January 11, 2021

Ms. Rosi Sherrill
Surface Water Section Project Manager
Arizona Department of Environmental Quality
1110 West Washington,
Phoenix, Arizona 85007

Subject: Request for Section 401 Water Quality Certification of the Renewed 2021 Regional General Permit 96 for Routine Transportation Activities

Dear Ms. Sherrill:

The Arizona Department of Transportation (ADOT) is requesting the Arizona Department of Environmental Quality (ADEQ) to issue conditional Section 401 Water Quality Certification (WQC) of the renewed 2021 Section 404 Regional General Permit (RGP) 96 (Corps File Number: SPL-2014-625-KAT). The renewed RGP 96 would continue authorizing routine work in ADOT right-of-way or easement through non-tribal lands that must be conducted for management of our transportation system and causes minimal impact to Waters of the United States (Waters). Additionally, the goal of RGP 96 is to further streamline the permitting process for minor discharges and impacts, thus reducing the time and cost for ADOT, the U.S. Army Corp of Engineers (Corps) and ADEQ to complete compliance documentation.

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA Section 401 certification request within the applicable reasonable period of time.

Enclosed for your review is the permit application for Section 401 WQC including a map of Outstanding Arizona Waters, Impaired and Not Attaining Waters Map in the permit area, the CWA 404 Engineering 4345 Form, and the Draft 2021 RGP 96. The permit application for the draft 2021 RGP 96 was taken to public notice by the Corps on December 28, 2020 and the comment period closes on January 27, 2021. The Public Notice can be viewed online be looking up the project name and file number (shown below) at the following link:

http://www.spl.usace.army.mil/Media/Public-Notices/

Project Name: Regional General Permit 96: Routine Transportation Activities — Arizona

Corps File No.: SPL-2014-00625

If you have any questions, please feel free to contact me at 602.712.2334 or IGarcia2@azdot.gov; or Jessica Rybczynski, AZTEC, at 480.695.7360 or JRbyczynski@aztec.us. Thank you for your assistance.

Sincerely,

Israel Garcia

Israel Garcia
Wetland Biologist/Water Resources Specialist 4

Enclosures: As Noted Above

C: Christopher Henninger, ADEQ Surface Water Section
Steve Boschen, ADOT Infrastructure Delivery and Operations
Julia Manfredi, ADOT Environmental Planning Group

Application Form for State Certification of Activities Requiring a U.S. Army Corps of Engineers Standard Individual Permit

Instructions for Using this Form:

This form is for State Certification (§ 401 water quality certification) of Activities Requiring a U.S. Army Corps of Engineers (USACE) Standard Individual Permit. Please note the new information required for a § 401 certification request below. The items that are greyed-out are found on the USACE Engineering Form (4345) form and should be completed before submitting to ADEQ. The rest of the requirements on this form should be completed and submitted to ADEQ with the completed USACE Engineering Form.

Certification Request [Title 40 Part 121.5]:

a. A certification request shall be submitted to the certifying authority and to the Federal agency concurrently.
b. A certification request for an individual license or permit shall:
    1. Identify the project proponent(s) and a point of contact (Eng. 4345);
    2. Identify the proposed project (Eng. 4345);
    3. Identify the applicable federal license or permit (Eng. 4345) ;
    4. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters (Eng. 4345);
    5. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
    6. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received (Eng. 4345);
    7. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
    8. Contain the following statement: `*The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief';* and
    9. Contain the following statement: `*The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.*'

§121.1 Definitions:

a. Ad*ministrator* means the Administrator of the Environmental Protection Agency or an authorized representative.
b. *Certification* means a water quality certification issued in accordance with Clean Water Act section 401 and this part.
c. *Certification request* means a written, signed, and dated communication that satisfies the requirements of §121.5(b) or (c).
d. *Certified project* means a proposed project that has received a certification or for which the certification requirement has been waived.
e. *Certifying authority* means the agency responsible for certifying compliance with applicable water quality requirements in accordance with Clean Water Act section 401.
f. *Discharge* for purposes of this part means a discharge from a point source into a water of the United States.
g. *Federal agency* means any agency of the Federal Government to which application is made for a license or permit that is subject to Clean Water Act section 401.
h. *License or permit* means any license or permit granted by an agency of the Federal Government to conduct any activity which may result in a discharge.
i. *Neighboring jurisdiction* means any other state or authorized tribe whose water quality the Administrator determines may be affected by a discharge for which a certification is granted pursuant to Clean Water Act section 401 and this part.
j. *Project proponent* means the applicant for a license or permit or the entity seeking certification.
k. *Proposed project* means the activity or facility for which the project proponent has applied for a license or permit.
l. *Reasonable period of time* means the time period during which a certifying authority may act on a certification request, established in accordance with §121.6 of this part.
m. *Receipt* means the date that a certification request is documented as received by a certifying authority in accordance with applicable submission procedures.
n. *Water quality requirements* means applicable provisions of § 301, 302, 303, 306, and 307 of the Clean Water Act, and state or tribal regulatory requirements for point source discharges into waters of the United States.

Application Form for State Certification of Activities Requiring a U.S. Army Corps of Engineers Standard Individual Permit

Date: 12/22/2020

Date of 30-Day Pre-Filing Meeting Request: 12/11/2020

Project Name:

Regional General Permit 96 for Routine Transporta

Note - the applicant must request a pre-filing meeting with ADEQ 30-days before submitting an application. ADEQ is not obligated to attend a meeting. See 40 CFR 121.4.

Project Proponent Company Name:

Arizona Department of Transportation

Was a 30-Day Pre-Filing Meeting Held: ☐ Yes ☑ No

Project Proponent Contact Name:

Steve Boschen

Date of Meeting: N/A

Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge:

Impacts to waters of the US would vary on a project-by-project basis. However, similar steps and actions would be taken for each project to be authorized under Regional General Permit 96 in an effort to minimize impacts to waters of the US. During the maintenance project identification and construction scoping and design phases, project team members such as the ADOT District, design engineers, environmental staff, and others would collaborate to identify efficient project design and construction methods that would minimize impacts to waters of the US, so that impacts do not exceed the minimum necessary to achieve each project. Example efforts to minimize impacts through design and construction methods may include but are not limited to:

- Reducing the permanent impact footprint due to structures, excavation, roadway fill, or vegetation removal
- Designating avoidance areas to preserve waters of the US or other environmental resources within the project limits
- Designating access areas and recommending the use of existing roads when present
- Designating stockpiles in uplands, disturbed areas, and/or outside of the main thalweg(s)
- Designating staging areas in uplands
- Developing containment plans to avoid discharges due to work on structures spanning above waters of the US
- Avoiding and/or minimizing vegetation removal to the maximum extent practicable
- Preserving native trees with a diameter breast height (dbh) of 6 inches or greater unless they are down or obstruct flows
- Developing temporary and/or permanent measures to maintain flows through the project limits
- Implementing control measures and Stormwater Pollutant Prevention Plans (SWPPP) when applicable to prevent erosion
- Adhering to various ADOT standards and manuals including the Standards for Road and Bridge Construction, Erosion and Pollution Control Manual, Maintenance and Facilities Best Management Practices Manual, Stormwater Enforcement Response Plan, Clean Water Act Section 404/401 Guidance Manual, and other ADOT manuals as applicable.

Upon completion of the project, waters of the US would be recontoured to pre-construction conditions to the maximum extent practicable. Native plant reseeding and/or revegetation in uplands would be evaluated for each project, and would be implemented, as necessary. In some instances, waters of the US would receive post-maintenance or post-construction treatment such as reseeding or revegetation, though the primary practice would be to avoid reseeding in active channels due to the high potential of seeds being washed downstream. More typically, impacted areas retaining a natural ground surface within waters of the US would be expected, over time, to regain vegetation through repropagation and regeneration of the vegetation communities present.

Impacts to waters of the US would further be minimized due to expedited and increased ability to conduct maintenance activities which would improve the conditions of waters of the US due to restoration of flows and reduced erosion.

For activities that require pre-construction notification, the corps will determine if compensatory mitigation is required.

Certification Request Signature:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Project Proponent Signature:

DocuSigned by:
2C8F28BDDCBC4A2...

Date:
12/22/2020

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - Steve Middle - Last -Boschen Company - Arizona Department of Transportation (ADOT), Infrastructure Delivery and Operations Director E-mail Address - sboschen@azdot.gov	First - Israel Middle - Last - Garcia Company – ADOT, Wetland Biologist/Water Resources Specialist 4 E-mail Address - igarcia2@azdot.gov
6. APPLICANT'S ADDRESS: Address- 1801 W. Jefferson St., Suite 120, MD 102M City - Phoenix State - Arizona Zip - 85007 Country - USA	9. AGENT'S ADDRESS: Address- 1611 W. Jackson St., MD EM02 City - Phoenix State - Arizona Zip - 85007 Country - USA
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence – N/A b. Business – 602.712.8274 c. Fax – N/A	10. AGENTS PHONE NOs. w/AREA CODE a. Residence – N/A b. Business – 602.712.2334 c. Fax – N/A

STATEMENT OF AUTHORIZATION

11. I hereby authorize, Israel Garcia to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

DocuSigned by:
[signature]
2C8F28BDDCBC4A2...

SIGNATURE OF APPLICANT — DATE: 12/1/2020

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Regional General Permit (RGP) 96 for Routine Transportation Activities

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address – N/A, Arizona statewide waters of the US within ADOT ROW or easement through non-tribal lands
Arizona statewide waters of the US occurring within ADOT right-of-way (ROW) or easement through non-tribal lands	City - State- Zip-
15. LOCATION OF PROJECT Arizona statewide waters of the US within ADOT ROW or easement through non-tribal lands Latitude: N/A ◦N Longitude: N/A ◦W	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
State Tax Parcel ID – N/A Municipality – N/A
Section - Township - Range -

17. DIRECTIONS TO THE SITE

Directions vary to all Arizona statewide waters of the US occurring within ADOT ROW or easement through non-tribal lands.

18. Nature of Activity (Description of project, include all features)

ADOT proposes to perform routine transportation construction and maintenance activities in waters of the US located within ADOT ROW or easement through non-tribal lands across the state of Arizona. Proposed construction activities are those that ADOT regularly conducts, such as culvert extensions due to roadway widening, scour protection, and new bank stabilization. Proposed maintenance activities are on currently serviceable structures, facilities, or fill, provided that the structures, facilities, or fill are not to be put to uses differing from their previously permitted uses. Proposed maintenance activities also include sediment removal or repair of existing structures for adequate drainage, flood hazard reduction, and overall public safety. Routine transportation construction and maintenance activities would include discharge of dredged or fill material for temporary construction access, construction activities, water diversion, and dewatering.

ADOT requests that the Corps reissues Regional General Permit 96 to authorize routine transportation construction and maintenance activities with minor revisions to the impact and discharge notification thresholds and permit special conditions from those identified in the 2016 Regional General Permit 96. Furthermore, ADOT requests the reissued Regional General Permit 96 include an outline and definitions of two levels of notification for Section 404 compliance documentation for the various routine transportation activities addressed in the permit. ADOT proposes that the reissued Regional General Permit 96 include the following:

These activities do not have acreage threshold requirements for notification. However, maximum impact thresholds of 1-acre permanent impact to Waters per drainage crossing and 0.025-acre cumulative (i.e. permanent and temporary) impact to special aquatic sites, such as wetlands for authorization under Regional General Permit 96 would apply. Additionally, pre-construction notification could be required based on impacts associated with perennial Waters or special aquatic sites. PCN would be required for ESA or NHPA if a project is State Funded.

- **Maintain Structure -** Activities include the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety.
- **Sediment/Debris Removal -** Activities include removal of sediment, debris, woody and herbaceous vegetation and other obstructions in the vicinity of existing structures which compromise the integrity of the structure and/or impede flows. The activity shall no greater than 200 linear feet upstream or downstream of the existing structure.
- **Erosion Repair -** Activities include the removal of accumulated sediment (i.e. fill material) from eroded uplands and/or bank to be utilized for repairing erosion cuts in the banks or bed of Waters. Accumulated sediments used to repair erosion damage in Waters, must be placed within 100 feet from where the accumulated sediment is originally removed within Waters.
- **Emergency Activity -** Activities include the emergency repair, rehabilitation, or replacement of those currently serviceable structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage.

Geotechnical Activities
Activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, test pits, potholing and sampling. Material may be removed offsite or used as backfill if no other state or federal regulation would prohibit that activity. Temporary access, and construction of temporary pads is authorized under this activity. Waters must be restored to its pre-construction elevation upon completion of the work and must not drain Waters. Thresholds for notification would include:

- Non-notification: less than 4 samples and less than 0.10 acres of disturbance in each Waters and sampling holes less than 3-feet in diameter
- PCN: greater than 4 samples and/or 0.10 acres or greater of ground disturbance in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre of permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bed Stabilization - Stream bed stabilization of an existing structure or fill
Activities for bed stabilization include construction of new bed stabilization to an existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. Examples of bed stabilization include stabilized piers, scour pad and cutoff walls. Temporary access, and temporary fill associated with the construction of bed stabilization is authorized under this activity. Thresholds for notification would include:

- Non-notification: less than 0.10 acre of permanent impact to each Waters
- Preconstruction notification: greater than 0.10 acre up to 1 acre of permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bank Stabilization
Activities would include construction of new bank stabilization. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Thresholds for notification would include:

a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification: greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification:: greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

Routine Linear Transportation Projects
Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Thresholds for notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- Preconstruction notification: greater than 0.10 acre up to 1 acre permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

18. Nature of Activity (Description of project, include all features) CONTINUED

Levels of Notification
ADOT requests that the renewed Regional General Permit include definitions for two levels of notification including non-notification, and preconstruction notification.

Non-Notification
If a routine transportation maintenance or construction activity meets the requirements under a non-notification scenario, no advance notification to the Corps is necessary prior to commencement of the activity.

Preconstruction Notification

When a routine transportation construction or maintenance activity meets the requirements for advance notification, a preconstruction notification document would be prepared according to a template form agreed upon between ADOT and the Corps. The project activity may commence once the Corps has issued a verification letter or 30 days after the Corps has received the documentation and there are no unresolved issues with regards to the ESA or NHPA. If the project is Federally Funded, ADOT would be the Lead Federal Agency and would resolve any issues with ESA or NHPA.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The project purpose is to renew Regional General Permit 96 with some revisions which further streamline the Section 404 permitting process for minor discharges and impacts to waters of the US, thus reducing the time and cost associated with compliance documentation and review for both ADOT and the Corps. The streamlined process in the renewed Regional General Permit 96 will improve ADOT's ability to comply with regulations.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Materials would be discharged into waters of the US including special aquatic sites, such as wetlands, due to routine transportation activities including construction and maintenance work that would generate minor impacts to waters of the US.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type: Reinforcing Steel Amount in Cubic Yards	Type: Concrete Amount in Cubic Yards	Type: Dirt Fill Amount in Cubic Yards

Amounts of materials discharged into waters of the US would be evaluated on a project-by-project basis. Discharged materials would not exceed any specified amounts provided in the Regional General Permit.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Impacts to waters of the US including special aquatic sites, such as wetlands, would be evaluated on a project-by-project basis. Impacts would not exceed any specified requirements outlined in the Regional General Permit.

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The Corps has concurred that avoidance of waters of the US is not practicable for this project. Impacts to waters of the US would vary on a project-by-project basis. However, similar steps and actions would be taken for each project to be authorized under the Regional General Permit 96 in an effort to minimize impacts to waters of the US. During the maintenance project identification and construction scoping and design phases, project team members such as the ADOT District, design engineers, environmental staff, and others would collaborate to identify efficient project design and construction methods that would minimize impacts to waters of the US, so that impacts do not exceed the minimum necessary to achieve each project. Example efforts to minimize impacts through design and construction methods may include but are not limited to: reducing the permanent impact footprint due to structures, excavation, roadway fill, or vegetation removal; designating avoidance areas to preserve waters of the US or other environmental resources within the project limits; designating access areas and recommending the use of existing roads when present; designating stockpiles in uplands, disturbed areas, and/or outside of the main thalweg(s); designating staging areas in uplands; developing containment plans to avoid discharges due to work on structures spanning above waters of the US; avoiding and/or minimizing vegetation removal to the maximum extent practicable; preserving native trees with a diameter breast height (dbh) of 6 inches or greater unless they are down or obstruct flows; developing temporary and/or permanent measures to maintain flows through the project limits; implementing Best Management Practices (BMPs) and Storm Water Pollutant Prevention Plans (SWPPP) when applicable to prevent erosion; and adhering to various ADOT standards and manuals including the Standards for Road and Bridge Construction, Erosion and Pollution Control Manual, Maintenance and Facilities Best Management Practices Manual, Stormwater Enforcement Response Plan, and Clean Water Act Section 404/401 Guidance Manual. Upon completion of the project, waters of the US would be recontoured to preconstruction conditions to the maximum extent practicable. Native plant reseeding and/or revegetation in uplands would be evaluated for each project, and would be implemented, as necessary. In some instances, waters of the US would receive post-maintenance or post-construction treatment such as reseeding or revegetation, though the primary practice would be to avoid reseeding in active channels due to the high potential of seeds being washed downstream. More typically, impacted areas retaining a natural ground surface within waters of the US would be expected, over time, to regain vegetation through re-propagation and regeneration of the vegetation communities present. Impacts to waters of the US would further be minimized due to expedited and increased ability to conduct maintenance activities which would improve the conditions of waters of the US due to restoration of flows and reduced erosion.

