

8. *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signed: Scott Sensanbaugh Date: 10-6-08

Printed Name: Scott Sensanbaugh

Permit Eligibility

The following supports the City of Rio Rancho's eligibility for Phase II permit coverage.

Permit Section 1.2.3 – Providing for Public Participation and Access to Documents

Public notification of proposed Notice of Intent (NOI) and Storm Water Management Plan (SWMP) was available via the City of Rio Rancho's website on January 1 through February 29, 2008 (see figure 3). A copy of the entire document was available in the Department of Public Work's Office. Public notification was also provided in October 2007 at a city council meeting which approved the Rio Rancho National Pollution Elimination System (NPDES) Notice of Intent under the EPA Phase II General Permit (see figure 4).

Permit Section 1.4.6 – Discharges Inconsistent with a Total Maximum Daily Loads (TMDL)

Rio Rancho's reach of the Middle Rio Grande is identified in New Mexico's 2008-2010 303(d) list of impaired waters. A Total Maximum Daily Load has been established for this reach of the river and has identified fecal coliform as the only pollutant exceeding the New Mexico's water quality standard. Waste load allocations have not been assigned to any of the City Rio Rancho's Municipal Separate Storm Sewer System (MS4) outfalls.

Permit Section 1.5 – Endangered Species Act (ESA) Eligibility Provisions

The U.S. Fish and Wildlife Service's list of federal endangered and threatened species of concern for Sandoval County, NM include five species. They include the following:

- Bald Eagle
- Black-footed Ferret
- Mexican Spotted Owl
- Rio Grande Silvery Minnow
- Southwestern Willow Flycatcher

A Biological Evaluation of the Maintenance of Existing and Future Storm Water Conveyances in the Middle Rio Grande (Appendix A) has been conducted and has determined that the City's MS4 outfalls are not likely to adversely affect the endangered wildlife of that habitat. Based on this evaluation, the City of Rio Rancho meets the Endangered Species Act (ESA) Eligibility Provisions of the MS4 permit under **Criterion A**: "No endangered or threatened species or critical habitats occur in proximity to the MS4 of the points where authorized discharges reach the water of the United States."

Permit Section 1.6 – National Historic Preservation Act (NHPA) Eligibility Provisions

The City of Rio Rancho has no historic property listed or eligible for listing on the National Register of Historic Places (NRHP). Based on the information provided by NRHP, the City of Rio Rancho meets the National Historic Preservation Act (NHPA) Eligibility Provisions of the MS4 permit under **Criterion A**: "Storm water discharge, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listed on the National Register of Historic Places as maintained by the Secretary of the Interior."