

CLEAN WATER ACT SECTION 404 TECHNICAL MEMORANDUM

To: Kim Boyd, Olsson/Premier
From: Angela Muszynski, Logan Simpson
Date: April 26, 2021
Project Name: Hayden Road/Miller Road: Pinnacle Peak Road to Happy Valley Road
Subject: Clean Water Act Section 404 Technical Memorandum

INTRODUCTION

Logan Simpson at the request of Olsson/Premier and the City of Scottsdale is completing environmental studies and traffic noise analysis for a roadway improvement project along Miller Road from Pinnacle Peak Road to Parkview Lane within the City of Scottsdale, Maricopa County, Arizona (Figures 1-3). The project limits extend along the Miller Road alignment from approximately 100 feet south of Pinnacle Peak Road to just north of Parkview Lane for a total length of approximately 0.60 miles. Miller Road will be widened to provide two northbound and two southbound travel lanes. Bicycle lanes, new curb and gutter, and sidewalks will be added to both sides of the roadway. The project will also include construction of a new vehicular bridge with erosion control protection systems to span Rawhide Wash. The purpose of the project is to connect the two existing roadway portions of Miller Road that reside to the north and south of Rawhide Wash and to construct Miller Road to its ultimate typical section.

As part of the environmental studies, the project limits were inspected for jurisdictional waters of the US (Waters) under the Navigable Waters Protection Rule (effective June 2020). This technical memorandum provides the survey methods used to determine potential Waters in the project area, a summary of findings, and final recommendations.

SURVEY METHODS

To assess whether potential Waters are present in the parcel, available historical and present-day aerial imagery (i.e., Google Earth), topographic maps, Federal Emergency Management Agency (FEMA) floodplain zones, and National Wetland Inventory (NWI) maps were reviewed (Figures 3 and 4).

RESULTS

A portion of the project area is located within the 100-year floodplain (FEMA FIRM Panel 04013C1310L) (Figure 4). Based on aerial imagery, three potential features are present in the project area, two unnamed features and Rawhide Wash (Figure 5). Rawhide Wash is a braided system with multiple low-flow channels and flows in a southwesterly direction just south of Parkview Lane. There is not a culvert or bridge that intersects Rawhide Wash in the project area, but the ultimate extent of its banks are bounded by the fences of adjoining residential homes. Rawhide Wash eventually crosses Pinnacle Peak Road and Scottsdale Road via box culverts to drain into a retention basin approximately one mile north of State Route Loop 101.

The two unnamed features in the project area are located south of Rawhide Wash and originate in the neighborhood east of Miller Road (Figure 5). In the project area, they converge east of Miller Road and cross Miller Road via a box culvert to flow in a southwesterly direction and eventually outlets into Rawhide Wash.

The past and present-day aerial imagery, as well as topographic maps and NWI maps, suggest that all three of these features are ephemeral and are not seasonally wet, intermittently wet, or perennial. No broadleaf riparian vegetation or special aquatic sites are present. In addition, because the unnamed features outlet into Rawhide Wash, and Rawhide Wash terminates into a basin, surface flows would not reach a traditional navigable water (TNW) or territorial sea in a typical year. Under the Navigable Waters Protection Rule, these potential features are not considered Waters. Although the identified features are located within the 100-year floodplain, the floodplain is not part of a TNW or territorial sea. Therefore, no Waters are present in the project area.

It is important to note that should there be an injunction or stay on the on the Navigable Waters Protection Rule, the definition of Waters subsequent to this new definition would apply (i.e., the 2008 Rapanos definition of Waters) and these features would likely be considered jurisdictional. To protect the City from future injunctions or stays on the Navigable Waters Protection Rule, it is recommended that an approved jurisdictional determination (AJD) is obtained prior to construction.

FINAL RECOMMENDATIONS

It is not anticipated that the three features observed in the project area are Waters under the Navigable Waters Protection Rule. Should a stay or injunction of the Navigable Waters Protection Rule come into effect prior to the development of the parcel, a preliminary jurisdictional determination would likely be required. A Section 404 Permit may also be required if impacts to Waters are anticipated. To protect the City from future injunctions or stays on the Navigable Waters Protection Rule, it is recommended that an AJD is obtained prior to construction of this project.

The results of this evaluation have not been reviewed by the US Army Corps of Engineers (Corps). If review and acceptance from the Corps is desired, a preliminary jurisdictional determination or AJD would need to be prepared and submitted to the Corps. If you have any questions, please call me at (480) 967-1343 or email me at amuszynski@logansimpson.com.

Thank you.



Angela Muszynski
Biologist/Permitting Specialist

Enclosures: Figure 1. State Location Map
 Figure 2. Project Vicinity Map
 Figure 3. Topographic Map
 Figure 4. Floodplain Map
 Figure 5. Aerial Map with Project Washes
 National Wetlands Inventory Map

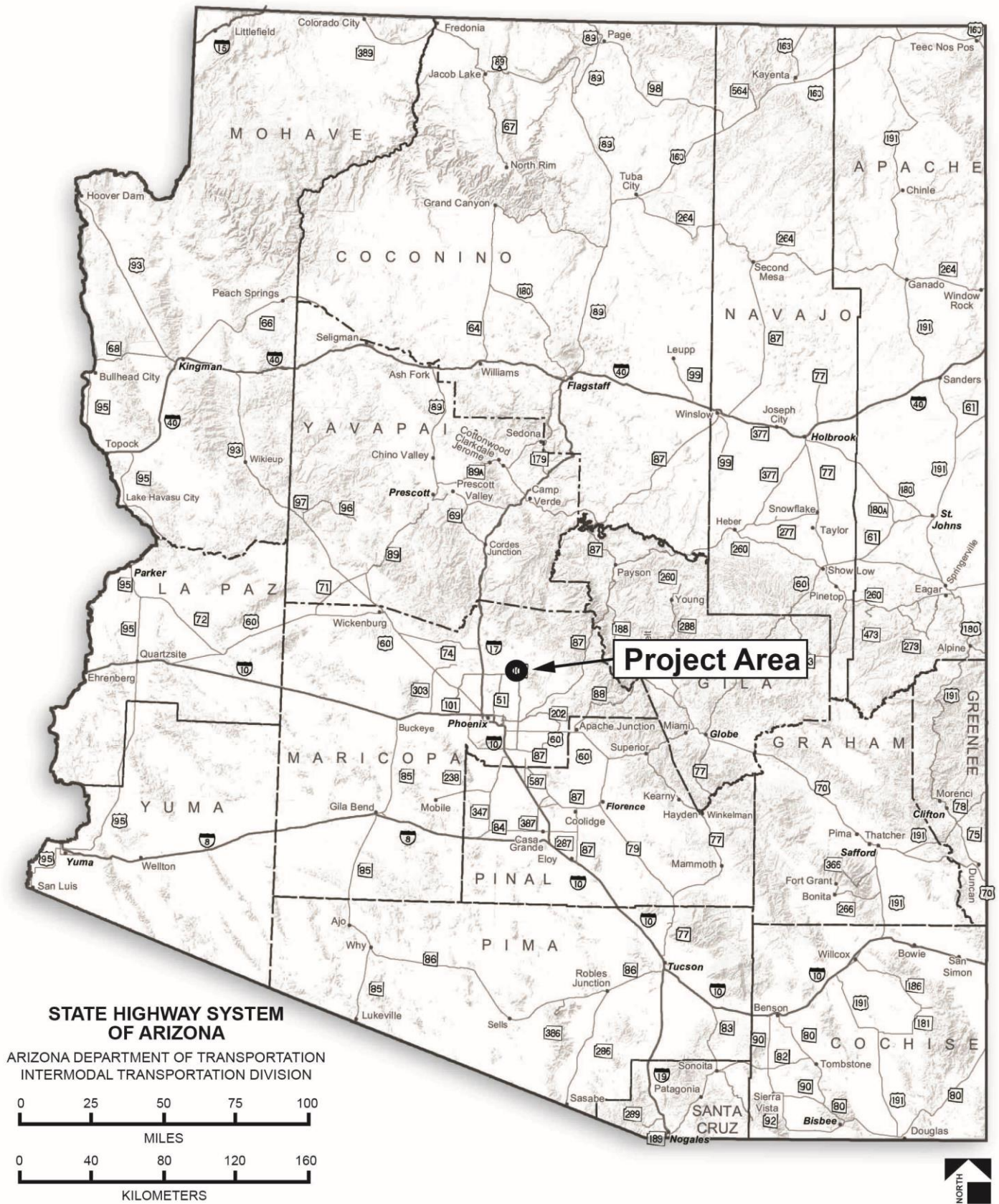
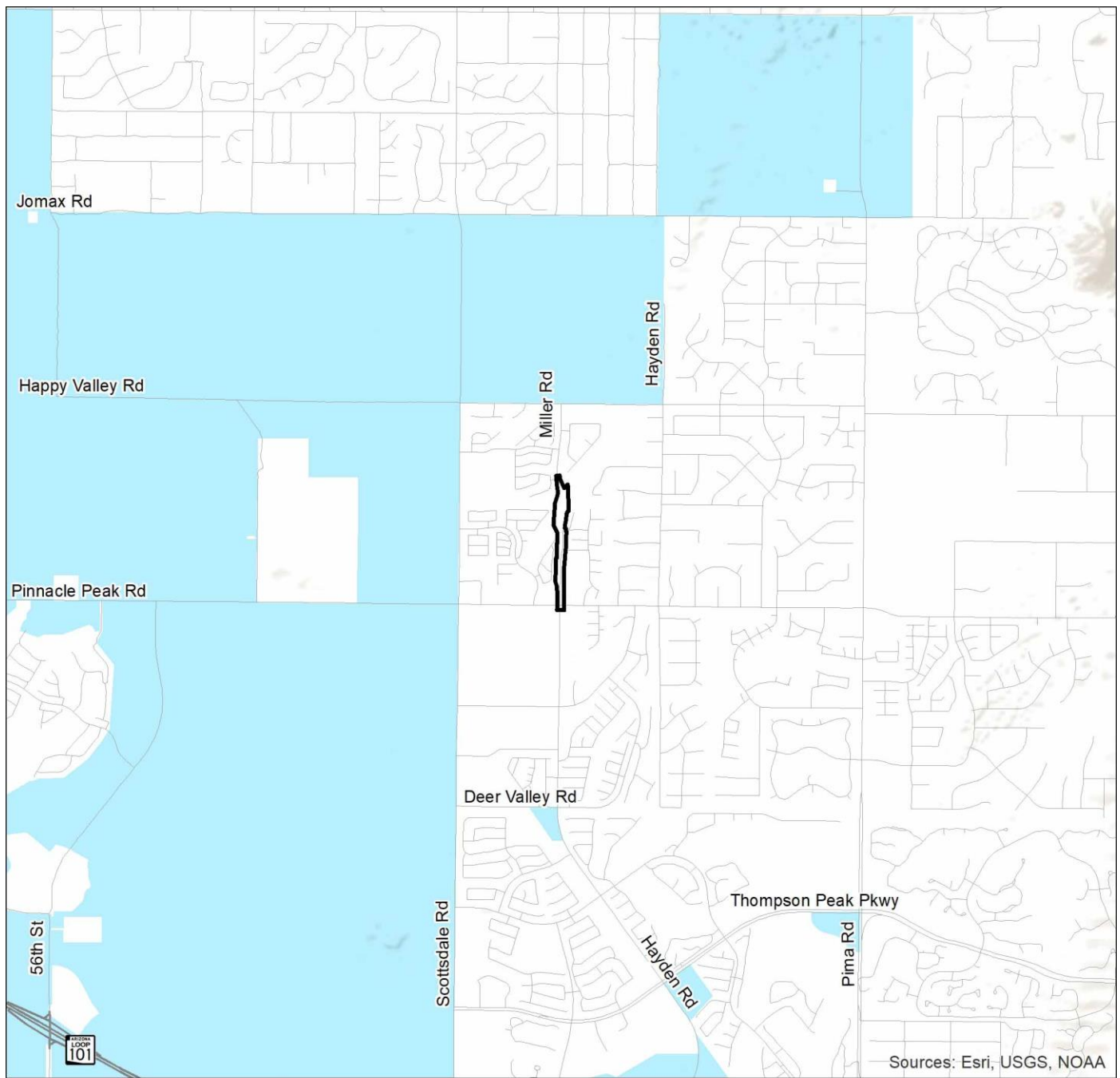


Figure 1. State Map



Source: Land ownership GIS coverage provided by Arizona State Land Department; Arizona Transportation Information System GIS Coverage (2019)

