US Army Corps of Engineers®
Albuquerque District

# PUBLIC NOTICE

**Application Number: SPA-2010-00435-ABQ**
**Date: July 15, 2011**

**Comments Due: August 8, 2011**

**SUBJECT**: The U.S. Army Corps of Engineers, Albuquerque District (Corps), is evaluating a permit application to regrade and stabilize the Rio Grande Embayment (embayment) at the North Diversion Channel outfall to the Rio Grande, which would result in permanent impacts to approximately 4.86 acres of waters of the United States. 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.) for structures or work in or affecting navigable waters of the U.S.

**APPLICANT**: Mr. Jerry Lovato
Albuquerque Metropolitan Arroyo Flood Control Authority
2600 Prospect NE
Albuquerque, New Mexico 87107

**LOCATION**: The project site is confluent with the Rio Grande in Section 2 of Township 11 N, Range 3 E, and at Latitude 35.211389°, Longitude -106.610556°, within the Pueblo of Sandia, Bernalillo County, New Mexico.

**PROJECT DESCRIPTION**: The applicant proposes to regrade and stabilize approximately 4.86 acres of the embayment. Currently, the embayment maintains a perennial pool approximately 1,400 feet (ft) long, with an average width of 150 ft and depths extending down to 5 ft. The embayment has an uneven, undulating channel bottom that seasonally impounds water. A shallow sand bar has developed at the outfall confluence that also impedes return flow to the Rio Grande. Low dissolved oxygen (DO) levels have been associated with the isolated and impounded water. Short duration low-DO conditions in the Rio Grande immediately downstream of the embayment have been documented after high flows mix the embayment and river waters. The project would smooth the embayment bottom to allow return flow to the Rio Grande while providing seasonal shallow backwater for aquatic habitat and foraging. After construction the embayment would remain approximately 1,400 ft-long, but have an approximate 260-ft-width (8.36 acres) and depths ranging from 1 to 3 ft. A total of 30,980 cubic yards (cy) and 18,380 cy of earthwork cut and fill, respectively, would be conducted during regrading.

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The channel grade (which is at 0.25 percent) would be permanently stabilized by four interspaced rock grade control structures. The structures would span the embayment and be constructed sub-grade between 4 ft and 6 ft deep with the elevation of the top of the structures level with the elevation of the embayment bottom. Each structure would require the permanent placement of 500 to 600 cy of locally-obtained riprap, 50 percent of which would be 24 inches in diameter.

A temporary coffer dam would be constructed across the embayment outfall prior to construction. The coffer dam would separate the embayment from the Rio Grande and be constructed using embayment bottom sediment. After coffer dam construction, water in the embayment would be pumped into the Rio Grande. Screened intakes would prevent animals from entering the hose and pump. As water is pumped from the embayment, seining for aquatic organisms would be conducted. Seined organisms would be released into the Rio Grande.

The applicant proposes using standard heavy construction equipment. The attached drawings provide additional project details.

The project is scheduled to begin in November 2011 and be completed by February 2012.

**PURPOSE AND NEED**: Based on the available information, the Corps has determined that the overall project purpose is to eliminate the low DO condition currently evidenced in the embayment pool. The applicant has stated that eliminating the conditions causing low DO in the pool is needed in order to increase water quality in both the pool and the Rio Grande.

**PROPOSED MITIGATION**: The applicant has stated that the project incorporates as much avoidance and minimization as possible while ensuring project goals will be met. The project would be "self-mitigating", meaning that there would be an overall gain in acreage of the embayment pool from approximately 5.00 acres to 8.36 acres. The applicant has stated that the project would also increase water quality and aquatic habitat conditions. The applicant will revegetate disturbed areas with native vegetation.

