



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



## JOINT PUBLIC NOTICE

**Application Number: SPA-2012-00138-ABQ**

**Date: July 16, 2012**

**Comments Due: August 15, 2012**

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**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 Bureau of Reclamation, Elephant Butte Field Office, located in Truth or Consequences, Sierra County, New Mexico, which could result in impacts from channel maintenance activities within the reach of the Rio Grande and its tributaries of waters of the United States between the Elephant Butte Dam channel to the Interstate 25 Bridge south of Caballo Dam. 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. Mike Hamman  
Bureau of Reclamation  
555 Broadway Blvd. NE, Suite 100  
Albuquerque, NM 87102

**AGENT:** Ms. Lori Walton  
Bureau of Reclamation  
555 Broadway Blvd. NE, Suite 100  
Albuquerque, NM 87102

**LOCATION:** The project site is located in or adjacent to the Rio Grande, Mescal Arroyo, Cuchillo Negro Creek, Arroyo Hondo, Palomas Creek and other Rio Grande tributaries within the reach between the Elephant Butte Dam channel, Section 27, T13S, R4W, Latitude 33.15386° N, Longitude -107.19256° W to the Interstate 25 Bridge south of Caballo Dam, Section 31, T16S, R4W, Latitude 32.87941° N,

Longitude -107.29695° W, Sierra County, New Mexico (see Sheets 1 to 3 of 4).

**PROJECT DESCRIPTION:** The applicant proposes to annually remove up to approximately 60,000 cubic yards (cy) of sediment and other debris from the Rio Grande near the following tributaries: Mescal Arroyo, Cuchillo Negro Creek, Arroyo Hondo, Palomas Arroyo, Red Canyon, Ralph Edwards Park, Carrie Tingley Hill, and several unnamed smaller arroyos between the Elephant Butte Dam channel from the base to the headwaters of Caballo Reservoir and below Caballo Dam to the Interstate 25 bridge. Removal of additional quantities of sediment and debris may be approved by the U.S. Army Corps of Engineers (Corps) under this permit in the event of heavy monsoon rainfalls and debris flows. Additional quantity removals would be subject to prior approval by the COE. Sediments would be removed during periods of low flow or when irrigation season flows cease from Elephant Butte Dam. Equipment used for sediment removal includes excavators, scrapers and bulldozers. Existing upland spoil areas would be used as disposal sites.

Two existing grade control structures, located south of Cuchillo Negro Creek, will be maintained. An estimated 50 cubic yards (cy) of rock rip rap would be used annually to maintain these structures. Equipment used for maintenance of existing bank protection structures includes front end loaders, bulldozers and excavators.

A maximum of 1000 cy of rock rip rap would be used annually to maintain existing bank stabilization or to construct additional new bank protection for private properties along the reach. This work would primarily occur between the Rio Grande Bridge below Elephant Butte Dam to Williamsburg where there is a patchwork of private properties with a mix of existing rip rap bank stabilization and unprotected areas. The work in these areas would occur as needed based on response to erosion caused by activities adjacent to the river, runoff and monsoonal rains. Additional quantities may be placed under this permit subject to prior approval of the Corps for the purposes of bank protection within the Rio Grande and side tributaries and arroyos as appropriate to maintain channel capacity and alignments. Work on existing bank stabilization areas will be repaired at 2 cy/linear foot. New bank stabilization sites will be constructed at 3 cy/linear foot.

In case of emergency where there is not time to place diversion barriers, alternative methods may initially be required, such as working from the bank, to alleviate the emergency situation. The Corps and New Mexico Environment Department (NMED) would be notified at the time the emergency occurs. After normal flows resume, the sediment removal work would resume.

During periods of non-release from the Elephant Butte Dam, a temporary rock dike would be installed in the vicinity of the local bath houses (see Sheet 4 of 4). The approximate dimensions of the temporary dike would be 140 feet long, 5 to 8 feet high, 10 feet wide at the top, and 102 feet wide at the bottom. The front side slope would be 1.5:1 with a back slope of 10:1 (approximately 3000 cy of rock). The temporary dike volume would be placed and removed every year. The dike would be placed by front end loaders and dozers, and then removed upon resumption of irrigation flow.

