

**US Army Corps  
of Engineers®**  
Albuquerque District

**FINAL ENVIRONMENTAL ASSESSMENT**

**CITY OF BELEN**  
**CAMINO DEL LLANO ROAD AND DRAINAGE**  
**IMPROVEMENT PROJECT**  
**VALENCIA COUNTY, NEW MEXICO**

*Prepared on behalf of*

**THE CITY OF BELEN**  
100 South Main Street  
Belen, New Mexico 87002

*Prepared for the*

**U.S. ARMY CORPS OF ENGINEERS**  
**ALBUQUERQUE DISTRICT**  
4101 Jefferson Plaza NE  
Albuquerque, New Mexico 87109

September 2009

**Finding of No Significant Impact**  
**Section 593 Water Resources Development Act**  
**Camino del Llano Road and Drainage Improvement Project**  
**City of Belen, Valencia County, New Mexico**

The U.S. Army Corps of Engineers, Albuquerque District (Corps), in cooperation with and at the request of the City of Belen, New Mexico, is planning to improve stormwater drainage and reduce the potential for severe erosion within the Camino del Llano Road project area, which is located in Valencia County, within Belen City limits. The proposed project would include improvements such as new curb, gutters, sidewalk, bar ditches, one reconstructed retention pond, and two 5-foot culverts under the road to facilitate stormwater drainage. The construction work would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq*), as amended. The Act authorizes the Corps to provide assistance for design and construction for water-related environmental infrastructure and resource protection and development projects in central New Mexico. The City of Belen is the local sponsor for the proposed project and would be responsible for 25% of the total project cost. The total estimated construction cost for this proposed project is \$6.0 million. The non-Federal cost share is approximately \$4.4 million. The Federal cost share is approximately \$1.6 million. The proposed project start date would be Fall 2009 and construction activities would last approximately one year.

The Camino del Llano Road provides access up the mesa on the western edge of the City of Belen. This area is characterized by “Badlands” and other highly erosive formations. Moderate to high levels of disturbance along the road right-of-way and immediately adjacent properties, combined with an increase in elevation as the road travels up the mesa through Badland formations have created erosion problems. In some areas, gully and sheet wash from stormwater action has deposited sediment on the paved road, cut deep drainages through the topography, reduced vegetation cover, and eroded breaks in two retention pond check dams. Control structures are needed to improve stormwater drainage within the Camino del Llano right-of-way.

The proposed action would start approximately 600 feet east of I-25, near Christopher Road, and would include approximately 7,200 feet of roadway to the west. The proposed work would include new curb, gutters, and sidewalk in the eastern end of the segment. The western half would include bar ditches, one reconstructed retention pond, and two 5-foot culverts under the road to facilitate stormwater drainage. One proposed culvert would direct roadside drainage under the road and into the arroyo and the second would direct runoff into Pond 4. Reconstruction of the retention ponds would include constructing berms to divert stormwater away from existing Pond 3 and increasing the size of Pond 4 to handle the extra water. All of the proposed improvements are located on land or rights-of-way owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation.

During the planning phase of the proposed project, an old landfill was discovered within the project limits. Once the old land fill was discovered, the project was modified so that there would be no excavation in the area. The proposed project is planned to divert stormwater that flows through this area with two new berms to Retention Pond 4 and the storm drain system in the roadway. The existing retention pond would also be filled in with clean fill. This action would improve the water quality by deflecting it away from the landfill. The proposed project would have no significant effect on the landfill.

An alternative was identified for road and drainage improvements to this segment of Camino del Llano. Initially, repaving the existing road alignment was considered. During preliminary investigations for this alternative it was determined that line of sight constraints were restrictive for traffic on the road and would not comply with accepted standards for road design and safety, particularly near the steeper portions of the existing grade going up to the mesa. Therefore, no further consideration was given to this alternative.

Under the No-Action Alternative, there would not be any construction or modification to stormwater control structures on Camino del Llano. No federal funding would be expended and there would be no new effects to the project site or surrounding environment. Drainage in proposed construction areas would not improve and flooding and erosion during storm events would continue within the road right-of-way and on adjacent properties. This alternative was not selected because it does not meet the purpose and need of the project.

The proposed project would require National Pollutant Discharge Elimination System (NPDES) permitting under Section 402 of the Clean Water Act (CWA) (CWA; 33 U.S.C. 1251 et seq.) since the total amount of disturbed area is greater than one acre. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) would be required and prepared for this project.

Section 404 of the CWA, (CWA; 33 U.S.C. 1251 et seq.) as amended, provides for the protection of Jurisdictional Waters of the United States through regulation of the discharge of dredged or fill material. There are some areas within the proposed project area that may be within the Corps' jurisdiction. These areas include one of the stormwater retention facilities (Retention Pond 4), which would be rebuilt, and any work required for the proposed culvert and road improvements that may impact the ephemeral arroyo. As designed, the proposed culvert would not impact the arroyo that is south of Camino del Llano. The City of Belen submitted the application for this Nationwide Permit to the Corps' Regulatory Division. The construction of road and drainage improvements in these waters is authorized under Nationwide Permit Number 43 for Stormwater Management Facilities. All regulations under that permit would be adhered to during construction.

The proposed road and drainage improvements would occur outside the floodplain and would not significantly alter any natural feature or use of the area. Therefore, the planned action is consistent with Executive Order 11988 (Floodplain

Management). The proposed work complies with Executive Order 11990 (Protection of Wetlands) as no wetlands are within the project area.

On April 16 and 19, 2008, an intensive (100-percent), Class III cultural resources inventory of the project area was conducted. No prehistoric archaeological sites were identified in the project area. An abandoned segment of the old Camino del Llano roadway and six isolated occurrences (IOs) of artifacts were identified and documented. These findings were submitted to the New Mexico State Historic Preservation Office (SHPO) on 5, November, 2008, in a survey report, along with the Corps' determination of no adverse effect to historic properties due to the current undertaking. The Corps received SHPO's concurrence with this determination on 2 December 2008. After SHPO concurrence was received, the project was changed to include the construction of three earthen berms to control water flow. The planned locations for these berms extend outside of the original area of potential effects and were not included in the original cultural resources survey. On 17 June 2009, a Corps archaeologist conducted a field reconnaissance of the area and determined that the entire area on which the proposed berms would be constructed is a completely disturbed landfill bounded by steep eroding hill slopes, and that there is therefore no potential for this additional portion of the project to affect historic properties. The berms would be constructed out of sediment from the reconstruction of Pond 4.

Based on the results of the survey and subsequent field visit, and subject to consultation and comment, the proposed undertaking will have no adverse effect to any cultural resources listed, or eligible for listing, on the National Register of Historic Places. Consultation with appropriate Native American governments was conducted by the Corps. To date, both the Pueblo of Laguna and the Hopi Tribe have sent letters indicating that they have no concerns regarding the project, and the White Mountain Apache Tribe informed the Corps via telephone on 13 November 2008 that they have no concerns. The Corps has received no further indication of any concern by other Native American governments or tribes.

The following Best Management Practices will be utilized during the construction of the proposed project:

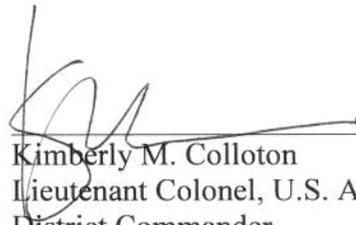
- A Fugitive Dust Control Permit will be obtained by the contractor from the City of Belen.
- Exposed and disturbed soil surfaces will be watered at a frequency sufficient to avoid dust.
- Earthmoving and other dust-producing activities will be suspended during periods of high winds when dust control efforts are unable to prevent fugitive dust.
- Stockpiles of debris, soil, sand, or other materials will be watered or covered.

- Materials transported on- or off-site by truck will be covered.
- Use of silt fences in areas that will be disturbed to reduce erosion.

Only short-term negligible adverse impacts to aesthetics, soils, air, noise, climate vegetation, and wildlife, would occur during construction. No impacts would occur to land use (long-term), air (long-term), wetlands or other waters of the U.S., special status species, floodplains, socioeconomics, environmental justice or cultural resources. Beneficial impacts to soils and water quality are anticipated from the proposed project. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects.

The planned action has been fully coordinated with federal, state, tribal, and local agencies with jurisdiction over the biological, ecological, cultural, and hydrological resources of the project area. Based upon these factors and others discussed in detail in the Environmental Assessment, the planned action would not have a significant effect on the human environment. Therefore, an Environment Impact Statement will not be prepared for the proposed Camino del Llano Road and Drainage Improvement Project.

Oct 7, 2009  
Date

  
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Kimberly M. Colloton  
Lieutenant Colonel, U.S. Army  
District Commander

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## **1.0 INTRODUCTION**

### **1.1 BACKGROUND AND LOCATION**

The United States Army Corps of Engineers (USACE), Albuquerque District, in cooperation with and at the request of the City of Belen, New Mexico, is planning a project that would improve stormwater drainage and reduce the potential for severe erosion within the Camino Del Llano road project area, which is located in Valencia County, within Belen City limits.

The road and drainage improvements would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 et seq.), as amended. The Act authorizes the USACE to provide assistance in the form of design and construction for water-related environmental infrastructure, resource protection, and development projects in central New Mexico, which is defined within the Act as the counties of Bernalillo, Sandoval, and Valencia. Types of projects included under the Act are: wastewater treatment and related facilities, stormwater retention and remediation, environmental restoration, and surface water resource protection and development.

Provisions under the Act require that the project be publicly owned to receive Federal assistance. As such, the non-Federal project sponsor for the proposed project is the City of Belen, New Mexico. The Act further requires that a cooperative agreement be established between the Federal and non-Federal interests. In general, the Federal share of project costs under each cooperative agreement is 75 percent of the total project costs (USACE 2008).

The Camino Del Llano project site is located in Valencia County, within the western edge of the City of Belen (see Figure 1). The proposed project area is located approximately 30 miles south of Albuquerque, New Mexico (NM) on Interstate 25 (I-25). The City is bordered on the east by the Rio Grande and a gradually sloping plateau leading to the Manzano Mountains. On the west, Belen is bordered by a mesa and uplands, which form the divide between the Rio Grande and Rio Puerco Valleys. The duration of the proposed construction would be one year and is expected to start in Fall 2009.

### **1.2 PURPOSE AND NEED**

The Camino Del Llano road provides access up the mesa on the western edge of the City of Belen. This area is characterized by “Badlands” and other highly erosive formations. Moderate to high levels of disturbance along the road right-of-way and immediately adjacent properties, combined with an increase in elevation as the road travels up the mesa through Badland formations have created erosional problems. In some areas, gully and sheet wash from stormwater action has deposited sediment on the paved road, cut deep drainages through the topography (see Figure 2), reduced vegetative cover, and eroded breaks in two retention pond check dams. Control structures are needed to improve stormwater drainage within the Camino Del Llano right-of-way.

