



**US Army Corps
of Engineers®**



JOINT PUBLIC NOTICE

Application Number: SPA-2014-00540-ABQ

Date: July 10, 2015

Comments Due: August 10, 2015

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) and the U.S. Environmental Protection Agency (EPA) are evaluating a permit application from the Bureau of Reclamation (BOR) to construct the San Felipe Priority Sites: Phase 2 Upstream Project in Sandoval County, New Mexico, which would result in permanent impacts of approximately 3.7 acres and approximately 6.8 acres of temporary impacts to perennial waters of the United States in or adjacent to the Rio Grande. In addition, 0.18 acres of emergent wetlands will be permanently impacted and 0.05 acres will be temporarily impacted by the proposed project. This notice is to inform interested parties of the proposed activity and to solicit comments.

AUTHORITY: This permit and water quality certification application is being evaluated under Sections 404 and 401 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States (U.S.) and for compliance with applicable water quality standards.

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LOCATION: The proposed project is located in the San Felipe reach of the Middle Rio Grande, from river mile (RM) 216 to RM 210, on the Pueblo of San Felipe in Sandoval County, New Mexico (see Figure 1 of 4). In this reach, the Bureau of Reclamation (BOR) has ten river maintenance sites within their river maintenance program of which three sites, RM 214.4, RM 212.8 and RM 211.3, are in the San Felipe Priority Sites: Phase 2 Upstream Project. These three sites are located downstream of the main village area, on the Pueblo of San Felipe, but upstream of the Angostura Diversion Dam.