Compensatory mitigation was determined not to be required for this project because: 1) impacts to waters of the US would be minimized through design and construction methods for ephemeral and intermittent waters (less than 1 acre of impact), perennial waters (less 0.10 acre of impact), and special aquatic sites such as wetlands (less than 0.025 acre of impact) 2) long-term impacts to vegetation are not anticipated due to project-by-project applicable reseedings, plantings, and the likelihood of natural re-propagation and vegetation regeneration, 3) All of the statewide project waters of the US would occur within the disturbed ADOT transportation corridor, 4) no threatened or endangered species would be adversely affected by this project, 5) rich functions and values of habitat sufficient for a diverse assemblage of species generally are not present within the disturbed ADOT transportation corridor, and 6) frequent maintenance would improve the conditions of waters of the US through restoration of flows and reduced erosion.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See attached labels of major adjacent landowners (public agencies) to ADOT's statewide transportation system.

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
ADEQ	Programmatic/Streamlined Section 401 Certification	TBD	TBD	TBD	N/A

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

DocuSigned by: 2C8F28BDDCBC4A2... — 12/1/2020

SIGNATURE OF APPLICANT — DATE

DocuSigned by: Israel Garcia 23E4A9D384E24BC... — 12/1/2020

SIGNATURE OF AGENT — DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

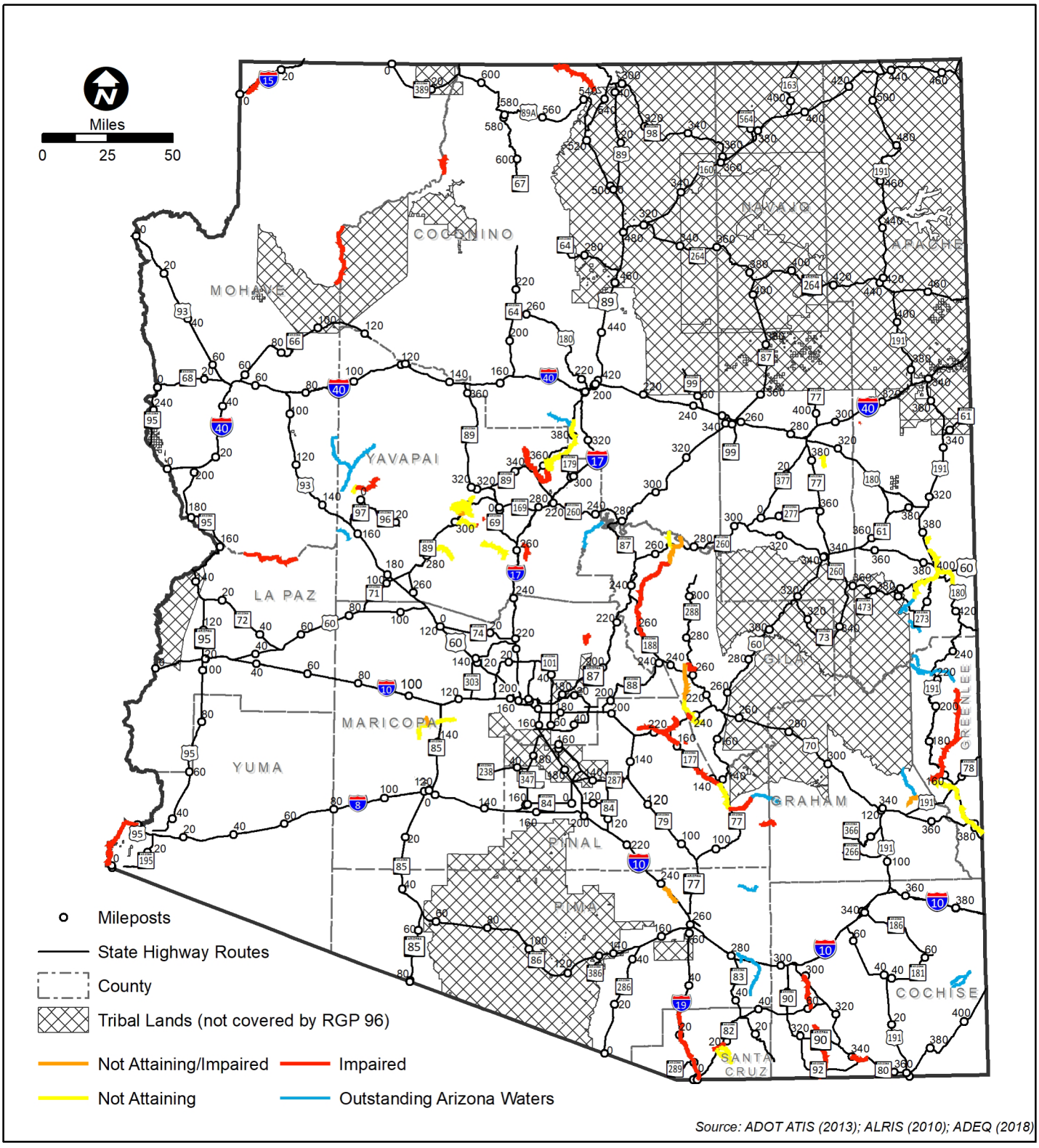

Figure 1. Impaired and Outstanding Waters of Arizona
Renewal of Regional General Permit (RGP) 96 for Routine Transportation Activities

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OFTHE ARMY REGIONAL GENERAL PERMIT NO. 96
Routine Transportation Activities
ARIZONA

A. General Information

Permittee: This Regional General Permit (RGP) 96 applies to Arizona statewide Waters of the U.S. (Waters), occurring within Arizona Department of Transportation right-of-way or easement (including temporary construction easements) (ADOT ROW/EASEMENT) through non-tribal lands and Local Public Agency projects federally funded by Federal Highway Administration (FHWA) that are bid and administered by ADOT (LPA ROW/EASEMENT). Projects that require the acquisition of new ROW or easement directly adjacent to existing ADOT ROW/EASEMENT or LPA ROW/EASEMENT are authorized by this RGP; however, this RGP does not authorize the construction of new alignments.

Permit Number: SPL-2014-00625-KAT
Issuing Office: Los Angeles District
Effective Date: Pending **Expiration Date:** Pending

The District Engineer, Los Angeles District, U. S. Army Corps of Engineers hereby reissues RGP No. 96.

Introduction: This RGP affords ADOT a means to authorize categories of activities that are similar in nature and cause minimal individual and cumulative impacts to the aquatic environment while eliminating unnecessary duplication of regulatory control. Certain activities required for crossings of Waters that impact 1 acre or less of Waters, or 0.025 acre or less of special aquatic sites would be eligible for this RGP. For projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization and must comply with 33 CFR 330.6(d). Under the RGP, ADOT will continue to coordinate proposed activities with the U.S. Fish and Wildlife Service (USFWS) to satisfy the requirements of the Endangered Species Act (ESA) and the Arizona State Historic Preservation Officer (SHPO) to satisfy the requirements of the National Historic Preservation Act (NHPA) on projects that are Federally Funded that fall under ADOT's NEPA Assignment. Reference the Los Angeles District Permitting Webpage (https://www.spl.usace.army.mil/Missions/Permitting/) to determine if a project authorized by this RGP may require Section 408 Permission.

Project Location: Arizona statewide Waters, occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT.

Key Sections:

B. Activities Covered by the Regional General Permit

This RGP authorizes the following with the associated limitations and requirements (see "Notification Requirements" for definitions):

AUTHORIZED ACTIVITIES	NON-NOTIFICATION	PRE-CONSTRUCTION NOTIFICATION
Maintain Structure - repair or replacement of an existing structure or fill.	These activities do not have acreage threshold requirements for notification. However, maximum impact thresholds for authorization under this RGP would apply. Refer to Maximum Impacts in Section C below. Refer to the Notification Requirements in Section D below to determine if pre-construction notification (PCN) is required based on impacts associated with perennial Waters, special aquatic sites, ESA or NHPA.	
Sediment/Debris Removal – no greater than 200 linear feet from structure		
Erosion Repair - fill placed within 100 linear feet of structure		
Emergency Activity – repairs must occur within 3 years of the damage caused by a discrete event		
***Geotechnical Activities**	Less than 4 samples in each Waters and sampling holes less than 3-feet in diameter and disturbance being being less than 0.10 acres	Greater than 4 samples and/or 0.10 acres or greater of disturbance in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre of temporary disturbance to each Waters(including impacts from access)
***Bed Stabilization** - Stream bed stabilization of an existing structure or fill.	Less than 0.10 acre of permanent impact to each Waters	Greater than 0.10 acre up to 1 acre of permanent impact to each Waters
***Bank Stabilization** – Permeable Bank Stabilization Methods	Equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the ordinary high water mark (OHWM)	Greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
***Bank Stabilization** – Impermeable Bank Stabilization Methods	Equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM	Greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
***Routine Linear Transportation Projects**	Less than 0.10 acre permanent impact to each Waters	Greater than 0.10 acre up to 1 acre permanent impact to each Waters
* In addition to threshold exceedance, these activities may require notifications due to impacts associated with ESA, NHPA or impacts to perennial waters or special aquatic sites. Refer to Section D for notification requirements.		

The following activities do not have acreage threshold requirements for notification. Refer to the Notification Requirements in Section D below to determine if PCN is required. Impact limitations apply to all projects authorized by this RGP, refer to Maximum Impacts in Section C below.

Maintain Structure – Repair or replacement of an existing structure or fill

Activities include the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety. For the

purposes of this RGP, currently serviceable structure or fill is defined as an existing structure and its associated fill. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Because these activities would primarily occur on previously authorized structures or fill, loss of Waters are not anticipated with this activity. Maintenance activities that include only the cutting and removal of vegetation above the ground (e.g., mowing, rotary cutting, chain sawing, etc.), where the activity does not substantially disturb the root system and does not involve mechanized pushing dragging or similar activity that would redeposit soil, are not regulated activities under Section 404 of the Clean Water Act; therefore notification to the Corps Regulatory Division for these activities is not required.

Sediment/Debris Removal
Activities include removal of sediment, debris, woody and herbaceous vegetation and other obstructions in the vicinity of existing structures which compromise the integrity of the structure and/or impede flows. This activity can be used to re-establish design flow carrying capacity in a watercourse for public safety when flow events do not sufficiently flush those materials completely through the system, which may result in flooding or erosion of adjacent property. Sediment/debris removal may be achieved using a hydrovac system or mechanical equipment (e.g. dozer, backhoe, blade, etc.). The activity shall occur within ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT but no greater than 200 linear feet upstream or downstream of the existing structure. Removed materials shall be removed from the watercourse to an upland site

Erosion Repair
Activities include the removal of accumulated sediment (i.e. fill material) from eroded uplands and/or bank to be utilized for repairing erosion cuts in the banks or bed of Waters. Accumulated sediments used to repair erosion damage in Waters, must be placed within 100 feet from where the accumulated sediment is originally removed within Waters. The use of the accumulated sediments to repair erosion damage must occur simultaneously with removal activities and accumulated sediments may only be temporarily stockpiled in the channel while removal/replacement activities are concurrently occurring. All excess material not used within that 100 feet shall be removed from the watercourse to an upland site.

Emergency Activity - Maintenance activities or repairs within 3 years of a discrete event including repairs of uplands.
Activities include the emergency repair, rehabilitation, or replacement of those currently serviceable structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage. For the purposes of this RGP, currently serviceable structure or fill is defined as an existing structure and its associated fill. This activity allows for disturbance to Waters for the emergency repair of uplands damaged by discrete events provided the work is commenced or under contract to commence within three (3) years of the damage.

The following activities have acreage threshold requirements for notification in addition to what it described in the Notification Requirements in Section D below. Impact limitations apply to all projects authorized by this RGP, refer to Maximum Impacts in Section C below.

Geotechnical Activities
Activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, test pits, potholing and sampling. Material may be removed offsite or used as backfill if no other state or federal regulation would prohibit that activity. Plugging of bore holes with grout to prevent groundwater contamination is authorized if required by state or local requirements. Temporary access and construction of temporary pads is authorized under this activity. Waters must be restored to its pre-construction elevation upon completion of the work and must not drain Waters. Thresholds for notification

would include:

- Non-notification: less than 4 samples and less than 0.10 acres of disturbance in each Waters and sampling holes less than 3-feet in diameter.
- PCN: greater than 4 samples and/or 0.10 acres or greater of disturbance in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre of temporary impact to each Waters and 0.025 temporary impact to special aquatic sites, such as wetlands. Impacts that occur as a result of gaining access to bore sites count toward the acreage thresholds.

Bed Stabilization - Stream bed stabilization of an existing structure or fill

Activities for bed stabilization include construction of new bed stabilization adjacent to an existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. Examples of bed stabilization include stabilized piers and scour pad and cutoff walls (i.e. culvert outlets and outfalls). Temporary access, and temporary fill associated with the construction of bed stabilization is authorized under this activity. Thresholds for notification would include:

- Non-notification: less than 0.10 acre of permanent impact to each Waters
- PCN: greater than 0.10 acre up to 1 acre of permanent to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bank Stabilization

Activities would include construction of new bank stabilization. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Thresholds for notification would include:

a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- PCN: greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- PCN: greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

Routine Linear Transportation Projects

Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. The RGP does not authorize the construction of new alignments. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Thresholds for notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- PCN: greater than 0.10 acre up to 1 acre permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

C. Maximum Limitations

Activities authorized by this RGP can be combined on a single and complete project provided the maximum impact thresholds are not exceeded by a single and complete project. For projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Geotechnical activities that occur before design is also considered a single and complete project for the purposes of RGP authorization. The following impact limitations apply to all projects authorized by this RGP.

- 1 acre permanent impact to Waters per drainage crossing
- 0.025 acre cumulative (i.e. permanent and temporary) impact to special aquatic sites, such as wetlands
- 1 acre disturbance (i.e. permanent impact) to Waters from geotechnical activities
- 1 acre disturbance (i.e. permanent impact) to each Waters impacted by bed stabilization
- 3,000 linear feet total impact from permeable bank stabilization methods
- 2,400 linear feet total impact from impermeable bank stabilization methods

D. Notification Requirements

This RGP 96 authorizes Non-notification for simple, limited transportation activities, and PCN for large routine transportation activities. Any activity which exceeds the PCN threshold for any covered activity shall require a Section 404 individual permit. This RGP 96 cannot be used when the activities have been evaluated under an Environmental Impact Statement that ADOT had to prepare as a part of the National Environmental Policy Act (NEPA) process.

Non Notification - Requires no advance notification to the Corps prior to commencement of the activity. Does not allow any work to permanently or temporarily impact perennial waters or special aquatic sites. Those limited transportation projects would be typified by removal of sediment from a culvert to restore its design flow carrying capacity, the removal of storm debris, or the replacement of small amounts of rock rip rap to repair or arrest erosion damages. Usually the removal of partially buried storm debris or culvert cleaning projects requires manual labor to dig out the accumulated material from the culvert and then a second step to properly dispose of that material. These types of projects, although often labor intensive, do not usually involve much equipment activity (if any) in the watercourse and only the temporary presence of small quantities of trans-located sediments. This could include hydro vacuuming as long as the impact is temporary. Small additions of rock riprap to address erosion issues are often initiated from outside of the watercourse. ADOT has been delegated responsibility by the Federal Highway Administration (FHWA) for environmental reviews, consultation, and other actions required by federal law for federally-funded projects. This delegation and assumption of responsibility is documented in a memorandum of understanding between ADOT and FHWA pursuant to 23 USC 326 and 23 USC 327. Therefore, any non-notification project which may affect any threatened or endangered species or modify any designated critical habitat of a threatened or endangered species may proceed under non-notification after ADOT follows its procedures for compliance with the Endangered Species Act. If the project is State Funded, the applicant shall provide PCN to the Corps and shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized. .

ADOT has been delegated responsibility by the Federal Highway Administration (FHWA) for environmental review, consultation, and other actions required by federal law for federally-funded projects. This delegation and assumption of responsibility is documented in a memorandum of understanding between ADOT and FHWA pursuant to 23 USC 326 and 23 USC 327. Furthermore, ADOT has been designated to act as the lead federal agency for the Corps through a state-wide programmatic agreement for Section 106 compliance on federally funded-projects. Therefore, any federally funded activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) is allowed to proceed under non-notification after ADOT follows its procedures for compliance with Section 106. If the project is State Funded, the applicant shall provide PCN to the Corps and shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized. Non Notification allows up to 0.10 acre permanent impacts to Waters that are not perennial waters or special aquatic sites.

Pre-Construction Notification - Requires advance notification to the Corps prior to commencement of the activity. The RGP 96 Notification Form shall be completed and emailed to the local Corps regulatory representative. The Corps shall attempt to complete the verifications for PCN projects within 30 days from the date the notification is complete but may extend this as warranted by other requirements such as

Section 7 of the ESA or Section 106 NHPA consultations. Work may not commence until the Corps has received documentation from ADOT when the project is federally funded, or the Corps has consulted with the USFWS and the State Historic Preservation Office (SHPO). This notification allows up to 0.025 acre of cumulative (i.e. permanent and temporary) impact per drainage crossing to special aquatic sites, such as wetlands and permanent impacts to Waters (including perennial Waters) greater than 0.10 acre up to 1 acre For notification due to Pre-Construction Notification the following shall also be included in the notification:

1. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an OHWM (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
2. An analysis of the proposed impacts to the waterbody which would include a written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to Waters; drawings and or plans (when available) clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated Waters on the site.
3. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
4. A mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.

E. Permit Conditions

General Conditions:

1. Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Permittee must undertake the activities authorized by this permit in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the existing structure/facility/fill in Waters is abandoned. Should the Permittee wish to cease to maintain the existing structure/facility/fill or should Permittee desire to abandon it without a good faith transfer, a modification must be obtained from this permit from this office, which may require restoration of the area.
3. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the new permittee shall sign on the Transferee block located on the signature page of this permit. By signing the signature block, the Transferee acknowledges being provided a complete copy of this permit and agrees to comply with all terms and conditions of this permit.
4. The Permittee shall allow representatives from this office to inspect the authorized activities at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of this permit.
5. The permittee shall comply with all requirements and conditions in the letter of Clean Water Act Section 401 Certification (ADEQ LTF No. 62686) from the Arizona Department of Environmental Quality issued on October 26, 2015. These certifications demonstrate that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of the letter is enclosed.

Special Conditions:

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

1. If on the expiration date of this permit you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present RGP 96 terms and conditions. However, if the Corps discovers noncompliance or unauthorized activities associated with the permitted activity the Corps may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date.

2. Sediment removal activities authorized under **Re-Establish Design Flow Carrying Capacities** of this RGP 96 for Notifications shall not occur more than once annually per location unless severe flow events result in a public safety issue. The applicant shall provide a written justification to the Corps with the appropriate notification level due to acreage impacts, if public safety issues exceed this condition. All sediment removal activities shall be completed within 90 calendar days of onset of the activity at a specific location.

3. For State Funded projects, prior to submittal of a PCN for use of this RGP 96, the applicant shall conduct a Phase I (Class III) Survey of the project site in accordance with Section 106 of the NHPA. This survey shall be provided as an attachment to the required PCN. Applicants should request approval via email, of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project has the potential to impact a property that is listed or eligible for listing on the NRHP, the Corps will complete all coordination required by Section 106 of the NHPA prior to making a decision as to whether the project can proceed under this RGP 96, except in the case of Federally Funded projects per 23 USC 326 and 23 USC 327, then ADOT will be the lead federal agency and conduct Section 106 consultation in coordination with the Corps.

4. Pursuant to 36 C.F.R. Section 800.13, if previously unidentified archaeological or architectural properties are discovered, or unanticipated effects to known properties occur during construction, the Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume work in the area surrounding the potential cultural resources until the Corps re-authorizes project activities if the project is State Funded. If the project is Federally Funded, per 23 USC 326 and 23 USC 327 please contact the ADOT Historical Preservation Team and do not commence work until you have been so authorized. In addition, the following procedures shall be followed for State Funded projects:
    a. If the discovery is on state, county, municipal, or private lands, and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120 and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours. If the discovery is on state, county, or municipal land, ADOT shall also notify the Director of the Arizona State Museum (ASM) per ARS § 41-844.
    b. If the discovery is on state, county, municipal, or private lands, and does include human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the Director of ASM, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855)within 24 hours, and shall follow the requirements of ARS § 41-844. The Permittee shall also notify the state agency or local government with jurisdiction, if any.
    c. If the discovery is on federal land and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours.
    d. If the discovery is on federal land and includes human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855), and shall follow the provisions of any Native American Graves and Repatriation Act (NAGPRA) Plan of Action (POA) that is in effect.

5. This RGP 96 cannot be combined with other Section 404 authorizations including Nationwide Permits, other RGPs, or individual permits to increase scope of work, the area of impacts to Waters, or the limits to the discharge of fill material at a specific or proximal location for a single and complete project. Geotechnical activities (i.e. survey activities) when required for project design are considered a single and complete project.

6. The Permittee shall provide a copy of this permit to all field staff, contractors, subcontractors, and equipment operators. Copies of this permit shall be readily available at the work site at all times during periods of active work, and shall be presented to any Corps Regulatory Division personnel upon request.

Notification and Reporting

7. Activities described above that require notification, shall be submitted to the Corps Regulatory Division at least 30 days prior to initiation of construction or maintenance activity. Verification from the Corps must be received prior to initiation of the activity. The notification shall include the following for the Corps Regulatory Division to determine if the proposed activities comply with the terms and conditions of this permit:
    a. A completed Request for Jurisdictional Determination or aquatic resource delineation. This includes: project location (i.e., latitude/longitude coordinates of the approximate center point of the project in degrees/minutes/seconds format), U.S.G.S. 7.5 minute quadrangle name, and datum. For linear projects the upstream and downstream coordinates shall be reported; for all others, the approximate center of the project location shall be reported. Per RGL 16-01, the Corps will only provide a JD when one is requested. An accurate/complete delineation may be provided with the PCN instead.
    b. The RGP 96 Notification Form shall be used and include the following:
        i. A brief description of the existing design features of the structure/facility/fill, proposed activities in Waters, an estimate of temporary impacts (in acres), an estimate of permanent impacts (if any, in acres), an estimate of excavation/fill quantities (in cubic yards), and type of materials proposed to maintain or repair the structure/facility/fill.
        ii. A brief narrative or drawings of the methods to divert water/dewater.
        iii. A description of post-construction site restoration/revegetation.
        iv. A statement of the proposed activities potential to affect cultural resources and a description of compliance with applicable federal regulations which protect these resources.
        v. A statement of the proposed activities potential to affect federally listed endangered or threatened species or designated critical habitat, and a description of compliance with applicable federal regulations which protect these resources.

8. Within three months of permit issuance, ADOT shall develop and maintain an internal tracking system that includes all completed non-notification construction and maintenance activities in Waters, or special aquatic sites, covered by this permit. Maintenance project documentation shall include activity description, the start and end dates of the work, and project coordinates. Construction project documentation shall include that listed above for maintenance plus site restoration/revegetation activities and date installed, if applicable, at least one before and one after photo of the construction and revegetation area, and a brief discussion of any problems and corrective measures taken. Beginning in 2016, ADOT shall provide a copy of the tracking system report to Corps Regulatory Division once per year, by September 30 for the period July 1 through June 30.

Resource Protection

9. Native trees with a diameter at breast height (dbh) of six inches or greater shall not be removed unless they are no longer upright, present a significant flow obstruction or a safety hazard.

10. Prior to submittal of a PCN for use of this RGP 96, Permittee shall utilize the Arizona Game and Fish Online Environmental Review Tool to research the project area and determine impacted fish and wildlife species and their habitat.

11. This permit does not authorize you to take any threatened or endangered species or adversely modify designated critical habitat. In order to legally take a listed species, separate authorization under the Endangered Species Act (e.g. Section 10 permit, or a Biological Opinion under Section 7, with "incidental take" provisions with which you must comply) is required.

12. This permit does not authorize you to take any migratory birds pursuant to the Migratory Bird Treaty Act. Vegetation shall not be removed from 1 March to 31 August to avoid impacts to nesting birds unless the results of a pre-project bird survey by a qualified biologists indicates no nesting birds are present in the project area. If vegetation clearing will occur during the migratory bird breeding season (1 March – 31 August), Pre-project surveys shall be conducted within two weeks of the proposed vegetation removal. If nesting birds are present, no work shall occur until the young have fledged and would no longer be impacted by the project or the nest is relocated by a permitted individual holding a US Fish and Wildlife Service Migratory Bird Treaty Act Special Purpose permit.
13. Prior to initiating construction activities in Waters, the Permittee shall clearly mark the work area limits by at a minimum marking the four corners of the OHWM with flagging or similar measures to ensure mechanized equipment and personnel do not enter Waters, special aquatic sites and adjacent riparian areas outside of permitted work area for the duration of routine transportation activities in or adjacent to Waters Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial compensatory mitigation requirements.

14. Appropriate measures, including but not limited to temporary dewatering practices and temporary diversion dams, must be taken to maintain near normal downstream flows and to minimize flooding **only during project activities in Waters.** Flows shall not be diverted outside of the OHWM of any Waters. Fill materials must be of a type, and be placed in a manner, that will not result in erosion by high flows.

15. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or washings thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from routine transportation activities and associated activities shall be allowed to enter or be placed where it may be washed by rainfall or runoff into Waters. Secured features and structures that are intended for shoring or control of erosion and sediment may remain in Waters for the necessary duration of project activities. When project activities are completed, all excess materials, and/or debris shall be removed from the work area to an approved off-site disposal area, outside of Waters.

Site Restoration

16. Invasive and noxious plant species removed during routine transportation activities shall be disposed at an approved off-site location, outside Waters Plants to be controlled shall include those listed in the State and Federal Noxious Weed and the State Invasive Species list in accordance with State and Federal Laws and Executive Orders.

17. Routine transportation activities authorized under this permit are expected to involve temporary impacts to Waters, including special aquatic sites, and adjacent riparian areas, and permanent impacts may occur. Temporary and permanent impacts to Waters and special aquatic sites, if not avoided or minimized, shall be mitigated in accordance with the Corps Mitigation Rule (33 CFR 332, April 2008). Temporary and permanent mitigation proposals shall be approved by the Corps Regulatory Division prior to routine transportation activities in Waters

Restrictions on the Discharge

18. Staging and storage areas for equipment and construction materials shall be located in uplands and where possible, a minimum of 100 feet from Waters. Storage areas located less than 100 feet from Waters shall be approved by the Corps Regulatory Division, and these areas shall be shown on construction plans. Temporary stockpiling is authorized only where it is specifically stated in the covered activities; all temporary stockpiling shall be removed within two weeks of completion of the activity(i.e. erosion repair and bridge scour retrofits).

19. Temporary fills in special aquatic sites are not allowed unless specifically authorized by the Corps Regulatory Division. Following completion of the routine transportation activity, temporary fills must be entirely removed to an upland location, outside Waters, and the affected area must be restored to the pre-project condition in accordance with the provision of the Corps Mitigation Rule (33 CFR 332).

20. The Permittee is authorized perform the work described in this RGP 96 provided that upstream and downstream Waters are not degraded by such activities. Routine transportation activities may include, but are not limited to, the repair of bridge piers, bridge abutments, and repair or replacement of inlet and outlet structures. Where temporary water diversion, grading, filling or excavation occurs as part of the repair or replacement, the Permittee shall ensure standard Best Management Practices are in place to minimize turbidity within the affected waterbody. Standard BMPs are provided in the *ADOT Erosion and Pollution Control Manual for Highway Design and Construction,* available on the ADOT website.

21. Work in streams or rivers with ephemeral or intermittent flows shall be performed during periods when the channel is dry or flows are absent or minimal. Work within waterways with perennial flow shall be performed during the driest period of the year and during low flow conditions, generally April through June. When work in flowing or standing water is unavoidable, standard best management practices shall be implemented to minimize turbidity within the affected waterbody, and appropriate measures must be taken to minimize flooding and erosion on adjacent properties. Equipment working in wetlands shall be placed on mats (or equivalent) to minimize soil disturbance and compaction.

22. Any work undertaken by this project shall not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding on adjacent properties or downstream of the proposed routine transportation activity. Any work undertaken shall not excavate, fill, or grade in the watercourse outside of the minimum area needed to accomplish the activity and shall not exceed the limits provided by this RGP 96

23. The Corps Regulatory Division project manager shall be notified within 12 hours of detection of any accidental spill of hazardous materials to Waters. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the extent of measures taken to control and clean up the spilled materials. The permittee shall perform immediate scoop and remove of any accidental spill of hazardous materials to Waters without prior permit authorization

F. Further Information

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
   (X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1314).
   (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.
   a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
   b. This permit does not grant any property rights or exclusive privileges.
   c. This permit does not authorize any injury to the property or rights of others.
   d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or behalf of the United States in the public interest.
   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
   d. Design or construction deficiencies associated with the permitted work.
   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

   a. Failure to comply with the terms and conditions of this permit.
   b. The information provided by the Permittee in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).
   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
   d. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where

appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the c01Tective measures by contract or otherwise and bill you for the cost.

6. Extensions. Work/activities authorized under RGP 96 expire Pending. It is expected that the RGP can be reissued for an additional five years by sending the Corps a letter and requesting reissuance. To reissue the RGP, the Corps must determine if individual and cumulative impacts were and are expected to remain minimal.

G. Signatures

This permit becomes effective when the Federal official, designated to act for the Secretary of the Anny, has signed below.

_____ _____

David J. Castanon (DATE)
Chief, Regulatory Division
(for the District Engineer)

When the structures or work authorized by this pern1it are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

(TRANSFEREE) (DATE)

APPENDIX 1: DEFINITIONS

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction

Discharge: The term ''discharge'' means any discharge of dredged or fill material into waters of the United States (Waters).

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR Part 60)

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

LPA ROW/EASEMENT: Local Public Agency projects federally funded by Federal Highway Administration that are bid and administered by Arizona Department of Transportation.

Ordinary High Water Mark: An ordinary high water (OHWM) mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow

Permanent Impact: Waters that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of permanent impacts to Waters is a threshold measurement of the impact to Waters for determining whether a project may qualify for the RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Permanent impacts to stream bed includes the linear feet of stream bed that is filled or excavated. Waters temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the

measurement of permanent impact. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating permanent impacts to Waters.

Permanent Mitigation: Compensatory mitigation that is purchased once to attain permanent water.

Special Aquatic Sites: A waterbody that is identified as a special aquatic site under subpart E of the 404(b)1 guidelines. Special aquatic sites covered by this RGP include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, and riffle and pool complexes. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Stream bed: The substrate of the stream channel between the OHWMs. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the OHWM, are not considered part of the stream bed

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, , permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Temporary Impact: Waters temporarily affected by filling, flooding, excavation, or drainage because of the regulated activity. Temporary impacts include discrete impacts that may occur only once or occasionally during construction and extended temporary impacts that may occur for the duration of construction. Waters affected by temporary impacts are restored to pre-construction contours and elevations after construction.

Temporary Mitigation: Compensatory mitigation must be purchased on an annual basis

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individuals; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Waterbody: For purposes of this RGP 96, a waterbody is a jurisdictional Waters. If a wetland is adjacent to a waterbody determined to be a Waters, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT
Regional General Permit 96 for Routine Transportation Activities

Public Notice/Application No.: SPL-
Project: Regional General Permit 96 for Routine Transportation Activities
Comment Period: #ACTION_DATE_OF_PUBLIC_NOTICE# through #ACTION_DATE_COMMENT_PERIOD_ENDS#
Project Manager: Jesse Rice; 602.230.6854; Jesse.M.Rice@usace.army.mil

Applicant
Steve Boschen
Arizona Department of Transportation
Infrastructure Delivery and Operations Director
1801 W. Jefferson Street, Suite 120, MD 102M
Phoenix, Arizona, 85007

Contact
Israel Garcia
Arizona Department of Transportation
Wetland Biologist/Water Resource Specialist 4
1611 W. Jackson Street, MD EM04
Phoenix, Arizona, 85007

Location
Arizona statewide waters of the US occurring within ADOT right-of-way (ROW) or easement (including temporary construction easement and drainage easement) through non-tribal lands.

Activity
The applicant requests that the Corps reissue Regional General Permit (RGP) 96 to authorize routine transportation construction and maintenance activities in waters of the US within ADOT ROW or easement through non-tribal lands across the state of Arizona with minor revisions to the impact and discharge notification thresholds and permit special conditions from those identified in the 2016 RGP 96. Furthermore, the applicant requests the Regional General Permit include an outline and definitions of two levels of notification for Section 404 compliance documentation for the various routine transportation activities addressed in the permit.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein. 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. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Jesse Rice
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Alternatively, comments can be sent electronically to: Jesse.M.Rice@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 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- Preliminary determinations indicate that the proposed project would not have an adverse effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat.

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 further streamline the Section 404 permitting process for minor discharges and impacts to waters of the US, thus reducing the time and cost associated with compliance documentation and review for both ADOT and the Corps. The streamlined process will improve ADOT’s ability to comply with regulations. 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 authorize the reissuance of Regional General Permit 96 for ADOT to conduct routine transportation construction and maintenance activities within waters of the US occurring within ADOT ROW or easement (including temporary construction easement) through non-tribal lands in an effort to further implement and achieve ADOT's mission and goals to create safe transportation infrastructure, increase efficiency, and maximize existing agency resources.

Additional Project Information

Baseline information- There are approximately 7,000 miles of ADOT-owned transportation infrastructure throughout the state of Arizona which requires periodic maintenance and upgrades to maintain a safe and efficient transportation system for the travelling public. Prior to the issuance of the Regional General Permit 96, in 2014, ADOT submitted more than thirty Section 404 permits to the Corps for various routine transportation construction and maintenance activities. ADOT incurs costs to prepare Section 404 compliance documentation for routine transportation activities in waters of the US. The approximate cost savings due to reduced and streamlined compliance documentation ranged between $12,000 and $30,000 per project that is authorized by the Regional General Permit 96. These price figures are still applicable today. ADOT estimates that the Regional General Permit 96 generates a savings of up to $150,000 per year in reduced compliance paperwork. In 2019, ADOT used the Regional General Permit 96 19 times for construction projects. During Fiscal Year 2019 there were approximately 3,752 maintenance activity projects that would be covered under the Regional General Permit 96.

Project description- The applicant proposes to perform routine transportation construction and maintenance activities in waters of the US located within ADOT ROW or easement (including temporary construction easement) through non-tribal lands across the state of Arizona. Proposed construction activities are those that ADOT regularly conducts, such as culvert extensions due to roadway widening, scour protection, and new bank stabilization. Proposed maintenance activities are on currently serviceable structures, facilities, or fill, provided that the structures, facilities, or fill are not to be put to uses differing from their previously permitted uses. Proposed maintenance activities also include sediment removal or repair of existing structures for adequate drainage, flood hazard reduction, and overall public safety. Activities covered by this Regional General Permit 96 would include discharge of dredged or fill material for temporary construction access, construction activities, water diversion, and dewatering.

The applicant requests that the Corps reissues Regional General Permit 96 to authorize routine transportation construction and maintenance with minor revisions to the impact and discharge notification thresholds and permit special conditions from those identified in the current Regional General Permit 96. Furthermore, ADOT requests the reissued Regional General Permit 96 include an outline and definitions of two levels of notification for Section 404 compliance documentation for the various routine transportation activities addressed in the permit. ADOT proposes that the reissued Regional General Permit 96 include the following:

These activities do not have acreage threshold requirements for notification. However, maximum impact thresholds of 1-acre permanent impact to Waters per drainage crossing and 0.025-acre cumulative (i.e. permanent and temporary) impact to special aquatic sites, such as wetlands for authorization under Regional General Permit 96 would apply. Additionally, pre-construction notification could be required based on impacts associated with perennial Waters or special aquatic sites. PCN would be required for ESA or NHPA if the project is State Funded.