**PROJECT PURPOSE:** According to the applicant, the overall project purpose is to remove sediments on an annual basis to maintain the 5,000 cubic feet per second (cfs) flow rate as authorized under the Flood Control Acts of 1948 and 1950, to provide erosion/bank stabilization work to riverside properties, and to maintain the hydraulic gradient which allows bath house operations to remain active during periods on non-release from the Elephant Butte Dam.

The applicant believes there is a need to maintain the existing channel and erosion protection structures for flood control purposes from Elephant Butte Dam channel to the I-25 bridge downstream of the Caballo Dam. The attached maps provide additional project details.

**PROPOSED MITIGATION:** Water quality impacts would be temporary in nature, ending after the maintenance work was completed. Impacts would be limited to disturbance related issues, such as sedimentation and turbidity.

All maintenance activities would be performed during low flow periods. During any in-channel maintenance activities, flowing water would be temporarily diverted by cutting a pilot channel and using the excavated sediments to construct the diversion. After the maintenance work is completed, the sediments associated with creating the diversion would be removed.

Existing spoil placement sites would be utilized. No spoil areas occur in any special aquatic sites, including wetlands. Each spoil site will have a barrier, such as a berm, compost socks, or vegetated strip, between it and any jurisdictional waters or wetlands.

Compensation for impacts would be limited to the Truth or Consequences - Williamsburg reach of the project area where the greatest impacts have already occurred and future impacts would have the potential for greatest adverse effects. Any new bank stabilization impacts of 100 linear feet (LF) or more in this reach would be compensated for. Each new 100 LF would trigger another compensatory mitigation increment which may include:

- Placement of boulder structures for fish habitat
- Salt cedar or other invasive species removal and maintenance with planting of native species as part of a riparian restoration

Reclamation would request approval for the new bank stabilization and submit a mitigation plan with that request.

Reclamation would continue to coordinate annual meetings with the Corps, U.S. Fish and Wildlife Service (USFWS), and the New Mexico Environment Department. An annual report would be submitted to the Corps that includes sediment quantities removed and quantities of rock riprap added for grade control repairs and bank stabilization (new projects and maintenance of existing). Also included in the annual report would be any compensatory mitigation performed that year.

## **ADDITIONAL INFORMATION:**

### **Environmental Setting.**

There are no wetlands that would be impacted that are waters of the U.S. within the proposed project area. The area between Elephant Butte Dam and Williamsburg are primarily urban-commercial in nature. Areas below Williamsburg are primarily riparian and agricultural in nature.

**Alternatives.** The applicant has not provided additional new information concerning project alternatives. Project alternatives from the existing individual permits issued in 1991 and 2001 for the same activities are still applicable. These are:

No Action: Without the removal of sediments, the flow capacity will decrease to less than 5,000 cubic feet per second (cfs) and flooding of homes and businesses may occur, especially during monsoon rainfall events.

Without maintenance of rock grade control structures and bank stabilization, streambed scouring and bank stabilization resulting in changes in the flow channel may occur causing loss of land and property due to stream bank erosion.

Regarding the temporary dike, no action will result in decrease in groundwater temperatures and production for the bath house businesses during periods of non-release from Elephant Butte Dam. This has been observed immediately after the reach was channelized and the temporary dike was constructed as a short term solution. No long term solution has been found to date.

Other project designs: Alternative designs are limited. The applicant has coordinated with the Corps and other Federal and state agencies to develop the design best suited for this work to continue. Sediment containment facilities on tributary arroyos are prohibitively expensive to construct and to maintain.

Other sites available and not available to the applicant: The proposed work is specific to this reach of the river.

All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered. Mitigation for additional bank stabilization activities in the EB Dam to Williamsburg reach of the Rio Grande is discussed above.

