



**US Army Corps
of Engineers®**

Albuquerque District

PUBLIC NOTICE

**Application Number: SPA-2012-
00029-ABQ**

Date: February 8, 2012

Comments Due: March 8, 2012

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application to construct the Beckner Road Equities', Las Soleras Development, including the construction of culverts and bank stabilization, in Santa Fe, Santa Fe County, New Mexico. The proposed project would result in impacts to approximately 0.62 acres or 17,010 total linear feet of waters of the United States in or adjacent to Arroyo de los Chamisos and its ephemeral tributary within the proposed project area. 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: Gordon Skarsgard
Beckner Road Equities, Inc.
8220 San Pedro NE
Albuquerque, New Mexico 87113
Phone: (505) 262-2323

AGENT: Peter H. Metzner
6900 Blossom Place NE
Albuquerque, NM 87111
Phone: (505) 504-4558

LOCATION: The project site is located on or near the Arroyo de los Chamisos, Section 17, Township 16 N, Range 9 E, Latitude 35.622971°N, Longitude -106.018211°W, Santa Fe County, New Mexico (see Sheets 1- 3 of 11).

PROJECT DESCRIPTION: The Las Soleras Project is a 550 acre mixed-use transit-oriented development located in Santa Fe, Santa Fe County, New Mexico. The project proposes to construct approximately 2,000 residences and mixed office, commercial, retail, medical, and government facilities.

To provide infrastructure support for the development, the applicant proposes to construct nine 10 ft. x 8- ft. concrete box culverts (CBC) extensions at existing

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culverts on Cerrillos Road (approx. 0.09 acre; see Sheet 4 of 11), plus nine 10 ft. x 8 ft. CBCs will be constructed at Chamiso with outlet riprap aprons and concrete aprons at the culvert inlets and outlets in the Arroyo de los Chamisos (0.09 acre; see Sheet 8 of 11). Additionally, five and four 10 ft. x8 ft CBCs with riprap aprons at the culvert outlets will be constructed in the Arroyo de los Chamisos at Las Soleras Drive (0.16 acre; see Sheet 9 of 11).

One 8-inch diameter sanitary sewer line crossing with a gabion and a Reno mattress (riprap blanket) for erosion protection will be constructed in the Arroyo de los Chamisos (0.01 acre; see Sheet 6 of 11).

Six 6-ft. diameter x 128-foot long corrugated metal pipes (CMPs) will be constructed at the Rail Runner Road crossing with a riprap blanket at the culvert outlet in the Arroyo de los Chamisos tributary (0.1 acre; see Sheet 10 of 11). At the Richards Road crossing, one 66-inch diameter CMP and two 72-inch CMPs (0.04 acre; see Sheet 11 of 11) will be extended on the upstream and downstream ends of the existing culvert system in the tributary of the Arroyo de los Chamisos.

Bank stabilization (128 LF) will be constructed on the west bank of the arroyo across from the Rail Runner CMP outlet (0.03 acre; see Sheet 10 of 11). The proposed project also includes the construction of one 300 LF of wire-enclosed rock riprap bank stabilization (0.07 acre; see Sheet 5 of 11) east of the Cerrillos Road crossing along the margin of the 100-year floodplain below the ordinary high water mark in the Arroyo de los Chamisos. West of the crossing at Chamiso, a 100 LF length of rock riprap bank stabilization (0.02 acre; see Sheet 7 of 11) will be constructed within the margin of the 100-year floodplain below the ordinary high water mark in the Arroyo de los Chamisos.

The total fill area will be approximately 0.62 acre below the ordinary high water mark of the arroyos. The applicant stated that the structures are needed to support the Los Soleras Development project. The attached drawings provide additional project details.

PROPOSED MITIGATION: Work within the ordinary high water mark (OHWM) would be conducted during a low-flow period of the year. An NPDES permit has been acquired and a storm water pollution prevention plan has been prepared which indicates best management practices to prevent or minimize off-site water quality impacts during the construction phases. All disturbance and equipment movement for installation of each facility would be confined within fenced work areas. Disturbed areas adjacent to the arroyo would be seeded with a native seed mix, under NMDOT standards. Material from ground stripping of work areas would be combined with straw mulch to stabilize seeded areas. Structures and erosion control proposed have been designed to minimize the amount of concrete, rock, and earth fill materials to be placed in waters of the US. The horizontal and vertical alignments of the Arroyo de los Chamisos would not be altered and the arroyo would maintain its original contours and elevations, thus

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minimizing impacts. The arroyo bed would remain as a natural sandy waterway and a corridor for wildlife travel.

The collective area within the OHWM to be affected by proposed installations is small (0.62 acres) and is not expected to affect the function of the arroyos. Culvert placement would match arroyo bottoms. Installed culverts are designed to pass at least the 100-year flow, and thus have minimal affect on the arroyo. The riprap blanket at the storm discharge outlet, as well as the riprap bank protection proposed, would substantially reduce or eliminate the potential for future erosion from storm flow events. Finally, for the indicated reasons, the proposed facilities to be placed with the OHWM would have negligible effect on the arroyo function, and compensatory mitigation should not be necessary for the resulting minor impacts.

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 New Mexico Environment Department. 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.

A CLOMAR will be requested from the Federal Emergency Management Agency (FEMA) for the bank stabilization part of the proposed project. The identification number is 08-06-2558R.

ADDITIONAL INFORMATION:

Environmental Setting. There are no wetlands that are waters of the U.S. within the proposed project area. There are approximately 7,128 linear feet of intermittent stream and 9,882 linear feet of ephemeral stream that are waters of the U.S. within the proposed project area. The site is characterized by juniper savanna and arroyo riparian vegetation. Juniper savanna vegetation including blue gramma (*Boutelous gracilis*) grassland with scattered one-seed junipers (*Juniperus monosperma*) are the dominant plants. Other vegetation found in narrow strips along the Arroyo de los Chamisos and the tributary include the dominant rubber rabbitbrush (*Chrysothamnus nauseosus*) and Siberian elm (*Ulmus pumila*) are also common.

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

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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 recently surveyed for historic properties in September 2006. The report identified two sites that were not eligible for National Register listing: one site was less than 75 years old and did not meet the significance criteria of the City of Santa Fe. The second site, LA 100955, has been so damaged since it was recorded that if recorded today, it would be considered an isolated occurrence. Concurrence was made by the Historic Preservation Division, Dept. of Cultural Affairs, on October 24, 2006.

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 Santa Fe 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 project will not affect any Federally-listed endangered or threatened species or their critical habitat that are protected by the Endangered Species Act. The applicant has had a biological survey of the project area prepared in November 2011. The survey did not identify any listed, rare or target plant species within the project area. No listed species under the Endangered Species Act were observed nor were they likely to occur within the project area. No critical habitat designated by the USFWS exists within the project area.

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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 **March 8, 2012** 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:

William Oberle, Project Manager
US Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
505-342-3284
FAX 505-344-1514
E-mail: William.M.Oberle@usace.army.mil

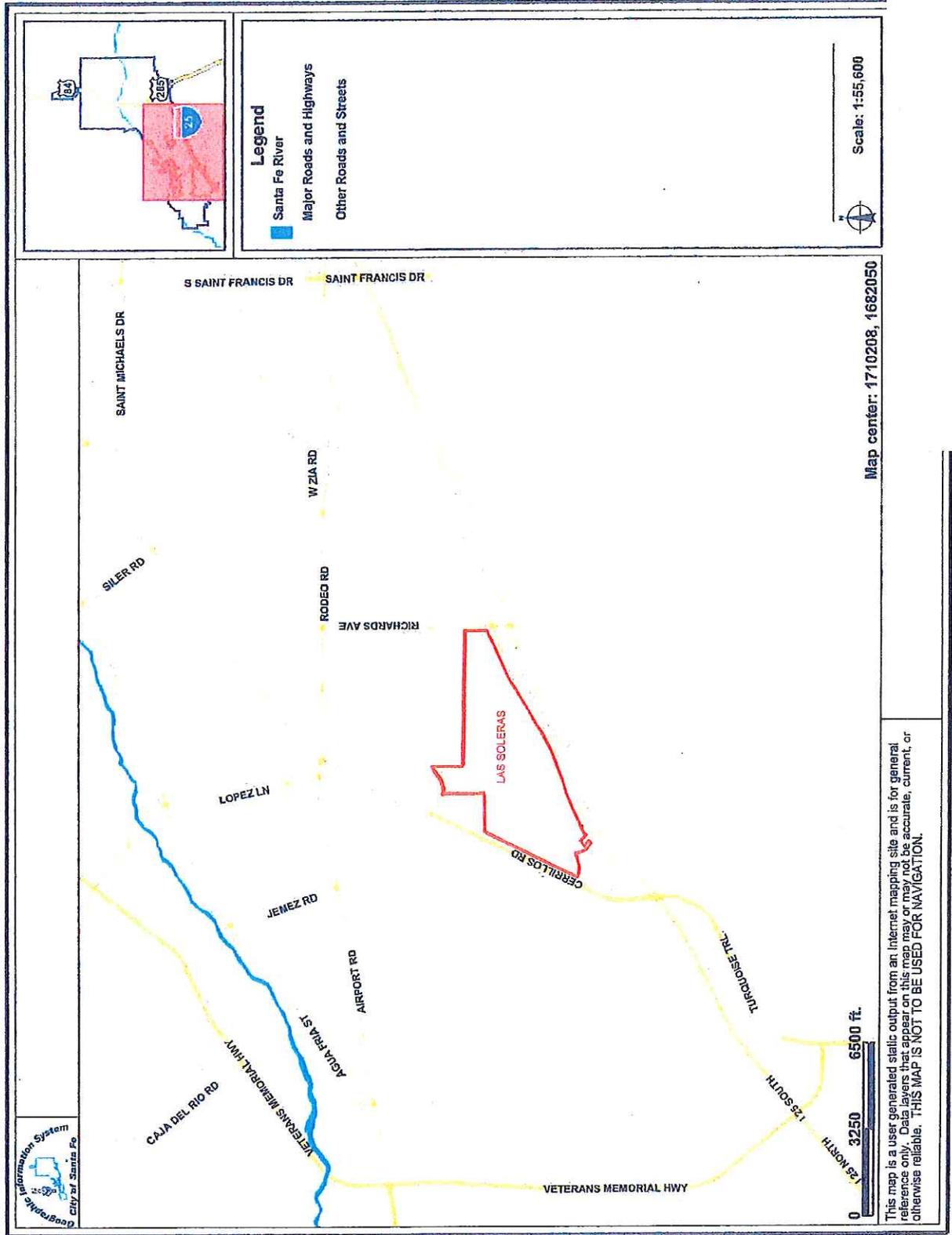
Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through the Freedom of Information Act.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

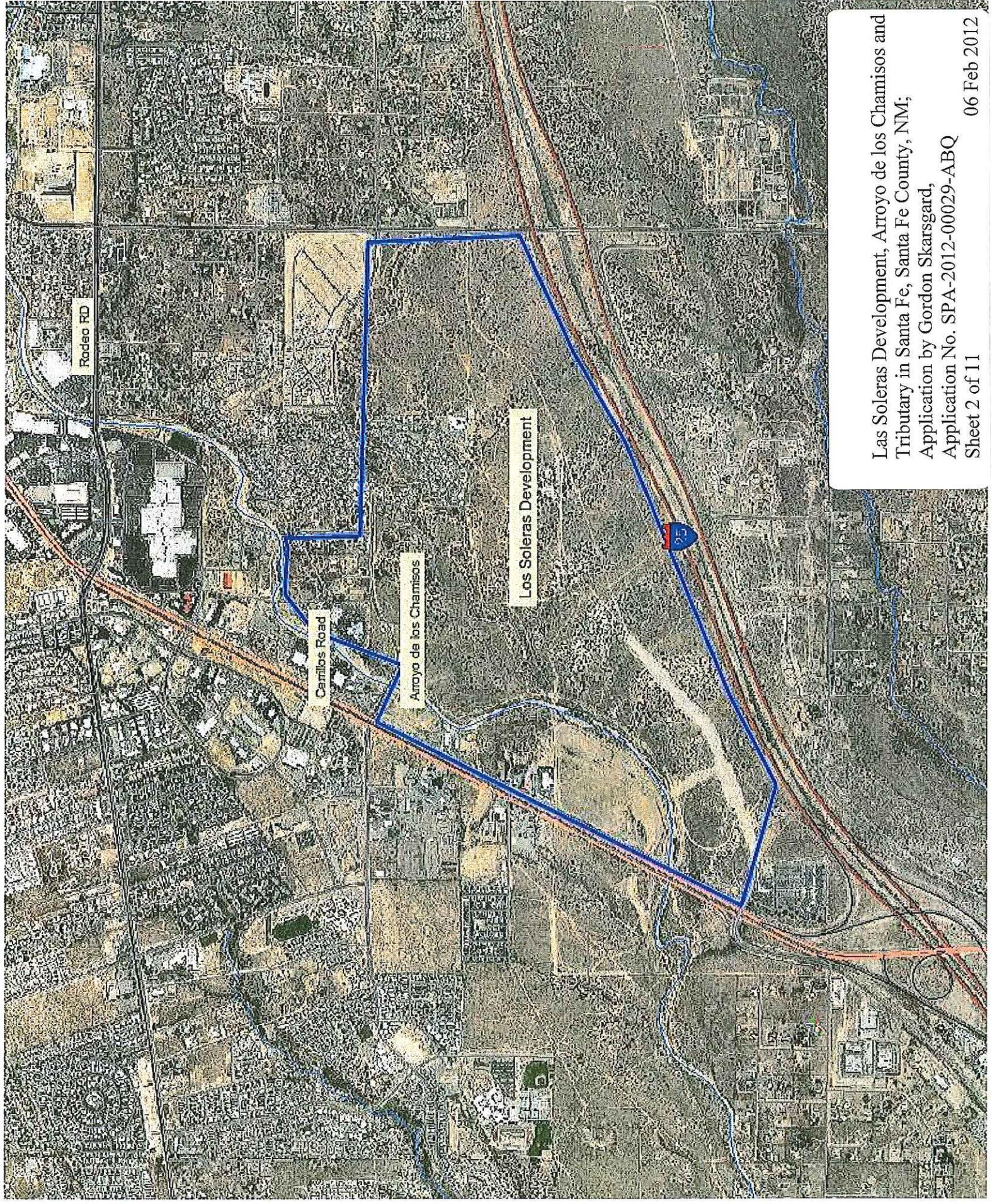
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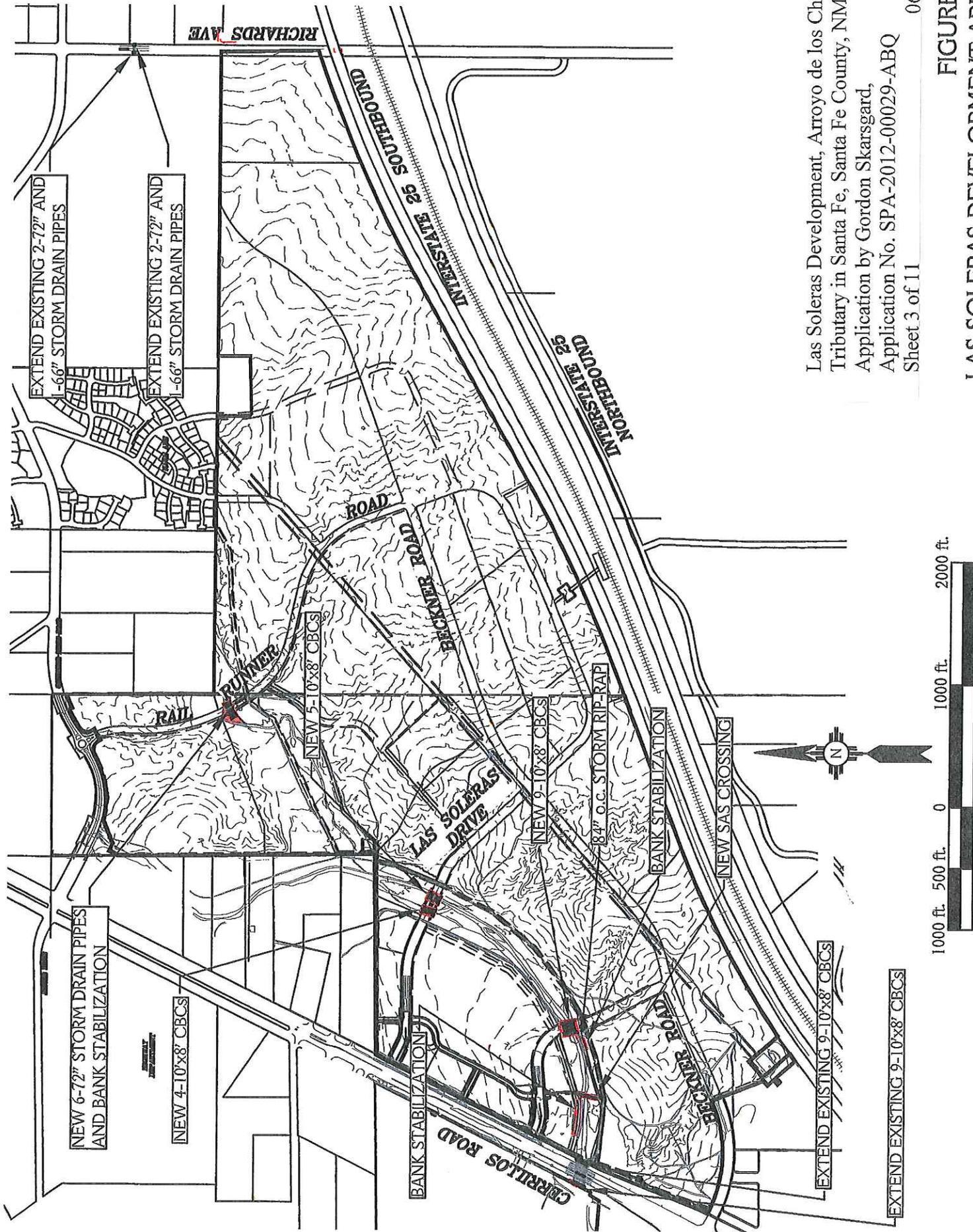
FIGURE 1. Location Map, Southwestern Part of Santa Fe, New Mexico



Las Soleras Development, Arroyo de los Chamisos and Tributary in Santa Fe, Santa Fe County, NM;
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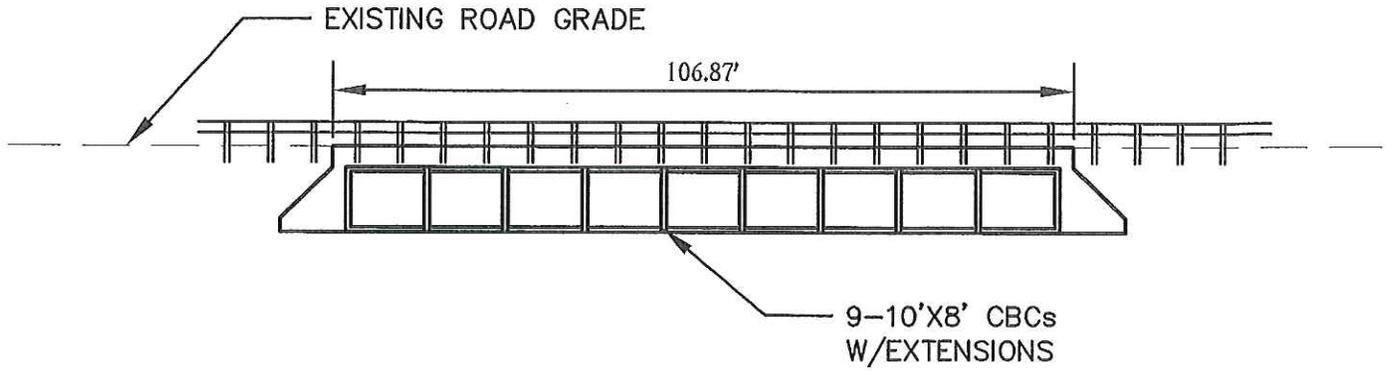


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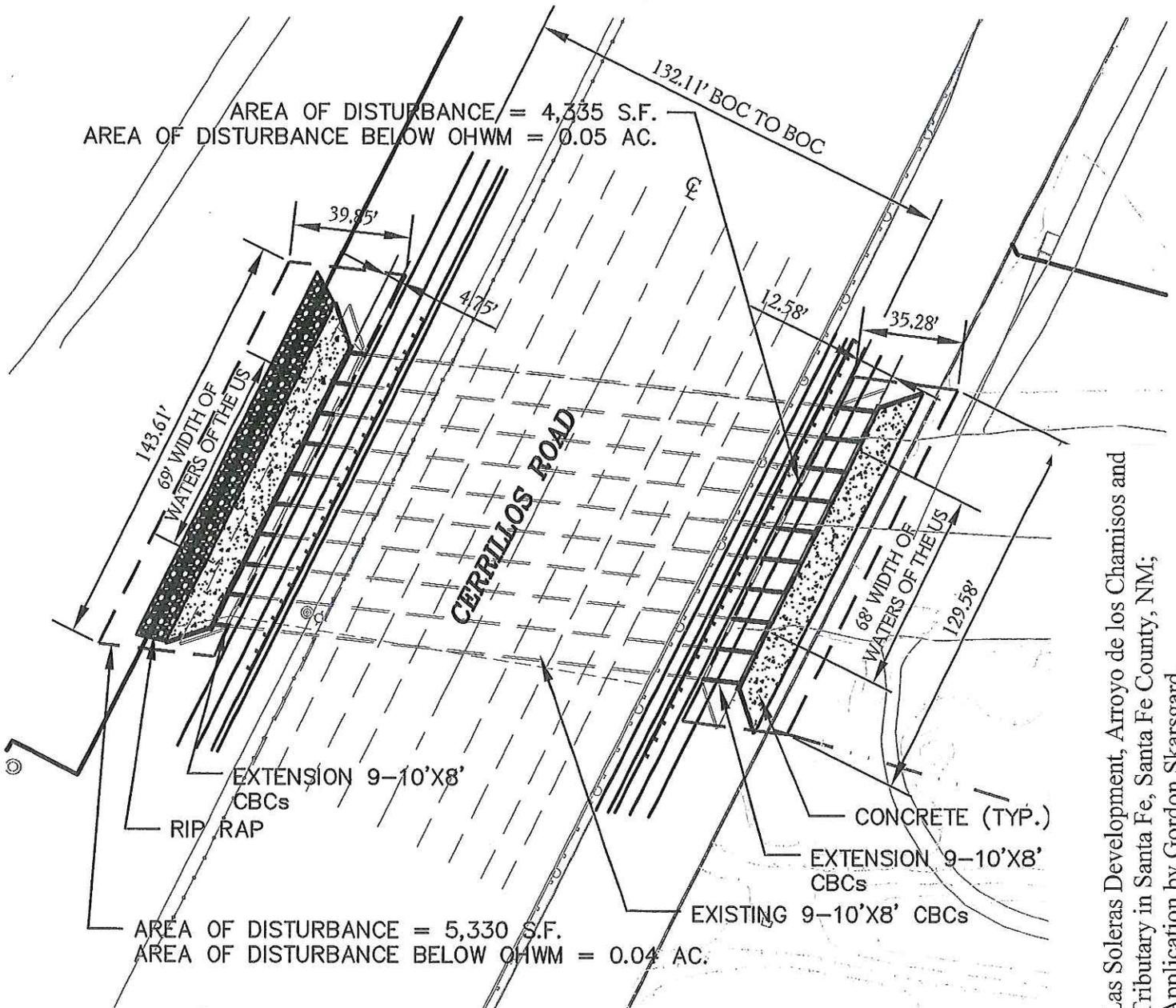


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FIGURE 2
LAS SOLERAS DEVELOPMENT AREA



CERRILLOS ROAD CROSSING SECTION VIEW



CERRILLOS ROAD CROSSING PLAN VIEW

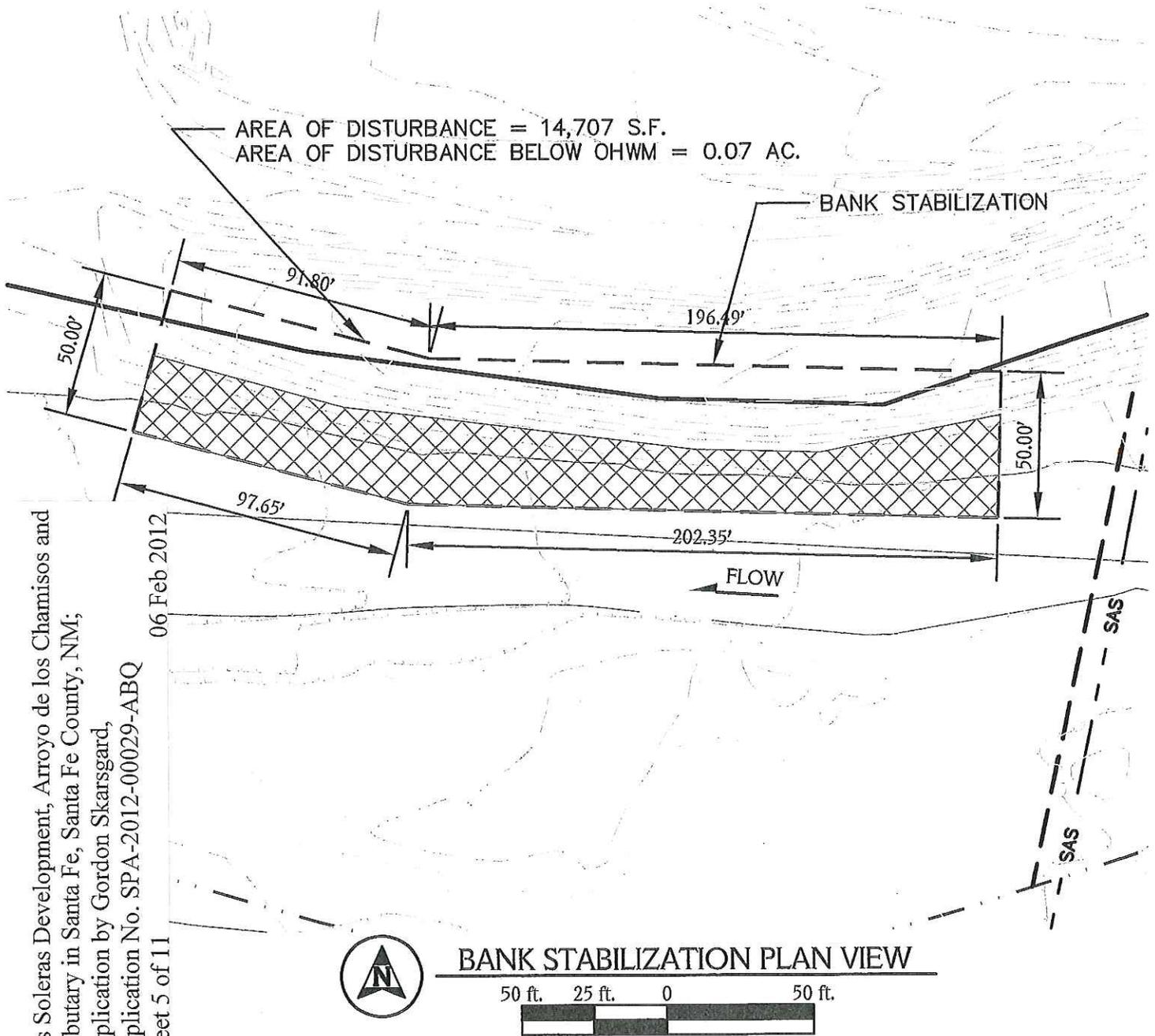
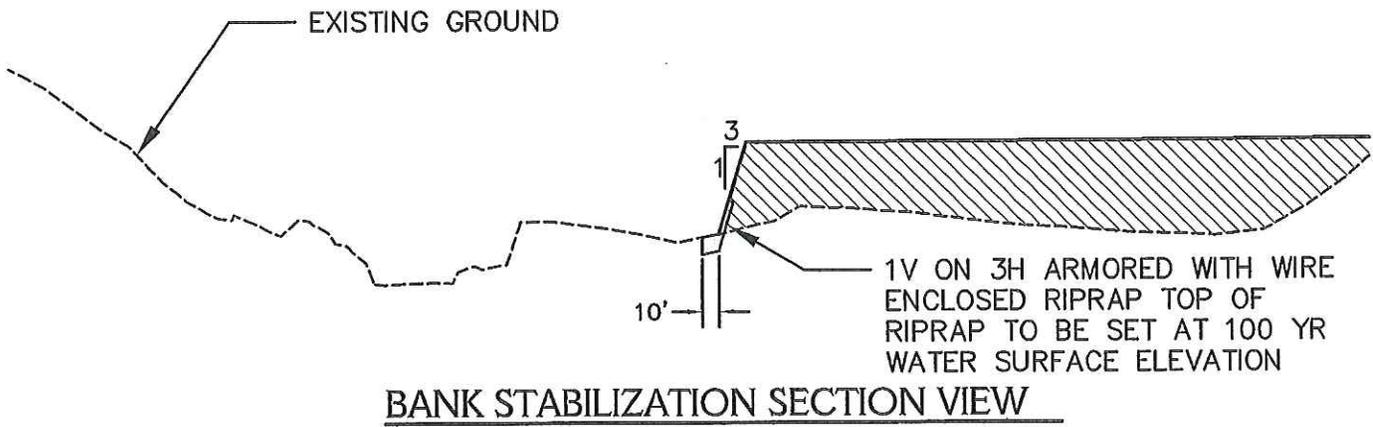
50 ft. 25 ft. 0 50 ft.



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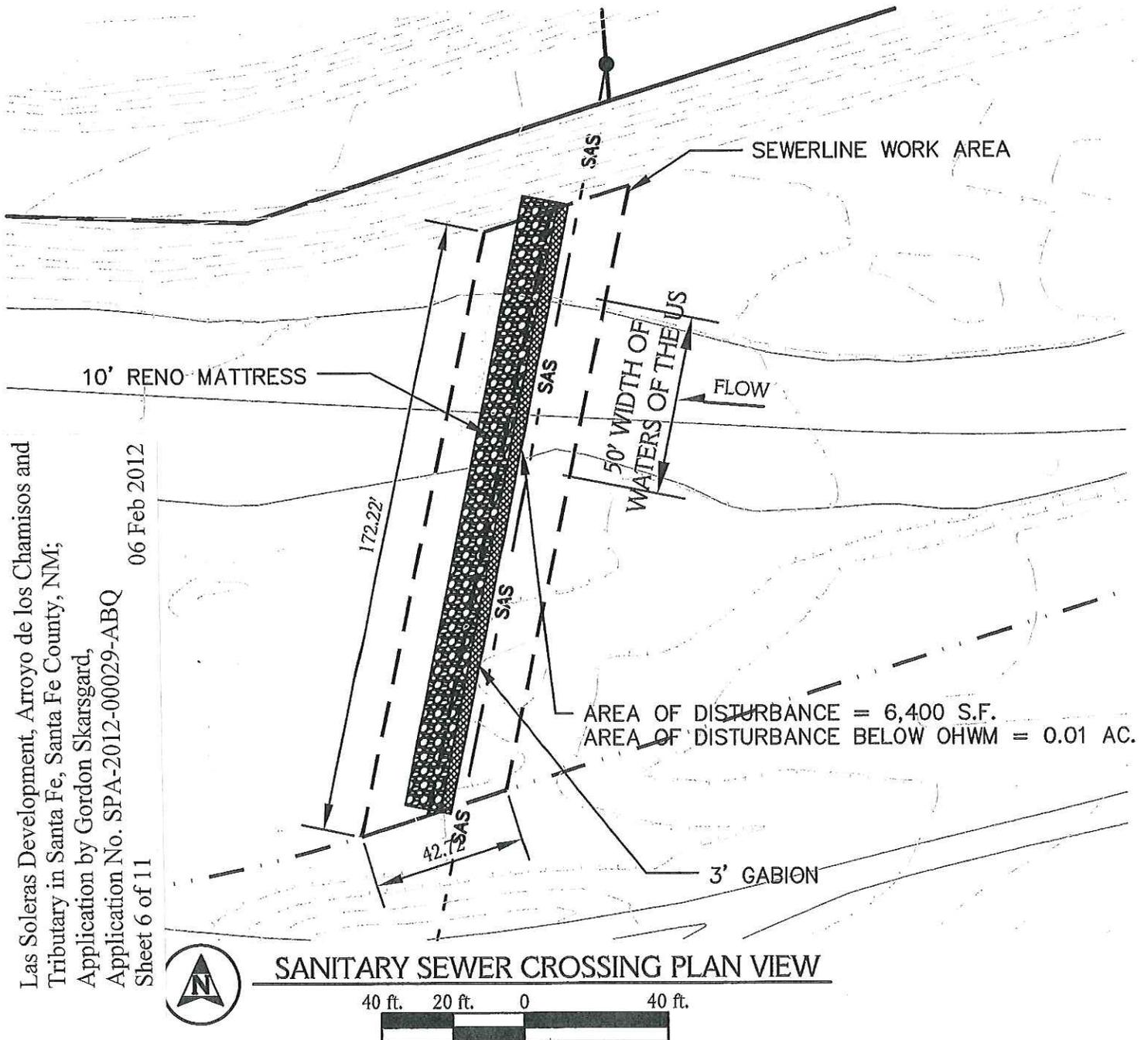
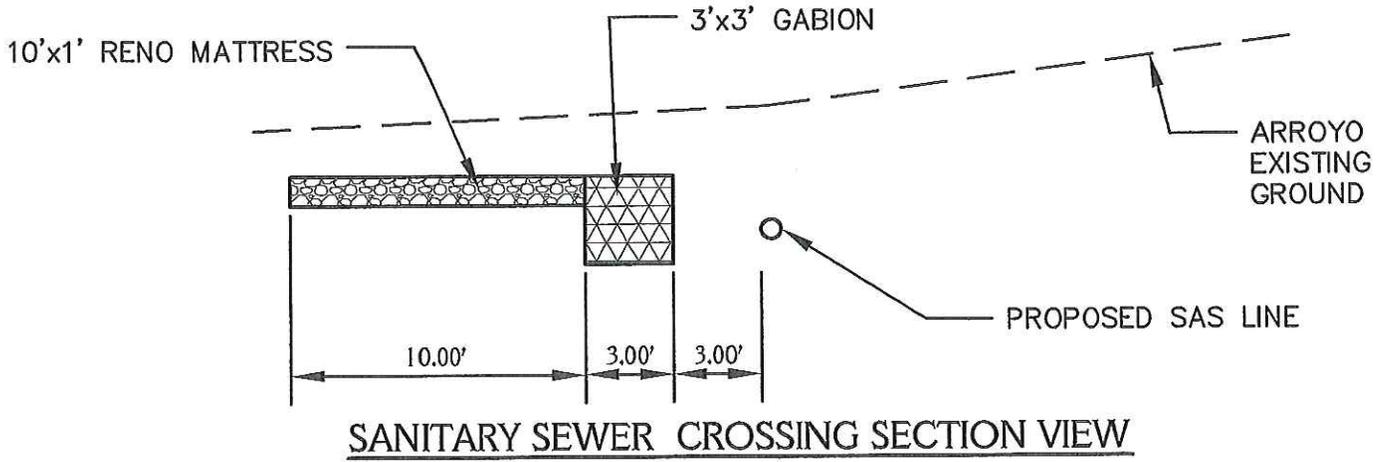
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FIGURE 3



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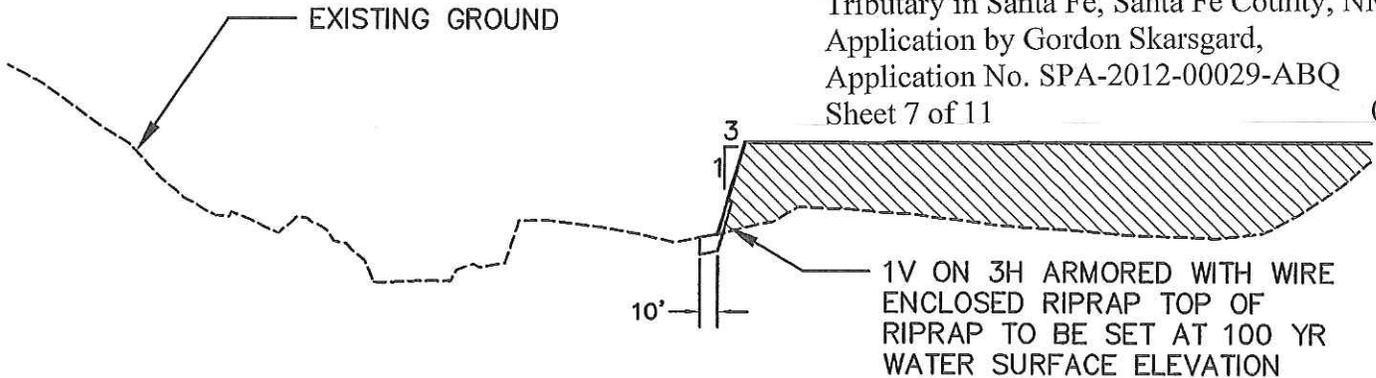
FIGURE 4



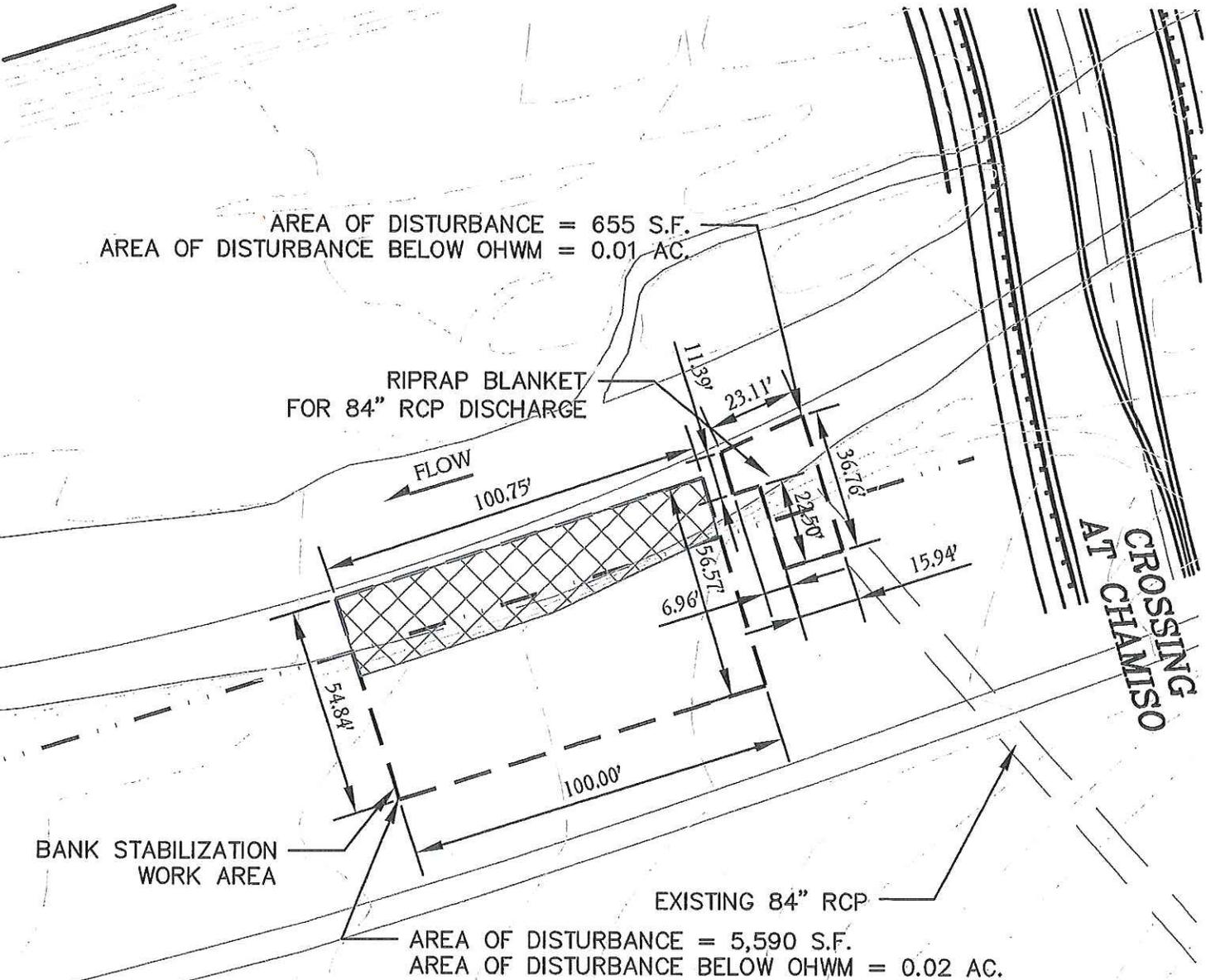
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FIGURE 5



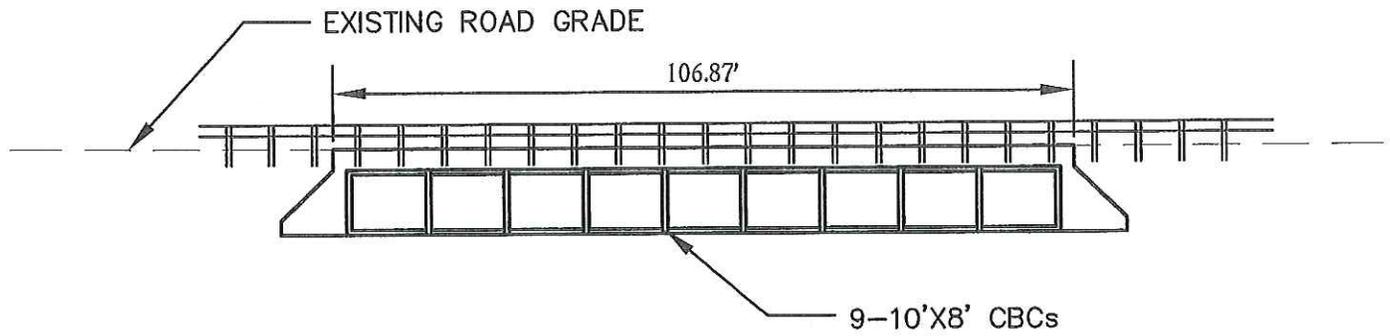
BANK STABILIZATION SECTION VIEW



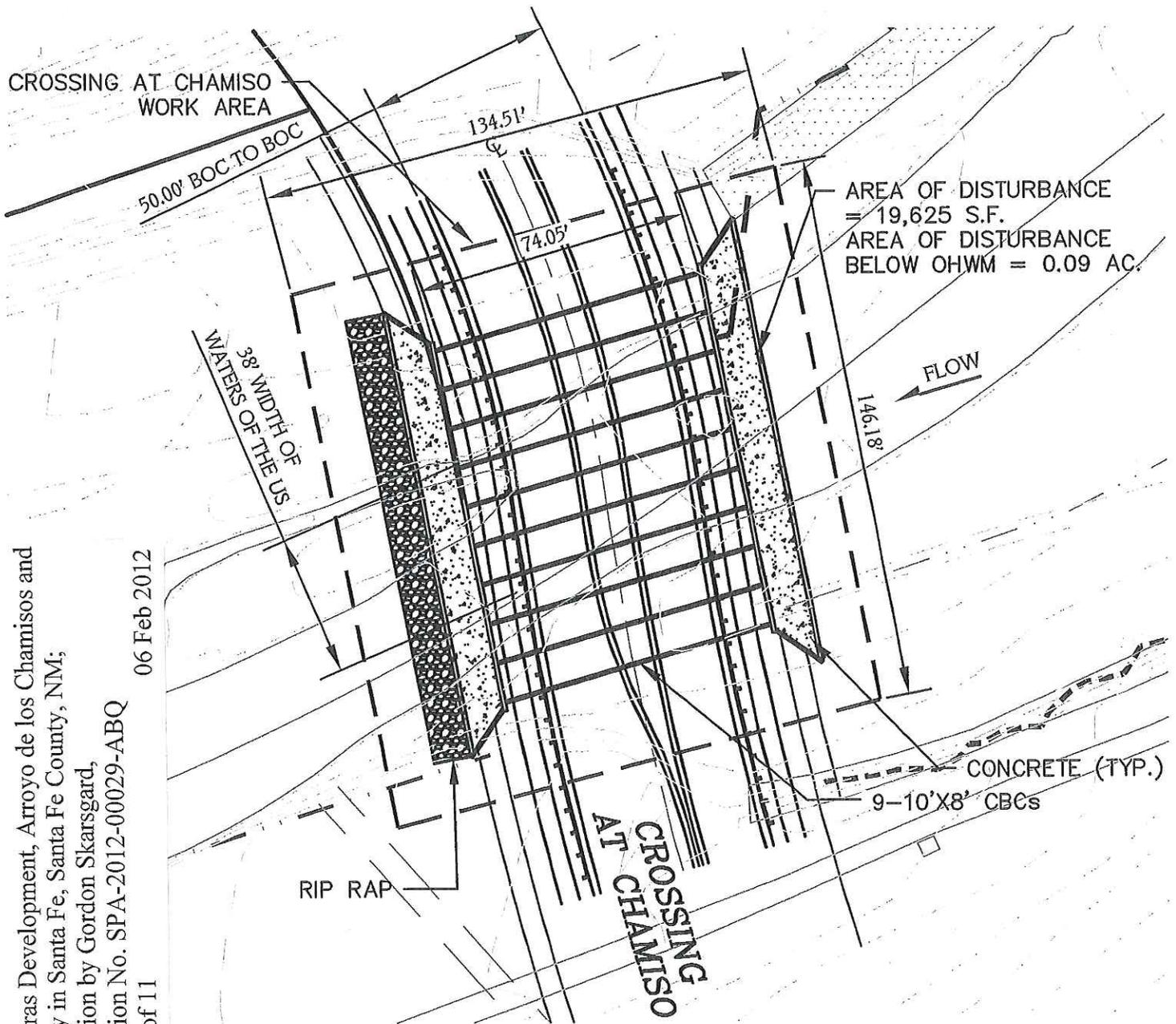
BANK STABILIZATION AT CROSSING AT CHAMISO PLAN VIEW



FIGURE 6



CROSSING AT CHAMISO SECTION VIEW



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CROSSING AT CHAMISO PLAN VIEW

