



Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the U.S. Army Corps of Engineers Nationwide Permit Program within the South Pacific Division (SPD), including General and Regional Conditions. You MUST fill out all boxes related to the work being done. Fillable boxes in this form expand if additional space is needed.

Box 1 Project Name RIO QUEMADO WATERSHED PROJECT			
Applicant Name SANTA FE COUNTY		Applicant Title	
Applicant Company, Agency, etc. C/O MARK HOGAN		Applicant's internal tracking number (if any)	
Mailing Address P. O. BOX 276 SANTA FE NM 87501			
Work Phone with area code (505) 992-9868	Mobile Phone with area code	Home Phone with area code	Fax # with area code
E-mail Address MHOGAN@CO.SANTA-FE.NM.US		Relationship of applicant to property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Other:	
Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a U.S. Army Corps of Engineers Nationwide Permit or Permits as described herein. I certify that I am familiar with the information contained in this application and, that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received and to comply with all terms and conditions of the authorization.			
Signature of applicant 			Date (mm/dd/yyyy) 12-23-13

If anyone other than the person named as the Applicant will be in contact with the U.S. Army Corps of Engineers representing the Applicant regarding this project during the permit process, Box 2 MUST be filled out.

Box 2 Authorized Agent/Operator Name WILLIAM J. MILLER ENGINEERS, INC.		Agent/Operator Title ENGINEER	
Agent/Operator Company, Agency, etc. JOHN CRITCHFIELD		E-mail Address JOHN@WJMILLERENGINEERS.COM	
Mailing Address 2019 GALISTEO ST. SUITE M-4 SANTA FE NM			
Work Phone with area code 505.983.7694	Mobile Phone with area code	Home Phone with area code	Fax # with area code (505) 983-8205
I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant 			Date (mm/dd/yyyy) 12-23-13
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent 			Date (mm/dd/yyyy) 12/23/13

Box 3 Name of Property Owner(s), if other than Applicant: (SEE ATTACHMENT)		
Owner Title	Owner Company, Agency, etc.	
Mailing Address		
Work Phone with area code	Mobile Phone with area code	Home Phone with area code

Box 4 Name of Contractor(s) (if known): NOT YET SELECTED		
Contractor Title	Contractor Company, Agency, etc.	
Mailing Address		
Work Phone with area code	Mobile Phone with area code	Home Phone with area code

Box 5 Site Number __ of __. Project location(s), including street address, city, county, state, zip code where proposed activity will occur: SANTA CRUZ RIVER BELOW SANTA CRUZ DAM AND RIO QUEMADO AT MOUTH (SEE ATTACHMENT)	
Name of Waterbody(ies) (if known, otherwise enter "an unnamed tributary to"):	
Tributary to what named, downstream waterbody: (SEE ATTACHMENT)	
Latitude & Longitude (D/M/S, DD, or UTM with Zone): (SEE ATTACHMENT)	Section, Township, Range:
County Assessor Parcel Number (Include County name):	USGS Quadrangle map name: CUNDIYO, N. MEX.
Watershed (HUC and watershed name ¹): ¹ http://water.usgs.gov/GIS/regions.html	Size of permit area or project boundary: acres linear feet
Directions to the project location and other location descriptions, if known:	
Access limitations or restrictions (if any): (SEE ATTACHMENT)	

Box 6 Nature of Activity (Description of the project, include all features):

REPLACE THREE IRRIGATION DIVERSION STRUCTURES; CONSTRUCT ON-GRADE CROSSING ON RIO QUEMADO

Project Purpose (Description of the reason or purpose of the project):

DIVERT WATER FROM STREAM INTO ACEQUIAS; CROSSING WILL PROVIDE ACCESS TO PASTURE LANDS

Reason(s) for Discharge into Waters of the United States (Description of why dredged and/or fill material needs to be placed in Waters of the United States):

(SEE ATTACHED)

Proposed discharge of dredge and/or fill material. Indicate total surface area in **acres** and **linear feet** (where appropriate) of the proposed impacts to Waters of the United States, indicate water body type (tidal wetland, non-tidal wetland, vernal pool, riparian wetland, ephemeral stream/river, intermittent stream/river, perennial stream/river, pond/lake, vegetated shallows, bay/harbor, lagoon, ocean, etc.), and identify the impact(s) as permanent and/or temporary for each requested Nationwide Permit¹:

¹ Enter the intended permit number(s). See Nationwide Permit regulations for permit numbers and qualification information:<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>

Water Body Type	Requested NWP Number:				Requested NWP Number:				Requested NWP Number:			
	Permanent		Temporary		Permanent		Temporary		Permanent		Temporary	
	Area	Length	Area	Length	Area	Length	Area	Length	Area	Length	Area	Length
(SEE ATTACHMENT)												
Total:												

Total volume (in cubic yards) and type(s) of material proposed to be dredged from or discharged into Waters of the United States:

Material Type	Total Volume Dredged	Total Volume Discharged
Rock Slope Protection (RSP)	(SEE ATTACHMENT)	
Clean spawning gravel		
River rock		
Soil/Dirt/Silt/Sand/Mud		
Concrete		
Structure		
Stumps/Root wads		
Other:		
Total:		

Activity requires a written waiver to exceed specified limits of the Nationwide Permit? ☐ Yes ☒ No
 If yes, provide Nationwide Permit number and name, limit to be exceeded, and rationale for each requested waiver:

Activity will result in the loss of greater than 1/2-acre of Waters of the United States? ☐ Yes ☒ No
If yes, provide an electronic copy (compact disc) or multiple hard copies (7) of the complete PCN for appropriate Federal and State Pre-discharge Notification (See General Condition #31, Pre-construction Notification, Agency Coordination, Section 2 and 4):

Describe direct and indirect effects caused by the activity (see General Condition #31, Pre-construction Notification, District Engineer's Decision, Section 1): (SEE ATTACHMENT)

Potential cumulative impacts of proposed activity(if any): NONE

Drawings and figures (see each U.S. Army Corps of Engineers District's Minimum Standards Guidance):

Vicinity map: ☒ Attached (or mail copy separately if applying electronically)

To-scale Plan view drawing(s): ☒ Attached (or mail copy separately if applying electronically)

To-scale elevation and/or Cross Section drawing(s): ☒ Attached (or mail copy separately if applying electronically)

Numbered and dated pre-project color photographs: ☐ Attached (or mail copy separately if applying electronically)

Sketch drawing(s) or map(s): ☐ Attached (or mail copy separately if applying electronically)

Has a wetlands/waters of the U.S. delineation been completed?

☐ Yes, Attached² (or mail copy separately if applying electronically) ☒ No

If a delineation has been completed, has it been verified in writing by the Corps?

☐ Yes, Date of preliminary or approved jurisdictional determination (mm/dd/yyyy): Corps file number: ☐ No

²If available, provide ESRI shapefiles (NAD83) for delineated waters

For proposed discharges of dredged material resulting from navigation dredging into inland or near-shore waters of the U.S. (including beach nourishment), please attach³ a proposed Sampling and Analysis Plan (SAP) prepared according to Inland Testing Manual (ITM) guidelines (including Tier I information, if available), or if disposed offshore, a proposed SAP prepared according to the Ocean Disposal Manual.

³Or mail copy separately if applying electronically

Is any portion of the work already complete? ☐ YES ☒ NO

If yes, describe the work:

Box 7 Authority:

Is Section 10 of the Rivers and Harbors Act applicable?: ☐ YES ☒ NO

Is Section 404 of the Clean Water Act applicable?: ☒ YES ☐ NO

Is the project located on U.S. Army Corps of Engineers property or easement?: ☐ YES ☒ NO

If yes, has Section 408 process been initiated?: ☐ YES ☐ NO

Would the project affect a U.S. Army Corps of Engineers structure?: ☐ YES ☒ NO

If yes, has Section 408 process been initiated?: ☐ YES ☐ NO

Is the project located on other Federal Lands (USFS, BLM, etc.)?: ☐ YES ☒ NO

Is the project located on Tribal Lands?: ☐ YES ☒ NO

Box 8 Is the discharge of fill or dredged material for which Section 10/404 authorization is sought part of a larger plan of development?: ☐ YES ☒ NO

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates):

Location of larger development (if discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail of the entire project site should be included):

Box 9 Measures taken to avoid and minimize impacts to waters of the United States:

POLLUTION CONTROL AND RE-VEGETATION REQUIREMENTS IN CONTRACT DOCUMENTS

Box 10 Proposed Compensatory Mitigation related to fill/excavation and dredge activities. Indicate in **acres** and **linear feet** (where appropriate) the total quantity of Waters of the United States proposed to be created, restored, enhanced and/or preserved for purposes of providing compensatory mitigation. Indicate water body type (tidal wetland, non-tidal wetland, vernal pool, riparian wetland, ephemeral stream/river, intermittent stream/river, perennial stream/river, pond/lake, vegetated shallows, bay/harbor, lagoon, ocean, etc.) or non-jurisdictional (uplands¹). Indicate mitigation type (permittee-responsible on-site/off-site, mitigation bank, or in-lieu fee program). If the mitigation is purchase of credits from a mitigation bank, indicate the bank to be used, if known:

¹ For uplands, please indicate if designed as an upland buffer.

[illegible]

If no mitigation is proposed, provide detailed explanation of why no mitigation would be necessary:
(SEE ATTACHMENT)

If permittee-responsible mitigation is proposed, provide justification for not utilizing a Corps-approved mitigation bank or in-lieu fee program:

Has a draft/conceptual mitigation plan been prepared in accordance with the April 10, 2008, Final Mitigation Rule² and District Guidelines^{3,4,5}?

²<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/mitigationinfo.aspx>

³**Sacramento and San Francisco Districts**-http://www.spk.usace.army.mil/organizations/cespko/regulatory/pdf/Mitigation_Monitoring_Guidelines.pdf

⁴**Los Angeles District**-http://www.spl.usace.army.mil/regulatory/mmq_2004.pdf

⁵ **Albuquerque District-** <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits/Mitigation.aspx>.

☐ Yes. Attached (or mail copy separately if applying electronically) ☐ No

If no, a mitigation plan must be prepared and submitted, if applicable.

Mitigation site(s) Latitude & Longitude (D/M/S,
DD, or UTM with Zone):

USGS Quadrangle map name(s):

Assessor Parcel Number(s):

Section(s), Township(s), Range(s):

Other location descriptions, if known:

Directions to the mitigation location(s):

Box 11 Threatened or Endangered Species and Essential Fish Habitat

Please list any federally-listed (or proposed) threatened or endangered species or critical habitat (or proposed critical habitat) within the project area (include scientific names (e.g., Genus species), if known):

a. NONE

b.

c.

d.

e.

f.

Have surveys, using U.S. Fish and Wildlife Service/NOAA Fisheries protocols, been conducted?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☒ No

Has a biological assessment or evaluation been completed for the proposed project?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☒ Not attached

Has Section 7 consultation been initiated by another federal agency?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☒ No

Has Section 10 consultation been initiated for the proposed project?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☒ No

Has the USFWS/NOAA Fisheries issued a Biological Opinion?

☐ Yes, Attached (or mail copy separately if applying electronically) ☒ No

If yes, list date Opinion was issued (mm/dd/yyyy):

Is the project located within Essential Fish Habitat¹ (EFH)? ☐ Yes ☒ No

¹http://swr.nmfs.noaa.gov/hcd/HCD_webContent/EFH/index_EFH.htm

Box 12 Historic Properties and Cultural Resources:

Are any cultural resources of any type known to exist on-site? ☐ Yes ☒ No

Please list any known historic properties listed, or eligible for listing, on the National Register of Historic Places:

a.

b.

c.

d.

e.

f.

Has a cultural resource records search been conducted?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☒ No

Has a cultural resource pedestrian survey been conducted for the site?

☐ Yes, Report attached (or mail copy separately if applying electronically) ☒ No

Has another federal agency been designated the lead federal agency for Section 106 consultation?

☐ Yes, Designation letter/email attached (or mail copy separately if applying electronically) ☒ No

Has Section 106 consultation been initiated by another federal agency?

☐ Yes, Initiation letter attached (or mail copy separately if applying electronically) ☒ No

Has a Section 106 MOA or PA been signed by another federal agency and the SHPO?

☐ Yes, Attached (or mail copy separately if applying electronically)

☒ No

If yes, list date MOA or PA was signed (mm/dd/yyyy):

Box 13 Section 401 Water Quality Certification (New Mexico):

I have read and will comply with applicable conditions of state or tribal water quality certifications.
(<ftp://ftp.nmenv.state.nm.us/www/swq/WPS/401-404/NWPCertificationNotice04-13-2012.pdf>)

☒ Yes (If yes, list which conditions apply to your project): (SEE ATTACHMENT)

I am applying for Tribal Certification ☐ Yes

* In New Mexico, notification is required to the NM Environment Department prior to conducting activities in intermittent and perennial waters and special aquatic sites.

Box 13 Section 401 Water Quality Certification (Texas):

I have read and will comply with the nationwide best management practices for water quality certifications. (<http://www.swg.usace.army.mil/reg/>)

☐ Yes (If yes, list which best management practices apply to your project):

Box 14 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

Agency	Type of Approval ⁴	Identification Number	Date Applied	Date Approved	Date Denied

⁴ Would include but is not restricted to zoning, building, and flood plain permits

Box 15 Nationwide Permit Regional Conditions:

I have read the Nationwide Permit **Regional Conditions** for the state in which work is being completed.

☒ Yes (If yes, list which conditions apply to your project): (SEE ATTACHMENT)

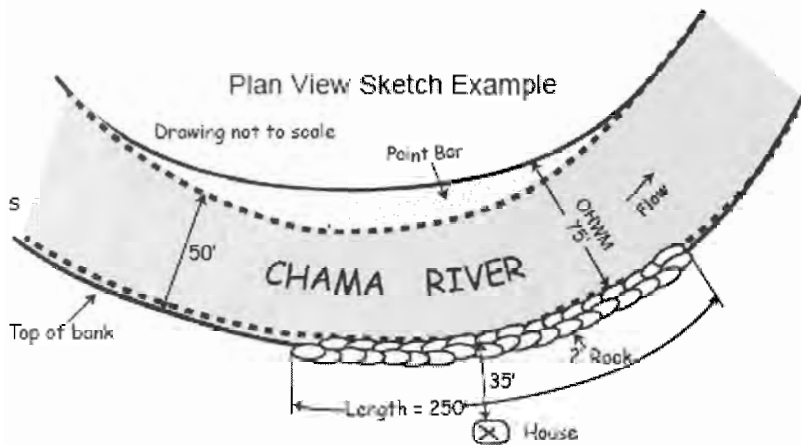
☐ No (If no, please visit (<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>))

Nationwide Permit General Conditions (GC) checklist:

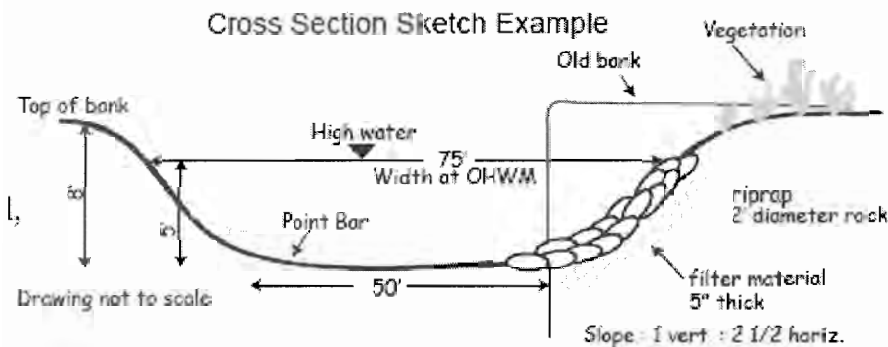
(<http://www.gpo.gov/fdsys/pkg/FR-2012-02-21/pdf/2012-3687.pdf>)

Check	General Condition	Rationale for compliance with General Condition
<input type="checkbox"/>	1. Navigation	
<input checked="" type="checkbox"/>	2. Aquatic Life Movements	WILL BE DESIGNED AND CONSTRUCTED TO SUSTAIN MOVEMENT OF AQUATIC SPECIES
<input type="checkbox"/>	3. Spawning Areas	
<input type="checkbox"/>	4. Migratory Bird Breeding Areas	
<input type="checkbox"/>	5. Shellfish Beds	
<input checked="" type="checkbox"/>	6. Suitable Material	MATERIAL USED FOR CONSTRUCTION WILL BE FREE FROM TOXIC POLLUTANTS IN TOXIC AMOUNTS
<input type="checkbox"/>	7. Water Supply Intakes	
<input type="checkbox"/>	8. Adverse Effects from Impoundments	
<input type="checkbox"/>	9. Management of Water Flows	
<input checked="" type="checkbox"/>	10. Fills Within 100-Year Floodplains	PROPOSED FILL DOES NOT INCREASE EXISTING CHANNEL ELEVATION
<input type="checkbox"/>	11. Equipment	
<input checked="" type="checkbox"/>	12. Soil Erosion and Sediment Controls	APPROPRIATE SOIL EROSION AND SEDIMENT CONTROLS WILL BE USED DURING CONSTRUCTION
<input type="checkbox"/>	13. Removal of Temporary Fills	
<input type="checkbox"/>	14. Proper Maintenance	
<input type="checkbox"/>	15. Single and Complete Project	
<input type="checkbox"/>	16. Wild and Scenic Rivers	
<input type="checkbox"/>	17. Tribal Rights	
<input type="checkbox"/>	18. Endangered Species	See Box 11 above.
<input type="checkbox"/>	19. Migratory Bird and Bald and Golden Eagle Permits	
<input type="checkbox"/>	20. Historic Properties	See Box 12 above.
<input type="checkbox"/>	21. Discovery of Previously Unknown Remains and Artifacts	
<input type="checkbox"/>	22. Designated Critical Resource Waters	
<input type="checkbox"/>	23. Mitigation	See Box 10 above.
<input type="checkbox"/>	24. Safety of Impoundment Structures	
<input type="checkbox"/>	25. Water Quality	See Box 13 above.
<input type="checkbox"/>	26. Coastal Zone Management	See Box 14 above.
<input type="checkbox"/>	27. Regional and Case-by-Case Conditions	
<input type="checkbox"/>	28. Use of Multiple Nationwide Permits	
<input type="checkbox"/>	29. Transfer of Nationwide Permit Verifications	
<input type="checkbox"/>	30. Compliance Certification	
<input checked="" type="checkbox"/>	31. Pre-Construction Notification	SUBMITTED IN ACCORDANCE WITH REQUEST MADE BY W. M. OBERLE ON 12/04/2013

Map and Figures Examples:



Plan View Sketch "Bird's-eye view"; include all features, distances, length and width dimensions of features and waterbody/wetland, Ordinary High Water Mark (OHWM), wetland boundary, North arrow



Cross Section Sketch "Cut away view"; include heights, widths of structures, channel, wetland, bank slopes, OHWM, wetland boundary, etc.

ATTACHMENTS TO
NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN) FORM

RIO QUEMADO WATERSHED PROJECT

Action No. SPA-2013-00536-ABQ

SANTA FE COUNTY, NM

The rehabilitation of three existing Acequia diversion structures (Acequia de Las Cuevas and the Acequia Manuel Vigil on the Santa Cruz River and the Acequia de Sra. Eпитacio Deaguero on the Rio Quemado) and construction of an on-grade crossing of the Rio Quemado is part of the Rio Quemado Watershed Project. The Rio Quemado Watershed Project is a study of the Santa Cruz River between the mouth of the Rio Quemado and Santa Cruz Dam, as well as the Rio Quemado for approximately 2,800 feet above its confluence with the Santa Cruz River. This Project is being undertaken by William J. Miller Engineers, Inc. under a Professional Services Agreement with Santa Fe County, dated April 29, 2013.

Authorization for minimal impact (25 lf / 0.03 ac intermittent stream channel) to construct an on-grade crossing on the Rio Quemado is requested under Nationwide Permit No. 14 – Linear Transportation Crossings. The remaining project work associated with the rehabilitation of three existing Acequia diversion structures is included only for information. The three Acequia diversions do not require permit authorization per our meeting with W. M. Oberle on December 4, 2013.

The following responses are submitted supplement the required responses contained in the attached PCN Form:

Box 1: Relation of Applicant to Property - Applicant is owner of property on which proposed on-grade crossing and Eпитacio Deaguero diversion structure is to be constructed and is the sponsor of the rehabilitation of the diversion structures serving the Acequia Las Cuevas and the Acequia Manuel Vigil.

Box 3: Name of Property Owners:

- a. Acequia de Sra. Eпитacio Deaguero diversion structure: Santa Fe County;
- b. Rio Quemado on-grade stream crossing: Santa Fe County;
- c. Acequia Las Cuevas diversion structure: John Florez;
- d. Acequia Manuel Vigil diversion structure: Judith Moore.

Box 5: Project locations:

Structure	Latitude	Longitude	Stream	NWP #
Acequia Eпитacio Deaguero	35.9916°	105.9312°	Rio Quemado	Exempt
Stream crossing	35.9914°	105.9322°	Rio Quemado	14
Acequia Las Cuevas	35.9846°	105.9259°	Santa Cruz River	Exempt
Acequia Manuel Vigil	35.9850°	105.9265°	Santa Cruz River	Exempt

The Acequia de Las Cuevas and the Acequia Manuel Vigil diversion structures divert water from the Santa Cruz River at points located about 2,800 feet and 3,000 feet, respectively, downstream of Santa Cruz Dam. The two Acequia Diversion structures are located in the NW ¼ NW ¼, Section 7, T 20 N, R 10 E, NMPM. The Acequia de Sra. Epitacio Deaguero diverts water from the Rio Quemado at a point about 500 feet upstream of the confluence with the Santa Cruz River in the NE ¼ SE ¼, Section 1, T 20 N, R 9 E, NMPM. The proposed on-grade crossing of the Rio Quemado is located about 120 feet upstream of the Rio Quemado's confluence with the Santa Cruz River in the NE ¼ SE ¼, Section 1, T 20 N, R 9 E, NMPM. The Acequia Las Cuevas and Acequia Manuel Vigil diversion structures are located adjacent to and accessible via the Santa Cruz Dam Road. The access to the Acequia Epitacio Deaguero diversion structure and the Rio Quemado on-grade crossing is restricted by a locked gate.

Box 6:

Reasons for discharge into waters of the United States

The rehabilitation of Acequia diversion structures requires placement of fill material below high water line in order to function properly. Placement of fill material into Rio Quemado for on-grade crossing is required to ensure stability of stream bank and stream bed.

Proposed discharge of dredge and fill material

Structure	Water Body Type	Permanent Fill		Total Volume of Fill (yd ³)	Material
		Area (acres)	Length (ft.)		
Acequia Epitacio Deaguero	Intermittent	.30	250	590	Boulders
Stream crossing	Intermittent	.03	25	65	Boulders/ Riprap
Las Cuevas	Intermittent	.03	30	90	Boulders
Manuel Vigil	Intermittent	.01	10	25	Boulders

Describe direct and indirect effects caused by the activity:

Activity may result in temporary, minor increase in turbidity. Otherwise, the activity will not result in more than minimal adverse environmental effects and will not be contrary to the public interest.

Box 10 Proposed Compensatory Mitigation

No compensatory mitigation is proposed for the proposed rehabilitation to three acequia diversion structures and proposed on-grade crossing of the Rio Quemado. The proposed improvements are all designed to maintain normal downstream flows, enhance stability of the

channel bed and banks, and restore native vegetation to disturbed areas. Impacted areas are very small and work is to be performed in a dry stream channel (water to be by-passed around construction activities or stream will be de-watered by upstream irrigation diversion). The construction contract requires implementation of erosion and sediment control plan at construction site.

Box 13 Section 401 Water Quality Certification (New Mexico):

The following conditions apply to this project: 1-8, 11, 14-16.

Box 15 Nationwide Permit Regional Conditions:

The following regional conditions apply to this project:

- a. Dredge and Fill Activities in Intermittent and Perennial Streams, Special Aquatic Sites, and Outstanding National Resource Waters (ONRWs).
- j. Nationwide Permit No. 14- Linear Transportation Crossings. No culverts are proposed for this project.

Nationwide Permit General Condition 10. Fills within 100-Year Floodplain.

The proposed on-grade crossing on the Rio Quemado is located within the County-mapped FEMA floodplain for the Santa Cruz River. The proposed construction activity will not increase the floodplain because the proposed cross-section and grade of the on-grade crossing will match the existing channel cross-section and grade.