**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. However, for the previous Department of the Army permit No. SPA-2001-00240-ABQ, the Corps consulted informally with the New Mexico State Historic Preservation Office (SHPO) on August 1, 2001. The SHPO determination was that there were no listed or proposed sites within the vicinity of the project. On October 18, 2001, the USBR archaeologist determined that there were historic sites north of State Highway 51 (NM 51) bridge over the Rio Grande to Elephant Butte Dam. Also, the area south of Arroyo Hondo to the I-25 Bridge south of Caballo Dam had not been surveyed to date. The USBR requested that a special condition be added to the permit requiring their personnel to notify the Corps and the SHPO prior to initiating any river maintenance activities in those two areas. On June 28, 2012, the USBR archaeologist stated that since all work is within the riverbanks and the spoil areas have previously been cleared, SHPO concurrence is not required.

**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 Sierra County, New Mexico to determine if any listed species or their critical habitat may occur in the proposed project area. 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.

**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 **AUGUST 15, 2012**, which is the close of the comment period. Comments on the state 404 certification must be submitted as described above under the heading “Water Quality Certification Comments” 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  
US Army Corps of Engineers, Albuquerque District  
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 certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

Christopher M. Canavan  
New Mexico Environment Department SWQB  
Las Cruces Field Division  
1170 N. Solano Drive, Suite M  
Las Cruces, NM 88001  
(575) 647-7926  
FAX (575) 526-3891  
E-mail: [chris.canavan@state.nm.us](mailto:chris.canavan@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:**

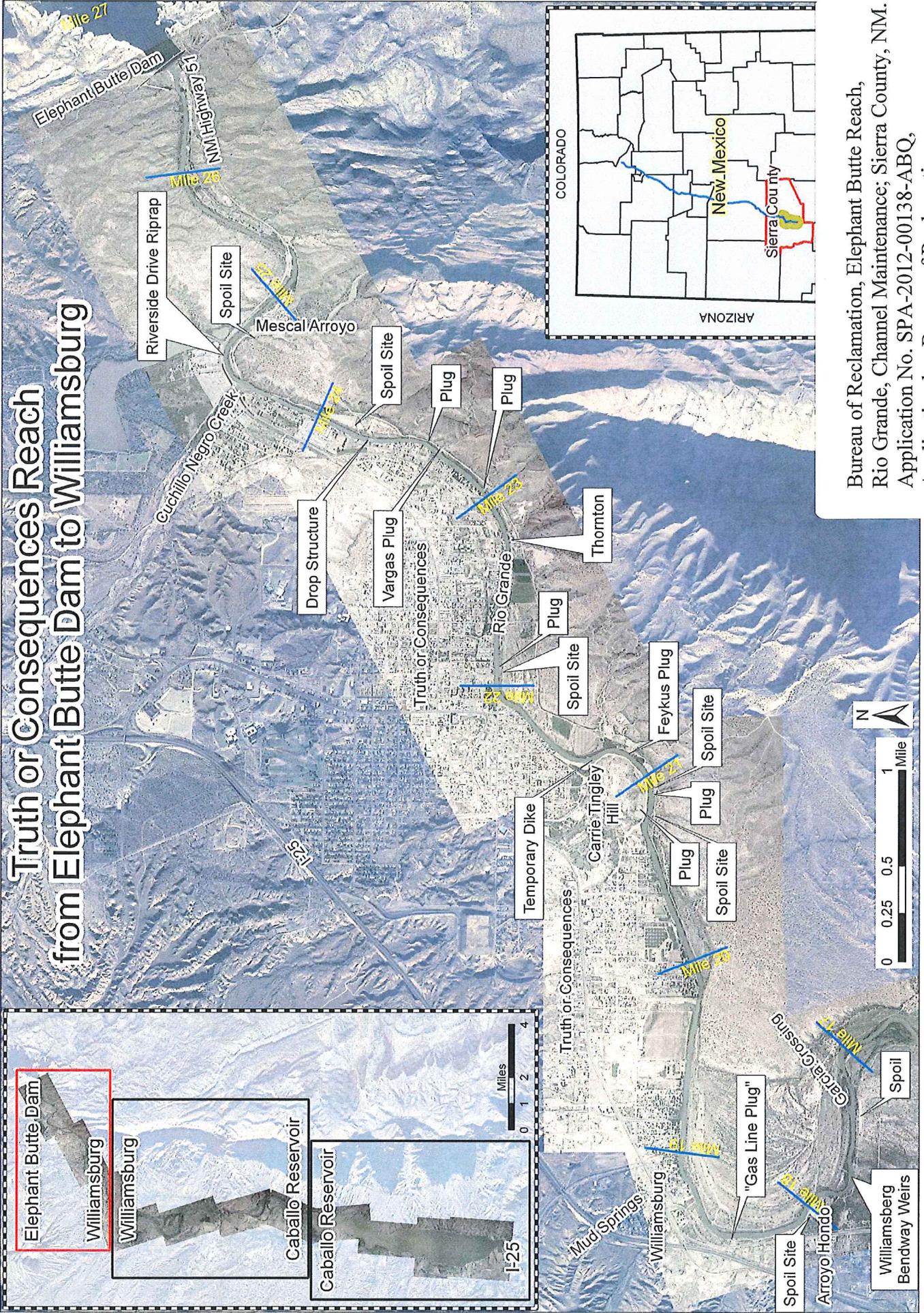
None.

