



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



JOINT PUBLIC NOTICE

Application Number: SPA-2018-00034-ABQ

Date: June 12, 2019

Comments Due: July 12, 2019

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) and the New Mexico Environment Department's Surface Water Quality Bureau (SWQB) are evaluating an application for the Village of Ruidoso's Sewer Line Hazard Mitigation and Stabilization Project. The Federal Emergency Management Agency (FEMA) is providing funding for the proposed project and, therefore, is the lead federal agency. This notice is to inform interested parties of the proposed activity and to solicit comments on the Corps and SWQB actions.

The proposed project would permanently impact approximately 0.43 acres of the Rio Ruidoso, which is a perennial stream channel. The proposed project would also permanently impact approximately 0.057 acres of adjacent wetlands.

AUTHORITIES: This application is being evaluated under Sections 404 and 401 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States (U.S.).

It is under the authority of the Robert T. Stafford Disaster Relief Emergency Assistance Act (42 U.S.C. 1521 et seq.) [Stafford Act] that Congress has directed FEMA to carry out their responsibilities to alleviate the suffering and damage which result from disasters.

APPLICANT: Village of Ruidoso
313 Cree Meadows Drive
Ruidoso, NM 88345

AGENT: High Water Mark, LLC
P.O. Box 148
Cochiti Pueblo, NM 87072

LOCATION: The project area is located within the Village of Ruidoso and Ruidoso Downs, Lincoln County, New Mexico (NM). It extends from the boundaries of the Mescalero Apache property line on the west to the regional waste water treatment facility on the east. (Figures 1 and 2).

PROJECT DESCRIPTION: On July 27, 2008, the remnants of Hurricane Dolly passed through the Ruidoso, NM area. The Village of Ruidoso received 2.46 inches of precipitation with some reports of up to 9 inches, which resulted in flooding along the Rio Ruidoso. Subsequently, a Presidential Disaster Declaration, FEMA-1783-DR-NM, was signed on August 14, 2008 for damage that occurred as a result. This flood event exposed and damaged the sewer line that currently runs adjacent to and crosses the Rio Ruidoso. Raw sewage leaked into the river and river water entered the sewer line.

Project work would include excavation of the river and adjacent areas downstream of the sewer line river crossings and along the banks of the Rio Ruidoso. New sewer line sections, manholes, and encasement would be installed, as well as scour walls, new sewer line encasements, grouted boulder grade control structures, placed river rock/boulder channels, grouted boulder bank protection, and other bank protection. The project also involves replacing and re-routing selected segments of the sanitary sewer line and related manholes to mitigate flood damage. The project also incorporates stream bank restoration and the reseeding and planting of disturbed areas after construction.

Please see the figures and drawings included with this public notice for additional information regarding the overall design of the project and its various components.

PURPOSE AND NEED: The basic project purpose is to address utility infrastructure. The Corps has determined that the overall project purpose is to upgrade an existing sewer line within the Village of Ruidoso while providing protection against future damage. The applicant's stated project purpose is to mitigate future hazard from major storm events by protecting the sanitary sewer line from river erosion, degradation, and lateral meander.

PROPOSED MITIGATION: The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize impacts, the Corps may require compensatory mitigation. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR Part 332.

ADDITIONAL INFORMATION:

Environmental Setting. The project area is located within the Rocky Mountain Conifer Forests ecoregion of the Arizona/New Mexico Mountains region. The area is geologically diverse with volcanic, sedimentary, and some intrusive and crystalline rocks. Elevations within this ecoregion range from about 7,000 to 9,600 ft., and ponderosa pines and Gambel oak are the dominant vegetation types. A few other prevalent plant species observed within the project area are: Douglas Fir, Willow species, Fremont Cottonwood, Wax Currant, Yarrow, Fleabane, Indian Ricegrass, Grama grass species, Wheatgrass, Rush, Reed, and Dropseed.

The climate tends to be semi-arid through much of the year with an average of 21.85 inches of rainfall and 31 inches of snow annually. The highest rate of rainfall typically occurs in August at a typical amount of 4 inches of precipitation. Temperatures

fluctuate from the mid-teens to the lower 80s, with an average annual temperature of 50.4° Fahrenheit (U.S. Climate Data.com and NCDC.NOAA.gov).

The soils in the project area include: Cumulic Haplustolls – gently sloping, Monjeau-Docdee complex – 15 to 30 percent slopes, Monjeau-Docdee complex – 30 to 50 percent slopes, Noltan loam – 8 to 15 percent slopes, and Tortugas-Rock outcrop – extremely steep (Web Soil Survey). These soils primarily consist of alluvium and residuum weathered from igneous and sedimentary rock.

The Rio Ruidoso is a perennial stream channel that begins its 30-mile length at the highest peak in the Sierra Blanca Mountains (11,981 feet). The National Wetland Inventory (NWI) Map shows the Rio Ruidoso as a riverine wetland. It traverses a montane-riparian habitat that has been impacted by a variety of factors, including commercial and residential development, agricultural activities, and flooding. FEMA Flood Insurance Rate Maps (FIRM) identifies most of the project area as occurring within Zone AE ((FM35027C2055D, FEMA 2011)). Zone AE contains areas which are areas subject to inundation by the 1-percent-annual-chance flood event.

Alternatives. The applicant is required to provide information concerning project alternatives. The Corps will consider all reasonable project alternatives, in particular those which may be less damaging to the aquatic environment. Several alternatives have been and are continuing to be evaluated for this project, including the no action alternative. Other alternatives may develop during the review process for this permit application.