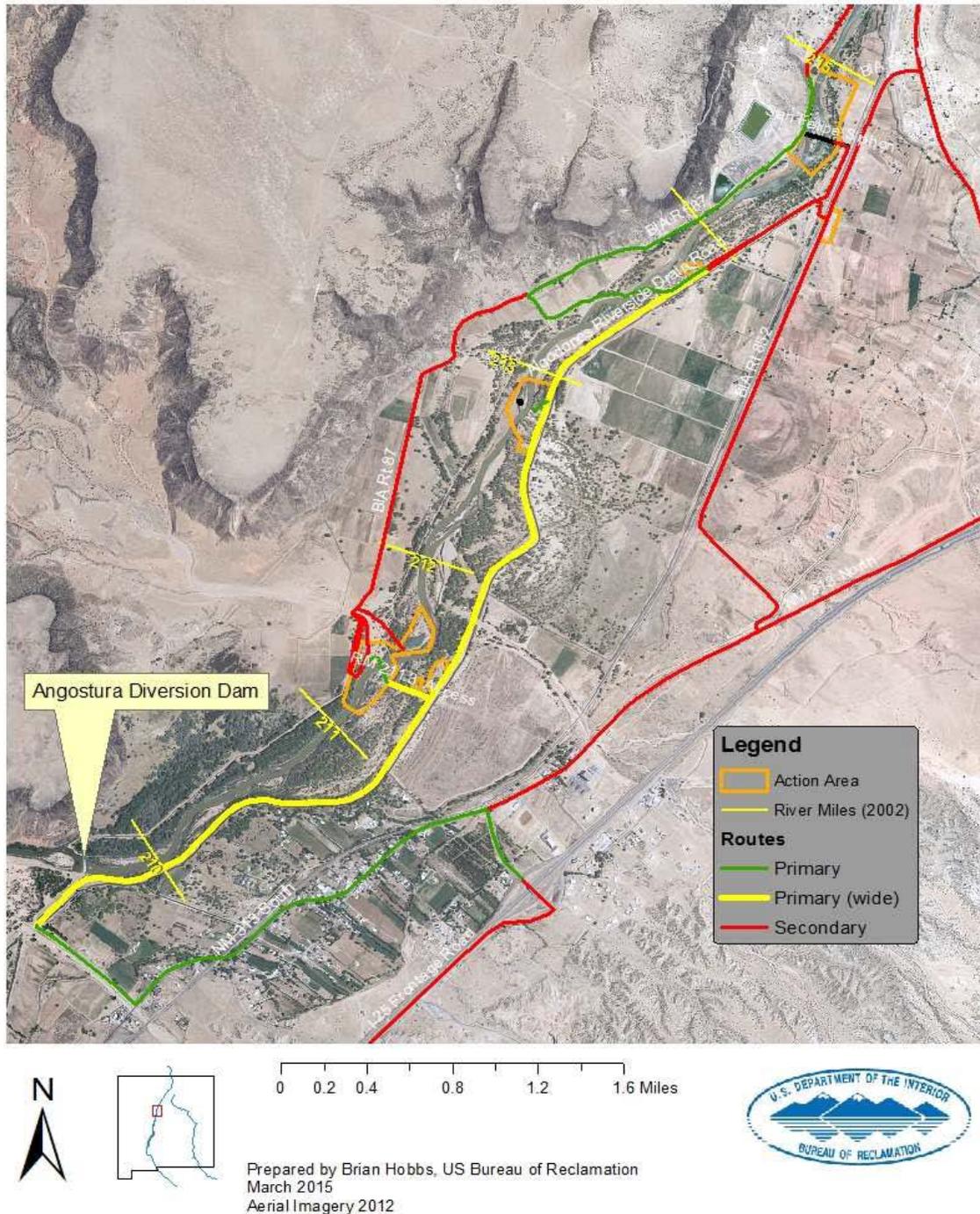


Figure 1: Overview of San Felipe River Maintenance Sites: Phase 2 Upstream.

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PROJECT PURPOSE: Based on the available information, the basic project purpose is the protection of infrastructure. The overall project purpose is to protect existing infrastructure within the San Felipe Reach of the Middle Rio Grande from damage as a result of flooding and erosion. The BOR's stated project purpose is to protect the San Felipe and Algodones Riverside Drains, spoil levees, operation and maintenance (O&M) roads, and adjacent agricultural fields from damage due to lateral erosion of the river channel. Additionally, the project must be accomplished while meeting the requirements specified in the Biological Opinion addressing BOR's river maintenance activities (U.S. Fish and Wildlife Service, 2003). As such, habitat restoration components are proposed, including bank/bar lowering to create backwater and/or inundated wetland habitat at various flows as well as willow plantings.

PROJECT DESCRIPTION:

RM 214.4

At RM 214.4, the proposed project consists of installing a two stage benched riprap revetment, willow pole plantings, channel bar lowering on the east and west banks, and side channel fill on the western channel at the island split. A plan view of the proposed project components at this location is shown in Figure 2.



Figure 2: Project Work at RM 214.4

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Two Stage Benched Riprap Revetment

The west bank would have a two-stage, benched riprap revetment with a terrace between the two stages—designed to protect the bank from further erosion. The approximately 750-foot-long lower revetment stage would be at an elevation of approximately 5104 feet (ft), which was the elevation of the thalweg or deepest part of the channel as measured in 2012. The revetment would then extend up the bank at a 2 horizontal to 1 vertical (2H:1V) slope to an elevation of approximately 5110 ft, which corresponds to a flow of 2,000 cubic feet per second (cfs). The approximately 1220-foot-long upper revetment stage would begin at the elevation of approximately 5110 and extend to a 10,000 cfs event, which is an elevation of approximately 5115. The slope of the upper revetment stage will also be 2H:1V.

Willow Planting

Willow pole planting would occur between the lower and upper revetment stage, as well as extend downstream past the San Felipe siphon. Poles planted in the terrace would aid in creating hydraulic roughness and redirecting flows when they overtop the lower revetment stage, as well as enhancing the aquatic habitat. Extending the pole planting past the revetment would harden the bank and protect the siphon without risking damage due to heavy machinery. All poles would be approximately 12.5 ft to allow roots to extend to the 300-cfs water level. Approximately 2,250 poles would be planted at RM 214.4.

East Bar and Mid-Channel Bar Lowering

The east bar at the upstream end of the project site and the mid-channel bar at the downstream portion would be lowered. The east bar lowering offsets the encroachment on the river that would be caused by the proposed lower stage revetment immediately across the river channel. This would keep the channel from being constricted. The bar would be lowered to an elevation of approximately 5110 ft. The current width of the lowered area is approximately 45 ft wide and the length is approximately 500 ft. The purpose for the mid-channel bar lowering would be to hydraulically balance the plugging of the western channel. The entire mid-channel bar would be lowered to an elevation of approximately 5107 ft at the river bank.