**Camino del Llano Road Improvement Project  
Valencia County New Mexico**



Figure 1: Location of Proposed Project Area for the Camino del Llano Road Improvements, Belen, Valencia County, New Mexico



**Figure 2. Severe Erosion at Camino Del Llano Road, facing west.**

### **1.3 REGULATORY COMPLIANCE**

This Final Environmental Assessment (EA) was prepared on behalf of the City of Belen for the USACE, Albuquerque District, in compliance with all applicable Federal Statutes, Regulations, and Executive Orders, including the following:

- Archaeological Resources Protection Act of 1979 (16 U.S.C. 470)
- Clean Water Act of 1972 and Amendments of 1977(CWA)
- Clean Air Act of 1972, as amended (42 U.S.C. 7401 et seq.)
- Endangered Species Act of 1973, (ESA) as amended (16 U.S.C. 1531 et seq.)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 1994
- Farmland Protection Policy Act of 1981, as amended (7 U.S.C. 4201 et seq.)
- Fish and Wildlife Coordination Act of 1980 (16 U.S.C 661 et seq.)
- Floodplain Management (Executive Order 11988)
- Migratory Bird Conservation Act (16 U.S.C. 715 et seq.)
- National Environmental Policy Act of 1969, as amended (42 U.S.C 4321 et seq.)
- National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.)
- Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 et seq.)
- Noxious Weed Act of 1974 (PL93-269; 7 U.S.C. 2801)
- Protection and Enhancement of the Cultural Environment (Executive Order 11593)
- Protection of Wetlands (Executive Order 11990)
- Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500 et seq.)
- Safe Water Drinking Act of 1974
- U.S. Army Corps of Engineers' Procedures for Implementing NEPA (33 CFR 230) ER 200-2-2

This Final EA also reflects compliance with all applicable State of New Mexico and local regulations, statutes, policies, and standards for conserving the environment such as water and air quality, endangered plants and wildlife, and cultural resources.

### **1.4 SCOPING AND ISSUES**

Scoping for this EA is based on potential issues at the proposed project site. They include best management practices, water quality, vegetation and wildlife. Appendix A contains a copy of the scoping letter, dated June 10, 2008, the agency distribution list, and response letters.

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

All agencies that assist or take part in projects that utilize federal funding are mandated by the National Environmental Policy Act (NEPA) to evaluate alternative courses of action. Typically, alternatives are a set of different locations that satisfy certain defined project criteria. However, alternatives can also include design considerations and/or attributes that may mitigate or reduce impacts generated by a given action. In general, the NEPA process provides decision makers with an evaluation of the present and

future conditions with regard to the implementation and timing of an alternative at a given site. Finally, a particular design chosen from alternatives evaluated can then be implemented in the best interest of the public and environment.

## **2.1 PROPOSED ACTION**

The purpose of this project is to improve stormwater drainage and upgrade existing infrastructure for a segment of the Camino del Llano road in the City of Belen, Valencia County, New Mexico (See Figure 1). The project would start approximately 600 feet east of I-25, near Christopher Road, and would include approximately 7,200 feet of roadway to the west. The proposed work would include new curb, gutters, and sidewalk in the eastern end of the segment. The western half would include bar ditches, one reconstructed retention pond, and two 5-foot culverts under the road to facilitate stormwater drainage (See Figure 3). One proposed culvert would direct roadside drainage under the road and into the arroyo and the second would direct runoff into Pond 4. Reconstruction of the retention ponds would include constructing berms to divert stormwater away from existing Pond 3 and increasing the size of Pond 4 to handle the extra water. All of the proposed improvements are located on land or right-of-ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation (NMDOT).

Elevation decreases along the road from west to east. Previous disturbances within and adjacent to the right-of-way combined with soil movement from stormwater events have created several erosion concerns at the site that need to be addressed. An existing retention pond on the north side of Camino del Llano at the top of the mesa was breached, allowing stormwater to flow overland and onto the road. Two other retention ponds (Ponds 3 and 4, Figure 1) have degraded over time. An existing, natural arroyo channel is located adjacent to the south side of the road. This project involves constructing a culvert under the road to direct stormwater from the breached retention pond at the mesa top on the north side of the road into the arroyo channel. Bar ditches would direct stormwater on the north side of the road from the mesa down to two berms, which would deflect the water into the second new culvert. This new culvert would divert stormwater from the old Retention Pond 3, under the road and into Retention Pond 4. Retention Pond 4 would be extended 180 feet by 160 feet to accommodate for closing Retention Pond 3. The duration of the proposed construction would be one year and is expected to start in the spring of 2009.

Traffic on Camino del Llano would require re-direction during construction work on either side of the road. However, the road would be open to residents and businesses. All changes made to traffic in the project area would require approval of a traffic control plan from the City of Belen and the NMDOT. The total estimated construction cost for this proposed project is \$6.0 million. The non-Federal cost share is approximately \$4.4 million. The Federal cost share is approximately \$1.6 million.

The proposed work would utilize appropriate Best Management Practices (BMPs) to reduce and eliminate construction related erosion and prevent the accidental release of pollutants. Construction access would be from existing paved roads within the project area. All staging areas, including the stockpiling of construction materials and equipment not in operation, would be located above the 100-year floodplain.

Fuel, oil, hydraulic fluids and other similar substances would be appropriately stored out of the floodplain and must have a secondary containment system to prevent spills if the primary storage container leaks. Appropriate erosion control measures would be utilized to prevent surface water drainage and erosion material from leaving the construction areas. Water dispersal equipment would be used to minimize dust during construction activities. BMPs would be implemented regarding the treatment and disposal of waste material. Proper disposal of all waste material at commercial disposal areas or landfills would occur. Activities would be limited to the designated or otherwise approved areas and would be shown on the construction drawings for construction areas, staging access, and borrow use. USACE approval of these



areas would be required regardless of their ownership or distance to the construction sites to ensure protection of vegetation, water quality, threatened and endangered species, cultural resources, and other significant resources. The USACE Contracting Officer will coordinate with the USACE Environmental Resources Section to approve any changes in access routes, noncommercial borrow sites, staging areas, and other high-use areas.

The contract specifications for construction of this proposed project would require avoiding damage, where practicable, to vegetation. Disturbed areas would be evaluated for reseeding with native, indigenous plants, insofar as contract activities result in noticeable damage to existing plants and vegetative ground cover. The construction contractor would be required to submit an Environmental Protection Plan acknowledging and incorporating these protections.

## **2.2 ALTERNATIVES CONSIDERED**

One other alternative was identified for road and drainage improvements to this segment of Camino del Llano. Initially, simply repaving the existing road alignment was considered. During preliminary investigations for this alternative it was determined that line of sight constraints were restrictive for traffic on the road and would not comply with accepted standards for road design and safety, particularly near the steeper portions of the existing grade going up to the mesa. Therefore, no further consideration was given to this alternative.

## **2.3 THE NO-ACTION ALTERNATIVE**

Under the No-Action Alternative, there would not be any construction or modification to stormwater control structures on Camino del Llano. No federal funding would be expended and there would be no new effects to the project site or surrounding environment. Drainage in proposed construction areas would not improve and flooding and erosion during storm events would continue within the road right-of-way and on adjacent properties. This alternative was not selected because it does not meet the purpose and need of the project.

## **3.0 EXISTING ENVIRONMENT AND FORESEEABLE EFFECTS**

### **3.1 PHYSICAL RESOURCES**

#### **3.1.1 Physiography, Geology, and Soils**

The proposed project is located in the western edge of the City of Belen and is approximately 30 miles south of Albuquerque, NM on I-25. The City is bordered on the east by the Rio Grande and a gradually sloping plateau leading to the Manzano Mountains. On the west, Belen is bordered by a mesa and uplands, which form the divide between the Rio Grande and Rio Puerco Valleys.

The Manzano Mountains are a tilted block of Precambrian rock wearing a cap of east-dipping Pennsylvanian limestone. The Manzano Peak at the south end of the range is dark with Precambrian metamorphic rocks. The Rio Grande Rift is filled in with thousands of feet of alluvial fan, lake, and playa deposits that predate the through drainage of the Rio Grande, and with sediments brought in by the river after through drainage was established. The river valley here, 30 miles wide, is part of the Albuquerque-Belen Basin, by far the largest of the sediment-filled basins along the rift.

Between the bordering ranges and the river there are four terrace levels that represent alternating episodes of valley cutting and partial refilling. Most of the valley fill was deposited during Pliocene and Pleistocene time. Since then the river has carved an inner valley, where it flows through a floodplain

dotted with fields and orchards. The broad, sloping plain below the Manzano Mountains is broken about halfway up the slope by a fault scarp. Movement on the fault obviously postdates development of the sloping plain, and probably occurred only a few thousand years ago. Many faults that border this basin are still active. This area is New Mexico's most active seismic region; about 95 percent of the state's hundreds of small recorded earthquakes originate between Albuquerque and Socorro (Chronic 1987).

The major soil series that occur within the proposed planning area are described below. The information in this section was obtained from the soil survey for Valencia County (NRCS 2008).

#### Badland Series (BD)

The badland series consist of low-to-moderately well-drained soils with a slope range of 25 to 75 percent. This soil type is common to escarpments and side slopes. No wind or water erodibility ratings.

#### Bluepoint Series (BO)

The Bluepoint series consists of somewhat excessively drained soils forming in alluvial fans and stream terraces. Derived from mixed alluvium parent material, a typical profile includes 0 to 5 inches of loamy fine sand, and 5 to 60 inches of stratified fine sand to gravelly loamy sand. Slopes are 1 to 9 percent. Wind erodibility rating of 2, moderate to high susceptibility for wind erosion. The water erodibility (K Factor) rating is 0.17, resulting in moderate to low susceptibility for water erosion.

#### Caliza-Bluepoint complex (CE)

The Caliza-Bluepoint complex consists of well-drained soils forming on terraces and low hills. Parent material is gravelly sand, and slopes range from 1 to 25 percent. A typical profile includes 0 to 8 inches of very gravelly sandy loam, and 8 to 60 inches of stratified extremely gravelly sand to very gravelly loamy sand. Wind erodibility rating 6, moderate to low susceptibility for wind erosion. The water erodibility (K Factor) rating is 0.10 resulting in low susceptibility for water erosion.

#### Wink-Madurez association (WU)

The Wink-Madurez association consists of gently sloping, well drained soils forming on fan piedmonts and valley floor remnants derived from igneous, metamorphic, and sedimentary rock. Slopes range from 1 to 5 percent. A typical profile includes 0 to 9 inches of fine sandy loam, and 9 to 60 inches of sandy loam. Wind erodibility rating 3, moderate to high susceptibility for wind erosion. The water erodibility (K Factor) rating is 0.20, resulting in moderate to low susceptibility for water erosion.

The Proposed Action would have a beneficial effect on the soils in the project area. The drainage improvements planned with construction would slow the velocity of stormwater and would reduce the erosion of project area soils. Under the No-Action Alternative soils would continue to erode and large gullies would continue to form adjacent to the roadway.

### **3.1.2 Climate**

The climate in the vicinity of the proposed project area is categorized as semi-arid with hot, dry summers (an average maximum temperature of 95.2 degrees F in July) and mild winters (an average high of 50.7 degrees F in January). Most of the 12.4 inches of annual precipitation falls in the form of intense summer thunderstorms (WRCC 2008).

Climate change may lead to increases in very hot days and heat waves and increases in intense precipitation events (TRB 2008). In regards to transportation, the increase in temperature may limit the periods of construction activity due to health and safety concerns and in extreme conditions may affect pavement integrity and traffic related rutting. The increase in intense precipitation events may lead to increases in road washout, landslides, and mudslides that damage roadways (TRB 2008). This project is designed to improve storm water runoff. The addition of curb and gutters, replacement of clogged culverts, and repair of retention ponds all help to slow water runoff and prevent erosion. These changes will improve roadway conditions and would minimize the effect of the predicted increase in severe storm events.

If the proposed project would contribute to climate change, it would be by increasing greenhouse gas (CO<sub>2</sub>) emissions. Greenhouse gas (CO<sub>2</sub>) emissions for the proposed project would come from construction vehicle operation during the roadway improvements. The EPA provides an online tool titled 'Greenhouse Gas Equivalencies Calculator' which allows the user to enter data for various emission sources to estimate CO<sub>2</sub> produced (USEPA 2008). One passenger vehicle produces approximately 5.5 metric tons of CO<sub>2</sub> per year. New Mexico's annual estimated CO<sub>2</sub> production in 2004 was approximately 58.32 million metric tons. The additional annual CO<sub>2</sub> emissions produced from this alternative is small enough not to significantly add to the total annual CO<sub>2</sub> production for the state.

Road improvements associated with the proposed project would result in a negligible change to greenhouse gas (CO<sub>2</sub>) production in New Mexico.

### **3.1.3 Water Quality**

Section 402 of the Clean Water Act (CWA; 33 U.S.C. 1251 et seq.) as amended, regulates point-source discharges of pollutants into waters of the United States and specifies that storm-water discharges associated with construction activities shall be conducted under National Pollutant Discharge Elimination System (NPDES) guidance. Construction activities associated with storm-water discharges are often characterized by activities such as clearing, grading, and excavation, subjecting the underlying soils to erosion by stormwater. The NPDES general permit guidance would apply to this project because the total project area is approximately 25 acres. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) is required and will be prepared for this project.

Existing water quality is impacted by the severe erosion along the roadway as well as by litter and debris from Retention Pond 3. The reconstruction of Retention Pond 4 as well as diverting water away from Retention Pond 3 would improve water quality by reducing the amount of sediment and litter in storm water runoff.

Section 404 of the CWA, (CWA; 33 U.S.C. 1251 et seq.) as amended, provides for the protection of Jurisdictional Waters of the United States through regulation of the discharge of dredged or fill material. The USACE requires that a Section 404 evaluation be conducted for all proposed construction that will occur within their jurisdiction. There are some areas within the project site that may be within the USACE's jurisdiction. These areas include one of the storm water retention facilities (Retention Pond 4) which would be rebuilt, and any work required for the proposed culvert and road improvements that may impact the ephemeral arroyo (See Figure 2). As designed, the proposed culvert will not impact the arroyo that is south of Camino del Llano (See Figure 3). A preliminary jurisdictional determination for these waterways will be submitted to the USACE for their concurrence along with the Nationwide Permit application. The construction of road and drainage improvements in these waters is authorized under Nationwide Permit Number 43 for Stormwater Management Facilities. All regulations under that permit would be adhered to during construction.

Section 401 of the CWA, (CEA; 33 U.S.C. 1251 et seq.) as amended, requires that a Water Quality Certification Permit be obtained for anticipated discharges associated with construction activities or other disturbance within waterways. Under Nationwide Permit 43, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4 (c)).

### **3.1.4 Flood Plains and Wetlands**

Executive Order 11988 (Flood Plain Management) provides Federal guidance for activities within the flood plains of inland and coastal waters. The order requires Federal agencies to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains. The entire proposed project area is not located within any special flood hazard areas inundated by the 100-year flood. It is located in Zone C or X of the floodplain maps, which are both designated as areas that are outside the 100-year flood (Flood Insurance Rate Maps #350088 0003 C, 1985, and #3500860300 D, 2000) (FEMA 2008). There would be no alterations within the historical flood plain and no new impacts to the historical or current flood plains. The proposed project would help to improve stormwater drainage within the project area.

Executive Order 11990 (Protection of Wetlands) requires the avoidance, to the greatest extent possible, of both long and short-term impacts associated with the destruction, modification, or other disturbance of wetland habitats. Wetlands do not exist within or near the project area. Therefore, no impacts to wetlands would occur. The two existing retention ponds are not wetlands; however, due to their connection with the arroyo, they may be considered jurisdictional.

### **3.1.5 Air Quality, Noise, and Aesthetics**

The New Mexico Environment Department Air Quality Bureau currently classifies the air quality in the affected region in the City of Belen and in Valencia County for the proposed project as in attainment (does not exceed state or Environmental Protection Agency air quality standards) for all criteria pollutants (NMED AQB 2005). The closest Class I area is the Sevilleta National Wildlife Refuge, which is located approximately 20 miles to the south of the proposed project area. Class I areas are special areas of natural wonder and scenic beauty, such as national parks, national monuments, and wilderness areas, where air quality should be given special protection. Class I areas are subject to maximum limits on air quality degradation. Considering the distant and limited level of disturbance, air quality in Sevilleta National Wildlife Refuge would not be affected by proposed project construction activities. The No-Action alternative would also have no effect on air quality in Sevilleta National Wildlife Refuge.

Increased dust and locally elevated levels of particulate matter may be created during activities associated with the proposed project. Compliance specifications will be strictly administered for all equipment operations and dust-producing aspects of construction operations. The control of particulate matter emanating from various construction activities will be conducted in accordance with all applicable federal and state regulations. All vehicles at project construction sites will be required to have passed a current New Mexico emissions test and have required emission control equipment. To minimize exhaust emissions, contractors will be required to use emission-control devices and limit idling of construction equipment. According to 20.11.20 New Mexico Administrative Code (NMAC), Fugitive Dust Control, a permit application is required if three quarters of an acre or more is to be disturbed. To minimize dust impacts to air quality during construction, the construction contractor will ensure that the following practices are implemented: exposed and disturbed soil surfaces will be watered at a frequency sufficient to avoid airborne dust; earthmoving and other dust-producing activities will be suspended during periods of high winds when dust control efforts are unable to prevent fugitive dust; stockpiles of debris, soil, sand, or other materials will be watered or covered, and; materials transported on- or off-site by truck will be covered. Following these recommendations will ensure that air quality in the City of Belen and

Valencia County would not be affected by the proposed project. The No-Action alternative would have no effect on air quality in the region.

Background noise levels in the proposed project area are relatively moderate. According to the Noise Center for the League for the Hard of Hearing (LHH 2004), a typical, quiet residential area has a noise level of 40 decibels. A residential area near heavy traffic has a noise level of 85 decibels. The project area noise levels are similar to the typical heavy traffic condition. The Camino del Llano project segment is close enough to I-25 to experience heavy traffic noise levels of up to 85 decibels on the eastern end, and noise levels would most likely taper off to 40 decibels on the western end near the residential area at the top of the mesa.

Construction activities for the proposed project that would produce additional noise include the use of earthmoving equipment, trucks and construction equipment. Heavy machinery has an estimated noise level of up to 120 decibels. During construction, noise would temporarily increase in the project area vicinity from vehicle and equipment operation. The Noise Center advises that noise levels above 85 decibels will harm hearing over time and noise levels above 140 decibels can cause damage to hearing after just one exposure. However, the increase in noise during construction would be minor and temporary, ending when construction is complete. Noise impacts would be reduced by putting restrictions on the Contractors' schedule. In order to provide quiet time for residents, the Contractor's schedule would be limited from seven o'clock in the morning to five o'clock in the evening. The restriction on the Contractor's schedule would be a contracting requirement. Sound baffles and mufflers on construction equipment would be maintained and kept in proper working condition. The nearest residences to the project sites should be notified of periods of increased noise levels during installation. The proposed project would have no significant affect on noise. The No-Action alternative would not increase noise levels.

The project area is characterized by both urban and rural lifestyles. Aesthetically, the area consists of an existing road with residential sections, side streets, businesses, a highway, and utilities. The area receives minimal recreation use with the intent of viewing scenery. Most of the proposed construction takes place along previously developed and disturbed areas. The proposed project and the No-Action alternative would have no significant affect on existing aesthetic conditions.

## **3.2 BIOLOGICAL RESOURCES**

### **3.2.1 Vegetation Communities**

The Southwest Regional GAP Interactive Mapping Service indicates the presence of five land cover types in the project area, all of which are typical to Inter-Mountain Basins. The predominant type observed is the Active and Stabilized Dune, starting in the vicinity of I-25 and extending west for about half the length of the project area. This land cover type is characterized by unvegetated-to- moderately-vegetated dunes and sand sheets, both active and stabilized. This ecological system features shifting, coarse-textured substrates (often quartz sand) and patchy or open grasslands, shrublands, or steppes. Semi-Desert Shrub Steppe occurs in patches along the west half of the project area. This ecological system is typically dominated by graminoids with an open shrub layer and commonly occurs on alluvial fans and flats with moderate to deep soils. Mixed Salt Desert Scrub is present along the west half of the project area and is generally characterized by open-canopied shrubland, usually dominated by one or more species of *Atriplex*. This ecological system is typical of saline basins, alluvial slopes, and plains throughout the North American interior west. Semi Desert Grassland is present in the far western portion of the area and is characterized by drought-resistant bunch grasses and shrubs. Riparian Woodland and Shrubland is lightly represented in the project area and is typical to alluvial soils in riparian areas of small streams and

ivers. This information was gathered from the Southwest Regional Gap Analysis Project Landcover Description Database website (USGS 2004).

