

Agency	Contact Information						2017 RGP WQC Decision
	Name	Department	Mailing Address	Phone	Fax	Email	
New Mexico Environment Department		Surface Water Quality Bureau	P.O. Box 5469, Santa Fe, NM 87505	505-827-0187	505-827-0160		<a href="#">NMED WQC RGP 5/1/2017</a>
Texas Commission on Environmental Quality		Water Quality Division	P.O. Box 13087, Austin, TX 78711-3087	512-239-1000			<a href="#">TCEQ WQC RGP 5/22/2017</a>
Railroad Commission of Texas		Oil and Gas Division	P.O. Box 12967, Austin, TX 78711-2967	512-463-6821	512-463-6780		<a href="#">TRRC WQC RGP 5/31/2017</a>

\*\*\*Water Quality Certification was requested from the Native American tribes within the Albuquerque District that have been granted Water Quality Certification authority by EPA. The Albuquerque District is treating non-responses from tribes as a denial of water quality certification, and will require a copy of individual project certification from those certifying authorities prior to discharges of dredged and/or fill material into waters of the United States. The following is a list of tribes for which water quality certification for the RGP has been denied.

Tribe	Name	Department	Mailing Address	Phone	Fax	Email	
Pueblo of Acoma	Donna Martinez	Environment Department	P.O. Box 309, Acoma, NM 87034	505-552-5161	505-552-9700	<a href="mailto:dmartinez@puebloofacoma.org">dmartinez@puebloofacoma.org</a>	
Pueblo of Laguna	Adam Ringia	Environmental and Natural Resources Department	P.O. Box 194, Laguna, NM 87026	505-552-6654	505-552-6857	<a href="mailto:aringia@lagunapueblo-nsn.gov">aringia@lagunapueblo-nsn.gov</a>	
Ohkay Owingeh	Naomi Archuleta	Environment Department	P.O. Box 717, San Juan, NM 87566	505-852-4212	505-852-1432	<a href="mailto:naomi.archuleta@ohkay.org">naomi.archuleta@ohkay.org</a>	
Pueblo of Nambe	Steve Rydeen	Department of Environment and Natural Resources	Rural Route 1, Box 117-BB Nambe Pueblo, NM 87506	505-455-4420	505-455-2038	<a href="mailto:srydeen@nambepueblo.org">srydeen@nambepueblo.org</a>	
Navajo Nation	LeeAnna Martinez	Navajo Nation EPA Water Quality Program	P.O. Box 339, Window Rock, AZ 86515	928-871-7700		<a href="mailto:lamartinez@navajo-nsn.org">lamartinez@navajo-nsn.org</a>	
Ute Mountain Ute	Scott Clow	Environmental Programs	520 Sunset Blvd. Towaoc, CO 81334	970-564-5431		<a href="mailto:sclow@utemountain.org">sclow@utemountain.org</a>	

\*\*\*The following is a list of tribes that have provided water quality certification for the RGP.

Tribe	Name	Department	Mailing Address	Phone	Fax	Email	2017 RGP WQC Decision
Pueblo of Isleta	Ramona Montoya	Environment Division	P.O. Box 1270, Isleta, NM 87022	505-869-7565	505-869-7594	<a href="mailto:POI36871@isletapueblo.com">POI36871@isletapueblo.com</a>	<a href="#">Pueblo of Isleta 4/28/2017</a>
Pueblo of Picuris	Levi Lementino	Environment Department	P.O. Box 127, Penasco, NM 87553	575-587-0110	575-587-0223	<a href="mailto:environment@picurispueblo.org">environment@picurispueblo.org</a>	<a href="#">Pueblo of Picuris 4/13/2017</a>
Pueblo of Pojoaque	Adam Duran, Jacquelyn Gutierrez	Environment Department	39 Camino Del Rincon, Santa Fe, NM 87506	505-455-2278	505-455-2950	<a href="mailto:aduran@pojoaque.org">aduran@pojoaque.org</a> <a href="mailto:jgutierrez@pojoaque.org">jgutierrez@pojoaque.org</a>	<a href="#">Pueblo of Pojoaque 4/13/2017</a>
Pueblo of Sandia	Scott Bulgrin	Environment Department	481 Sandia Loop, Bernalillo, NM 87004	505-771-5071	505-771-5086	<a href="mailto:sbulgrin@sandiapueblo.nsn.us">sbulgrin@sandiapueblo.nsn.us</a>	<a href="#">Pueblo of Sandia 4/11/2017</a>

Pueblo of Santa Ana	Alan Hatch	Department of Natural Resources	2 Dove Road, Santa Ana Pueblo, NM 87004	505-771-6771	505-771-6571	Alan.Hatch@santaana-nsn.gov	<a href="#">Pueblo of Santa Ana 3/30/2017</a>
Pueblo of Santa Clara	Shawn Chato	Office of Environmental Affairs	P.O. Box 580, Espanola, NM 87532	505-692-6270 ext. 1318	505-747-2728	schato@santaclarapueblo.org	<a href="#">Pueblo of Santa Clara 4/6/2017</a>
Pueblo of Taos	Cherylin Atcitty	Environmental Office	P.O. Box 1846, Taos, NM 87571	575-751-4601	575-758-3346	Catcitty@taospueblo.com	<a href="#">Pueblo of Taos 4/11/2017</a>
Pueblo of Tesuque	Sage Garcia	Environment Department	Route 42, Box 360-T, Santa Fe, NM 87506	505-955-7741	505-982-2331	sdeon@pueblooftesuque	<a href="#">Pueblo of Tesuque 4/17/2017</a>

**\*\*\*Water quality certification was requested from EPA for those tribes that do not have water quality certification authority. The EPA did not provide WQC for the RGP, therefore the applicant must contact EPA Region 6 (contact info provided below) to obtain individual water quality certification for projects on tribal lands where the tribe does not have certifying authority. The tribes that DO NOT have water quality certifying authority are:**

· Pueblo of Cochiti	· Jicarilla Apache Nation	· Zuni Pueblo	· Zia Pueblo	· Pueblo of San Felipe
· Jemez Pueblo	· Pueblo of San Ildefonso	· Mescalero Apache Nation	· Santa Domingo/Kewa Pueblo	

Agency	Name	Department	Mailing Address	Phone	Fax	Email	
EPA	Tom Nystrom	EPA Region 6, Water Division	1445 Ross Avenue, Suite 1200, Dallas, TX 75202	214-664-8331		nystrom.thomas@epamail.epa.gov	



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building  
1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502-5469  
Phone (505) 827-0187 Fax (505) 827-0160  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

May 1, 2017

Mr. Richard Gatewood  
US Army Corps of Engineers  
Runnels Federal Building  
200 E. Griggs Avenue  
Las Cruces, NM 88001

Re: Clean Water Act Section 401 Water Quality Certification  
Regional General Permit No. NM & West TX-17-01 (SPA-2012-00347-ABQ), Emergency  
Repair and Protection Activities

Dear Mr. Gatewood:

The New Mexico Environment Department (NMED) has examined both the March 17, 2017 notice of the referenced Regional General Permit (RGP) under the Clean Water Act (CWA) §404 and Section 10 of the Harbors and Rivers Act, issued by the Corps Albuquerque District. Certification is required by CWA §401 to ensure that the NWP's are consistent with state law, comply with the state Water Quality Standards (20.6.4 NMAC), the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy. Certification is also required to comply with General Condition 25 (Water Quality) and General Condition 27 (Regional and Case-By-Case Conditions) of the NWP's.

Pursuant to State regulations for permit certification (20.6.2.2002, NMAC), NMED issued a public notice of this activity and announced a public comment period, posted on the Surface Water Quality Bureau's web site: ([www.nmenv.state.nm.us/swqb/WQA/Notice](http://www.nmenv.state.nm.us/swqb/WQA/Notice)) on March 17, 2017. The public comment period ended on April 17, 2017. No comments were received.

The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act §§301, 302, 303, 306, and 307 and with applicable requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards or the Statewide Water Quality Management Plan, and will be in compliance with the state's antidegradation policy. The State of New Mexico certifies that the discharge will comply with these provisions and requirements upon inclusion of the following conditions in the permit.

### **Section 402 comment:**

Activities that disturb one acre or more may require a permit from EPA under CWA §402 (NPDES). Applicants should submit the appropriate application to EPA 14 days prior to initiating construction. In the case of emergency operations, you must apply no later than 30 days after the start of construction and are considered provisionally covered under the terms and conditions of the EPA-issued general permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your application

(Notice of Intent, or NOI), unless EPA notifies you that your authorization has been delayed or denied. For additional information, contact:

EPA Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, Texas 75202  
Ph: 800-887-6063 or 214-665-2760 if calling from outside Region 6

**Conditional Section 401 Certification of NWP:**

The following conditions apply to all uses of the referenced RGP within State of New Mexico 401 certification authority area or region:

1. All proposed projects must avoid discharges to the maximum extent practicable; however, if discharges cannot be avoided the project must utilize the best available and practicable means to minimize adverse impacts. NMED encourages approaches based on natural ecosystem processes. Examples of Best Management Practices (BMPs) that may be applicable include:
  - Store fuel, oil, hydraulic fluid, lubricants, and other petrochemicals in a secondary containment system capable of containing twice the volume of the product.
  - Restrict temporary crossings to a single location and construct perpendicular to and at a narrow point of the stream or wetland to minimize disturbance.
  - Design and install permeable fills in wetlands when practicable.
  - For culvert projects, NMED encourages lower-impact techniques such as bottomless and embedded culverts.
2. NMED notification:
  - a. Emergency RGP applicants are encouraged to provide to NMED the same Pre-Construction Notification that they submit to the Corps, as described in the referenced RGP "Contents of Notification". NMED preconstruction notification must include:
    - i. Detailed project purpose and construction plans, including why the proposed approach does not result in more than minimal impact to the aquatic resource.
      1. Notification of projects to maintain or repair existing structures must include a description of how the existing structure failed and what will be done to prevent failure in the future.
      2. Notification of projects to extend existing bank stabilization must include a description of the existing bank stabilization, including the length, location, and the type of materials that were used.
      3. Notification of projects to install or repair culverts must include a description of how the culvert sizing was determined.

4. Notification of projects to reshape an existing drainage ditch must describe the handling of excavation materials and how the structure, when fully operational, will maintain or improve water quality.
- ii. Description of potential adverse water quality impacts including the project's potential impact on turbidity, an optical measurement of water affected by the amount of suspended material, as well as oil, grease, or hydraulic fluid, and all other potential contaminants.
- iii. Description of methods to be used to prevent water quality impacts, including BMPs designed to minimize sediment, oil, grease, and other pollutants from entering the water.
  1. Projects to remove riparian vegetation must describe methods to prevent subsequent erosion into aquatic resources.
  2. Projects that would result in dredge or fill in waterbodies listed as impaired under Section 303(d) of the CWA must include specific measures that will be used to avoid causing or contributing to a violation of water quality standards. The current EPA-approved New Mexico list of impaired waters is available at <https://www.env.nm.gov/swqib/303d-305b/> (see the "All Impairments (Cat. 4 or 5)" spreadsheet).
- b. Additionally, the following types of projects require notification to NMED:
  - i. NMED must be notified immediately if the project results in an exceedance of applicable water quality standards. This condition applies to projects in any water of the State, including ephemeral waters.
  - ii. NMED must be notified if the project is scheduled or delayed into times of predictable flooding (seasonal monsoons or snowmelt). Notification must describe BMPs to protect the stream from excessive turbidity.
  - iii. NMED must be notified if the project involves work in standing or flowing surface water. Notification must include a description of planned methods to minimize turbidity in the stream and to avoid spills that would contaminate the surface water.
  - iv. NMED must be notified of any proposed project to channelize a stream, whether previously channelized or not. Notification must include the information described under certification condition 2.a, above.
3. Unless approved by NMED:
  - a. Projects must not alter the natural stream channel size or shape (width, depth, gradient, direction or meander pattern), streamflow velocity (sediment transport rates), or water flow capacity. Requests for approval of such deviations must include descriptions of planned methods to minimize turbidity and avoid spills, as well as to stabilize the modified hydraulic geometry.
  - b. Bank stabilization projects must incorporate native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.). Requests for such approval must describe why native vegetation or other bioengineered design techniques were rejected.

- c. Stormwater management structures must not be located within natural drainage systems, such as sediment basins within a stream channel. Requests for such approval must include a description of "off-line" designs considered and why they were rejected.
  - d. Flowing water must be temporarily diverted around the work area, but remain within the existing channel to minimize erosion and turbidity and to provide for aquatic life movement. Requests for such approval must include descriptions of planned methods to minimize turbidity, to avoid spills, and to provide a continuous zone of passage for aquatic life through or around the project area in which the water quality meets all applicable criteria including turbidity.
  - e. Heavy equipment must be operated from the bank or work platforms and not enter surface water. Requests for such approval must include a description of BMPs to minimize turbidity and to avoid spills.
  - f. Disturbed areas outside stream channels that are not otherwise physically protected from erosion must be reseeded or planted with native vegetation. Requests for approval of deviation from this condition must describe methods to minimize turbidity and avoid spills, as well as final grading plans.
  - g. All areas adjacent to the watercourse that are disturbed because of the project, including temporary access roads, stockpiles and staging areas, must be restored to pre-project elevations.
  - h. Culvert design must allow for the passage of fish and other aquatic organisms.
  - i. Wetland crossings must be restricted to a single location and constructed perpendicular to and at a narrow point of the wetland.
  - j. The slope steepness for emergency riprap installation should not exceed one foot vertical for two feet horizontal.
4. The permittee shall allow NMED representatives to inspect the authorized activity and any mitigation areas at any time deemed necessary to determine compliance with applicable State Water Quality Standards.
5. Structure design:
- a. Structures at stream crossings must be properly designed, installed and maintained to allow passage of sediment, bedload, and woody debris, and to prevent erosion problems or post-construction diversion of the stream from its natural channel.
  - b. Culverts at stream crossings must be designed and installed to prevent upstream headcutting, downstream channel incision, and erosion of the stream banks or the crossing. Culverts at stream crossings must also be designed to prevent flood flows from being diverted away from the natural channel when the culvert is overtopped.
6. Construction diversions: Diversion structures must be non-erodible, such as sand bags, water bladders, concrete barriers, or channel lined with geotextile or plastic sheeting. Dirt cofferdams are not acceptable diversion structures.

7. Use of heavy equipment:

- a. All heavy equipment used in the project area must be pressure washed and/or steam cleaned before the start of the project and inspected daily for leaks. A written log of inspections and maintenance must be completed and maintained throughout the project period. Leaking equipment must not be used in or near surface water.
- b. Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must not be stored within the 100-year floodplain. Refuel equipment at least 100 feet from surface water.
- c. Heavy equipment must not be parked within the stream channel.

8. Construction materials and fuels:

- a. Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may be washed by rainfall or runoff into aquatic resources. Appropriate spill clean-up materials such as booms and absorbent pads must be available on-site at all times during construction. Dumping of any waste materials is prohibited.
- b. Poured concrete must be fully contained in mortar-tight forms and/or placed behind non-erodible cofferdams to prevent contact with surface or ground waters. Appropriate measures must be used to prevent wastewater from concrete batching, vehicle wash-down, or aggregate processing impacting aquatic resources.

9. Construction (temporary) impacts:

- a. Water used in dust suppression shall not contain contaminants that could violate water quality standards.
- b. Protective measures must be used to prevent blast, ripped or excavated soil or rock from entering surface waters.
- c. Materials associated with repair, demolition, treatments, or cleaning activities of bridges or associated structures must be kept out of the channel. Generally, impermeable containment material (e.g., plastic sheet, canvas, tarpaulins or other catchment devices) must be secured under the structure to capture falling debris. Sandblasting must include vacuum systems or the structures must be completely bagged to collect all paint and concrete debris. Any debris that falls onto the containment area or channel must be properly disposed in accordance with the New Mexico Solid Waste Regulations (20.9.1 NMAC). Applicable Material Safety Data Sheets of water repellants and surface finish treatments must be maintained at the project area.

10. Trenching:

- a. Excavated trenches within or adjacent to aquatic resources must be backfilled and compacted to match the adjacent undisturbed soil.
- b. Except for dewatering activities described in the submitted construction plans, excavated trenches must not result in draining any aquatic resource including wetlands.



- c. Excavation dewatering discharges must be uncontaminated. Aquatic resources must be protected from excessive turbidity associated with dewatering, such as discharging to an uplands area behind a vegetative buffer. Note that dewatering discharges may be subject to NMED Discharge Permits. 20.6.2.1201 NMAC requires any person intending to make a new water contaminant discharge to file a notice of intent to discharge with the Ground Water Quality Bureau (<https://www.env.nm.gov/gwb/>) for discharges that may affect ground water and/or with the Surface Water Quality Bureau (<https://www.env.nm.gov/swqb/>) for discharges that may affect surface water. Based on the information provided in the notice of intent, the Bureau will notify the person if a discharge permit is required.
11. Wetlands: Wetland vegetation and excavated top soil must be retained and reused to improve seeding success. Flows to wetlands must not be permanently disrupted.
  12. Post-construction stabilization:
    - a. Permittees and their contractors shall take necessary steps to minimize channel and bank erosion during and after construction. Where applicable, banks shall be reseeded or replanted with native vegetation.
    - b. Disturbed areas outside stream channels that are not otherwise physically protected from erosion must be reseeded or planted with native vegetation. Stabilization measures including vegetation are required at the earliest practicable date, but by the end of the first full growing season following construction. Native woody riparian and/or wetland species must be used in areas that support such vegetation. Plantings must be monitored and replaced for an overall survival rate of at least 80 percent by the end of the second growing season. Once established, native plants adapted to the site must be able to thrive with no supplemental water or treatment. Silt fences, seed free straw mulch, biodegradable straw wattles, and other techniques must be employed as appropriate to protect waters from sedimentation and other pollutants.
  13. Posting: A copy of this Certification must be kept at the project site during all phases of construction. All contractors involved in the project must be provided a copy of this certification and made aware of the conditions prior to starting construction.
  14. The Post-Activity Reports described in the General Condition 26 of the Emergency RGP must also be submitted to NMED.