- Maintain Structure - Activities include the repair, rehabilitation, or replacement of any

previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety.

- Sediment/Debris Removal - Activities include removal of sediment, debris, woody and herbaceous vegetation and other obstructions in the vicinity of existing structures which compromise the integrity of the structure and/or impede flows. The activity shall no greater than 200 linear feet upstream or downstream of the existing structure.
- Erosion Repair - Activities include the removal of accumulated sediment (i.e. fill material) from eroded uplands and/or bank to be utilized for repairing erosion cuts in the banks or bed of Waters. Accumulated sediments used to repair erosion damage in Waters, must be placed within 100 feet from where the accumulated sediment is originally removed within Waters.
- Emergency Activity - Activities include the emergency repair, rehabilitation, or replacement of those currently serviceable structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage.

Geotechnical Activities - Activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, test pits, potholing and sampling. Material may be removed offsite or used as backfill if no other state or federal regulation would prohibit that activity. Temporary access, and construction of temporary pads is authorized under this activity. Waters must be restored to its pre-construction elevation upon completion of the work and must not drain Waters. Thresholds for notification would include:

- Non-notification: less than 4 samples in each Waters and sampling holes less than 3-feet in diameter
- PCN: greater than 4 samples in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre of permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bed Stabilization - Activities for bed stabilization include construction of new bed stabilization to an existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. Examples of bed stabilization include stabilized piers, scour pad and cutoff walls. Temporary access, and temporary fill associated with the construction of bed stabilization is authorized under this activity. Thresholds for notification would include:

- Non-notification: less than 4 samples in each Waters and sampling holes less than 3-feet in diameter
- Preconstruction notification: greater than 4 samples in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre of permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bank Stabilization - Activities would include construction of new bank stabilization. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Thresholds for notification would include:

a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification: greater than 1,000 linear feet up to 3,000 linear feet total impact or

greater than 2 cubic yards of material per running foot below the OHWM

b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification: greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

Routine Linear Transportation Projects - Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Thresholds for notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- Preconstruction notification: greater than 0.10 acre up to 1 acre permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Levels of Tiered Notification - The applicant requests that definitions for tiered notification include two levels of notification: non-notification and pre-construction notification.

- Non-Notification: If a routine transportation maintenance or construction activity meets the requirements under a non-notification scenario, no advance notification to the Corps is necessary prior to commencement of the activity.
- Preconstruction Notification: When a routine transportation construction or maintenance activity meets the requirements for advance notification, a preconstruction notification document would be prepared according to a template form agreed upon between ADOT and the Corps. The project activity may commence once the Corps has issued a verification letter or 30 days after the Corps has received the documentation and there are no unresolved issues with regards to the ESA or NHPA if the project is State Funded. If Federally Funded, ADOT would be the lead federal agency and would resolve any issues with ESA or NHPA.

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 alternatives analysis for this project indicated that avoidance of waters of the US is not practicable because the entire ADOT infrastructure requires periodic maintenance, upgrades, and expansions to maintain a safe and reliable transportation network. After reviewing the alternatives analysis and independently evaluating opportunities for avoidance, the Corps has concurred that avoidance of waters of the US is not practicable for this project.

Minimization- Impacts to waters of the US would vary on a project-by-project basis. However, similar steps and actions would be taken for each project to be authorized under Regional General Permit 96 in an effort to minimize impacts to waters of the US. During the maintenance project identification and construction scoping and design phases, project team members such as the ADOT District, design engineers, environmental staff, and others would collaborate to identify efficient project design and construction methods that would minimize impacts to waters of the US, so that impacts do not exceed the minimum necessary to achieve each project. Example efforts to minimize impacts through design and construction methods may include but are not limited to:

- Reducing the permanent impact footprint due to structures, excavation, roadway fill, or vegetation removal

- Designating avoidance areas to preserve waters of the US or other environmental resources within the project limits
- Designating access areas and recommending the use of existing roads when present
- Designating stockpiles in uplands, disturbed areas, and/or outside of the main thalweg(s)
- Designating staging areas in uplands
- Developing containment plans to avoid discharges due to work on structures spanning above waters of the US
- Avoiding and/or minimizing vegetation removal to the maximum extent practicable
- Preserving native trees with a diameter breast height (dbh) of 6 inches or greater unless they are down or obstruct flows
- Developing temporary and/or permanent measures to maintain flows through the project limits
- Implementing control measures and Stormwater Pollutant Prevention Plans (SWPPP) when applicable to prevent erosion
- Adhering to various ADOT standards and manuals including the *Standards for Road and Bridge Construction*, *Erosion and Pollution Control Manual*, *Maintenance and Facilities Best Management Practices Manual*, *Stormwater Enforcement Response Plan*, *Clean Water Act Section 404/401 Guidance Manual,* and other ADOT manuals as applicable.

Upon completion of the project, waters of the US would be recontoured to pre-construction conditions to the maximum extent practicable. Native plant reseeding and/or revegetation in uplands would be evaluated for each project, and would be implemented, as necessary. In some instances, waters of the US would receive post-maintenance or post-construction treatment such as reseeding or revegetation, though the primary practice would be to avoid reseeding in active channels due to the high potential of seeds being washed downstream. More typically, impacted areas retaining a natural ground surface within waters of the US would be expected, over time, to regain vegetation through re-propagation and regeneration of the vegetation communities present.

Impacts to waters of the US would further be minimized due to expedited and increased ability to conduct maintenance activities which would improve the conditions of waters of the US due to restoration of flows and reduced erosion.

Compensation- Compensatory mitigation was determined not to be required for this project because:

- Impacts to waters of the US would be minimized through design and construction methods for ephemeral and intermittent waters (less than 1 acre of impact), perennial waters (less 0.10 acre of impact), and special aquatic sites such as wetlands (less than 0.025 acre of impact)
- Long-term impacts to vegetation are not anticipated due to project-by-project applicable reseedings, plantings, and the likelihood of natural re-propagation and vegetation regeneration
- All of the statewide project waters of the US would occur within the disturbed ADOT transportation corridor
- No threatened or endangered species would be adversely affected by this project
- Rich functions and values of habitat sufficient for a diverse assemblage of species generally are not present within the disturbed ADOT transportation corridor
- Frequent maintenance would improve the conditions of waters of the US through restoration of flows and reduced erosion.

Proposed Special Conditions

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

For additional information please call Jesse Rice of my staff at (602) 230-6854 or via e-mail at Jesse.M.Rice@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
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
3636 North Central Avenue, Suite 900
Phoenix, AZ 85012-1939
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Title	First_Name	Last_Name	Position	Organization	Address	City	State	Postal_Code
Ms.	Lisa	Atkins	State Land Commissioner	Arizona State Land Department	1616 W. Adams St.	Phoenix	AZ	85007-2614
Mr.	Ruben	Ojeda	Right of Way Manager	Arizona State Land Department	1616 W. Adams St.	Phoenix	AZ	85007-2614
Mr.	Willie	Sommers	Range Manager	Arizona State Land Department	1616 W. Adams St.	Phoenix	AZ	85007-2614
Mr.	Ryan	Johnson	Director, Information Systems & Resource Analysis	Arizona State Land Department	1616 W. Adams St.	Phoenix	AZ	85007-2614
Mr.	Ty	Gray	Director	Arizona Game and Fish Department	5000 W. Carefree Hwy.	Phoenix	AZ	85086-5000
Mr.	Chris	Bagnoli	Regional Supervisor	Arizona Game and Fish Department, Region I	2878 E. White Mountain Blvd.	Pinetop	AZ	85935-7330
Mr.	Scott	Poppenberg	Regional Supervisor	Arizona Game and Fish Department, Region II	3500 S. Lake Mary Rd.	Flagstaff	AZ	86001
Mr.	Larry	Phoenix	Regional Supervisor	Arizona Game and Fish Department, Region III	5325 N. Stockton Hill Rd.	Kingman	AZ	86409
Mr.	Mike	Summer	Regional Supervisor	Arizona Game and Fish Department, Region IV	9140 E. 28th St.	Yuma	AZ	85365
Mr.	Raul	Vega	Regional Supervisor	Arizona Game and Fish Department, Region V	555 N. Greasewood Rd.	Tucson	AZ	85745-3612
Mr.	Jay	Cook	Regional Supervisor	Arizona Game and Fish Department, Region VI	7200 E. University	Mesa	AZ	85207-6502
Mr.	Michael	Herder	District Manager	BLM Arizona Strip District	345 E. Riverside Dr.	St. George	UT	84790-6714
Ms.	William	Mack, Jr.	District Manager	BLM Colorado River District	2610 Sweetwater Ave.	Lake Havasu City	AZ	86406-9071
Mr.	Anthony	Feldhausen	District Manager	BLM Gila District	3201 E. Universal Way	Tucson	AZ	85756-5201
Mr.	Leon	Thomas	District Manager	BLM Phoenix District	21605 N. 7th Ave.	Phoenix	AZ	85027-2929
Ms.	Lorraine	Christian	Field Manager	BLM Arizona Strip Field Office	345 E. Riverside Dr.	St. George	UT	84790-6714
Ms.	Mark	Wimmer	Monument Manager	BLM Grand Canyon-Parashant	345 E. Riverside Dr.	St. George	UT	84790-6714
Ms.	Lane	Cowger	Field Manager	BLM Hassayampa Field Office	21605 N. 7th Ave.	Phoenix	AZ	85027-2929
Ms.	Amanda	Dodson	Field Manager	BLM Kingman Field Office	2755 Mission Blvd.	Kingman	AZ	86401-5308
Mr.	Jason	West	Field Manager	BLM Lake Havasu Field Office	2610 Sweetwater Ave.	Lake Havasu City	AZ	86406-9071
Mr.	Ed	Kender	Field Manager	BLM Lower Sonoran Field Office	21605 N. 7th Ave.	Phoenix	AZ	85027-2929
Mr.	Scott	Cooke	Field Manager	BLM Safford Field Office	711 S. 14th Ave.	Safford	AZ	85546-3337
Mr.	Jayme	Lopez	Field Manager	BLM Tucson Field Office	3201 E. Universal Wy.	Tucson	AZ	85756-5021
Mr.	Aron	King	Field Manager	BLM Yuma Field Office	2555 E. Gila Ridge Rd.	Yuma	AZ	85365-2240
Ms.	Leslie	Meyers	Area Manager	BOR Phoenix Area Office	6150 W. Thunderbird Rd.	Glendale	AZ	85306-4001
Ms.	Terri	Thomas	Area Manager	BOR Yuma Area Office	7301 Calle Agua Salada	Yuma	AZ	85364-9763
Mr.	Alton Joe	Shepherd	District II Supervisor, Board Chairman	Apache County	75 West Cleveland Street	St. Johns	AZ	85936
Ms.	Liz	Archuleta	District 2 Supervisor, Board Chairman	Coconino County	219 East Cherry Avenue	Flagstaff	AZ	86001
Mr.	Thomas	Borer	District 1 Supervisor, Board Chairman	Cochise County	401 Hereford rd.	Bisbee	AZ	85603
Mr.	Woody	Cline	District 3 Supervisor, Board Chairman	Gila County	1400 E. Ash Street	Globe	AZ	85501
Mr.	Paul	David	District 1 Supervisor, Board Chairman	Graham County	921 Thatcher Boulevard	Safford	AZ	85546
Ms.	Holly	Irwin	District 3 Supervisor, Board Chairman	La Paz County	1108 Joshua Ave	Parker	AZ	85344
Ms.	Joy	Rich	County Manager	Maricopa County	301 W. Jefferson St., 10th Floor	Phoenix	AZ	85003-2148
Mr.	Bill	Gates	District 3 Supervisor, Board Chairman	Maricopa County	301 W. Jefferson St., 10th Floor	Phoenix	AZ	85003-2148
Mr.	Jean	Bishop	District 4 Supervisor, Board Chairman	Mohave County	700 W. Beale Street	Kingman	AZ	86401
Mr.	Bill	Arendell	District 4 Supervisor, Board Chairman	Navajo County	P.O. Box 668	Holbrook	AZ	86025-0668
Mr.	Ramón	Valadez	District 2 Supervisor, Board Chairman	Pima County	130 W. Congress St., 11th Floor	Tucson	AZ	85701-1317
Mr.	Anthony	Smith	District 4 Supervisor, Board Chairman	Pinal County	31 N Pinal Street	Florence	AZ	85132
Mr.	Bruce	Bracker	District 3 Supervisor, Board Chairman	Santa Cruz County	2150 N. Congress Drive	Nogales	AZ	85621
Mr.	Craig	Brown	District 4 Supervisor, Board Chairman	Yavapai County	1015 Fair St.	Prescott	AZ	86305-1852
Mr.	Tony	Reyes	District 4 Supervisor, Board Chairman	Yuma County	198 S. Main st.	Yuma	AZ	85364
Col.	Ben "Patrick"	McFall III	Commander	US Department of Defense, Yuma Proving Ground	301 C. Street, IMSW-YMA-ZA	Yuma	AZ	85365-9498
Ms.	Lisa	McCarrick	Environmental Planner	US Department of Defense, Barry Goldwater Air Force Range	14185 W. Falcon St., 56th Range Management Office, Building 500	Luke AFB	AZ	85309-1601
Mr.	Chas	Buchanan	Director	US Department of Defense, Barry Goldwater Air Force Range	14185 W. Falcon St., 56th Range Management Office, Building 500	Luke AFB	AZ	85309-1601
Col.	Jarrod	Moreland	Garrison Commander	Fort-Huachuca Military Reservation	50010 Smith Street	Fort Huachuca	AZ	85613-7011
Maj. Gen.	Michael T.	McGuire	Adjutant General	Arizona National Guard	5636 E. McDowell Rd.	Phoenix	AZ	85008-3495
Col.	Michael	Drowley	Commander	US Department of Defence, Davis-Monthan Air Force Base	5355 E. Granite Street, Building 2441	Tucson	AZ	85707-3526
Maj.	Terrence	McIntosh	Garrison Commander	US Department of Defence, Florence Military Reservation	20252 AZ-79 Bldg 5020I	Florence	AZ	85132
Dr.	Paul	Shankland	Director	United States Naval Observatory Flagstaff Station	10391 W Naval Observatory Rd	Flagstaff	AZ	86001
Ms.	Alissa	Tanner	District Ranger	Apache-Sitgreaves, Alpine	P.O. Box 469	Alpine	AZ	85920-0469
Mr.	Ed	Holloway, Jr.	District Ranger	Apache-Sitgreaves, Clifton	397240 AZ Hwy. 75	Duncan	AZ	85534-8134
Mr.	Rob	Lever	District Ranger	Apache-Sitgreaves, Springerville	P.O. Box 760	Springerville	AZ	85938-0760
Mr.	Josh	Miller	District Ranger	Apache-Sitgreaves, Lakeside District	2022 W. White Mountain Blvd.	Lakeside	AZ	85929-6268
Mr.	Richard	Madril	District Ranger	Apache-Sitgreaves, Black Mesa District	P.O. Box 968	Overgaard	AZ	85933-0968
Mr.	Anthony	Madrid	Forest Supervisor	Apache-Sitgreaves, Regional	P.O. Box 640	Springerville	AZ	85938-0640
Mr.	Matthew	McGrath	District Ranger	Coconino, Flagstaff	5075 N. Hwy. 89	Flagstaff	AZ	86004-2852
Ms.	Linda	Wadleigh	District Ranger	Coconino, Mogollon Rim	8738 Ranger Rd.	Happy Jack	AZ	86024-9714
Ms.	Amy	Tinderholt	District Ranger	Coconino, Red Rock	P.O. Box 20429	Sedona	AZ	86341-0429
Ms.	Laura Jo	West	Forest Supervisor	Coconino, Regional	1824 S. Thompson St.	Flagstaff	AZ	86001
Ms.	Celeste	Kinsey	District Ranger	Coronado, Sierra Vista	4070 S. Avenida Saracino	Hereford	AZ	85615
Mr.	James	Copeland	District Ranger	Coronado, Nogales	303 Old Tucson Rd.	Nogales	AZ	85621-9790
Mr.	George	Garcia	District Ranger	Coronado, Safford	711 14th Ave., Suite D	Safford	AZ	85546-3337
Mr.	CJ	Woodard	District Ranger	Coronado, Santa Catalina	5700 N. Sabino Canyon Rd.	Tucson	AZ	85750-0999
Mr.	Kerwin	Dewberry	Forest Supervisor	Coronado, Regional	300 W. Congress St.	Tucson	AZ	85701-1371
Mr.	Randall	Walker	District Ranger	Kaibab, North Kaibab	P.O. Box 248	Fredonia	AZ	86022-0248
Ms.	Kendall	Cikanek	District Ranger	Kaibab, Tusayan	P.O. Box 3088	Grand Canyon	AZ	86023-3088
Ms.	Debra	Mollet	District Ranger	Kaibab, Williams	742 S. Clover Rd.	Williams	AZ	86046-9122
Mr.	Heather	Provencio	Forest Supervisor	Kaibab, Regional	800 S. 6th St.	Williams	AZ	86046
Mr.	Todd	Willard	District Ranger	Prescott, Verde	300 East Highway 260	Camp Verde	AZ	86322