**OTHER AUTHORIZATIONS**:

**State Water Quality Certification**: The applicant is required to obtain water quality certification under Section 401 of the Clean Water Act from the Pueblo of Sandia Environment Department. Section 401 requires that any applicant for an individual Section 404 permit provide documentation of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, but where the tribe does not have water quality certifying authority, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

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**ADDITIONAL INFORMATION:**

**Environmental Setting**. The embayment is characterized by an artificial pooled area constructed for stormwater conveyance to the Rio Grande. The embayment maintains a permanent pool and is considered an extension of the Rio Grande system (Daniel B. Stephens and Associates 2009). The embayment and adjacent uplands provide habitat and foraging for various aquatic species as well as reptiles and birds. Approximate site elevations range between 5,000 and 5,020 ft above mean sea level. The embayment bed has a gentle undulating slope from the east towards its confluence with the Rio Grande to the west. The bed topography along with shallow sand bar development at the embayment confluence results in isolated pooled areas during river low flow periods. There are approximately 0.14 acres of both emergent and scrub/shrub wetlands that are waters of the U.S. within the proposed project area. The project would not impact the existing wetlands.

**Alternatives**. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**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.

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**HISTORIC PROPERTIES**: The Corps consulted district files and records, the latest version of the National Register of Historic Places (NRHP), and state records to determine if there are any historic properties that may be affected by the proposed undertaking. The project area has not been recently surveyed for cultural resources; as such, further identification efforts may be required. However, the permit area was created in modern times and has little likelihood of impinging upon a historic property. Based on this initial information, the Corps has made a preliminary determination that the proposed project will not likely affect any historic properties.

**ENDANGERED SPECIES**: The Corps has reviewed 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 listed species or their critical habitat may occur in the proposed project area. The Corps has made a preliminary determination that the proposed activity may affect the Federally-listed Rio Grande silvery minnow (*Hybognathus amarus*) and the Southwest willow flycatcher (*Empidonax traillii extimus*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

**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.

**CLOSE OF COMMENT PERIOD**: All comments pertaining to this Public Notice must reach this office on or before August 8, 2011, which is the close of the comment period. 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 and requests for additional information should be submitted to:

Ed Paulsgrove, Project Manager
US Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109
505/342-3279
FAX 505/342-3498
E-mail: Ed.L.Paulsgrove@usace.army.mil

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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.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

Enclosure

# News Release

NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Vicinity Map
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 1 of 6 July 15, 2011

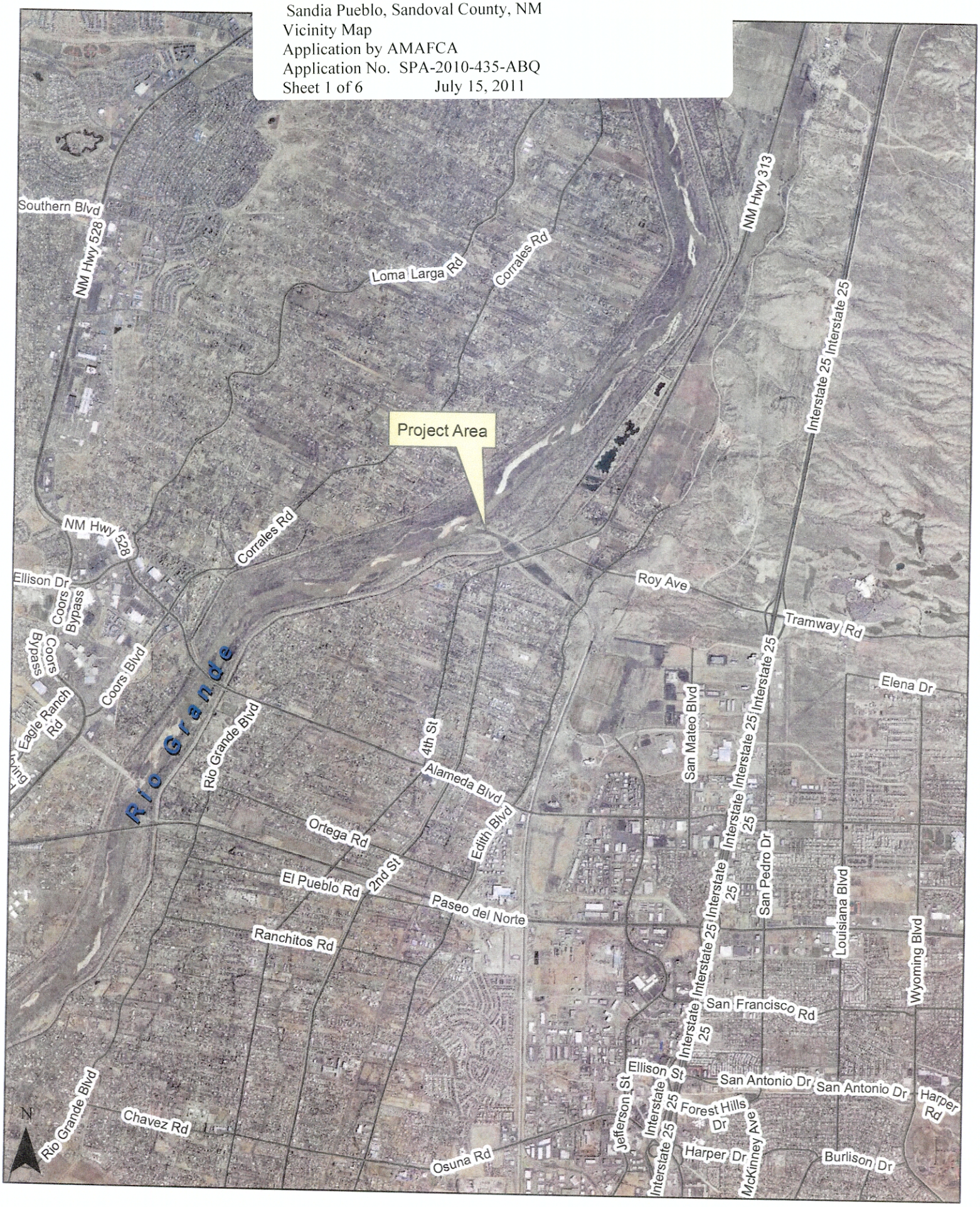
