

APPENDIX I

SECTION 404 PERMIT WAIVER



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

REPLY TO

July 21, 2005

Office of the Chief
Regulatory Branch

Mr. Bruce D. Ellis
Chief, Environmental Resource Mgmt Div.
Bureau of Reclamation Phoenix Area Office
PO Box 81169
Phoenix, Arizona 85069-1169

File Number: 2004-00586-MB

Dear Mr. Ellis:

Reference is made to the submittal received June 6, 2005 with additional information received July 13, 2005 regarding a jurisdictional delineation to determine our regulatory authority under Section 404 of the Clean Water Act for the San Xavier Farm project (Sections 16, 21, 22, and 27, T15S, R13E and Section 34, T16S, R13E), near Tucson, Pima County, Arizona.

Based on the information furnished in your submittals (referenced above), discussions with your staff, and intensive review of the information provided to us, we have determined that your proposed project is not subject to our jurisdiction under Section 404 of the Clean Water Act. Since there are no waters of the United States within the aforementioned proposed project area, no Section 404 permit is required from our office.

The receipt of your letter is appreciated. If you have questions, please contact me at (520) 584-1684.

Sincerely,

Marjorie E. Blaine
Senior Project Manager
Arizona Section, Regulatory Branch

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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