US Army Corps of Engineers®
Albuquerque District

JOINT PUBLIC NOTICE

Application Number: SPA-2015-00366-ABQ

Date: October 19, 2015

Comments Due: November 19, 2015

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) and the New Mexico Environment Department's Surface Water Quality Bureau (SWQB) are evaluating a permit application for the Penny Lane Low Head Dam, which is located in the City of Farmington, San Juan County New Mexico. The proposed project would result in permanent and temporary impacts to approximately 0.98 acres (AC) and 90 linear feet of waters of the United States within the Animas River. This notice is to inform interested parties of the proposed activity and to solicit comments.

AUTHORITY: This application is being evaluated under Section 401 and 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States (U.S.). State water quality certification is provided under the authority of 20.6.2 of the New Mexico Administrative Code.

APPLICANT: City of Farmington
ATTN: Jeff Smaka
800 Municipal Drive
Farmington, New Mexico 87401

AGENT: Riverbend Engineering, LLC
ATTN: Chris Phillips
5929 Pauline Avenue, NW
Albuquerque, New Mexico, 87107

LOCATION: The project site is located on the Animas River in Section 28, Township 30 E, Range 12 N, Latitude 36.782, Longitude -108.102, San Juan County, New Mexico.

PROJECT DESCRIPTION: The City of Farmington (the City) proposes to modify the Penny Lane Low Head Dam across the Animas River to address a variety of issues, including fish passage, improved recreation, and boater safety. The proposed action involves the construction of a sloping concrete ramp extending from the top of the existing dam structure that will direct flows downstream and away from the structure. This ramp is also designed to flush floating objects through the dam area and downstream. A primary goal of the project is to address safety issues identified from a recent tragedy caused by a boater becoming entrapped on the downstream side of the dam.

According to aquatic biologists the current dam configuration is also an impediment to fish migration. As such, the preferred proposed action will incorporate a fish ladder to improve upstream migration. It will consist of a series of constructed steps separating deeper pool areas. Each step will rise approximately 0.5 feet and contain pour-overs, which will create a functional jump height between pool/resting areas. The downstream end of the fish ladder will be attached to the terminus of the new ramp to increase the availability of the faster water current for migratory fish exiting the structure.

The City is also interested in improving recreational opportunities at the site. Therefore, the new ramp was also designed to create a hydraulic wave form that is desirable to the boating community. Members of the boating public presented public comment to the City in favor of this type of recreational improvement. Given the broad width of the dam, the City believes there is actually room for two separate hydraulic wave forms, separated by a low profile island in between. The main ramp area on river right (on the right when facing downstream) will be 60 feet wide and slopes at a 15:1 gradient. The ramp will end in a shallow pool downstream. This configuration will create a fast moving "wave train" beginning at the bottom of the ramp and extending downstream. The waves are expected to have a rounded top surface and a relatively long length, which will provide a more exciting experience for boaters/rafters traveling down river and the potential for "surfing" the river with various water craft (e.g. small kayaks and surfboards). The secondary ramp area on river left will be 36 feet wide and will slope at a 7.5:1 gradient. This ramp will terminate at a deep pool downstream. This overall configuration will create a taller, single standing wave with a steeper upstream face. This type of wave is preferred by boaters using short freestyle kayaks to perform tricks in the surf wave.

This project also proposes to improve the existing boat ramp below the dam on the northwest side of the river. Improvements would include the installation of boulders along the river bank to move the main river current away from the bank, creating slower moving water at the point where boats are launched or are taken out of the river. To increase this slow moving water effect a shallow graded pool in the center of the river channel will help to slow the river current in this area.

Currently there is only vehicular access to the dam site on the north side of the river at Penny Lane. This project proposes to develop a small access road and parking area on the south side of the river. This access area would not include a boat ramp. When flow in the river is elevated, this secondary access could be used by the boaters recreating in the more advanced wave feature to simplify moving between the launch

area and the "play area". This will also help to disperse recreational users, which will be an important consideration when usage of the site increases.

The City of Farmington and the contractor will develop and implement a Storm Water Pollution Prevention Plan (SWPPP); a Temporary Erosion and Sediment Control Plan; and follow a standard of best management practices.

Construction will take place during low flow conditions (November - March). The contractor will install and maintain a temporary berm and dewatering pump system to keep the normal flow of the river out of the active work area. This will minimize increases to water turbidity, and will allow for relatively easy containment and cleanup should an equipment breakdown lead to a spill of hazardous materials. A temporary increase in turbidity is expected during the installation and removal of the temporary coffer dam. Seepage water pumped out of the work area may also have some turbidity. These turbidity impacts are expected to be relatively small and short-lived.

Construction machinery will be inspected on a daily basis for any sign of leakage (grease, oils, hydraulic fluids, etc.) before entering the work area in the river bottom. Equipment will be removed from the river at the first sign of a leak. Construction machinery will always be parked out of the river at night and when not in use. Fuel and lubricants will be stored in a locked storage container out of the river. Construction activities will be planned to limit the extent of upland area impacts. A revegetation plan will be part of the final design, and will require revegetation of all disturbed upland areas with seed that is weed-free and is of a native species.

The dewatering of the construction work area will cause a temporary loss of aquatic habitat. Mitigation efforts will be conducted by a qualified and permitted biological monitor. All fish trapped during the dewatering process will be identified and relocated to watered sections of the river upstream of the construction zone.

Permanent impacts within the ordinary high water mark (OHWM) of the Animas River totals 0.95 AC. This breaks down into 0.09 AC for the new concrete ramps, 0.21 AC for the boulder & grout islands and bank protection, 0.01 AC for the fish ladder, 0.43 AC for the loose rock and gravel work downstream of the dam to control the water surface elevations, and 0.21 AC of new floodplain fill on the southeast side of the river. Most of the permanent impacts will occur within the 0.98 AC of temporary impact caused by the dewatering effort.

ADDITIONAL INFORMATION:

Alternatives. The applicant has provided information concerning project alternatives. Alternatives proposed by the applicant include:

Under Alternative 1: The City would not make any improvements to the existing low head dam at Penny Lane (also referred to as the Animas Pump Station No. 2). Under this alternative the existing hydraulic entrapment hazard would remain.

Additionally, the lack of infrastructure for swift-water rescue would remain. The existing partial barrier to fish migration would also remain; and the dam would continue to be an impediment to river navigation.

Economic Impact: This alternative has no immediate cost, but the prospect of future litigation as a result of a boating accident remains high.

Physical Impact: No new impacts within the OHWM. However, the existing dam has a footprint of approximately 0.27 AC within the OHWM.

Water Quality Impact: No Change

Under Alternative 2: The City would construct a reinforced concrete ramp on top of the existing low head dam at Penny Lane. This ramp would alter the hydraulic characteristics of water going over the dam, thus eliminating the existing hydraulic entrapment hazard. Floating objects (logs, boats, people, etc.) would slide down the ramp and be flushed downstream away from the dam; and river navigation would improve as boats would no longer need to portage around the dam. However, the existing partial barrier to fish migration would remain. The lack of infrastructure for swift-water rescue would remain, however the hazard reduction would improve conditions for rescue personnel.

Under this alternative a floodplain bench would be constructed over the south 90 ft of the dam, which matches the natural floodplain upstream and downstream. A simple gravel access roadway and staging area would be constructed on the south side of the river for contractor access. Drawings of this alternative are included in the Appendix A.

Economic Impact: The estimated cost for this alternative is $425,000 and the prospect of future litigation as a result of a boating accident would be significantly reduced.

Physical Impact: Permanent impacts within the OHWM total 0.38 AC for this alternative. This breaks down into 0.13 AC for the new concrete ramp, 0.06 AC for the riprap erosion protection, and 0.19 AC of new floodplain fill on the southeast side of the river. A temporary impact area of 0.98 AC is expected which includes the entire dewatered area of the river and the dam construction area.

Water Quality Impact: A temporary increase in turbidity is expected during the installation and removal of the temporary coffer dam. Seepage water pumped out of the work area may also have some turbidity. These turbidity impacts are expected to be relatively small and short-lived.

Aquatic Impact: The dewatering of the construction work area will cause a temporary loss of aquatic habitat. Mitigation efforts will include the collection

and relocation of any fish found in the dewatering area, which will be conducted by a qualified aquatic biologist.

All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

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, 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).

HISTORIC PROPERTIES: The Corps consulted district files and records, the latest version of the National Register of Historic Places (NRHP), and state records of NRHP-eligible and potentially eligible historic properties to determine if there are any historic properties that may be affected by the proposed undertaking. No known historic properties are present within or adjacent to the proposed project area.

The project area has been extensively modified as a result of the original construction of the Penny Lane Low Head Dam and associated levee system during the 1980s; and the construction footprint of the proposed project falls entirely within that previous disturbance. As such, the Corps has determined that the proposed project has no potential to effect a historic property.

ENDANGERED SPECIES: The Corps has made a preliminary determination that the proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

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 SWQB 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 November 14, 2015 which is the close of the comment period. Comments on the state 404 certification must be submitted as described above under the heading "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 on the 404 permitting action and requests for additional information should be submitted to:

Chris Wrbas, Project Manager
US Army Corps of Engineers, Albuquerque District
1970 East 3rd Avenue, Suite 109
Durango, Colorado 81301
970-259-1947
FAX 970-259-1658
E-mail: Christopher.r.wrbas@usace.army.mil

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 of Engineers 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 the New Mexico Environment Department SWQB.

This notice serves to notify the public that the SWQB will consider issuing a certification under Section 401 of the Clean Water Act. The purpose of such certification is to reasonably ensure that the permitted activities will be conducted in a manner compliant with applicable New Mexico water quality standards, including the antidegradation policy, and the statewide water quality management

plan. This Notice, including notice of the 30-day public comment period, is also posted on the SWQB website at http://www.nmenv.state.nm.us/swqb/WQA/notice/.

SWQB will accept and consider written comments regarding the state certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

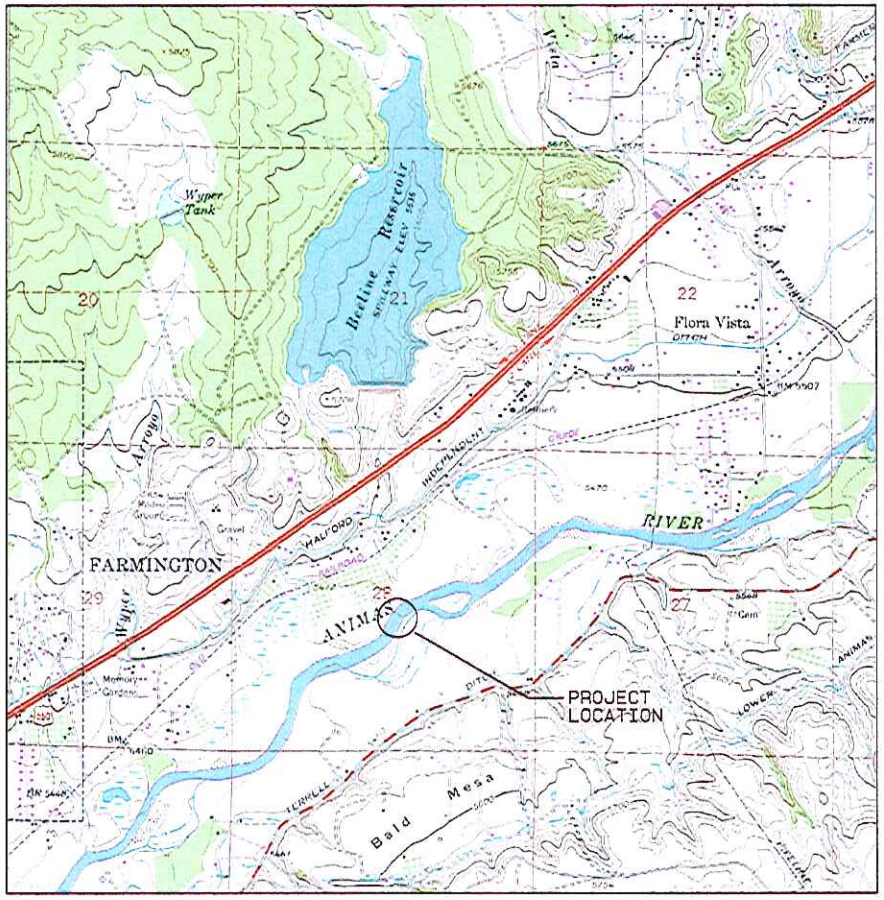
Neal Schaeffer, Environmental Scientist
New Mexico Environment Department SWQB
P.O. Box 5469
Santa Fe, NM 87502-5469
505-476-3017
FAX 505-527-0160
E-mail: neal.schaeffer@state.nm.us

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, the New Mexico Inspection of Public Records Act, or both.

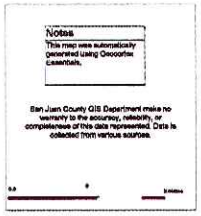
DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

BUREAU CHIEF
SURFACE WATER QUALITY BUREAU
NEW MEXICO ENVIRONMENT DEPT

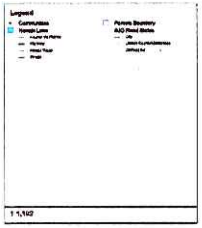
Enclosure: Project drawings



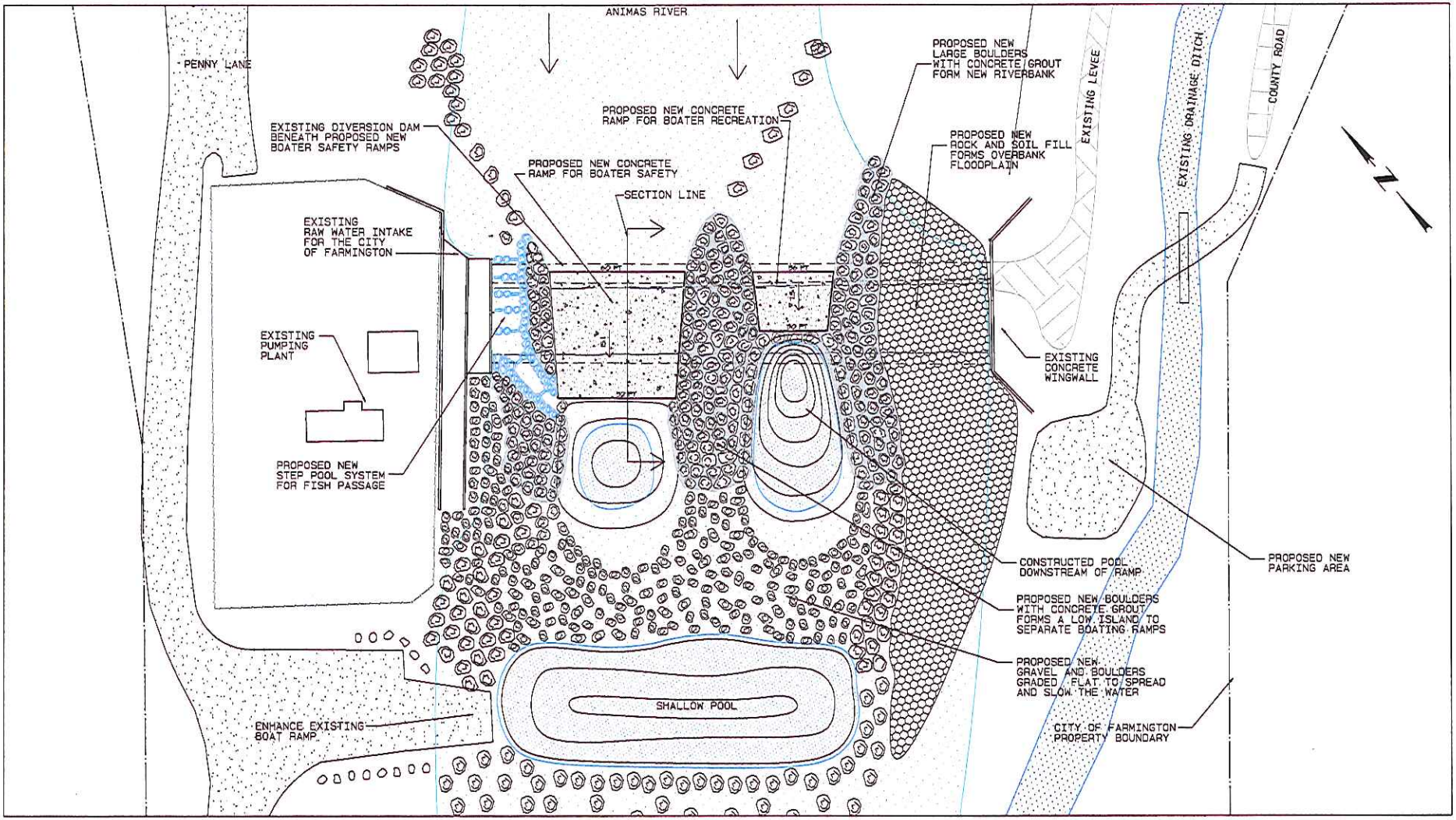
LOCATION MAP



SAN JUAN COUNTY NEW MEXICO SINCE 1887



	City of Farmington, NM Public Works Department 600 Municipal Dr. Farmington, NM 87401 Tel: 505.599.1062 FAX: 505.599.1111	Riverbend Engineering, LLC 5929 Pauline st NW Albuquerque, NM 87107 Tel: 505.344.3315 FAX: 505.344.0698 Website: www.riverrestoration.com 102 Third St., P. O. Box 2979, Pagosa Springs, CO 81147 Tel: 970.264.1195 FAX: 970.264.1196 Email: cphillips@frontier.net	PENNY LANE LOW HEAD DAM MODIFICATIONS ANIMAS RIVER NEAR FARMINGTON PROJECT LOCATION Scale: AS SHOWN 9-16-2015	Sheet 1 of 6



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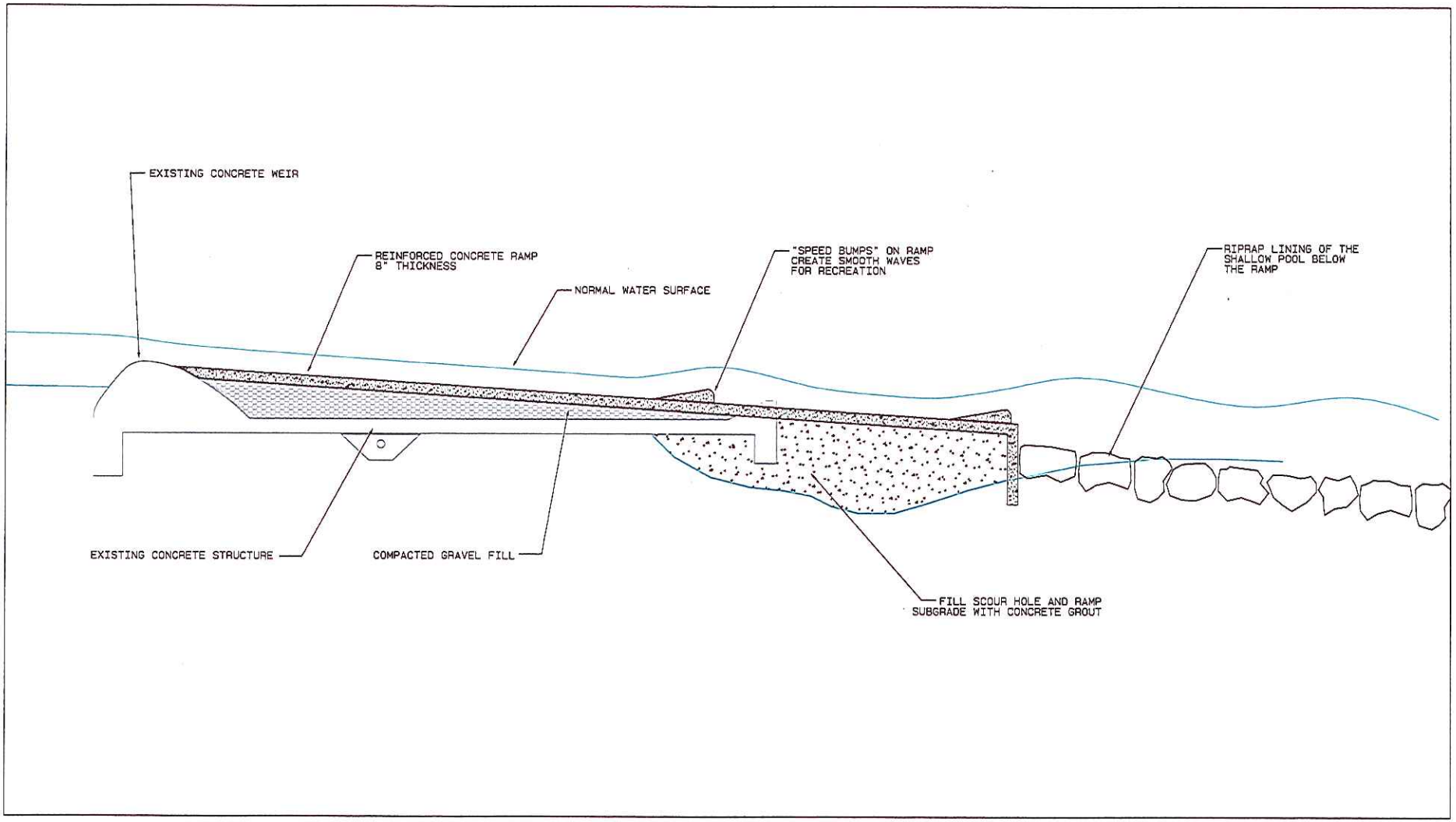
PENNY LANE LOW HEAD DAM MODIFICATIONS	Sheet
ANIMAS RIVER NEAR FARMINGTON	2
PROPOSED ACTION	of 6
Scale: 1"= 20 FT	9-16-2015



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PENNY LANE LOW HEAD DAM MODIFICATIONS

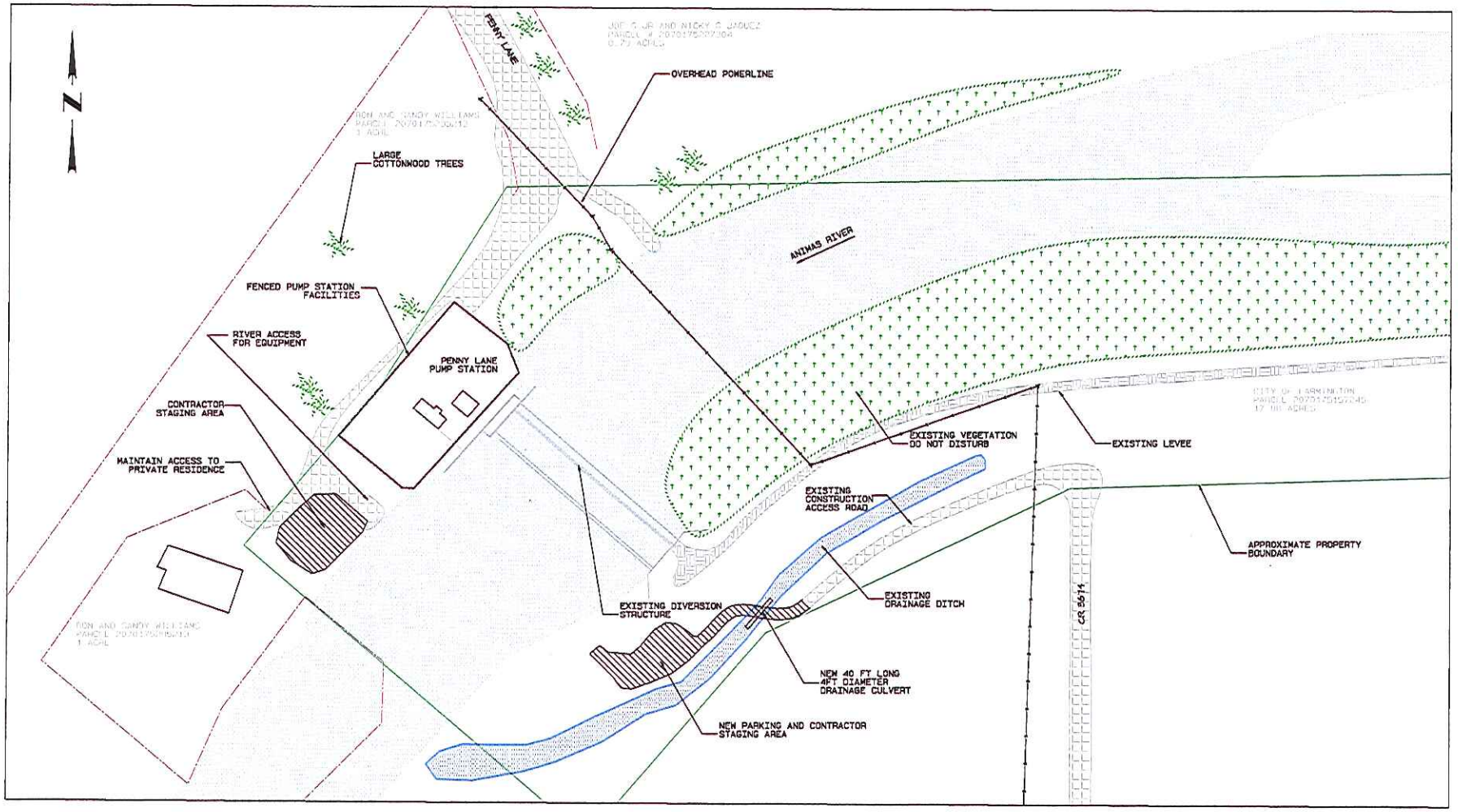
ANIMAS RIVER NEAR FARMINGTON

PROPOSED ACTION
SAFETY RAMP
PROFILE VIEW

Scale: 1"= 30 FT

9-16-2015

Sheet 3 of 6



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PENNY LANE LOW HEAD DAM MODIFICATIONS

