

APPENDIX C

Acequia del Guique
RR 2 Box 115
San Juan Pueblo, NM 87566
January 5, 2004

Mr. Karl A. Martin, Manager
Technical Services Division
Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Ref: Espanola Dike Project - Borrego, Estaca
and Lopez Arroyos.

Dear Mr. Martin:

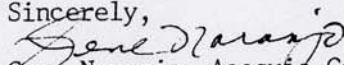
The Acequia Commission approves the Borregos Arroyo Plan/Profile and requests that Reclamation schedule the work to start this Spring or Summer if at all possible. We will keep the acequia water from running over the spillway and into the arroyo. The end of the irrigation season is mid October. Cutting trees and clearing the construction site can be scheduled to start at anytime. The construction of the earthen canal with the outlet pipes will be a great improvement over the present drainage condition. It will confine the water in the arroyo and will eliminate the flooding of private property.

We did not find photos of the Borregos Arroyo bed before the construction of the roadway and the installation of the five 12" diameter CMP's in the river berm. Wonder if Mr. Don Collman from the Socorro BOR office would have any information? No luck either on the construction plans for the siphon on the Borregos Arroyo. Mr. Edward Romero at the Natural Resources Conservation Services in Espanola said he could not find records that far back. Our records show that the siphon was constructed during the fall of 1966.

We are unsure of the structural condition of the Borrego siphon. The inlet side, proposed route to haul the spoil material, unlike the outlet side has never had any traffic at all. Maybe an alternate route should be used. As to the removal of the spoil material, I had suggested that some should be used on the arroyo service road.

We wonder why the Borregos Arroyo Dam was not considered as a borrow site? The haul would be alot closer. The East Rio Arriba Watershed Board will be addressing the Archuleta Borrow Site on Wednesday January 21, 2004 at 1:00 PM at the NRCS office in Espanola, San Pedro Plaza.

Please send us three copies of the EA when its published.

Sincerely,

Gene Naranjo, Acequia Commissioner

Enclosure
KC Mrs. Renee Davis, Project Engineer
Mr. Robert H. Maxwell, Environmental Engineer
Mr. Pete Casados, Chairman
Mr. Ben Chavez, Mayordomo
File

JAN 14 2004

01-14-04



United States Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office
555 Broadway Blvd., NE Suite 100
Albuquerque, New Mexico 87102-2352

IN REPLY REFER TO:

ALB-215
PRJ-8.10

FEB - 1 2005

Gene Naranjo, El Guique Commissioner
Rural Route 2
P.O. Box 115
San Juan Pueblo, NM 87566-9603Subject: Espanola Dike Project – Borregos Arroyo, Schedule for Constructing Open Channel
Riprap w/Corrugated Metal Pipes through the Dike.

Dear Mr. Naranjo:

The Bureau of Reclamation has rescheduled the tentative date for construction on Borregos Arroyo to November 2005. Reclamation had a site visit with the Corp of Engineers and the New Mexico State Environmental Department on January 7, 2005 to discuss the work. The design has changed from installing sheetpile drop structures in the open channel, to lining and placing riprap along the berm slopes inside the channel. The invert of the channel will also be lined with riprap at the beginning of the new channel, and at the inlet of the corrugated metal pipes that will be installed through the dike near the Rio Grande.

Reclamation is continuing the process of obtaining 404 permits and driveway permits and preparing the drawings. We have received the Arroyo Maintenance Plan signed by the Commission Board.

Should you have any further questions, please do not hesitate to contact Renee Davis of my staff at 505-462-3620.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl A. Martin" followed by "For ALB-200".

Karl A. Martin
Manager, Technical Services Division

bc: ALB-100, ALB-184, ALB-210, ALB-240, ALB-422, ALB-440, S-10, S-30

From: "McWhirter, Lesley A SPA" <Lesley.A.McWhirter@spa02.usace.army.mil>
To: "Renee Davis" <RDavis@uc.usbr.gov>
Date: 4/18/2005 2:04:44 PM
Subject: RE: Espanola Dikes - Borregos Arroyo

Hi Renee,

Our letter authorizing the use of nationwide permit (NWP) Nos. 12 and 43 was issued on February 8, 2005. The letter was mailed to Jack Garner. Hopefully, it was forwarded to the appropriate person(s)? Items that need to be done prior to construction are:

- Submit a final comprehensive mitigation and monitoring plan to the Corps for review and approval (Special Condition a) >
- Notify this office of the start date of construction (Special Condition f).

