



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



## **JOINT PUBLIC NOTICE**

**Application Number: SPA-2012-00299-ABQ**

**Date: October 20, 2014**

**Comments Due: November 20, 2014**

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**SUBJECT:** The U.S. Army Corps of Engineers, Albuquerque District, (Corps) and the New Mexico Environment Department (NMED) are evaluating a permit application for the Juan Tabo Hills West Subdivision Project. The proposed project, (the Project) would result in impacts to approximately 4.2 acres of permanent and 1.6 acres of temporary impacts to waters of the United States in tributaries to and the Tijeras Arroyo (see details below). This notice is to inform interested parties of the proposed activity and to solicit comments.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States (U.S.)

**APPLICANT:** Rex Wilson  
Property Owner  
P.O. Box 9470  
Albuquerque, NM 87119

**LOCATION:** The Project is located in Southeast Albuquerque, one-half mile west of Juan Tabo Hills Blvd. and two miles South of Central Ave at latitude 35.046 N, longitude -106.522 W (NAD 83), Bernalillo County, New Mexico (see attached vicinity map).

### **PROJECT PURPOSE:**

**Basic Project Purpose:** The Corps has determined that the basic project purpose is housing.

**Overall Project Purpose:** The Corps has determined the overall project purpose is to provide an approximately 350-lot residential subdivision within the southeast area of the City of Albuquerque.

### **PROJECT DESCRIPTION:**

**Applicant Preferred Alternative** The applicant's preferred alternative would provide approximately 350-housing lots that are 50-feet wide and associated infrastructure (90% of

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the 91-acre parcel). It includes 4.2 acres of permanent impacts to unnamed tributaries of Tijeras Arroyo and 1.6 acres of temporary impacts within the Tijeras Arroyo. The temporary impacts within the Tijeras Arroyo are associated with bank stabilization to be constructed outside of Corps jurisdiction. Permanent impacts to the unnamed tributaries consist of permanent fill and those tributaries would no longer exist. The Tijeras Arroyo and its tributaries within the project boundaries are ephemeral, flowing only in response to precipitation events and primarily characterized by either no or upland vegetation only (see attached maps for Preferred Alternative 1 and the proposed temporary and permanent impacts).

**ALTERNATIVES:** The applicant has provided information concerning project alternatives. Alternatives proposed by the applicant include:

**Alternative #2: Alternative Site** – the applicant has proposed evaluating the East Gateway sector infill parcels. Undeveloped areas of comparable size to the Project include the Tijeras Arroyo Open Space, Tijeras Canyon (a water of the U.S.), Manzano/Four Hills Open Space, and South Eubank Landfill including its buffer. The remaining vacant parcels consist of the Southern Parcel, Eubank Parcel, and a portion of the Elizabeth Parcel, all of which are undeveloped portions of the Manzano Mesa subdivision and Manzano Mesa Park; the Stephen Moody and Innovation Parcels, which belong to Sandia Science and Technology Park, an area zoned for industrial/manufacturing (City of Albuquerque 2013), and part of the Juan Tabo Hills subdivision being currently developed (see attached Figure 2 map for Alternative 2). Further evaluation of the sites would occur during the Corps' analysis.

**Alternative #3: No Action-** The no action alternative is the no federal permit alternative, which includes construction of the subdivision in the upland portion of the site and avoids fill within waters of the U.S. This alternative would still include bank protection along the Tijeras Arroyo and along its tributaries that would be set back far enough. There would be no fill, either permanent or temporary, in jurisdictional waters of the U.S. Avoidance of all waters of the U.S. would allow for the development of only approximately 64% (58 acres) of the total 91-acre property and would have 30-foot wide lots (see attached Figure 4 map for Alternative 3).

**Alternative #4: On-site Complete Development- Straightened Tijeras** – The complete development alternative would include permanent impacts to three bends on the south side of Tijeras Arroyo and permanent loss of all tributary washes in the project area. This alternative would allow the maximum development of 350-lots that are 50-feet wide (all 91 acres). Three bends of the Tijeras Arroyo would be removed with a combination of bank stabilization and fill within 1.4 acres of waters of U.S. It also includes rock diversion berms to pilot low flows away from the project location (see attached Figure 7 map for Alternative 4).

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**PROPOSED MITIGATION:** The applicant proposes two on-site mitigation locations to compensate for permanent impacts to jurisdictional waters.

The first mitigation site (Onsite 1) would consist of the preservation of 12.3 acres of the Tijeras Arroyo. Of the 12.3 acres, 1.7 acres undisturbed acres would remain owned by the Home Owners' Association (HOA), and 7.1 undisturbed acres would be dedicated to the City, totaling 8.8 acres of easement-preserved undisturbed waters of the U.S.

For the second mitigation site (Onsite 2), the applicant proposes to create 0.5 acre of waters of the U.S. in the form of a storm water quality (SWQ) pond (Figure 1).

**EVALUATION FACTORS:** 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).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**HISTORIC PROPERTIES:** The Corps consulted district files and records, the latest version of the National Register of Historic Places (NRHP), and state records of NRHP-eligible and potentially eligible historic properties to determine if there are any historic properties that may be affected by the proposed undertaking. The project area has been surveyed for historic properties and consultation with the State Historic Preservation Officer has been initiated.

**ENDANGERED SPECIES:** The Corps has reviewed both the Biological Evaluation submitted by Ecosystem Management, Inc. dated March 2014, and the U.S. Fish and Wildlife Service's latest published version of Federally-listed endangered and threatened species located in Bernalillo County, New Mexico to determine if any suitable habitat listed species or designated critical habitat may occur in the proposed project area. The Corps has made a

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preliminary determination that the proposed project will not affect any Federally-listed endangered or threatened species or their critical habitat that are protected by the Endangered Species Act.

**FLOODPLAIN MANAGEMENT:** The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations 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 NMED are soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Submittal of Section 404 Permit Comments:** All comments regarding the 404 permit for the above-described project must be received on or before **November 20, 2014**, which is the close of the comment period. Comments on the state 401 certification must be submitted as described below under the heading “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, with particularity, the 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 on the 404 permitting action and requests for additional information should be submitted to:

**Jennifer Lillard, Project Manager**  
**US Army Corps of Engineers, Albuquerque District**  
**4101 Jefferson Plaza NE**  
**Albuquerque, NM 87109-3435**  
**505-342-3185**  
**E-mail: [Jennifer.J.Lillard@usace.army.mil](mailto:Jennifer.J.Lillard@usace.army.mil)**

**Submittal of Water Quality Certification Comments:** Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For the above described project, the applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the NMED.

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This notice serves to notify the public that the NMED will consider issuing a certification under Section 401 of the Clean Water Act. 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 anti-degradation policy, and the statewide water quality management plan. This Notice, including notice of the 30-day public comment period, is also posted on the NMED website at <http://www.nmenv.state.nm.us/swqb/WQA/notice/>.

NMED 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:

**Watershed Protection Program Manager  
New Mexico Environment Department, SWQB  
Attn: Abraham Franklin  
P.O. Box 5469  
Santa Fe, NM 87502-5469  
505-827-2793  
FAX 505-827-0160  
E-mail: [abraham.franklin@state.nm.us](mailto: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.

