



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
3636 N CENTRAL AVE SUITE 900
PHOENIX AZ 85012-1939

December 5, 2013

Robert N. Fabricant, M.D.
c/o Joseph Miller
City Lights Financial
29134 Roadside Drive, Suite 106
Agoura Hills, California 91301

SUBJECT: Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction

Dear Dr. Fabricant:

I am responding to your request (File No. SPL-2013-00762-SD) dated October 10, 2013, for an approved Department of the Army jurisdictional determination (JD) for the Trekell & Rodeo 93 Acres project site, located the city of Casa Grande, Pinal County, Arizona.

As you may know, 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 10 of the River and Harbor Act or 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, we have determined there are no waters of the United States on the project site], in the locations depicted on the enclosed drawing. The basis for our determination can be found in the enclosed JD form(s).

This letter contains an approved jurisdictional determination for the Trekell & Rodeo 93 Acres project site. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet (Appendix A) and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Corps South Pacific Division Office at the following address:

Tom Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division, CESPDPDS-O, 2042B
1455 Market Street, San Francisco, California 94103-1399

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date on the NAP. Should you decide to submit an RFA form, it must be received at the above address by February 5, 2014. It is not necessary to submit an RFA form to the Division office if you do not object to the decision in this letter.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you wish to submit new information regarding the approved jurisdictional determination for this site, please submit this information to Sallie Diebolt at the letterhead address by February 5, 2014. The Corps will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. A revised or reissued jurisdictional determination can be appealed as described above.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular project site identified in your request. 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 602-230-6950 or via e-mail at Sallie.Diebolt@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,



Sallie Diebolt
Chief, Arizona Section
Regulatory Division

Enclosures