PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
PRM Gravel Pit Reclamation

Public Notice/Application No.: SPL-2007-01460-MWL
Project: PRM PIT LLC - Salt River and 39th Avenue
Comment Period: September 23, 2013 through October 24, 2013
Project Manager: Michael Langley; 602-230-6953; Michael.W.Langley@usace.army.mil

Applicant
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Phoenix, Arizona 85009-6039

Contact
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Location

The proposed project is located along a portion of the north bank of the Salt River within the City of Phoenix, Maricopa County, Arizona (see attached figures). The project is located within Section 22, Township 1 North, Range 2 East.

Activity

The applicant is proposing to discharge approximately 2,700,000 cubic yards of inert construction debris fill material into approximately 36 acres of waters of the United States associated with the Salt River for the purpose of operating a commercial landfill (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:

U.S. Army Corps of Engineers, Los Angeles District
Arizona Regulatory branch
3636 N. Central Ave, Suite 900

Phoenix, AZ 85012-1939

Alternatively, comments can be sent electronically to: Michael.W.Langley@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- The project site has been extensively mined for sand and gravel in the past and is located within the floodplain and part of the active channel for the Salt River. Although it is unlikely that any cultural resources issues exist for this project based on this previous level of disturbance, some additional review may be necessary.

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). The basic project purpose for the proposed project is to operate a landfill for construction debris. 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 reuse a previously excavated gravel pit adjacent to the Salt River by filling the pit with inert construction debris. The estimated volume of construction debris that would be placed at this location is 2,700,000 cubic yards.

Additional Project Information

Baseline information- The project is located in an industrial area in south-central Phoenix along a portion of the north bank of the Salt River. The project site was used as an aggregate mine during the 1970s through the 1990s. Prior to excavation of the PRM gravel pit, the project area consisted of the elevated northern bank of the Salt River channel. Gravel mining operations no longer occur on the property, and an open inactive pit is now present along the bank of the Salt River within the eastern half of the project area. The western half of the project area consists of compacted backfill which is now used as a storage yard. The gravel pit consists of very steep side slopes, low banks with large cobbles, and a sandy floor that is lower than the elevation of the adjacent Salt River channel.

The Salt River within the project area is ephemeral due to groundwater pumping and the presence of upstream dams. Before mining operations began onsite, the Salt River low-flow channel was located south of the project site, was at a higher elevation than the Salt River, and comprised a portion of the north bank of the river. As mining operations continued, the pit was eventually excavated to approximately 40 feet below the base elevation of the river. A berm was constructed to separate the flows in the Salt River from the pit. However, following a major storm event in the early 1990s, changes to the river bed caused flows to be directed into the gravel pit. The earthen berm was breached and flows were retained in the gravel pit due to the elevation being lower than the main river channel. As a result, flows no longer follow the river corridor, but instead are collected in the PRM gravel pit. Outflow from the pit to the west, or downstream, only occurs during large flow events such as major storm events during summer monsoons and high volume releases from upstream dams. During substantial flow events, the Salt River channel south of the site typically remains dry as the flows pass through the PRM property and are temporarily retained onsite in the pit until they dry up.

The City of Phoenix's 23rd Avenue Waste Water Treatment Plant (WWTP) discharges effluent into the Salt River upstream of the permit area, resulting in intermittent surface flows being directed into the gravel pit. Flows from the WWTP are generally retained in the PRM gravel pit because the WWTP outfall does not typically generate flow volumes that would outflow of the pit. The surface flows from the WWTP primarily occur in the winter when the Roosevelt Irrigation District is not using the effluent for irrigation purposes.

Surrounding lands are private industrial properties that are developed or highly disturbed, and the Salt River channel is located to the south of the project area. The steep side slopes and fluctuating water levels of the gravel pit limit vegetative growth, and vegetation that is present is generally sparse. When the pit is dry, vegetation within the pit consists of brittlebush (*Encelia farinosa*) and weedy species in the low areas. On the low banks few trees such as salt cedar (*Tamarix* spp.), paloverde (*Parkinsonia* spp.), and mesquite (*Prosopis* spp.) are present, along with patches of brittlebush, sacred datura (*Datura* spp.), and various grasses and annuals. There are no wetlands within the project area.

