



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

## PUBLIC NOTICE

Public Notice Issue  
Date: 9/7/2016

Comments due:  
10/7/2016

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### NEWS RELEASE

**DRAFT 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: September 1, 2016

Subject: JOINT PUBLIC NOTICE

U.S. Army Corps of Engineers, Albuquerque District

JOINT PUBLIC NOTICE UNDER SECTION 404 OF THE CLEAN WATER ACT

The Albuquerque District has posted a joint public notice to our internet home page:  
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>.

**SUMMARY OF PROPOSED ACTION:** The U.S. Army Corps of Engineers, Albuquerque District (Corps) and the New Mexico Environment Department Surface Water Quality Bureau (SWQB), request comments on Regional General Permit (RGP)-16-01 for Utility Line, Maintenance, Repair or Removal within the State of New Mexico. The purpose of this public notice is to inform interested parties of the availability of the draft RGP and to solicit comments.

**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 and 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. This public notice serves to notify the public that the New Mexico Environment Department Surface Water Quality Bureau (NMED), EPA Region 6, and the following tribes: 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, and Navajo Nation will consider issuing a certification under Section 401. These water quality certifying authorities will accept and consider written comments regarding water quality certification received during the comment period. Comments may be submitted electronically or by hard copy to:

1. State Water Quality Certification: Comments on this public notice regarding state water quality certification may be addressed to Abe Franklin, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, 505-476-3017, [Abraham.franklin@state.nm.us](mailto:Abraham.franklin@state.nm.us)
2. Tribal Water Quality Certification:
  - a. Comments on this public notice regarding tribal water quality certification on the following tribal lands where the tribe has water quality certifying authority may addressed to the contact provided for each tribe below:

Scott Bulgrin, Pueblo of Sandia, Environment Department, 481 Sandia Loop, Bernalillo, New Mexico 87004, 505-771-5081, [sbulgrin@sandiapueblo.nsn.us](mailto:sbulgrin@sandiapueblo.nsn.us)

Ramona Montoya, Environment Division Manager, Pueblo of Isleta, P.O. Box 1270, Isleta, New Mexico 87022, 505-869-7565, [POI36871@Isletapueblo.com](mailto:POI36871@Isletapueblo.com)

Steve Rydeen, Director, Environment Department, Pueblo of Nambe, Rural Route 1, Box 117BB, Nambe Pueblo, New Mexico 87506, 505-455-4420, [srydeen@nambepueblo.org](mailto:srydeen@nambepueblo.org)

Steve Juanico, Pueblo of Acoma, [juanicojs@msn.com](mailto:juanicojs@msn.com)

Jennie Olguin, Picuris Pueblo, [jennie.olguin@picurisppueblo.org](mailto:jennie.olguin@picurisppueblo.org)

Adam Duran, Pueblo of Pojoaque, [aduran@puebloofpojoaque.org](mailto:aduran@puebloofpojoaque.org)

Dino Chavarria, Office of Environmental Affairs, Santa Clara Pueblo, P.O. Box 580, Espanola, New Mexico 87532, 505-753-7326, [dinoc@santaclarapueblo.org](mailto:dinoc@santaclarapueblo.org)

Robert Gomez, Environmental Office, Taos Pueblo, P.O. Box 1846, Taos, New Mexico, 87571, 575-751-4601, [RGomez@taospueblo.com](mailto:RGomez@taospueblo.com)

Connie Martinez, Environment Department, Ohkay Owingeh, P.O. Box 717, Ohkay Owingeh, New Mexico 87566, 505-852-4212, [connie\\_martinez@ohkayowinge-hnsn.gov](mailto:connie_martinez@ohkayowinge-hnsn.gov)

Jeremy Yepa, Environment Department, Pueblo of Tesuque, Route 42, P.O. Box 360-T, Santa Fe, New Mexico, 87506, 505-955-7743, [jyepa@pueblooftesuque.org](mailto:jyepa@pueblooftesuque.org)

Lee Anna Martinez-Silversmith, 401 Certification Program Coordinator, Navajo Nation EPA, Water Quality Program, P.O. Box 339, Window Rock, Arizona, 86515, 928-871-7700, [leeanna.martinez09@yahoo.com](mailto:leeanna.martinez09@yahoo.com)

- b. Comments on this public notice regarding water quality certification on tribal lands where the tribe does not have water quality certification authority may be addressed to Thomas Nystrom, EPA Region 6, 1445 Ross Avenue, Suite 1200, 6WQ-EM, Dallas, Texas 75202-2733, 214-665- 8331, [nystrom.thomas@epamail.epa.gov](mailto:nystrom.thomas@epamail.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, the New Mexico Inspection of Public Records Act, or both.

For more information on the types of activities that would be authorized by this RGP and proposed permit conditions, see the draft RGP on our website at <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.aspx> <<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/PublicNotices.aspx>> .

OTHER GOVERNMENTAL AUTHORIZATIONS: The Corps is requesting water quality certification under Section 401 of the Clean Water Act from Native American Tribes that have been granted this authority by the U.S. Environmental Protection Agency (EPA) and by EPA for tribes that do not have water quality certification authority.

Comments on the draft RGP may be submitted to:

PROJECT MANAGER: Justin Riggs

PHONE: (575) 652-3708

EMAIL: [Justin.C.Riggs@usace.army.mil](mailto:Justin.C.Riggs@usace.army.mil)

MAIL: US Army Corps of Engineers, 505 S. Main St., Suite 142, Las Cruces, NM 88001

Comments must be received by October 7, 2016.

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