

JOINT PUBLIC NOTICE



**US Army Corps
of Engineers®**



Albuquerque District

NMED Surface Water Quality Bureau

Application Number: SPA-2013-00565-ABQ

Date: March 28, 2019

Comments Due: April 27, 2019

**REISSUANCE OF
REGIONAL GENERAL PERMIT NM-14-01
UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)**

FOR

**STREAM STABILIZATION AND WATER QUALITY IMPROVEMENT PROJECTS
WITHIN URBAN EPHEMERAL CHANNELS IN THE ALBUQUERQUE
DISTRICT'S AREAS OF NEW MEXICO**

SUMMARY OF PROPOSED ACTION: The U.S. Army Corps of Engineers, Albuquerque District, proposes to reissue Regional General Permit (RGP) NM-14-01 for stream stabilization and water quality improvement projects within urban ephemeral channels within the State of New Mexico. The purpose of this public notice is to inform interested parties of the reissuance of the RGP.

AUTHORITY: This RGP is being evaluated under Sections 401 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material in waters of the United States (US).

AREA OF COVERAGE: The RGP is applicable to ephemeral channels located in urban environments within the geographical boundaries of the Albuquerque District in the State of New Mexico. State water quality certification is provided under the authority of 20.6.2 New Mexico Administrative Code.

SCOPE OF ACTIVITIES: This permit authorizes discharges of dredged or fill material into Waters of the United States for stream stabilization and water quality improvement projects in ephemeral drainages located in urban environments. Examples of work that maybe undertaken under this permit, upon authorization by the District Engineer, include

but are not limited to:

- Bank stabilization projects that exceed the thresholds for Nationwide Permit (NWP) 13 and are determined by the Corps to result in minimal impacts to the aquatic environment.
- Construction of grade control structures, energy dissipaters, and flow deflection structures.
- Installation of water quality improvement features (e.g. debris containment or removal structures, sediment settling basins).
- Any combination of these types of activities if the proposed undertaking will result in minimal impacts to the aquatic environment.

CHANGES FROM 2014: Minor changes to the original text have been made to clarify preconstruction notification requirements and to incorporate standards and guidelines that have been established since the original issuance.

LENGTH OF AUTHORIZATION: The RGP will expire five years from the date of issuance.

OTHER GOVERNMENTAL AUTHORIZATIONS: Consultations with the New Mexico Environment Department, Surface Water Quality Bureau and Native American Tribes regarding water quality certification under Section 401 of the Clean Water Act are being conducted concurrent to this public notice.

COMMENT SUBMITTAL AND DEADLINES: The USACE and SWQB are soliciting comments from all interested parties to consider and evaluate the impacts of this proposed activity. Any comments received by the USACE will be considered to determine whether to issue, issue with special conditions, or deny a Sec. 404 permit for this proposal. Comments are used in the preparation of documentation required under 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.

Submittal of USACE Permit Application Comments: All comments regarding the USACE permit application for the above-described project must be received on or before June 10, 2018, which is the close of the comment period. Comments on state Section 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 close of the comment period. 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 USACE 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 USACE permitting action should be submitted to:

Deanna L. Cummings, Senior Project Manager
US Army USACE of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109
(505) 342-3216
E-mail: Deanna.L.Cummings@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 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:

Abraham Franklin
New Mexico Environment Department SWQB
P.O. Box 5469
Santa Fe, NM 87502-5469
505-827-2793
FAX 505-827-0160
E-mail: abraham.franklin@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.

**DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
USACE**

**BUREAU CHIEF
SURFACE WATER QUALITY BUREAU
NEW MEXICO ENVIRONMENT DEPT**