Side Channel Plugging with Wetland Transplant

To help prevent erosion and possible damage to the San Felipe Siphon west inlet, the western channel of the river would be plugged. The two-stage benched revetment would act as a partial plug and additional grading work would fill in a small portion of the stream channel. Approximately 5,000 square yards (SY) of an existing emergent wetland would be transplanted from the mid-channel bar west bank to the downstream end of the side channel plug at an elevation suitable for supporting wetland habitat.

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RM 212.8

At RM 212.8, the proposed project consists of bank lowering and installing bendway weirs with bank reshaping. It also would include an area where excess material can be used to reshape an existing access road. A plan view of the proposed project components at this location is shown in Figure 3.

Western Bank Lowering

The western bank at RM 212.8 would be lowered, and native vegetation removed from the bank may be planted farther upslope from the river. Excavated material may be used to reshape the area at the toe of the eastern spoil levee. The bar lowering would serve two purposes: the first is to balance the channel width due to encroachment by the bendway weirs, and the second is to keep water-surface elevations relatively close to existing elevations. The bank would be lowered to an elevation of approximately 5095 ft at the river edge and sloped to an elevation of approximately 5096 ft. The current width of the lowered area is approximately 60 ft wide and the length is approximately 750 ft. The bank would then be graded at a 3H:1V slope to tie into existing elevation.