Title	First_Name	Last_Name	Position	Organization	Address	City	State	Postal_Code
Ms.	Sarah	Clawson	District Ranger	Prescott, Chino Valley	344 S. Cortez St.	Prescott	AZ	86303
Ms.	Sarah	Clawson	District Ranger	Prescott, Bradshaw	344 S. Cortez St.	Prescott	AZ	86303
Mr.	Dale	Deiter	Forest Supervisor	Prescott, Regional	735 N. Hwy. 89	Chino Valley	AZ	86323
Mr.	Mark	Sando	District Ranger	Tonto, Globe	7680 S. Six Shooter Canyon Rd.	Globe	AZ	85501-4079
Mr.	Gary	Hanna	District Ranger	Tonto, Mesa	5140 E. Ingram St.	Mesa	AZ	85205-3462
Ms.	Debbie	Cress	District Ranger	Tonto, Payson	1009 E. State Hwy 260	Payson	AZ	85541-4957
Ms.	Kelly	Jardine	District Ranger	Tonto, Tonto Basin	28079 N. AZ. Highway 188	Roosevelt	AZ	85545-8038
Mr.	Neil	Bosworth	Forest Supervisor	Tonto, Regional	2324 E. McDowell Rd.	Phoenix	AZ	85006-2440
Mr.	Ben	Littlefield	Superintendent	Casa Grande Ruins National Monument	1100 W. Ruins Dr.	Coolidge	AZ	85128-3200
Mr.	William	Shott	Superintendent	Glen Canyon National Recreation Area	P.O. Box 1507	Page	AZ	86040-1507
Mr.	Edward	Keable	Superintendent	Grand Canyon National Park	P.O. Box 129	Grand Canyon	AZ	86023-0129
Mr.	Lloyd	Masayumpte	Superintendent	Hubbell Trading Post National Historic Site	P.O. Box 150	Ganado	AZ	86505-0150
Ms.	Margaret	Goodro	Superintendent	Lake Mead National Recreation Area	601 Nevada Wy.	Boulder City	NV	89005-2426
Ms.	Dorothy	FireCloud	Superintendent	Montezuma Castle National Monument	P.O. Box 219	Camp Verde	AZ	86322-0219
Mr.	Scott	Stonum	Superintendent	Organ Pipe Cactus National Monument	10 Organ Pipe Dr.	Ajo	AZ	85321-9626
Ms.	Jeannine	McElveen	Superintendent	Petrified Forest National Park	P.O. Box 2217	Petrified Forest	AZ	86028-2217
Mr.	Duane	Hubbard	Superintendent	Tonto National Monument	26260 N. AZ Hwy 188, #2	Roosevelt	AZ	85545-8148
Ms.	Kayci	Cook Collins	Superintendent	Wupatki National Monument	6400 N. Hwy 89	Flagstaff	AZ	86004-2759
Mr.	Allen	Etheridge	Superintendent	Chiricahua National Monument	12856 E. Rhyolite Creek Rd.	Willcox	AZ	85643
Mr.	Robert	Broscheid	Director	Arizona State Parks	23751 N. 23rd Ave, Suite 190	Phoenix	AZ	85085
Mr.	Christopher	Cawein	Parks and Recreation Director	Pima County	3500 W. River Rd.	Tucson	AZ	85741-3600
Mr.	RJ	Cardin	Parks and Recreation Director	Maricopa County	41835 N. Castle Hot Springs Rd.	Morristown	AZ	85004-2229
Mr.	Steven	Latoski, P.E.	Public Works Director/County Engineer	Mohave County	P.O. Box 7000	Kingman	AZ	86402-7000
Mr.	Thomas	Simmons	Public Works Director	La Paz County	P.O. Box 3580	Parker	AZ	85344-3580
Mr.	Scott	Bender	Public Works Director	Pinal County	P.O. Box 727	Florence	AZ	85132-3014
Mr.	Robert	Miguel	Chairman	Ak-Chin Indian Community Council	42507 W. Peters & Nall Rd.	Maricopa	AZ	85138-3940
Mr.	Dennis	Patch	Chairman	Colorado River Tribal Council	26600 Mohave Rd.	Parker	AZ	85344-7737
Mr.	Stephen R.	Lewis	Governor	Gila River Indian Community	P.O. Box 97	Sacaton	AZ	85147-0001
Mr.	Timothy	Nuvangyaom	Chairman	Hopi Tribal Council	P.O. Box 123	Kykotsmovi	AZ	86039-0123
Dr.	Damon	Clarke	Chairman	Hualapai Tribal Council	P.O. Box 179	Peach Springs	AZ	86434-0179
Ms.	Ona	Segunda	Chairwoman	Kaibab Band of Paiute Tribal Council	HC 65, Box 2	Fredonia	AZ	86022-9600
Ms.	Bernadine	Burnette	President	Fort-McDowell Yavapai Nation Tribal Council	P.O. Box 17779	Fountain Hills	AZ	85269-7779
Mr.	Jonathan	Nez	President	Navajo Nation	P.O. Box 7440	Window Rock	AZ	86515-7440
Mr.	Martin	Harvier	President	Salt River Pima-Maricopa Indian Community Council	10005 E. Osborn Rd.	Scottsdale	AZ	85256-4019
Mr.	Terry	Rambler	Chairman	San Carlos Apache Tribal Council	P.O. Box "0"	San Carlos	AZ	85550-0000
Mr.	Ned	Norris, Jr.	Chairman	Tohono O'odham Nation	P.O. Box 837	Sells	AZ	85364-0837
Ms.	Gwendena	Lee-Gatewoo	Chairwoman	White Mountain Apache Tribal Council	P.O. Box 700	Whiteriver	AZ	85941-0700
Mr.	Jon	Huey	Chairman	Yavapai-Apache Nation	2400 W. Datsi St.	Camp Verde	AZ	86322-8412
Mr.	Robert	Ogo	Acting President	Yavapai-Prescott Indian Tribe	530 E. Merritt St.	Prescott	AZ	86301-2038
Mr.	Timothy	Williams	Chairman	Fort-Mohave Indian Tribe	500 Merriman Ave.	Needles	CA	92363-2229
Mr.	Val	Panteah, Sr.	Governor	Pueblo of Zuni	P.O. Box 339	Zuni	NM	87327-0339
Ms.	Sherry	Cordova	Chairwoman	Cocopah Indian Tribal Council	14515 S. Veterans Dr.	Somerton	AZ	85350
Mr.	Jordan	Joaquin	President	Fort Yuma-Quechan Tribal Council	P.O. Box 1899	Yuma	AZ	85366-1899
To Whom it May Concern			Refuge Manager	Bill Williams River National Wildlife Refuge	60911 N. Hwy 95	Parker	AZ	85344-9528
To Whom it May Concern			Refuge Manager	Buenos Aires National Wildlife Refuge	P.O. Box 109	Sasabe	AZ	85633-0109
Mr.	Richard	Meyers	Refuge Manager	Havasu National Wildlife Refuge	317 Mesquite Ave.	Needles	CA	92363-2649

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, as applicable, Public Interest Review, and Statement of Findings for the subject application.

1.0 Introduction and Overview: Information about the proposal subject to one or more of the Corps' regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 11 and findings are documented in Section 12 of this memorandum. Further, summary information about the activity including administrative history of actions taken during project evaluation is attached (ORM2 Summary) and incorporated in this memorandum.

1.1 Applicant: Arizona Department of Transportation (ADOT), Attn: Steve Boschen.

1.2 Activity location: Arizona statewide waters of the US (Waters) within ADOT right-of-way (ROW) or easement (including temporary construction easements) (ADOT ROW/EASEMENT) through non-tribal lands and Local Public Agency (LPA) projects federally funded by Federal Highway Administration (FHWA) that are bid and administered by ADOT (LPA ROW/EASEMENT). Refer to Figure 1.

1.3 Description of activity requiring permit: ADOT proposes to perform routine transportation construction and maintenance activities in Waters located within ADOT ROW or easement through non-tribal lands across the state of Arizona. Proposed construction activities are those that ADOT regularly conducts, such as culvert extensions due to roadway widening, scour protection, and new bank stabilization. Proposed maintenance activities are on currently serviceable structures, facilities, or fill, provided that the structures, facilities, or fill are not to be put to uses differing from their previously permitted uses. Proposed maintenance activities also include sediment removal or repair of existing structures for adequate drainage, flood hazard reduction, and overall public safety. Routine transportation construction and maintenance activities would include discharge of dredged or fill material for temporary construction access, construction activities, water diversion, and dewatering.

ADOT requests that the United States Army Corps of Engineers (Corps) reissues regional General Permit (RGP) 96 to authorize routine transportation construction and maintenance activities with minor revisions to the impact and discharge notification thresholds and permit special conditions from those identified in the 2016 RGP 96. Furthermore, ADOT requests the reissued RGP 96 include an outline and definitions of two levels of notification for Section 404 compliance

documentation for the various routine transportation activities addressed in the permit. ADOT proposes that the reissued RGP 96 include the following:

These activities do not have acreage threshold requirements for notification. However, maximum impact thresholds of 1-acre permanent impact to Waters per drainage crossing and 0.025-acre cumulative (i.e. permanent and temporary) impact to special aquatic sites, such as wetlands for authorization under RGP 96 would apply. Additionally, pre-construction notification could be required based on impacts associated with perennial Waters, special aquatic sites, Endangered Species Act (ESA) or National Historic Preservation Act (NHPA).

- **Maintain Structure** - Activities include the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety.
- **Sediment/Debris Removal** - Activities include removal of sediment, debris, woody and herbaceous vegetation and other obstructions in the vicinity of existing structures which compromise the integrity of the structure and/or impede flows. The activity shall no greater than 200 linear feet upstream or downstream of the existing structure.
- **Erosion Repair** - Activities include the removal of accumulated sediment (i.e. fill material) from eroded uplands and/or bank to be utilized for repairing erosion cuts in the banks or bed of Waters. Accumulated sediments used to repair erosion damage in Waters, must be placed within 100 feet from where the accumulated sediment is originally removed within Waters.
- **Emergency Activity** - Activities include the emergency repair, rehabilitation, or replacement of those currently serviceable structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage.

Geotechnical Activities

Activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, test pits, potholing and sampling. Material may be removed offsite or used as backfill if no other state or federal regulation would prohibit that activity. Temporary access, and construction of temporary pads is authorized under this activity. Waters must be restored to its pre-construction elevation upon completion of the work and must not drain Waters. Thresholds for notification would include:

- Non-notification: less than 4 samples and less than 0.10 acres of disturbance in each Waters and sampling holes less than 3-feet in diameter

- PCN: greater than 4 samples and/or 0.10 acres or greater of disturbance in each Waters and sampling holes greater than 3-feet in diameter up to 1 acre disturbance (i.e. permanent and temporary impact) to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bed Stabilization - Stream bed stabilization of an existing structure or fill
Activities for bed stabilization include construction of new bed stabilization to an existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. Examples of bed stabilization include stabilized piers, scour pad and cutoff walls (i.e. culvert outlets and outfalls). Temporary access, and temporary fill associated with the construction of bed stabilization is authorized under this activity. Thresholds for notification would include:

- Non-notification: less than 0.10 acre disturbance (i.e. permanent and temporary impact) to each Waters
- Preconstruction notification: greater than 0.10 acre up to 1 acre disturbance (i.e. permanent and temporary impact) to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Bank Stabilization
Activities would include construction of new bank stabilization. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Thresholds for notification would include:

a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification: greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- Preconstruction notification: greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

Routine Linear Transportation Projects
Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches,

erosion protection measures, bridge scour retrofit, or roadway fill. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Thresholds for notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- Preconstruction notification: greater than 0.10 acre up to 1 acre permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

Levels of Notification

ADOT requests that the renewed RGP include definitions for two levels of notification including non-notification and pre-construction notification.

Non-Notification

If a routine transportation maintenance or construction activity meets the requirements under a non-notification scenario, no advance notification to the Corps is necessary prior to commencement of the activity.

Preconstruction Notification

When a routine transportation construction or maintenance activity meets the requirements for advance notification, a preconstruction notification document would be prepared according to a template form agreed upon between ADOT and the Corps. The project activity may commence once the Corps has issued a verification letter or 30 days after the Corps has received the documentation and there are no unresolved issues with regards to the ESA or NHPA.

1.3.1 Proposed avoidance and minimization measures: The Corps has concurred that avoidance of Waters is not practicable for this project. Impacts to Waters would vary on a project-by-project basis. However, similar steps and actions would be taken for each project to be authorized under the RGP 96 in an effort to minimize impacts to Waters During the maintenance project identification and construction scoping and design phases, project team members such as the ADOT District, design engineers, environmental staff, and others would collaborate to identify efficient project design and construction methods that would minimize impacts to Waters, so that impacts do not exceed the minimum necessary to achieve each project. Example efforts to minimize impacts through design and construction methods may include but are not limited to:

- Reducing the permanent impact footprint due to structures, excavation, roadway fill, or vegetation removal
- Designating avoidance areas to preserve Waters or other environmental resources within the project limits
- Designating access areas and recommending the use of existing roads when present; designating stockpiles in uplands, disturbed areas, and/or outside of the main thalweg(s)

- Designating staging areas in uplands; developing containment plans to avoid discharges due to work on structures spanning above Waters
- Avoiding and/or minimizing vegetation removal to the maximum extent practicable
- Preserving native trees with a diameter breast height (dbh) of 6 inches or greater unless they are down or obstruct flows
- Developing temporary and/or permanent measures to maintain flows through the project limits
- Implementing Best Management Practices (BMPs) and Storm Water Pollutant Prevention Plans (SWPPP) when applicable to prevent erosion.
- Adhering to various ADOT standards and manuals including the *Standards for Road and Bridge Construction*; *Erosion and Pollution Control Manual, Maintenance and Facilities Best Management Practices Manual*; *Stormwater Enforcement Response Plan*; and *Clean Water Act Section 404/401 Guidance Manual*.

Upon completion of the project, Waters would be recontoured to preconstruction conditions to the maximum extent practicable. Native plant reseeding and/or revegetation in uplands would be evaluated for each project, and would be implemented, as necessary. In some instances, Waters would receive post-maintenance or post-construction treatment such as reseeding or revegetation, though the primary practice would be to avoid reseeding in active channels due to the high potential of seeds being washed downstream. More typically, impacted areas retaining a natural ground surface within Waters would be expected, over time, to regain vegetation through re-propagation and regeneration of the vegetation communities present.

Impacts to Waters would further be minimized due to expedited and increased ability to conduct maintenance activities which would improve the conditions of Waters due to restoration of flows and reduced erosion.

1.3.2 Proposed compensatory mitigation: Compensatory mitigation was determined not to be required for this project because:

- Impacts to waters of the US would be minimized through design and construction methods for ephemeral and intermittent waters (less than 1 acre of impact), perennial waters (less 0.10 acre of impact), and special aquatic sites such as wetlands (less than 0.025 acre of impact)
- Long-term impacts to vegetation are not anticipated due to project-by-project applicable reseedings, plantings, and the likelihood of natural re-propagation and vegetation regeneration
- All of the statewide project waters of the US would occur within the disturbed ADOT transportation corridor
- No threatened or endangered species would be adversely affected by this project

- Rich functions and values of habitat sufficient for a diverse assemblage of species generally are not present within the disturbed ADOT transportation corridor
- Frequent maintenance would improve the conditions of waters of the US through restoration of flows and reduced erosion.

1.4 Existing conditions and any applicable project history: The state of Arizona is comprised of nearly 73,000,000 acres. ADOT's transportation system across the state is comprised of approximately 7,000 roadway miles, though the infrastructure also includes various other facilities such as light-rail, pedestrian paths, and the Grand Canyon Airport (Figure 1) (ADOT 2020). The ADOT transportation system traverses diverse habitats ranging from the Lower Colorado Subdivision of Sonoran Desertscrub occurring between 100 to 1800 feet above mean sea level (amsl) to the Petrane Subalpine Conifer Forest occurring above 8,500 feet amsl (Pase and Brown 1994, Turner and Brown 1994).Most of state experiences an arid desert climate typical of the southwestern United States with low precipitation and high summer temperatures. However, there are several high-elevation areas in the state that experience cooler temperatures and high annual precipitation which may support grasslands, oak woodlands, scrub-shrub forest, and coniferous forests. The eastern two thirds of the state typically experiences monsoonal activity during the late summer months, which provides a majority of the annual precipitation in many areas. However, this storm activity can also result in severe flooding that can damage transportation infrastructure, particularly when tropical storm activity influences weather conditions in the state

There are approximately 90,373 miles of streams and rivers in the state of Arizona (WSR 2020). Of those streams and rivers, 94% are classified as ephemeral, with the remaining 6% classified as intermittent or perennial drainages (Levick et. al. 2008). Ephemeral drainages which have a wide range of functionality and value within the watershed, and many of these features play an important role in sediment transport, groundwater recharge, and habitat connectivity. Intermittent and perennial rivers are important resources due to the scarcity of surface water within the state. Habitat and vegetation along all of these aquatic features can vary widely, ranging from low density upland vegetation communities to mature riparian forests that provide important habitat to sensitive or rare species. Wetlands in the state are extremely infrequent and are typically found along the fringes of perennial springs, streams and rivers. Wetlands may also be found in urban areas where effluent and urban runoff provide a perennial source of water in what would normally be an ephemeral stream channel. The most substantial wetlands are typically found in the mountainous areas in the central and eastern portion of the state and within the Phoenix metropolitan area.

The approximate 7,000 miles of ADOT-owned transportation infrastructure throughout the state of Arizona intersects countless drainages, many of which are regulated under Section 404 of the Clean Water Act. ADOT's facilities include a myriad of drainage structures from small culverts to large-scale bridges to provide pass-through for drainage. This transportation infrastructure and its associated drainage facilities require periodic maintenance and upgrades to maintain a safe and efficient transportation system for the travelling public.