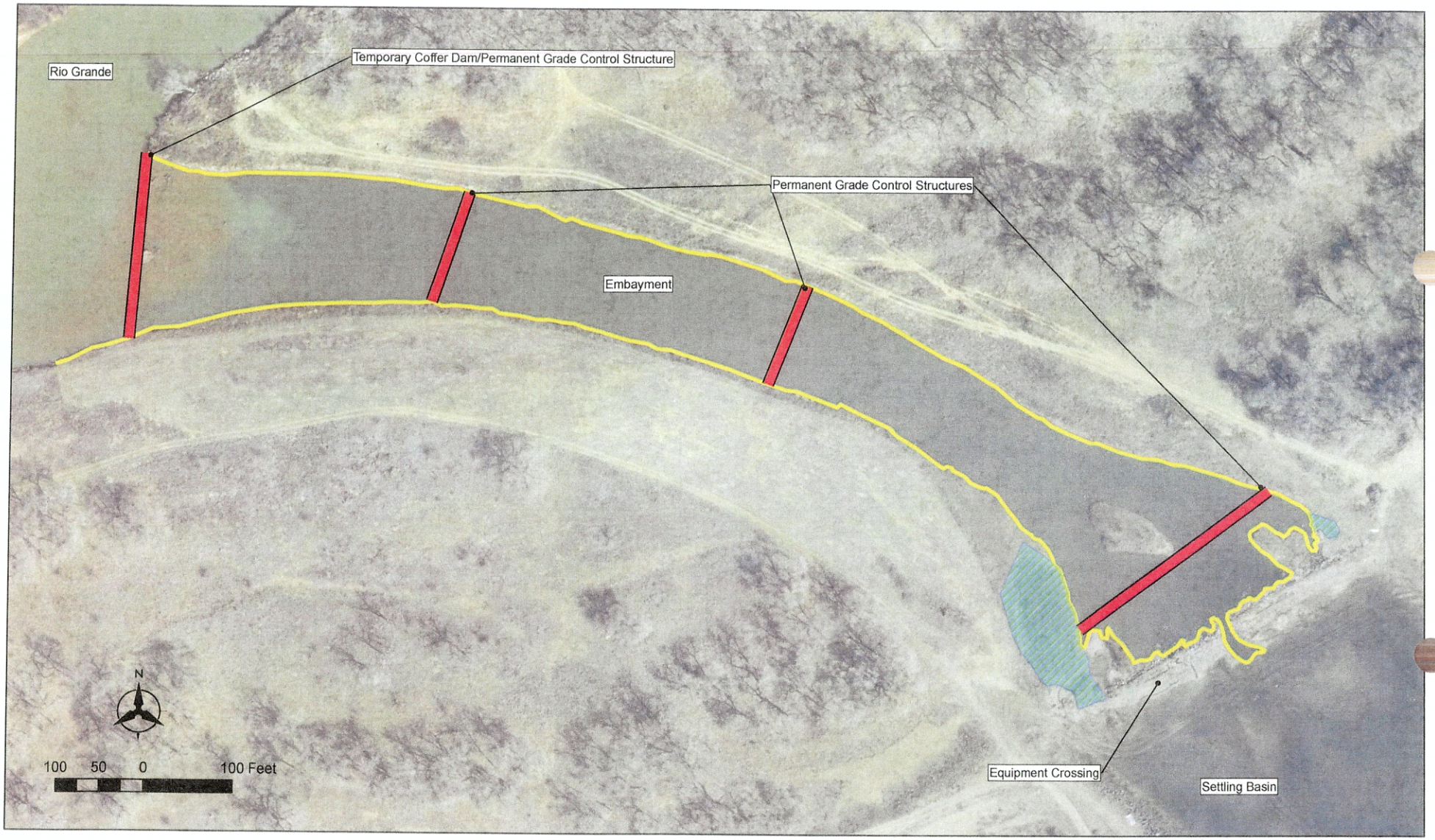



