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January 3, 2018

Mr. Allan Steinle
U.S. Army Corps of Engineers
Albuquerque District
Regulatory Division, CESPRA-RA
4101 Jefferson Plaza NE Albuquerque, NM 87109

SUBJECT: Clean Water Act Section 401 Water Quality Certification, NMED SWQB File 1356, Regional General Permit 17-02, (RGP-17-02).

Dear Mr. Steinle:

The New Mexico Environment Department Surface Water Quality Bureau (NMED-SWQB) has examined the proposed Regional General Permit (RGP) for the Bureau of Reclamation, Rio Grande, Elephant Butte Reach, Channel Maintenance (RGP-17-02). According to the application, this project involves the annual maintenance of the Rio Grande Channel to maintain a 5,000 cubic feet per second capacity as authorized under the federal Flood Control Acts of 1948 and 1950 and to provide erosion/bank stabilization work to riverside properties, and to maintain the hydraulic gradient which allows bath house operations to remain active during non-release periods.

PROJECT DESCRIPTION: The applicant proposes to annually remove up to approximately 60,000 cubic yards (cy) of sediment and other debris from the Rio Grande near the following tributaries: Mescal Arroyo, Cuchillo Negro Creek, Arroyo Hondo, Palomas Arroyo, Red Canyon, Ralph Edwards Park, Carrie Tingley Hill, and several unnamed smaller arroyos between the Elephant Butte Dam channel from the base to the headwaters of Caballo Reservoir and below Caballo Dam to the Interstate 25 bridge. Removal of additional quantities of sediment and debris may be approved by the U.S. Army Corps of Engineers (Corps) under this permit in the event of heavy monsoon rainfalls and debris flows. Additional quantity removals would be subject to prior approval by the Corps. Sediments would be removed during periods of low flow or when irrigation season flows cease from Elephant Butte Dam. Equipment used for sediment removal includes excavators, scrapers and bulldozers. Existing upland spoil areas would be used as disposal sites.

Two existing grade control structures, located south of Cuchillo Negro Creek, will be maintained. An estimated 50 cubic yards (cy) of rock rip rap would be used annually to maintain

these structures. Equipment used for maintenance of existing bank protection structures includes front end loaders, bulldozers and excavators.

A maximum of 1000 cy of rock rip rap would be used annually to maintain existing bank stabilization or to construct additional new bank protection for private properties along the reach. This work would primarily occur between the Rio Grande Bridge below Elephant Butte Dam to Williamsburg where there is a patchwork of private properties with a mix of existing rip rap bank stabilization and unprotected areas. The work in these areas would occur as needed based on response to erosion caused by activities adjacent to the river, runoff and monsoonal rains. Additional quantities may be placed under this permit subject to prior approval of the Corps for the purposes of bank protection within the Rio Grande and side tributaries and arroyos as appropriate to maintain channel capacity and alignments. Work on existing bank stabilization areas will be repaired at 2 cy/linear foot. New bank stabilization sites will be constructed at 3 cy/linear foot.

In case of emergency where there is not time to place diversion barriers, alternative methods may initially be required, such as working from the bank, to alleviate the emergency situation. The Corps and NMED-SWQB would be notified at the time the emergency occurs. After normal flows resume, the sediment removal work would resume.

During periods of non-release from the Elephant Butte Dam, a temporary rock dike would be installed in the vicinity of the local bath houses. The approximate dimensions of the temporary dike would be 140 feet long, 5 to 8 feet high, 10 feet wide at the top, and 102 feet wide at the bottom. The front side slope would be 1.5:1 with a back slope of 10:1 (approximately 3000 cy of rock). The temporary dike volume would be placed and removed every year. The dike would be placed by front end loaders and dozers, and then removed upon resumption of irrigation flow.

Certification is required by Section 401 of the Clean Water Act to ensure that the RGP is consistent with state law and complies with the state Water Quality Standards (20.6.4 NMAC), the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads, and the Antidegradation Policy. Pursuant to State regulations for permit certification (20.6.2.2002 NMAC), NMED-SWQB issued a public notice of this activity and announced a public comment period on the Surface Water Quality Bureau's web site: <https://www.env.nm.gov/surface-water-quality/public-notices/> on October 30, 2017. The public comment period ended on November 30, 2017. No comments were received.

Conditional 401 Certification of the RGP:

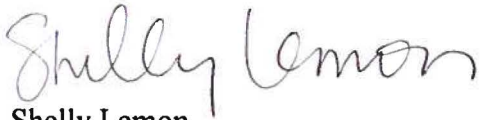
The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307 and with applicable requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the 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:

1. Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must not be stored within the 100-year floodplain and must have a secondary containment system capable of containing twice the volume of the product. Appropriate spill clean-up materials such as booms and absorbent pads must be available on-site at all times during construction.
2. 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. Refuel equipment at least 100 feet from surface water.
3. Work in the stream channel should be limited to periods of low flow except in emergency situations as stipulated above.
4. Temporary crossings should be restricted to specific designated locations. Heavy equipment must not be parked within the stream channel.
5. If flowing water must be temporarily diverted around the work area, it shall remain within the existing channel to minimize erosion and turbidity and to provide for aquatic life movement.
6. Work or the use of heavy equipment in wetlands must be avoided or minimized unless the impacts are to be mitigated.
7. 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.
8. NMED-SWQB must be notified at least five days before starting construction to allow time to schedule monitoring or inspections. NMED-SWQB must be notified immediately if the project results in an exceedence of applicable water quality standards.
9. Reclamation will coordinate annual meetings with the Corps, U.S. Fish and Wildlife Service (USFWS), and NMED to review planned work prior to implementation. Reclamation will

submit an annual report to the Corps that includes sediment quantities removed and quantities of rock riprap added for grade control repairs and bank stabilization (new projects and maintenance of existing). The annual report will also describe any compensatory mitigation performed that year.

NMED reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan. If you have any questions regarding this conditional Section 401 Water Quality Certification, please feel free to contact Chris Canavan of my staff at (575) 915-1172.

Sincerely,



Shelly Lemon
Chief, Surface Water Quality Bureau

SL:cmc

xc: Tom Nystrom, Wetlands, Region 6, USEPA
Matthew Wunder, New Mexico Department of Game and Fish
U.S. Fish and Wildlife Service
NMED-SWQB 401 Certification File 1356