Prior to the issuance of the RGP 96, in 2014, ADOT submitted more than 30 Section 404 permits to the Corps for various routine transportation construction and maintenance activities, many of which were in heavily disturbed or modified locations. ADOT incurs costs to prepare Section 404 compliance documentation for routine transportation activities in Waters. The approximate cost savings due to reduced and streamlined compliance documentation ranged between $12,000 and $30,000 per project that is authorized by the RGP 96. ADOT estimates that the RGP 96 generates a savings of up to $150,000 per year in reduced compliance paperwork. In addition to cost savings, the Section 404 compliance documentation using the Nationwide Permit process is lengthy for certain minor routine transportation activities, which can cause project delays. Project delays inhibit ADOT from conducting necessary work in a timely fashion, and could result in leaving the transportation network vulnerable due to unaddressed maintenance and construction needs. In 2019, ADOT used the RGP 96 19 times for construction projects. During Fiscal Year 2019 there were approximately 3,752 maintenance activity projects that would be covered under the RGP 96. The vast majority of these maintenance projects resulted in impacts of less than 0.10 of an acre and occurred in ephemeral aquatic features.

1.5 Permit Authority: Section 404 of the Clean Water Act (33 USC 1344).

2.0 Scope of review for National Environmental Policy Act (i.e. scope of analysis), Section 7 of the Endangered Species Act (i.e. action area), and Section 106 of the National Historic Preservation Act (i.e. permit area)

2.1 Determination of scope of analysis for National Environmental Policy Act (NEPA): The scope of analysis includes the specific activity requiring a Department of the Army permit. Other portions of the entire project are not included because the Corps does not have sufficient control and responsibility to warrant federal review.

Final description of scope of analysis: The activity consists of re-issuance of RGP 96 that would authorize routine construction and maintenance activities within Waters. Routine construction activities include construction and expansion of

existing transportation facilities generating minor impacts to Waters. This RGP 96 does not comprise of “merely a link” in a corridor type project, as the routine maintenance activities are those that would generate minor impacts to Waters and would take place on existing structures, facilities, and fills which were previously authorized by the Corps or were built prior to inception of the Clean Water Act regulatory program. Because the proposed project is explicitly for those routine transportation construction and maintenance activities that would qualify for authorization under the RGP 96, the location and configuration of work within Waters is wholly driven by the location of the entire ADOT infrastructure on non-tribal lands throughout the state of Arizona.

The extent to which the entire project will be within the Corps’ jurisdiction includes all Waters occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT across the state of Arizona. The extent of cumulative federal control and responsibility is limited to Waters within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT across the state of Arizona. The Corps determination is that the scope of analysis for NEPA is only within the footprint of the regulated activity within delineated Waters.

2.2 Determination of the “Corps action area” for Section 7 of the Endangered Species Act (ESA): The activity consists of re-issuance of RGP 96 that would authorize routine construction and maintenance activities within Waters. Routine construction activities include construction and expansion of existing transportation facilities generating minor impacts to Waters occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT across the state of Arizona. Areas to be affected directly or indirectly will vary based on the location of existing transportation facilities routine construction and maintenance activities Thus, the Corps action area is determined to be Waters occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT throughout the state of Arizona.

2.3 Determination of permit area for Section 106 of the National Historic Preservation Act (NHPA):

The permit area includes only those areas comprising waters of the United States that will be directly affected by the proposed work or structures . Activities outside of waters of the U.S. are not included because all three tests identified in 33 CFR 325, Appendix C(g)(1) have not been met.

Final description of the permit area: The permit area is determined to be Waters occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT throughout the state of Arizona. *Include in the rationale the*

specific upland areas that are determined to be included or excluded from the permit area.

3.0 Purpose and Need

3.1 Purpose and need for the project as provided by the applicant and reviewed by the Corps: The purpose of this project is to authorize the reissuance of RGP 96 for ADOT to conduct routine transportation construction and maintenance activities within Waters located in ADOT ROW or easement through non-tribal lands. Reissuance of RGP 96 will continue the streamlined Section 404 permitting process for minor discharges and impacts to Waters that has improved ADOT's ability to comply with regulations by reducing time and cost associated with development of compliance documentation.

ADOT is a state-owned, transportation agency responsible for planning, building, operating, and maintaining a complex multi-modal transportation facility that moves people and goods across the state of Arizona. Through transportation projects, ADOT puts people to work building project, and projects deliver goods and services that spur economic development creating a cycle of economic benefit. ADOT strives to deliver a range of transportation projects successfully in an economic environment with declining resources while maintaining the values of accountability, integrity and respect to advance their vision of "moving Arizona to become the most reliable transportation system in the nation" (ADOT Mission and Vision 2020). To advance their vision, ADOT developed several strategic focus areas, with the following areas being relevant to Section 404 compliance documentation for routine transportation construction and maintenance activities:

- Transportation Safety: implementing the most effective safety improvement countermeasures to help promote safe driving behaviors and reduce roadway crashes in high risk areas.
- Customer Value: creating an enterprise-wide understanding of customer value and leveraging the customer-supplier relationship to improve and innovate our business processes will ensure we stay ahead of changing customer needs
- Maximize Resources: pursuing innovations and organizational efficiencies to save money, increase agency capacity, and lead to more investment in the transportation system.

Reissuance of RGP 96 will continue the streamlined Section 404 compliance documentation process for routine construction and maintenance activities and would allow for further implementation and achievement of ADOT's vision in the following ways:

- Provide ADOT the ability to advance and maintain the integrity of the transportation system in a timely manner, thereby continuing to provide a safe transportation system for the traveling public.
- Increase cost savings due to less workforce time involved with compliance documentation and less costs associated with mitigation.

- Provide ADOT the ability to comply with regulations more readily.
- Provide scheduling benefits due to compliance documentation being achieved in a shorter timeframe.
- Utilization of available time-sensitive funds, such as end of fiscal year funds, for routine construction and maintenance projects that may otherwise get passed over due to the time required for compliance documentation.

3.2 Basic project purpose, as determined by the Corps: The basic project purpose is transportation and will further streamline the Section 404 permitting process for minor discharges and impacts to Waters from ADOT's routine transportation construction and maintenance activities.

3.3 Water dependency determination: The activity does not require access or proximity to or siting within a special aquatic site to fulfill its basic purpose. Therefore, the activity is not water dependent. The goal of the project is to provide a streamlined Section 404 permitting process to for minor discharges and impacts to Waters including special aquatic sites from ADOT's routine transportation construction and maintenance activities. The availability of practicable alternatives not involving special aquatic sites will be evaluated on an activity specific basis to reduce impacts below the maximum threshold of 0.025 acre of impact to special aquatic sites.Therefore, the presumption of available, practical, non-special aquatic, alternative sites is not applicable to this permit.

3.4 Overall project purpose, as determined by the Corps: The overall project purpose is to conduct routine transportation construction and maintenance activities within Waters occurring within ADOT ROW or easement (including temporary construction easement) through non-tribal lands in an effort to further implement and achieve ADOT's mission and goals to create safe transportation infrastructure, increase efficiency, and maximize existing agency resources.

4.0 Coordination

4.1 The results of coordinating the proposal on Public Notice (PN) are identified below, including a summary of issues raised, any applicant response and the Corps' evaluation of concerns.

Were comments received in response to the PN? *Select Yes or No*

Were comments forwarded to the applicant for response? *Select Yes, No or N/A*

Was a public meeting and/or hearing requested and, if so, was one conducted? *Select appropriate response Provide additional description/rationale here as needed.*

Comments received in response to public notice:

Comment 1:
Agency/Person providing comment Summarize comment here.

Applicant's Response: *Select N/A or provide applicant's response as appropriate.*

Corps Evaluation: *Summarize Corps evaluation here.*

Comment 2: *Agency/Person providing comment Summarize comment here.*

Applicant's Response: *Select N/A or provide applicant's response as appropriate.*

Corps Evaluation: *Summarize Corps evaluation here.*

Additional discussion of submitted comments, applicant response and/or Corps' evaluation: *Select N/A or provide discussion as appropriate.*

4.2 Were additional issues raised by the Corps including any as a result of coordination with other Corps offices? *Select Yes or No*
If yes, provide discussion including coordination of concerns with the applicant, applicant's response and Corps' evaluation of the response: *Select N/A or provide discussion as appropriate.*

4.3 Were comments raised that do not require further discussion because they address activities and/or effects outside of the Corps' purview? *Select Yes or No*

If yes, provide discussion: *Select N/A or provide discussion as appropriate.*

5.0 Alternatives Analysis (33 CFR Part 325 Appendix B(7), 40 CFR 230.5(c) and 40 CFR 1502.14)**.** An evaluation of alternatives is required under NEPA for all jurisdictional activities. An evaluation of alternatives is required under the Section 404(b) (1) Guidelines for projects that include the discharge of dredged or fill material. NEPA requires discussion of a reasonable range of alternatives, including the no action alternative, and the effects of those alternatives; under the Guidelines, practicability of alternatives is taken into consideration and no alternative may be permitted if there is a less environmentally damaging practicable alternative.

5.1 Site selection/screening criteria: In order to be practicable, an alternative must be available, achieve the overall project purpose (as defined by the Corps), and be feasible when considering cost, logistics and existing technology.

Criteria for evaluating alternatives as evaluated and determined by the Corps: Two alternatives, including the Preferred Alternative – Reissue RGP 96 for Routine Transportation Activities and the No Action Alternative were considered for evaluation. However, it is difficult to quantify the benefits and consequences of the Preferred Alternative, such as impacts to Waters and costs given the proposed RGP 96 would be applicable to a host of future maintenance and construction projects that have not yet been identified. Thus, in order to accurately display the benefits and consequences of selecting the Preferred Alternative or the No Action Alternative, two example scenarios are presented. These include a maintenance action, *Cleaning a Box Culvert*, and a construction action, *Extending a Box Culvert in a Wetland*. These examples provide an in-depth review of the benefits and consequences under each of the alternatives considered. Criteria utilized for comparison of the example alternatives are derived from ADOT's strategic focus areas to achieve their vision goals. The criteria identified to evaluate practicability of the alternatives includes the following factors:

- Safety – Alternatives were evaluated for their ability to improve safety of the transportation system
- Sustainability – Alternatives were evaluated for ADOTs ability to maintain, upgrade, and expand the transportation system over time
- Efficiency – Alternatives were evaluated for their ability to comply with regulation with minimum staff labor hours.
- Cost Effective – Alternatives were evaluated for their ability to comply with regulation with minimum cost.

5.2 Description of alternatives

5.2.1 No action alternative: Under the No Action Alternative, RGP 96 would not be reissued. The routine maintenance and construction transportation activities outlined in the proposed work would be authorized under Section 404 through Nationwide Permits or Standard Permits depending on the location and quantity of dredge and fill in Waters. The timeline to prepare Section 404 permitting compliance documentation and meet compliance requirements would increase; thereby, causing routine transportation maintenance, upgrades, and expansions to remain unaddressed for longer durations and leaving the transportation facility vulnerable until the work is achieved at a later date. ADOT could not use a streamlined Section 404 process to assist in maintaining, upgrading, expanding and improving the safety of the transportation system. ADOT would incur costs and spend additional staff hours completing lengthy compliance documents for

minor routine transportation maintenance and construction activities. As previously discussed, in order to further quantify the benefits and consequences of the No Action Alternative, two example projects including a routine transportation maintenance activity and construction activity are evaluated in detail.

No Action Alternative Example Maintenance Action: Cleaning a Box Culvert
A rectangular box culvert occurring within Waters located in ADOT ROW is in need of sediment removal up to 200 linear feet upstream and downstream of the existing culvert. Upon completion of the sediment and debris removal, restoration of the project limits would be implemented via reseeding and replanting as necessary The total impact associated with this maintenance activity would be approximately 0.08 acre of temporary disturbance. Under the No Action Alternative, this activity would be authorized under a Nationwide Permit 3b (Maintenance Activities). Nationwide Permit 3b requires that a jurisdictional determination of Waters be completed, and a preconstruction notification be submitted to the Corps prior to commencement of the activity. Completion of the Section 404 permitting documentation could take up to 4 months and would take approximately 130 staff hours. It would also cost approximately $12,000 more than the Preferred Alternative Under the No Action Alternative, this maintenance action would be on hold for approximately 4 months until the compliance documentation was verified by the Corps, potentially leaving the transportation facility and the traveling public vulnerable during that time.

Total impacts to Waters: 0.08 acre
Approximate labor hours: 130
Approximate cost: $22,500 (includes labor and restoration through revegetation)

No Action Alternative Example Construction Action: Extending a Box Culvert into a Wetland
A rectangular box culvert would be extended into Waters with wetlands present within ADOT ROW. The total impact associated with this maintenance activity is 0.018 acre of permanent impacts to wetlands. Generally, a box culvert extension causing less than 0.50 acre would be authorized under a Nationwide Permit 14 (Linear Transportation Projects). However, per Arizona regional condition 2 of the Nationwide Permits, work within a special aquatic site, such as wetlands requires an individual permit, regardless of the size of impact. Under the No Action Alternative, the Section 404 documentation for this project would require a jurisdictional determination of Waters including wetlands, an individual permit, and a compensatory mitigation plan to be submitted to the Corps. Completion of the Section 404 permitting documentation could take 6 months to a year, and would take approximately 260 staff hours. The project would require compensatory mitigation, and per Code of Federal Regulations (CFR) 33 Parts 325 and 332, the Corps' preference is that compensatory mitigation be achieved

through in-lieu fees. Generally, impacts to wetlands require a minimum of a 3 to 1 replacement ratio. At this time, Arizona in-lieu fee sites cost an estimated $120,000 per acre. Under the No Action Alternative, compensatory mitigation in the form of in-lieu fees would cost approximately $9,000 due to minor impacts to wetlands. The project could be delayed up to 1 year due to the compliance documentation requirements which could potentially expose the transportation facility and the traveling public to risk, or at a minimum, ADOT would not be providing customer value at the projects location during that time.

Total impacts to waters of the US: 0.018 acre
Approximate labor hours: 260
Approximate cost: $38,600 (includes costs for compensatory mitigation)

5.2.2 Off-site alternatives: The purpose and need is limited to routine transportation construction and maintenance activities within Waters located in ADOT ROW or easement through non-tribal lands. Thus, there are no additional sites that would meet the purpose and need for this project. Therefore, no off-site alternatives were considered.

5.2.3 On-site alternatives (applicant's preferred alternative): Under the Preferred Alternative, the Corps would reissue RGP 96 Routine Transportation Activities. Selection of the Preferred Alternative would simplify the Section 404 documentation process for routine transportation maintenance and construction activities by reducing the paperwork necessary for compliance. The process would be streamlined through tiered notification which would reduce costs associated with compliance documentation, provide a greater opportunity to meet scheduled deadlines, provide opportunities to utilize expiring fiscal year funds, and allow for timely and regular maintenance, upgrades, and expansions of the transportation facilities needed to provide a safe and reliable transportation network to the traveling public. In order to further quantify the benefits and consequences of the Preferred Alternative, two example projects including a routine transportation maintenance activity and construction activity are evaluated in detail.

Preferred Alternative Example Maintenance Action: Cleaning a Box Culvert
A rectangular box culvert occurring within Waters located in ADOT ROW is in need of sediment removal up to 200 linear feet upstream and downstream of the existing culvert. Upon completion of the sediment and debris removal, restoration of the project limits would be implemented via reseeding and replanting as necessary Under the Preferred Alternative, the total impact associated with this maintenance activity remains 0.08 acre of temporary disturbance. However, under the Preferred Alternative, this activity would be authorized without notification to the Corps. Staff labor hours to identify the Section 404 requirements for this project may take approximately 1 hour. Thus, the activity

could occur immediately without delay, allowing the flow regime to be restored and flood hazards to be removed in a timely manner.

Total impacts to Waters: 0.08 acre
Approximate labor hours: 1
Approximate cost: $10,200 (includes labor and restoration through revegetation)

Preferred Alternative Example Construction Action: Extending a Box Culvert into a Wetland
A rectangular box culvert would be extended into Waters with wetlands present within ADOT ROW. Under the Preferred Alternative, the total impact associated with this maintenance activity remains 0.018 acre of permanent impacts to wetland. The Section 404 compliance documentation for this construction activity would consist of a jurisdictional determination of Waters including wetlands and a full PCN due to minimal impacts to wetlands (less than 0.025 acre). Completion of the Section 404 permitting documentation could take up to 4 months and would take approximately 170 hours. Under the Preferred Alternative, compensatory mitigation for impacts to wetlands would not be proposed due to pre- and post-construction minimization and restoration measures including minimized impacts through design, reseeding upland areas, and onsite plantings.

Total impacts to waters of the US: 0.018 acre
Approximate labor hours: 170
Approximate cost: $26,400 (includes labor and restoration through revegetation)

5.3 Evaluate alternatives and whether or not each is practicable under the Guidelines or reasonable under NEPA The Preferred Alternative which would reissue RGP 96 for Routine Transportation Activities is a practicable alternative because it meets the purpose and need for ADOT to address their strategic focus areas to deliver customer value by providing a safe and reliable transportation system to the traveling public while reducing costs, increasing efficiency, and maximizing agency resources. The Preferred Alternative increases ADOT's ability to comply with Section 404 of the Clean Water Act, allows for timely and regular maintenance, upgrades, and expansions of the transportation, assists in meeting project schedules, and potentially provides opportunities to utilize expiring fiscal year funds. In addition, the Preferred Alternative increases ADOT's fiscal efficiency while complying with Section 404. Based on the examples evaluated, the approximate cost savings due to reduced compliance documentation may range between $12,000 and $30,000 per project under the Preferred Alternative.

The No Action Alternative is not a practicable alternative because it does not meet the purpose and need as ADOT would incur cost and spend additional staff hours to deliver the same customer value of providing a safe and reliable transportation system to the traveling public. Also, under the No Action

Alternative, projects that maintain, upgrade, expand and improve the safety of the transportation system would experience delays due to compliance documentation timelines which could decrease the safety and reliability of the transportation system to the traveling public until the projects are completed. ADOT estimates that the streamlined compliance documentation for projects authorized under RGP 96 saves between $12,000 and $30,000 per project, and up to $150,000 per year.