Photo Date: March 2010

NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Project Area
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 2 of 6 July 15, 2011


Photo Date: March 2010

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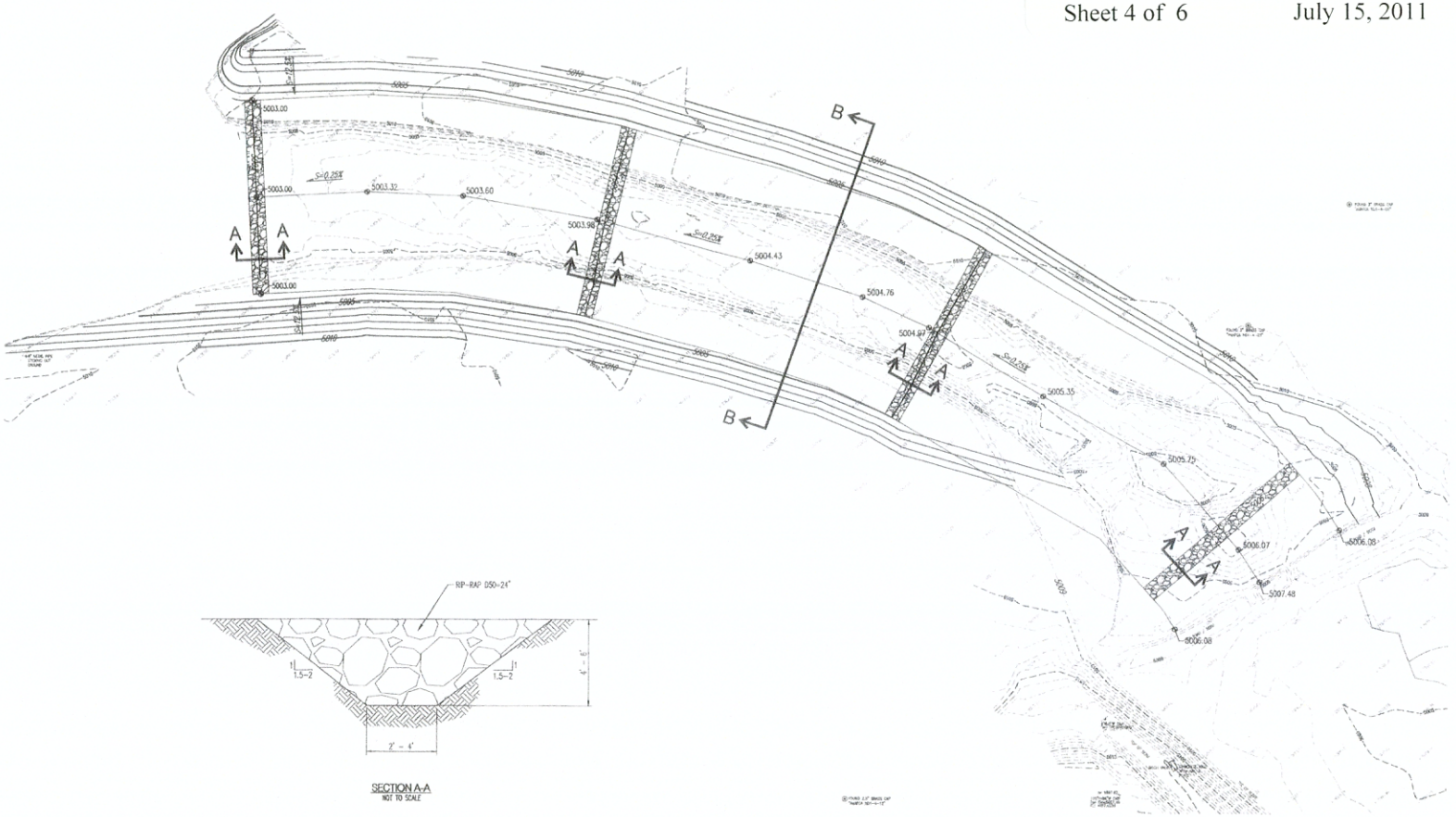
NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Ordinary High Water Map
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 3 of 6 July 15, 2011

NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Grading Plan & Cross Section Drawing
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 4 of 6 July 15, 2011







SECTION A-A
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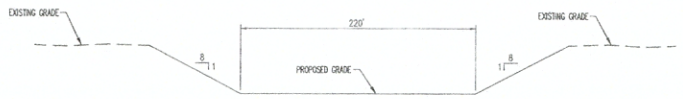


SECTION B-B
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SURVEY INFORMATION
NO. FIELD NOTES BY DATE

BENCH MARKS

AS-BUILT INFORMAT
CONTRACTOR DATE
PROJ. BY DATE
ADDITIONS BY DATE
FIELD CHECK BY DATE
SCANNED BY DATE
MICRO-FILM INFORMA
RECORDED BY DATE
NO.

ENGINEER'S SEAL
L. BRADFORD SUMRALL
NEW MEXICO
14086
PROFESSIONAL ENGINEER
5/17/20

| No. | Date | REMARKS | BY |
|---|---|---|---|
| | | REVISIONS | |
| | | DESIGN | DATE: 08/20/10 |
| | | Designed By: LBS | DATE: 08/20/10 |
| | | Drawn By: BG | DATE: 08/20/10 |
| | | Checked By: LBS | |

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ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

ALBUQUERQUE METROPOLITAN
ARROYO FLOOD CONTROL AUTHORITY

NORTH DIVERSION CHANNEL
EMBAYMENT GRADING

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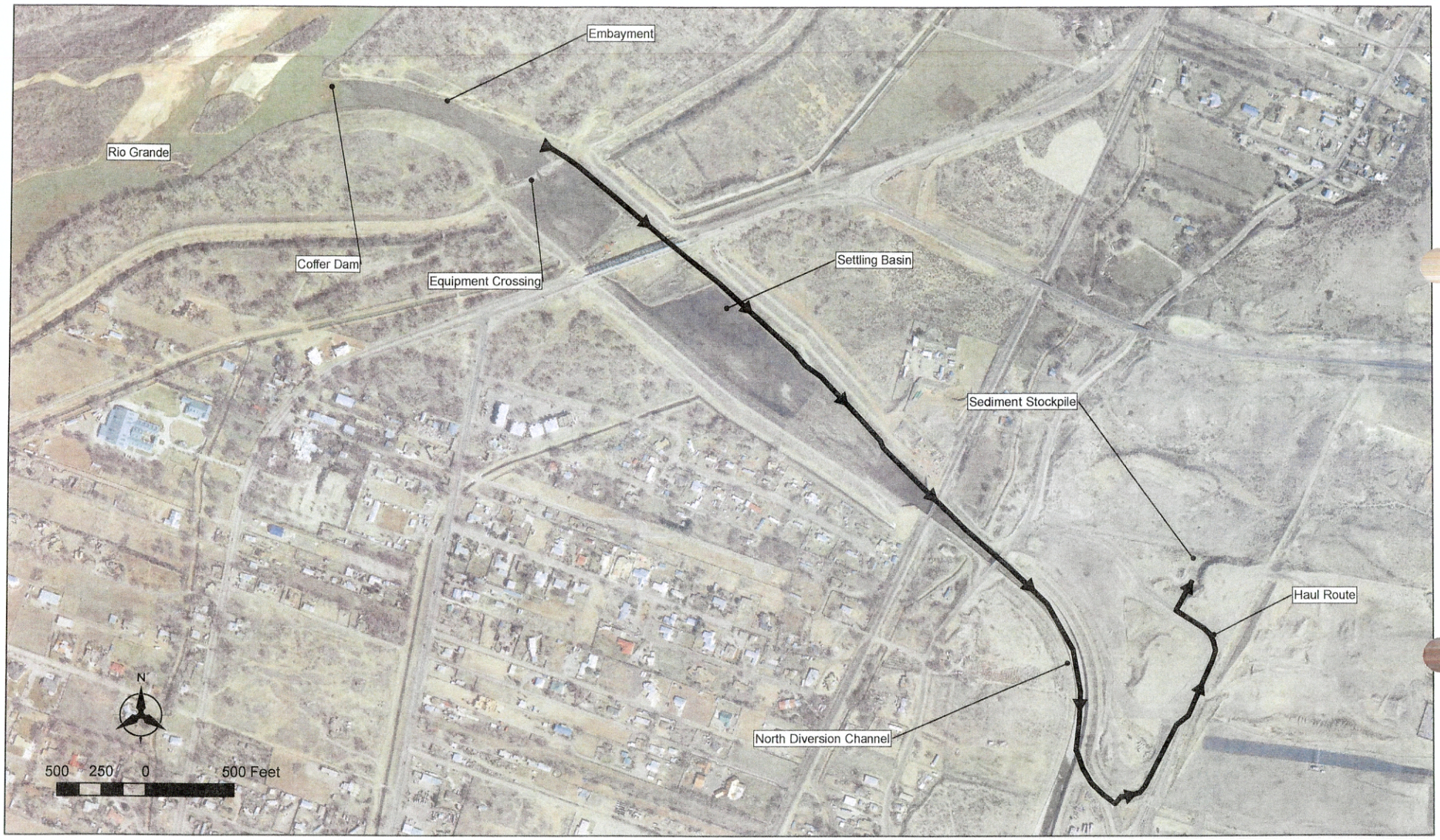


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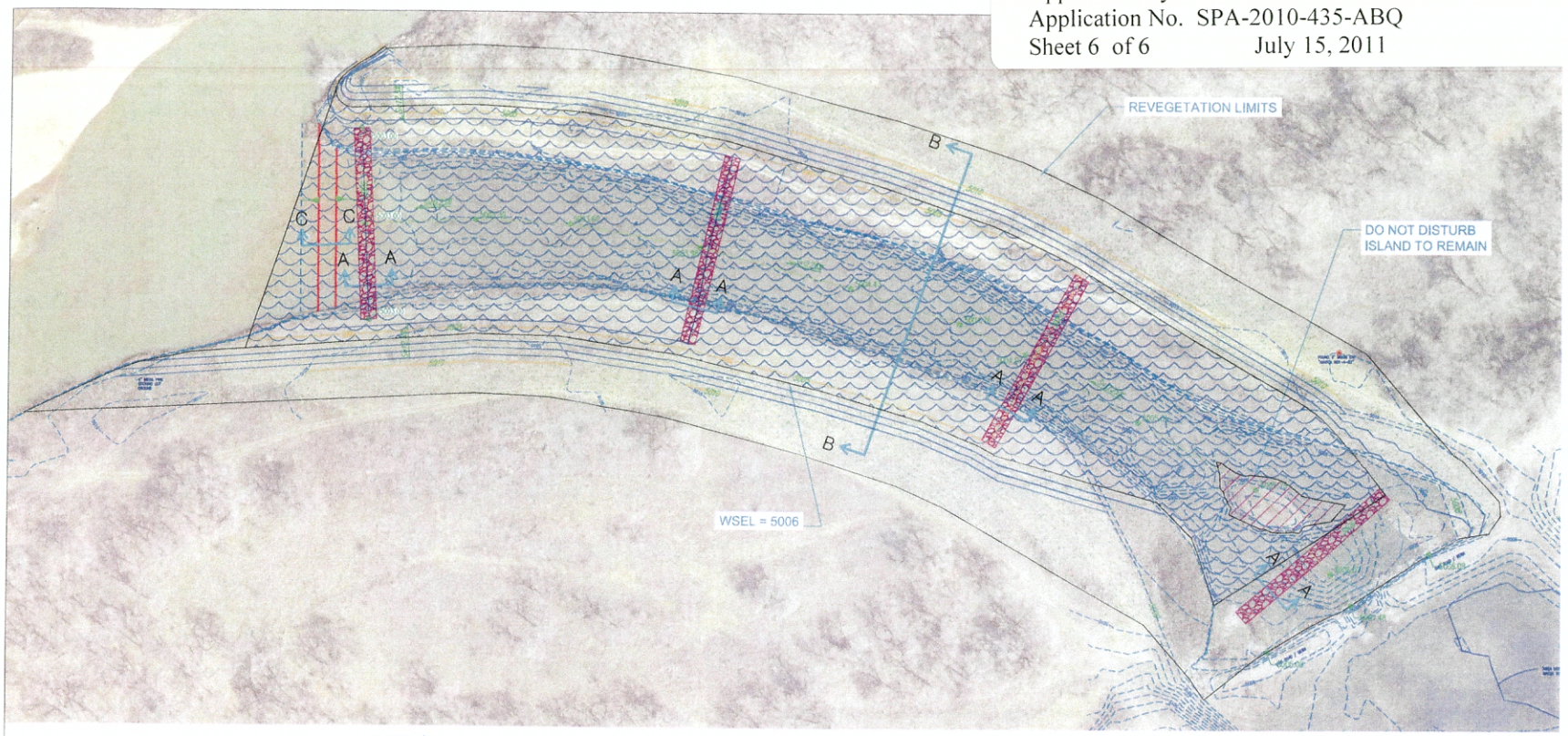
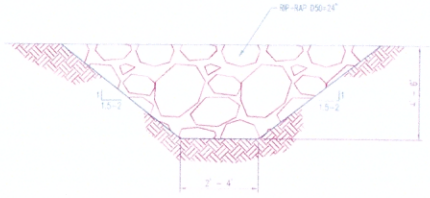
NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Stockpile & Haul Route
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 5 of 6 July 15, 2011

NDC Embayment Regrading
North Diversion Channel Embayment,
Sandia Pueblo, Sandoval County, NM
Revegetaton & Permanent Pool Map
Application by AMAFCA
Application No. SPA-2010-435-ABQ
Sheet 6 of 6 July 15, 2011





GRADE CONTROL STRUCTURE
SECTION A-A
NOT TO SCALE


PROPOSED SECTION
SECTION B-B
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COFFERDAM CROSS SECTION
SECTION C-C
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EMBAYMENT GRADING

PERMANENT POOL REVEGETATION EXTENTS

DRAWING NO. | ZONE ATLAS NO. A-16 | SHEET | OF