Project description- PRM proposes to backfill an inactive gravel pit with approximately 2,700,000 cubic yards of inert material along a portion of the north bank of the Salt River causing a total of 36.49 acres of permanent impacts to waters of the US. Demolition debris consisting of items such as broken concrete, asphalt, sand, soil, rock, and various other suitable inert materials would be utilized to backfill the gravel pit. These materials would gradually be discharged in the PRM pit as they become available over the course of approximately 10 years; the construction duration is dependent on the availability of inert material.

Placement of inert material into the existing pit would generally occur in horizontal lifts, and would progress from the northern edge of the site generally eastward and southward to the southern

edge of the PRM property, matching the configuration of the north bank of the Salt River on adjoining properties. A layer of protective armoring such as shotcrete, riprap, or other means of erosion control would be installed on the newly restored north bank slope once construction is complete. Construction access would primarily occur off of 43rd Avenue through the developed industrial property that is already disturbed.

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 location of the depressed gravel pit entirely within the Salt River watercourse allows for very little, if any, opportunity for avoidance of waters of the U.S.

Minimization: The location of the depressed gravel pit entirely within the Salt River watercourse also allows for very little, if any, opportunity for minimization of impacts to waters of the U.S.

Compensation: Compensatory mitigation would consist of payment to an In-Lieu Fee program that would be payable over the course of the 10-year project to match the ongoing level of impact to waters of the U.S.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

Special conditions have not yet been developed and will be based on the results of the environmental assessment and 404 permit analysis.

For additional information please call Michael Langley of my staff at 602-230-6953 or via e-mail at Michael.W.Langley@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.

