

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



## **JOINT PUBLIC NOTICE**

**Application Number:** SPA-2014-00049-ABQ  
**Date:** February 21, 2014  
**Comments Due:** March 23, 2014

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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 Bradner Reservoir Enlargement Project, which would result in permanent impacts to approximately 13.43 acres of waters of the United States in or adjacent to Bradner Reservoir (see details below). 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.) and/or Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the U.S.

**APPLICANT:** City of Las Vegas  
Attn: Ken Garcia, Utility Director  
905 12<sup>th</sup> Street  
Las Vegas, NM 87701

**LOCATION:** The project site is located at the City of Las Vegas (the City) Bradner dam and reservoir (tributary to the Gallinas River) at latitude 35.6455 N, longitude - 105.2742 W, Montezuma, San Miguel County, New Mexico.

### **PROJECT DESCRIPTION:**

**Applicant Preferred Alternative** The applicant proposes to construct a new 2,300 acre feet (AF) reservoir and associated infrastructure to replace the existing 300 AF capacity Bradner Reservoir. The project area encompasses the proposed full pool elevation for the reservoir; its historic inlet and outlet works; new inlet and outlet works; and proposed access roads.

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The proposed permanent impacts to waters of the U.S. in the applicant's preferred alternative include 0.79 acres of wetlands, 12.62 acres of other waters (i.e. discharges of dredged or fill material within the existing reservoir excluding wetlands), and 0.02 acres of an ephemeral stream.

The project includes the following components:

- The decommissioning of the existing dam and reservoir, including the removal of inlet pipes and the abandonment of the outlet pipe.
- The relocation and increase in reservoir size of 2,000 AF within the Bradner Reservoir. The increased size would be accomplished by the construction of a new earth-filled main embankment measuring 125 feet high and another measuring 50 feet high to form the new reservoir. Normal full pool elevation is designed for 6,847 feet.
- The replacement of the existing reservoir works with a new intake tower and access bridge, and outlet works.
- The replacement of the existing emergency spillway and chute, and construction of a new stilling basin that will discharge to an existing on-site drainage ditch. The drainage ditch would be armored with riprap and culverts under the old New Mexico Highway 65 (NM65) spur would be replaced. Because downstream conditions are similar to the existing environment there is adequate channel capacity in the case of a dam release and no need to armor channels downstream of NM65.
- The construction of a diversion conduit on the south end of the reservoir to capture and drain greater than 100-year flood flows. These flows would be diverted under the reservoir to the new stilling basin.
- The construction of access roads around the perimeter of the reservoir.

Borrow soil for the embankments would be excavated from the bed of the existing reservoir. All construction on the reservoir itself would utilize conventional earth-moving equipment.

The riprap and gravels required for construction would be obtained from two on-site quarries located west of the existing reservoir near the ridgeline between the Bradner and Peterson reservoirs. These quarry sites would encompass approximately 1 acre each (pit only). The quarries would be accessed by existing roads.

Intermittent blasting with explosives such as Ammonium Nitrate Fuel Oil would occur in the quarries during the early phases of construction to provide aggregate supplies for riprap. Blasting protocols would include that holes are appropriately spaced, loaded, and stemmed to prevent air blast, excessive vibration and noise, and to limit any rock from migrating outside of the blast zone. The City also plans to implement confined charge blasting for limited periods of time during the fall and winter seasons to minimize environmental impacts.

The attached drawings provide additional project details.

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

**Peterson Reservoir Expansion:** This alternative included the expansion of capacity within the Peterson Reservoir, the rehabilitation of the dam face, and the replacement of the raw water line, interconnect pipeline, and appurtenant facilities. The Peterson Dam Project was initially ranked number one on the *Preliminary Engineering Report: Water System Improvements Project for the City of Las Vegas* (SMA et al. 2011). The permittee performed initial geotechnical investigations and identified a karst geologic formation along the northern and western reservoir rim.

**1,600/2,100 AF Bradner Reservoir Expansion with pipeline replacement:**

Components of these alternatives included the increase of reservoir capacity to 1,600 AF within the Bradner Reservoir and replacement of the raw water line, interconnects, laterals, and appurtenant structures.

**4,000 AF Bradner Reservoir Expansion with pipeline replacement:** Components in this alternative included the increase of reservoir capacity to 4,000 AF within the Bradner Reservoir and replacement of the raw water line, interconnects, laterals, and appurtenant structures.

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.

**PROJECT PURPOSE:** Based on the available information, the basic project purpose is municipal water supply. The overall project purpose is to provide additional capacity to meet the City's current water needs. Currently, the City can only store approximately 22 percent of its current total annual demand, an amount insufficient to satisfy current usage (i.e. 2 million gallons per day), especially in times of limited water availability. Due to existing drought conditions, the City instituted Stage 4 water restrictions in 2011. These restrictions eliminate outdoor watering and allow the City Manager to declare emergency conditions and institute stricter regulation, if needed.

**PROPOSED MITIGATION:** The City proposes mitigation to compensate for wetland loss. The City would construct a bench of between 10 and 17 feet wide along the eastern and western edges of the reservoir at an elevation up to 0.5 feet above the new full pool elevation, for a total of approximately 1.0 acre of new wetlands. Soils from existing wetlands would be excavated and stored separately from upland soils. Stockpiled or other fill material would be stored in upland areas. The stockpiled wetland soils would then be installed over the bench. The mitigation area would then be overseeded with the locally native wetland seed mix listed in the *Bradner Reservoir Enlargement Project Draft Wetland Mitigation Plan* (URS 2014).

Other wetlands are also expected to establish naturally around the new reservoir edge, including up to an additional 0.55 acres of volunteer fringe wetlands. Species expected to establish in newly formed wetlands include creeping spikerush (*Eleocharis palustris*), Torrey's rush (*Juncus torreyi*), narrowleaf cottonwood (*Populus angustifolia*), sandbar

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willow (*Salix exigua*), shining willow (*Salix lucida*), softstem bulrush (*Schoenoplectus validus*), and narrowleaf cattail (*Typha angustifolia*). The seed source for this material would come from existing on and off-site plants.

The mitigation area would be monitored annually during the summer by a qualified wetland scientist, for a period of five years following completion of project construction. The City will submit an annual report documenting the development of the mitigation area.

**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 relative to 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 been surveyed for historic properties and consultation with the State Historic Preservation Officer has been initiated.

**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 San Miguel 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

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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 **March 23, 2014**, 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  
E-mail: Deanna.L.Cummings@usace.army.mil**

**Submittal of Water Quality Certification Comments:** Section 401 requires that

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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](mailto:abraham.franklin@state.nm.us)**

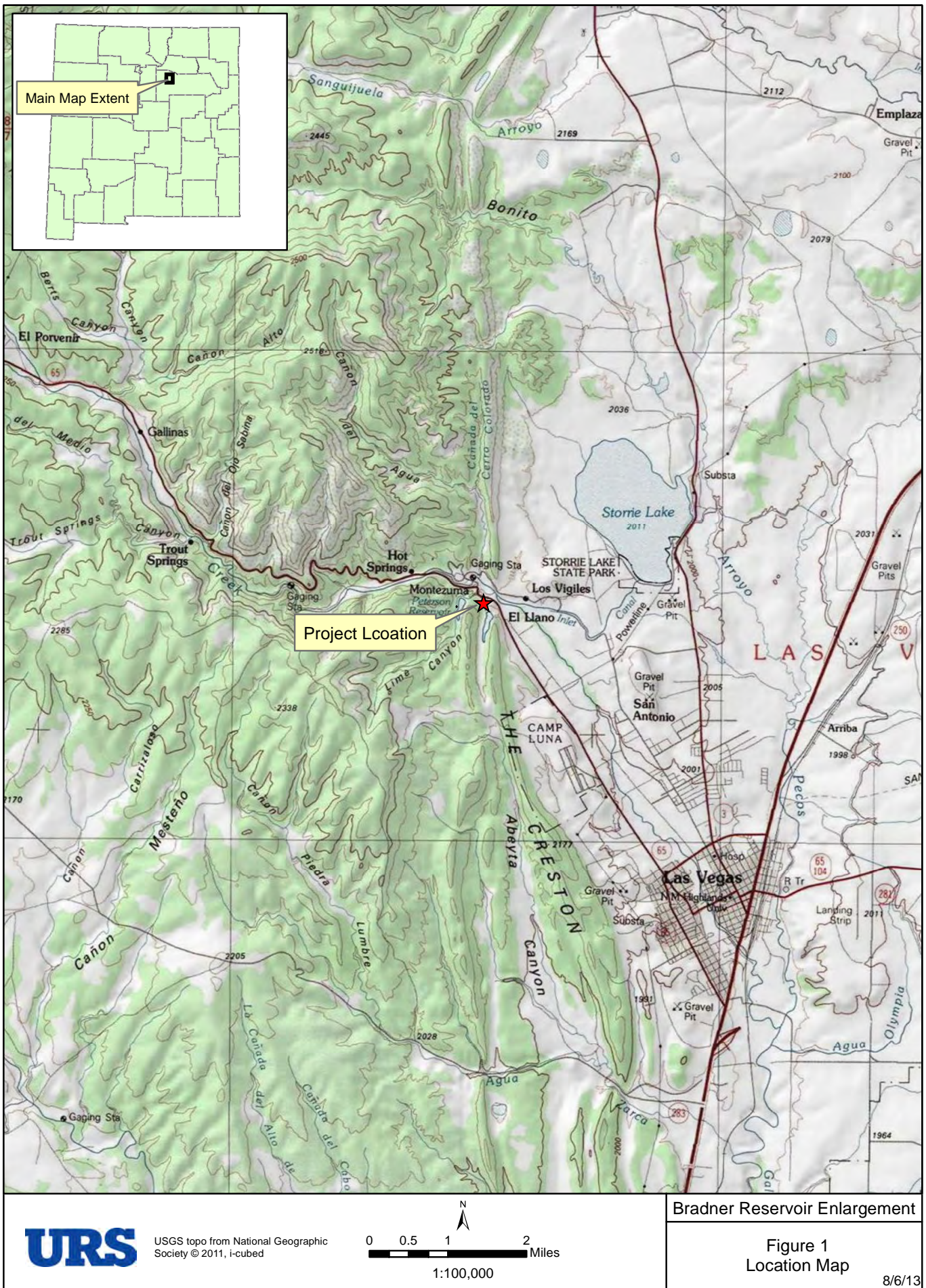
Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through the Freedom of Information Act, the New Mexico Inspection of Public Records Act, or both.

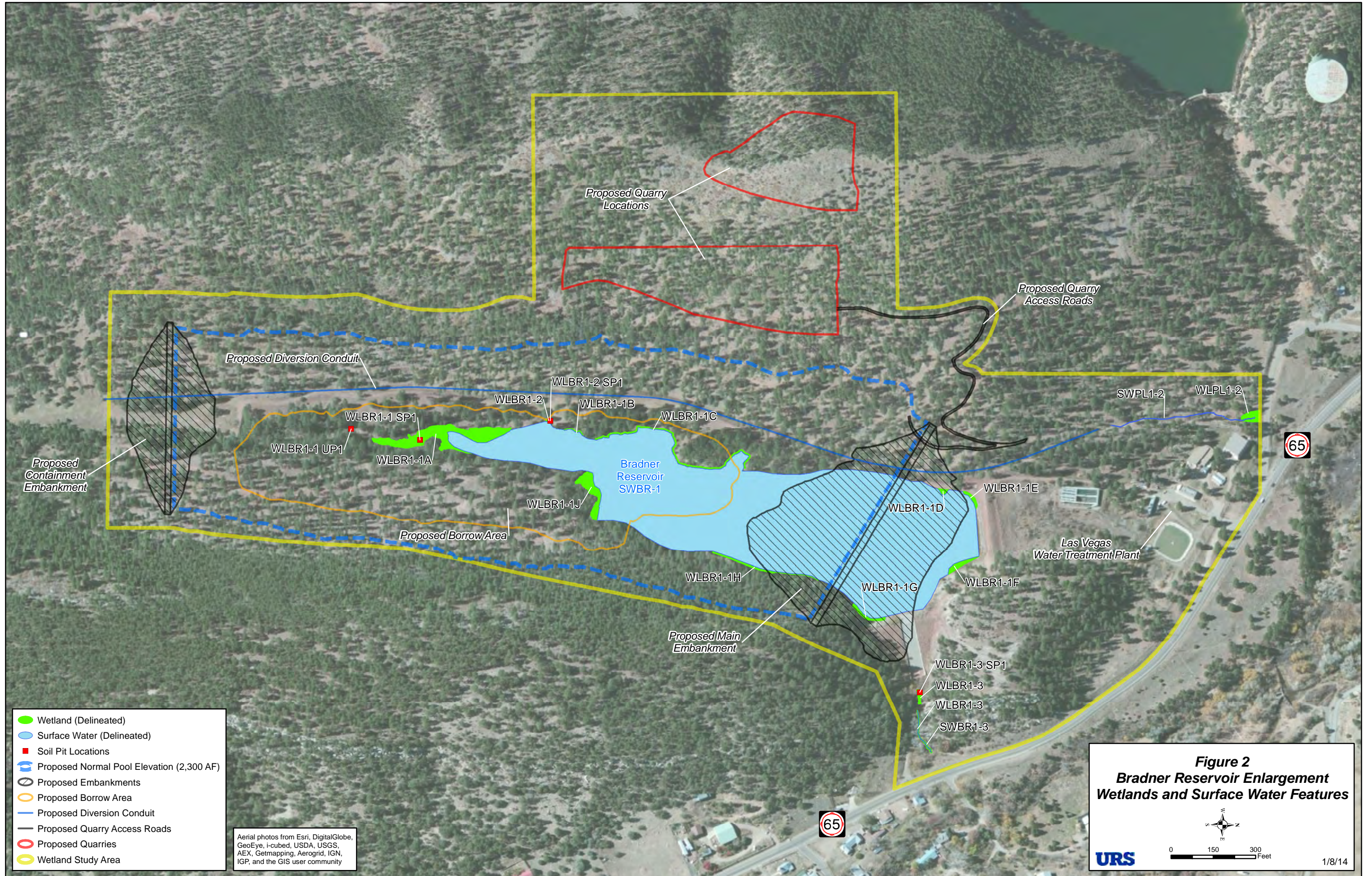
DISTRICT ENGINEER  
ALBUQUERQUE DISTRICT  
CORPS OF ENGINEERS

BUREAU CHIEF  
SURFACE WATER QUALITY BUREAU  
NEW MEXICO ENVIRONMENT DEPT

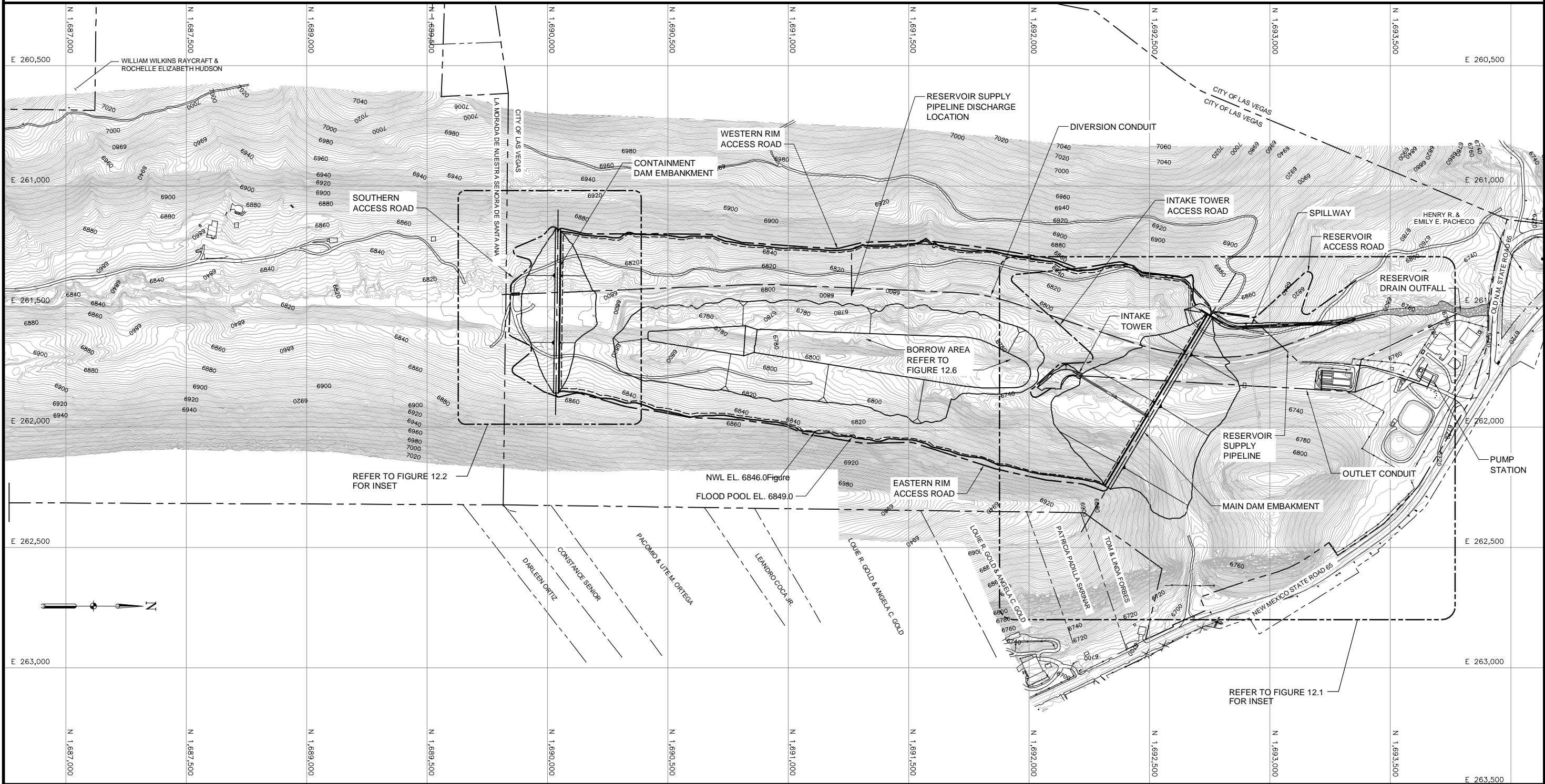
Enclosure: Project drawings

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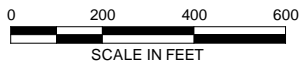




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RESERVOIR PLAN



Job No. : 22243275

Prepared by : CWR

Date : 01/02/2014

FIGURE 3  
OVERALL PLAN

2,300 AF RESERVOIR STORAGE CAPACITY  
BRADNER RESERVOIR ENLARGEMENT PROJECT