DISTRICT ENGINEER  
ALBUQUERQUE DISTRICT  
CORPS OF ENGINEERS

BUREAU CHIEF  
SURFACE WATER QUALITY BUREAU  
NEW MEXICO ENVIRONMENT DEPT

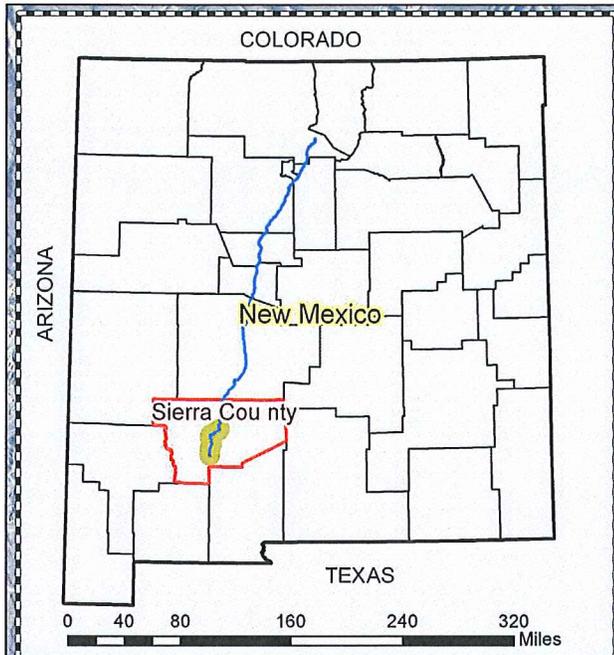
Enclosure: Project drawings

# Truth or Consequences Reach from Elephant Butte Dam to Williamsburg



Bureau of Reclamation, Elephant Butte Reach,  
 Rio Grande, Channel Maintenance; Sierra County, NM.  
 Application No. SPA-2012-00138-ABQ,  
 Application by: Bureau of Reclamation,  
 Sheet 1 of 4

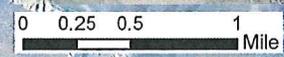
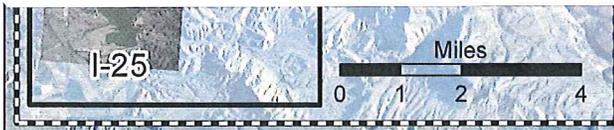
Truth or Consequences Reach from Williamsburg to Caballo Reservoir



Caballo Reservoir

Bureau of Reclamation, Elephant Butte Reach,  
 Rio Grande, Channel Maintenance; Sierra County, NM.  
 Application No. SPA-2012-00138-ABQ,  
 Application by: Bureau of Reclamation,  
 Sheet 2 of 4