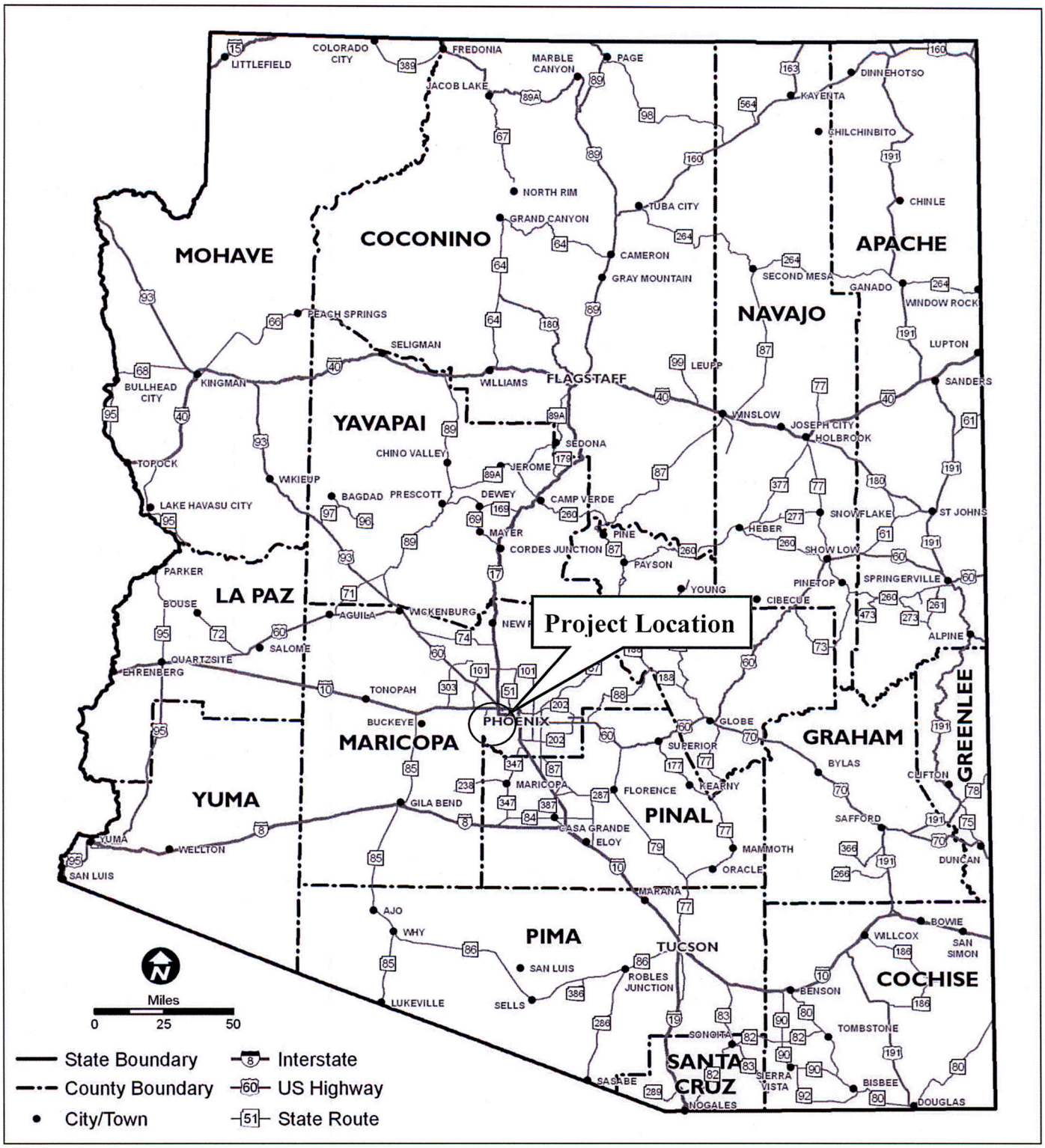


Figure 1. State Location Map