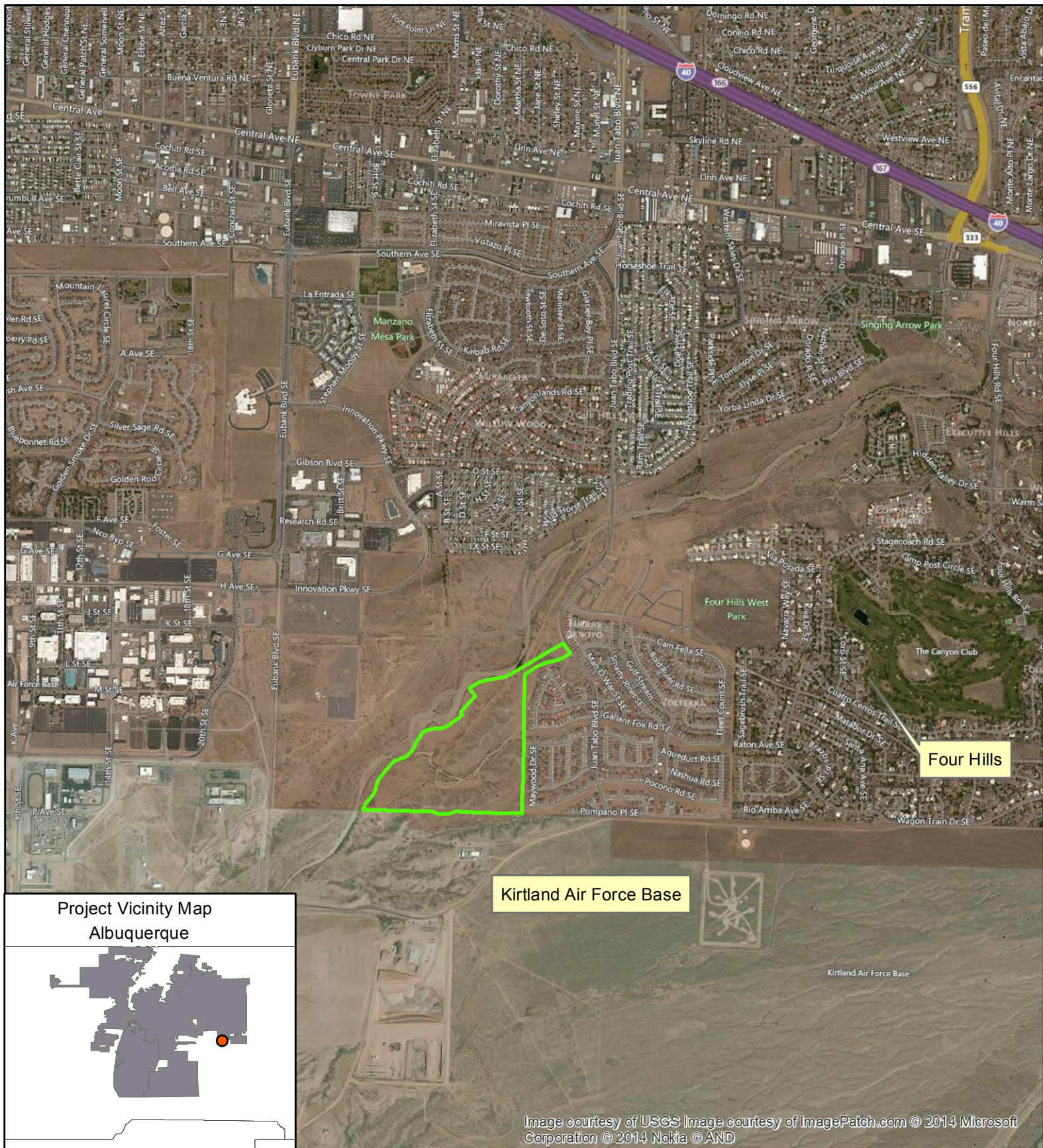
DISTRICT ENGINEER  
ALBUQUERQUE DISTRICT  
CORPS OF ENGINEERS

BUREAU CHIEF  
SURFACE WATER QUALITY BUREAU  
NEW MEXICO ENVIRONMENT DEPT

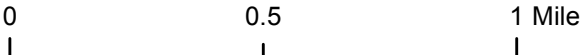
Enclosure: Project maps & attachments

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 Juan Tabo Hills West

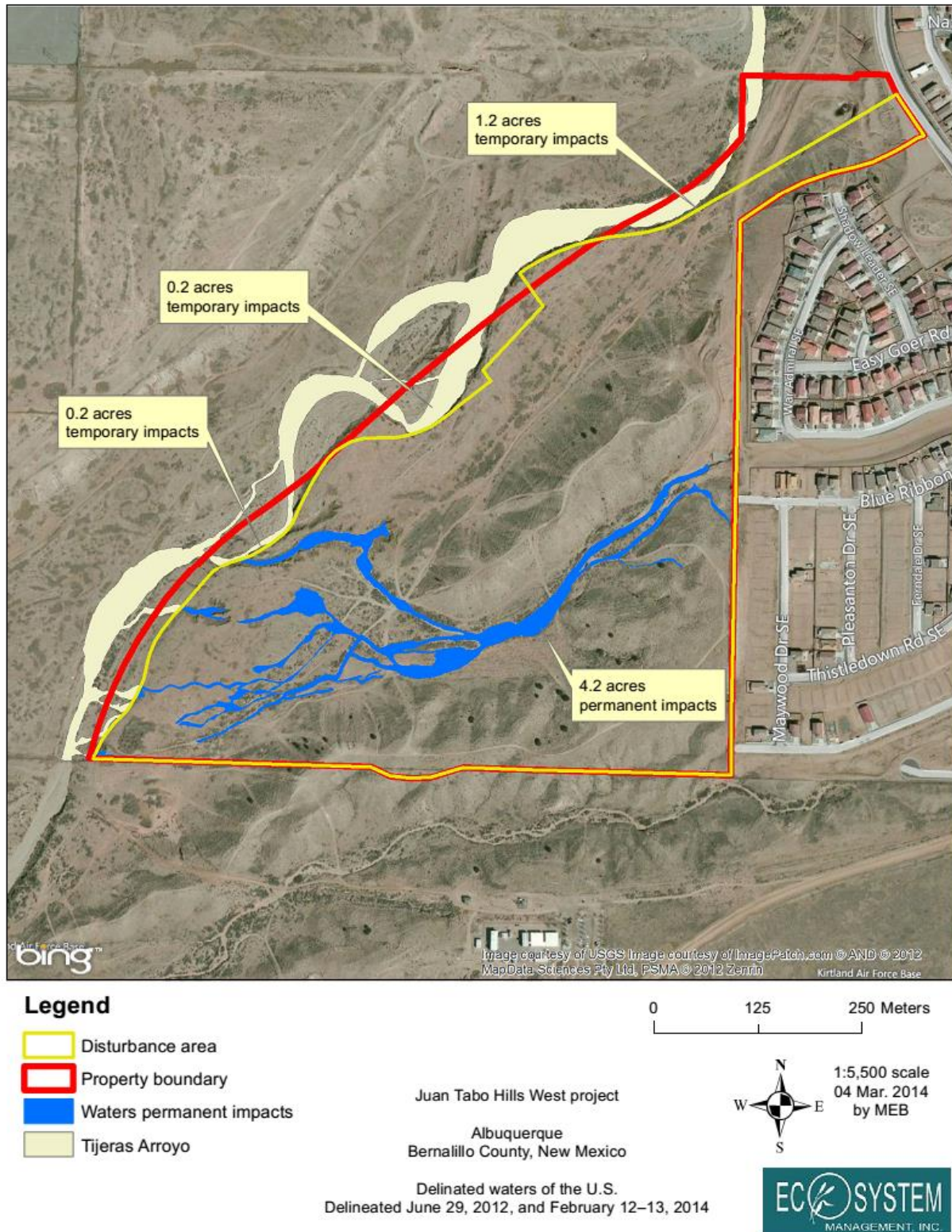


