



**US Army Corps
of Engineers®
Albuquerque District**

JOINT PUBLIC NOTICE

Application Number: SPA-2012-00347-ABQ

Comment Period Begins: March 17, 2017

Comment Period Ends: April 17, 2017

SUBJECT: Joint Public Notice, Request for Comments, SPA Action Number: SPA-2012-00347-ABQ, Action Name: NM/West TX-17-01, Emergency Repair and Protection Activities, U.S. Army Corps of Engineers, Albuquerque District

SUMMARY OF PROPOSED ACTION: The U.S. Army Corps of Engineers, Albuquerque District (Corps), the New Mexico Environment Department's Surface Water Quality Bureau (SWQB), and the Texas Commission on Environmental Quality (TCEQ) requests comments on Regional General Permit (RGP) NM/West TX-17-01 for Emergency Repair and Protection Activities within the State of New Mexico and area of West Texas in which the Albuquerque District has jurisdiction. The purpose of this public notice is to inform interested parties of the availability of the draft RGP and to solicit comments.

AUTHORITY: Section 404 of the Clean Water Act for the discharge of dredged or fill material in all waters of the United States.

AREA OF COVERAGE: Within the State of New Mexico and in those areas of West Texas in which the District has jurisdiction.

SCOPE OF ACTIVITIES: This permit authorizes discharges of dredged or fill material into waters of the United States, including wetlands, and/or work or structures in Navigable Waters of the United States for necessary repair and protection measures associated with an emergency situation. An “**emergency situation**” is present where there is a clear, sudden, unexpected, and imminent

threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).

SUBMITTAL OF WATER QUALITY CERTIFICATION COMMENTS AND

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. This notice serves to both notify the public that the SWQB or TCEQ will consider issuing a certification under Section 401 of the Clean Water Act and to request water quality certification for this RGP from Tribal Water Quality Certification Offices, NMSWQB, and TCEQ. The purpose of such certification is to reasonably ensure that the permitted activities will be conducted in a manner compliant with applicable EPA, Tribal, New Mexico, and Texas water quality standards. NMSWQB and TCEQ will accept and consider written comments regarding the state water quality certification received during the public comment period.

Notice that the New Mexico Environment Department, Surface Water Quality Bureau is reviewing a Draft Dredge and Fill Permit for the Purpose of Preparing a State Certification or Denial Pursuant to Section 401 of the Federal Clean Water Act, and Opportunity for Public Comment. New Mexico State water quality certification is provided under authority of 20.6.2 NMAC. The SWQB will consider issuing certification under Section 401 of the CWA. The purpose of such certification is to reasonably ensure that the permitted activities will comply with applicable New Mexico water quality standards, including the antidegradation policy, and the statewide water quality management plan. This Notice is also posted on the SWQB website at <http://www.nmenv.state.nm.us/swqb/WQA/Notice/>.

The Department will accept written comments regarding the state certification of the draft permit until 11:00 a.m. MDT on April 17, 2017. The Department will consider all comments timely received in its preparation of the state certification. Comments may be submitted electronically or by hard copy to:

Program Manager
Neal Schaeffer
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
1190 Saint Francis Drive
Santa Fe, NM 87502-5469
neal.schaeffer@state.nm.us
Office (505) 476-3017
Fax (505) 827-0160

The Texas Commission on Environmental Quality (TCEQ) certification of this RGP is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this RGP, the TCEQ is reviewing it under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work conditions required in the RGP comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete RGP may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

Program Manager
Texas Commission on Environmental Quality
401 Coordinator - MC-150
P.O. Box 13087
Austin, Texas 78711-3087
401CERTS@tceq.texas.gov
(512)-239-4604

Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through a Freedom of Information Act request.

OTHER GOVERNMENTAL AUTHORIZATIONS: The Corps is requesting water quality certification under Section 401 of the Clean Water Act from Native American Tribes that have been granted this authority by the Environmental Protection Agency.

Comments to the U.S. Army Corps of Engineers on the draft RGP may be submitted to:

PROJECT MANAGER: Richard Gatewood

Electronic comments can be submitted to: SPA-RD-TX@usace.army.mil or to SPA-RD-NM@usace.army.mil

US Army Corps of Engineers, Runnels Federal Building,
200 E. Griggs Ave., Las Cruces, NM 88001

PHONE: (575) 556-9939

Comments must be received by April 17, 2017.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS