

CESPL-RG

UNAUTHORIZED ACTIVITY REPORT FORM

South Coast Section Arizona Section North Coast Section U.S. Army Corps of Engineers

P.O. Box 532711

Los Angeles, CA 90053-2325

Phone (213) 452-3425

Fax No. (213) 452-4196 U.S. Army Corps of Engineers

3636 N. Central Ave., Suite

900

Phoenix, Arizona 85012-1939

Phone (602) 640-5385

Fax No. (602) 640-2020 U.S. Army Corps of Engineers

2151 Alessandro Drive, Suite 110

Ventura, CA 93001

Phone (805) 585-2140

Fax No. (805) 585-2154

Use this form to report any activity suspected of being in violation of Section 404 of the Clean Water Act (discharge of dredged or fill material) and/or Section 10 of the Rivers and Harbors Act. Completed reports should be sent to the address above. Upon receipt of the completed form, the Corps of Engineers will assign a case number, notify the reporting party of the case number, and determine whether or not to proceed with an investigation of the reported activity*. Please complete the report form as thoroughly as possible. Detailed information will expedite the Corps' investigation.

UNAUTHORIZED ACTIVITY CASE NUMBER: SPL-2011-1047-RJD

(Assigned by Corps of Engineers)

WAS REPORTING PARTY INFORMED OF RIGHTS UNDER THE PRIVACY ACT PRIOR TO PRESENTING INFORMATION? NO

REPORTING PARTY (IES):

Individual's Name: Thomas L. Beatty Sr.

Agency/Organization: Beatty's Guest Ranch

Address: 2173 E Miller Canyon Road

Hereford, AZ 85615-997

Telephone: (520) 378-2728

Fax: (____) _____

E-Mail: BeattyGuestRanch@wildblue.net

* These determinations will be based on the information reported on this form, current workload and staff/funding resources, and magnitude of the impacts caused by the alleged violation.

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UNAUTHORIZED ACTIVITY REPORT FORM (cont'd)

(Los Angeles District, Regulatory Division)

U.S. ARMY CORPS OF ENGINEERS

LOCATION OF ACTIVITY

State: Arizona

County: Cochise

Legal Description: Section(s) 23 Township 23 Range 20

Name of Waterway: Miller Creek

Circle example which best describes body of water:

Lake, River, Stream, Wetland, Slough, Wet meadow, Playa Lake,
Natural Pond, Dry Stream, Reservoir, Other _____

RESPONSIBLE PARTY(IES) (Owner of property on which unauthorized activity
is occurring):

Individual's Name: US Government

Agency/Organization: US Forest Service

Address: Sierra Vista Ranger District

District Ranger

5990 S. Hwy. 93

Hereford, AZ 85615

Telephone: (520) 378-0311

Fax: (520) 378-0519

E-Mail: Kathleen Nelson <KGNelson01@fs.fed.us>; Jim Upchurch <jupchurch01@fs.fed.us>

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UNAUTHORIZED ACTIVITY REPORT FORM (cont'd)

(Los Angeles District, Regulatory Division)

U.S. ARMY CORPS OF ENGINEERS

PARTY DOING UNAUTHORIZED WORK (if different than above):

Individual's Name: Pubic Works Water System Personnel

Agency/Organization: City of Tombstone

Address: Tombstone City Hall

613 E. Allen Street

P.O. Box 339

Tombstone, AZ 85638

Telephone: (520): 457-2202

(520): 457-3562

Fax: 457-3516

E-Mail: cityhall@cityoftombstone.com

DESCRIPTION OF UNAUTHORIZED ACTIVITY:

Date Observed: from 19 Oct to present/16 Dec2011

Unauthorized activity in progress? Yes

Date unauthorized activity was completed: On going

Documentation - please indicate items enclosed:

Vicinity Map: Photographs:

Plan view or sketch: Videotape: Cross section sketch:

Other: USFS Signed Authorization for COT at Miller Springs

Aerial photograph:

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UNAUTHORIZED ACTIVITY REPORT FORM (cont'd)

(Los Angeles District, Regulatory Division)

U.S. ARMY CORPS OF ENGINEERS

Narrative description of unauthorized activity with dimensions given to indicate extent of activity. (Attach additional pages for narrative, if needed).

The COT started work on 19Oct2011 in the Miller Peak Wilderness Area at Miller Canyon, Huachuca Mountains by building a road on Forest Trail 106 with a John Deere 270D LC Track Hoe and a D6 size Dozer. By the afternoon they were digging in Miller Creek at their Miller Spring Location.

The Finally result was a 20 foot wide, 8 foot high, 245 foot long Embankment that contains a Catch Basin for the COT Pipeline. The embankment was built of material taken from the Creek, South side Slope and the Historic Reservoir Embankment. Also the main Miller Creek was channeled, terraced and straightened with the former Waterfall and Pool covered with soil. Lots of live trees were taken out, of which some were roosting trees for the Spotted Owl.

They also went, with the Track Hoe and Dozer, 250 feet on the South side of Miller Creek beyond the Miller Springs area, but were stopped by US Forest Service Law Enforcement.

After several days the COT was allowed to work only at Miller Springs.

See Attached Authorization that states they must rehab the 250 feet above the Miller Springs Area.

Last week they finished with the main work at Miller Springs and are still going there for what I don't know. I see a need to go back if/when major flooding occurs, The COT City Manager stated that it took 4 years to get the Pipeline in Operation after the 1977 Carr fire and the Monument Fire Floodings is much worse.

The size of the dike/embankment is not what you would think the USFS would allow in a Wilderness Area.

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Also the Catch Basin is a Death Trap for Wildlife. There was a waterfall and pool that was used by wildlife, but that is now covered by soil. The Catch Basin will catch most of the water, so Miller Creek will be dry most of the time.

Presently they are work on Beatty's Guest Ranch Property, downhill about a half mile, trying to put in 65 feet of pipeline, Another COT unauthorized work in the Miller Creek and Marshall Canyon Junction.

Robert J. Dummer, Project Manager, Regulatory Division, U.S. Army Corps of Engineers

3636 North Central Avenue, Suite 900

Phoenix, Arizona 85012-1939

was here on 5Dec2011 and had a walk through by COT. There was a week more of work done on the Miller Springs Area Project. He took Photos during his visit, so I did not include photos. More recent photos can be emailed if requested.

Five days before Robert's visit they went from working 3-4 hours/day to 8 hour days. I'm sure that Robert's visit had something to do with this increase!

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