Plants observed during the field visit in 2008 both within and adjacent to the proposed project area include native species such as, Apache plume (*Fallugia paradoxa*), broom snakeweed (*Gutierrezia sarothrae*), sand sagebrush (*Artemisia filifolia*), purple threeawn (*Aristida purpurea*), globemallow (*Sphaeralcea* Sp.), Indian ricegrass (*Achnatherum hymenoides*), hairy blue aster (*Symphotrichum ascendens*), soapweed yucca (*Yucca glauca*), tansymustard (*Descurainia* Sp.), silverleaf nightshade (*Solanum elaeagnifolium*), yellow-spine thistle (*Cirsium ochrocentrum*), threadleaf groundsel (*Senecio flaccidus*), rubber rabbitbrush (*Ericameria nauseosa*), honey mesquite (*Prosopis glandulosa*), fourwing saltbush (*Atriplex canescens*), pricklypear (*Opuntia* sp.), flatspine stickseed (*Lappula occidentalis*), and prairie sunflower (*Helianthus annuus*). Introduced non-native species included Russian thistle (*Salsola tragus*), cocklebur (*Xanthium* sp.), cheatgrass (*Bromus tectorum*). The area around the two retention ponds consisted of bare ground and a variety of upland grass species. In addition, several locations of field bindweed (*Convolvulus arvensis*) and saltcedar (*Tamarix ramosissima*), NM Class C noxious weeds, were observed in the existing right-of-way. Class C weeds are not native to the ecosystem, yet they are widespread throughout the state. Long term programs of management and suppression are encouraged (NMDA 2008).

The proposed project would have a minimal affect on the vegetation in the area. The majority of plants observed within the existing right-of-way were those common to disturbed roadsides. It is anticipated that post construction reseeding with native grass and forbs will improve the plant diversity in the project area. The No-Action alternative would have no affect on vegetation.

### 3.2.2 Wildlife

Wildlife and/or recent signs of wildlife species observed during the field visit in 2008 both within and adjacent to the proposed project area included House Finch (*Carpodacus mexicanus*), House Sparrow (*Passer domesticus*), desert cottontail (*Sylvilagus audubonii*), white-winged dove (*Zenaida asiatica*), Black-chinned Hummingbird (*Archilochus alexandri*), fence lizard (*Sceloporus undulatus*), Scaled Quail (*Callipepla gambelii*), rock squirrel (*Spermophilus variegatus*), black-tailed prairie dog (*Cynomys ludovicianus*), Mourning Dove (*Zenaida macroura*), Rock Wren (*Salpinctes obsoletus*), black-tailed jackrabbit (*Lepus californicus*), Western Kingbird (*Tyrannus verticalis*), and American Goldfinch (*Carduelis tristis*).

Most of the proposed construction takes place along previously developed areas. Except for the dirt berms, Retention Pond 4 and the two new culvert pipes under the road, work activities would be limited to the existing rights-of-way, which already experience moderate levels of disturbance from road maintenance (routine mowing and grading). Therefore, wildlife displaced during installation would be minimal. Specific wildlife-related concerns for the project include a small (up to 5 individuals) black-tailed prairie dog colony within the proposed Retention Pond 4 rebuild site, and bird nests such as the active white-winged dove nest observed in a right-of-way landscape tree during the field survey on May 6, 2008 (See Figure 2). On 17 September 2008, Prairie Dog Pals conducted a survey of the area near the retention pond for prairie dogs. Seven burrows were located; however, representatives from the Prairie Dog Pals determined that they had been abandoned (Appendix A). The holes were filled-in to eliminate the risk of Burrowing Owls using the site for nesting. To reduce the risk of impacting nesting birds, a pre-construction survey would be conducted during the breeding season (April through August) by a qualified biologist. This measure would minimize or eliminate adverse impacts to breeding birds and other wildlife during construction.

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or their parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13 (USFWS 2005).

No significant adverse affects would occur to wildlife as a result of the proposed project. The No-Action alternative would have no affect on wildlife

### **3.2.3 Special Status Species**

Three agencies have primary responsibility for protecting and conserving threatened, endangered, candidate, sensitive, species of concern, and rare plant and wildlife species within the proposed project area. The USFWS, under authority of the Endangered Species Act of 1973 (16 U.S.Code 1531), as amended, has the responsibility for federally listed species. The New Mexico Department of Game and Fish (NMDGF) has the responsibility for state listed species and the New Mexico Department of Minerals, Natural Resources, Forestry Division through the New Mexico Rare Plant Technical Council (NMRPTC) has the responsibility for state-listed plant species. Each agency maintains a continually updated list of species that are classified, or are candidates for classification, as protected (special status) based on their present population trends and potential threats to future viability and survivability. These types of status rankings represent an expression of threat level to a given species survival as a whole and/or within local or discrete populations.

Twenty-six federally listed, state-listed, or sensitive species are known to occur in Valencia County (Table 1). The listed species most likely to occur in the proposed project area are in **bold**.

**Table 1.** Special Status Species in Valencia County, New Mexico

Common Name	Scientific Name	Habitat	Potential for Occurrence	Status <sup>1</sup>
Northern Goshawk	<i>Accipiter gentilis</i>	Mature, closed canopy coniferous forests of high mountains and mesas.	No suitable habitat	Federal Species of Concern; NM Sensitive
Baird's Sparrow	<i>Ammodramus bairdii</i>	Chihuahuan desert grasslands, prairie, mountain meadows up to 3,600 m.	No suitable habitat	Federal Species of Concern; NM Threatened
<b>Western Burrowing Owl</b>	<i>Athene cunicularia</i>	<b>Prairie dog towns in open areas with sparse vegetation and bare ground.</b>	<b>Occurrence unlikely; little suitable habitat and no individuals sighted</b>	<b>Federal Species of Concern</b>
Common Black-hawk	<i>Buteogallus anthracinus anthracinus</i>	Riparian forests, generally with a mature overstory and relatively thick understory.	No suitable habitat	NM Threatened
Mountain Plover	<i>Charadrius montanus</i>	Lowland grasslands, agricultural fields, and bare ground; playas.	No suitable habitat	Federal Species of Concern; NM Sensitive
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Lowland deciduous woodlands, willow and alder thickets.	No suitable habitat	Federal Candidate; NM Sensitive
<b>Common Ground-dove</b>	<i>Columbina passerine pallescens</i>	<b>Agricultural and undeveloped areas, desert riparian woodland, desert scrub.</b>	<b>Occurrence unlikely; little suitable habitat and no individuals sighted</b>	<b>NM Endangered</b>
Slate Millipede	<i>Comanichelus chihuanus</i>	Soil at the base of boulders.	No suitable habitat	Federal Species of Concern
Broad-billed Hummingbird	<i>Cynanthus latirostris magicus</i>	Riparian woodlands at low to moderate elevations.	No suitable habitat	NM Threatened
<b>La Jolla Prairie Clover</b>	<i>Dalea scariosa</i>	<b>Open sandy clay banks and bluffs, often along roadsides, at about 1,450-1,500 m.</b>	<b>Habitat present, but none observed</b>	<b>NM Species of Concern</b>
SW Willow Flycatcher	<i>Empidonax traillii eximius</i>	Riparian or lacustrine habitats, especially with thick willows and multi-layered canopy.	No suitable habitat	Federal Endangered; NM Endangered.
Spotted Bat	<i>Euderma maculatum</i>	Riparian, pinion-juniper (p-j) woodlands to spruce-fir forests near bodies of water.	No suitable habitat	NM Threatened
Peregrine Falcon	<i>Falco peregrinus anatum</i>	Diverse open habitats incl. wetlands, montane, lowlands; nests near water.	No suitable habitat	Federal Species of Concern; NM Threatened
Arctic Peregrine Falcon	<i>Falco peregrinus tundrius</i>	Mountain cliffs and river gorges.	No suitable habitat	Federal Species of Concern; NM Threatened
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Lowland or montane riparian and wetland habitats, especially with large trees.	No suitable habitat	Federal Threatened; NM Threatened
Pecos Sunflower	<i>Helianthus paradoxus</i>	Saturated saline soils of desert wetlands.	No suitable habitat	Federal Threatened; NM Endangered

Common Name	Scientific Name	Habitat	Potential for Occurrence	Status <sup>1</sup>
Rio Grande Silvery Minnow	<i>Hybognathus amarus</i>	Larger southwestern rivers that typically exhibit flashy or unpredictable flow.	No suitable habitat	Federal Endangered; NM Endangered
Black-footed Ferret	<i>Mustela nigripes</i>	Large prairie dog colonies.	Not enough suitable habitat	Federal Endangered; NM Endangered
Pecos River Muskrat	<i>Ondatra zibethicus ripensis</i>	Large permanent water bodies.	No suitable habitat	Federal Species of Concern; NM Sensitive
Sivinski's Scorpionweed	<i>Phacelia sivinskii</i>	Gypsum in NW and north-central NM in sparse juniper/desert scrub communities.	No suitable habitat	NM Species of Concern
Neotropical Cormorant	<i>Phalacrocorax brasilianus</i>	Aquatic riverine, lowland riparian and emergent marsh.	No suitable habitat	NM Threatened
Yeso Twinpod	<i>Physaria newberryi</i> var. <i>yesicola</i>	Sandy/silty gypsum in shortgrass steppe and juniper savanna.	No suitable habitat	NM Species of Concern
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Upper elevation, mature, closed-canopy forests or mature canyon riparian areas.	No suitable habitat	Federal Threatened; NM Sensitive
Laguna Flame Flower	<i>Talinum brachypodium</i>	Shallow silt/clay on limestone, open p-j woodland or Chihuahuan desert scrub.	No suitable habitat	NM Species of Concern
Bell's Vireo	<i>Vireo bellii</i>	Dense shrubland or woodland along lowland stream courses.	No suitable habitat	Federal Species of Concern; NM Threatened
NM Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>	Dense native riparian habitats.	No suitable habitat	Federal Species of Concern

<sup>1</sup> Endangered: Any species which is in danger of extinction throughout all or a significant portion of its range. Threatened: Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Candidate: Candidate Species (taxa for which the USFWS has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities). Species of Concern: Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, state wildlife agencies, other federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only. State of New Mexico Status is included for planning purposes (NMDGF 2008 and NMRPTC 2005).

There is no suitable habitat in the project area for the vast majority of species listed in Table 1, and no threatened, endangered or species of concern were encountered during the field survey.

Only the **La Jolla Prairie Clover** (*Dalea scariosa*) has the potential to occur in the project area. This species is often found along roadsides and in areas disturbed just a few years earlier (NMRPTC 2005). None were observed in the project area and no effects to this species are anticipated. No mitigation measures are recommended for this species.

The **Common Ground-Dove** (*Columbina passerine pallescens*) does have some suitable habitat near the project area; however, this species is unlikely to occur in this part of the state (NMDGF 2008). No effects are anticipated to this species and no mitigation measures are recommended.

The **Western Burrowing Owl** (*Athene cunicularia*) does have some marginal potential habitat within the project area, particularly at Retention Pond 4 where the prairie dog burrows were found; however, no owls or their sign were observed and they currently do not appear to be using the area. Once the absence of prairie dogs was determined, the burrows were destroyed so owls would not use the area. No effects are anticipated to this species and no mitigation measures are recommended.

No other threatened, endangered, and species of concern are anticipated to occur in the project area, either because the range of the species does not occur in the project area or no suitable habitat for the species is found in the project area. No further mitigation is required for federal or state- listed species.