Juan Tabo Hills West  
Albuquerque  
Bernalillo County, NM

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29 Sep. 2014  
by MEB



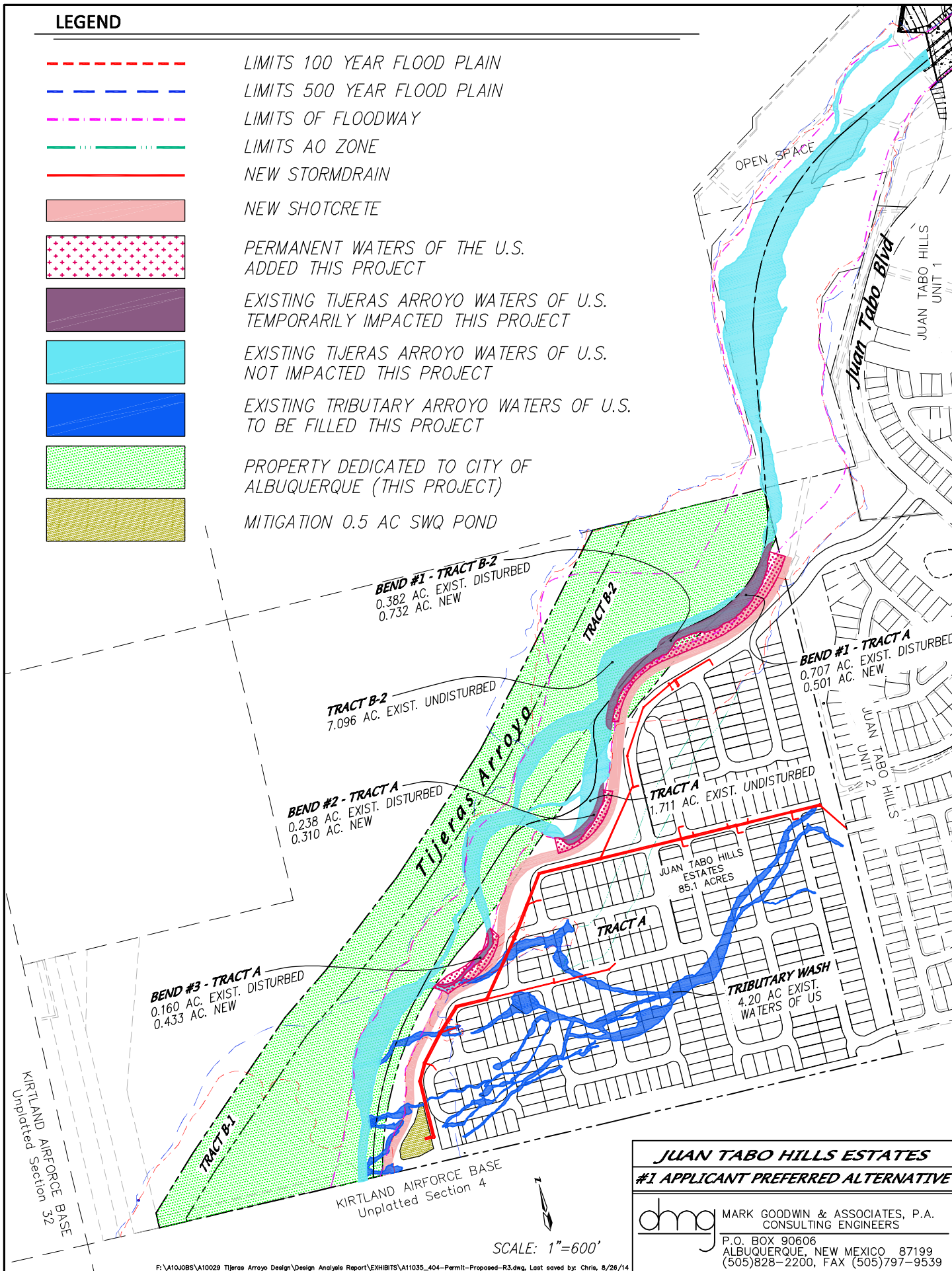
## Maps



Map of project area and waters of the U.S.

# LEGEND

	LIMITS 100 YEAR FLOOD PLAIN
	LIMITS 500 YEAR FLOOD PLAIN
	LIMITS OF FLOODWAY
	LIMITS AO ZONE
	NEW STORMDRAIN
	NEW SHOTCRETE
	PERMANENT WATERS OF THE U.S. ADDED THIS PROJECT
	EXISTING TIJERAS ARROYO WATERS OF U.S. TEMPORARILY IMPACTED THIS PROJECT
	EXISTING TIJERAS ARROYO WATERS OF U.S. NOT IMPACTED THIS PROJECT
	EXISTING TRIBUTARY ARROYO WATERS OF U.S. TO BE FILLED THIS PROJECT
	PROPERTY DEDICATED TO CITY OF ALBUQUERQUE (THIS PROJECT)
	MITIGATION 0.5 AC SWQ POND

