



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT
4101 JEFFERSON PLAZA NE
ALBUQUERQUE, NM 87109

January 13, 2020

Regulatory Division

SUBJECT: Regional General Permit (RGP) Verification – Action No. SPA-2019-00309,
Lisbon Pond

Dave Gatterman
Southern Sandoval County Arroyo and Flood Control Authority
1041 Commercial Drive, SE
Rio Rancho, NM 87124

Dear Mr. Gatterman:

This letter responds to your pre-construction notification for the proposed Lisbon Pond project located at approximately latitude 35.265159, longitude -106.7075, in Rio Rancho, Sandoval County, New Mexico. The work, as described in your PCN, will consist of storm water management, water quality improvement and bank stabilization. More specifically, the project is designed to provide flood protection for downstream infrastructure and residences, and water quality will be improved by removal of solids and sediment detention. This will be accomplished by the construction of Lisbon detention pond for managing upstream flows and local storm water flows from adjacent roads. Within the detention pond, a water quality riser will be installed to remove floatable debris and sediment from storm water. Outfall discharges from the pond will be routed to the Lisbon Channel via storm drain. Bank stabilization will be installed downstream of the outfall discharge to ensure that channel migration does not occur and infrastructure is preserved. Development of the proposed project will result in approximately 0.54 acres of permanent impacts to jurisdictional non-wetland waters of the U.S. (WOTUS), specifically the Lisbon Channel. Specifically, and as shown in the attached figure, entitled 2019-309 Plans Lisbon Dam.pdf, you are authorized to perform the following activities:

1. Permanent discharge of fill material into approximately 0.10 acre of WOTUS for the construction of the embankment for the Lisbon pond.
2. Permanent discharge of fill material into approximately 0.28 acre of WOTUS to construct the Lisbon pond bottom.
3. Permanent discharge of fill material into approximately 0.01 acre of WOTUS for the construction of a water quality structure downstream of the Lisbon pond in the Lisbon channel.
4. Permanent discharge of fill material into approximately 0.05 acre of WOTUS for the construction of approximately 142 linear feet (LF) of bank stabilization on the west bank of the Lisbon Channel.

5. Permanent discharge of fill material into approximately 0.10 acre of WOTUS for the construction of approximately 200 LF of bank stabilization on the east bank of the Lisbon Channel.

We have assigned Action No. SPA-2019-00309 to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that the project is authorized by Regional General Permit: NM-14-02 Stream Stabilization and Water Quality Improvement Projects Within Urban Ephemeral Channels in the State of New Mexico. A summary of this permit and the New Mexico Regional Conditions are available on our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/RGP/>. Clean Water Act (CWA), Section 401, requires applicants of federal permits to obtain certification of compliance, or waiver thereof, with applicable water quality standards from the appropriate certifying authority. Please refer to our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Water-Quality-Certification/> for information regarding CWA Section 401 water quality certification (WQC). The permittee must ensure that the work complies with the terms and conditions of the RGP, including New Mexico Regional Conditions and conditions of the applicable WQC and the special conditions listed below.

1. A historic property, Laboratory of Anthropology (LA) Number 188507, is located adjacent to the proposed project area. Per the results of consultation between FEMA and the New Mexico Historic Preservation Division (HPD), the permittee shall avoid impacting the property identified as Laboratory of Anthropology (LA) Number 188507 during all project-related activities (HPD Log Number 106776). To facilitate the avoidance of impacts to this resource, the permittee shall install protective fencing along the western and northern edges of LA 188507 within previously disturbed areas. Additionally, the permittee shall employ a qualified archaeologist to monitor installation of the protective fencing. A “qualified archaeologist” is an individual with a current permit from the State of New Mexico to conduct archaeological investigations. The protective fencing must be removed immediately after project completion. A technical memorandum documenting the results of the archaeological monitoring must be submitted to the Corps within 30 days from completion of the protective fence installation.
2. Pursuant to Part 11 of Appendix C of 33 CFR 325, if intact buried cultural deposits are encountered during construction, work should cease immediately, and the permittee shall contact the Corps and avoid further impacts to the area

until a determination of significance can be made. If necessary, consultation will take place with HPD to determine the best course of action.

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 8 and 9. Based on the information provided, we have determined that this project will not affect any federally listed threatened or endangered species or any historic properties. However, please note that the permittee is responsible for meeting the requirements of general condition 8 on endangered species and general condition 9 on historic properties.

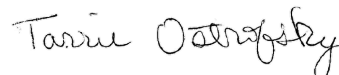
This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

This permit verification is valid until September 6, 2024, unless the RGP is modified, suspended, revoked or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the RPG, is the responsibility of the permittee.

Within 30 days of project completion, the permittee must fill out the enclosed Certification of Compliance form and return it to our office. The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the RPG.

If you have any questions, please contact Forrest Luna at (505) 342-3678 or by e-mail at Forrest.Luna@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Tarrie Ostrofsky
Regulatory Project Manager

Enclosures

**Certification of Compliance
with Department of the Army Regional General Permit**

Action Number: SPA-2019-00309

Name of Permittee: Dave Gatterman, Southern Sandoval County Arroyo and Flood Control Authority

Regional General Permit: NM-14-02 Stream Stabilization and Water Quality Improvement Projects Within Urban Ephemeral Channels in the State of New Mexico

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Forrest Luna
Albuquerque District, U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started _____

Date Work Completed _____

Signature of Permittee

Date