



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Albuquerque District  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
<u>2002 00494</u>	<u>February 28, 2003</u>
Phone:	Suspense Date:
<u>(915) 568-1359</u>	<u>March 21, 2003</u>

In Reply Refer to:

**District Engineer, ATTN: CESPA-OD-R**

## JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT, AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material to convert a dry arroyo bottom into a 2,200 linear-foot concrete channel for handling storm runoff from a subdivision in West El Paso, El Paso County, Texas. Approximately 500,000 cubic yards of onsite clean fill dirt and 6,750 cubic yards of concrete and paving materials will be placed in approximately 0.45 acre of jurisdictional dry arroyo bottom. The proposed 49-acre development includes the construction of approximately 108 residential lots, an elementary school, and associated paved streets. Details of the proposed project are provided below.

Name of Applicant: Larkin Developers I, Ltd., 7100 Westwind Drive, Suite 240, El Paso, TX 79912-1753, phone (915) 833-7337.

Location: The project is located in an unnamed arroyo on the River Ridge Unit 22 Subdivision in west El Paso, El Paso County, Texas. (31° 46.5' N Latitude, 106° 29.3' W Longitude).

Description of Work: The project consists of placing approximately 500,000 cubic yards of onsite clean fill dirt and approximately 6,750 cubic yards of concrete and paving materials in approximately 1,900 linear feet of ephemeral streambed (0.45 acre of dry arroyo bottom). The concrete and paving materials are for the construction of an approximately 2,200 linear-foot by 25-foot wide trapezoidal channel to accommodate storm runoff

associated with the subdivision. The subdivision includes the construction of approximately 108 residential lots, associated streets, and a 12-acre elementary school campus to the 49-acre property. Work is expected to begin in March 2003 and be completed by December 2003.

Purpose and Need: The stated purpose of the project is to make the project site suitable for economic use consistent with the site's zoning, housing, to facilitate project drainage and to comply with local planning requirements.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Albuquerque District, Corps of Engineers

Regulatory Branch	James E. Mace
4101 Jefferson Plaza, NE or	El Paso Regulatory Branch
Albuquerque, NM 87109-3435	P.O. Box 6096
(915) 568-1359	Fort Bliss, TX 79906-0096
	(915) 568-1359
	FAX - (915) 568-1348

State Water Quality Certification: This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Natural Resource Conservation Commission (TNRCC) certification is required. Concurrent with the U.S. Army Corps of Engineers (Corps) processing of the application, the TNRCC is reviewing this application under Section 401 of the Clean Water Act and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with state water quality standards. By virtue of an agreement between the Corps and the TNRCC, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TNRCC a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Natural Resource Conservation Commission, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of this publication notice. A copy of the public notice with a description of work is made available for review in the TNRCC's Austin office. The complete application may be reviewed in the Corps office. The TNRCC may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing

## **NEWS RELEASE**

address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of the persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the Texas State Historic Preservation Office (NMSHPO) has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the TXSHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Texas:

Sneed pincushion cactus (E)  
Northern aplomado falcon (E)  
Southwestern willow flycatcher (E)  
Peregrine falcon (E)  
Mexican spotted owl (T)  
Bald eagle (T)

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **March 21, 2003**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers 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 of Engineers 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 the other public interest factors listed below. 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

State Reclamation Engineer

Attn: Mr. James Mirabal  
homepage: [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us)  
Phone: 512-239-4771

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst  
Lieutenant Colonel, US Army  
District Engineer

Enclosure