

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Mr. Harlyn Griffiths
Tierra Rica Development, Inc.
PO Box 11313
Casa Grande, Arizona 85230

Permit Number: 2000-01207-SDM

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct five roadway crossings (with utilities underneath), constructed as at-grade concrete fords for the development known as Las Montanas as shown on the attached drawings.

Project Location: In unnamed washes at (Section 30, T5S, R7E), Pinal County, Arizona.

Permit Conditions

General Conditions:

1. The time limit for completing the authorized activity ends on **June 30, 2006**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may

require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions: See attached sheet.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Harbert Griffiths, Trustee 7-5-01
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Mark F. Sudol 16 JULY 2001
Mark F. Sudol, D.Env. (DATE)
Chief, Regulatory Branch
(for the District Engineer)

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

(TRANSFEE)

(DATE)

SPECIAL CONDITIONS
PERMIT NO. 2000-01207-SDM

- a) Should previously unknown historic or archaeological remains be discovered while accomplishing activities authorized by this permit, the permittee shall immediately cease work in the area of discovery and this office shall be immediately notified. The permittee is restricted from entering any archeological sites on or adjacent to the project area.
- b) The permittee shall comply with all requirements and conditions in the state water quality certification that the Arizona Department of Environmental Quality signed on May 16, 2001. This certification demonstrates that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of this letter is enclosed.
- c) No disposal of construction or demolition wastes, wastewater, contaminated water or any other pollutant is authorized within or adjacent to the watercourse.
- d) During construction the work site shall be maintained such that no construction debris or material spillover is allowed in the watercourse. Upon completion of the work all construction debris and excess material shall be removed from the jobsite, and outside of the Corps' jurisdictional area.
- e) During construction provide appropriate measures to accommodate flows within the watercourse, such that waters are not diverted outside the Ordinary High Water Mark.
- f) The permittee shall replant the disturbed areas with locally native desert plants and locally native seed mixes upon completion of the construction activities that are provided in this authorization.
- g) Prior to initiating construction activities under this permit, the permittee shall ensure that the contractor(s) has been provided with a copy of the Section 404 authorization. This is intended to confirm that the contractor(s) has read, understood, and agrees to comply with the terms and conditions of this Section 404 authorization.
- h) The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit.