



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



## **JOINT PUBLIC NOTICE**

**Application Number:** SPA-2012-316-ABQ  
**Date:** August 3, 2012  
**Comments Due:** September 3, 2012

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**SUBJECT:** The U.S. Army Corps of Engineers, Albuquerque District (Corps) and the New Mexico Environment Department (NMED) are evaluating a permit application to construct the Taos Ski Valley Core Village Development project, which would result in impacts to approximately 0.07 acres of wetland adjacent to Lake Fork, including 0.03 acre of fen wetland waters of the United States. 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:** Rio Hondo Holdings, Inc.  
Attn: Peter Talty  
1251 Avenues of the Americas, 17<sup>th</sup> Floor  
New York, NY 10020

**LOCATION:** The project site is located on or near Lake Fork, Latitude 36.59547, Longitude-105.44936, Taos Ski Valley, Taos County, New Mexico.

**PROJECT DESCRIPTION:** The applicant proposes to construct a mixed-use residential and commercial development with pedestrian access to the ski resort. Based on available information, the overall project purpose is residential and commercial development. The attached drawings provide additional project details.

**PROPOSED MITIGATION:** The applicant proposes the enhancement/creation of 0.12-acre of wetland with 0.34-acre of buffer within a 1.5-acre parcel near the base of Lift 4 in Taos Ski Valley. There is an existing mitigation site in an adjacent parcel. The 0.12-acre of mitigation includes enhancement of an existing 0.04-acre of fen wetland and 0.08-acre of non-fen wetland. The proposed buffer includes an existing 0.04-acre of fen;

the rest is non-wetland. The applicant has tentatively reached an agreement with the Village of Taos Ski Valley (the water rights owner) to allow the small stream running through the parcel to remain in perpetuity and not divert the spring source or stream. Further, the Village of Taos Ski Valley would manage the mitigation property in perpetuity, once the mitigation performance standards have been met. The property is proposed to be placed in a conservation easement.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 0.03-acre of fen wetlands and 0.04-acre that are wetland waters of the U.S. within the proposed project area. The site is small and in-between two existing buildings and Thunderbird and Ernie Blake Roads. The site receives some road runoff.

**Alternatives.** Alternatives currently being examined by the applicant include a reduced impact alternative and the potential for off-site alternatives. 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).

The Corps is 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 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.

**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; further identification efforts may be required. Based on this initial information, the Corps has made a preliminary determination that the proposed project will not likely affect any historic properties that meet the criteria for inclusion in the NRHP.

**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 Taos 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 NMED 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 September 3, 2012, which is the close of the comment period. Comments on the state 401 certification must be submitted as described below 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:

Deanna L. Cummings, Project Manager  
US Army Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109-3435  
505-342-3280  
FAX 505-344-1514  
E-mail: Deanna.L.Cummings@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 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 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 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:

Watershed Protection Program Manager  
New Mexico Environment Department, SWQB  
Attn: Abraham Franklin  
P.O. Box 5469  
Santa Fe, NM 87502-5469  
505-827-2793  
FAX 505-827-0160  
E-mail: abraham.franklin@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.

DISTRICT ENGINEER  
ALBUQUERQUE DISTRICT  
CORPS OF ENGINEERS

BUREAU CHIEF  
SURFACE WATER QUALITY BUREAU  
NEW MEXICO ENVIRONMENT DEPT

Enclosure: Project drawings



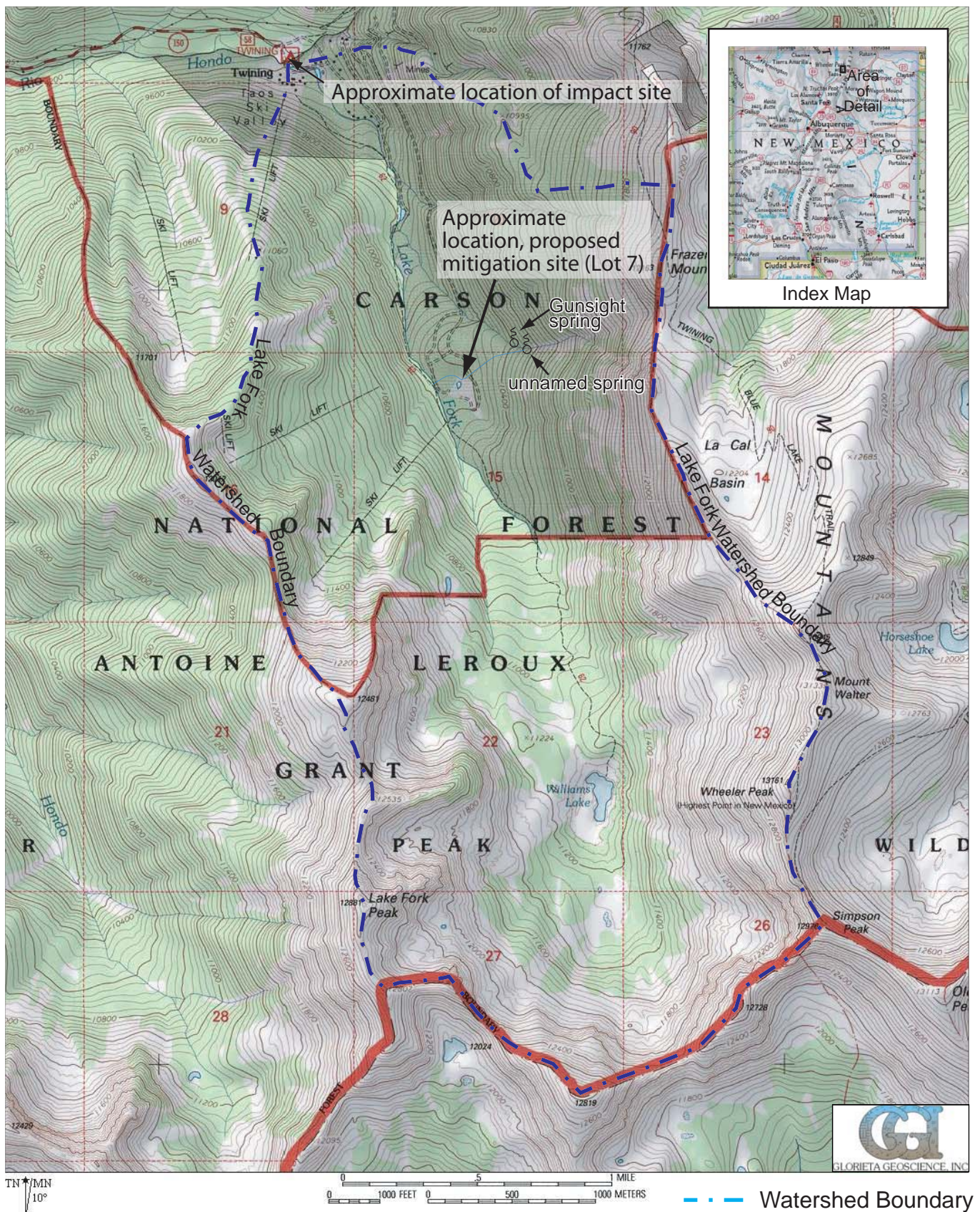


Figure 1. Map of impact site and proposed mitigation site, TSV Core Village Development.



Figure 2. Conceptual Design Plan, TSV Core Village Development