



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
TUCSON RESIDENT OFFICE  
5205 EAST COMANCHE STREET  
TUCSON, ARIZONA 85707

November 30, 2011

REPLY TO  
ATTENTION OF

Office of the Chief  
Regulatory Division

Ms. Catesby Suter  
Environmental Project Coordinator  
City of Tucson Engineering Division  
P.O. Box 27210  
Tucson, Arizona 85726

SUBJECT: Preliminary Jurisdictional Determination regarding the presence of geographic jurisdiction on Silverbell Road (Grant to Ina) Improvements (File No. SPL-2010-01072-JWL)

Dear Ms. Suter,

I am responding to your request (File No. SPL-2010-01072-JWL) on behalf of the City of Tucson, Town of Marana, and Pima County for a Department of the Army preliminary jurisdictional determination (PJD) for the proposed Silverbell Road expansion project located in (Sections 1,2, and 12, T13S, R12E) and (Sections 7, 17, 18, 20, 28, 29 and 33, T13S, R13E), Tucson, Marana, Pima County, Arizona.

The Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, then a permit is required. The first test determines whether or not the proposed project is located in a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project is a regulated activity under Section 404 of the Clean Water Act. As part of the evaluation process, pertaining to the first test only, we have made the jurisdictional determination below.

**Based on available information, the proposed project site may contain Waters of the United States in the approximate locations noted on the enclosed figures.** The basis for the preliminary JD can be found on the enclosed "Preliminary Jurisdictional Determination Form." Please sign and date this form and return to the issuing office within fifteen (15) days of receipt. Please note preliminary JDs are non-binding, written indications that there may be waters of the United States, including wetlands, on a parcel or indications of the approximate location(s) of waters of the United States or wetlands on a parcel. Preliminary JDs are advisory in nature and may not be appealed (33 C.F.R. 331.2). The party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination for this site. The option to obtain an approved JD in this instance and at this time has been declined. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S.

Please be reminded that preliminary JDs may not be appealed through the Corps' administrative appeal process set out at 33 CFR Part 331. Preliminary jurisdictional determinations are fully explained in Regulatory Guidance Letter 08-02, dated June 26, 2008. Further, 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.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction within the proposed project site. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

If you have any questions, please contact me at (520) 584-1677 or via e-mail at [Jesse.Laurie@usace.army.mil](mailto:Jesse.Laurie@usace.army.mil).

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse W. Laurie', with a long horizontal flourish extending to the right.

Jesse W. Laurie, R.G.  
Project Manager  
Arizona Branch, Regulatory Division

Enclosures

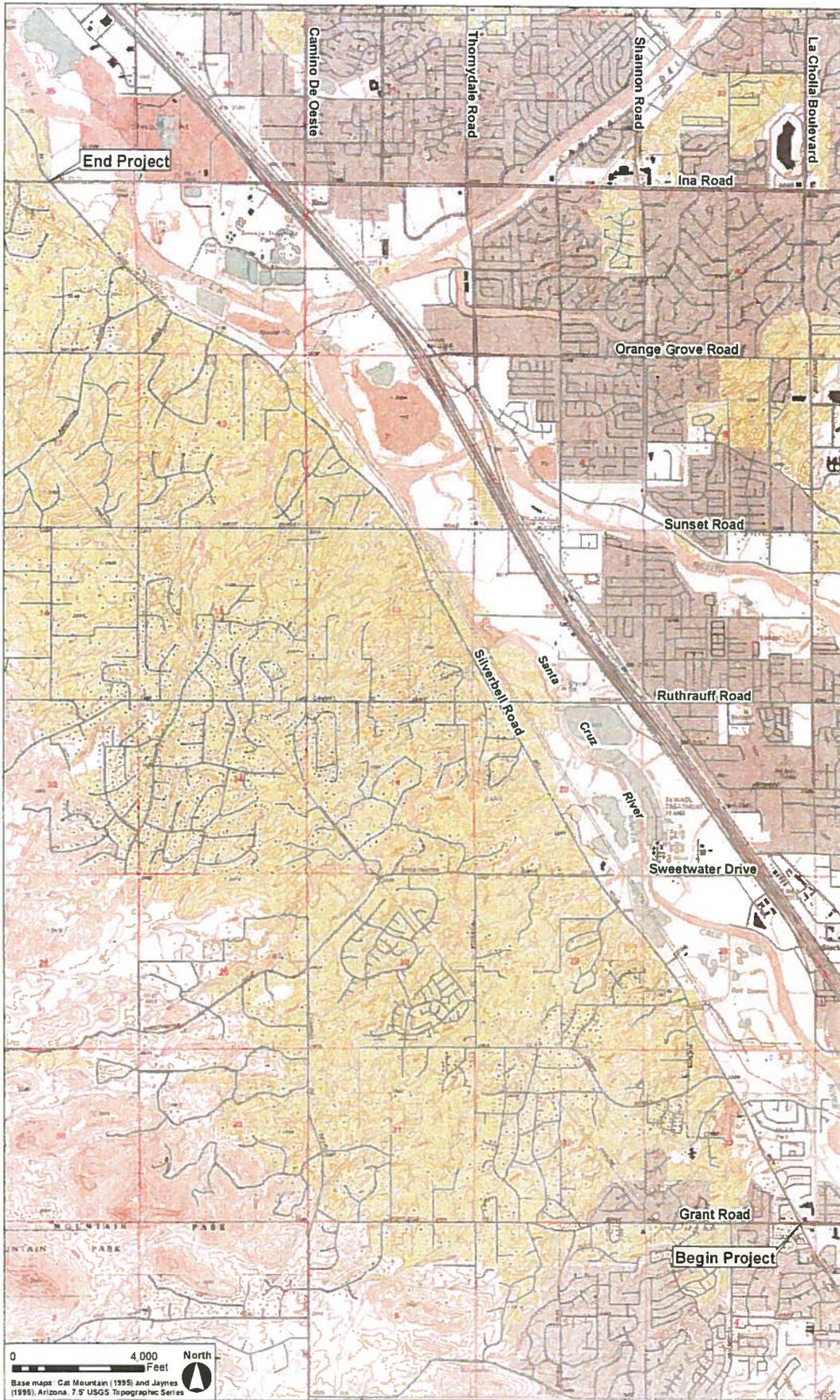


Figure 2. Project vicinity.