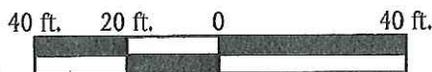
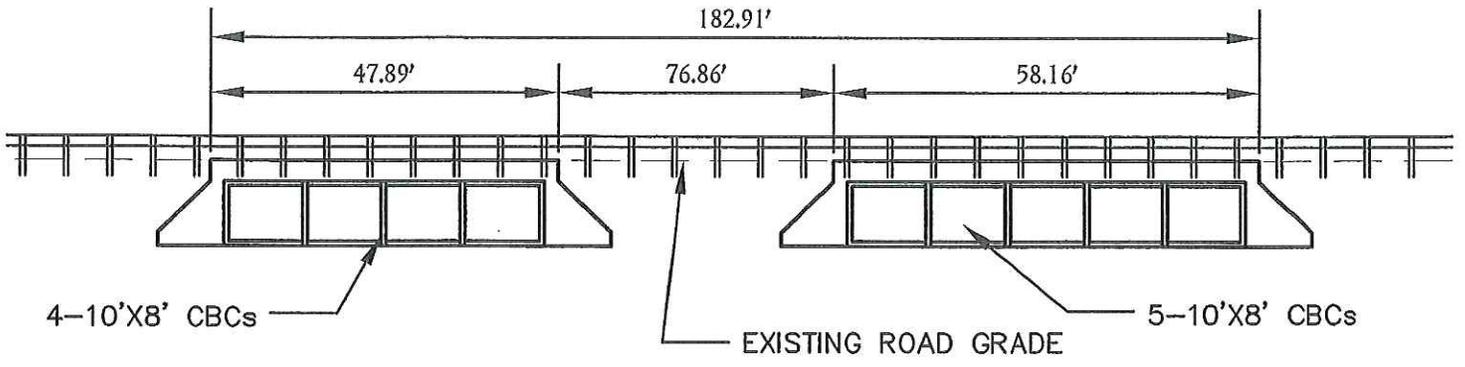
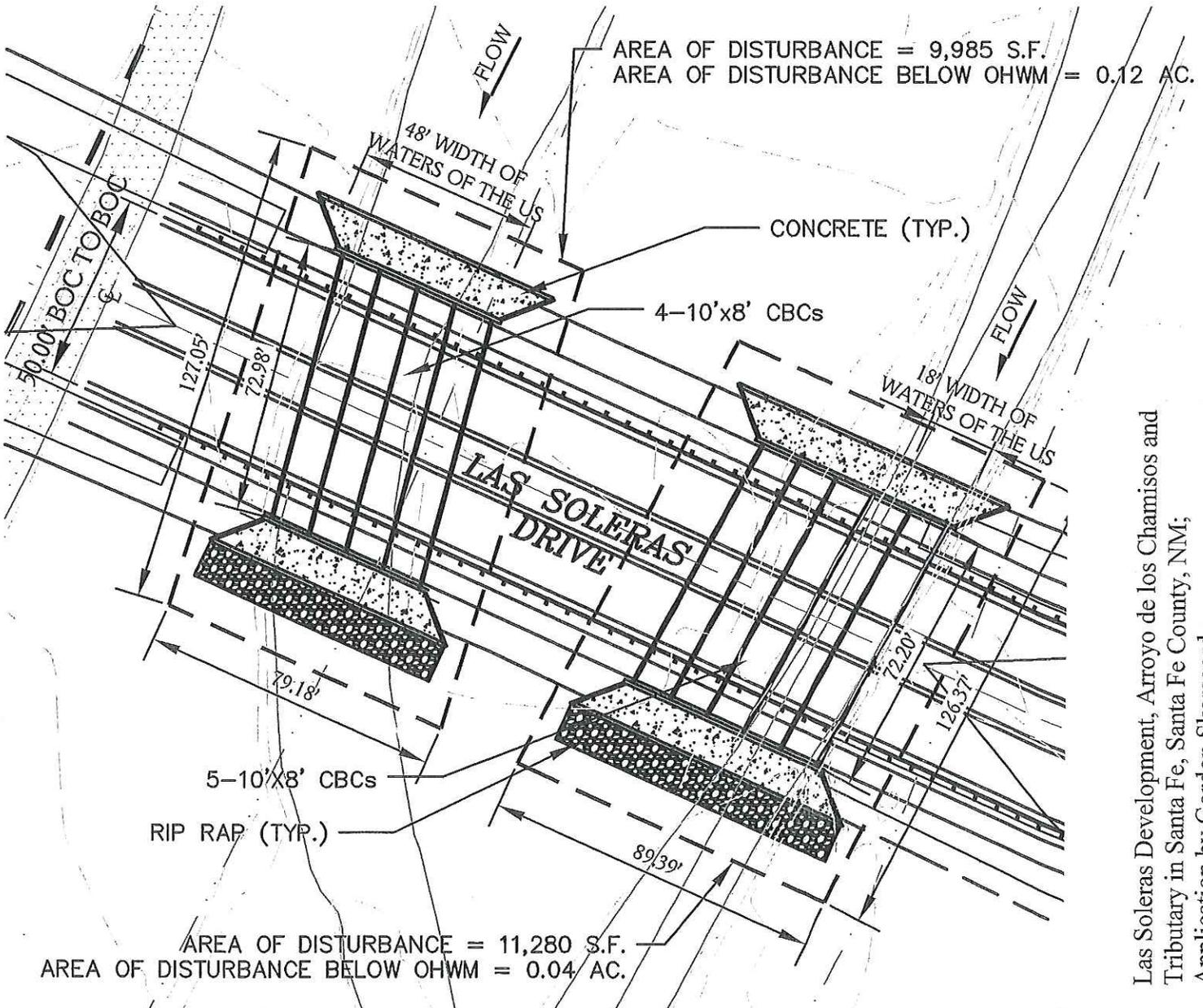


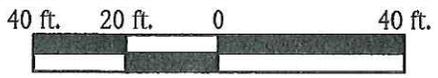
FIGURE 7



LAS SOLERAS DRIVE CROSSING SECTION VIEW

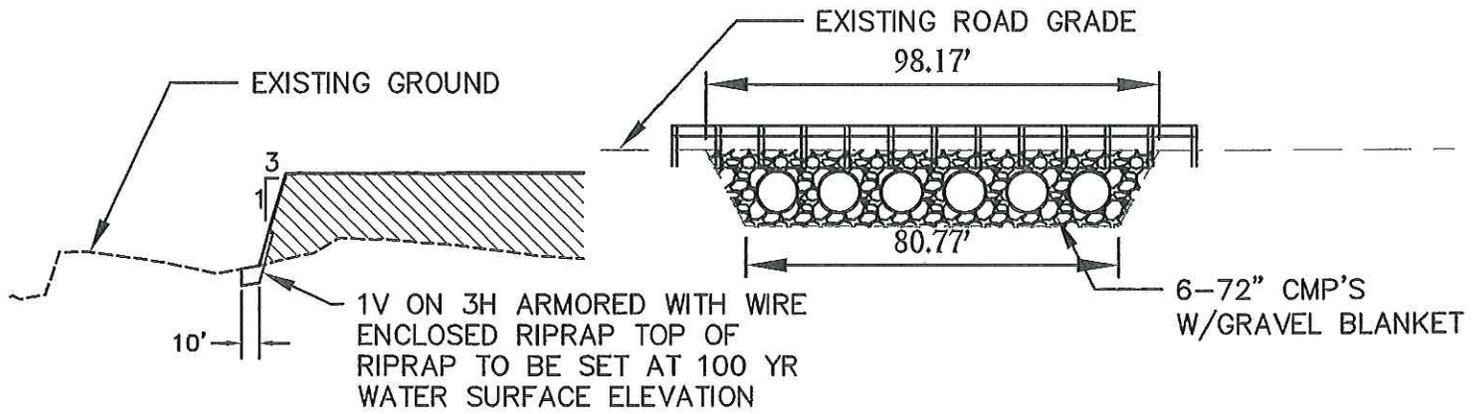


LAS SOLERAS DRIVE CROSSING PLAN VIEW

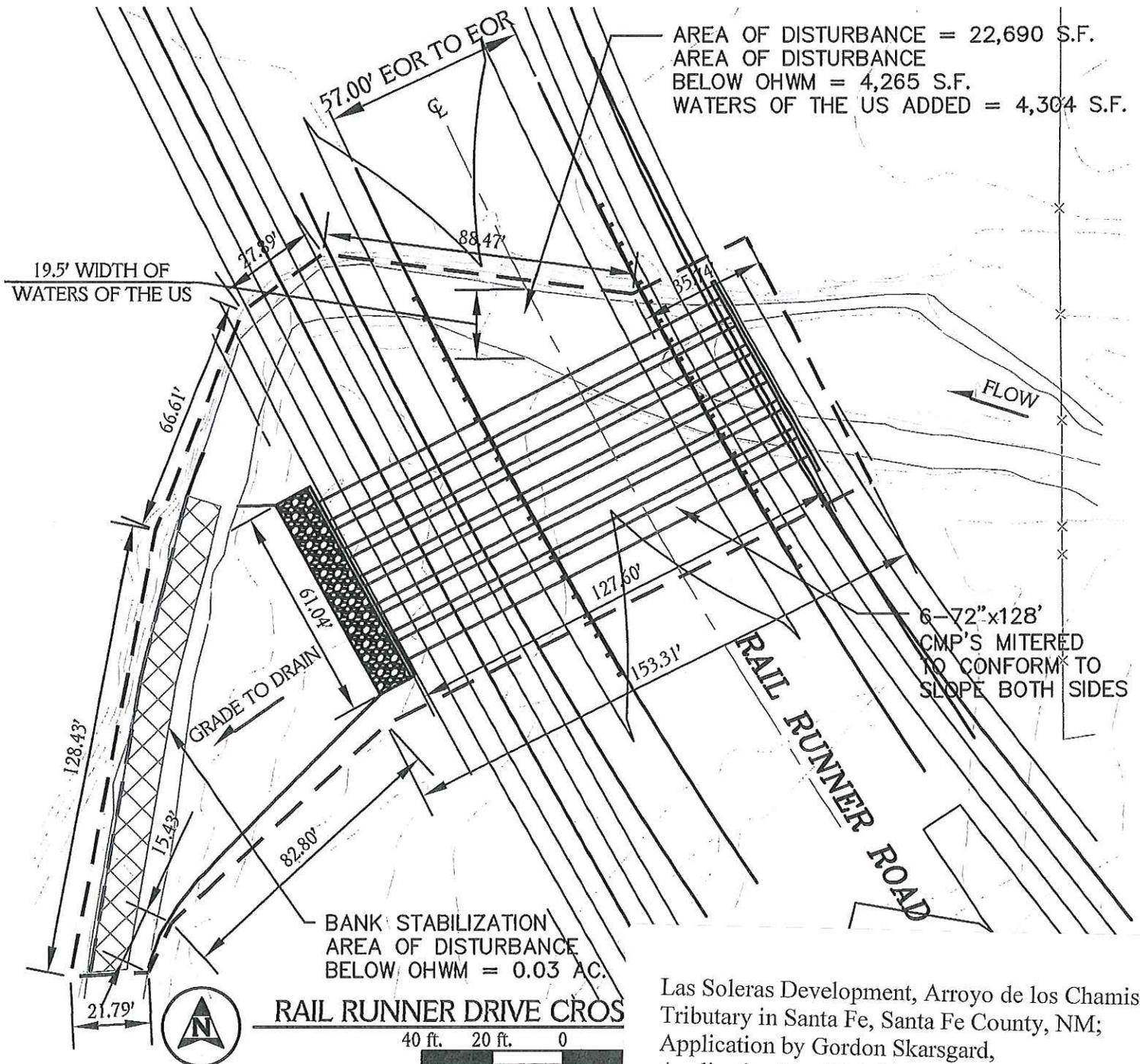


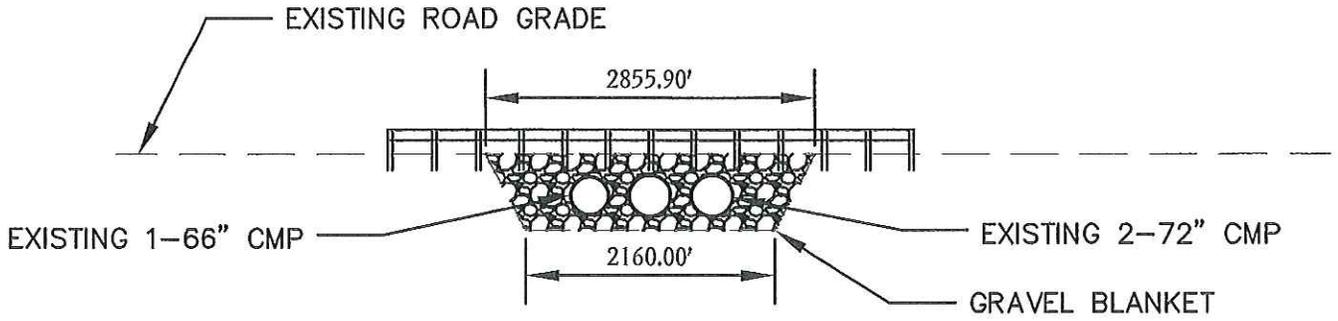
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FIGURE 8

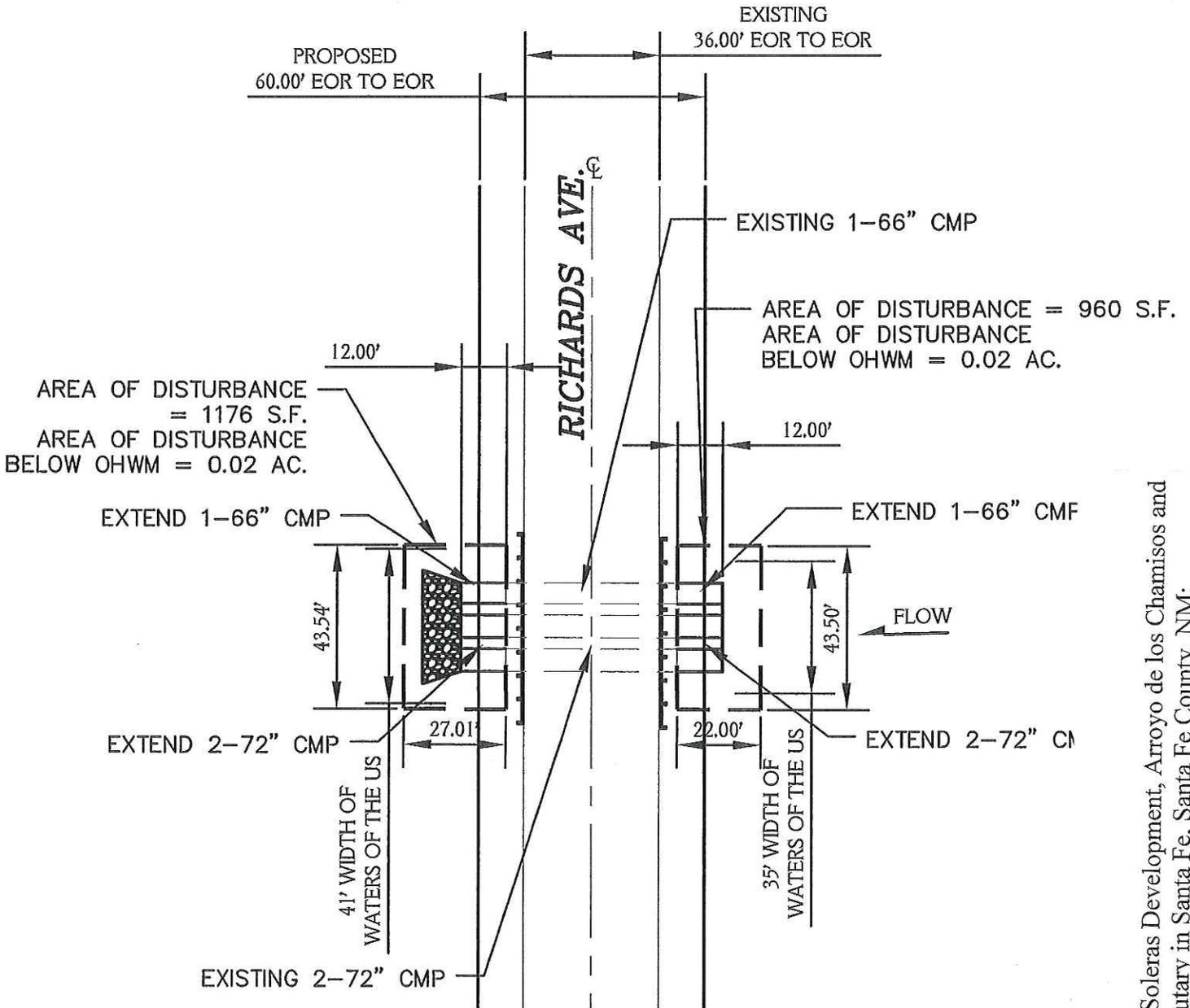


RAIL RUNNER DRIVE CROSSING SECTION VIEW





RICHARDS AVE CROSSING SECTION VIEW



RICHARDS AVE CROSSING PLAN VIEW



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FIGURE 10