Alternatives Evaluation Matrix		
Criteria	No Action Alternative	Preferred Alternative
Improve Safety	Yes, but would take longer	Yes
Sustainable	Yes, but would take longer	Yes
Efficient	No	Yes
Cost Effective	No	Yes
Practical	No	Yes

5.4 Least environmentally damaging practicable alternative under the 404(b)(1) Guidelines (if applicable) and the environmentally preferable alternative under NEPA: The Preferred Alternative which would reissue RGP 96 for Routine Transportation Activities would be the LEDPA because it allows ADOT to provide a safe and reliable transportation system to the traveling public while increasing efficiency and maximizing existing agency resources by improving the agency's ability to comply with regulations in a timely manner, reducing staff hours to complete compliance documentation, and increasing cost savings.

6.0 Evaluation for Compliance with the Section 404(b)(1) Guidelines. The following sequence of evaluation is consistent with 40 CFR 230.5

6.1 Practicable alternatives to the proposed discharge consistent with 40 CFR 230.5(c) are evaluated in Section 5. The statements below summarize the analysis of alternatives.

In summary, based on the analysis in Section 5.0 above, the no-action alternative, which would not involve discharge into waters, is not practicable.

For those projects that would discharge into a special aquatic site and are not water dependent, the applicant has demonstrated there are no practicable alternatives that do not involve special aquatic sites.

It has been determined that there are no alternatives to the proposed discharge that would be less environmentally damaging. (Subpart B, 40 CFR 230.10(a)). The proposed discharge in this evaluation is the practicable alternative with the

least adverse impact on the aquatic ecosystem, and it does not have other significant environmental consequences.

6.2 Candidate disposal site delineation (Subpart B, 40 CFR 230.11(f)). Each disposal site shall be specified through the application of these Guidelines:

Discussion: The project activities are dependent on routine transportation activities occurring within Waters within ADOT ROW or easement through non-tribal lands. Thus, all Waters within ADOT ROW or easement through non-tribal lands across the state of Arizona are considered a disposal site. The exact location and associated quantities of dredge or fill material as well as the physical characteristics of disposal site mixing zones will vary depending upon the construction or maintenance activity. 6.3 Potential impacts on physical and chemical characteristics of the aquatic ecosystem (Subpart C 40 CFR 230.20). See Table 1:

Table 1 – Potential Impacts on Physical and Chemical Characteristics

Physical and Chemical Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Substrate	X	X	X	X	X	
Suspended particulates/ turbidity	X	X	X	X		
Water	X	X	X	X	X	
Current patterns and water circulation	X	X	X	X	X	
Normal water fluctuations	X	X	X	X	X	
Salinity gradients	X					

Discussion: No marine environments are present in the permit area (i.e. Arizona statewide), thus salinity gradients are not a characteristic that is applicable to this permit. Impacts on the remaining physical and chemical characteristics of an aquatic ecosystem would be evaluated during the NEPA process on a project-by-project basis. Activities covered by RGP 96 are for routine construction and maintenance of the transportation system and potential impacts could vary from not applicable on project with no open waters (i.e. aquatic ecosystems) to minor. Because impacts to wetland must be 0.025 acre or less for an activity to be authorized under RGP 96, effects would never be greater than minor, though the duration of the minor effect would vary by activity depending on whether the impact is permanent or temporary. Minor effects from suspended particulates, however, would always be short term as this effect would be a direct result of the

construction or maintenance activity and would not persist beyond the activities completion.

6.4 Potential impacts on the living communities or human uses (Subparts D, E and F):

6.4.1 Potential impacts on the biological characteristics of the aquatic ecosystem (Subpart D 40 CFR 230.30). See Table 2:

Table 2 – Potential Impacts on Biological Characteristics						
Biological characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Threatened and endangered species	X	X		X		
Fish, crustaceans, mollusk, and other aquatic organisms	X	X		X		
Other wildlife		X		X		

Discussion: The project activities would include routine transportation construction and maintenance activities occurring within Waters in ADOT ROW or easement through non-tribal lands throughout Arizona. Some project may not have threatened, and endangered species concerns within the vicinity of the project, or may not support the proper environment for aquatic organisms; thus, these biological characteristics would not be applicable. Other wildlife are assumed to be present at all project locations. If biological characteristics are present, potential impacts will be determined during the NEPA process on a project-by-project basis. However, because the project activities are limited to routine construction and maintenance, any effects to biological characteristics would be minor and short-term (i.e. occurring during the activity)

6.4.2 Potential impacts on special aquatic sites (Subpart E 40 CFR 230.40). See Table 3:

Table 3 – Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Sanctuaries and refuges	X	X	X	X	X	

Table 3 – Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Wetlands	X	X	X	X	X	
Mud flats	X	X	X	X	X	
Vegetated shallows	X					
Coral reefs	X					

Discussion: No marine environments are present in the permit area (i.e. Arizona statewide), thus impacts to coral reefs are not applicable. Potential impacts on the remaining special aquatic sites would be evaluated during the NEPA process on a project-by-project basis and could vary from not applicable if no special aquatic sites are present to minor. However, the duration of minor effects, if present, would depend on whether the impact from an activity is permanent or temporary. Major effects would not occur because impacts to special aquatic sites must be 0.025 acre or less for an activity to be authorized under RGP 96.

6.4.3 Potential impacts on human use characteristics (Subpart F 40 CFR 230.50). See Table 4:

Table 4 – Potential Impacts on Human Use Characteristics						
Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Municipal and private water supplies	X	X	X	X		
Recreational and commercial fisheries	X	X	X	X		
Water-related recreation	X	X	X	X		
Aesthetics	X	X	X	X		
Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves	X	X	X	X		

Discussion: Potential impacts on human use characteristics would be evaluated during the NEPA process on a project-by-project basis and could vary from not applicable if no human use characteristics are present, to minor short term effects that would occur only during the construction or maintenance activity. Any minor long term or major effects are anticipated to be mitigated on a project-by-project basis during the NEPA process.

6.5 Pre-testing evaluation (Subpart G, 40 CFR 230.60):

The following has been considered in evaluating the biological availability of possible contaminants in dredged or fill material. See Table 5:

Table 5 – Possible Contaminants in Dredged/Fill Material	
Physical characteristics	
Hydrography in relation to known or anticipated sources of contaminants	
Results from previous testing of the material or similar material in the vicinity of the project	
Known, significant sources of persistent pesticides from land runoff or percolation	
Spill records for petroleum products or designated (Section 331 of CWA) hazardous substances	
Other public records or significant introduction of contaminants from industries, municipalities, or other sources	
Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities	

Discussion: The Corps is not aware of any possible contaminants that would be made more biologically available in the dredge or fill material authorized under RGP 96.

It has been determined that testing is not required because of the availability of constraints to reduce contamination to acceptable levels within the disposal site and to prevent contaminants from being transported beyond the boundaries of the disposal site.

6.6 Evaluation and testing (Subpart G, 40 CFR 230-61):

Discussion: Only dredge or fill material from routine construction and maintenance activities would be authorized under RGP 96 and contaminants are not anticipated to be present in the material. However, the need for evaluation and testing to determine if the dredge or fill material is suitable for in-water

disposal would be evaluated during the NEPA process on a project-by-project basis.

6.7 Actions to minimize adverse impacts (Subpart H). The following actions, as appropriate, have been taken through application of 40 CFR 230.70-230.77 to ensure minimal adverse effects of the proposed discharge. See Table 6:

Table 6 – Actions to Ensure Adverse Effects are Minimized	
Actions concerning the location of the discharge	X
Actions concerning the material to be discharged	
Actions controlling the material after discharge	X
Actions affecting the method of dispersion	X
Actions affecting plant and animal populations	X
Actions affecting human use	X

Discussion: Actions to minimize adverse impacts are described in Section 1.3.1. for further discussion on minimization actions.

6.8 Factual Determinations (Subpart B, 40 CFR 230.11). The following determinations are made based on the applicable information above, including actions to minimize effects and consideration for contaminants. See Table 7:

Table 7 – Factual Determinations of Potential Impacts						
Site	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Physical substrate						
Water circulation, fluctuation and salinity						
Suspended particulates/turbidity						
Contaminants						
Aquatic ecosystem and organisms						
Proposed disposal site						
Cumulative effects on the aquatic ecosystem						
Secondary effects on the aquatic ecosystem						

Discussion: *Provide discussion of the above factors as appropriate*

6.9 Findings of compliance or non-compliance with the restrictions on discharges (40 CFR 230.10(a-d) and 230.12). Based on the information above, including the factual determinations, the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur. See Table 8:

Table 8 – Compliance with Restrictions on Discharge

Subject	Yes	No
1. Is there a practicable alternative to the proposed discharge that would be less damaging to the environment (any alternative with less aquatic resource effects, or an alternative with more aquatic resource effects that avoids other significant adverse environmental consequences?)		X
2. Will the discharge cause or contribute to violations of any applicable water quality standards?		X
3. Will the discharge violate any toxic effluent standards (under Section 307 of the Act)?		X
4. Will the discharge jeopardize the continued existence of endangered or threatened species or their critical habitat?		X
5. Will the discharge violate standards set by the Department of Commerce to protect marine sanctuaries?		X
6. Will the discharge cause or contribute to significant degradation of waters of the U.S.?		X
7. Have all appropriate and practicable steps (Subpart H, 40 CFR 230.70) been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?	X	

Discussion: No restrictions on discharge are required

7.0 General Public Interest Review (33 CFR 320.4 and RGL 84-09)

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest as stated at 33 CFR 320.4(a). To the extent appropriate, the public interest review below also includes consideration of additional policies as described in 33 CFR 320.4(b) through (r). The benefits which reasonably may be expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

7.1 All public interest factors have been reviewed and those that are relevant to the proposal are considered and discussed in additional detail. See Table 9 and any discussion that follows.

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
1. Conservation: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
2. Economics: The Preferred Alternative would generate an estimated $150,000 per year in cost savings due to reduced compliance paperwork.					X	
3. Aesthetics: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
4. General Environmental Concerns: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
5. Wetlands: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
6. Historic Properties: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
7. Fish and Wildlife Values: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
8. Flood Hazards: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
9. Floodplain Values: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
10. Land Use: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
11. Navigation: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
12. Shoreline Erosion and Accretion:Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
13. Recreation: N/A						X
14. Water Supply and Conservation: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
15. Water Quality:Effects would be evaluated during the NEPA process on a project-by-project basis.			X			

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
16. Energy Needs: N/A						X
17. Safety: Increased compliance would readily allow for necessary maintenance to be completed in a timely manner which would improve ADOT's ability to maintain, upgrade, and expand the transportation facility to provide a safe and reliable transportation network to the traveling public.					X	
18. Food and Fiber Production: N/A						X
19. Mineral Needs: N/A						X
20. Consideration of Property Ownership: Effects would be evaluated during the NEPA process on a project-by-project basis.			X			
21. Needs and Welfare of the People: Improved and simplified Section 404 compliance documentation for routine transportation construction and maintenance activities allows ADOT to conduct work to maintain and upgrade the transportation infrastructure in a timely manner, providing the public with a safe and reliable transportation network across the state of Arizona.					X	

Additional discussion of effects on factors above: N/A

7.1.1 Climate Change. The proposed activities within the Corps federal control and responsibility likely will result in a negligible release of greenhouse gases into the atmosphere when compared to global greenhouse gas emissions. Greenhouse gas emissions have been shown to contribute to climate change. Aquatic resources can be sources and/or sinks of greenhouse gases. For instance, some aquatic resources sequester carbon dioxide whereas others release methane; therefore, authorized impacts to aquatic resources can result in either an increase or decrease in atmospheric greenhouse gas. These impacts are considered de minimis Greenhouse gas emissions associated with the Corps federal action may also occur from the combustion of fossil fuels associated with the operation of construction equipment, increases in traffic, etc. The Corps has no authority to regulate emissions that result from the combustion of fossil fuels. These are subject to federal regulations under the Clean Air Act and/or the

Corporate Average Fuel Economy (CAFE) Program. Greenhouse gas emissions from the Corps action have been weighed against national goals of energy independence, national security, and economic development and determined not contrary to the public interest.

7.2 The relative extent of the public and private need for the proposed structure or work: Improved and simplified Section 404 compliance documentation for routine transportation construction and maintenance activities allows ADOT to conduct work to maintain and upgrade the transportation infrastructure in a timely manner, providing the public with a safe and reliable transportation network across the state of Arizona. In addition, the streamlined process provides a cost and time savings for ADOT and the public taxpayers.

7.3 If there are unresolved conflicts as to resource use, explain how the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work was considered.

Discussion: There were no unresolved conflicts identified as to resource use.

7.4 The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private use to which the area is suited:

Detrimental effects are expected to be minimal and permanent.

Beneficial effects are expected to be more than minimal and permanent.

Detrimental effects are expected to be minimal although they would be permanent in the construction area. Permanent benefits include improving safety for the traveling public. Private benefits include improved conditions for maintenance efforts during winter storm events.

8.0 Mitigation(33 CFR 320.4(r), 33 CFR Part 332, 40 CFR 230.70-77, 40 CFR 1508.20 and 40 CFR 1502.14)

8.1 Avoidance and Minimization: When evaluating a proposal including regulated activities in waters of the United States, consideration must be given to avoiding and minimizing effects to those waters. Avoidance and minimization measures are described above in Sections 1 and 3.

Were any other mitigative actions including project modifications discussed with the applicant implemented to minimize adverse project impacts? (see 33 CFR 320.4(r)(1)(i)) Yes

The following is a list of proposed Permit Special Conditions:

1. If on the expiration date of this permit, you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present RGP 96 terms and conditions. However, if the Corps discovers noncompliance or unauthorized activities associated with the permitted activity the Corps may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date.
2. Sediment removal activities authorized under **Re-Establish Design Flow Carrying Capacities** of this RGP 96 for Notifications shall not occur more than once annually per location unless severe flow events result in a public safety issue. The applicant shall provide a written justification to the Corps with the appropriate notification due to acreage impacts if public safety issues exceed this condition. All sediment removal activities shall be completed within 90 calendar days of onset of the activity at a specific location.
3. For State Funded projects, prior to submittal of a PCN for use of this RGP 96, the applicant shall conduct a Phase I (Class III) Survey of the project site in accordance with Section 106 of the NHPA. This survey shall be provided as an attachment to the required PCN. Applicants should request approval via email, of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project has the potential to impact a property that is listed or eligible for listing on the NRHP, the Corps will complete all coordination required by Section 106 of the NHPA prior to making a decision as to whether the project can proceed under this RGP 96, except in the case of federally funded projects per 23 USC 326 and 23 USC 327, then FHWA/ADOT will be the lead federal agency and conduct Section 106 consultation in coordination with the Corps.
4. Pursuant to 36 C.F.R. Section 800.13, if previously unidentified archaeological or architectural properties are discovered, or unanticipated effects to known properties occur during construction, the Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume work in the area surrounding the potential cultural resources until the Corps re-authorizes project activities if the project is State Funded. If the project is Federally Funded, per 23 USC 326 and 23 USC 327 please contact the ADOT Historical Preservation Team and do not commence work until you have been so authorized. In addition, the following procedures shall be followed:

- If the discovery is on state, county, municipal, or private lands, and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602- 542-7120 and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours. If the discovery is on state, county, or municipal land, ADOT shall also notify the Director of the Arizona State Museum (ASM) per ARS § 41-844.
- If the discovery is on state, county, municipal, or private lands, and does include human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the Director of ASM, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours and shall follow the requirements of ARS § 41-844. The Permittee shall also notify the state agency or local government with jurisdiction, if any.
- If the discovery is on federal land and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours.
- If the discovery is on federal land and includes human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602- 542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) and shall follow the provisions of any Native American Graves and Repatriation Act (NAGPRA) Plan of Action (POA) that is in effect.

5. This RGP 96 cannot be combined with other Section 404 authorizations including Nationwide Permits, other RGPs, or individual permits to increase scope of work, the area of impacts to Waters, or the limits to the discharge of fill material at a specific or proximal location for a single and complete project. Geotechnical activities (i.e. survey activities) when required for project design are considered a single and complete project.
6. The permittee shall comply with all requirements and conditions in the letter of Clean Water Act Section 401 Certification (ADEQ LTF No. 62686) from the Arizona Department of Environmental Quality issued on (PENDING). These certifications demonstrate that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of the letter is enclosed.

Notification and Reporting

7. Activities described above that require notification, shall be submitted to the Corps Regulatory Division at least 30 days prior to initiation of construction

or maintenance activity. Verification from the Corps must be received prior to initiation of the activity. The notification shall include the following for the Corps Regulatory Division to determine if the proposed activities comply with the terms and conditions of this permit:

a. A complete Request for Jurisdictional Determination or aquatic resource delineation. This includes: project location (i.e., latitude/longitude coordinates of the approximate center point of the project in degrees/minutes/seconds format), U.S.G.S. 7.5 minute quadrangle name, and datum. For linear projects the upstream and downstream coordinates shall be reported; for all others, the approximate center of the project location shall be reported. Per RGL 16-01, the Corps will only provide a JD when one is requested. An accurate/complete delineation may be provided with the PCN instead.
b. The RGP 96 Notification Form shall be used and include the following:
    i. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an OHWM (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
    ii. An analysis of the proposed impacts to the waterbody which would include a written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to Waters; drawings and/or plans (when available) clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated Waters on the site.
    iii. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
    iv. A mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
    v. A description of compliance with applicable federal regulations which protect these resources.
    vi. A statement of the proposed activities potential to affect federally listed endangered or threatened species or designated critical habitat, and a description of compliance with applicable federal regulations which protect these resources.

