multi-family residential housing and commercial retail space. The proposed project is not water dependent. There are no special aquatic sites with the project area.

**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 affordable multi-family residential housing and commercial retail space in proximity to the central business district of the City of Sierra Vista.

## **Additional Project Information**

The Applicant proposes to develop a multi-use site, consisting of commercial retail space and residential apartments. The project would help to provide affordable rental housing near the central business district. In conjunction with this development, the extension of Desert Springs Ct. is proposed to intersect with State Route 92, allowing for a traffic light to be installed. This would provide a traffic safety improvement for the local area. The culverted reach of the wash would allow for the road extension. Currently the reach of the wash on the property is unstable with additional bank erosion occurring during larger flood events.

There is currently a public pathway along the east side of State Route 92. By stabilizing the wash for this project the erosion threat to the pathway is eliminated.

Significant hydrologic/hydraulic changes have occurred throughout the drainage basin upstream of the project. These changes have radically altered natural water and sediment continuity along the wash and have increased the potential for channel degradation coupled with the high potential for low-flow channel meandering and stream bank erosion.

The native vegetation with the project area is classified as Arizona Semidesert Grassland. Vegetation is sparse, except along the wash near the center of the site, where vegetation is denser. Most of the surrounding parcels have already been developed for residential or commercial use. The parcel does not function as a wildlife corridor through the urbanized area that surrounds the project area.

### **Proposed Special Conditions**

The applicant proposes to mitigate for the adverse project impacts to 0.67 acres of ephemeral wash through the use of a Corps of Engineers approved in-lieu fee program.

For additional information please call Robert J. Dummer of my staff at 602-230-6952 or send an e-mail to [Robert.J.Dummer@usace.army.mil](mailto:Robert.J.Dummer@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.

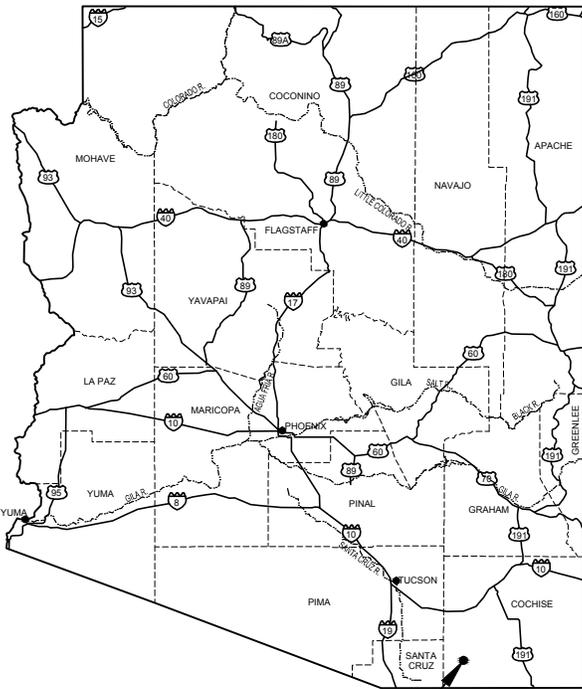
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**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
ARIZONA-NEVADA OFFICE  
3636 NORTH CENTRAL AVENUE, SUITE 900  
PHOENIX, AZ 85012-1939

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

**ARIZONA**

N.T.S.



**PROJECT  
LOCATION**

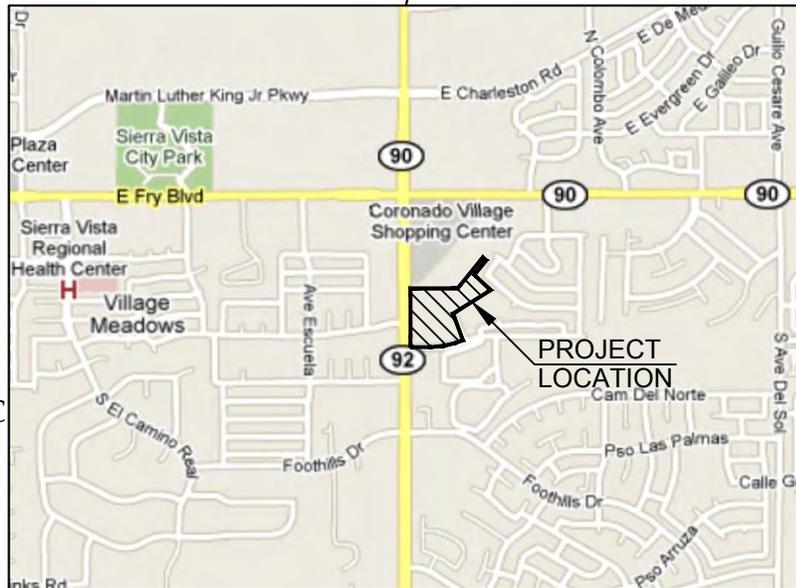
**METROPOLITAN AREA**

SCALE: 1 Inch=3 Miles



**VICINITY MAP**

SCALE: 1 Inch=1/2 Mile



**PROJECT  
LOCATION**

Clean Water Act - Section 404  
Applicant:KMC Sierra Vista LLC  
File No.: SPL-2012-31-RJD  
Figure 1 of 7



**CMG DRAINAGE  
ENGINEERING, INC.**

3555 N. Mountain Ave. Tucson, Arizona 85719  
Phone (520) 882-4244 Fax (520) 888-1421

**FIGURE 1: LOCATION MAP**

CMG JOB No. 11-047

DATE: 7/5/2012

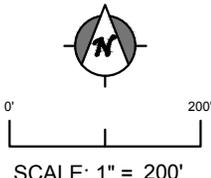
T14S, R13E,  
S31 (NW 1/4),  
PIMA COUNTY, ARIZONA

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Clean Water Act - Section 404  
 Applicant: KMC Sierra Vista LLC  
 File No.: SPL-2012-31-RJD  
 Figure 2 of 7



**CMG DRAINAGE ENGINEERING, INC.**  
 3555 N. Mountain Ave. Tucson, Arizona 85719  
 Phone (520) 882-4244 Fax (520) 888-1421