### 3.3 CULTURAL RESOURCES

Pursuant to Section 106 of the National Historic Preservation Act, a cultural resource survey was conducted within the area of potential effects (APE) of the proposed project. The APE was defined as the construction footprint within the existing highway right-of-way, plus a buffer area extending 100 feet (approximately 30 meters) beyond the right-of-way on both sides of the road and at each end of the project corridor. This buffer area was not subject to systematic pedestrian survey but was examined visually from the right-of-way for the presence of any historic buildings, structures, and objects with the potential to be affected by vibratory or visual effects from the proposed project.

Archaeologists from Parametrix, contracted by the City of Belen, Inc. conducted a cultural resources survey of the proposed project area on April 16 and 19, 2008. No prehistoric archaeological sites were identified in the project area. An abandoned segment of the old Camino del Llano roadway and six isolated occurrences (IOs) of artifacts were identified and documented. The isolated occurrences consist of historic trash (e.g., glass shards and metal cans) and a few pieces of flaked-stone debitage of undetermined cultural and temporal affiliation. Isolated occurrences are defined as scattered artifacts that do not meet minimum criteria for archaeological sites.

The six IOs have not, and likely will not, provide important information to improve our understanding of prehistory or history. Therefore, the IOs are recommended as ineligible to the National Register of Historic Places (NRHP). Further, while the Camino del Llano as a whole may be considered potentially eligible for inclusion in the NRHP, the abandoned road segment documented by this survey is considered a non-contributing element due to its poor condition and lack of integrity, and is recommended as ineligible for NRHP inclusion.

These findings were submitted to the New Mexico State Historic Preservation Officer (SHPO) on 5 November, 2008, in a survey report (Reynolds 2008), along with the USACE's determination of no adverse effect to historic properties due to the current undertaking. The USACE received SHPO's concurrence with this determination on 2 December 2008 (Appendix B). Consultation with the appropriate

Native American governments is being conducted by the USACE. To date, both the Pueblo of Laguna and the Hopi Tribe have sent letters indicating that they have no concerns regarding the project (Appendix A), and the White Mountain Apache Tribe informed the USACE via telephone on 13 November 2008 that they have no concerns. The USACE has received no further indication of any concern by other Native American governments or tribes.

After SHPO concurrence was received, the project was changed to include the construction of three earthen berms to control water flow, extending northward from the road and perpendicular to it, with lengths between approximately 120 and 160 meters. The planned locations for these berms extend outside of the original APE and were not included in the original cultural resources survey. On 17 June 2009, a USACE archaeologist conducted a field reconnaissance of the area and determined that the entire area on which the proposed berms would be constructed is a completely disturbed landfill bounded by steep eroding hillslopes, and that there is therefore no potential for this additional portion of the project to affect historic properties. The berms would be constructed out of sediment from the reconstruction of Pond 4.

Based on the results of the survey and subsequent field visit, and subject to consultation and comment, the proposed undertaking will have no adverse effect to any cultural resources listed, or eligible for listing, on the NRHP. No further investigations or treatments are recommended. However, if buried cultural deposits are discovered during project activities, work should cease immediately and the NMDOT and the New Mexico SHPO will be notified.

### **3.4 HAZARDOUS, TOXIC AND RADIOACTIVE WASTES**

During the field survey, Chris Grosso, a certified Occupational Safety and Health Administration (OSHA) and Hazardous Waste and Emergency Response (HAZWOPER) biologist, contracted by the City of Belen evaluated the project area for signs of potential contamination. During the planning phase of the proposed project, an old landfill was discovered within the project limits. No records on the history of this landfill could be found by the City and the contents are unknown. Borings show it is at least 25 ft deep; however, the actual dimensions are unknown since there has been development over the original extent. A source, who has been working for the City since 1973, recalled the landfill already being closed at that time (Personal Communication: Mildred Garley, Financial Manager). Once the old land fill was discovered, the project was modified so that there would be no excavation in the area. The proposed project is planned to divert stormwater that flows through this area with two new berms to Retention Pond 4 and the storm drain system in the roadway. The existing retention pond would also be filled in with clean fill. This action would improve the water quality by deflecting it away from the landfill. The proposed project would have no significant affect on the landfill.

Hazardous Materials – Products used for project features and for support vehicles, and hazards associated with vehicle emissions, accidents, and spills. These materials should be properly moved, used, managed, or disposed of to ensure there are no impacts to public health and safety from the proposed project. Fuel, oil, hydraulic fluids and other similar substances would be appropriately stored out of the floodplain and must have a secondary containment system to prevent spills if the primary storage container leaks.

Solid, hazardous or special wastes encountered or generated at the project site as a result of site activities would be handled in accordance with State of New Mexico regulations and guidelines.

The proposed project is not expected to have an adverse or significant impact to public health and safety in the City of Belen. The project would be constructed in a manner consistent with existing guidelines and regulations to ensure that there will be no change in the health and safety of the public in the project area.

### 3.5 PETROLEUM STORAGE TANKS

According to the New Mexico Environment Department (NMED) Petroleum Storage Tank Bureau, there are thirty-seven known former or current tank facilities in the City of Belen. The tank map coordinates were plotted in relation to the proposed project at Camino del Llano and all of the known tank facilities, both above and below ground, are at least 0.5 mile from the project site or greater. NMED commonly advises any contractors working on below ground projects to remain alert for indications of soil or groundwater contamination in the vicinity of any of the listed sites. NMED also stipulates that there may be wells or remediation equipment installed at leak sites. They advise that if the design for the proposed road and storm water drainage improvements intersects any part of a remediation system or monitoring well, that the USACE contact the Petroleum Storage Tank Bureau to coordinate construction with preservation or modification of the remediation equipment. Pursuant to the requirements of 20.2.6.1203.A NMAC, if contaminated soil or water is encountered during construction, all monitoring, handling and disposal requirements must be met in order to protect workers, the public and the environment, from contaminants.

### 3.6 LAND USE AND SOCIOECONOMIC CONSIDERATIONS

The proposed project alignment occurs in an area of light industrial, residential, and rural land use. The area within and immediately adjacent to the project site is characterized by highly disturbed habitats between I-25 and the western mesa. Surrounding land use consists of hotels, a café, several private businesses and homes, roads and utilities, and a mix of disturbed and undisturbed habitat.

The population of the City of Belen was estimated at 6,901 in 2005 and is projected to grow to 7,804 by the year 2027. Average per capita income for Belen is \$12,999; Valencia County had a per capita income of \$14,747. Both are lower than the statewide average of \$17,261. The majority of families are in the middle income bracket as defined by the U.S. Census Bureau. Within the City of Belen, the ethnic background is: Hispanic, 55.7%; White, 37.5%; Native American, 1.7%; African American, 1.1%; and Asian, 0.2%. The Hispanic ethnic background category includes persons of any race with Hispanic or Latino background, which results in ethnic totals of more than 100%. The annual average wage/salary per job was \$26,754 (U.S. Census Bureau 2007).

The proposed project would not adversely affect land use or socioeconomic resources in the project area. The majority of the work would occur in previously disturbed right-of-ways. *Local residents in the City of Belen and in Valencia County would be beneficially affected by road and stormwater drainage improvements.*

If the No-Action alternative is chosen, the road would continue to be susceptible to flooding, resulting in damage to the road and adjacent property. Overall, the impact from the No- Action alternative to land use and socioeconomics would be negligible to minor.

### 3.7 ENVIRONMENTAL JUSTICE

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations; February 11, 1994) was designed to focus the attention of Federal Agencies on the human health and environmental conditions of minority and low-income communities. It requires Federal agencies to adopt strategies to address environmental justice concerns within the context of agency operations and proposed actions. In an accompanying memorandum, President Clinton emphasized that existing laws, such as the NEPA, should provide an opportunity for federal agencies to assess the environmental hazards and socioeconomic impacts associated with any given agency action upon minority and low-income communities. In April of 1995, the Environmental Protection Agency (EPA) released a guidance document

entitled Environmental Justice Strategy: Executive Order 12898. In short, this document defines the approaches by which the EPA will ensure that disproportionately high environmental and/or socioeconomic effects on minority and low-income communities are identified and addressed. Further, it establishes agency wide goals for all Native Americans with regard to Environmental Justice issues and concerns.

The Camino del Llano road and storm water drainage improvements would be conducted under Section 593 of the Water Resources Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 et seq.) as amended. This program is largely intended to provide needed assistance (technical, financial, etc.) to communities in which water resources are degrading and in need of improvement. As such, this project would benefit an area within a minority and low-income community. Therefore, no adverse impacts on minority and low-income populations are expected. Under the definition of Executive Order 12898, there would be no adverse environmental justice impacts under the proposed action. If the No-Action alternative is chosen, continued flooding and deterioration of the road would result in negligible to minor impacts to residents using this corridor for travel.

### **3.8 CUMULATIVE IMPACTS**

NEPA defines cumulative effects as “...the impact on the environment which results from the incremental impact of the action when added to other, past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

The proposed project alignment lies within an area that is both semi-urban residential, and rural. Disturbed areas in the project right-of-way, especially on the eastern end, have little resemblance to what was present prior to development. The construction work primarily involves the addition of curbs, gutters, sidewalks, bar ditches, and stormwater control features in a previously disturbed project area, thus resulting in negligible to minor impacts to existing resources. Therefore, the impacts of the proposed project when combined with impacts from past activities in the project area would be considered negligible to minor. In addition, no other current or future projects have been identified in the Belen area that could be considered in the cumulative impact analysis.

Positive stormwater drainage improvements are anticipated to occur from the proposed project that would enhance the quality of life for residents in the area. However, the roadway improvements are not expected to directly increase traffic or require additional improvements along other sections of El Camino Road.

Overall, the proposed project when combined with past, present, and reasonably foreseeable future activities in the City of Belen would result in negligible cumulative impacts. Therefore, no significant cumulative impacts are anticipated from the implementation of the proposed action.

### **4.0 CONCLUSION AND SUMMARY**

The proposed project evaluated in this Final EA addresses the method and potential effects for the construction of road and stormwater drainage improvements to Camino del Llano. Due to the previously disturbed and limited nature of the proposed project area, impacts to the environment would be insignificant and short-term. This proposed project would reduce flood damages to residences, businesses, and land adjacent to Camino del Llano on the west side of I-25 in the City of Belen. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects. Therefore, construction of the proposed project would not significantly affect the quality of the human environment and is recommended for implementation.

## **5.0 PREPARATION, QUALITY CONTROL, CONSULTATION AND COORDINATION**

### **5.1 PREPARATION**

This Final EA was prepared for the City of Belen by Parametrix. Personnel primarily responsible for preparation include:

Chris Grosso, Senior Scientist

Tammy Connell, Biologist/NEPA Specialist

### **5.2 QUALITY CONTROL**

This Final EA has been reviewed for quality control purposes. Personnel who reviewed this document included:

Dan Hogan, PE, PS, Project Manager, Molzen-Corbin

Denise Weston, Senior Planner, Parametrix

USACE Personnel

Jonathan Van Hoose, Archaeologist

Danielle Galloway, Biologist

Julie Alcon, Supervisory Ecologist

Cecilia Horner, PE, Chief, Environmental Engineering

### **5.3 GENERAL CONSULTATION AND COORDINATION**

Agencies and entities contacted formally or informally in preparation of this Environmental Assessment include:

NM Department of Game and Fish

Conservation Services Division

Santa Fe, New Mexico

NM Energy, Minerals, and Natural Resources Department

Forestry Division

Santa Fe, New Mexico

US Environmental Protection Agency, Region 6

Office of Planning and Coordination

Dallas, Texas

NM Environment Department

Surface Water Quality Bureau

Air Quality Bureau

Construction Programs Bureau

Environmental Impact Review

Water and Wastewater Management Division  
Santa Fe, New Mexico  
US Army Corps of Engineers, Albuquerque District  
Regulatory Branch  
Albuquerque, New Mexico

US Fish and Wildlife Service  
NM Ecological Services Office  
Albuquerque, New Mexico

US Department of Agriculture  
NRCS – Northwest Area Office  
Albuquerque, New Mexico

NM Office of the State Engineer  
Santa Fe, New Mexico

New Mexico Department of Transportation  
Environmental Section  
Santa Fe, New Mexico

Valencia County  
Los Lunas, New Mexico  
Valencia County Road Department  
Los Lunas, New Mexico

Valencia County Sheriff  
Los Lunas, New Mexico

Valencia County Public Works  
Los Lunas, New Mexico

Belen Public Library  
Belen, New Mexico

City of Belen  
Belen, New Mexico

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## **APPENDIX A**

### **Agency Scoping Letter, Distribution List, and Comments**

8901 Adams Street NE, Suite D  
Albuquerque, NM 87113  
T. 505.821.4700 F 505.821.7131  
www.parametrix.com

June 10, 2008

Name  
title  
address  
address

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Sir or Madam:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start about 700 feet east of the Camino del Llano interchange at Interstate 25, and would run approximately 7,200 feet to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

Parametrix is gathering information for an environmental review of this proposed project, which requires coordination with pertinent stakeholders. This process will result in the production of an environmental assessment report, a biological survey report, and a Clean Water Act Section 404 permit application, which would all be submitted to the U.S. Army Corps of Engineers (USACE) for their review. The USACE has been identified as a funding agency for the project and is the lead federal agency for environmental review as well. Surveys for cultural and biological resources will be conducted within the proposed project area. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act.

**YOUR INPUT** on this project is an important element of this review process. Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to Parametrix by mail at the address provided above, via electronic mail at [cgrosso@parametrix.com](mailto:cgrosso@parametrix.com), or by facsimile at (505) 821-7131. Please provide your comments and/or complete the acknowledgement on the following page.

Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

---

**ACKNOWLEDGEMENT:**

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment. Please identify if you have comments by checking one of the boxes below. If your comments are brief, you may include them in the space provided. Comments can also be submitted to Parametrix by phone, mail, or email.

Comments:

No comments

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mr. Matthew Wunder  
NM Department of Game and Fish  
Conservation Services Division  
PO Box 25112  
Santa Fe, NM 87504

Ms. Marcy Leavitt  
NM Environment Department  
Surface Water Quality Bureau  
PO Box 26110  
Santa Fe, NM 87502

Ms. Georgia Cleverly  
NM Environment Department  
Environment Impact Review  
1190 St. Francis Drive, Suite N4050  
Santa Fe, NM 87502

Mr. Wally Murphy  
US Fish and Wildlife Service  
NM Ecological Services Office  
2105 Osuna Road NE  
Albuquerque, NM 87113

Ms. Janet McVickar  
New Mexico Department of  
Transportation  
Environmental Section  
1120 Cerrillos, Room 213  
Santa Fe, NM 87504

Mr. Rene S. Rivera  
Valencia County Sheriff  
444 Luna Ave.  
Los Lunas, NM 87031

Ms. Sally Garley  
City of Belen  
100 South Main Street  
Belen, NM 87002

Mr. Bob Sivinski  
NM Energy, Minerals, and Natural  
Resources Department  
1220 St. Francis Drive  
Santa Fe, NM 87505

Ms. Mary Uhl  
NM Environment Department  
Air Quality Bureau  
1301 Siler Road, Building B  
Santa Fe, NM 87507

Mr. Jon Goldstein  
NM Environment Department  
Water & Waste Management Division  
1190 St. Francis Drive, Suite N4050  
Santa Fe, NM 87502

Ms. Mary Podoll  
US Department of Agriculture  
NRCS - Northwest Area Office  
6200 Jefferson NE, Room 345  
Albuquerque, NM 87109

Mr. Eric Zamora  
Valencia County Manager  
444 Luna Ave.  
Los Lunas, NM 87031

Mr. Bill Chavez  
Valencia County Public Works  
444 Luna Ave.  
Los Lunas, NM 87031

Ms. Cathy Gilmore  
US Environmental Protection Agency,  
Region 6  
Mail Code 6EN-XP  
1445 Ross Avenue  
Dallas, TX 75202

Mr. David Bishop  
NM Environment Department  
Construction Programs Bureau  
1190 St. Francis Drive  
Santa Fe, NM 87502

Ms. Julie Alcon  
US Army Corps of Engineers  
Albuquerque District  
Regulatory Branch  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Mr. John D'Antonio  
NM Office of the State Engineer  
PO Box 25102  
Santa Fe, NM 87504

Valencia County Road Department  
Supervisor  
1209 Highway 314  
Los Lunas, NM 87031

Belen Public Library  
Director  
333 Becker Street  
Belen, NM 87002

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Albuquerque, NM 87113  
T. 505.821.4700 F 505.821.7131  
www.parametrix.com

June 10, 2008

Ms. Sally Garley  
City Manager  
City of Belen  
100 South Main Street  
Belen, NM 87002

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Ms. Garley:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

Parametrix is gathering information for an environmental review of this proposed project, which requires coordination with pertinent stakeholders. This process will result in the production of an environmental assessment report, a biological survey report, and a Clean Water Act Section 404 permit application, which would all be submitted to the U.S. Army Corps of Engineers (USACE) for their review. The USACE has been identified as a funding agency for the project and is the lead federal agency for environmental review as well. Surveys for cultural and biological resources will be conducted within the proposed project area. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act.

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Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

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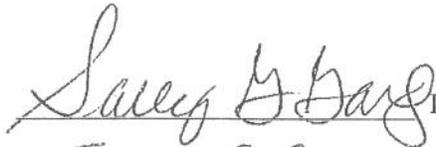
**ACKNOWLEDGEMENT:**

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment. Please identify if you have comments by checking one of the boxes below. If your comments are brief, you may include them in the space provided. Comments can also be submitted to Parametrix by phone, mail, or email.

Comments:

No comments

Signature:



Date:

06/16/08

Name:

SALLY G. GARLEY

Title:

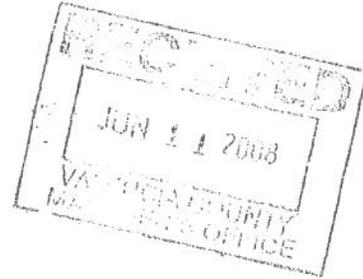
CITY MGR.

City of Belen

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www.parametrix.com



June 10, 2008

Mr. Eric Zamora  
County Manager  
Valencia County  
444 Luna Ave.  
Los Lunas, NM 87031

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Mr. Zamora:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

Parametrix is gathering information for an environmental review of this proposed project, which requires coordination with pertinent stakeholders. This process will result in the production of an environmental assessment report, a biological survey report, and a Clean Water Act Section 404 permit application, which would all be submitted to the U.S. Army Corps of Engineers (USACE) for their review. The USACE has been identified as a funding agency for the project and is the lead federal agency for environmental review as well. Surveys for cultural and biological resources will be conducted within the proposed project area. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act.

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If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

---

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Comments:

Please arrange for meeting  
with VC Public Works

No comments

Signature:



Date:

6-13-08

Name:

Eru Zamora, PE  
Valencia County

Title:

County Manager /  
PW Dir.

**Parametrix**

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Albuquerque, NM 87113  
T: 505.821.4700 F: 505.821.7131  
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June 10, 2008

Mr. Bob Sivinski  
State Botanist  
NM Energy, Minerals, and Natural Resources Department  
Forestry Division  
1220 St. Francis Drive  
Santa Fe, NM 87505

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Mr. Sivinski:

The City of Helen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

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Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

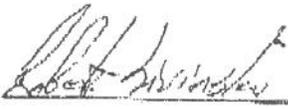
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**ACKNOWLEDGEMENT:**

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment. Please identify if you have comments by checking one of the boxes below. If your comments are brief, you may include them in the space provided. Comments can also be submitted to Parametrix by phone, mail, or email.

Comments:

No comments

Signature:  Date: 6/13/08  
Name: \_\_\_\_\_ Title: Botanist

NM Energy, Minerals, and Natural Resources Department  
Forestry Division



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office

2105 Osuna NE

Albuquerque, New Mexico 87113

Phone: (505) 346-2525 Fax: (505) 346-2542

**JUN 12 2008**

Thank you for your recent request for information on threatened or endangered species or important wildlife habitats that may occur in your project area. The New Mexico Ecological Services Field Office has posted lists of the endangered, threatened, proposed, candidate and species of concern occurring in all New Mexico Counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: [http://www.fws.gov/southwest/es/NewMexico/SBC\\_intro.cfm](http://www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm). If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find New Mexico Listed and Sensitive Species Lists on the main page and click on the county of interest. Your project area may not necessarily include all or any of these species. This information should assist you in determining which species may or may not occur within your project area.

