



**US Army Corps  
of Engineers®**



## **JOINT PUBLIC NOTICE**

**Application Number:** SPA-2016-00139-ABQ

**Date:** March 23, 2018

**Comments Due:** April 23, 2018

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**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 American Gypsum LLC (American Gypsum) to expand its existing operation and continue to extract gypsum from the White Mesa deposit on Pueblo of Zia land. The proposed project would result in impacts to approximately 0.7 acres of waters of the United States and/or navigable waters of the United States (WoUS). 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 WoUS and for compliance with applicable water quality standards.

**APPLICANT:** Mr. Ray Dabria  
American Gypsum Company  
4600 Paseo Del Norte  
Albuquerque, New Mexico 87113  
Email: [ray.dabria@americangypsum.com](mailto:ray.dabria@americangypsum.com)

**AGENT:** Mr. Richard Frechette  
Knight Piesold and Company  
1999 Broadway, Suite 600  
Denver, CO 80202  
Phone: (303) 629-8788  
Email: [rfrechette@knightpiesold.com](mailto:rfrechette@knightpiesold.com)

**LOCATION:** The Phase III Expansion lies within the 1040-acre Pueblo of Zia Mining Lease held by American Gypsum Company LLC. The lease lies on White Mesa, 2.5 miles southwest of the village of San Ysidro and near the junction of U.S. Highway 550 and State Hwy 4, Sandoval County, New Mexico (latitude 35.529646, longitude -106.804522).

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**PROJECT PURPOSE:** Based on the available information, the basic project purpose is mineral resource extraction. The overall project purpose is to continue to extract gypsum from the White Mesa deposit on Pueblo of Zia land. The applicant's stated project purpose is to expand the existing mine to provide gypsum to meet the current local and regional needs for both residential and commercial markets.

**PROJECT DESCRIPTION:** The proposed expansion is contiguous to the current mining operation and would be operated using the existing mining infrastructure. The rate of mining would depend upon demand for gypsum ore, equipment, weather, and other variables. Approximately 1,000 to 3,000 tons per day would be mined from the entire site. No new facilities or equipment are proposed.

Expanded mining operations will progress to the south from existing facilities and utilize a Wirtgen Surface Miner (Model 2200SM). The gypsum formation has a natural slope of 3 to 4 percent in the southerly direction; and the actual mine slope will be about 5 to 6 percent. The surface miner has a 7.2 foot-long (2.2-meter) cutting-drum that creates a 6-inch-deep cut on each pass. A front-end loader is then used to push the gypsum into long rows 6 to 7 feet high. The stockpiled gypsum is loaded into haul trucks for transport to either of American Gypsum's two wallboard-manufacturing plants, one in Albuquerque and one in Bernalillo, New Mexico. The trucks haul approximately 30 tons per trip. Water is used for dust control on haul roads and for pre-wetting the mining surface.

As the mining surface advances south the upper reaches of four unnamed arroyos will be intersected and filled. These four drainages have been designated as Waterway 1, Waterway 2a, Waterway 2b, and Waterway 3 (see attached maps). Waterway 1 extends approximately 564 linear feet (lf) across the project area, for a total of 0.075 acres (ac) below the ordinary high water mark (OHWM). Waterway 2a flows into Waterway 2b in the southeast quadrant of the proposed project area. Waterway 2a extends 1,259 lf within the project area before its confluence with Waterway 2b, and the latter extends approximately 1,836 lf prior to their confluence. Waterway 2a encompasses 0.154 ac below the OHWM and Waterway 2b consists of 0.211 ac below the OHWM upstream of their confluence. Downstream of their confluence the channel extends another 425 lf prior to exiting the project area, which includes another 0.049 ac below the OWHM. Waterway 3 extends for 1,752 lf within the mine expansion area, for a total of 0.221 ac below the OHWM. The impact to these arroyos is the subject of the proposed Clean Water Act 404/401 action. The extraction of gypsum will occur into and below the bottoms of these arroyos. Once the gypseous soil and sand (overburden) have been removed, gypsum, either mined or ripped, will be used to backfill the arroyos so as to provide a relatively level surface for the mining machine. Eventually, the gypsum will be mined within the arroyos to redirect flows to the north and into a collection area. The mining plan of operations is designed to contain all flows within the lease area.

**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 applicant has considered three onsite alternatives and one off-site alternative, which will be evaluated in addition to the no action alternative.

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**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. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR Part 332.

The applicant has provided a proposal to compensate for direct adverse impacts to WoUS. This compensatory mitigation plan is currently being reviewed by the Corps and the Pueblo of Zia.

**EVALUATION FACTORS:** Regarding the overall Phase III Expansion project, the Bureau of Indian Affairs (BIA) – Southern Pueblo Agency is the administrator for the surface and leasing of the mineral trust estate for the Pueblo of Zia. The Bureau of Land Management – Rio Puerco Field Office (BLM-RPFO) has oversight for the mining operations. As such, the BIA, BLM, and the Pueblo of Zia will determine if there are any significant environmental impacts associated with the proposed action. It should also be noted that approval for trust minerals are subject to BLM New Mexico State Director Review and the BLM’s appeal procedures.

The decision whether to issue a 404 permit and 401 certification will be based on an evaluation of the probable environmental 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 Clean Water Act Section 404(b) (1) guidelines (40 CFR Part 230).

**HISTORIC PROPERTIES:** The project area has been inventoried for cultural resources toward compliance with the National Historic Preservation Act (NHPA). The findings of this investigation are currently being reviewed by the BIA, BLM, Corps, and the Pueblo of Zia’s Tribal Historic Preservation Office.

**ENDANGERED SPECIES:** The U.S. Fish and Wildlife Service lists six Threatened, Endangered or Candidate Species with the potential to occur within the project area. However, based on field surveys recently conducted, the project area does not contain potential habitat or Designated Critical Habitat for federally-listed species.

**FLOODPLAIN MANAGEMENT:** The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60

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(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.

**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.

**COMMENT SUBMITTAL AND DEADLINES:** The Corps and the EPA are soliciting comments from the public, Federal, State, and local agencies and officials 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.

**Submittal of Section 404 Permit Comments:** All comments regarding the 404 permit for the above-described project must be received on or before **April 23, 2018**, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received before the date the public comment period ends. 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 permit and hearing requests should be submitted to:

Chris Parrish  
*Regulatory Project Manager*  
US Army Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM  
87109  
505-342-3374  
E-mail: [christopher.m.parrish@usace.army.mil](mailto:christopher.m.parrish@usace.army.mil)

**Submittal of Section 401 Water Quality Certification Comments:** 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

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the certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

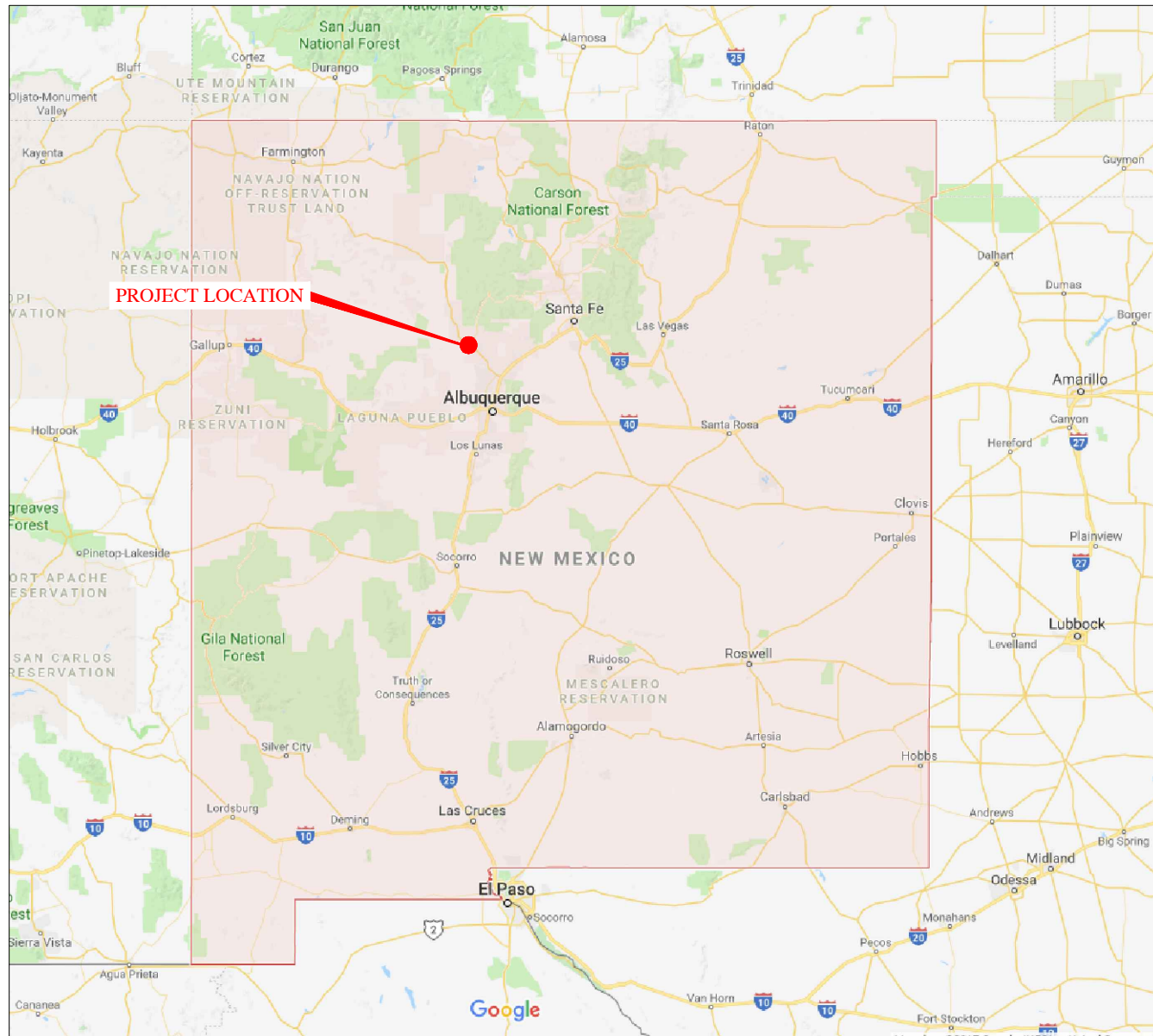
Tom Nystrom  
*Wetlands Enforcement Coordinator*  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Ste 1200  
Dallas, TX 75202-5469  
214-665-8331  
E-mail: [Nystrom.Thomas@epa.gov](mailto:Nystrom.Thomas@epa.gov)

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.

DISTRICT ENGINEER  
ALBUQUERQUE  
DISTRICT CORPS OF  
ENGINEERS

DIRECTOR  
WATER QUALITY PROTECTION  
DIVISION  
U.S. EPA REGION 6

**News Release**



REFERENCE:  
STATE OF NEW MEXICO MAP TAKEN FROM GOOGLE MAPS.

**STATE OF NEW MEXICO**

NTS



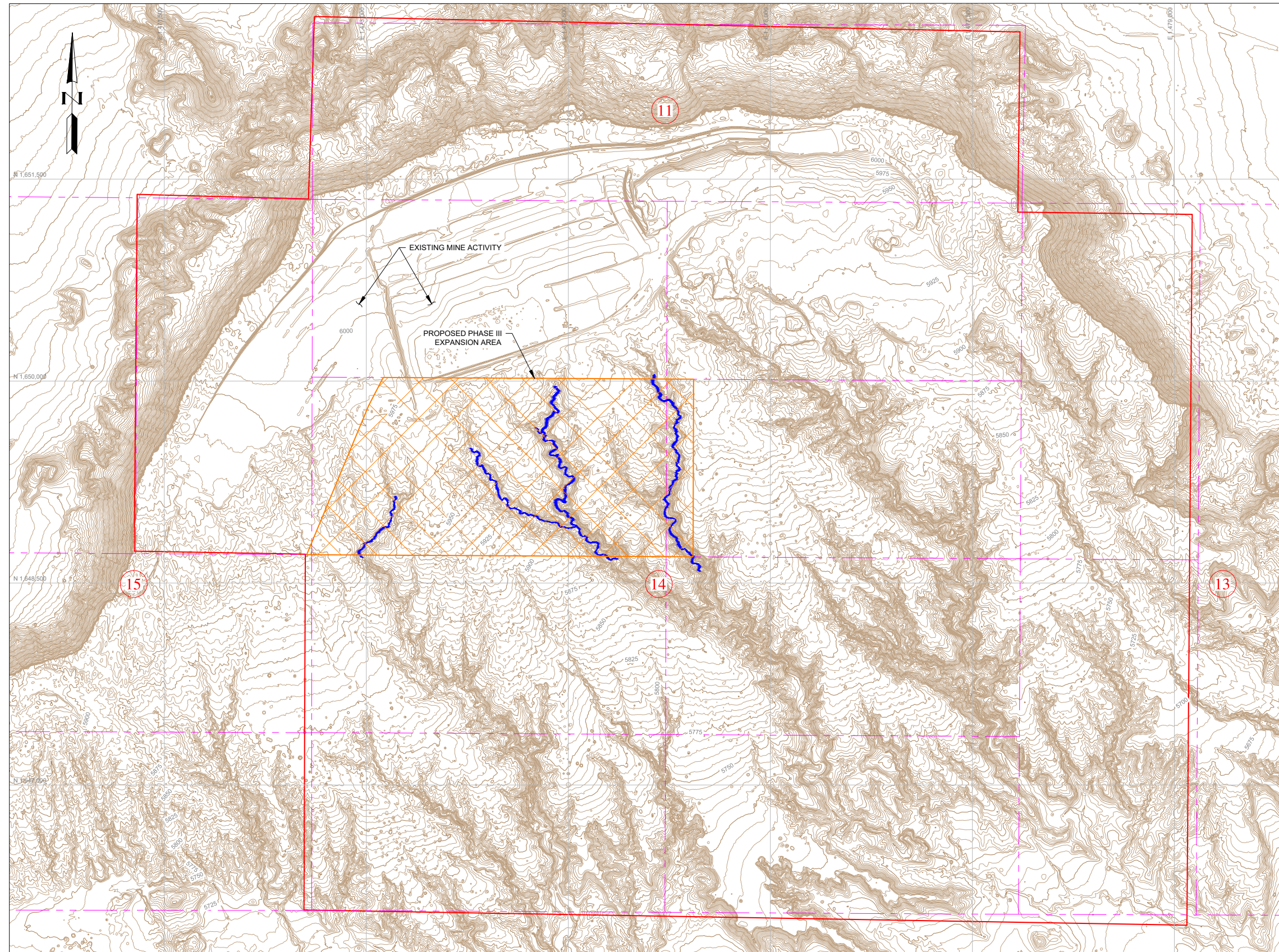
REFERENCE:  
AERIAL IMAGE TAKEN FROM BING MAPS.

**WHITE MESA PROJECT LOCATION**







NTS

LAST SAVED BY: CBEANLAND  
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 PRINTED BY: CHAD BEANLAND, PRINT TIME: 12/12/2017 10:27 AM

PROJECT		WHITE MESA ACOE 404 PERMIT PHASE III EXPANSION			
TITLE		SITE LOCATION MAP			
CLIENT		AMERICAN GYPSUM COMPANY			
<b><i>Knight Piésold</i></b> CONSULTING					
DESIGNED BY	CS	LOCATION	PROJECT NUMBER	FIGURE NUMBER	REVISION
DRAWN BY	CB	DV102	00495.01	1	0
ACTIVITY CODE	N/A	XREF NUMBER	N/A		



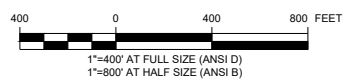
**LEGEND:**

-  EXISTING GROUND CONTOUR AND EL, FEET
-  LEASE BOUNDARY
-  ORDINARY HIGH WATER MARK
-  PROPOSED EXPANSION AREA
-  SECTION LINE
-  SECTION NUMBER

**NOTES:**

1. SCALE BAR MEASURES 3" ON A FULL SIZE PLOT (ANSI-D) AND 1.5" ON A HALF SIZE PLOT (ANSI-B).

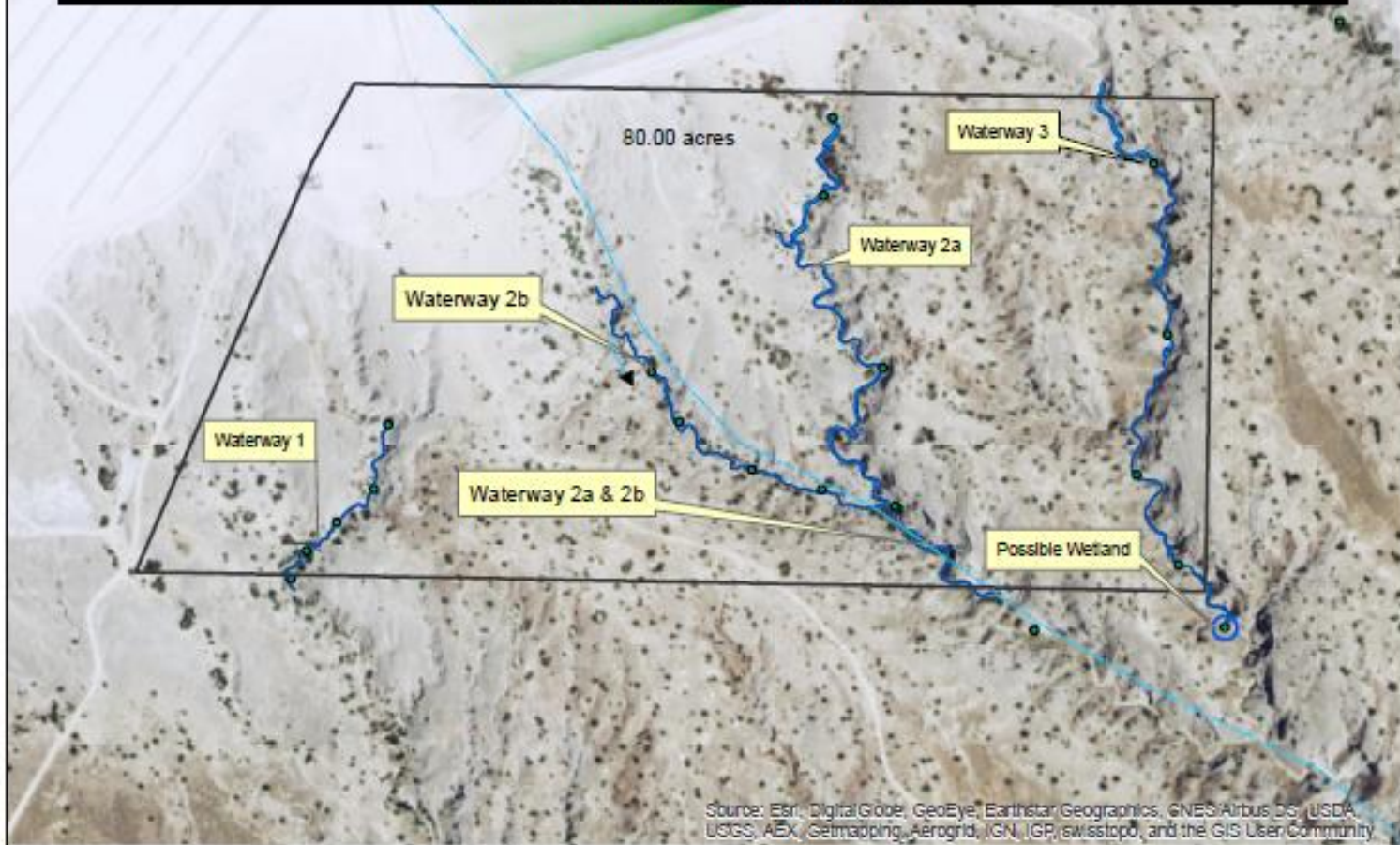
REFERENCE:  
 EXISTING TOPOGRAPHY WAS RECEIVED FROM AMERICAN GYPSUM ON MARCH 24, 2017.  
 ORDINARY HIGH WATER MARK WAS RECEIVED FROM AMERICAN GYPSUM ON FEBRUARY 20, 2017.  
 LEASE BOUNDARY WAS RECEIVED FROM AMERICAN GYPSUM ON MARCH 17, 2017.








LAST SALES BY: CSCHUMACHER  
 DPO: C. SCHUMACHER  
 CAD/CADD: C. SCHUMACHER  
 PRINTED BY: CATHERINE SCHUMACHER, PRINT TIME: 12/18/2017 10:56 AM

PROJECT		WHITE MESA ACOE 404 PERMIT PHASE III EXPANSION			
TITLE		GENERAL ARRANGEMENT OF EXISTING AND PROPOSED MINE AREAS			
CLIENT		AMERICAN GYPSUM COMPANY			
<b><i>Knight Piésold</i></b> CONSULTING					
DESIGNED BY	CS	LOCATION	PROJECT NUMBER	FIGURE NUMBER	REVISION
DRAWN BY	CB	DV102	00495.01	2	0
ACTIVITY CODE	N/A	XREF NUMBER	N/A		

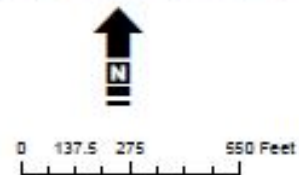
## American Gypsum Phase III Expansion



-  Phase III Expansion Area
-  OHWM August 2016
-  Possible Wetlands
-  Hydrography Flowlines for the Rio Grande Region
-  GPS Field Points 2017

**1:5,000 Hydrologic Map**  
Date: 12/15/2017

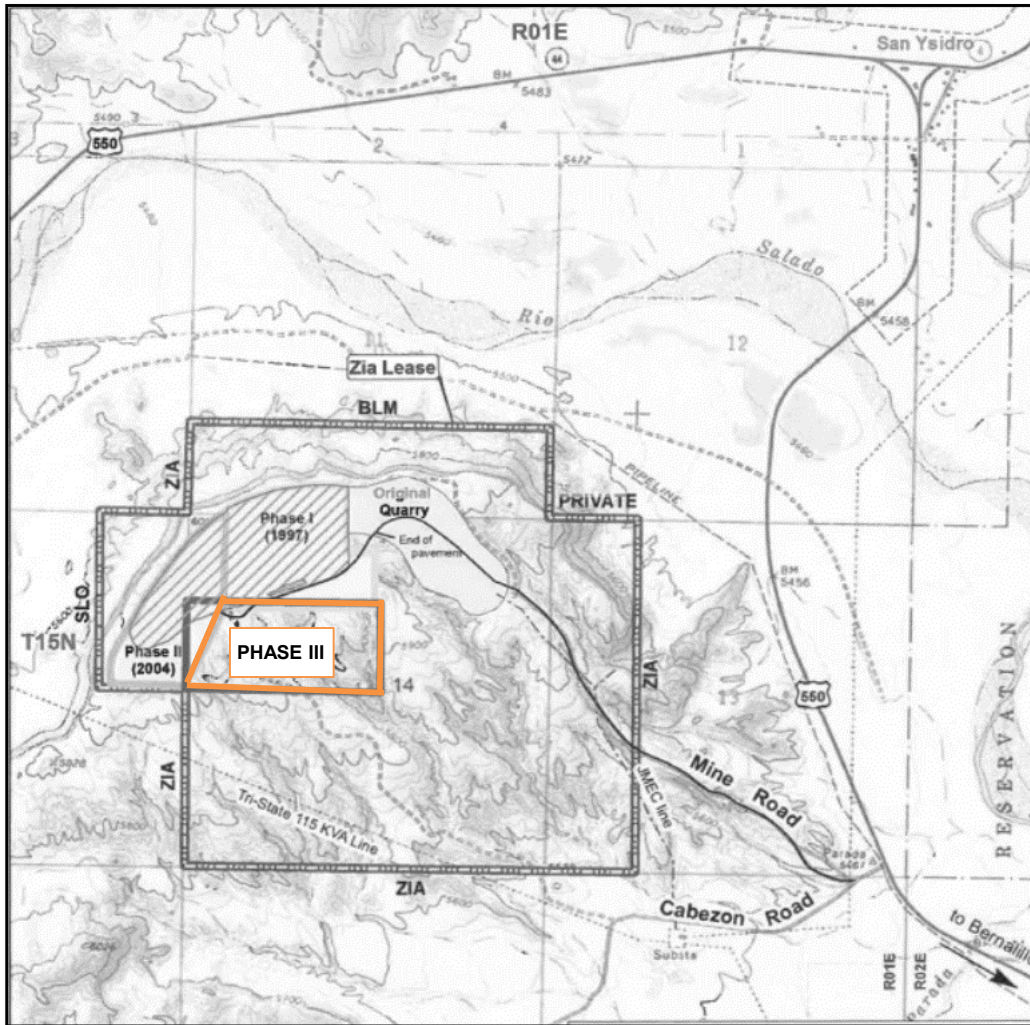
Project Location:  
T15N, R01E, Section 14 NMPM  
Sandoval County, NM  
Base Map: San Ysidro, NM  
7.5' USGS Quadrangle  
NAD 1983 UTM Zone 13N



Project Midpoint: 35.535N -106.807W  
NAD 83








SOURCE: FEBRUARY 2016, MINING AND RECLAMATION PLAN FOR 36-AC EXPANSION OF THE WHITE MESA GYPSUM MINE

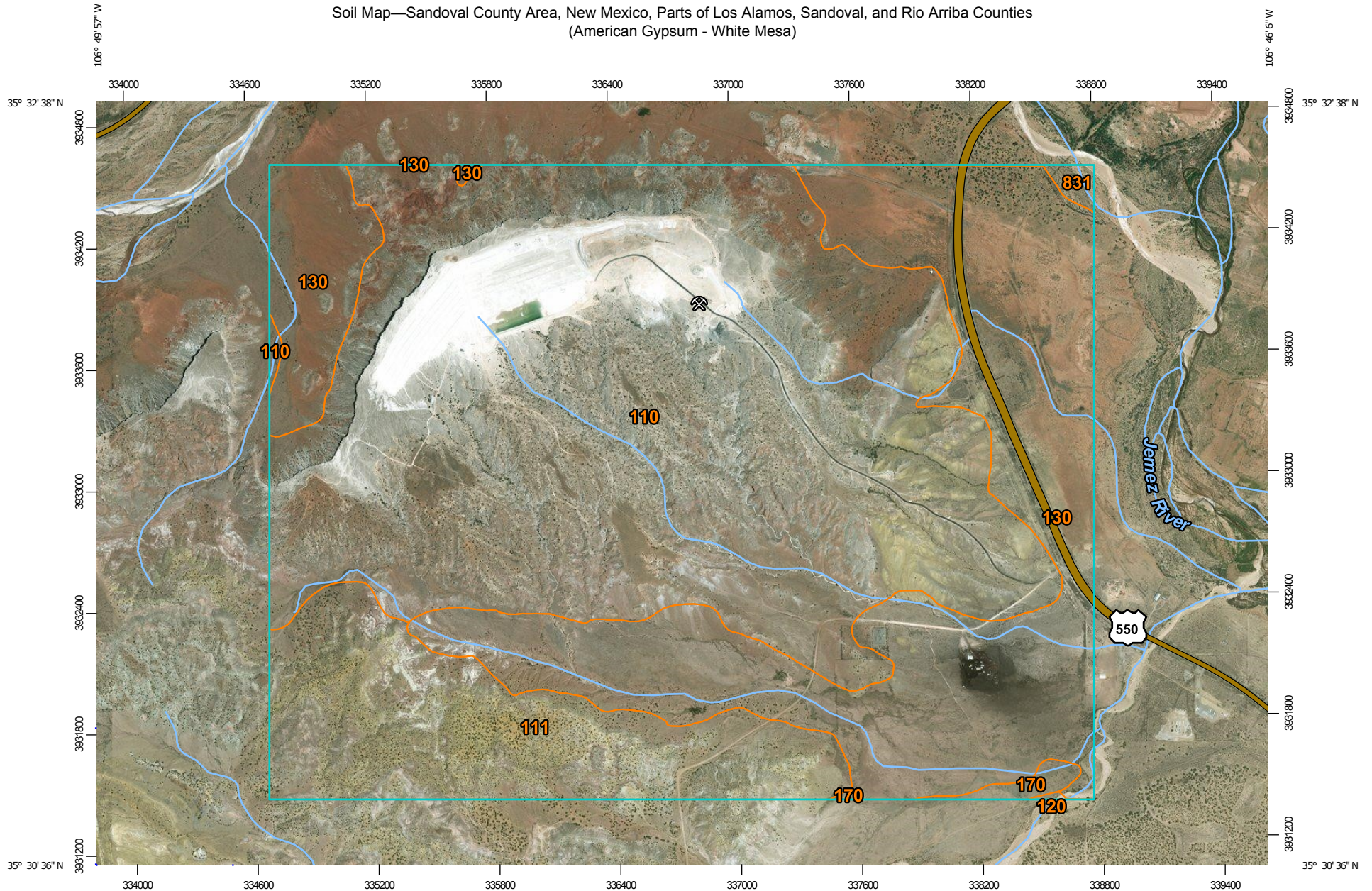
CLIENT						AMERICAN GYPSUM COMPANY					
PROJECT						WHITE MESA ACOE 404 PERMIT APPLICATION					
TITLE						LAND OWNERSHIP					
<b><i>Knight Piésold</i></b> CONSULTING											
DESIGNED BY	CS	LOCATION	PROJECT NUMBER	FIGURE NUMBER	REVISION						
DRAWN BY	CS	DV102	495/01	3	0						
ACTIVITY CODE	N/A	XREF NUMBER	N/A								

<b>Photo No. 1.</b>	
<b>Date:</b> May 2017	
<b>Description:</b> Wirtgen Surface Miner	

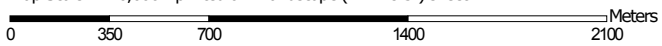
<b>Photo No. 2.</b>	
<b>Date:</b> Unknown	
<b>Description:</b> Mined gypsum stockpiles	

<b>Photo No. 3.</b>	
<b>Date:</b> May 2017	
<b>Description:</b> Steep walled arroyo	

Soil Map—Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties  
(American Gypsum - White Mesa)



Map Scale: 1:26,600 if printed on A landscape (11" x 8.5") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84

Soil Map—Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties  
(American Gypsum - White Mesa)


### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)




















**Soils**







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties  
Survey Area Data: Version 10, Sep 30, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

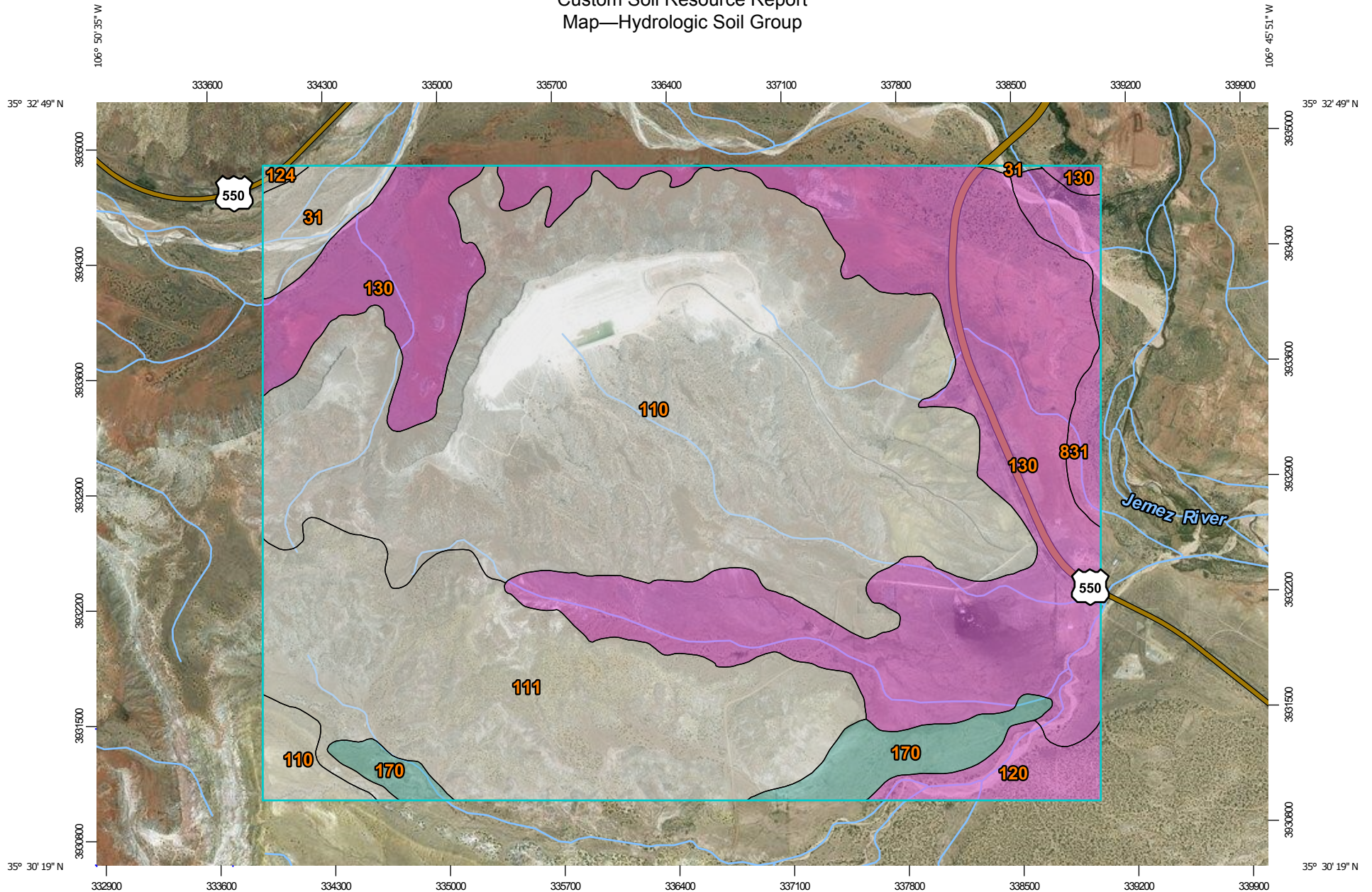
Date(s) aerial images were photographed: Nov 2, 2010—Mar 9, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

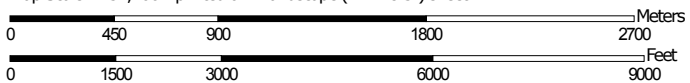
## Map Unit Legend

<b>Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties (NM656)</b>			
<b>Map Unit Symbol</b>	<b>Map Unit Name</b>	<b>Acres in AOI</b>	<b>Percent of AOI</b>
110	Rock outcrop-Saido complex, 5 to 40 percent slopes	1,758.5	55.2%
111	Rock outcrop-Zia complex, 8 to 25 percent slopes	430.5	13.5%
120	Pinavetes loamy sand, 3 to 5 percent slopes	1.0	0.0%
130	Pinavetes-Galisteo, moderately saline, sodic, association, 0 to 5 percent slopes	968.5	30.4%
170	San Mateo loam, 0 to 3 percent slopes	15.5	0.5%
831	Trail loamy sand, 1 to 3 percent slopes, unprotected	9.3	0.3%
<b>Totals for Area of Interest</b>		<b>3,183.4</b>	<b>100.0%</b>

# Custom Soil Resource Report Map—Hydrologic Soil Group




Map Scale: 1:32,700 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84

### MAP LEGEND

**Area of Interest (AOI)**









 Area of Interest (AOI)

**Soils**

**Soil Rating Polygons**





-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

**Soil Rating Lines**


-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

**Soil Rating Points**






-  A
-  A/D
-  B
-  B/D

-  C
-  C/D
-  D
-  Not rated or not available


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties  
 Survey Area Data: Version 11, Sep 6, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 2, 2010—Mar 9, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.