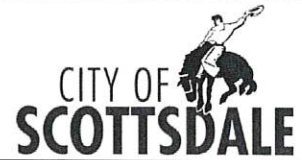


Section 404 Certification Form



Before the City issues development permits for a project, the developer's Engineer or the property owner must certify that it complies with or is exempt from Section 404 of the Clean Water Act of the United States. Section 404 regulates the discharge of dredged or fill material into a wetland, lake (including dry lakes), river, stream (including intermittent streams, ephemeral washes and arroyos) or other waters of the United States.

Prior to submittal of improvement plans to Project Review, this form must be completed (and submitted with the improvement plans) as evidence of compliance.

Certification of Section 404 Permit Status:

Owner's Name: Michael F. Burke Phone No.: 602-432-7300
Project Name/Description: One Scottsdale - Lot 3 Case No.: 30-DR-2021#3
Project Location/Address: North of Henkel Way, East of Scottsdale Road, South of Legacy Boulevard (Portion of Parcel Nos. 215-05-006 and 215-15-004A)

A registered Engineer or the property owner must check the applicable condition and certify by signing below that:

1. Section 404 does apply to the project because there will be a discharge of dredged or fill material to waters of the U.S., and:

A Section 404 Permit has already been obtained for this project.

or

This project qualifies for a "Nationwide Permit," and this project will meet all terms and conditions of the applicable nationwide permit.

2. Section 404 does not apply to the project because:

No watercourse waters of the U.S. exist on the property.

No jurisdictional waters of the U.S. exist on property. Attached is a copy of the COE's Jurisdictional Determination.

Watercourses or other waters of the U.S. do exist on the property, but the project will not involve the discharge of dredged or fill material into any of these waters.

I certify that the above statement is true.

Engineer's Signature and Seal, or Owner's Signature

19 JUL 22

Date

Title/ Company

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
ARIZONA-NEVADA AREA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 760
PHOENIX, ARIZONA 85012-1935

REPLY TO

February 5, 2002

Office of the Chief
Regulatory Branch

Corrigan Real Estate Investment LLC
and Corrigan Land & Livestock Limited Partnership
C/O Robert D. Anderson
Withey, Anderson & Morris
3101 North Central Avenue, Suite 1690
Phoenix, Arizona 85012-2615

File Number: 2002-00484-RWF

Dear Mr. Anderson:

Reference is made to your letter of July 5, 2001 and the accompanying information provided by Wood, Patel & Associates in which you inquired as to whether or not a Clean Water Act Section 404 permit is required from the U.S. Army Corps of Engineers to construct a commercial development within a 160 acre parcel (Stack 40) situated along Scottsdale Road, north of the Central Arizona Project aqueduct at (Section 26, T4N, R4E), Scottsdale, Maricopa County, Arizona.

We have reviewed our records and have determined that the waters of the United States that historically transversed the subject property have been impacted and redirected by the construction of the GrayHawk development. The washes observed on the Stack 40 parcel are remnants of watercourses that no longer receive upstream flows. Since there are no longer any waters of the United States within the Stack 40 proposed project area, no Section 404 permit is required from our office.

The receipt of your application and/or letter is appreciated. If you have questions, please contact Ron Fowler at (602) 640-5385 x 226.

Sincerely,

Cindy Lester
Chief, Arizona Section
Regulatory Branch

Enclosure

EXHIBIT 2