8. Within three months of permit issuance, ADOT shall develop and maintain an internal tracking system that includes all completed non-notification construction and maintenance activities in Waters, or special aquatic sites, covered by this permit. Maintenance project documentation shall include activity description, the start and end dates of the work, and project coordinates. Construction project documentation shall include that listed above for maintenance plus site restoration/revegetation activities and date installed, if applicable, at least one before and one after photo of the construction and revegetation area, and a brief discussion of any problems and corrective measures taken. Beginning in 2021, ADOT shall provide a copy of the tracking system report to Corps Regulatory Division once per year, by September 30 for the period July 1 through June 30.

Resource Protection

9. Native trees with a diameter at breast height (dbh) of six inches or greater shall not be removed unless they are no longer upright, present a significant flow obstruction or a safety hazard.
10. Prior to submittal of a PCN for use of this RGP 96, Permittee shall utilize the Arizona Game and Fish Online Environmental Review Tool to research the project area and determine impacted fish and wildlife species and their habitat.
11. This permit does not authorize you to take any threatened or endangered species or adversely modify designated critical habitat. In order to legally take a listed species, separate authorization under the Endangered Species Act (e.g. Section 10 permit, or a Biological Opinion under Section 7, with "incidental take" provisions with which you must comply) is required.
12. This permit does not authorize you to take any migratory birds pursuant to the Migratory Bird Treaty Act. Vegetation shall not be removed from 1 March to 31 August to avoid impacts to nesting birds unless the results of a pre-project bird survey by a qualified biologist indicates no nesting birds are present in the project area. If vegetation clearing will occur during the migratory bird breeding season (1 March – 31 August), Pre-project surveys shall be conducted within two weeks of the proposed vegetation removal. If nesting birds are present, no work shall occur until the young have fledged and would no longer be impacted by the project or the nest is relocated by a permitted individual holding a US Fish and Wildlife Service Migratory Bird Treaty Act Special Purpose permit.
13. Prior to initiating construction activities in Waters, the Permittee shall clearly mark the work area limits by at a minimum marking the four corners of the OHWM with flagging or similar measures to ensure mechanized equipment and personnel do not enter Waters, special aquatic sites and adjacent riparian areas outside of permitted work area for the duration of routine

transportation activities in or adjacent to Waters Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial compensatory mitigation requirements.

14. Appropriate measures, including but not limited to temporary dewatering practices and temporary diversion dams, must be taken to maintain near normal downstream flows and to minimize flooding only during project activities in Waters. Flows shall not be diverted outside of the OHWM of any Waters. Fill materials must be of a type, and be placed in a manner, that will not result in erosion by high flows.
15. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or washings thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from routine transportation activities and associated activities shall be allowed to enter or be placed where it may be washed by rainfall or runoff into Waters. Secured features and structures that are intended for shoring or control of erosion and sediment may remain in Waters for the necessary duration of project activities. When project activities are completed, all excess materials, and/or debris shall be removed from the work area to an approved off-site disposal area, outside of Waters.

Site Restoration

16. Invasive and noxious plant species removed during routine transportation activities shall be disposed at an approved off-site location, outside Waters Plants to be controlled shall include those listed in the State and Federal Noxious Weed and the State Invasive Species list in accordance with State and Federal Laws and Executive Orders.
17. Routine transportation activities authorized under this permit are expected to involve temporary impacts to Waters, including special aquatic sites, and adjacent riparian areas, and permanent impacts may occur. Temporary and permanent impacts to Waters and special aquatic sites, if not avoided or minimized, shall be mitigated in accordance with the Corps Mitigation Rule (33 CFR 332, April 2008). Temporary and permanent mitigation proposals shall be approved by the Corps Regulatory Division prior to routine transportation activities in Waters

Restrictions on the Discharge

18. Staging and storage areas for equipment and construction materials shall be located in uplands and where possible, a minimum of 100 feet from Waters. Storage areas located less than 100 feet from Waters shall be approved by the Corps Regulatory Division, and these areas shall be shown on construction plans. Temporary stockpiling is authorized only where it is

specifically stated in the covered activities (i.e. erosion repair and bridge scour retrofits); all temporary stockpiling shall be removed within two weeks of completion of the activity.

19. Temporary fills in special aquatic sites are not allowed unless specifically authorized by the Corps Regulatory Division. Following completion of the routine transportation activity, temporary fills must be entirely removed to an upland location, outside Waters, and the affected area must be restored to the pre-project condition in accordance with the provision of the Corps Mitigation Rule (33 CFR 332).
20. The Permittee is authorized perform the work described in this RGP 96 provided that upstream and downstream Waters are not degraded by such activities. Routine transportation activities may include, but are not limited to, the repair of bridge piers, bridge abutments, and repair or replacement of inlet and outlet structures. Where temporary water diversion, grading, filling or excavation occurs as part of the repair or replacement, the Permittee shall ensure standard Best Management Practices are in place to minimize turbidity within the affected waterbody. Standard BMPs are provided in the ADOT Erosion and Pollution Control Manual for Highway Design and Construction, available on the ADOT website.
21. Work in streams or rivers with ephemeral or intermittent flows shall be performed during periods when the channel is dry or flows are absent or minimal. Work within waterways with perennial flow shall be performed during the driest period of the year and during low flow conditions, generally April through June. When work in flowing or standing water is unavoidable, standard best management practices shall be implemented to minimize turbidity within the affected waterbody, and appropriate measures must be taken to minimize flooding and erosion on adjacent properties. Equipment working in wetlands shall be placed on mats (or equivalent) to minimize soil disturbance and compaction.
22. Any work undertaken by this project shall not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding on adjacent properties or downstream of the proposed routine transportation activity. Any work undertaken shall not excavate, fill, or grade in the watercourse outside of the minimum area needed to accomplish the activity and shall not exceed the limits provided by this RGP 96.
23. The Corps Regulatory Division project manager shall be notified within 12 hours of detection of any accidental spill of hazardous materials to Waters. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the extent of measures taken to control and clean up the spilled materials.

The permittee shall perform immediate scoop and remove of any accidental spill of hazardous materials to Waters without prior permit authorization

8.2 Is compensatory mitigation required to offset environmental losses resulting from proposed unavoidable impacts to waters of the United States? No

Provide rationale: Compensatory mitigation was determined not to be required for this project due to minor impacts to Waters from routine transportation construction and maintenance activities and efforts to minimize impacts through design and construction methods, and restoration measures such as reseeding, revegetation, and natural re-propagation of vegetation, as applicable.

8.3 Type and location of compensatory mitigation

8.3.1 Is the impact in the service area of an approved mitigation bank? No

If yes, does the mitigation bank have appropriate number and resource type of credits available? N/A

8.3.2 Is the impact in the service area of an approved in-lieu fee program? No

If yes, does the in-lieu fee program have the appropriate number and resource type of credits available? N/A

8.3.3 Selected compensatory mitigation type/location(s). See Table 10:

Table 10 – Mitigation Type and Location	
Mitigation bank credits	
In-lieu fee program credits	
Permittee-responsible mitigation under a watershed approach	
Permittee-responsible mitigation, on-site and in-kind	
Permittee-responsible mitigation, off-site and/or out of kind	

8.3.4 Does the selected compensatory mitigation option deviate from the order of the options presented in §332.3(b)(2)-(6)? N/A

If yes, provide rationale for the deviation, including the likelihood for ecological success and sustainability, location of the compensation site relative to the impact site and their significance within the watershed, and/or the costs of the compensatory mitigation project (see 33 CFR §332.3(a)(1)): N/A

8.4 Amount of compensatory mitigation: N/A
Rationale for required compensatory mitigation amount: N/A

9.0 Consideration of Cumulative Impacts

(40 CFR 230.11(g) and 40 CFR 1508.7, RGL 84-9) Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor direct and indirect but collectively significant actions taking place over a period of time. A cumulative effects assessment should consider how the direct and indirect environmental effects caused by the proposed activity requiring DA authorization (i.e., the incremental impact of the action) contribute to cumulative effects, and whether that incremental contribution is significant or not. .

9.1 Identify/describe the direct and indirect effects caused by the proposed activity:
Direct effects caused by activities authorized under RGP 96 would be evaluated on a project-by-project basis. See Section 1.3 for a detailed discussion of the proposed activities that would be authorized under RGP 96 that will result in direct effects. Direct effects from the routine construction and maintenance activities authorized under RGP 96 are anticipated to be minor as the following impact limitation apply to each project authorized by RGP 96.

- 1 acre permanent impact to Waters per drainage crossing
- 0.025 acre cumulative (i.e. permanent and temporary) impact to special aquatic sites, such as wetlands
- 1 acre disturbance (i.e. permanent and temporary impact) to Waters from geotechnical activities
- 1 acre disturbance (i.e. permanent and temporary impact) to each Waters impacted by bed stabilization
- 3,000 linear feet total impact from permeable bank stabilization methods
- 2,400 linear feet total impact from impermeable bank stabilization methods

Indirect effects from the proposed action would be evaluated on a project-by-project basis. See Section 1.3 for a detailed discussion of the proposed activities that would be authorized under RGP 96 that could result in indirect effects.

9.2 The geographic scope for the cumulative effects assessment is:
The geographic area for this assessment is within ADOT ROW or easement through non-tribal lands across the state of Arizona

9.3 The temporal scope of this assessment covers: From February 23, 2016 when the previous RGP 96 became effective to Month date, 2026 when this RGP 96 would expire.

9.4 Describe the affected environment: The state of Arizona is comprised of nearly 73,000,000 acres with 14 major watershed basins occurring throughout the state.

There are also approximately 280,000 stream miles contained within the state of Arizona with 6% being intermittent or perennial and 94% being ephemeral tributaries. There are approximately 7,000 miles of ADOT-owned transportation infrastructure throughout the state of Arizona which requires periodic maintenance and upgrades to maintain a safe and efficient transportation system for the travelling public. In 2019, ADOT used the RGP 96 19 times for construction projects. During Fiscal Year 2019 there were approximately 3,752 maintenance activity projects that would be covered under the RGP 96. The vast majority of these maintenance projects resulted in impacts of less than 0.10 of an acre and occurred in ephemeral aquatic features.

9.5 Determine the environmental consequences: Environmental consequences would be evaluated on a project-by-project basis. See Section 1.3 for a detailed discussion of the proposed activities that would be authorized under RGP 96 and could result in environmental consequences. However, through the implementations of permit special conditions, environmental consequences would be minimized, and cumulative effects are not anticipated.

9.6 Discuss any mitigation to avoid, minimize or compensate for cumulative effects: Steps taken to minimize effects through design and construction methods will be implemented for all activities authorized under RGP 96. Additionally, areas that are affected by temporary impacts will be reseeded and revegetated, or naturally re-propagated with local vegetation through the project limits, as applicable. Additional discussion on minimization actions is described in Section 1.3.1. Compensatory mitigation was determined not to be required for this project due to minor impacts to waters of the US from routine transportation construction and maintenance activities and efforts to minimize impacts

9.7 Conclusions regarding cumulative impacts:

When considering the overall impacts that will result from the proposed activity, in relation to the overall impacts from past, present, and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the area described in section 9.2, are not considered to be significant . Compensatory mitigation will not be required to help offset the impacts to eliminate or minimize the proposed activity’s incremental contribution to cumulative effects within the geographic area described in Section 9.2. Mitigation required for the proposed activity is discussed in Section 8.0.

10.0 Compliance with Other Laws, Policies, and Requirements

10.1 **Section 7(a)(2) of the Endangered Species Act (ESA):** Refer to Section 2.2 for description of the Corps action area for Section 7.

10.1.1 Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed? Yes
If yes, identify that agency, the actions taken to document compliance with Section 7 and whether those actions are sufficient to ensure the activity(s) requiring DA authorization is in compliance with Section 7 of the ESA:

Compliance with Section 7 of the ESA will be completed on a on a project-by-project basis. For federally funded projects, ADOT will act as the lead federal agency and complete Section 7 compliance with the Corps designated as a cooperating agency. For state funded projects, the Corps will be the lead federal agency. ADOT will provide the Corps with Section 7 compliance documentation but the Corps will be responsible for NEPA. The Corps has reviewed the documentation provided by the agency and determined it is sufficient to confirm Section 7 ESA compliance for this permit authorization, and additional consultation is not necessary.

10.1.2 Are there listed species or designated critical habitat present or in the vicinity of the Corps' action area? Yes

Effect determination(s), including no effect, for all known species/habitat, and basis for determination(s): Effect determinations for activities authorized under RGP 96 will be made on a project-by-project basis.

10.1.3 Consultation with either the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service was initiated and completed as required, for any determinations other than "no effect" (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation). Based on a review of the above information, the Corps has determined that it has fulfilled its responsibilities under Section 7(a)(2) of the ESA. The documentation of the consultation is incorporated by reference.

10.2 **Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Essential Fish Habitat (EFH).** N/A, there is no essential fish habitat in this district's area of responsibility.

10.3 **Section 106 of the National Historic Preservation Act (Section 106):** Refer to Section 2.3 for permit area determination.

10.3.1 Has another federal agency been identified as the lead federal agency for complying with Section 106 of the National Historic Preservation Act with the Corps designated as a cooperating agency and has that consultation been completed? Yes

If yes, identify that agency, and whether the undertaking they consulted on included the Corps undertaking(s). Briefly summarize actions taken by the lead federal agency.

Compliance with Section 106 of the National Historic Preservation Act will be completed on a on a project-by-project basis. For federally funded projects, ADOT will act as the lead federal agency and complete Section 106 compliance with the Corps designated as a cooperating agency. For state funded projects, the Corps will be the lead federal agency. ADOT will provide the Corps with Section 106 compliance documentation but the Corps will be responsible for NEPA. The Corps has reviewed the documentation provided by the agency and determined it is sufficient to confirm Section 106 compliance for this permit authorization, and additional consultation is not necessary.

10.3.2 Known historic properties present? Yes. Presence of historic properties will be determined on an project-by-project basis.The Corps has reviewed the documentation provided by the agency and determined it is sufficient to confirm Section 106 compliance for this permit authorization, and additional consultation is not necessary.

Effect determination and basis for that determination: Project effects for activities authorized under RGP 96 will be made on a project-by-project basis.

10.3.3 Consultation was initiated and completed with the appropriate agencies, tribes and/or other parties for any determinations other than “no potential to cause effects” (see the attached ORM2 Summary sheet for consultation type, begin date, end date and closure method of the consultation). *Provide additional discussion here as needed or delete if not needed.* Based on a review of the information above, the Corps has determined that it has fulfilled its responsibilities under Section 106 of the NHPA. Compliance documentation incorporated by reference.

10.4 Tribal Trust Responsibilities

10.4.1 Was government-to-government consultation conducted with Federally-recognized Tribe(s)?No

Provide a description of any consultation (s) conducted including results and how concerns were addressed. Activities covered by RGP 96 are limited to routine transportation construction and maintenance within Waters located in ADOT ROW or easement through non-tribal lands. The Corps has determined that it has fulfilled its tribal trust responsibilities.

10.4.2 Other Tribal including any discussion of Tribal Treaty rights? N/A

10.5 Section 401 of the Clean Water Act – Water Quality Certification (WQC)

10.5.1 Is a Section 401 WQC required, and if so, has the certification been issued, waived or presumed? An individual water quality certification is required and has been issued by the certifying agency.

10.6 Coastal Zone Management Act (CZMA)

10.6.1 Is a CZMA consistency concurrence required, and if so, has the concurrence been issued, waived or presumed? N/A, a CZMA consistency concurrence is not required.

10.7 Wild and Scenic Rivers Act

10.7.1 Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system? No

10.8 Effects on Corps Civil Works Projects (33 USC 408)

10.8.1 Does the applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy or use a Corps Civil Works project? The need for Section 408 permission will be determined on a project-by-project basis.

If yes, provide date that decision was made and whether permission was granted or denied : If it is determined that a routine transportation construction and maintenance activities covered by RGP 96 requires 408 permission, activities authorized under RGP 96 will not commence until the required 408 permission is granted.

10.9 Corps Wetland Policy (33 CFR 320.4(b))

10.9.1 Does the project propose to impact wetlands? Yes

10.9.2 Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.

11.0 Special Conditions

11.1 Are special conditions required to protect the public interest, ensure effects are not significant and/or ensure compliance of the activity with any of the laws above? *Select Yes or No*

If no, provide rationale: *Describe rationale*

11.2 Required special condition(s)

Special condition(s): *Enter specific condition(s)*

Rationale: *Enter rationale here*

12.0 Findings and Determinations

12.1 Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed deminimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

12.2 Presidential Executive Orders (EO):

12.2.1 EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: This action has no substantial effect on one or more Indian tribes, Alaska or Hawaiian natives.

12.2.2 EO 11988, Floodplain Management: Impacts to floodplains would be evaluated on a project-by-project basis, and all routine transportation construction and maintenance activities covered by RGP 96 would be required to adhere to all federal and local floodplain regulations.

12.2.3 EO 12898, Environmental Justice: The Corps has determined that the proposed project would not use methods or practices that discriminate on the basis of race, color or national origin nor would it have a disproportionate effect on minority or low-income communities.

12.2.4 EO 13112, Invasive Species: Through special conditions, which are listed in this evaluation, the permittee will be required to control the introduction and spread of exotic species.

12.2.5 EO 13212 and EO 13302, Energy Supply and Availability: The proposal is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

12.3 Findings of No Significant Impact: Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.

12.4 Compliance with the Section 404(b)(1) Guidelines: Having completed the evaluation above, I have determined that the proposed discharge complies with the Guidelines.

12.5 Public interest determination: Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest.

PREPARED BY:

_____ Date:_____
Jesse Rice

REVIEWED BY:

_____ Date:_____
Sallie D. Diebolt
Chief, Arizona Section
Regulatory Division

APPROVED BY:

_____ Date:_____
Enter name of appropriate level approver

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