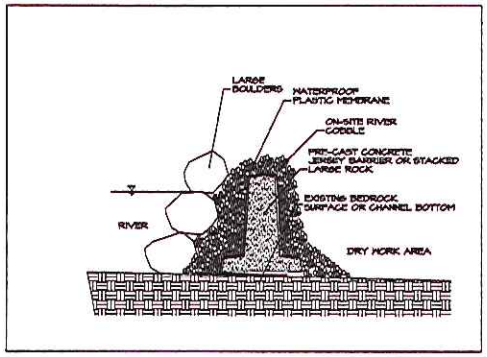
ANIMAS RIVER NEAR FARMINGTON

CONTRACTOR STAGING AND ACCESS PLAN

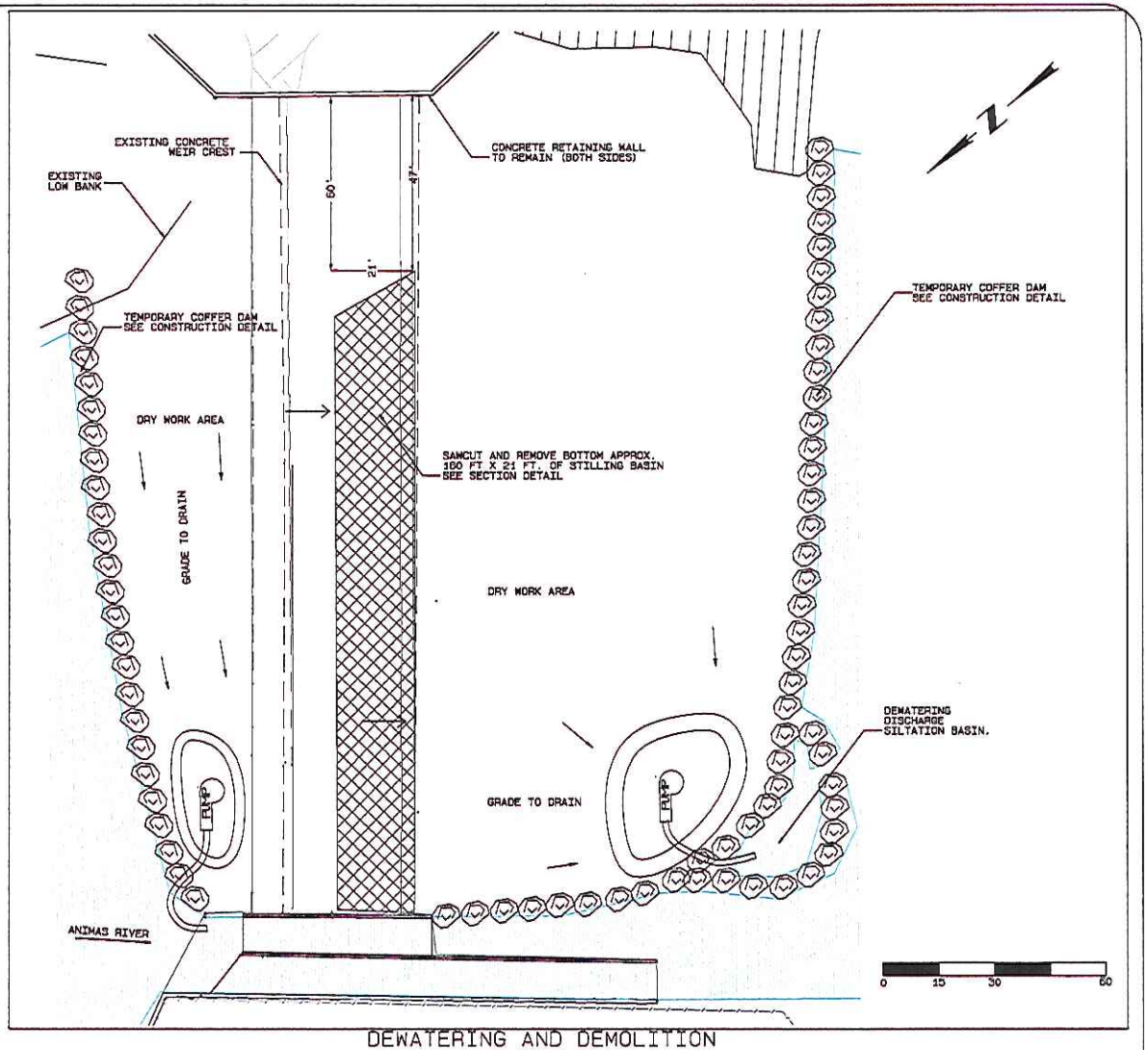
Sheet 4 of 6

Scale: 1" = 50 ft

9-16-2015



COFFER DAM
CONSTRUCTION DETAIL



DEWATERING AND DEMOLITION
PLAN VIEW

0 15 30 60

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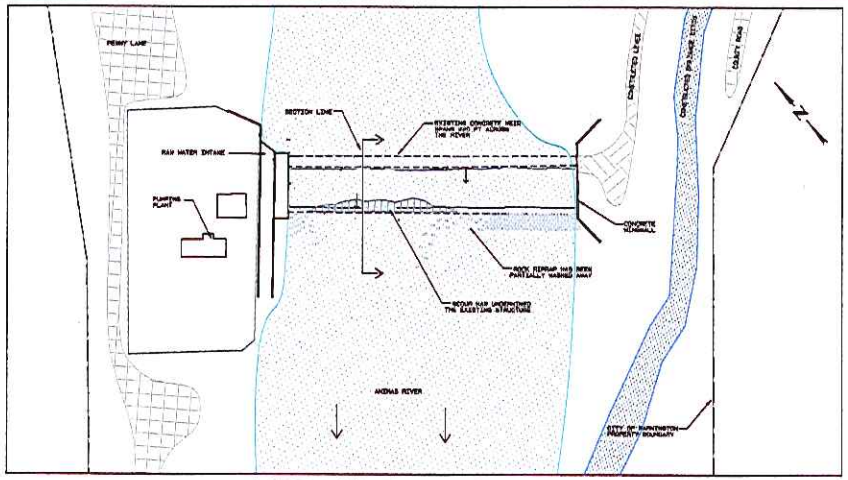
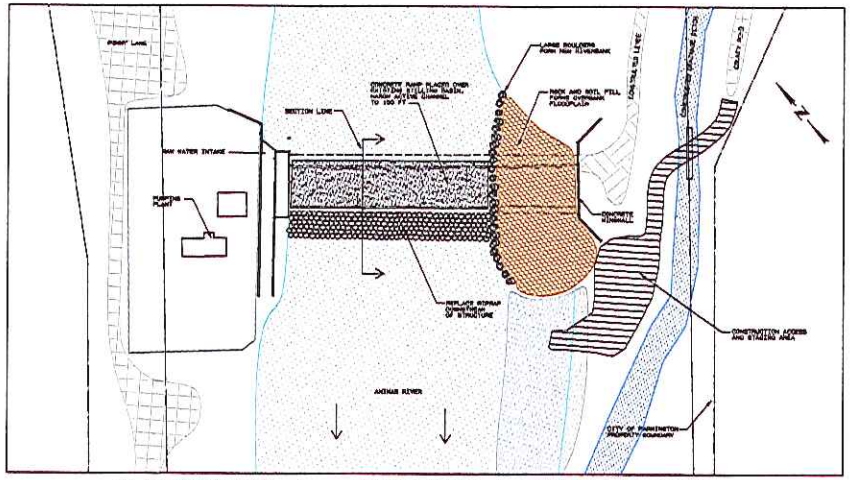
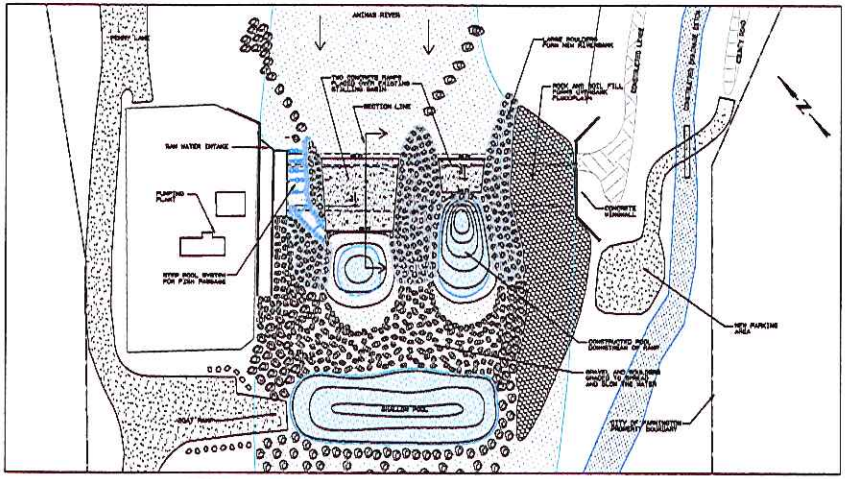
PENNY LANE LOW HEAD DAM MODIFICATIONS	Sheet
ANIMAS RIVER NEAR FARMINGTON	5
DEWATERING & DEMOLITION PLAN	of 6
Scale: 1" = 15 ft	9-16-2015



ALTERNATIVE 1: NO ACTION



ALTERNATIVE 2: CONSTRUCT A CONCRETE RAMP OVER THE EXISTING DAM



ALTERNATIVE 3: PROPOSED ACTION

0 45 90 180

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Public Works Department
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Farmington, NM 87401
Tel: 505.599.1062 FAX: 505.599.1111

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PENNY LANE LOW HEAD DAM MODIFICATIONS	Sheet
ANIMAS RIVER NEAR FARMINGTON	6
ALTERNATIVES	of 6
Scale: 1"= 45 FT	9-16-2015