Please let me know if there are any other questions.

Thanks,

Lesley McWhirter
Regulatory Branch, Albuquerque District
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435
Phone: (505) 342-3678
Fax: (505) 342-3498
Website: www.spa.usace.army.mil/reg/

-----Original Message-----

From: Renee Davis [mailto:RDavis@uc.usbr.gov]
Sent: Monday, April 18, 2005 10:25 AM
To: McWhirter, Lesley A SPA
Cc: Frank Montoya; Robert Maxwell
Subject: Espanola Dikes - Borregos Arroyo

We received the 401 certification back in February 2005 from NM State Env. Dept. You probably have a copy. Have you sent the 404 permit information? Just wanted to get an update from COE. Was there anything else Reclamation said we were suppose to provide to you after our last meeting?

Hope all is well,
Renee, Project Lead Engineer

CC: "Frank Montoya" <FMontoya@uc.usbr.gov>, "Robert Maxwell" <RMaxwell@uc.usbr.gov>

Acequia del Guique
Arroyo Maintenance Plan
Borregos & Lopez Arroyo

The compacted arroyo channels and embankments will be prone to erosion from stormwater runoff, growth of noxious trees and vegetation, livestock and ATV traffic. The drop structures and the drainage outlet CMP's sediment and debris.

Within three (3) days after a stormwater runoff the Mayordomo will check the arroyo channel, drop structures and the CMP drainage for erosion, sediment and debris accumulation. Report to the Commission the extent of damage. Determine the manpower and equipment required for the repair work. Schedule work as soon as weather permits.

The eroded channels and embankments will be repaired with rock and soil dredged from the silted area. The excess dredged material will be placed on the right-of-way area of the access road.

The drainage pipes will be cleared of debris and if necessary flushed out with water from the ditch wastway. The 18" drainage pipe at the vegetated buffer may require water and a portable pump in order to flush out the silt.

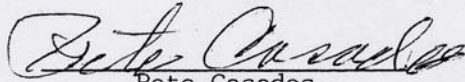
The noxious trees and vegetation that crop up on the arroyo channels and embankments will be removed periodically and hauled off to the Rio Arriba land fill.

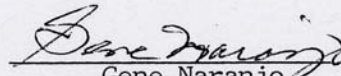
The arroyo boundaries will be fenced and gates will remain locked at all times to eliminate livestock and ATV traffic. Key will be kept by the Mayordomo and the Ditch Commission.


Equipment type mostly used will be backhoes and skid-steer loaders.

Arroyo Maintenance Plan approved by The Commission:

This 31st Day of December 2004.


Pete Casados


Gene Naranjo


Ben Chavez

GN



United States Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office
555 Broadway Blvd., NE Suite 100
Albuquerque, New Mexico 87102-2352

IN REPLY REFER TO:

SEP 21 2005

ALB-189
ENV-3.00

FEDERAL EXPRESS

Ms. Lisa Meyer
New Mexico State Historic Preservation Office
New Mexico Historic Preservation Department
228 E. Palace Ave
Santa Fe, NM 87501



0755 90

Subject: Borregos Arroyo Project

Dear Ms. Meyer:

In order to comply with Section 106 of the National Historic Preservation Act of 1966, the Albuquerque Area Office of the Bureau of Reclamation requests your views on this project. The Bureau of Reclamation, Albuquerque Area Office, proposes to construct a channel and outlets to the Rio Grande to eliminate the restrictions of storm water flow and irrigation overflows.

Background

Historically, the Borregos Arroyo emptied into a floodplain from the west side of the Rio Grande (see map 1). Originally, the river channel was the type to change course as a result of flooding. The river would flow in one location until it had built its bed to a higher elevation than the adjacent lands. Then a high flow would break over into the lower lands and establish a new channel location. As result, Reclamation implemented a system of channelization on the Middle Rio Grande for the purpose of providing flood control. As part of this project, a pilot channel and spoils dike were constructed, in approximately 1940, to straighten out the river and confine it between the levees. Now, however, the dike restricts storm water flows from Borregos Arroyo from entering the Rio Grande. In addition, the dike restricts irrigation ditch overflows and storm water flows from adjacent properties from entering the Rio Grande. This has resulted in flooding of landowners lands west of the dike.

Construction Elements

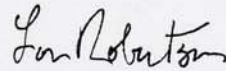
The objective of the proposed action would be to provide an alternative for channeling and drainage of these flows into the Rio Grande. An open channel with riprap will be constructed to move water, and three cmps (corrugated metal pipe culverts), one with a flap gate and two without flap gates, will be installed through the existing levee. Excavation of the dike would be required in three locations: north of Borregos Arroyo for installation of an 18" cmp; at Borregos Arroyo for installation of two 60" cmps; and the removal of an existing cmp just south of the

traffic will use an existing road.

Effect on Cultural Resources.

The only historic property within the project footprint is the levee. It is the Albuquerque Area Office's (Reclamation) view that the installation of the cmps and the project will not have an adverse effect on the integrity of function of the existing levee. Therefore, Reclamation is requesting archaeological clearance for this project. If construction activities inadvertently uncover or disturb any significant cultural remains, activity will cease and the Albuquerque Area Office's Archaeologist will be notified immediately.

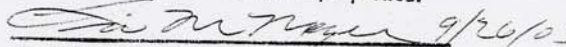
Sincerely,



Lori Robertson
Manager
Environment Division

Enclosures -2

This undertaking will not have an adverse effect on registered or eligible properties.



for NM State Historic Preservation Officer



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office
555 Broadway Blvd., NE Suite 100
Albuquerque, New Mexico 87102-2352ALB-215
PRJ-8.10

OCT 18 2005

Gene Naranjo
El Guique Commissioner
P.O. Box 115
San Juan Pueblo, NM 87566-9603

Subject: Española Dike Project – Borregos Arroyo Cross Drainage, Design for Constructing an Open Channel-Riprap Lined with Corrugated Metal Pipes through the Dike, Middle Rio Grande Project

Dear Mr. Naranjo:

The Bureau of Reclamation previously informed you that the subject design changed from installing sheetpile drop structures in the open channel, to lining and placing riprap along the berm slopes inside the channel, as well as the channel invert.

Two 60-inch corrugated metal pipes (CMP) will also be installed through the dike near the Rio Grande. Reclamation has met with you on several occasions to discuss the design flow for the Borregos Arroyo cross drainage and recommended that the channel be designed to adequately convey 80 cubic feet per second (cfs). Because of right-of-way issues, the Acequia Commission requested that Reclamation only design the channel to convey 60 cfs. As you are aware, the project purpose is to provide arroyo cross drainage through the riverside dike to the Rio Grande. The outfall channel is designed to provide a drainage function when flows in the Rio Grande reach 5,000 cfs. Should the river experience flows greater than 5000 cfs, water will backup into the new channel and may overtop the new berms. This would cause water to pond on the west side of the dike. Reclamation also discussed constructing a headwall for a trashrack at the inlet of the 60-inch CMPs and flapgates at the outlet. The Acequia Commission requested that Reclamation not construct the headwall with trashrack or flapgates because of maintenance concerns.

We have received the Arroyo Maintenance Plan signed by the Commission Board. Additionally, Reclamation has obtained the 404 and 401 permits from the U.S. Army Corps of Engineers and the New Mexico State Environmental Department. The Notice to Proceed will be issued in early November 2005.

Should you have any further questions or do not agree with Reclamation's design criteria, please contact Renee Davis of my staff at 505-462-3620.

Sincerely,

Karl Martin

Karl A. Martin
Manager, Technical Services Division

cc: ALB-100, ALB-184, ALB-210, ALB-240, ALB-422, ALB-440, S-10, S-30

WBR:RDavis:tturner:10/17/05:505-462-3620

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United States Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office
555 Broadway Blvd., NE Suite 100
Albuquerque, New Mexico 87102-2352

IN REPLY REFER TO:

ALB-215
PRJ-8.10

OCT 12 2005

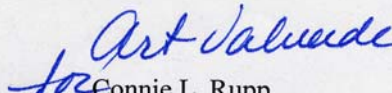
Honorable Joe Garcia
San Juan Pueblo
P.O. Box 1099
San Juan Pueblo, NM 87566Subject: Espanola Dike Project – Borregos Arroyo, Construction Schedule for Constructing
Open Channel Riprap w/ Corrugated Metal Pipes through the Dike

Dear Governor Garcia:

The Bureau of Reclamation is notifying the San Juan Pueblo (Pueblo) of the scheduled date for construction of the proposed work on Borregos Arroyo. This construction will take place in November 2005, and will occur approximately 0.4 miles upstream of the San Juan Diversion Dam. Reclamation has designed an open channel which will be lined with riprap along the berm invert and the berm slopes inside the channel. Corrugated metal pipes (CMP) will be installed through the dike near the Rio Grande. The flows from the El Guique Acequia will discharge into the arroyo and eventually into the river.

Should you have any further questions, please do not hesitate to contact Renee Davis of my staff at 505-462-3620.

Sincerely,


for Connie L. Rupp
Area Manager

bc: ALB-100, ALB-184, ALB-210, ALB-240, ALB-422, ALB-440, S-10, S-30

ORIGINAL



DEPARTMENT OF THE ARMY
 ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
 4101 JEFFERSON PLAZA NE
 ALBUQUERQUE NM 87109-3435

February 8, 2005

Operations Division
 Regulatory Branch

Mr. A. Jack Garner
 Area Manager
 Bureau of Reclamation
 Albuquerque Area Office
 555 Broadway NE, Suite 100
 Albuquerque, NM 87102-2352

Dear Mr. Garner:

This is in reference to the pre-construction notification submitted by the Bureau of Reclamation (USBR) for the proposed channelization of approximately 1500 feet of the Arroyo de los Borregos in Rio Arriba County, New Mexico. We have assigned Action No. 2003 00529 to this activity.

The Corps of Engineers has published Nationwide Permits pursuant to Section 404 of the Clean Water Act (33 CFR 330). Nationwide Permit Nos. 12 and 43 authorize discharges of dredged or fill materials into waters of the United States for utility line activities (including outfall structures) and stormwater management facilities, respectively. Summaries of Nationwide Permit Nos. 12 and 43 are enclosed for your information.

After reviewing the project in accordance with the nationwide permit pre-construction notification procedures (General Condition No. 13), we have determined that the proposed work will not result in more than minimal individual or cumulative adverse environmental effects. The public interest would best be served by allowing the work to proceed under the nationwide permits, with special conditions.

You are therefore authorized to proceed under authority of the nationwide permits for utility line activities and stormwater management facilities. In addition to the conditions described in the permit summaries, the following conditions must be met:

- a. To mitigate for unavoidable impacts to riparian habitat, native woody vegetation shall be replaced at a 10:1 ratio. Prior to construction of the authorized activity in waters of the U.S., a final comprehensive mitigation and monitoring plan shall be submitted for review and approval by the Army Corps of Engineers (Corps). The mitigation plan will include revegetation of all

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disturbed areas, including uplands, with native herbaceous and woody species. The plan will be prepared in accordance with the Albuquerque District Mitigation and Monitoring Guidelines.

b. As described in the Mitigation and Monitoring Guidelines, an annual monitoring report will be submitted to the Corps for a minimum of five years after completion of the mitigation, or upon successful achievement of the performance standards, whichever occurs first. At any stage during the monitoring period, the Corps may require modifications to or revegetation of the mitigation area. If the Corps determines that the mitigation is not successful, a new mitigation plan will be required. The purpose of this requirement is to ensure replacement of the functions and values of the aquatic environment that will be lost through project implementation.

c. To the extent practicable, compensatory mitigation prescribed by this plan shall be constructed prior to or concurrently with construction of the authorized activity in waters of the U.S. If construction and revegetation of the mitigation area is not completed in the same growing season in which impacts occur, additional mitigation may be required to compensate for the temporal loss of aquatic functions.

d. Access roads, staging areas, and spoil areas shall be located only in those areas shown on the drawings dated January 31, 2005. Avoid disposal of construction debris or trash in any channel or anywhere at the project site. Use approved landfills for trash and debris disposal.

e. Equipment must be cleaned and serviced well away from any aquatic or riparian areas. Construction equipment shall be cleaned prior to construction to ensure that no leaks or discharges of lubricants, hydraulics fluids or fuels occur in aquatic or riparian ecosystems. Construction equipment shall be inspected daily and promptly repaired as necessary to prevent leaks. Any petrochemical spills, including contaminated soil, shall be contained and removed to an approved upland site.

f. This office must be notified of the start and completion dates of construction.

General Condition No. 11 requires that no activity is authorized under any Nationwide Permit which is likely to jeopardize the continued existence of a listed or proposed threatened or endangered species, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. USBR has

- 3 -

determined, and the Corps of Engineers concurs, that the proposed work as described will have no effect on any listed or proposed endangered or threatened species or its critical habitat.

The permittee must ensure compliance with all conditions of the permit, including submittal of the enclosed Compliance Certification required by General Condition No. 14. Please note Nationwide Permit Regional Condition i., which requires that flowing water be temporarily diverted away from work areas with non-erodible materials.

A portion of the proposed project is located in the Rio Grande, a perennial stream. You are required to obtain a water quality certification from the New Mexico Environment Department prior to discharging dredged or fill material into the Rio Grande. They may be contacted at:

NMED - Surface Water Quality Bureau
Attention: Mr. Chris Cudia
505 National Avenue, Suite 3
Las Vegas, NM 87701
Telephone: (505) 425-6764

This verification will be valid for 2 years unless the nationwide permit is modified, reissued or revoked. The verification will remain valid if, during that time, the nationwide permit is reissued without modification or the activity complies with any subsequent modification of the nationwide permit authorization. If the nationwide permit authorization expires, is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit, the provisions of 33 CFR 330.6(b) will apply.

If you have any questions, please contact Ms. Lesley McWhirter by telephone at (505) 342-3678 or by email at lesley.a.mcwhirter@usace.army.mil. At your convenience, please complete and return the attached Customer Service Survey.

Sincerely,



Daniel Malanchuk
Chief, Regulatory Branch

ORIGINAL

Done 3/7/05
Nancy Gu



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax (505) 827-2836



RECEIVED BOR
ALBUQUERQUE AREA OFFICE
OFFICIAL FILE SECRETARY

DEBBIE WATCHMAN MOORE
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February 18, 2005

Mr. A. Jack Garner, Area Manager
Bureau of Reclamation
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

Subject: Clean Water Act Section 401 Water Quality Certification for **NMED SWQB**
Arroyo de los Borregos Stormwater Management and Flood Control Project

Dear Mr. Garner:

The Surface Water Quality Bureau (SWQB) of the New Mexico Environment Department has reviewed your application for authorization of the project indicated above under Sections 404 and 401 of the federal Clean Water Act. According to the application, flow from the Borregos Arroyo to the Rio Grande River is restricted by the dike that parallels the river together with an undersized outfall structure. This project involves channelizing approximately 1500 feet of the Borregos Arroyo and constructing a new outfall structure. Two 60-inch CMPs will be installed in the exiting dike to convey stormwater flows. The inlet will be concrete encased riprap while the outlet will be armored with gabion baskets. As indicated above, the Rio Grande River is the receiving system. All construction activities occurring within the normal high water mark of the Rio Grande will be done under dry conditions.

The U.S. Army Corps of Engineers (USACE) will regulate this project under Nationwide Permit Nos. 12 for Utility Line activities and 43 for Stormwater Management facilities. (USACE Action #2003-00529). Because this project involves work in the Rio Grande a perennial river, State Water Quality Certification is required by Section 401 of the Federal Clean Water Act in order to ensure that your project will comply with the state water quality standards (*Standards for Interstate & Intrastate Surface Waters*, New Mexico Water Quality Control Commission, 20.6.4 NMAC: 10/11/2002). According to these standards this segment of the Rio Grande River is designated for the following uses:

• Irrigation	• Livestock Watering
• Wildlife Habitat	• Marginal Coldwater Fishery
• Primary Contact	• Warmwater Fishery

Selected water quality standards relevant to your project include:

1. Turbidity shall not exceed 50 NTU
2. pH shall be within the range of 6.0 to 9.0

This is only a partial list of standards for this segment of the Rio Grande River. For a complete list of the water quality standards that apply to your project, refer to the following sections of the *Standards for Interstate & Intrastate Surface Waters*, New Mexico Water Quality Control Commission, 20.6.4 NMAC: 10/11/2002.