**LEGEND**

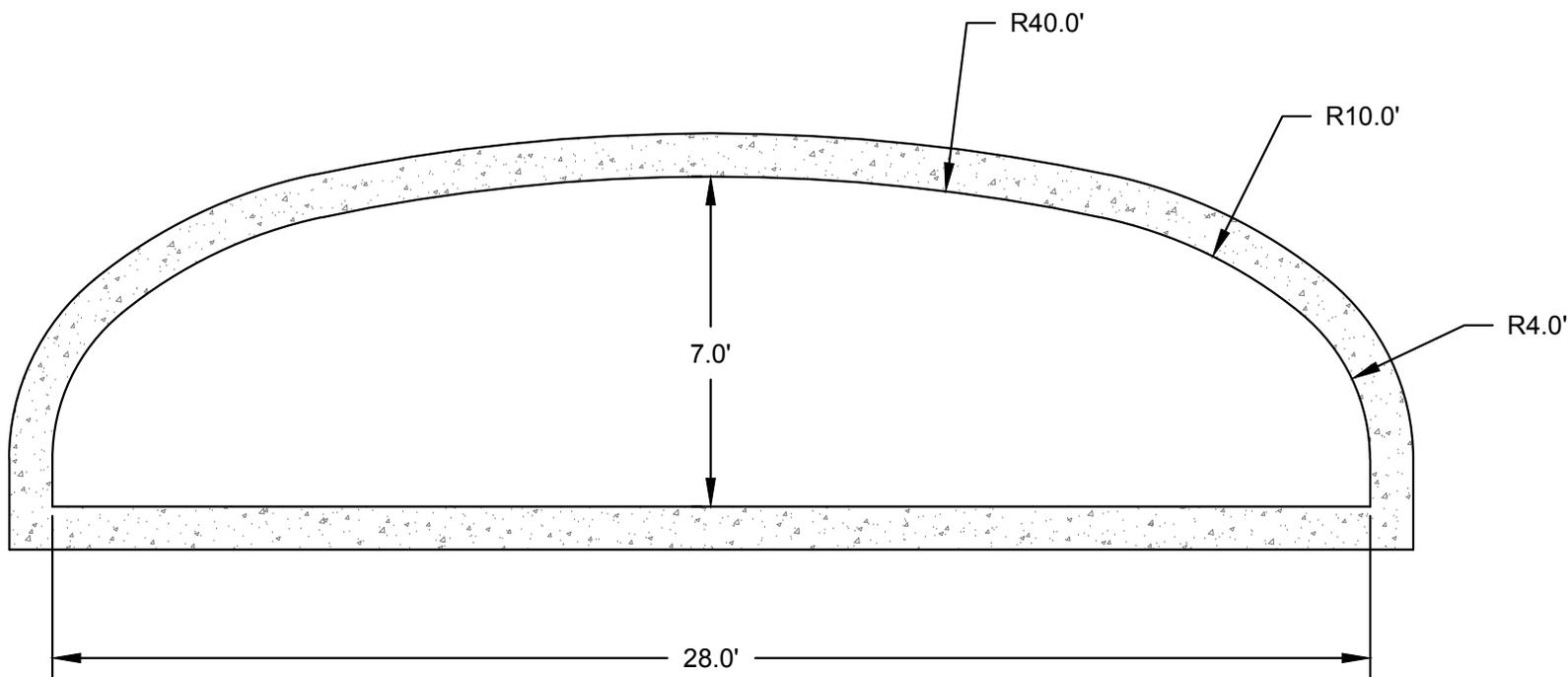
-  PROPERTY BOUNDARY
-  DIRECT DISTURBANCE
-  INDIRECT DISTURBANCE

PROJECT NO.:	11-047
DESIGN:	CMG
CHECKED:	CMG
DRAWN:	CRB
DATE:	09/04/2012
REV. DATE:	-
REV. DATE:	-

**FIGURE 2**  
 PLAN VIEW OF  
 PROPOSED CHANNEL & CULVERT  
 THE PROMENADE  
 AT SIERRA VISTA



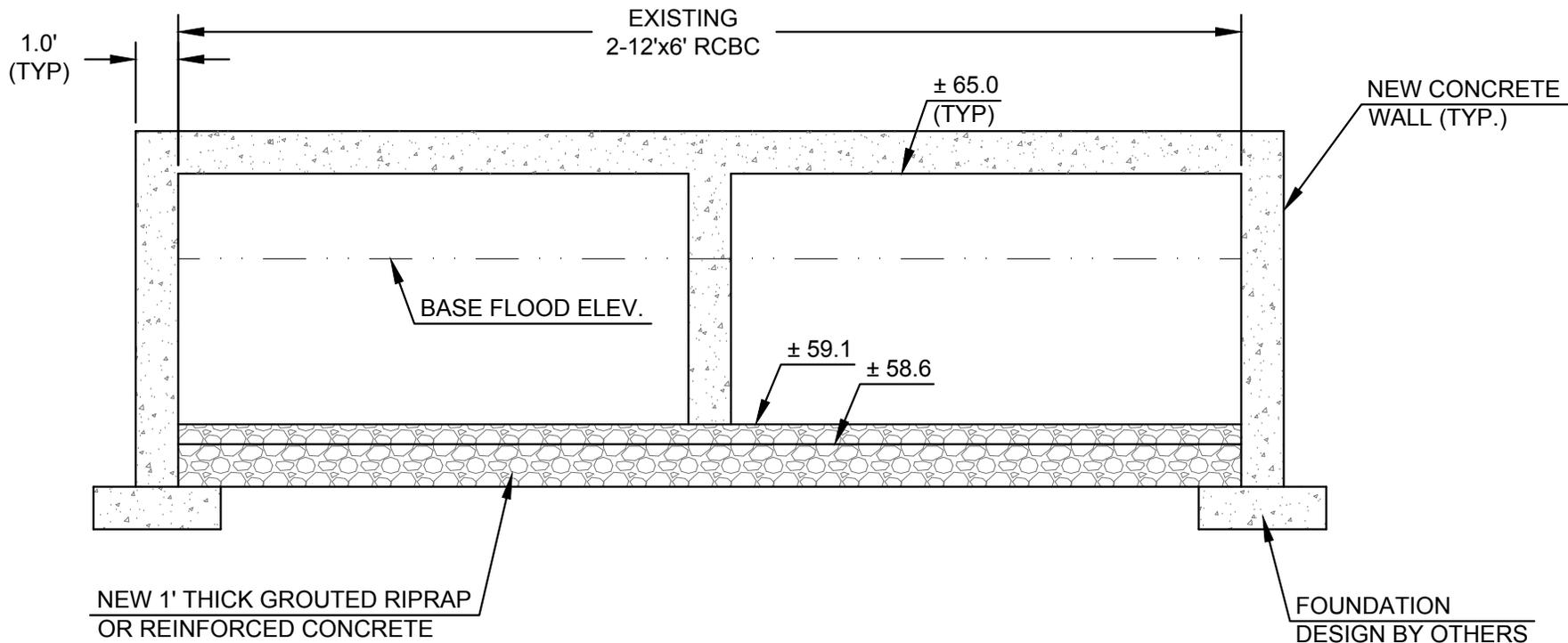
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CROSS-SECTION DETAIL  
**CONARCH CULVERT CROSS-SECTION**  
N.T.S.