Under the Endangered Species Act, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. Similarly, it is their responsibility to determine if a proposed action has no effect to endangered, threatened, or proposed species, or designated critical habitat. If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

2

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,



Wally Murphy  
Field Supervisor

**Parametrix**

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8901 Adams Street NE, Suite D  
Albuquerque, NM 87113  
T: 505.821.4700 R 505.821.7131  
www.parametrix.com

**RECEIVED****JUN 11 2008**

June 10, 2008

**USFWS-NMESFO**

Mr. Wally Murphy  
Field Supervisor  
US Fish and Wildlife Service  
NM Ecological Services Office  
2105 Osuna Road NE  
Albuquerque, NM 87113

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Mr. Murphy:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

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Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

---

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Comments:

No comments

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

US Fish and Wildlife Service  
NM Ecological Services Office

*Rec'd 6/16/08*



ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

8901 Adair Street NE, Suite D  
Albuquerque, NM 87113  
T: 505.821.4700 F 505.821.7131  
www.parametrix.com

Post-It® Fax Note 7671		Date: 6/23/08	# of pages: 3
To: MITS GROSSO	Front: Janet McVickar		
Co./Dept: Parametrix	Co: NMDOT		
Phone #:	Phone #: 505 827 0373		
Fax #: 505 821 7131	Fax #: 505 827 6842		

June 10, 2008

Ms. Janet McVickar  
New Mexico Department of Transportation  
Environmental Section  
1120 Cerrillos, Room 213  
Santa Fe, NM 87504

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Ms. McVickar:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

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Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

---

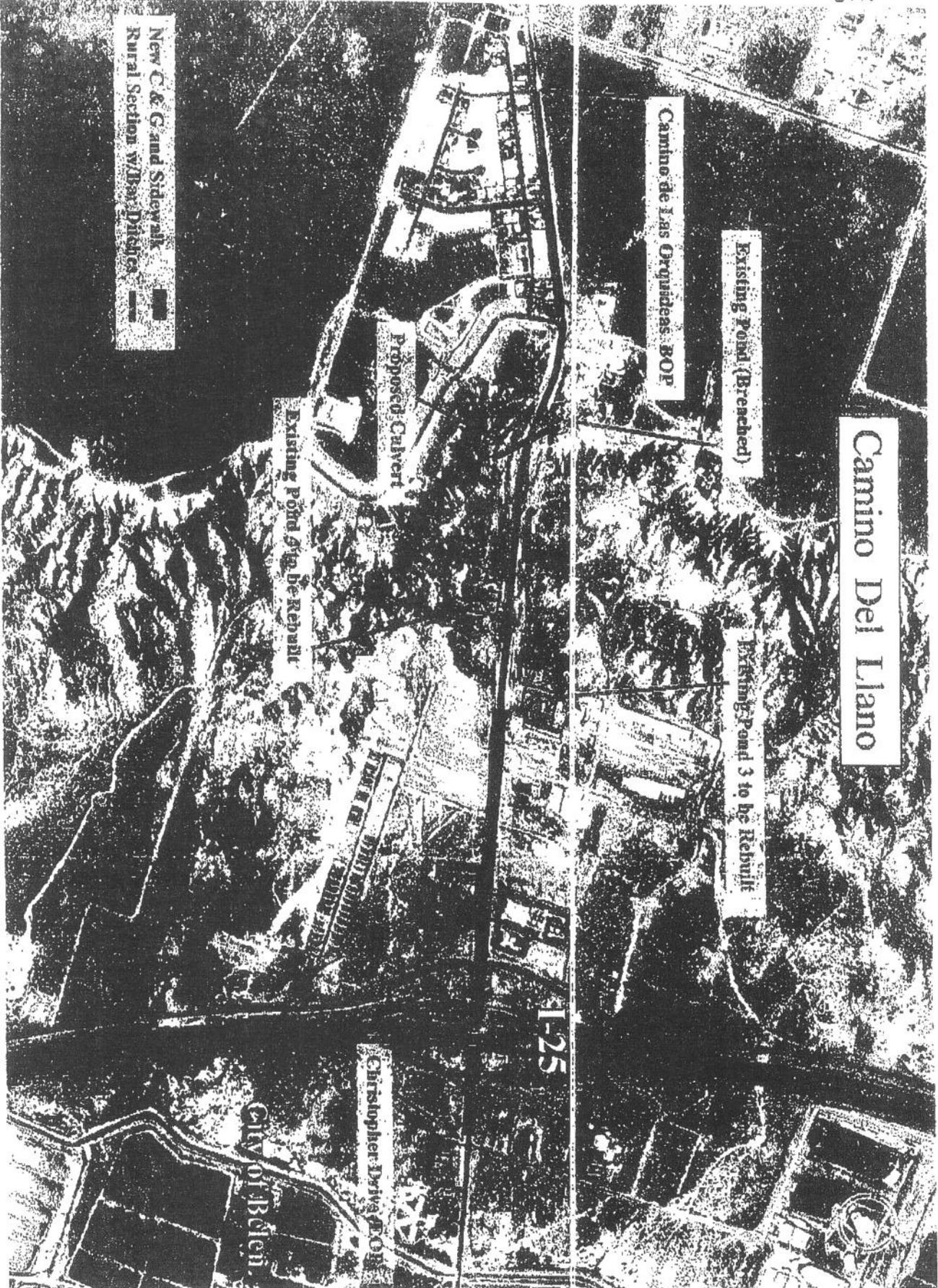
**ACKNOWLEDGEMENT:**

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment. Please identify if you have comments by checking one of the boxes below. If your comments are brief, you may include them in the space provided. Comments can also be submitted to Parametrix by phone, mail, or email.

Comments: *I see no apparent problems with the NMDOT I-25 ROW with regards to archeological or environmental sites.*

No comments

Signature:  Date: 6/23/08  
Name: JANET C. McVICKER Title: CULTURAL RESOURCES  
New Mexico Department of Transportation Environmental Section SPECIALIST



PROJECT MAP

*John D'Antonio***Parametrix**

ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D  
Albuquerque, NM 87113  
T: 505.821.4700 F: 505.821.7131  
www.parametrix.com

RECEIVED

JUN 11 2008

OFFICE OF THE STATE ENGINEER

June 10, 2008

Mr. John D'Antonio  
State Engineer  
NM Office of the State Engineer  
PO Box 25102  
Santa Fe, NM 87504

**RE: City of Belen Camino del Llano Road Improvement Project**

Dear Mr. D'Antonio:

The City of Belen (the City) is proposing road improvements to a segment of Camino del Llano, Valencia County, New Mexico. The project would start at the Camino del Llano interchange at Interstate 25, and would include approximately 7,200 feet of roadway to the west. The entire road segment is within City limits. The eastern section of this project would include new curb, gutters, and sidewalk. The western half would include bar ditches, two reconstructed ponds, and a culvert under the road to facilitate storm water drainage. All of the proposed improvements are located on land or right of ways owned by the City, except for a small section that runs underneath the I-25 interchange managed by the New Mexico Department of Transportation. Project features and location are shown on the attached map.

Parametrix is gathering information for an environmental review of this proposed project, which requires coordination with pertinent stakeholders. This process will result in the production of an environmental assessment report, a biological survey report, and a Clean Water Act Section 404 permit application, which would all be submitted to the U.S. Army Corps of Engineers (USACE) for their review. The USACE has been identified as a funding agency for the project and is the lead federal agency for environmental review as well. Surveys for cultural and biological resources will be conducted within the proposed project area. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act.

**YOUR INPUT** on this project is an important element of this review process. Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to Parametrix by mail at the address provided above, via electronic mail at [cgrosso@parametrix.com](mailto:cgrosso@parametrix.com), or by facsimile at (505) 821-7131. Please provide your comments and/or complete the acknowledgement on the following page.

Camino del Llano Road Improvement  
Page 2  
June 10, 2008

If you need more information about the project, or if you have additional questions, please contact Chris Grosso at (505) 870-3735. Thank you for your interest in this project.

Sincerely,



Chris Grosso  
Project Manager

Attachments: Project Map

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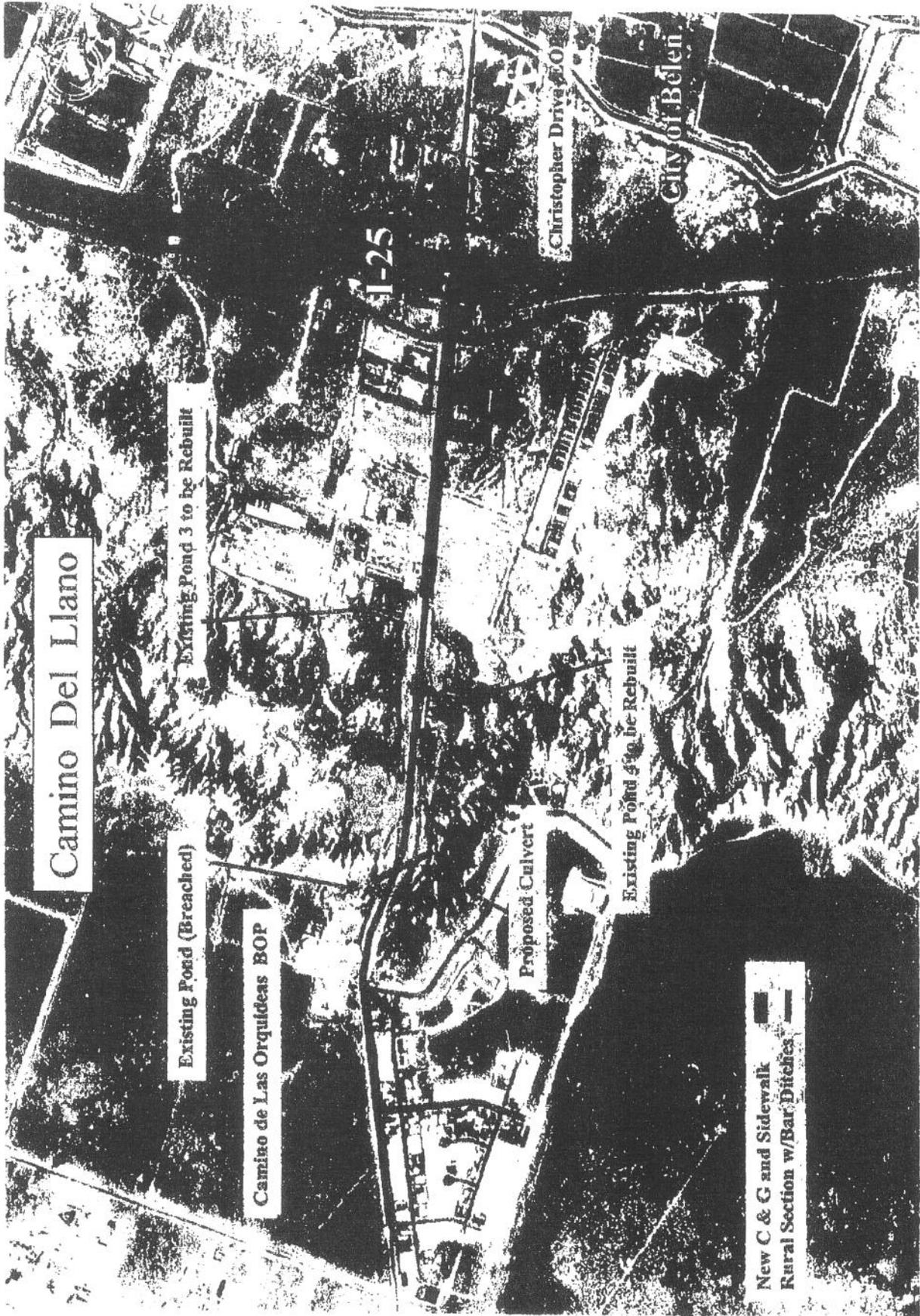
**ACKNOWLEDGEMENT:**

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment. Please identify if you have comments by checking one of the boxes below. If your comments are brief, you may include them in the space provided. Comments can also be submitted to Parametrix by phone, mail, or email.