EVALUATION FACTORS: FEMA prepared an EA for the proposed project alternatives in 2010. Findings within that EA determined if the preferred alternative was approved there would be no significant negative impacts on the physical environment, the biological environment, hazardous materials, socioeconomics, or cultural resources. The analyses conducted as part of the EA also determined that temporary impacts would occur during construction of the sewer line; however, upon construction completion the areas within and surrounding the project site would return to their previous condition. Finally, the EA noted that implementation of the preferred alternative would have positive effects on the physical environment within the Rio Ruidoso, as well as the health and safety of the residents of the Village of Ruidoso and Ruidoso Downs.

The proposed project has been significantly modified since the completion of FEMA's 2010 EA. As such, FEMA is conducting additional analyses and preparing a Supplemental EA (SEA). This SEA will evaluate the proposed changes to the scope of work for the project and associated environmental consequences, which includes changes to the design to avoid and minimize impacts to waters of the U.S. and other natural resources.

Regarding the Corps' action, the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

HISTORIC PROPERTIES: Cultural resource surveys were performed by Zia Engineering & Environmental Consultants, LLC in 2009. During this investigation, 27 historic residential buildings dating from between 1915 and 1950 were identified within 100 feet (30.5 meters) of the project area. None of these historic buildings were evaluated as eligible for inclusion to the National Register of Historic Places. Additionally, historic districts were not identified within the project area, nor have historic districts been previously identified within the Village of Ruidoso or Ruidoso Downs. No prehistoric cultural materials were observed within the project area; and no known Traditional Cultural Properties were identified. Consultation was conducted with the New Mexico State Historic Preservation Officer (SHPO) and FEMA received concurrence with a determination of no historic properties affected by the proposed project on March 1, 2010.

Due to the fact that the proposed project has been modified since 2010, FEMA is re-evaluating potential effects to historic properties as part of the SEA. An additional cultural resource survey has been completed in areas that were not addressed in the original EA, and no historic properties were identified during that investigation. FEMA will consult with the SHPO regarding the findings of this supplemental investigation and their determination of effect.

ENDANGERED SPECIES: Habitats within the proposed action areas were compared with those associated with species listed as threatened or endangered (TES) for Lincoln County. These federally-listed species were not observed within the proposed project areas for either action alternatives during the pedestrian surveys. Furthermore, consultations with the New Mexico Department of Game and Fish (NMDGF) (March 11, 2009) and U.S. Fish and Wildlife Service (USFWS) (November 9, 2009) resulted in a determination that the sewer line project would not have any impacts to TES.

Due to the fact that the proposed project has been modified since 2010, FEMA is re-evaluating potential effects to federally-listed species as part of the SEA. However, as the basic project alignment has not changed significantly, and based on the results of the previous consultations with NMDGF and USFWS, adverse effects to federally-listed species from the proposed project are not expected.

FLOODPLAIN MANAGEMENT: Executive Order 11988 requires Federal agencies to avoid direct or indirect impacts to identified floodplains if a practical alternative is available. A floodplain is defined as a low plain area near a water source that is prone to periodic flooding. Two floodplains are typically defined, 100-year floodplain and 500-year floodplain. A 100-year floodplain is defined as an area that is prone to flooding with a one percent chance of flood occurrence any given year. A 500-year floodplain is an area that has a 0.2 percent chance of flood occurrence any given year. Flood zones are defined by FEMA as zones of flood risk, which are identified on FIRM for flood management and flood insurance purposes. FEMA is evaluating the proposed action and other alternatives for potential impacts to floodplains in the SEA.

The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with the Flood Plain Management Regulations contained in Subpart A of 44 CFR Part 60 *Criteria for Land Management and Use*, the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

COMMENT SUBMITTAL AND DEADLINES: The Corps and SWQB are soliciting comments from all interested parties to consider in evaluating the impacts of this proposed activity. Any comments received will be considered to determine whether to issue, issue with special conditions, or deny a permit for this proposal.

Submittal of Corps Permit Application Comments: All comments regarding the Corps permit application for the above-described project must be received on or before July 12, 2019, which is the close of the comment period. Comments on 401 certification must be submitted as described below under “Water Quality Certification Comments”. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the particular reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Comments and requests for additional information on the Corps permitting action should be submitted to:

Chris Parrish, Project Manager
US Army Corps of Engineers, Albuquerque District
6200 Jefferson Plaza NE
Albuquerque, New Mexico 87109
Phone: 505-231-3586
E-mail: Christopher.m.parrish@usace.army.mil

Submittal of Water Quality Certification Comments: Section 401 requires that any applicant for a federal permit provide proof of water quality certification to the appropriate federal agency prior to permit issuance. For the above proposed project,

the applicant is required to obtain water quality certification, under Section 401 of the CWA, from the SWQB.

This notice serves to inform the public that the SWQB will consider issuing a certification under Section 401 of the CWA. The purpose of such certification is to reasonably ensure that the permitted activities will be conducted in a manner compliant with applicable New Mexico water quality standards, including the antidegradation policy, and statewide water quality management plan. This notice is also posted on the SWQB website at: <https://www.env.nm.gov/surface-water-quality/public-notices/>

The SWQB will accept and consider written comments regarding the state certification received during the public comment period. Comments may be submitted electronically or by hard copy to:

Davena Crosley
New Mexico Environment Department SWQB
2301 Entrada del Sol
Las Cruces, New Mexico 88001
Phone: 575-915-1172
E-mail: davena.crosley@state.nm.us

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

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ALBUQUERQUE DISTRICT
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