Clean Water Act - Section 404  
Applicant: KMC Sierra Vista LLC  
File No.: SPL-2012-31-RJD  
Figure 4 of 7

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**CROSS-SECTION B-B**  
**EXISTING CULVERT OUTLET**  
N.T.S.

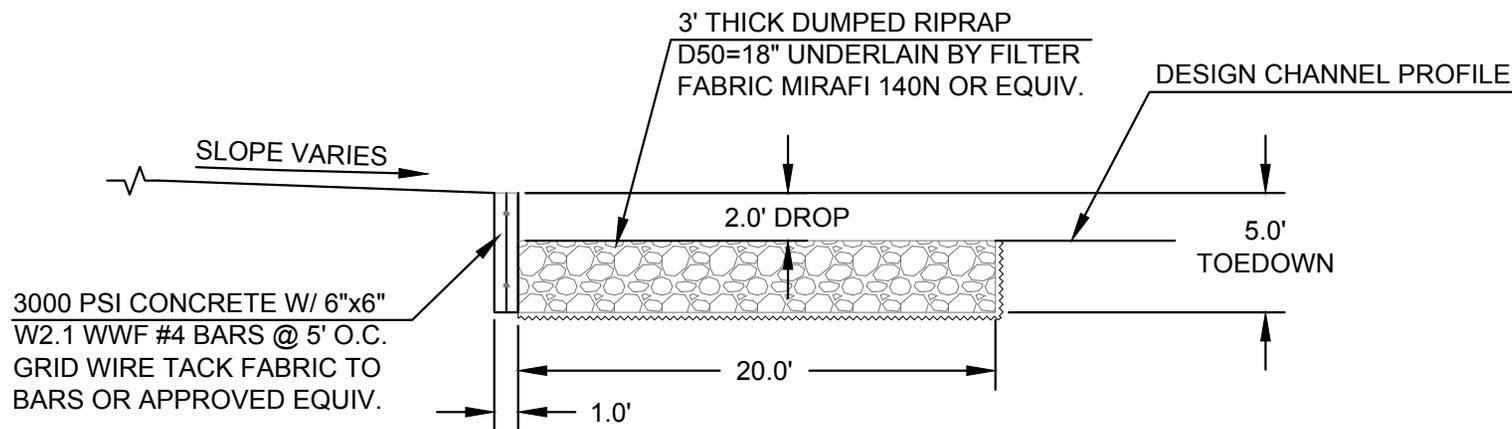
Clean Water Act - Section 404  
Applicant: KMC Sierra Vista LLC  
File No.: SPL-2012-31-RJD  
Figure 5 of 7



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**CROSS-SECTION C-C**  
**TYP. GRADE CONTROL STRUCTURE**  
N.T.S.

Clean Water Act - Section 404  
Applicant: KMC Sierra Vista LLC  
File No.: SPL-2012-31-RJD  
Figure 7 of 7



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Phone (520) 882-4244 Fax (520) 888-1421