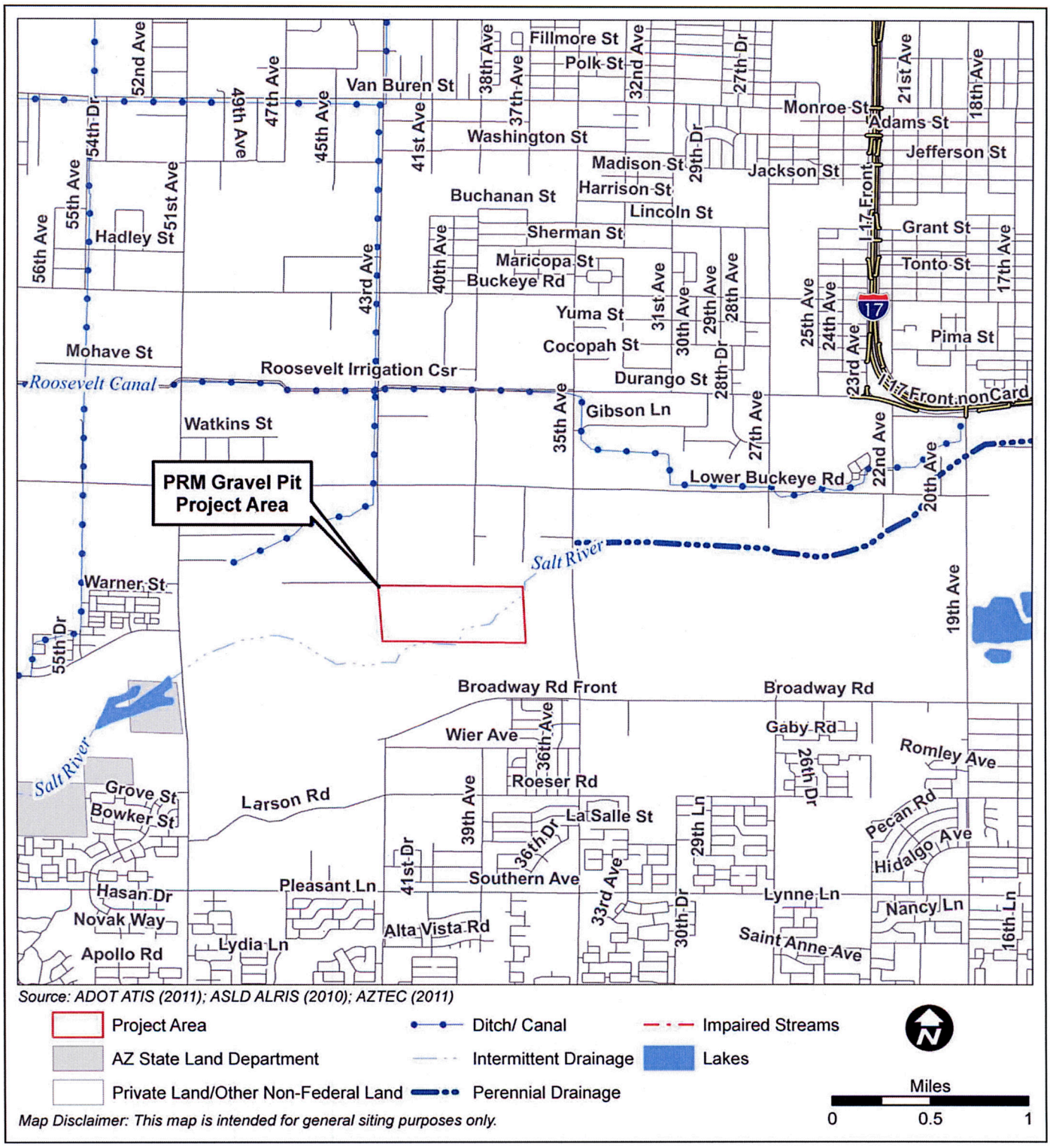
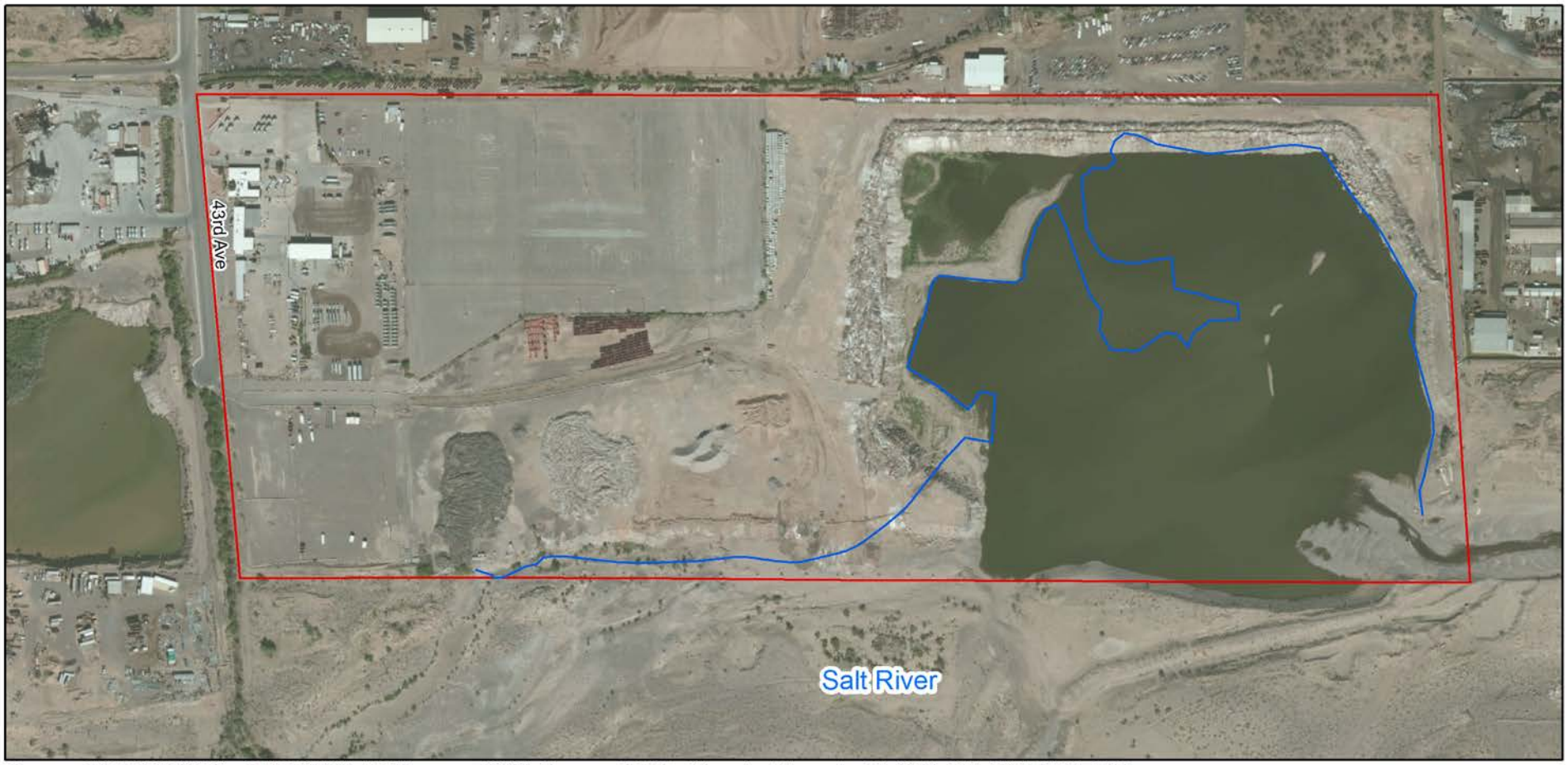


