



**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
**ARIZONA-NEVADA AREA OFFICE**  
**3636 NORTH CENTRAL AVENUE, SUITE 900**  
**PHOENIX, ARIZONA 85012-1939**

November 12, 2009

REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Division

Andy Goh, P.E.  
City of Tempe  
P.O. Box 5002  
Tempe, Arizona 85280

File Number: SPL-2009-00853-WHM

Dear Mr. Goh:

This is in reply to your letter, dated October 6, 2009, concerning your proposal to replace the four rubber bladders that comprise the downstream dam of Tempe Town Lake. Each bladder is 240 feet long and 16 feet high and are being replaced in order to insure dam safety. The project is located in Northwest quarter of Sections 16, T1N, R4E, Tempe, Maricopa County, Arizona.

The Corps of Engineers has determined, under Section 404 of the Clean Water Act (33 U.S.C. 1344), that your proposed activity complies with the terms of Nationwide Permit No. 3, "Maintenance." You must comply with all terms and applicable conditions (regional, general, and 401 conditions) described in Enclosure 1 and complete the compliance statement (Enclosure 2).

Furthermore, you must comply with the following Special Condition(s):

**a. Water Quality Certification:** The permittee shall comply with all requirements and conditions in the state water quality certification that the Arizona Department of Environmental Quality signed on October 20, 2009. This certification demonstrates that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of this letter is enclosed.

This letter of verification is valid through November 11, 2011 unless the nationwide permit referenced herein is modified, reissued, or revoked before this date. It is incumbent upon you to remain informed of changes to the nationwide permit program.

If you sell/transfer the property associated with this letter of verification you should work with the new owner to complete the enclosed Transfer Statement (Enclosure 3). This transfer is necessary to ensure that the new owner of the property is aware of all terms and conditions of this letter of this verification including any special conditions that will continue to be binding on the new owner.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with

any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

You are encouraged to comment on your experience by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>. Thank you for participating in our regulatory program. If you have questions, please contact William Miller at (602) 640-5385 x 221.

Sincerely,

*Original Signed By*

Sallie McGuire  
Chief, Arizona Branch  
Regulatory Division

Enclosures

1. Nationwide Permit
2. Certification of Compliance
3. Transfer Statement
4. ADEQ 401 Certification

LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

**Permit Number:** SPL-2009-00853-WHM

**Date of Issuance:** November 12, 2009

**Name of Permittee:**

Andy Goh, P.E.  
City of Tempe  
P.O. Box 5002  
Tempe, Arizona 85280

Upon completion of the activity authorized by this permit, sign this certification and return it with an original signature to the following address:

U.S. Army Corps of Engineers  
ATTENTION: Regulatory Division (SPL-2009-00853-WHM)  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939

Please note that your permitted activity is subject to a compliance inspection by a Corps of Engineers' representative. If you fail to comply with this Nationwide Permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced Nationwide Permit has been completed in accordance with the terms and conditions of said permit.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

Enclosure 2

# Transfer Statement

To validate the transfer of this nationwide permit verification from the current permittee to a transferee, pursuant to nationwide permit General Condition 25 described below, the following steps must be completed. The transferee must add their contact information to the **Name of Transferee** block below and must sign and date this Transfer Statement. The completed Transfer Statement and a copy of the original nationwide permit verification then must then be mailed to the Corps of Engineers. Receipt of this information by the Corps of Engineers completes the transfer process.

## Current Nationwide Permit Verification

**Permit Number:** SPL-2009-00853-WHM

**Date of Issuance:** November 12, 2009

**Name of Permittee:**

Andy Goh, P.E.  
City of Tempe  
P.O. Box 5002  
Tempe, Arizona 85280

General Condition 25. *Transfer of Nationwide Permit Verifications* states

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

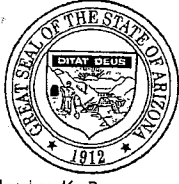
Your signature below, as transferee, indicates that you accept and agree to comply with all terms and conditions of this nationwide permit authorization

**Name of Transferee:**

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

Enclosure 3

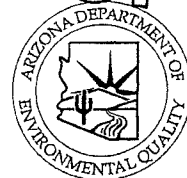


Janice K. Brewer  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • www.azdeq.gov

COPY



Benjamin H. Grumbles  
Director

October 20, 2009

401 cert reading file: **RS309:038**

Applicant: City of Tempe, Public Works Department  
Andy Goh, Deputy Public Works Manager/City Engineer  
P.O. Box 5002  
Tempe, Arizona 85280

Subject: Modification of CWA Section 401 Water Quality Certification for:  
**Tempe Town Lake Improvements Project**, Tempe, Maricopa County, Arizona  
U.S. ACOE File No. 2002-00785-SDM  
**ADEQ LTF: 28134, ADEQ WQDB: 5820**

Dear Mr. Goh:

This letter shall serve as your requested modification of the 401 certification for the subject project.

After examination of the information included with your request (10/12/09), Arizona Department of Environmental Quality (ADEQ) Water Quality Division has determined that if the applicant adheres to the information submitted and the conditions specified in the original 401 certification or any subsequent modification the proposed changes are not expected to have a negative impact to the chemical, physical or biological integrity of the subject waterbodies.

Accordingly, ADEQ agrees to expand the coverage of the 401 certification to include the proposed work involved in replacing the rubber bladders on the downstream dam.

This modification does not change any of the conditions specified in the original 401 certification or subsequent modifications.

Sincerely,

*M. Goh*  
COPY

Robert J. Scalamera  
Hydrologist/401 Certification Specialist

cc: U.S. Army Corps of Engineers, Regulatory Branch – Attn.: Sallie McGuire  
USEPA, Wetlands Regulatory Office

Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ  
86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ  
85701  
(520) 628-6733