Key

- Project Area
- Private Land
- State Trust Land

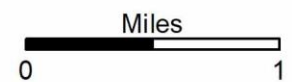
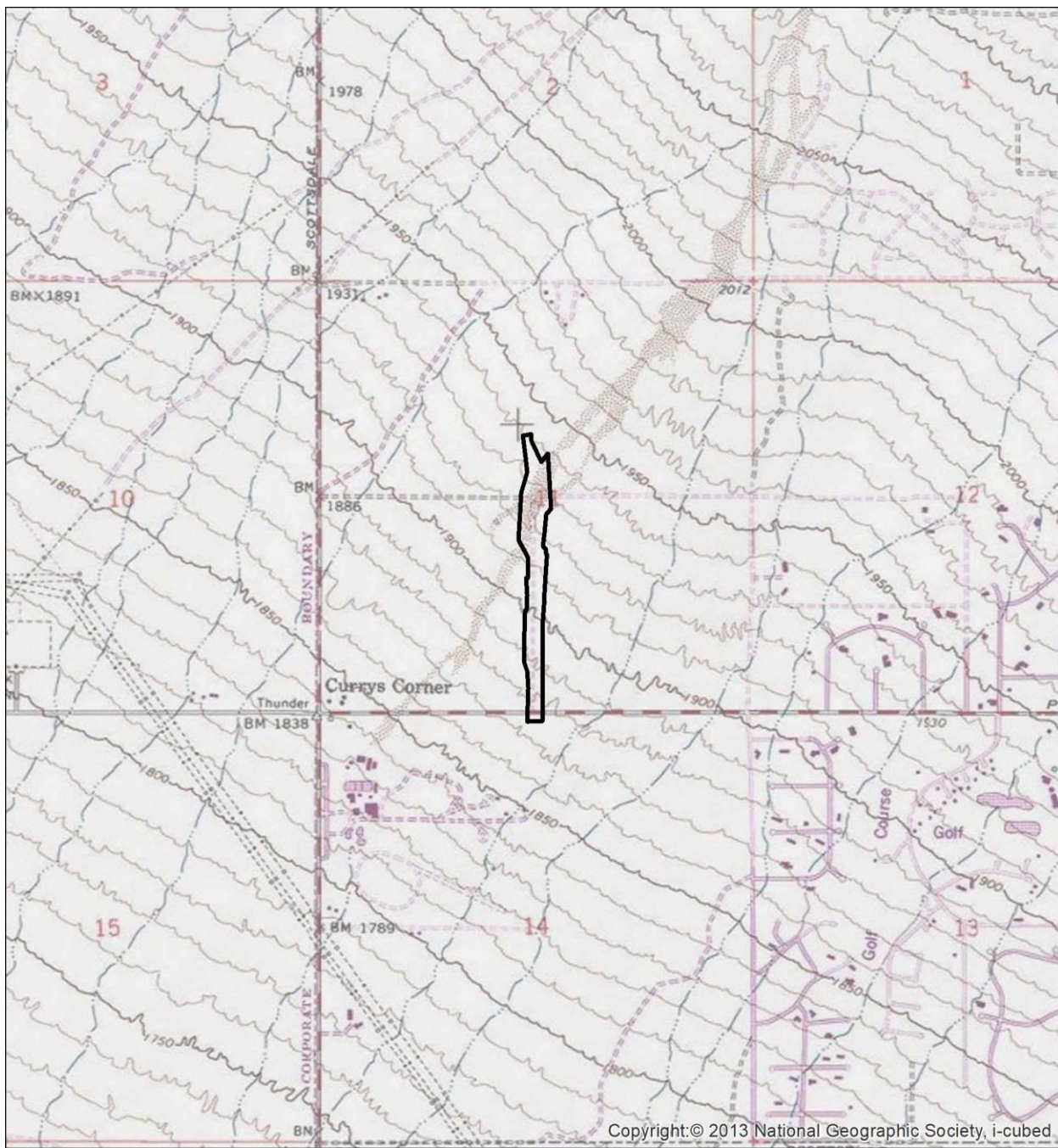


Figure 2. Vicinity Map



Source: USGS 7.5 Minute Quadrangle, Curry's Corner, AZ (1973)