Figure 2. Project Vicinity Map



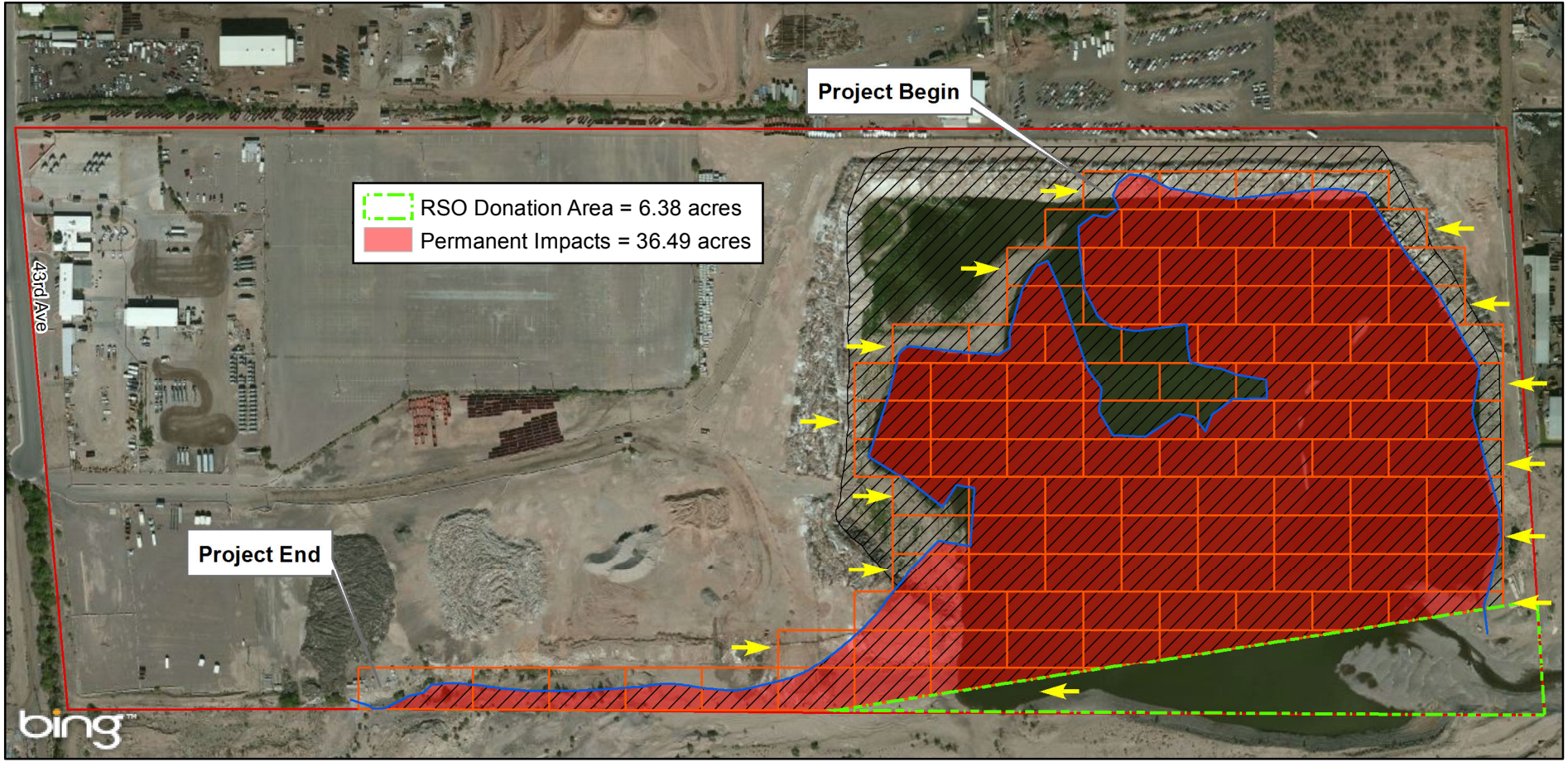
Sources: ADOT ATIS (2013); AZTEC (2013); ESRI Imagery (2013); Brown and Caldwell (received November 21, 2011); SPL-2007-01460-SDM

Project Area — Ordinary High Water Mark

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

Feet
0 250 500

Existing Conditions Map



Sources: ADOT ATIS (2013); AZTEC (2013); ESRI Imagery (2013); Brown and Caldwell (received 11/21/2011)

Ordinary High Water Mark (SPL-2007-1460-MWL)
Fill Area
Work Areas
Project Area

Feet
0 210 420

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