



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



JOINT PUBLIC NOTICE

Application Number: SPA-2012-00075-ABQ

Date: March 20, 2013

Comments Due: April 19, 2013

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 City of Santa Fe, located near Santa Fe, Santa Fe County, NM, which would result in permanent impact to approximately 0.28 acre and temporary impact to 2.51 acres of waters of the United States at McClure Reservoir and permanent impact to 0.22 acre and temporary impact to 1.08 acres of waters of the United States at Nichols Reservoir. 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.). State water quality certification is provided under the authority of 20.6.2 NMAC.

APPLICANT: Mr. Brian Snyder
City of Santa Fe
Public Utilities and Water Division
Santa Fe, New Mexico 87505

AGENT: Mr. Paul Saavedra
Santa Fe Engineering Consultants, LLC
1599 St Francis Drive, Suite B
Santa Fe, NM 87505

LOCATION: The project site is located at McClure Reservoir, Section 24, Township 17 N, Range 10 E, Latitude 35.68839°N, Longitude -105.83612°W, and Nichols Reservoir, Section 21, T17 N, R 10 E, Latitude 35.68998°N, Longitude -105.8803°W, near Santa Fe, Santa Fe County, New Mexico (see Sheet 1 of 12).

PROJECT DESCRIPTION: The applicant proposes to replace the existing water outlet towers at McClure and Nichols Reservoir dams (see Sheets 2 and 7 of 12). The applicant also proposes to construct temporary cofferdams and roadways at both sites. Based on the available information, the overall project purpose is to replace both reservoirs' existing outlet towers that are deteriorating. The applicant believes there is a need to replace the existing outlet towers due to their age and poor condition.

The City of Santa Fe, City Water Division (CWD) is in need of infrastructure improvements to McClure and Nichols Dams. The intake and outlet structures are deteriorating and in poor condition and in need of replacement. This change would also eliminate the need for a boat to access to the existing tower structures for maintenance or emergencies. The existing outlet towers at each dam will be removed and replaced with new intake and outfall structures that are incorporated into the dams.

The new McClure outfall structure will be approximately 12,263 square feet (sq. ft.) or 0.28 acre in area (see Sheets 4 and 6 of 12), which comprises the permanent impact at this location. A door will be provided at the top of the structure to accommodate access from the dam crest and stairs will be constructed inside the intake structure for manual access to the valves. The intake structure will be designed as a dry access shaft with the inlets and valves being piped in series within the inclined shaft to the existing outlet conduit at the toe of the dam. The McClure intake structure will be provided with a 24-inch welded steel pipe and Nichols with a 20-inch welded steel pipe to convey water from the valves to the outlet conduit.

The new Nichols outfall will be approximately 9,616 sq. ft. or 0.22 acre in area (see Sheets 7, 8 and 9 of 12), which comprises the permanent impact at this location.

Cofferdams prevent surface waters from entering the work area. The cofferdams will be constructed of earthen materials with Class A 1-ft. thick wire enclosed rock riprap on the upstream side. The McClure cofferdam dimensions will be 330 ft. long x 102 ft. wide by 5 ft. high or 0.77 acre. The temporary access road will be 1703 ft. long x 43 ft. wide x 1 ft. high or 1.68 acre. A work area will be constructed that is 50 ft. long x 50 ft. wide x 2 ft. high or 0.06 acre (see Sheets 4, 5 and 6 of 12). The total temporary impacts for the McClure portion of the project are 2.51 acres.

The Nichols coffer dam dimensions will be 340 ft. long x 87 ft. wide x 4 ft. high or 0.68 acres. The temporary access road will be 344 ft. long x 42 ft. wide x 1 ft. high or 0.34 acre. A work area will be constructed that is 50 ft. long x 50 ft. wide x 3 ft. high or 0.06 acre. The total temporary fill area will be 1.08 acre (see Sheets 7, 8 and 10 of 12). The total temporary impacts for the McClure portion of the project are 1.08 acres.

Permanent impacts, and temporal losses associated with temporary impacts will be mitigated as described below.

Earthen materials for the temporary coffer dams and access roads will be obtained at borrow pits located eastern end of both reservoirs (see Sheets 2 and 3 of 12 for McClure Dam and Sheets 11 and 12 of 12 for Nichols Dam). Approximately 528 cubic yards (cy) of aggregate base course will be used at McClure Reservoir for the temporary access road surface. Approximately 243 cy of aggregate base course will be used at Nichols Reservoir for the temporary access road surface.

Once construction is complete, the temporary fills used to build the coffer dam, access road and work area would be removed and the affected areas returned to pre-construction elevations. Earth fill that was removed from the nearby borrow pits will be replaced in the pit and if any vegetation is impacted, the area will be revegetated with native vegetation. All other disturbed areas outside the ordinary high water mark would be revegetated. A special condition will be added to the permit requiring revegetation using native vegetation and a monitoring program to ensure regrowth.

It is anticipated that the upper portions of the existing intake towers will be removed in segments. The debris from the existing outlet towers will be removed and disposed of off-site.

Stream flow will be maintained during construction by use of a temporary 48-inch diameter corrugated metal pipe CMP outlet pipe placed under the coffer dams (See Sheets 6 and 9 of 12). A sedimentation pond will be placed just upstream of the coffer dam to maintain water quality.

The attached drawings provide additional project details.

PROPOSED MITIGATION: The City has minimized the footprint of the project's disturbance. For example, the temporary access roads, work areas and cofferdams will be within the existing reservoir footprints. The proposed borrow pits at each reservoir are partially within the existing bathymetric water surface elevation. Any plants or wetlands removed adjacent to the water surface level as part of the borrow pits will be required to be revegetated and restored to their original condition.

Impacts to the Santa Fe River will be avoided and minimized by commencing work on Nichols Dam on or about September 1, 2013 after the maximum water use by the City of Santa Fe from the reservoir. This will minimize the quantity of water to be withdrawn from the Reservoir. Work on McClure Reservoir will not commence until approximately September 1, 2014.

Work is scheduled to begin after or near the end of the monsoon season of July, August and September. The reservoirs will be drained at this time.

ADDITIONAL INFORMATION:

Environmental Setting. According to the City of Santa Fe, there are no wetlands

that are waters of the U.S. within the proposed project work areas. There are approximately 75 acres of surface waters of the United States at McClure Reservoir and approximately 22 acres at Nichols Reservoir within the proposed project area. The surrounding habitat includes a plant community defined by Ponderosa pine (*Pinus ponderosa*), Arizona festuca (*Festuca arizonica*), and Parry's oatgrass (*Danthonia parryi*). These species are upland species. The primary native soils consist of Adellern gravelly sandy loam with 50 to 90 percent slopes and Enmedio-Zafarano-Rock outcrop complex with 35 to 60 percent slopes.

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

- Leave in place as they are – The outlet tower at McClure Reservoir was constructed in 1926 and Nichols Reservoir in 1942 and they are both in need of major repair or full replacement and the intake gates are worn out and in need of replacement.
- Replace in kind – Currently the towers can only be accessed by boat, which can be hazardous. The dams are at high elevations and weather can make accessibility by boat difficult and dangerous.
- Placing the structure in a location outside of the waterbody – The purpose of the new intake structures is to remove water from the reservoir and feed it to the water treatment plant or to the river.
- Inclined structure attached to the upstream face of the dam – Access to the inclined structure would be from the dam crest, not from a boat, making this option much safer, while providing easier access to valves for operation and maintenance and similar water delivery to the water treatment plant.

Other alternatives may develop during the review process for this permit application. 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. The project area has not been recently surveyed for historic properties. Because the outlet towers to be replaced are historic in origin (1926 and 1942) and have yet to be recorded, a cultural resource specialist will need to conduct an assessment of the project area and provide a report documenting the structures and their association with the historic developments in the area (e.g. the dams/reservoirs)--as well as any other cultural resources encountered during the survey. The report will include the consultants' recommendations concerning the National Register of Historic Places-eligibility status (i.e. not eligible, eligible, undetermined) and project effects (i.e. no effect, no adverse effect, adverse effect) for any cultural resources identified/documented in the project area. Upon receipt of the report, the Corps will review it and consult with the New Mexico State Historic Preservation Office (NM SHPO) for their concurrence.

ENDANGERED SPECIES: The Corps has reviewed the U.S. Fish and Wildlife Service's latest published version of Federally-listed endangered and threatened species located in Santa Fe County, New Mexico to determine if any listed species or their critical habitat may occur in the proposed project area. The applicant submitted a wetlands delineation report and threatened and endangered species survey of the pipeline area areas immediately below and between each dam. The survey conducted between October and December 2012 did not identify the presence of any federally listed threatened or endangered species. The applicant has also stated that no wetland areas will be encroached in the borrow pit areas for McClure and Nichols Reservoirs. The Corps has made a preliminary determination that the proposed project will not affect any Federally-listed endangered or threatened species or their critical habitat that are protected by the Endangered Species Act. Work will be performed from near the end of the migratory bird nesting season to just prior to the start of the subsequent nesting season (September 1st through early April 1st).

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 **April 19, 2013**, 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 on the 404 permitting action and requests for additional information should be submitted to:

William Oberle, Project Manager
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4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
505-342-3284
FAX 505-344-1514
E-mail: william.m.oberle@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 water quality certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

Neal Schaeffer
New Mexico Environment Department SWQB
P.O. Box 5469
Santa Fe, NM 87502-5469
505-476-3017
FAX 505-827-0160
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.

OTHER AUTHORIZATIONS:

The Corps will coordinate project activities with the U.S. Forest Service, Santa Fe National Forest through this public notice. A permit will be obtained from the Office of the State Engineers upon completion of final design plans.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

BUREAU CHIEF
SURFACE WATER QUALITY BUREAU
NEW MEXICO ENVIRONMENT DEPT

Enclosure: Project drawings