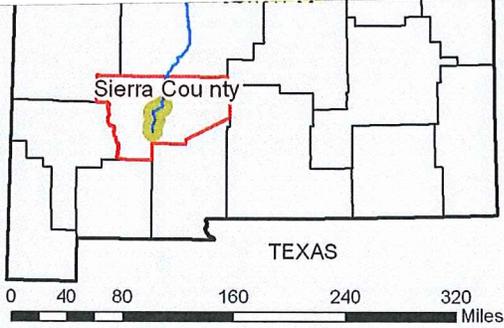
July 2012



COLORADO

Bureau of Reclamation, Elephant Butte Reach,  
Rio Grande, Channel Maintenance; Sierra County, NM.  
Application No. SPA-2012-00138-ABQ,  
Application by: Bureau of Reclamation,  
Sheet 3 of 4

July 2012



Elephant Butte Dam

Williamsburg

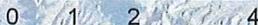
Williamsburg

Caballo Reservoir

Caballo Reservoir

I-25

Miles



Percha Division Dam  
Percha Creek

Caballo Dam

Mile 0

I-25 Bridge

Jeep Trail

Rio Grande



Caballo Reservoir

Mile 7

Mile 6

Mile 5

Mile 4

Mile 3

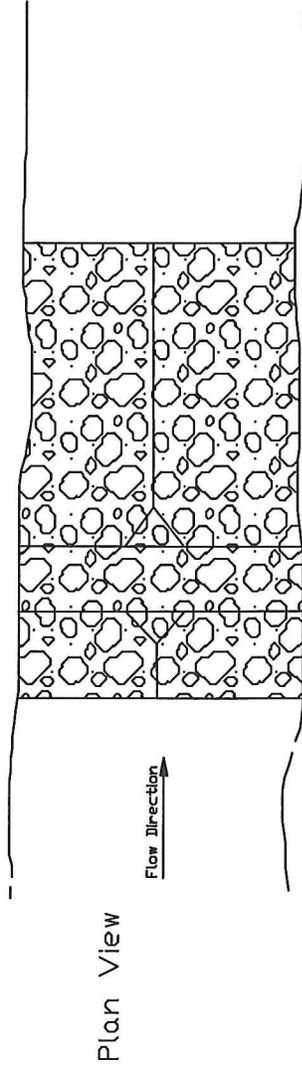
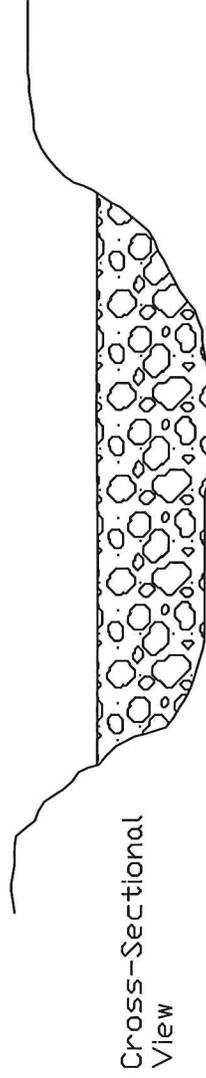
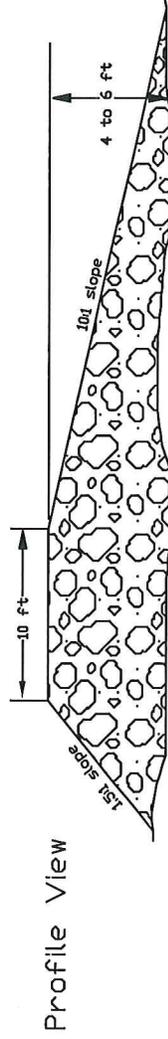
Mile 2

Mile 1

Truth or Consequences Reach from Caballo Reservoir to I-25



Temporary Dike Schematic Drawing  
 Modified Version: For 200-700 cfs



Not to scale. All dimensions are approximate.