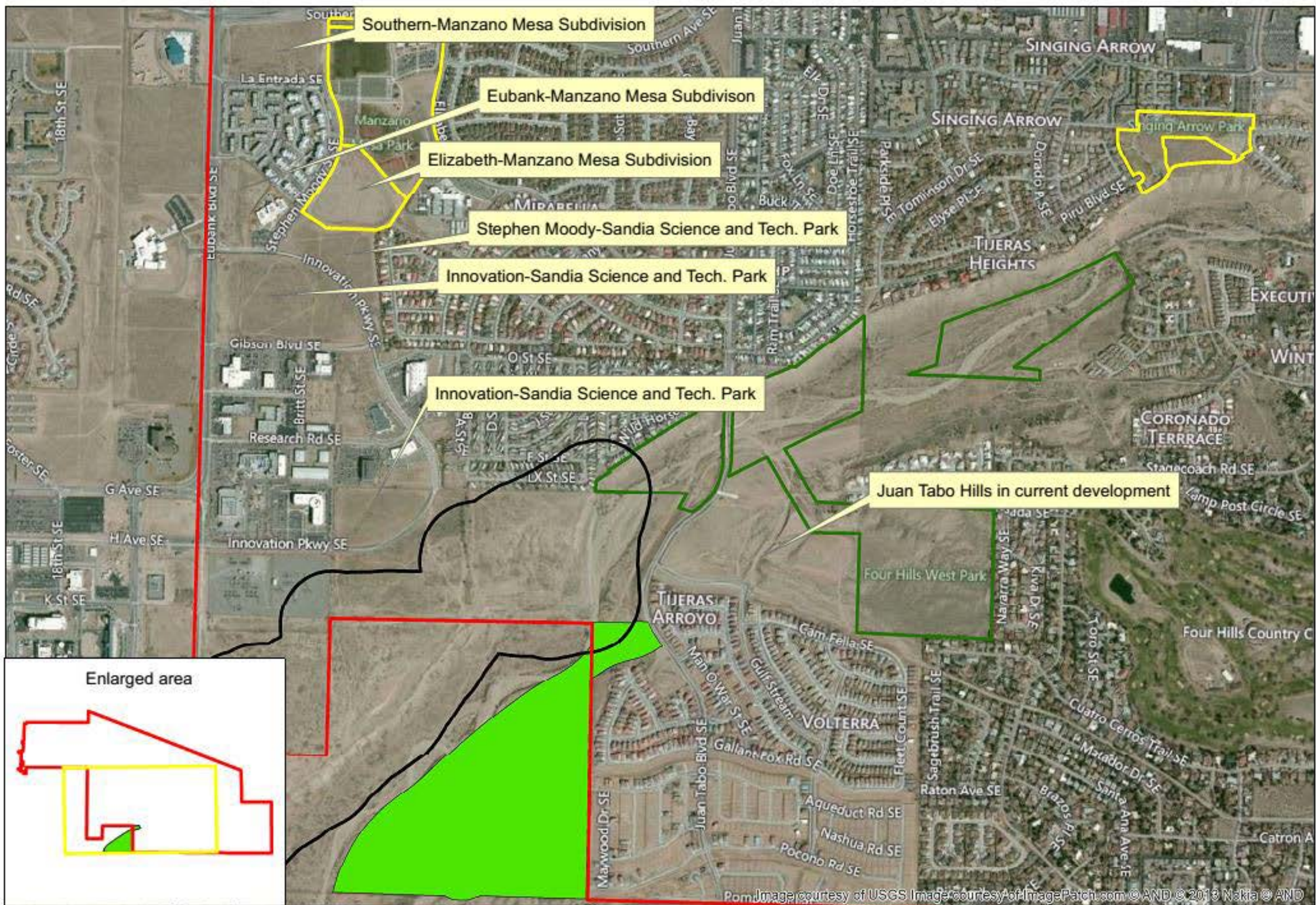


**JUAN TABO HILLS ESTATES**  
**#1 APPLICANT PREFERRED ALTERNATIVE**

**dmg** MARK GOODWIN & ASSOCIATES, P.A.  
CONSULTING ENGINEERS