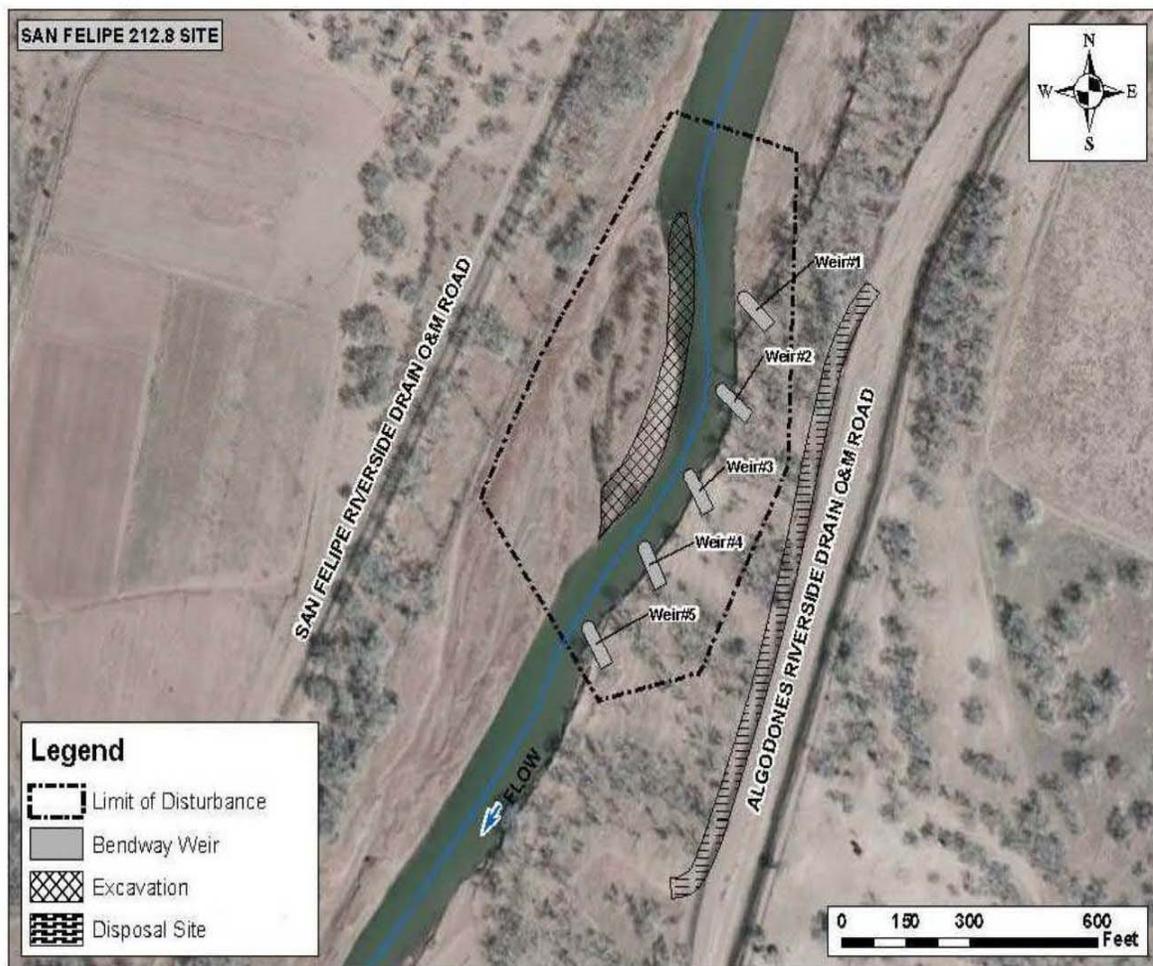


Figure 3: Project Work at RM 212.8

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Bendway Weirs with Bank Reshaping

Five bendway weirs would be constructed at RM 212.8. Bendway weirs are low elevation structures designed to redirect overtopping stream flow in a direction perpendicular to the weir. The weirs would be angled to redirect stream flows away from the east bankline. For this project, they would be constructed of rock riprap with a nominal diameter (D50) of 24 inches. The weirs would be a total of approximately 100 ft long with a crest elevation approximately equal to the mean annual flow (1400 cfs). The spacing between the weirs would be approximately 200 ft, and they would be set at an angle of 60 degrees as measured from the upstream bankline. The weirs would have a top width of approximately 22 ft, with side slopes of 2H:1V. Each weir would be half exposed into the stream channel with approximately 50 ft of the weir buried in the bank for the purpose of stabilizing the weirs.

On-Site Material Disposal

The applicant would place excavated fill material in an area at the toe of the east spoil levee. This area currently serves as an access road to the river as it has diverged from the elevated Algodones Riverside Drain O&M Road. The amount of fill material excavated from RM 212.8 maintenance site would be sufficient to expand the roadway to approximately 20 ft wide by 800 ft long at a height of approximately 4 to 5 ft above existing grade. This material would either be applied to the existing road at the toe of the spoil levee or to the top of the existing Algodones Riverside Drain O&M Road.

RM 211.3

At RM 211.3, the proposed project consists of removing vegetation, installing longitudinal fill stone toe protection (LFSTP), and bank lowering. The proposed project also includes two areas within where excess material may be used to reshape the upland landscape. A plan view of the proposed components can be seen in Figure 4.

Longitudinal Fill Stone Toe Protection

A riprap longitudinal stone toe with bioengineering would be installed along approximately 1,200 ft of the west bank. The bank protection would be trapezoidal in shape and would be filled in using clean soil behind to create a willow planting terrace. The longitudinal stone toe has been designed to accommodate an additional approximately 6.8 ft of scour at the installation location. This additional rock may be placed by extending the footprint width to allow for self-launching. The self launching approach for riprap offers economy and ease of construction by letting the stream do the excavation. It is recommended where scour of the channel bottom can be predicted, such as in the case of erodible sands or even highly weathered rock. As flows scour the toe of the bank protection, the riprap launches into the excavated area. Rock riprap would be placed to a top elevation of approximately 5091 ft, which corresponds to a flow of approximately 2,000 cfs. The LFSTP would be keyed into the bank at the upstream and downstream ends and utilize tiebacks at approximately 150 feet intervals to prevent flanking and bank erosion.

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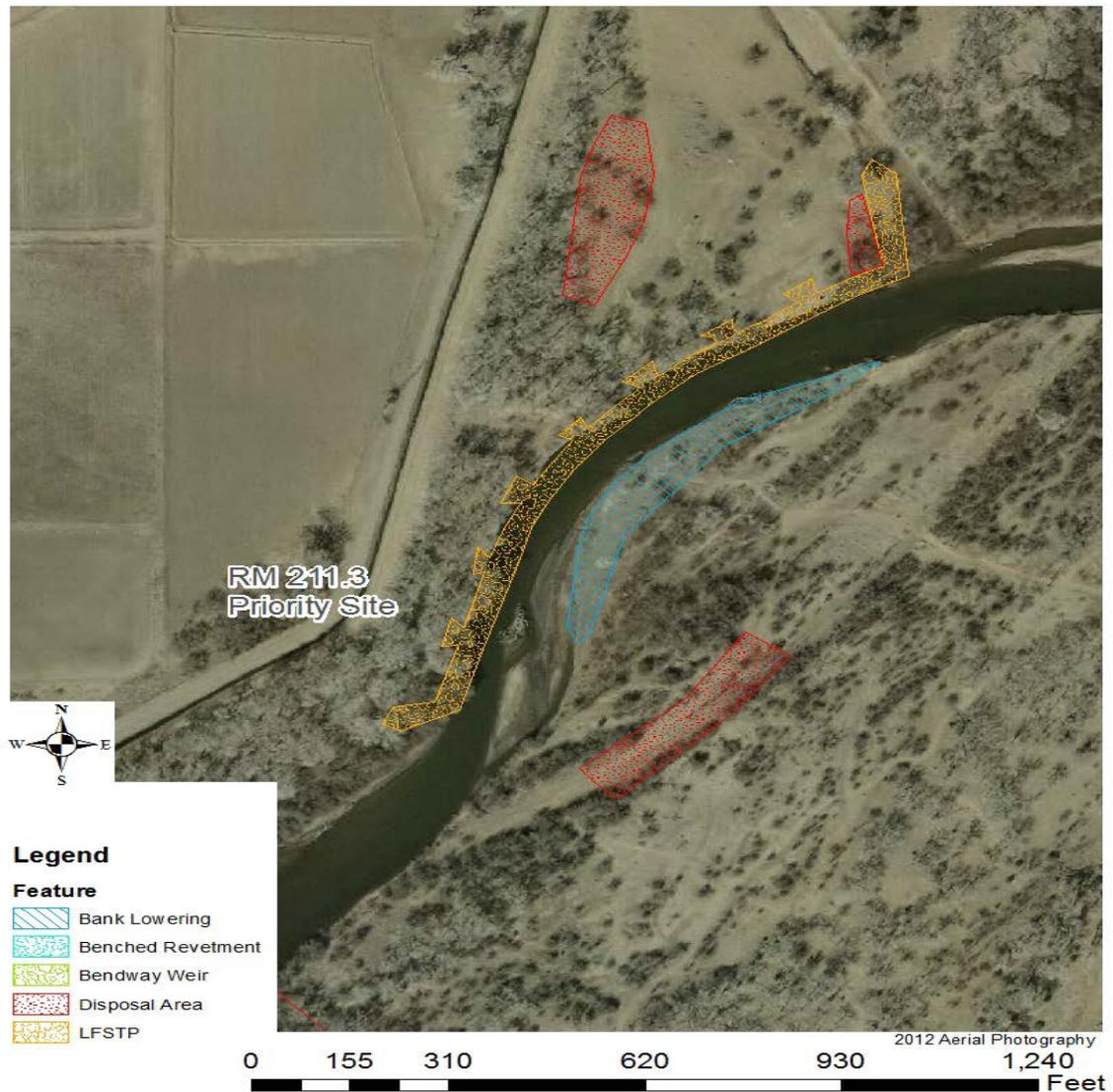


Figure 4: RM 211.3 Project Work at RM 211.3

Bank Lowering

The eastern bank at RM 211.3 would be lowered, and native vegetation, dominated by X species, would be removed from the bank and planted in the area between the levee and the LFSTP. The bank would be lowered to an elevation of approximately 5087 ft at the river edge and sloped to an elevation of approximately 5088 ft. The current width of the lowered area is approximately 80 feet wide and the length is approximately 780 ft. The bank would then be graded at a 10H:1V slope to tie into the existing elevation.

On-Site Material Disposal

Two areas at the RM 211.3 proposed project site would be used as borrow locations for fill material. The fill material would be spread-out, graded, and re-seeded with native species.

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ALTERNATIVES: The applicant is required to provide information concerning project alternatives. The Corps will consider all reasonable project alternatives, in particular those which may be less damaging to the aquatic environment.

The following alternatives were developed and/or evaluated for Site 214.4: No Action; Longitudinal Stone Toe Protection with Bank- Shaping and Native Plantings; Trench-Fill Riprap in Floodplain; Two-stage Benched Rock Revetment; Two-stage Benched Rock Revetment with Floodplain Bench; Open Side Channel on East Bank Attached Bar; Two-stage Benched Rock Revetment Extended with Vegetation Bench and Bar Removal with Channel Plug; and Two-stage Benched Rock Revetment Extended with Vegetation Bench and Bar Removal with Channel Filling.

The following alternatives were developed and/or evaluated for Site 212.8: No Action; Longitudinal Stone Toe Protection; Buried Bendway Weirs; Spur Dikes; Trench-Fill Riprap in Floodplain; Riprap Revetment; Open Side Channel on West Bank Attached Bar; Bendway Weirs and Bar Removal; and Longitudinal Fill Stone Toe Protection and Bar Removal.

The following alternatives were developed and/or evaluated for Site 211.3: No Action; Longitudinal Fill Stone Toe Protection with Bank-Shaping and Native Plantings; Longitudinal Fill Stone Toe Protection with Floodplain Bench; Bioengineering with Rock Toe; Bendway Weirs; Trench-Fill Riprap in Floodplain; Riprap Revetment; and Longitudinal Fill Stone Toe Protection with Floodplain Bench and Bar Removal.

PROPOSED MITIGATION: The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize impacts, the Corps may require compensatory mitigation.

The applicant has proposed to compensate for direct adverse impacts to waters of the U.S. through the establishment of approximately 0.9 acres of emergent wetlands and approximately 2.4 acres of riparian area willow plantings.

WATER QUALITY CERTIFICATION: The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the EPA Region 6, Dallas, Texas. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, where the tribe does not have water quality certifying authority, the applicant will be required to obtain water quality certification from the EPA.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation,

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economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

HISTORIC PROPERTIES: The project area is located within the confines of the river channel and active floodplain and has been surveyed for historic properties by BOR, acting as lead federal agency for compliance with the National Historic Preservation Act (NHPA). No cultural remains were found and the Pueblo has informed BOR that there are no Traditional Cultural Properties in the project area. Based upon these findings, BOR has determined that the proposed project will not affect cultural resources and has completed the NHPA, Section 106 process.

ENDANGERED SPECIES: The BOR, acting as lead federal agency for compliance under the Endangered Species Act (ESA) has conducted Section 7 Consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with the Endangered Species Act (ESA). The BOR received concurrence on a “may affect, but is not likely to adversely affect” for the endangered Rio Grande silvery minnow (*Hybognathus amarus*), the endangered southwestern willow flycatcher (*Empidonax traillii extimus*), the threatened yellow-billed cuckoo (*Coccyzus americanus*), and a “may affect, but is not likely to adversely affect the Primary Constituent Elements of designated Rio Grande silvery minnow critical habitat and yellow-billed cuckoo critical habitat in a letter dated June 23, 2015 (USFWS Consultation Number 02ENNM00-2015-I-0357).

The BOR has also determined that there will be “no effect” to the endangered New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) as there is no suitable habitat for the mouse within the project area, which is more than 120 miles north of the only known occupied habitat along the Middle Rio Grande. Furthermore, there is no designated or proposed critical habitat for the Southwestern willow flycatcher or New Mexico meadow jumping mouse within the project area on the Pueblo of San Felipe.

It should also be noted that this proposed project must be accomplished while meeting the requirements specified in the Biological Opinion addressing BOR’s river

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maintenance activities (U.S. Fish and Wildlife Service, 2003). As such, the various habitat restoration components are proposed, including bank/bar lowering to create backwater and/or inundated wetland habitat at various flows as well as willow plantings.

FLOODPLAIN MANAGEMENT: The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

COMMENT SUBMITTAL AND DEADLINES: The Corps and the EPA are soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Submittal of Section 404 Permit Comments: All comments regarding the 404 permit for the above-described project must be received on or before **August 10, 2015**, which is the close of the comment period. Comments on the EPA 401 certification must be submitted as described below under the heading “Submittal of Water Quality Certification Comments.” Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Comments and requests for additional information should be submitted to:

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Submittal of Water Quality Certification Comments: Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. For the above described project, the applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from EPA.

This document serves to notify the public that EPA will consider issuing a certification under Section 401 of the Clean Water Act. EPA will accept and consider written comments regarding the certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

Tom Nystrom
Wetlands Section (6WQ-EM)
U.S. Environmental Protection Agency
1445 Ross Avenue, Ste 1200
Dallas, TX 75202-5469
214-665-8331
FAX 214-665-6689
E-mail: Nystrom.thomas@epa.gov

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

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