



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 00614</u>	<u>December 19, 2002</u>
Phone:	Suspense Date:
<u>(505) 342-3279</u>	<u>January 10, 2003</u>
In Reply Refer to:	
District Engineer, ATTN: CESPA-OD-R	

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

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 as concrete channel lining, arroyo grade and fill, and channel realignment in three unnamed arroyos and an adjacent wetland in Rio Rancho, Sandoval County, New Mexico. The proposed project impacts .81 acres of jurisdictional waters and wetlands. The project will include impacts to 2,013 feet of channel length for grade reduction, grade and fill, and channel straightening; placement of 450 cu yds of concrete for channel lining, and placing concrete in .16 acres of an adjacent wetland. Additional activities include the construction of a .791 acre, 1.90 acre-foot earthen detention pond, 3 concrete box culvert (CBC) road crossings, and culvert outfall improvements for the Unser Blvd. road crossing. Approximately 450 cu. yds. of concrete fill, 7,375 cu. yds. of earthen fill, and 291 cu. yds. of riprap will be placed as temporary and permanent fill. Details of the proposed project are provided below.

Name of Applicant: Falcon Ridge, LLC, 12512 Modesto Ave, Albuquerque, NM 87122, phone (505)856-6043.

Location: The project is located west of Unser Blvd., east of Pine Road, and south of the North Hills housing addition, in unnamed arroyo tributaries and an adjacent wetland in Rio Rancho, Sandoval County, New Mexico, Sec. 29, Twp. 13N, Rge. 2E (35° 19.3' N Latitude, 106° 44.4' W Longitude).

Description of Work: To place concrete and earthen fill within a tributary and 2 subtributaries to the Arroyo de los Montoyas. Fill is also proposed for 7,000 sq. ft. of an adjacent wetland located on the north site boundary. The fills are required to construct 3 concrete box culvert (CBC) road crossings and drainage structures and improvements. Work in the waters and wetland is proposed as follows:

A north-to-south flowing tributary arroyo is proposed to be straightened (channelized) and concrete-lined. The channel invert will be elevated by approximately 10' feet at the pond intake to reduce channel gradient. Existing and proposed channel elevations at the upstream boundary will not change. A .721-acre, 1.90 acre-foot earthen detention pond is proposed to be constructed at the downstream (southern) site boundary, adjacent to a culverted road crossing. Existing arroyo conditions include a 20' channel width and 10 concrete drop structures tied into near-vertical banks. Some scour has been noted at the upstream sides where the structures have been keyed-in to the banks. Scour was also noted in the channel adjacent to and downstream of the structures. No significant lateral erosion was observed.

A west-to-east flowing subtributary (Sub A) is located northcentral on the site and is being proposed to be graded with on-site material. Historic flow is proposed to be collected at an existing culverted crossing at the site's western, upgradient boundary and re-routed through a roadside bar ditch, which will then convey the flow to the second subtributary (Sub B). Sub A currently conveys flow to the tributary arroyo from a portion of the western drainage basin.

The second west-to-east flowing subtributary (Sub B) is located at the site's southwestern boundary. The applicant is proposing to rechannel Sub B to convey flow to the proposed detention pond. The channel currently drains the larger portion of the drainage basin directly to the tributary arroyo. The project as proposed will reduce channel length by approximately 75'.

The project proposes placing permanent fill in approximately 7,000 sq. ft. (.16 acres) of an adjacent .26-acre emergent wetland. The wetland is located within the northern end of the tributary arroyo and has formed in soils deposited atop a concrete apron. The wetland is emergent due to upgradient irrigation. The wetland's northern end will be left undisturbed. The proposed fill will consist of concrete connecting the lined arroyo channel with an existing concrete flood control structure. The remaining .10 acre of wetland will be left undisturbed.

The total quantity of fills is -xxx- cu. yds. Work is expected to begin in -month- -year- and be completed in -month- -year-.

Purpose and Need: The stated purpose of the project is to modify site drainage to comply with local housing development requirements. The

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applicant has stated the modifications are necessary to accommodate the increased storm drainage which will result from upgradient development.

Related Work: The 24.4-acre site will be developed into a 117-unit residential housing addition. Related work will involve development and construction activities associated with residential addition construction. The development will be serviced by City of Rio Rancho water and sewer utilities.

Mitigation Proposed by the Applicant: The applicant is proposing two mitigative efforts:

1. The applicant is planning to deed the tributary and detention pond property to the City of Rio Rancho. The City has stated it will then donate the drainage channel and pond property to Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA). After assuming ownership, SSCAFCA will perform future channel and pond maintenance.

2. The applicant is also proposing to remove concrete debris and rubble and construct drainage improvements in the culverted Unser Blvd. crossing outlet area immediately downstream of the proposed housing site. The applicant is proposing to remove the illegally placed debris, extend the existing culverts 20' downstream, and place a 45'L X 50'W X 3.5'D, wire-wrapped riprap blanket below the outfall.

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:

Edward Paulsgrove
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435
(505) 342-3279

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 New Mexico 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 NMSHPO 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 Sandoval County, New Mexico:

- * Bald Eagle (*Haliaeetus leucocephalus*) T
- * Whooping Crane (*Grus americana*) E
- * Mountain Plover (*Charadrius montanus*) T
- * Mexican Spotted Owl (*Strix occidentalis lucida*) T,CH
- * SW Willow Flycatcher (*Empidonax traillii extimus*) E,CH

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

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

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 **January 10, 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:

Department of Public Safety
State Floodplain Coordinator
Attn: Mr. Bill Borthwick
email: wborthwick@dps.state.nm.us
Phone: 505-476-9617

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