

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office Los Angeles District File/ORM # SPL-2011-01072-JWL PJD Date: Nov 29, 2011

State AZ City/County Tucson, Pima County
Nearest Waterbody: Santa Cruz River
Location: TRS, Lat/Long or UTM: 32.294337N/-111.043698W
Name/Address of Person Requesting PJD: Catesby Suter
Environmental Project Coordinator
Department of Transportation, City of Tucson
201 N. Stone Ave., 4th Floor
P.O. Box 27210
Tucson, AZ 85726-7210

Identify (Estimate) Amount of Waters in the Review Area:
Non-Wetland Waters: 35,032 linear ft width 11.303 acres Ephemeral Stream Flow:
Wetlands: 0 acre(s) Cowardin Class: Riverine
Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: _____ Non-Tidal: _____
 Office (Desk) Determination
 Field Determination: Date of Field Trip: Jan 13, 2011

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Project location maps, floodplain map
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps _____
- Corps navigable waters' study: _____
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: Jaynes (1995), Arizona
- USDA Natural Resources Conservation Service Soil Survey. Citation: 2009 http://websoilsurvey.nrcs.usda.gov
- National wetlands inventory map(s). Cite name: _____
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: 04019C1605K, C1610K, C1616K, C1618K, C1619K
- 100-year Floodplain Elevation is: inside review area
- Photographs: Aerial (Name & Date): 2009 and 2006
 - Other (Name & Date): Ground Photos May 18-20 and August 23, 2010
- Previous determination(s). File no. and date of response letter: _____
- Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

[Signature] 30 Nov 11
Signature and Date of Regulatory Project Manager (REQUIRED)

[Signature] 12/2/11
Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:
1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

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Appendix A - Sites

District Office File/ORM # PJD Date:
State City/County Person Requesting PJD

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	n/a	<input type="text"/>	<input type="text"/>

Notes:

See attached table

Waters Name	Cowardin Code	HGM Code	Area (acres)	Linear (ft)	Waters Types	Latitude (dd nad83)	Longitude (dd nad83)	Local_Waterway
Wash 4	Riverine	Riverine Ephemeral	0.043	270	DELINEATION	32.25488	-111.01647	Santa Cruz River
Wash 5-- Greasewood								
Wash	Riverine	Riverine Ephemeral	0.537	490	DELINEATION	32.25505	-111.01690	Santa Cruz River
Wash 6	Riverine	Riverine Ephemeral		190	DELINEATION	32.25573	-111.01702	Santa Cruz River
Wash 7/8-- Nursery Wash	Riverine	Riverine Ephemeral	0.133	720	DELINEATION	32.25680	-111.01815	Santa Cruz River
Wash 17	Riverine	Riverine Ephemeral	0.101	550	DELINEATION	32.26168	-111.01988	Santa Cruz River
Wash 18-- Painted Hills								
Wash	Riverine	Riverine Ephemeral	0.463	640	DELINEATION	32.26217	-111.02003	Santa Cruz River
Wash 19	Riverine	Riverine Ephemeral	0.026	190	DELINEATION	32.26250	-111.02108	Santa Cruz River
Wash 27-- Camino de								
Oeste Wash	Riverine	Riverine Ephemeral	0.852	1070	DELINEATION	32.26883	-111.02485	Santa Cruz River
Wash 29	Riverine	Riverine Ephemeral	0.036	310	DELINEATION	32.26528	-111.02613	Santa Cruz River
Wash 32	Riverine	Riverine Ephemeral	0.121	1320	DELINEATION	32.27235	-111.02735	Santa Cruz River
Wash 33	Riverine	Riverine Ephemeral	0.359	1390	DELINEATION	32.27425	-111.02880	Santa Cruz River
Wash 35	Riverine	Riverine Ephemeral	0.024	260	DELINEATION	32.27500	-111.02973	Santa Cruz River
Wash 36	Riverine	Riverine Ephemeral	0.033	240	DELINEATION	32.27575	-111.03065	Santa Cruz River
Wash 37	Riverine	Riverine Ephemeral	0.02	440	DELINEATION	32.27645	-111.03137	Santa Cruz River
Wash 38	Riverine	Riverine Ephemeral	0.046	500	DELINEATION	32.27673	-111.03172	Santa Cruz River
Wash 40	Riverine	Riverine Ephemeral	0.012	250	DELINEATION	32.27704	-111.03203	Santa Cruz River
Wash 43	Riverine	Riverine Ephemeral	0.039	280	DELINEATION	32.27825	-111.03315	Santa Cruz River
Wash 44-- Trails End								
Wash	Riverine	Riverine Ephemeral	0.494	570	DELINEATION	32.27835	-111.03357	Santa Cruz River
Wash 45	Riverine	Riverine Ephemeral	0.19	1140	DELINEATION	32.28185	-111.03562	Santa Cruz River
Wash 47	Riverine	Riverine Ephemeral	0.022	160	DELINEATION	32.28337	-111.03665	Santa Cruz River
Wash 48	Riverine	Riverine Ephemeral	0.077	420	DELINEATION	32.28350	-111.03683	Santa Cruz River
Wash 50	Riverine	Riverine Ephemeral	0.048	420	DELINEATION	32.28531	-111.03784	Santa Cruz River
Wash 52-- Roger Wash	Riverine	Riverine Ephemeral	1.042	1042	DELINEATION	32.28588	-111.03840	Santa Cruz River

Wash 115	Riverine	Riverine Ephemeral	0.02	440	DELINEATION	32.33115	-111.08163	Santa Cruz River
Wash 117	Riverine	Riverine Ephemeral	0.477	1860	DELINEATION	32.33213	-111.08323	Santa Cruz River
Wash 120	Riverine	Riverine Ephemeral	0.021	450	DELINEATION	32.33407	-111.08518	Santa Cruz River
Wash 121	Riverine	Riverine Ephemeral	0.01	210	DELINEATION	32.33465	-111.08580	Santa Cruz River
Wash 122	Riverine	Riverine Ephemeral	0.082	510	DELINEATION	32.33475	-111.08593	Santa Cruz River
Wash 124	Riverine	Riverine Ephemeral	0.822	1250	DELINEATION	32.33570	-111.08688	Santa Cruz River
Wash 127-								
Santa Cruz								
River	Riverine	Riverine Ephemeral	0.046	100	DELINEATION	32.30929	-111.05264	Santa Cruz River