- 20.6.4.8 *Antidegradation Policy and Implementation Plan*
- 20.6.4.12 *General Standards*
- 20.6.4.900 *Standards Applicable to Attainable or Designated Uses*
- 20.6.4.114 *Rio Grande Basin-The main stem of the Rio Grande from the headwaters of Cochiti reservoir upstream to Taos Junction bridge...*

These standards are available on the web at:

www.nmenv.state.nm.us/NMED_regs/swqb/20_6_4_nmac.html

401 Water Quality Certification with Conditions:

Pursuant to Section 401 of the Clean Water Act and 40 Code of Federal Regulations Part 121, the SWQB hereby issues a 401 Water Quality Certification for USACE Action #2003-00529: Arroyo de los Borregos Stormwater Management and Flood Control Project. This certification is subject to conditions to ensure that the project will comply with state water quality standards and the Antidegradation Policy. **Therefore, this Certification is not valid unless the following conditions are adhered to:**

Flow Conditions:

1. Work occurring in and around the channel must be limited to periods of no flow.
2. Any work in a channel below the ordinary high water mark must be limited to low flow periods. Avoid working in these channels during the spring runoff and summer monsoon season.
3. When working in a stream channel, flowing water must be temporarily diverted around the work area to minimize sedimentation and turbidity problems. Acceptable diversion structures are non-erosive and include water bladders, concrete barriers lined with plastic, and flumes.

Erosion Control:

4. Prior to beginning construction, erosion control measures such as silt fences and straw bales must be installed to prevent the movement of disturbed soil or other contaminants into surface water. The erosion control measures must be inspected and maintained on a regular basis to ensure they are working properly. These erosion control measures must be maintained until the disturbed areas are permanently vegetated.
5. Temporary protective mats are required for heavy equipment working in wetlands, to minimize impacts to soil and vegetation. Protective mats are also recommended for use on stream banks and riparian areas.
6. Temporary access roads must be restored to pre-project conditions.
7. All areas that are disturbed as a result of the project must be replanted with native vegetation and protected until the area is no longer subject to erosion into surface water. The native plant species must be appropriate for the moisture conditions of the affected area, whether it be wetland, riparian, or upland.

Construction Materials:

8. All asphalt, concrete, and other construction materials must be properly handled and contained to prevent releases to the stream channels. Dumping of materials in the vicinity of watercourses is strictly prohibited.

Use of Heavy Equipment:

9. Heavy equipment will be operated from the bank and not enter the stream.
10. All heavy equipment used in the project area must be cleaned before the start of the project and inspected daily for leaks. Equipment must be steam cleaned before working in the water. Leaking equipment must not be used in or near any watercourse. Park equipment outside of channel when not in use.
11. Spill clean-up materials such as booms and absorbent pads must be available on-site at all times during construction. Report all spills immediately to the SWQB as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC).
12. Fuel, oil, hydraulic fluid, or substances of this nature must not be stored within the normal floodplain, and must have secondary containment systems to prevent spills if the primary storage container leaks. Refuel equipment at least 100 feet from surface water.

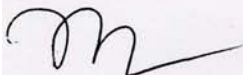
General Conditions:

13. A copy of this 401 certification must be kept at the project site during all phases of construction. All contractors involved in your project must be provided a copy of this certification and made aware of the conditions prior to starting construction.
14. The SWQB must be notified at least five days before starting construction, to allow time to schedule monitoring or inspections.

Violations of State water quality standards could lead to penalties under the New Mexico Water Quality Act. Section 74-6-10.1 B of the Act states, "Any person who violates any provision of the New Mexico Water Quality Act other than Section 74-6-5 NMSA 1978 or any person who violates any regulation, water quality standard, or compliance order adopted pursuant to that act shall be assessed civil penalties up to the amount of ten thousand dollars (\$10,000) per day for each violation."

The SWQB specifically reserves the right to amend or revoke this 401 Certification at any time to ensure compliance with water quality standards. If you have any questions regarding this 401 Water Quality Certification please feel free to contact Chris Cudia of my staff at (505) 425-6764. Thank you for your cooperation.

Sincerely,



Marcy Leavitt, Chief
Surface Water Quality Bureau

JHD: ns/cc/dm

cc: NMED District II Manager, Santa Fe
Lesley McWhirter, U.S. Army Corps of Engineers
Jim Herrington, Wetlands, Region 6, USEPA
Lisa Kirkpatrick, NM Department of Game and Fish
Joy Nicholopoulos, U.S. Fish and Wildlife Service
401 Certification File #LV010-05