Comments:

No comments

Signature: John T Romero Date: 6/25/08  
Name: John T Romero Title: WRAP Director  
NM Office of the State Engineer



PROJECT MAP



Yvonne Boudreaux  
President

PO Box 14235  
Albuquerque, NM 87191  
(505) 296-1937  
[www.prairiedogpals.org](http://www.prairiedogpals.org)  
[prairiedogpals@comcast.net](mailto:prairiedogpals@comcast.net)

October 16, 2008

Dan Hogan P.E., P.S.  
Molzen-Corbin & Associates  
2701 Miles Road SE  
Albuquerque, NM 87106

Concerning: Field Survey, Camino Del Llano

On 17 September 2008, Paul Eilers, Field Biologist for Prairie Dog Pals, conducted a survey of the Camino Del Llano site per your request. There were seven (7) burrows on the site. The burrows had been abandoned for some time and the openings were filled with debris. As Paul had the tankler with him he took the time to flush the burrows, but, as suspected, caught no prairie dogs (or any other animals). Based on his field notes Prairie Dog Pals confirms that there are no prairie dogs currently living on the site. We also confirm, based on the condition of the burrows, that there are no burrowing owls as well.

Contact E. Urbanski on 296-1937, if you have any questions concerning the above.

Yvonne Boudreaux  
President, Prairie Dog Pals

## **APPENDIX B**

### **Cultural Resources Consultation**



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

November 5, 2008

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

085739

Ms. Katherine Slick  
State Historic Preservation Officer  
New Mexico Department of Cultural Affairs  
Historic Preservation Division  
Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, New Mexico 87501



Dear Ms. Slick:

Pursuant to 36 CFR Part 800, the U.S. Army Corps of Engineers (Corps), Albuquerque District, seeks your concurrence in our determination of "No Adverse Effect to Historic Properties" for a proposed road and drainage improvement project along Camino del Llano (NM 548) in Belen, Valencia County, NM (see Enclosure 1). This portion of Camino del Llano is subject to frequent and severe flooding and is in need of drainage upgrades, including the installation of new curbs, gutters, sidewalks, a culvert, and bar ditch features at various intervals. At the request of the City of Belen, the Corps is conducting this work under Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended, which authorizes the Corps to provide design and construction assistance for water-related environmental infrastructure and resource protection and development projects in New Mexico.

Pursuant to 36 CFR 800.2, consulting parties in the Section 106 process identified for the Undertaking include the Corps, the New Mexico Department of Transportation (NMDOT), the City of Belen, private landowners, and your office. Consistent with the Department of Defense's American Indian and Alaska Native Policy, signed by Secretary of Defense William S. Cohen on October 28, 1998, and based on the State of New Mexico Indian Affairs Department's 2008 Native American Consultations List, comments and concerns from American Indian Tribes that have indicated they have an interest in Santa Fe County have been and will continue to be considered regarding the proposed project. To date, the Corps is unaware of and has not received any

indication of tribal concerns that would impact this project. The Corps has no knowledge of any Traditional Cultural Properties (TCPs) within the project area. The Corps has also consulted with NMDOT on this project, and has received indication of no concern on the part of NMDOT with regards to archaeological or environmental resources (see Enclosure 2).

Pursuant to 36 CFR 800.4, the Area of Potential Effects (APE) for the Undertaking is considered to be the construction footprint plus a buffer area extending 15 meters (50 feet) beyond the right-of-way for the identification of historic buildings, structures, and objects that may be affected by the proposed project. The APE runs along the Camino del Llano (NM 548) alignment and extends 1.4 mile (2.19 km) in length from Christopher Drive at the eastern end to the intersection with Camino de las Orquideas at the western terminus. The surveyed corridor ranges in total width from 150 to 400 feet. Two additional areas were surveyed an additional 350 ft (108 m) to accommodate the rebuilding of two existing drainage ponds. Land ownership within the construction footprint includes rights-of-way owned/administered by the New Mexico Department of Transportation (NMDOT), private property, and City of Belen-owned lands.

Pursuant to 36 CFR 800.4(b), historic properties were identified by archaeologists from Parametrix, Inc. (formerly Taschek Environmental Consulting) on April 16 and 19, 2008, as presented in the enclosed cultural resources survey report entitled *A Cultural Resource Survey for the Camino del Llano Road and Drainage Improvements Project in the City of Belen, Valencia County, New Mexico* (Parametrix Report No. 2008-21).

The Camino del Llano played a significant role in the history of Belen and the surrounding communities. While its history of use extends back to the Colonial period, it continued to be defined by trade and commerce into the 20<sup>th</sup> century. Locally, it remains a symbol for the development and growth that occurred as a result of commerce connecting ranches in the area to both the Belen stockyards and the railroad.

Archaeologists identified one archaeological site and six isolated occurrences (IOs) within the project area. LA 160288, an abandoned segment of the Camino del Llano, is in poor condition. The segment within the APE is located along the

south side of the modern, paved Camino del Llano (NM 548), and has been subject to damage resulting from the construction of NM 548, as well as significant erosional impacts.

While further investigation may determine that the Camino del Llano as a whole is eligible under Criterion A, the Corps believes that because of its lack of integrity, the abandoned road segment within the APE (LA 160288) is a non-contributing element to the Camino's eligibility, and as such is ineligible for inclusion in the NRHP. No further investigation or treatment is recommended for this site.

Based on the information provided in the enclosed cultural resources report, the Corps is of the opinion that there would be "No Adverse Effect to Historic Properties" by the Camino del Llano project or on the historic and cultural resources of the region.

Pursuant to 36 C.F.R. 800.13, should previously unknown artifacts or cultural resource manifestations be encountered during construction, work would cease in the immediate vicinity of the resource. A determination of significance would be made, and a mitigation plan would be formulated in consultation with the New Mexico State Historic Preservation Officer and with American Indian Tribes that have cultural concerns in the area.

If you have questions or require additional information regarding the Camino del Llano project, please contact Dr. Jonathan Van Hoose, archaeologist, at (505) 342-3687 (jonathan.e.vanhoose@usace.army.mil).

Sincerely,

  
Julie Alcon  
Chief, Environmental Resources  
Section

12/2/08  
Date

I CONCUR 

KATHERINE SLICK  
NEW MEXICO STATE HISTORIC  
PRESERVATION OFFICER

Enclosures



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

June 12, 2008

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Division

Honorable <FName> <LName>  
<Title>, <Tribe>  
<Address>  
<CityStateZip>

Dear <Title> <LName>:

The United States Army Corps of Engineers, Albuquerque District, in cooperation with and at the request of the City of Belen, New Mexico, is planning a project that would improve stormwater drainage and reduce the potential for severe erosion within the Camino Del Llano road project area, which is located in Valencia County, within Belen City limits (see enclosed map). The Camino Del Llano road provides access up the mesa on the western edge of the City of Belen. Moderate to high levels of disturbance along the road right-of-way and immediately adjacent properties, combined with an increase in elevation as the road travels up the mesa have created erosional problems. In some areas, gully and sheetwash from stormwater action has deposited sediment on the paved road, cut deep drainages through the topography (see enclosed photograph), reduced vegetative cover, and eroded breaks in two retention pond check dams. Control structures are needed to improve stormwater drainage within the Camino del Llano right-of-way.

Archaeologists from Parametrix, Inc. conducted a cultural resources survey of the proposed project area on April 16 and 19, 2008. No prehistoric or historic archaeological sites were identified in the project area. An abandoned segment of the old Camino del Llano roadway and six isolated occurrences of artifacts were identified and documented. The isolated occurrences consist of historic trash (e.g., glass shards and metal cans) and a few pieces of flaked-stone debitage of undetermined cultural and temporal affiliation.

The purpose of this scoping letter is to inform you about this project, and to give you the opportunity to provide any concerns or comments you may have regarding this project.

If you have any questions or require additional information, please contact Mr. Lance Lundquist, archaeologist at (505) 342-3671 or me at (505) 342-3281. You may also provide comments to the above address.

Sincerely,

Julie Alcon,  
Chief, Environmental Resources  
Section

Enclosures

Copy furnished w/Encl:



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

Rec'd  
11/18/08

November 5, 2008

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

Honorable Benjamin H. Nuvamsa  
Chairman, Hopi Tribal Council  
Post Office Box 123  
Kykotsmovi, Arizona 86039

Dear Chairman Nuvamsa:

The U.S. Army Corps of Engineers, Albuquerque District, in cooperation with the City of Belen, New Mexico, is planning a project that would improve stormwater drainage and reduce the potential for severe erosion within the Camino Del Llano road project area in Valencia County (see enclosed). High levels of disturbance along the road right-of-way and adjacent properties, combined with an increase in elevation have created erosion problems. Control structures are needed to improve drainage within the Camino right-of-way. The purpose of this scoping letter is to inform you about this project, and to give you the opportunity to provide any concerns or comments you may have regarding this project.

Archaeologists from Parametrix, Inc. conducted a cultural resources survey of the proposed project area on April 16 and 19, 2008. No prehistoric or historic archaeological sites were identified in the project area. An abandoned segment of the old Camino del Llano roadway and six isolated occurrences (IOs) of artifacts were identified and documented. The IOs consist of historic trash (e.g., glass shards and metal cans) and a few pieces of flaked-stone debitage of undetermined cultural and temporal affiliation.

If you have any questions or require additional information, please contact Dr. Jonathan Van Hoose, archaeologist, at (505) 342-3671 or me at (505) 342-3281. You may also provide comments to the above address.

Sincerely,

Julie Alcon  
Chief, Environmental Resources  
Section

No historic properties  
significant to the  
Hopi Tribe affected

for  
Kuvemwistwama

11-12-08

Enclosures



**PUEBLO OF LAGUNA**  
P.O. BOX 194  
LAGUNA, NEW MEXICO 87028



Office of:

The Governor  
The Secretary  
The Treasurer

(505) 552-6598  
(505) 552-6854  
(505) 552-6855

Rec'd  
11/18/08

November 10, 2008

Ms. Julie Alcon  
Environmental Resources Chief  
Department of the Army  
Albuquerque District, Corps of Engineers  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109-3435

Dear Ms. Alcon:

RE: Proposed improvement of stormwater drainage and reduce the potential for severe erosion within the Camino Del Llano Road project area in Valencia County, NM

The Pueblo of Laguna appreciates your consideration to comment on the possible interest your project may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely,

  
John E. Antonio, Sr.  
Governor, Pueblo of Laguna

## **APPENDIX C**

### **Public Review Cover Letter and Comments Received**



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

July 7, 2009

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

Tibo J. & