PUBLIC NOTICE

US Army Corps of Engineers®
Albuquerque District

Application Number: SPA-2010-00393-ELP
Date: March 3, 2015
Comments Due: April 2, 2015

NEWS RELEASE

JOINT PUBLIC NOTICE FOR SPA-2010-00393-ELP

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) and the New Mexico Environment Department, Surface Water Quality Bureau (NMSWQB) are evaluating a permit application from the United States Section, International Boundary and Water Commission (USIBWC) for the proposed Vado East Levee Rehabilitation Project to construct Flood Control Improvements to the Rio Grande Canalization Project (RGCP) in Vado, New Mexico, which would result in: constructing and enhancing 1.08 miles of levee on the east bank, thereby shifting and widening the river channel westward approximately 175 feet within the project area, and causing unavoidable impacts to approximately 2.06 acres of riparian habitat adjacent to the Rio Grande. This notice is to inform interested parties of the proposed activity and to solicit comments.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States (U.S.).

APPLICANT: U.S. Section of the International Boundary and Water Commission (USIBWC)
4171 North Mesa, Suite C-100
El Paso, TX 79902-1441

LOCATION: The proposed project is located on the Rio Grande approximately one mile downstream of the Vado Bridge in Doña Ana County, New Mexico. The Vado East Levee Rehabilitation project area is in the Rio Grande waterway and borders the river on its eastern and western banks. The project extent begins at a private residence near the Del Rio Drain, which is owned and operated by the Elephant Butte Irrigation District (EBID), downstream to the Three Saints Main Canal Wasteway #19. The approximate center of the Vado Reach project area is at latitude 32° 05’ 56” N longitude 106° 39’ 22” W.

PROJECT DESCRIPTION: In the project area of the Vado Reach levee system, the river oxbow has shifted to the east and abuts the Burlington Northern Santa Fe Railroad (BNSF) railroad maintenance road at the base of the railroad. At this juncture of river and railroad there is no levee and no USIBWC right-of-way

(ROW) to construct flood control measures. Any improvements must meet the USIBWC 100-year design criteria for flood protection and FEMA levee certification requirements. The proposed Vado East Levee Rehabilitation Project is one section of the larger Rio Grande Canalization Flood Control Project for which the USIBWC is currently working on FEMA accreditation. There are existing levees north and south of the project area. The USIBWC completed the *Final Supplemental Environmental Assessment: Flood Control Improvements to the Rio Grande Canalization Project in Vado, NM* in July 2014, available online at http://www.ibwc.gov/Files/Final_SEA_RGC%20Levee%20Raising_Vado_080414.pdf

The USIBWC Right-of-Way (ROW) is too narrow to construct a levee between the railroad and the river channel due to ROW constraints with both the Burlington Northern Santa Fe Railroad (BNSF) and the Elephant Butte Irrigation District (EBID). In order to be able to fit the levee within the USIBWC ROW, a new levee structure west of the railroad would need to be built at least 100 feet away from the existing railroad embankment. In addition, the upstream portion of the project would require a section of the river channel to be relocated up to 175' to the west and the floodplain would have to be re-established on the eastern side of the river. The attached drawings provide additional project details.

The levees would provide a minimum of 3 feet of freeboard above the design flow of a 100-year flood event. The length of constructed levee would be 5,600 feet with the heights varying based on the flood model requirements. A typical cross section would measure 40 feet wide and 6 to 8 feet high with a 12 foot road at the top of the levee.

ALTERNATIVES: The applicant has provided information concerning project alternatives. These include:

> ***Applicant Preferred Alternative:*** The applicant proposes to construct an earthen levee that would serve as a flood containment levee for 1.08 miles and would continue the existing levee system to the north and south of the project area. Improvements to the levee system would include construction of a new eastern levee, enhancement of the existing levee, shifting 0.35-miles of the river westward, removal of riparian vegetation and clearing and grubbing of the floodplain. Riprap protection will be added to the east riverside slope of the new earthen levee embankment to protect against erosion by the river. The riprap would extend from the upstream end of the project to the end of the river bend. The downstream portion of the project will involve only rehabilitation of the existing levee. The Preferred Alternative would allow the levees to meet the design criteria to contain flood flows and to comply with Federal Emergency Management Agency (FEMA) specifications for the levees in the RGCP levee system. Fill material, obtained from commercial sources, would be used to create a levee to meet the 3-foot freeboard criterion established

by the FEMA.

No Action Alternative: The No Action Alternative was evaluated for the flood control improvements to the RGCP levee system. This alternative would retain the existing configuration of the system and the level of protection currently associated with this system. Under severe storm events, current containment capacity may be insufficient to fully control Rio Grande flooding with risks to personal safety and potential property damage, as well as risks to the railroad system. The USIBWC will not be able to certify the levee system segments that are being targeted for improvements as meeting FEMA requirements and therefore residents residing within the FEMA flood zone would be required to maintain flood insurance policies.

Flood Wall Alternative: This alternative would construct a 2,800-foot concrete flood wall that would tie into the existing levee system to the north and south of the project. Because the flood wall is constructed within the USIBWC ROW, channel dredging would be required for 0.54 miles on the opposite side (west) of the river to compensate for the lost flow conveyance areas. The wall would be 8 feet tall above the floodplain and require footers with pilings to be driven 40 feet in the ground. The upstream and downstream levees would remain at the same height but get a 6” flex base to support vehicles. The landside face would be improved with riprap protection and/or clay plating to reduce water seepage and increase erosion protection.

Sheet Pile Wall Alternative: This alternative would construct a 2,800-foot long sheet pile wall that would tie into the existing levee system to the north and south of the project. The Sheet Pile Wall would consist of interlocked metal sheets driven into the ground instead of a concrete wall. Because the sheet pile is constructed within the USIBWC ROW, channel dredging would be required for 0.54 miles on the opposite side (west) of the river to compensate for the lost flow conveyance areas. The upstream and downstream levees would remain at the same height but get a 6” flex base to support vehicles. The landside face would be improved with riprap protection and/or clay plating to reduce water seepage and increase erosion protection.

Alternatives Considered but not Evaluated: The alternatives of buying out property and moving or raising the railroad. In February 2007 USIBWC completed the “Development of Alternatives for Canutillo Flood Control Improvements,” for a similar levee gap stretch in the Canutillo, Texas area, where limited right-of-way also constrained the design options for flood control. In the 2007 report, USIBWC evaluated the alternative of buying out properties, as the USIBWC does have the authority to acquire property for the RGCP (22 U.S.C 277); however, USIBWC determined

that this option did not meet the project purpose because it would not allow the levee system to be FEMA-certified. In the 2007 report, USIBWC also evaluated realigning or raising sections of the railroad. However, after subsequent coordination with the railroad, both options of realigning or raising railroad resulted to be cost-prohibitive did not appear to be logistically likely from the perspective of the railroad. Therefore, when USIBWC began to evaluate options for the similar Vado area, USIBWC considered but did not evaluate land acquisition, railroad realignment, or raising the railroad as practicable or reasonable alternatives.

PURPOSE AND NEED: The Act of June 4, 1936, 49 Stat. 1463, Public Law No. 648 granted USIBWC the authority and responsibility to construct, operate, and maintain the RGCP for two main reasons: 1) to facilitate water deliveries under the 1906 Convention with Mexico and 2) to contain design floods. The need exists to fill a gap in the levee protection system in the Vado area, where currently there is no flood control structure. The purpose of this project is to construct a flood control structure to meet flood design requirements and to certify the levee system through FEMA.

PROPOSED MITIGATION: There are no wetlands present in the Vado project area. The Rio Grande is a water of the U.S. within the proposed project. There are approximately 2,700 linear feet of non-wetland riparian areas within the proposed project area. The site is characterized as a managed river channel that is a water delivery system for irrigating farms.

The applicant proposes to implement best management practices (BMPs) during construction to minimize impacts. Best management practices would include but are not limited to soil wetting for dust suppression; working, to the extent possible, outside of the bird breeding season and outside of the southwestern willow flycatcher (flycatcher) breeding season; avoidance measures for removal of native woody riparian vegetation; and reintroduction of native species.

Compensatory mitigation will be required for the impacts to non-wetland riparian habitat. The total loss of riparian habitat amounts to 2.06 acres at the Vado project site. Mitigation for this project is being proposed onsite and offsite at a ratio of greater than 2:1 (2.2:1), totaling 4.56 acres. A riparian area of 1.21 acres is proposed as onsite mitigation in the project area, and 3.35 acres is proposed as offsite mitigation, located adjacent to the USIBWC Berino habitat restoration sites.

The proposal calls for mature willow trees lining the river channel in the project area to be harvested and replanted along the realigned river channel, and at the offsite mitigation areas. Offsite mitigation would consist of pole plantings and invasive species removal along the riparian zone immediately below and above the USIBWC Berino East and Berino West riparian habitat restoration sites.

News Release

OTHER AUTHORIZATIONS: The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the New Mexico Environment Department. 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.

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).

The Corps and the 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 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 may be 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: As part of the 2004 Environmental Impact Statement (EIS), a 2001 report, as well as subsequent reports in 2009, were prepared which describe cultural resource information that was collected through a records search and literature review, field reconnaissance and location verification. A 2-mile wide corridor that extends for 105.6 miles of the Rio Grande from Percha Dam to American Dam (one mile each side of the river centerline) was defined as the cultural resources study area for the records search. No historic buildings or structures, other than bridges and facilities associated with irrigation facilities, were identified in the 2001 report. Archaeological, prehistoric, and historic resources review identified 186 sites. Of the 186 sites the report identified 9 sites that are or

may be within the USIBWC ROW and 7 prehistoric sites and two multi-component sites.

Proposed improvements to the levee system would occur entirely within the floodplain and within the existing levee footprint. The levee footprint corridor has been previously impacted during original levee construction. There are no documented prehistoric sites within the project; therefore, impacts to archaeological properties are not anticipated. However, there is one historic property which occurs in the project area, the Del Rio Drain, part of the EBID irrigation system. In September 2011, the New Mexico State Historic Preservation Office concurred with the USIBWC determination that the removal and replacement of the Del Rio Drain will have negligible effects on historic significance of the overall EBID district as well as the RGCP Levee System, and does not warrant further documentation. The 105-mile Canalization Project contains other historic features that have greater potential for preservation and interpretation.

ENDANGERED SPECIES: In preparation of the 2004 EIS, biological surveys were conducted along the RGCP. A Biological Assessment was prepared in 2001 to identify threatened and endangered (T&E) species potentially occurring within the RGCP; additional biological assessments were conducted in 2004 and 2011. Of the species listed as potentially occurring in Doña Ana County, potential suitable habitat exists within the RGCP for the interior least tern, southwestern willow flycatcher, Sprague's pipit, yellow-billed cuckoo, Aplomado falcon, and possibly whooping crane.

The USIBWC in coordination with the USFWS have identified known nesting sites for the flycatcher. The project area in Vado is not identified as a nesting area for the flycatcher or any other endangered species. Although the project area potentially provides migratory habitat for the flycatcher, Surveys of the project area conducted by U.S. Bureau of Reclamation in 2012-2014 have not identified any migrant or resident flycatchers, or recently-listed yellow billed cuckoos, in or near the project area. In January 2013, the USFWS issued the final rule for critical habitat of the flycatcher, and the project area is not included in the species' designated critical habitat.

No T&E species within the levee corridor would be adversely affected by the preferred alternative. All work will occur on the existing floodplain corridor. The herbaceous plant communities present along the levee corridor are dominated by invasive plants and grasses and provides little suitable habitat for T&E species except for the riparian habitat located along the river's edge in the project area. Potential habitat located within the river channel will be impacted during construction but will be re-established under the mitigation plan for the project. T&E species potentially occurring during the levee construction will not be impacted as no potential habitat is located within the floodplain and areas of levee construction. Work will be planned to occur outside of the general migratory bird nesting season which is typically from March through August. If

work continues into the bird nesting season the areas proposed for disturbance will be surveyed in order to avoid the inadvertent destruction of nests and eggs. Work will be planned to occur outside of the flycatcher nesting season, which is from May to August. If work must occur during the flycatcher nesting season, work will incorporate best management practices approved by USFWS, which may include working after 9 am to minimize noise which could affect migratory flycatchers.

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.

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 NMED. This notice serves to notify the public that the NMED 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 anti-degradation policy, and the statewide water quality management plan. This Notice, including notice of the 30-day public comment period, is also posted on the NMED website at http://www.nmenv.state.nm.us/swqb/WQA/notice/.
NMED 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:

New Mexico Environment Department
Attn: Surface Water Quality Bureau
Mr. Chris Canavan
1170 N. Solano Drive
Las Cruces, New Mexico 88001
(575) 647-7926
E-mail: chris.canavan@state.nm.us

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office or the SWQB on or before April 2, 2015, 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 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:

Richard H. Gatewood, Project Manager
U.S. Army Corps of Engineers, Albuquerque District
505 South Main Street, Suite 142
Las Cruces, New Mexico 88001
(575) 556-9939
E-mail: richard.h.gatewood@usace.army.mil

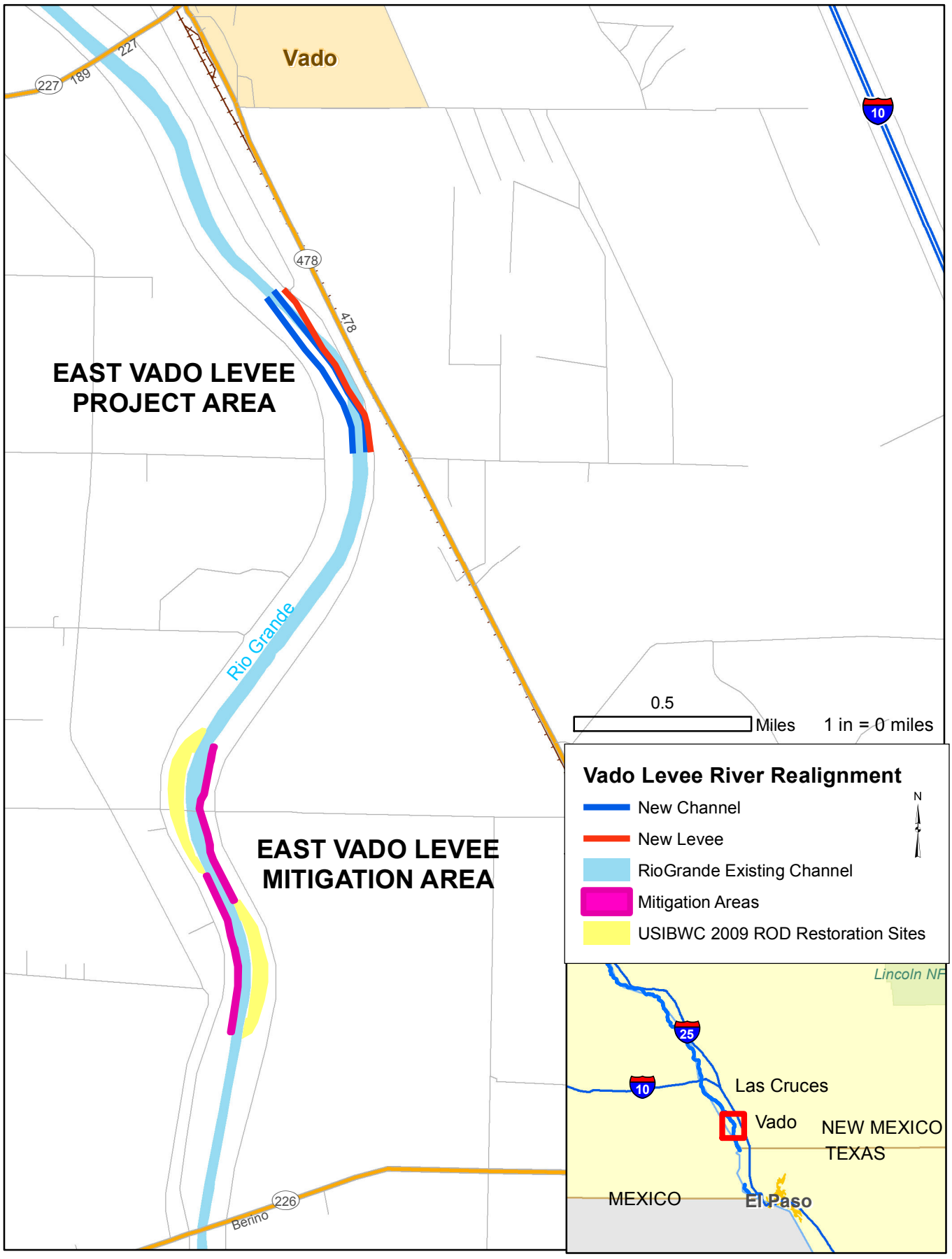
Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through the Freedom of Information Act.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

Enclosure

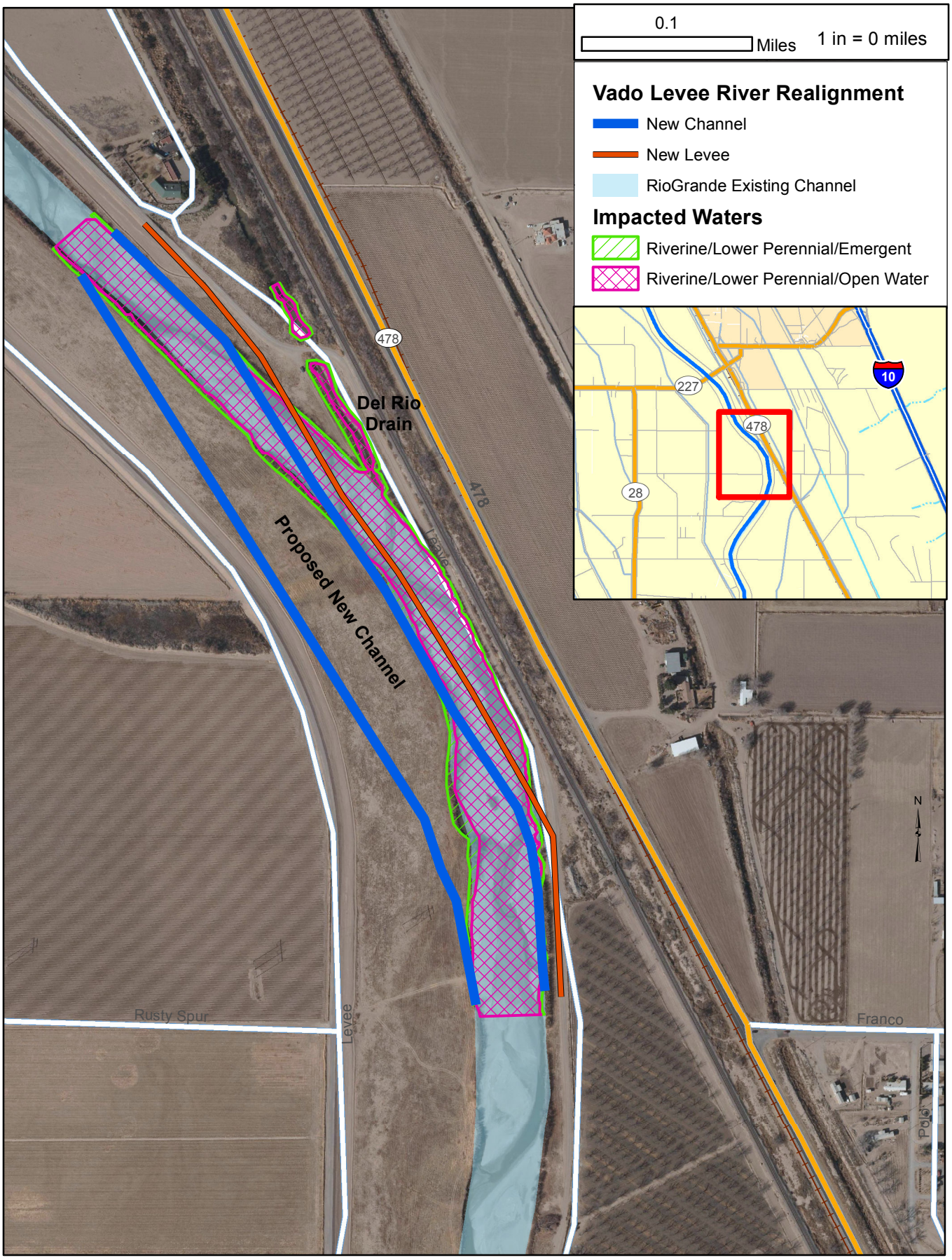
News Release

USIBWC East Vado Levee Project Vicinity Map



ESRI Base Map. Map created by USIBWC Environmental Management Division January 2015.

USIBWC East Vado Levee Project Boundary of Impacts Map

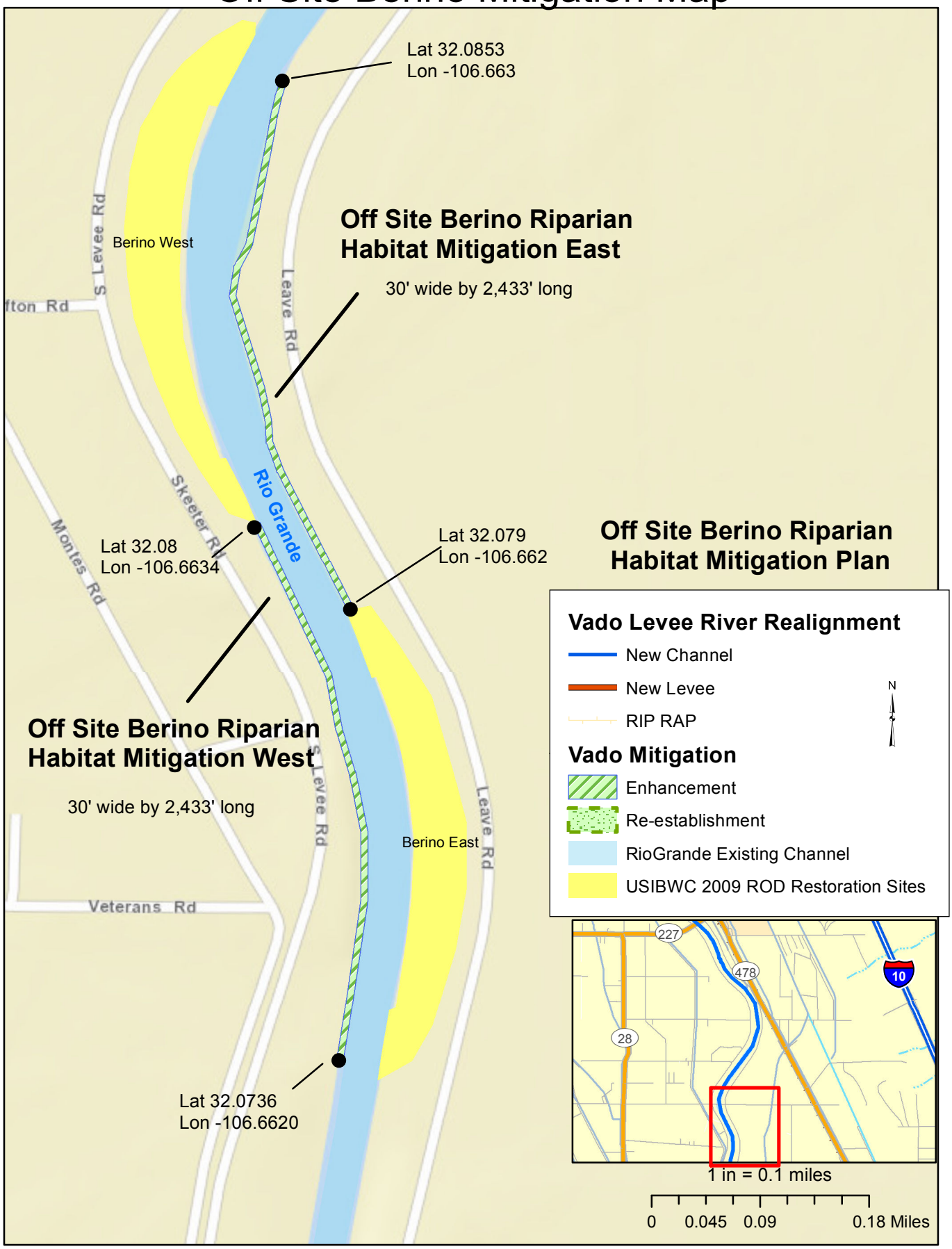


ESRI Base Map. Imagery USIBWC 2011. Map created by USIBWC Environmental Management Division January 2015.

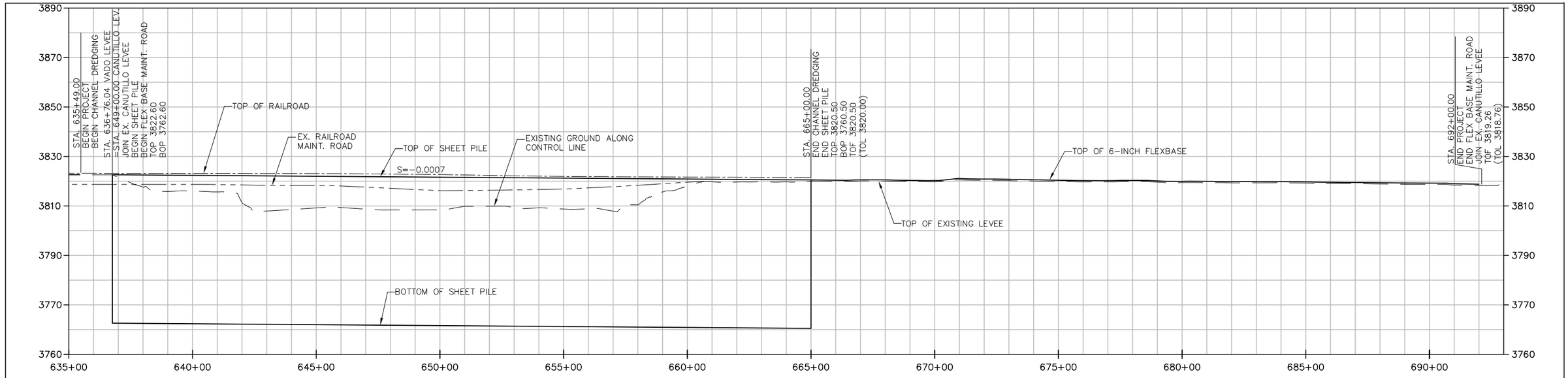
USIBWC East Vado Levee Project
On Site Mitigation Map

ESRI Base Map. Map created by USIBWC Environmental Management Division January 2015.

USIBWC East Vado Levee Project
Off Site Berino Mitigation Map



ESRI Base Map. Map created by USIBWC Environmental Management Division January 2015.



PROFILE

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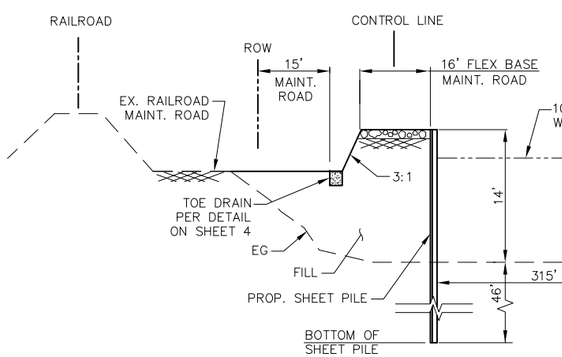
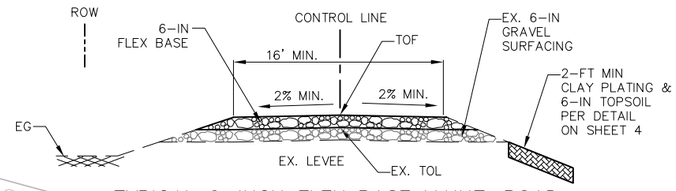
HORIZ. SCALE: 1" = 400'



TYPICAL SHEET PILE SECTION

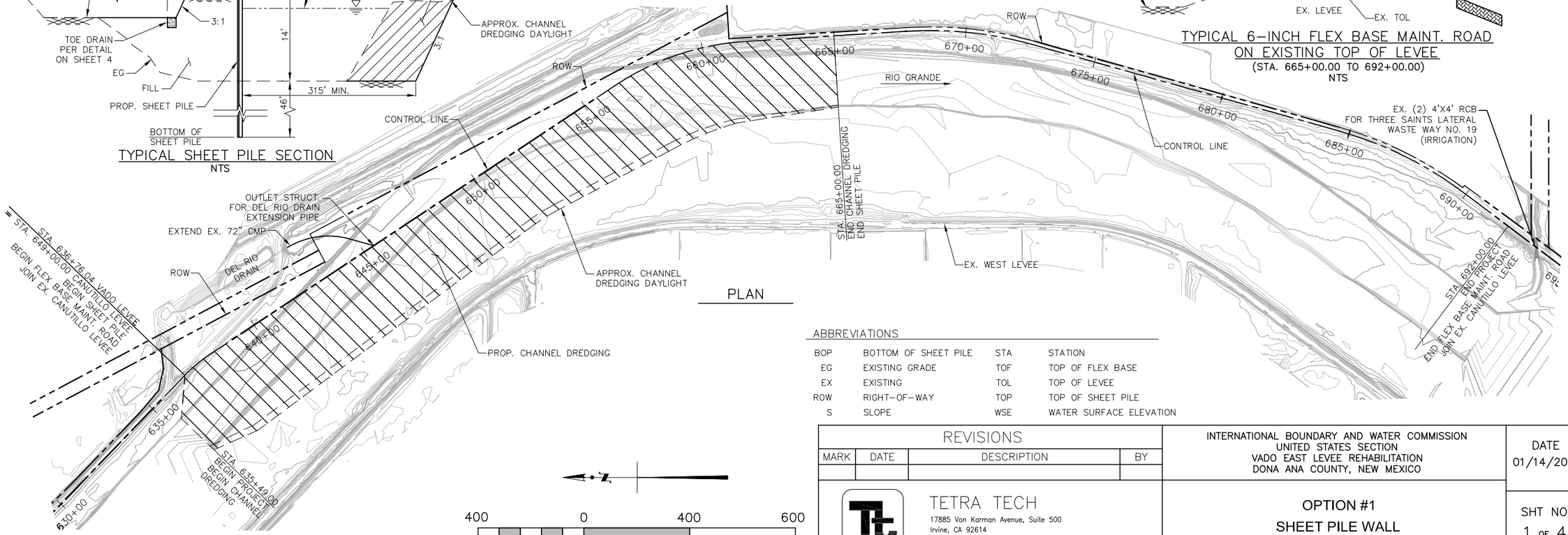
NTS



TYPICAL 6-INCH FLEX BASE MAINT. ROAD ON EXISTING TOP OF LEVEE

(STA. 665+00.00 TO 692+00.00)

NTS



PLAN

ABBREVIATIONS

BOP	BOTTOM OF SHEET PILE	STA	STATION
EG	EXISTING GRADE	TOF	TOP OF FLEX BASE
EX	EXISTING	TOL	TOP OF LEVEE
ROW	RIGHT-OF-WAY	TOP	TOP OF SHEET PILE
S	SLOPE	WSE	WATER SURFACE ELEVATION

REVISIONS

MARK	DATE	DESCRIPTION	BY

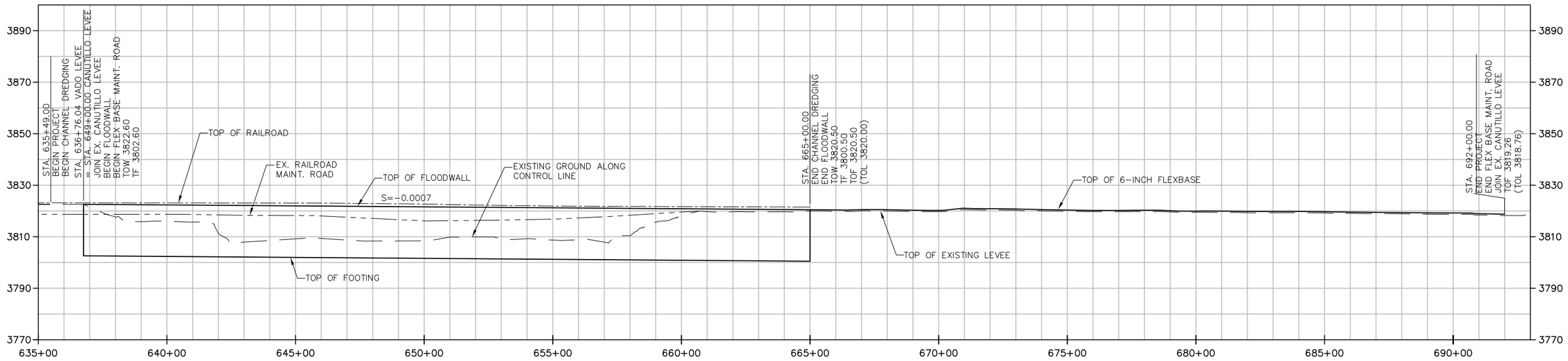
INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES SECTION
VADO EAST LEVEE REHABILITATION
DONA ANA COUNTY, NEW MEXICO

DATE
01/14/2011

TETRA TECH
17885 Von Karman Avenue, Suite 500
Irvine, CA 92614
Phone (949) 809-5103, FAX (949) 809-5003

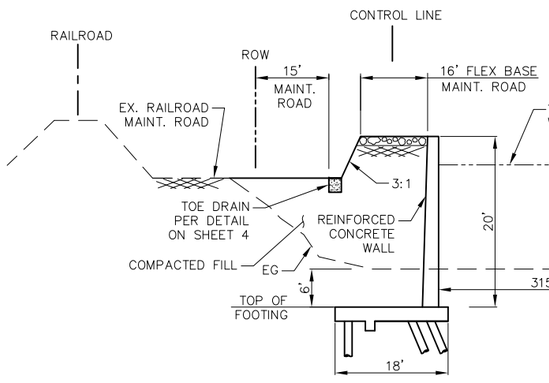
OPTION #1
SHEET PILE WALL

SHT NO.
1 OF 4



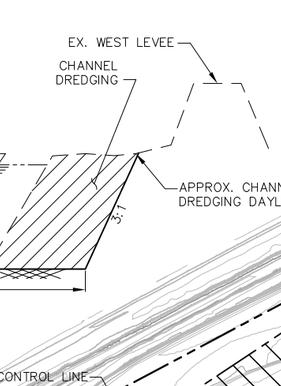
PROFILE

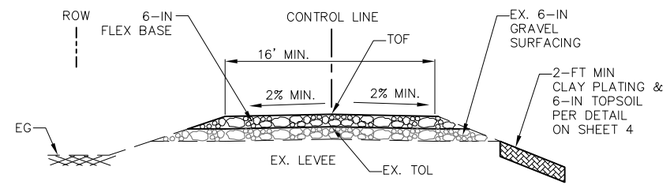
VERT. SCALE: 1" = 40'
HORIZ. SCALE: 1" = 400'



TYPICAL FLOODWALL SECTION

NTS

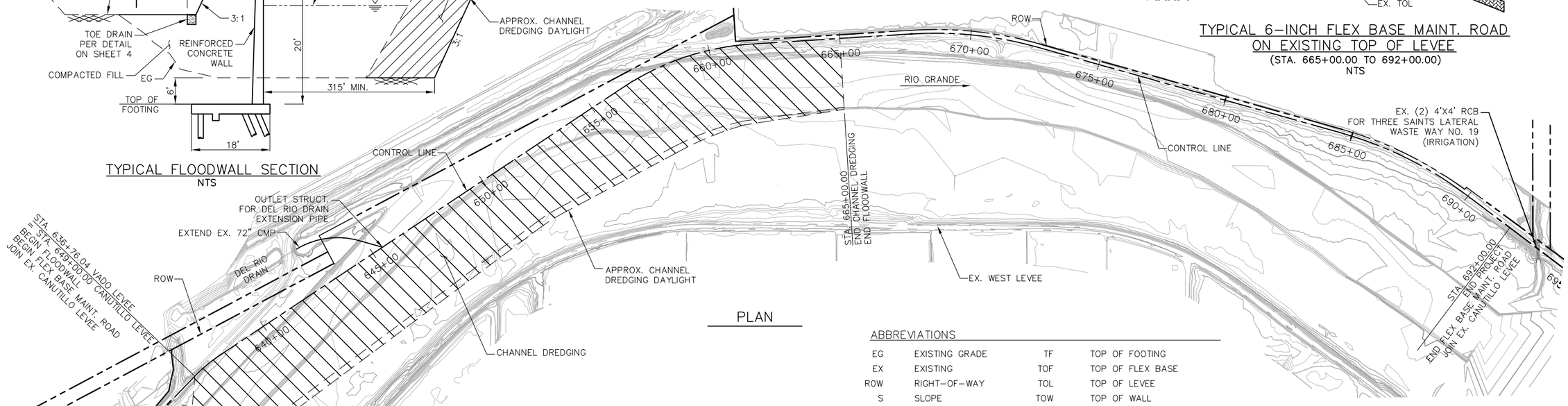




TYPICAL 6-INCH FLEX BASE MAINT. ROAD ON EXISTING TOP OF LEVEE

(STA. 665+00.00 TO 692+00.00)

NTS



PLAN

ABBREVIATIONS

EG	EXISTING GRADE	TF	TOP OF FOOTING
EX	EXISTING	TOF	TOP OF FLEX BASE
ROW	RIGHT-OF-WAY	TOL	TOP OF LEVEE
S	SLOPE	TOW	TOP OF WALL
STA	STATION	WSE	WATER SURFACE ELEVATION

REVISIONS			
MARK	DATE	DESCRIPTION	BY

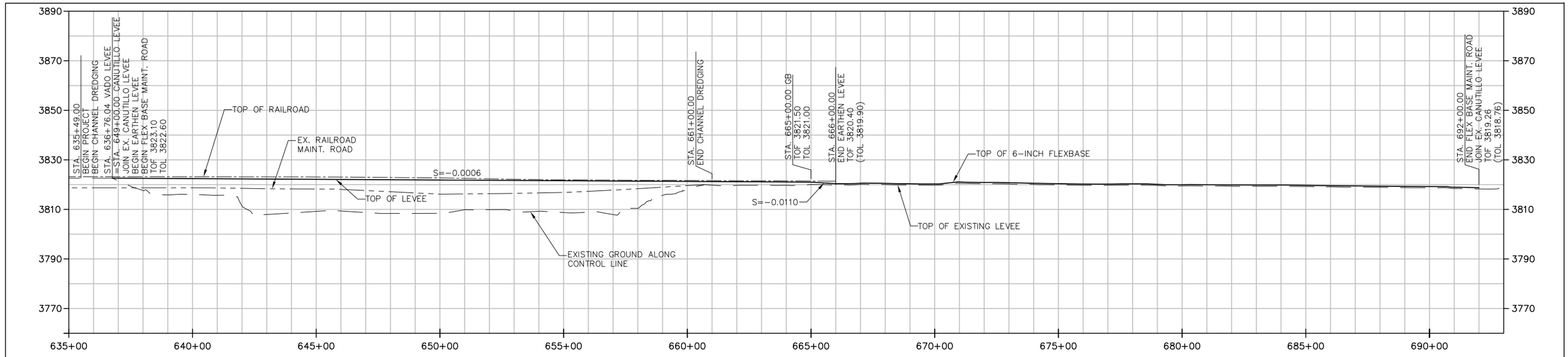
INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES SECTION
VADO EAST LEVEE REHABILITATION
DONA ANA COUNTY, NEW MEXICO

DATE 01/14/2011

TETRA TECH
17885 Von Karman Avenue, Suite 500
Irvine, CA 92614
Phone (949) 809-5103, FAX (949) 809-5003

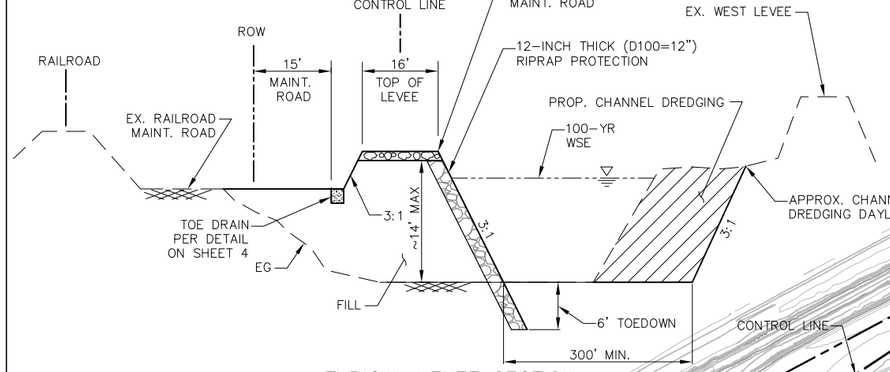
OPTION #2
REINFORCED CONCRETE FLOODWALL

SHT NO. 2 OF 4



PROFILE

VERT. SCALE: 1" = 40'
HORIZ. SCALE: 1" = 400'



TYPICAL LEVEE SECTION

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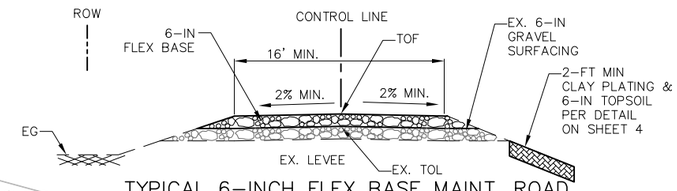
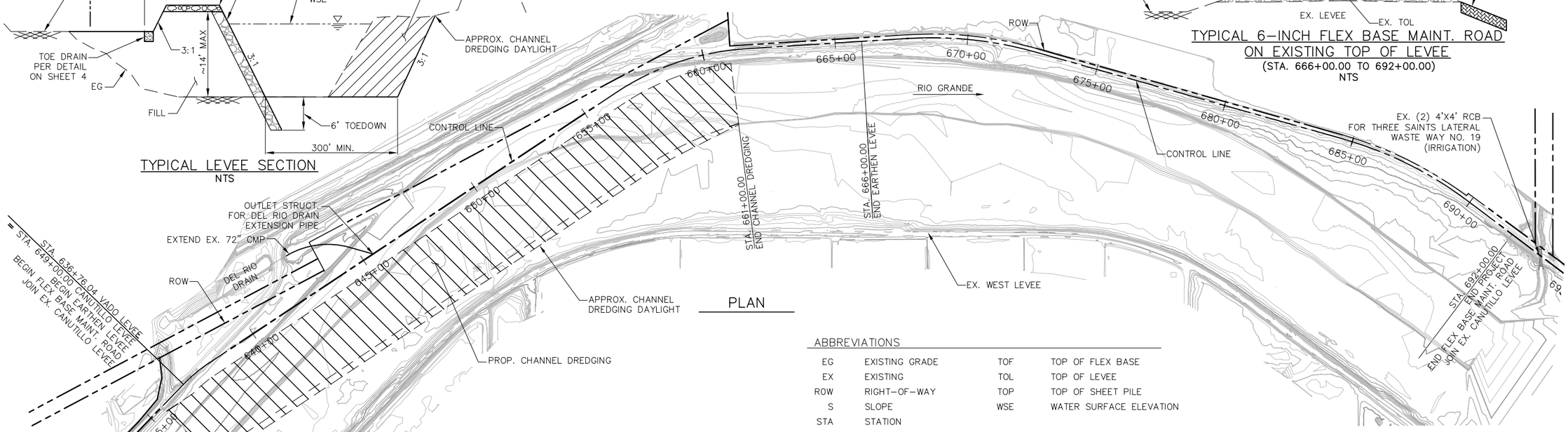


TYPICAL 6-INCH FLEX BASE MAINT. ROAD ON EXISTING TOP OF LEVEE

(STA. 666+00.00 TO 692+00.00)
NTS



PLAN

ABBREVIATIONS

EG	EXISTING GRADE	TOF	TOP OF FLEX BASE
EX	EXISTING	TOL	TOP OF LEVEE
ROW	RIGHT-OF-WAY	TOP	TOP OF SHEET PILE
S	SLOPE	WSE	WATER SURFACE ELEVATION
STA	STATION		

REVISIONS			
MARK	DATE	DESCRIPTION	BY

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES SECTION
VADO EAST LEVEE REHABILITATION
DONA ANA COUNTY, NEW MEXICO

DATE 01/14/2011

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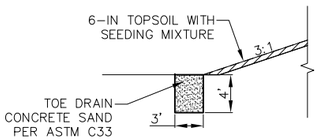
Irvine, CA 92614
Phone (949) 809-5103, FAX (949) 809-5003

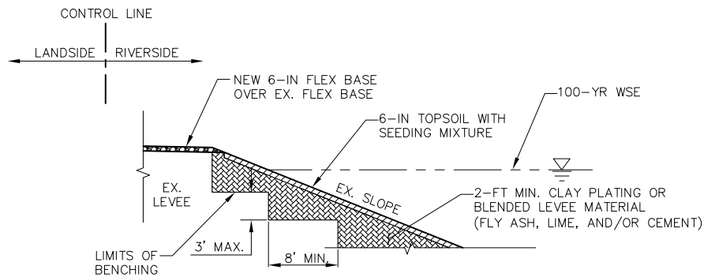
OPTION #3
EARTHEN LEVEE EMBANKMENT

SHT NO. 3 OF 4

P:\Watr\T26735 Vado Levee\06 Design\CAD\ALTERNATIVES\T26735-ALT1-003.dwg 01/18/2011 14:47



TOE DRAIN DETAIL
NTS



CLAY PLATING DETAIL
NTS

REVISIONS			
MARK	DATE	DESCRIPTION	BY

TETRA TECH
17885 Von Karman Avenue, Suite 500
Irvine, CA 92614
Phone (949) 809–5103, FAX (949) 809–5003

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES SECTION
VADO EAST LEVEE REHABILITATION
DONA ANA COUNTY, NEW MEXICO

DETAILS

DATE
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