



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

PUBLIC NOTICE

Public Notice Issue Date:
11/28/2016

NEWS RELEASE

**REGIONAL GENERAL PERMIT NM/WEST RGP-
16-01
UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)
UTILITY LINE MAINTENANCE, REPAIR OR REMOVAL**

DATE: 11/28/2016

Subject: PUBLIC NOTICE

U.S. Army Corps of Engineers, Albuquerque District

PUBLIC NOTICE UNDER SECTION 404 OF THE CLEAN WATER ACT

The Albuquerque District has posted a public notice to our internet home page as well as a copy of the Regional General Permit 16-01: <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>.

SUMMARY OF PROPOSED ACTION: Interested parties are hereby notified that, in accordance with 33 CFR 322.2(f), 323.2(h), and 325.2(e)(2) published in the Federal Register November 13, 1986, the Albuquerque District of the U. S. Army Corps of Engineers (USACE) is issuing this regional general permit (RGP) 16-01 for Utility Line Maintenance, Repair or Removal within the State of New Mexico.

AUTHORITY: Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the U.S. State water quality certification is provided under authority of 20.6.2 NMAC.

AREA OF COVERAGE: Within the State of New Mexico.

SCOPE OF ACTIVITIES: Work authorized by this RGP is limited to the discharge of dredged or fill material into waters of the U.S. for crossings of those waters associated with the maintenance, repair or removal of utility lines where the activity does not qualify for coverage under Nationwide Permit 12 because the activity would result in a change in pre-construction contours below the Ordinary High Water Mark (OHWM). Projects authorized, must not result in more than minimal individual and cumulative adverse environmental effects. The area of waters of the U.S. that is disturbed must be limited to the minimum amount necessary for maintenance, repair or removal of the utility line and shall not result in the loss of greater than ½ acre of waters of the U.S. for each single and complete project.

A "utility line" is defined as any pipe or pipeline for the transportation of a gaseous, liquid, liquescent, or slurry

substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and internet, radio and television communication. The term "utility line" does not include activities or structures that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the U.S. (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations.

Each activity will be evaluated and, in some cases, may be authorized by nationwide permits or other regional general permits or may be exempt from regulation under Section 404(f)(1) of the Clean Water Act. An individual permit will be required for any activity that the District Engineer determines to have more than minimal environmental effects, individually or cumulatively, or that may be contrary to the public interest.

WATER QUALITY CERTIFICATION: In accordance with Section 401 of the Clean Water Act, certification of compliance with state or tribal water quality standards by the state or tribal water quality certifying authority, is required for any discharge of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act. The Environmental Protection Agency (EPA) administers Section 401 for those tribes who do not have water quality certifying authority.

For Permittees on Non-tribal Land in New Mexico:

State Water Quality Certification is required by CWA §401 to ensure that the permit is consistent with state law and complies with the state Water Quality Standards (20.6.4 NMAC), the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy. Pursuant to 20.6.2.2002 NMAC, the New Mexico Environment Department (NMED) issued conditional certification for the RGP dated November 18, 2016.

A copy of the Water Quality Certification can be found on the Albuquerque District website at: <http://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/Regional%20General%20Permits/New%20Mexico/RGP%2016-01%20WQC%20Cert.%20.pdf?ver=2016-12-01-143433-553>.

For Permittees on Tribal Lands:

Water quality certification for projects on tribal lands must be obtained from the tribal water quality program for tribes that have water quality certification authority (as of the date of this notice - Pueblo of Sandia, Pueblo of Isleta, Pueblo of Nambé, Pueblo of Acoma, Picuris Pueblo, Pueblo of Pojoaque, Santa Clara Pueblo, Taos Pueblo, Ohkay Owinghey, Pueblo of Tesuque, Navajo Nation and Ute Mountain Ute Tribe). Contact information as of the date of this notice is provided below:

- Pueblo of Sandia, Scott Bulgrin, Environment Department, 481 Sandia Loop, Bernalillo, New Mexico 87004, sbulgrin@sandiapueblo.nsn.us
- Pueblo of Isleta, Ramona Montoya, Environment Division Manager, P.O. Box 1270, Isleta, New Mexico 87022, POI36871@Isletapueblo.com
- Pueblo of Nambe, Steve Rydeen, Director, Environment Department, Rural Route 1, Box 117BB, Nambe Pueblo, New Mexico 87506, srydeen@nambepueblo.org
- Pueblo of Acoma, Steve Juanico, juanicojs@msn.com

- Picuris Pueblo, Jennie Olguin, jennie.olguin@picurisppueblo.org
- Pueblo of Pojoaque, Adam Duran, aduran@puebloofpojoaque.org
- Santa Clara Pueblo, Dino Chavarria, Office of Environmental Affairs, P.O. Box 580, Espanola, New Mexico 87532, dinoc@santaclarapueblo.org
- Taos Pueblo, Robert Gomez, Environmental Office, P.O. Box 1846, Taos, New Mexico, 87571, RGomez@taospueblo.com
- Ohkay Owingeh, Connie Martinez, Environment Department, P.O. Box 717, Ohkay Owingeh, New Mexico 87566, connie_martinez@ohkayowinge-h-nsn.gov
- Pueblo of Tesuque, Jeremy Yepa, Environment Department, Route 42, P.O. Box 360-T, Santa Fe, New Mexico, 87506, jyepa@pueblooftesuque.org
- Navajo Nation EPA, Lee Anna Martinez-Silversmith, 401 Certification Program Coordinator, Water Quality Program, P.O. Box 339, Window Rock, Arizona, 86515, leeanna.martinez09@yahoo.com
- Ute Mountain Ute Tribe, Scott Clow, (970) 564-5430

For projects on tribal lands where the tribe does not have water quality certification authority, certification must be obtained from the appropriate Regional Office of the Environmental Protection Agency. Contact information as of the date of this notice is provided below:

- EPA Region 6 for New Mexico and Texas, Thomas Nystrom, nystrom.thomas@epamail.epa.gov, (214) 665-8331
- EPA Region 8 for Colorado, Brent Truskowski, Truskowski.brent@epa.gov, (303) 312-6235
- EPA Region 9 for allotted lands within the Navajo Nation, Paul Amato, amato.paul@epa.gov, (415) 972-3847

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