Legend

 Project Area

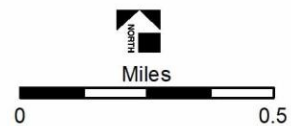
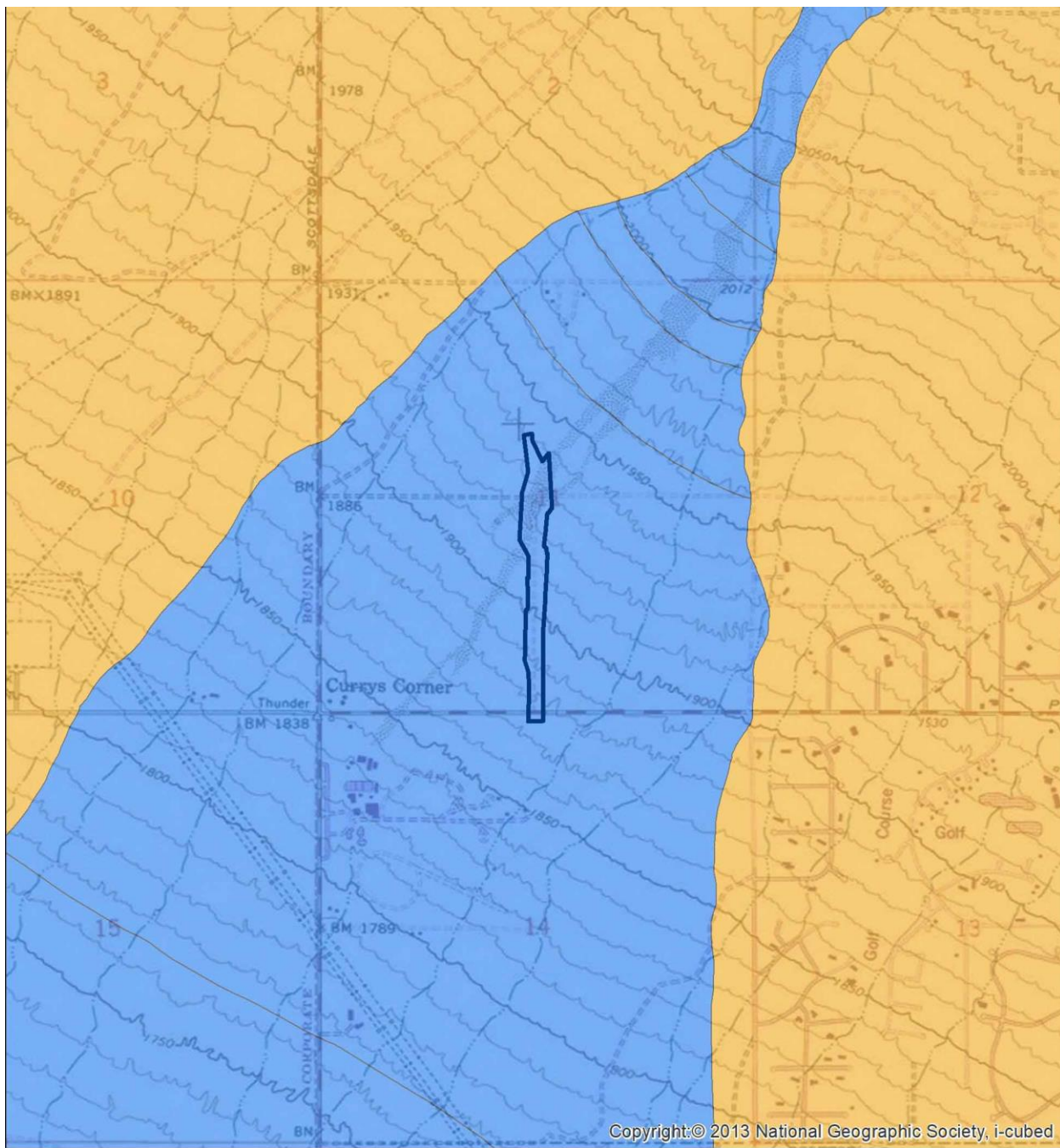


Figure 3. Topographic Map



Source: National Flood Hazard Layer (NFHL) provided by FEMA January 2016.
USGS 7.5 Minute Quadrangle, Curry's Corner, AZ (1973)