Please contact Neal Schaeffer of my staff at (505) 476-3017 should you have any questions.

Sincerely,



Shelly Lemon  
Chief, Surface Water Quality Bureau

SL: cns

xc: Tom Nystrom, Wetlands, Region 6, USEPA  
Matthew Wunder, New Mexico Department of Game and Fish  
U.S. Fish and Wildlife Service  
401 Certification File 1299



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 22, 2017

Mr. Richard Gatewood  
Albuquerque District  
U.S. Army Corps of Engineers  
Runnels Federal Building  
200 E. Griggs Ave  
Las Cruces, New Mexico, 88001

Re: USACE Permit Application No. SPA- 2012-00347-ABQ

Dear Mr. Gatewood:

This letter is in response to the U.S. Army Corps of Engineers (Corps) Draft Permit Evaluation and Decision Document (DD) received on May 18, 2017, for the Joint Public Notice dated March 17, 2017, on the Corps' proposed Regional General Permit (RGP) NM/West TX-17-01 for Emergency Repair and Protection Activities in the Albuquerque District. The project area is within the State of New Mexico and an area of West Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related RGP information along with the draft DD. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Mr. John Trevino, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4600 or by email at [John.Trevino@tceq.texas.gov](mailto:John.Trevino@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Galindo".

David W. Galindo  
Water Quality Division Director  
Texas Commission on Environmental Quality

DWG/JT/tc

Attachment

Mr. Richard Gatewood  
USACE Permit Application No. SPA-2012-00347-ABQ  
Attachment – Dredge and Fill Certification  
Page 1 of 3  
May 22, 2017

**WORK DESCRIPTION:** As described in the public notice dated March 17, 2017, and the Draft Decision Document received May 18, 2017.

**SPECIAL CONDITIONS:** None

**GENERAL:** This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the Draft Decision Document received on May 18, 2017 and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.

6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:  
[http://www.tceq.texas.gov/permitting/stormwater/wq\\_construction.html](http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html) or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion.

Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.

13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.
15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.





## RAILROAD COMMISSION OF TEXAS

### OIL AND GAS DIVISION

May 31, 2017

Mr. Richard Gatewood  
Albuquerque District  
U.S. Army Corps of Engineers  
Runnels Federal Building  
200 E. Griggs Ave.  
Las Cruces, New Mexico 88001

Re: USACE Permit Application No. SPA-2012-00347-ABQ  
Proposed Regional General Permit (RGP) NM/West TX-17-01 for  
Emergency Repair and Protection Activities in the Albuquerque District

Dear Mr. Gatewood:

This letter is in response to the U.S. Army Corps of Engineers (USACE) Draft Permit Evaluation and Decision Document (DD) received on May 18, 2017, for the Joint Public Notice dated March 17, 2017, regarding the referenced proposed Regional General Permit (RGP). The project area is within the State of New Mexico and an area in West Texas.

Although the Texas Commission on Environmental Quality (TCEQ) establishes the Texas Surface Water Quality Standards, the Railroad Commission of Texas (RRC) has jurisdiction over activities associated with the exploration, development, and production of oil, gas, or geothermal resources that may result in discharges to waters of the United States. The RRC is responsible for certifying under Section 401 of the Clean Water Act that federal permits associated with such activities comply with applicable state surface water quality requirements. The RRC's regulations at 16 Texas Administrative Code §3.93 governs RRC certification under Section 401.

We have reviewed the public notice, the DD and related information. Based on our evaluation of this information, the RRC certifies that there is reasonable assurance that the activities under this permit, if conducted in the manner described and in accordance with applicable state and federal regulations, will not cause a violation of applicable water quality requirements. The certification is granted for activities under the RRC's jurisdiction and that result in the loss of less than 3.0 acres of Waters of United States or less than 1500 linear feet of a stream in waters of the state.

If you need additional information or have any questions, please contact me at [leslie.savage@rrc.texas.gov](mailto:leslie.savage@rrc.texas.gov) or (512)463-7308.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leslie Savage", is written over a circular stamp that contains the text "Oil and Gas Division".

Leslie Savage, P.G., Assistant Director for Technical Permitting  
Oil and Gas Division

**PUEBLO OF ISLETA****P. O. BOX 1270, ISLETA, NM 87022***VIA EMAIL & CERTIFIED MAIL*

April 28, 2017

Allan Steinle  
Chief, Regulatory Division  
Albuquerque District  
U.S. Army Corps of Engineers  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109  
[Allan.e.steinle@usace.army.mil](mailto:Allan.e.steinle@usace.army.mil)

Refer to: **DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NM/WEST TX-17-01  
FOR EMERGENCY REPAIR AND PROTECTION ACTIVITIES; CLEAN WATER ACT  
SECTION 401 WATER QUALITY CERTIFICATION**

Dear Mr. Steinle:

The Pueblo of Isleta ("Pueblo") submits this letter, pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341, and 40 C.F.R. Part 121, Water Quality Certification by a State or Indian Tribe, in response to the U.S. Army Corps of Engineers request for issuance of water quality certification for the Regional General Permit (RGP) NM/West TX-17-01 Emergency Repair and Protection Activities.

For projects within the exterior boundaries of the Pueblo, the Pueblo is providing Clean Water Act (CWA) Section 401 water quality certification with conditions for the RGP NM/West TX-17-01 Emergency Repair and Protection Activities. The conditions are as follows:

1. Removal of accumulated sediment, debris, and/or trash under Categories B and/or D shall be to a temporary location or locations approved by the Governor of the Pueblo of Isleta with the advice of the Pueblo's Division of Natural Resources and Environment Division.
2. Under Category D, location and access route of any containment structure, including erosion control basins or other basins constructed for temporary use must be approved by the Governor of the Pueblo of Isleta with the advice of the Pueblo's Division of Natural Resources and Environment Division.
3. The Pueblo of Isleta Forest Supervisor shall approve the revegetation plan for the disturbed area.
4. Work under this Regional General Permit, NM/West TX 17-01, may be performed only during daylight hours unless expressly authorized by the Governor of the Pueblo of Isleta with advice of the Pueblo's Division of Natural Resources and Environment Division. The Pueblo recommends that egress from the project site commence 30 minutes prior to sunset, local time.
5. The applicant must provide a copy of its permit notification(s) and any reports to:



Governor J. Robert Benavides  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022  
[POIGOV@isletapueblo.com](mailto:POIGOV@isletapueblo.com)  
(505) 869-3111

Ramona M. Montoya  
Public Services – Environment Division  
Water Quality Control Officer  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022  
[POI36871@isletapueblo.com](mailto:POI36871@isletapueblo.com)  
(505) 869-7565

If you have any questions on this matter, please contact the Pueblo's Water Quality Control Officer, Ms. Ramona M. Montoya at the address provided under condition 5 and please copy Ms. Shawna Ballay, Public Services Department Executive Director, on all correspondence. Ms. Ballay's address is: Pueblo of Isleta, P.O. Box 1270, Isleta NM 87022 and her email is [POI17501@isletapueblo.com](mailto:POI17501@isletapueblo.com).

Respectfully,  
PUEBLO OF ISLETA



J. Robert Benavides  
Governor

cc: Ramona M. Montoya, Environment Division Manager  
Shawna Ballay, Public Services Department Executive Director  
Francine M. Jaramillo, General Counsel





From:  
The Environment Office  
Picuris Pueblo



Picuris Pueblo Environment  
Department  
P. O. Box 158  
Penasco, New Mexico  
87553  
(575) 587-0110  
FAX: (575) 587-0223

## **PICURIS PUEBLO ENVIRONMENT DEPARTMENT**

April 13, 2017

Comments from Picuris Pueblo

Re: Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01 Emergency Repair and Protection Activities,  
U.S. Army Corps of Engineers, Albuquerque District

The Picuris Pueblo (the Pueblo), otherwise agrees to certify the Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01, Emergency Repair and Protection Activities, U.S. Army Corps of Engineers, Albuquerque District, with the following six (6) conditions which are in no way intended to delay any response to an "emergency situation":

1. In the event of an "emergency situation" as described in the Scope of Work in the proposed permit, that the Picuris Pueblo Governor (575-779-1910) and Lieutenant Governor (575-779-7684) shall be contacted as soon as reasonable, and the Pueblo shall be consulted where appropriate for preservation of tribal properties, critical resources, and historical sites.
2. The Corps shall notify the Pojoaque Pueblo Police (Dispatch Office) at 505-455-2295 and the Picuris Pueblo Tribal Sheriff (575-779-2368) after normal business hours or by direct contact (physical) immediately in the event of any circumstances that may threaten life or property in the La Jicarita watershed located in North Central New Mexico.
3. At the first opportunity, during normal working hours, the Corps shall also notify the Picuris Pueblo Environment Department at 575-587-0110 of any requested emergency permit application.
4. Any permit granted by the Corps shall not relieve the permittee of compensatory mitigation for the Pueblo for any adverse impacts. Applicants (permittees) shall be advised of this.
5. The entire contents of the Notification (Application) shall be forwarded to the Picuris Pueblo Environment Department as soon as reasonable, and no later than 3 business days after approval by the Corps. In addition, the Corps shall forward the approval, any subsequent revisions to the application, together with all reports.
6. The Pueblo reserves the right to request additional considerations including additional repair, restoration, clean-up and/or compensation in accordance with Tribal Law and the Picuris Pueblo Water Quality Standards authorized and adopted in 1995 pursuant to 33 U.S.C. §1377(e) and 40 CFR 131.8b



# PUEBLO OF POJOAQUE

**Environment Department**  
39 Camino Del Rincon  
SANTA FE, NEW MEXICO 87506  
(505) 455-2278 FAX (505) 455-2950

**GOVERNOR**  
Joseph M. Talachy  
**LIEUTENANT GOVERNOR**  
Jenelle C. Roybal  
**TRIBAL SECRETARY**  
Stephanie J. Crosby  
**TRIBAL TREASURER**  
Mary Ann K. Fierro

April 13, 2017

Comments from the Pueblo of Santa Ana

Re: Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01  
Emergency Repair and Protection Activities,  
U. S. Army Corps of Engineers, Albuquerque District

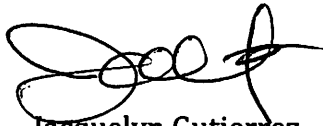
The Pueblo of Pojoaque, otherwise agrees to certify the Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01, Emergency Repair and Protection Activities, U. S. Army Corps of Engineers, Albuquerque District, with the following conditions which are in no way intended to delay any response to an "emergency situation":

1. In the event of an "emergency situation" as described in the Scope of Work in the proposed permit, that the Pueblo of Pojoaque Governor shall be contacted as soon as reasonable, and the Pueblo shall be consulted where appropriate for preservation of tribal properties, critical resources, and historic sites,
2. The Corps shall notify the Pueblo of Pojoaque Police department 505-455-2295 or by direct contact (physical) immediately in the event of any circumstances that may threaten life or property in either the Tesuque or Nambe Watersheds.
3. At the first opportunity, during normal working hours, the Corps shall also notify the Pueblo of Pojoaque, Environment Department at 505-455-2278, and the Special Projects Director 505-629-7912, of any requested emergency permit application.
4. Any permit granted by the Corps shall not relieve the permittee of compensatory mitigation for the Pueblo for any adverse impacts. Application (permittees) shall be advised of this.
5. The entire contents of the Notification (Application) shall be forwarded to the Environment Department, as soon as reasonable as and no later than 3 business days after approval by the Corps. In addition, the Corps shall forward the approval, any subsequent revisions to the application, together with all reports.
6. The Pueblo reserves the right to request additional considerations, including additional repair, restoration, clean-up and/or compensation in accordance with Tribal Law and the Pueblo of Pojoaque Water Quality Standards.

These are the conditional the Pueblo of Pojoaque has set for the Emergency Repair and Protection Activities.

If you need further information please feel free to contact me at (505) 455-2278.

Sincerely,

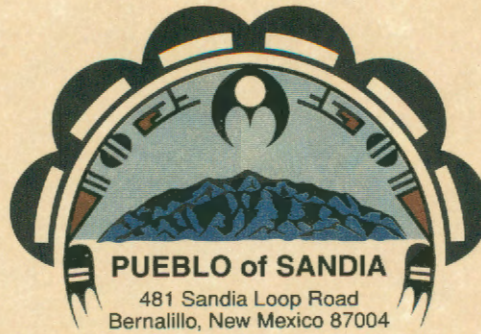
A handwritten signature in black ink, appearing to read 'Jacquelyn Gutierrez', with a stylized flourish at the end.

Jacquelyn Gutierrez  
Environmental Specialist  
Pueblo of Pojoaque

Cc.: Gabe Montoya; Special Projects Director  
Eric Abieta; General Counsel Pueblo of Pojoaque



Malcolm Montoya  
Governor  
Lawrence Gutierrez  
Lt. Governor



(505) 867-3317  
Fax (505) 867-9235  
[www.sandiapueblo.nsn.us](http://www.sandiapueblo.nsn.us)

April 11, 2017

Richard Gatewood  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
Regulatory Division  
Runnels Federal Building  
200 E. Griggs Ave.  
Las Cruces, New Mexico 88001

Re: CWA Section 401 Certification for USACE NM/West TX-17-01, Emergency Repair and Protection Activities (No. SPA-2012-00347-ABQ)

Dear Mr. Gatewood:

This letter is in response to the U.S. Army Corps of Engineers (USACE) NM/West TX-17-01, Emergency Repair and Protection Activities (No. SPA-2012-00347-ABQ). The purpose of this permit is to expedite CWA Section 404 authorization for work in emergency situations within the state of New Mexico and areas of west Texas in which the USACE has jurisdiction. This work is not supposed to pose substantial adverse individual or cumulative impacts on the aquatic environment and is to be conducted in an "emergency situation". According to the USACE, each permit issued under this emergency situation procedure will include general conditions identified but may include case-specific conditions intended to protect life, health, property, or essential public services. There are also several Categories of Activities that may be authorized by the permit.

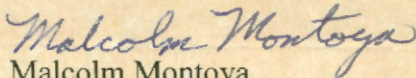
As you know, the Pueblo of Sandia has had EPA approved water quality standards (WQS) since 1993, with revisions in 2010. The WQS apply to all surface waters within the exterior boundaries of our reservation and set forth existing uses that must be protected. The Pueblo of Sandia does not waive CWA Section 401 Certification for USACE NM/West TX-17-01, Emergency Repair and Protection Activities (No. SPA-2012-00347-ABQ). Although the Pueblo of Sandia believes the conditions in the permit are protective, generally sufficient and warranted to meet the USACE requirements, the Pueblo feels it needs to take a more active approach on projects within the boundaries of the Pueblo. Therefore the Pueblo certifies CWA Section 401 Certification for USACE NM/West TX-17-01, Emergency Repair and Protection Activities (No. SPA-2012-00347-ABQ) for projects on or around the Pueblo of Sandia that may affect water quality with the following conditions (listed below):



1. The Pueblo of Sandia be notified of any requests by each individual entity requesting a permit for work in emergency situations within waters of the U.S., on or near the Pueblo of Sandia (within two (2) miles) or within the jurisdiction of the Pueblo of Sandia. This notification would allow the Pueblo of Sandia to acknowledge and be aware of the work being conducted. By reviewing the activities, the Pueblo of Sandia can ensure that individuals will comply with applicable provisions of Section 208(e), 301 (including 301(h) variances), 302, 303, 306, and 307 of the CWA, along with regional and specific conditions relevant to the waters of the Pueblo. These conditions and certifications will provide reasonable assurance that the permitted activities will not violate the Pueblo's WQS and provisions of the CWA;
2. The Pueblo of Sandia requests that the work on or around the Pueblo of Sandia (within two (2) miles) and not authorized by this "emergency situation" permit be prohibited from using this CWA Section 401 water quality certification. Impacts to waters of the U.S. shall be avoided or minimized through the use of practicable alternatives. Work that would have substantial adverse impacts on the aquatic environment or cause a substantial environmental damage in waters of the U.S. shall not be authorized by this permit and will have to seek other options. Any failure by permit applicant to maintain compliance with these requirements may result in revocation of the CWA Section 401 water quality certification; and
3. To expedite the notification process, the permit applicant should copy all the pertinent information sent to or received by the USACE to the Pueblo of Sandia's Environment Department, Attention: Water Quality Manager, 481 Sandia Loop, Bernalillo, New Mexico 87004 or email [sbulgrin@sandiapueblo.nsn.us](mailto:sbulgrin@sandiapueblo.nsn.us), telephone (505) 771-5081.

We look forward to the USACE continued on environmental issues. If you have any questions or concerns, please contact Scott Bulgrin, Water Quality Manager of my staff at 505 867-4533.

Sincerely:

  
Malcolm Montoya  
Governor

\SJB

cc: Ron Kneebone, PhD., U.S. Army Corps of Engineers, Tribal Liaison  
Marcy Leavitt, U.S. Army Corps of Engineers, Regulatory Project Manager  
Wally Murphy, U.S. Fish & Wildlife Service, Field Supervisor  
Tom Nystrom, USEPA Region 6, Environmental Scientist  
Scott Bulgrin, Pueblo of Sandia Environment Department (via email)  
File



# PUEBLO OF SANTA ANA

## DEPARTMENT OF NATURAL RESOURCES

March 30, 2017

Comments from the Pueblo of Santa Ana

re: Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01  
Emergency Repair and Protection Activities,  
U.S. Army Corps of Engineers, Albuquerque District

Please make correction to page 7: As of July 23, 2015, the Pueblo of Santa Ana was granted authority to administer its own water quality standards and certification programs under the Clean Water Act. See Pueblo of Santa Ana Water Quality Standards, adopted November 26, 2013.

The Pueblo of Santa Ana (the Pueblo), otherwise agrees to certify the Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01, Emergency Repair and Protection Activities, U.S. Army Corps of Engineers, Albuquerque District, with the following six (6) conditions which are in no way intended to delay any response to an "emergency situation":

1. In the event of an "emergency situation" as described in the Scope of Work in the proposed permit, that the Pueblo of Santa Ana Governor shall be contacted as soon as reasonable, and the Pueblo shall be consulted where appropriate for preservation of tribal properties, critical resources, and historical sites.
2. The Corps shall notify the Santa Ana Police Department at 505-771-6730 or by direct contact (physical) immediately in the event of any circumstances that may threaten life or property in either the Jemez or Rio Grande watersheds.
3. At the first opportunity, during normal working hours, the Corps shall also notify the Pueblo of Santa Ana, Department of Natural Resources Director at 505-771-6771, and the Water Resources Division Manager at 505-771-6754 of any requested emergency permit application.
4. Any permit granted by the Corps shall not relieve the permittee of compensatory mitigation for the Pueblo for any adverse impacts. Applicants (permittees) shall be advised of this.
5. The entire contents of the Notification (Application) shall be forwarded to the Department of Natural Resources Director and Water Resources Division Manager, as soon as reasonable, and no later than 3 business days after approval by the Corps. In addition, the Corps shall forward the approval, any subsequent revisions to the application, together with all reports.
6. The Pueblo reserves the right to request additional considerations including additional repair, restoration, clean-up and/or compensation in accordance with Tribal Law and the Pueblo of Santa Ana Water Quality Standards.

## SANTA CLARA

POST OFFICE BOX 580  
(505) 753-7330  
(505) 753-5375 Fax



## INDIAN PUEBLO

ESPANOLA, NEW MEXICO  
87532  
OFFICE OF GOVERNOR

**April 6, 2017**

Richard Gatewood  
U.S. Army Corps of Engineers, Regulatory Division, Runnels Federal Building  
200 E. Griggs Ave.  
Las Cruces, NM 88001

*Re: Tribal Certification for Department of the Army General Permit, (Corps Action No. SPA-2012-00347-ABQ), Regional General Permit (RGP) NM/WEST TX-17-01, Emergency Repair and Protection Activities*

**Dear Mr. Gatewood:**

This letter serves as the Pueblo of Santa Clara's 401 conditional certification of the Department of the Army General Permit, (Corps Action No. SPA-2012-00347-ABQ), Regional General Permit (RGP) NM/WEST TX-17-01, Emergency Repair and Protection Activities. This conditional certification is issued under the authority of the Santa Clara Pueblo Water Quality Code, adopted as amended by Santa Clara Tribal Council Resolution No. 2003-27 (July 15, 2003), and approved by the Secretary of the Interior effective as of August 5, 2003.

The Pueblo requests that a Notice of Intent (NOI) and Notice of Termination (NOT) be provided by the applicant to the Santa Clara Pueblo Governor's Office at the same time it is provided to the US Army Corps of Engineers Albuquerque District. The notification should be in writing and include the following information:

1. Name, address and telephone number of the person(s) responsible for the work, the owner of the affected lands (if different from the permittee), and the contractor(s) that will be performing the work, if applicable;
2. A description of the proposed work including:
  - a. Purpose and need - describe nature of emergency that makes use of this RGP necessary and why such actions were not anticipated earlier.
  - b. A description of waters of the United States under the jurisdiction of Santa Clara Pueblo that may be affected by the activities.
  - c. Type, composition, and quantity of material to be excavated or placed (including temporary material used for cofferdams, etc).



- d. Length, width, and depth of fill area and/or excavation area.
  - e. A discussion of the direct and indirect adverse environmental effects of the activity.
  - f. Location of disposal site for excavated material.
  - g. Type of equipment to be used.
  - h. Identification/delineation of wetlands (if present).
  - i. The receiving site for excess water (drainage projects).
  - j. Any other pertinent, supporting data.
3. A location map indicating the location of the proposed work and a legal description (section, township, range, and county, NAD 83 UTM coordinates or latitude and longitude).

**Santa Clara Pueblo Contact Information:**

Office of the Governor  
578 Kee Street  
Española, NM 87532  
[Governor@santaclarapueblo.org](mailto:Governor@santaclarapueblo.org)

As stated in the General Permit, categories of activities that may be authorized are as follows:

- **Category A:** Levee repairs or maintenance, and construction of temporary levees, including returning engineered levee projects to original design. Temporary levees constructed to control flows shall not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).
- **Category B:** Removal of accumulated sediment and debris to prevent or alleviate the emergency situation. Sediment removal activities are limited to restoring flow conveyance/channel geometry to pre-event dimensions. Category B also includes removal of trash and flood-deposited unrooted woody and herbaceous vegetation including fallen trees, dead trees which are in danger of falling in or across a waterbody, and which reduce waterbody capacity and are necessary to alleviate the emergency. Category B activities are limited to an area of less than 3 acres of waters of the U.S. and designated navigable waters, unless this limit is waived in advance of construction and in writing by the Corps.
- **Category C:** Bank stabilization to prevent or minimize erosion or the loss of structures. Category C activities are limited to 500-linear feet of bank stabilization unless this limit is waived in advance of construction in writing by the Corps.
- **Category D:** Debris and sediment containment structures, including erosion control basins. Constructed basins must be located outside of perennial and intermittent waters, and may be located in ephemeral tributaries to such waters, except that a written waiver may be requested for construction in intermittent waters prior to construction. Maintenance of the containment structure and removal of collected debris and sediment to an upland site are also authorized by this permit.

- **Category E:** Construction of temporary diversion channels, flow deflection structures and access roads that are necessary to construct projects described above.
- **Category F:** Other projects including but not limited to repair and reconstruction of existing roads; repair and protection of underground utilities; and protection and restoration of intake/outfall structures.

Longer term projects that are beyond the scope and timing of this emergency permits should be authorized using the appropriate general or individual permit. Impacts to waters of the U.S., including wetlands, shall be avoided or minimized through the use of practicable alternatives. Compensatory mitigation for unavoidable adverse impacts to waters of the U.S. under the jurisdiction of Santa Clara Pueblo may be required.

If you should have any questions please do not hesitate to contact Bernardino Chavarria of the Santa Clara Pueblo Office of Environmental Affairs at (505) 753-7326 x1239.

Sincerely,



**Governor J. Michael Chavarria**  
**Santa Clara Pueblo**

Cc: file  
Environmental  
General Counsel

# TAOS PUEBLO

P.O. BOX 1846 • TAOS, NEW MEXICO 87571 • (575) 758-8626

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April 17, 2017

Richard Gatewood  
US ACE Runnels Federal Building  
200 E. Griggs Ave.  
Las Cruces, NM 88001

Subject: Regional General Permit, SPA-2012-00347-ABQ, NM/West Texas -17-01. Emergency Repair and Protection Activities, U.S. Army Corp of Engineers, Albuquerque District

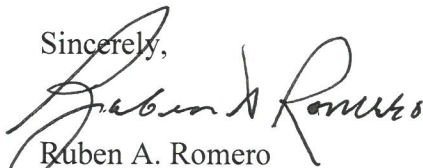
To Richard Gatewood,

Taos Pueblo (The Pueblo), otherwise agrees to certify the Regional General Permit, SPA-2012-00347-ABQ, NM/West Texas -17-01, Emergency Repair and Protection Activities, U.S. Army Corp of Engineers, Albuquerque District, with the following six (6) conditions which are in no way intended to delay any response to an "emergency situation".

1. In the event of an "emergency situation" as described in the Scope of Work in the proposed permit, that the Taos Pueblo Governor shall be contacted as soon as reasonable, and the Pueblo shall be consulted where appropriate for preservation of tribal properties, critical resources and historical sites.
2. The Corps shall notify the Taos Pueblo Police Department at (575) 758-8645 or by direct contact (physical) immediately in the event of any circumstances that may threaten life or property.
3. At the first opportunity, during normal working hours, the Corp shall also notify the Taos Pueblo Division of Natural Resources Director at (575) 758-7972 and the Environmental Manager at (575) 751-4601 of any requested emergency permit application.
4. Any permit granted by the Corps shall not relieve the Applicant of compensatory mitigation for the Pueblo for any adverse impacts. Applicants shall be advised of this.
5. The entire contents of the Notification (Application) shall be forwarded to the Department of Natural Resources Direct and the Environmental Manager, as soon as reasonable, and no later than 3 business days after approval by the Corps. In addition, the Corps shall forward the approval, any subsequent revisions to the application, together with all reports.
6. The Pueblo reserves the right to request for additional consideration including additional repair, restoration, clean-up, and or compensation in accordance with Tribal Law and the Taos Pueblo Water Quality Standards.

If you have any further questions or comments please contact Cherylin Atcitty, Environmental Manager at (575)751-4601 or at [catcitty@taospueblo.com](mailto:catcitty@taospueblo.com)

Sincerely,



Ruben A. Romero  
Taos Pueblo Governor





## *Office of the Governor*

*Route 42 Box 360-T  
Santa Fe, New Mexico 87506*

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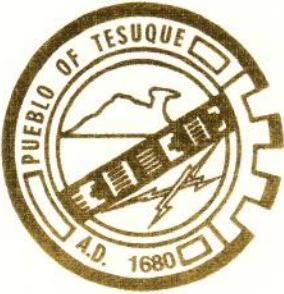
April 11, 2017

Richard Gatewood  
Regulatory Division  
USACE Runnels Federal Building  
200 E. Griggs Ave.  
Las Cruces, NM 88011

Subject: Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01  
Emergency Repair and Protection Activities.

The Pueblo of Tesuque (the Pueblo), otherwise agrees to certify the Regional General Permit, SPA-2012-00347-ABQ, NM/West TX-17-01, Emergency Repair and Protection Activities, U.S. Army Corps of Engineers (USACE), Albuquerque District, with the following six (6) conditions which are in no way intended to delay any response to an "emergency situation":

1. In the event of an "emergency situation" as described in the Scope of Work in the proposed permit, that the Pueblo of Tesuque Governor shall be contacted as soon as reasonable, and the Pueblo shall be consulted where appropriate for preservation of tribal properties, critical resources, and historical sites.
2. The USACE shall notify the Pueblo of Tesuque Police Department at 505-988-9119 or by direct contact (physical) immediately in the event of any circumstance that may threaten life or property in either the Rio Tesuque watershed or any adjacent watershed that would impact the Pueblo of Tesuque.
3. At the first opportunity, during normal working hours the USACE shall also notify the Pueblo of Tesuque's Environment Department Director at 505-955-7741 of any requested emergency permit applications.
4. Any permit granted by the USACE shall not relieve the permittee of compensatory mitigation for the Pueblo for any adverse impacts. Applicants (permittees) shall be advised of this by USACE.
5. The entire contents of the Notification (Application) shall be forwarded to the Pueblo of Tesuque's Environment Department as soon as reasonable but no later than 3 business days after approval by the USACE. In addition, the USACE shall forward the approval documents, any subsequent revisions to the application, together with all reports.



## *Office of the Governor*

*Route 42 Box 360-T  
Santa Fe, New Mexico 87506*

---

6. The Pueblo reserves the right to request additional considerations including additional repair, restoration, clean-up and/or compensation in accordance with Tribal Law and the Pueblo of Tesuque Water Quality Standards.

Respectfully,

*Mark Mitchell*

Mark Mitchell  
Governor of Pueblo of Tesuque