P.O. BOX 90606  
ALBUQUERQUE, NEW MEXICO 87199  
(505)828-2200, FAX (505)797-9539









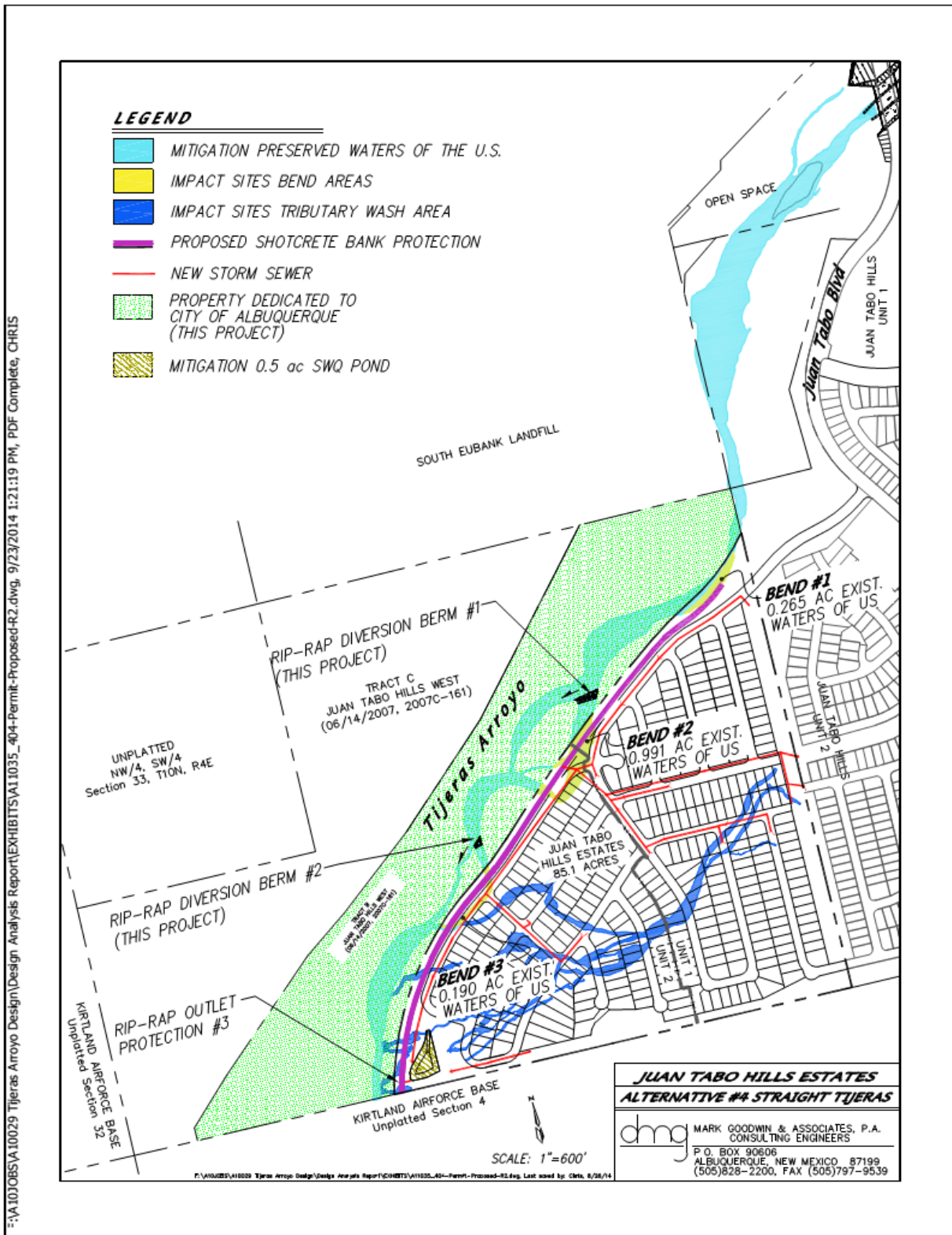


Figure 7. Alternative 4.