Legend

- Project Area
- Zone AO - 100-year Floodplain
- Zone X - 0.2 Percent Annual Chance Flood Hazard

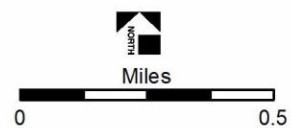
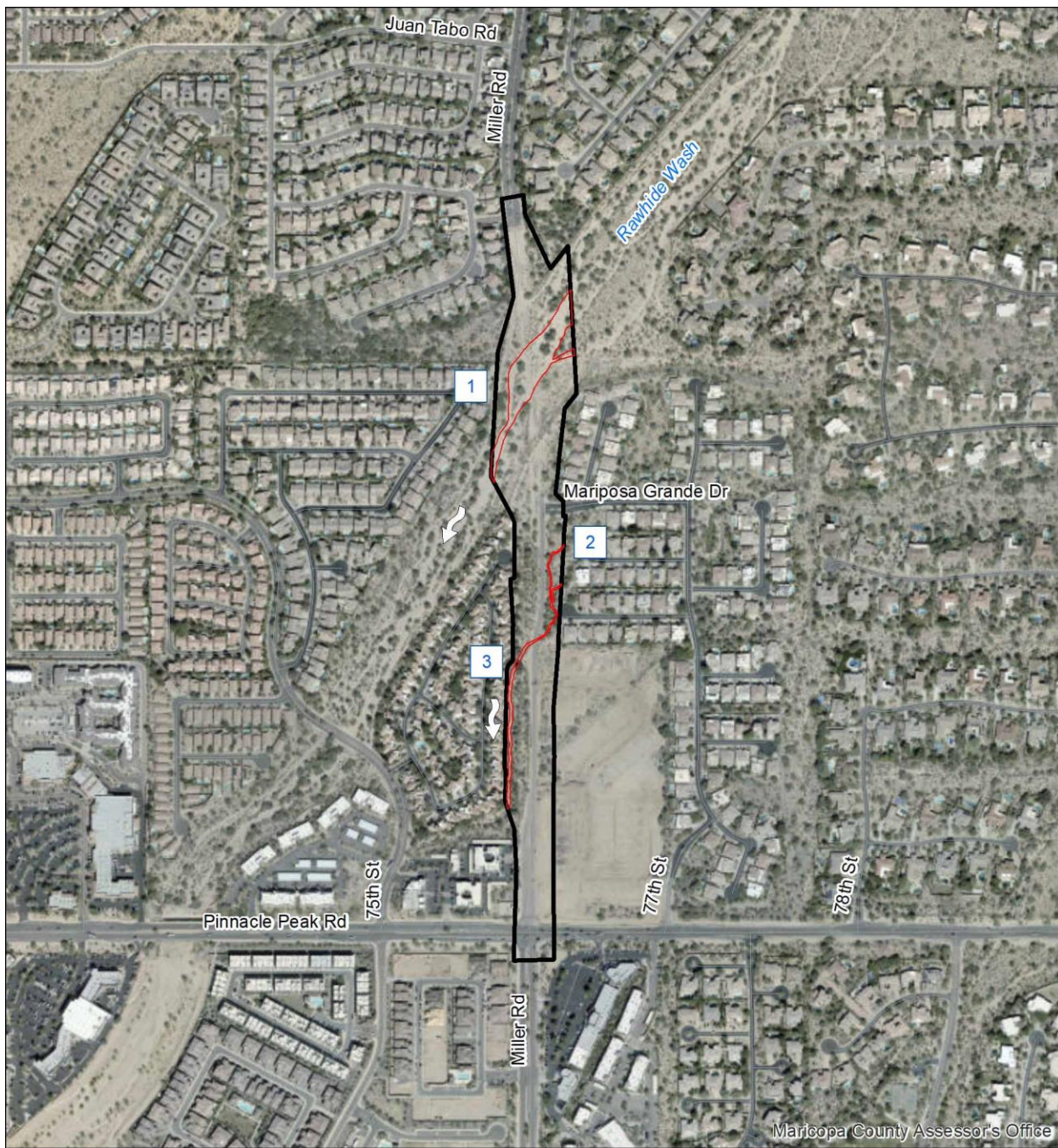





Figure 4. Floodplain Map



Source: Aerial Photography, Maricopa County Assessor (2019)

Legend

-  Project Area
-  Ephemeral Washes
-  Wash Number

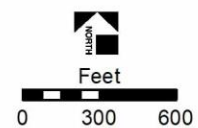


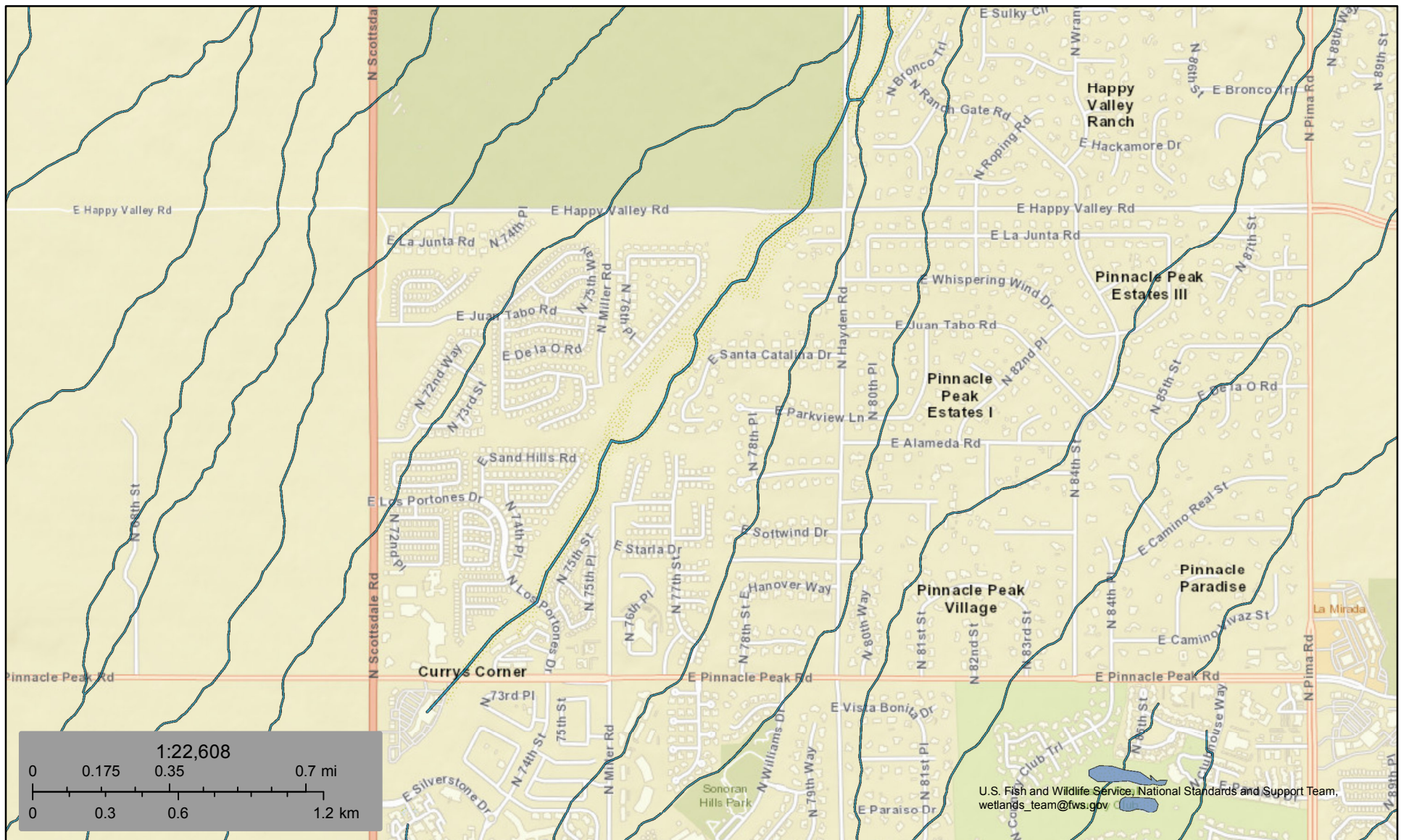
Figure 5. Aerial Map with Project Washes



U.S. Fish and Wildlife Service

National Wetlands Inventory

Miller Road, Pinnacle Peak to Happy Valley



March 15, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.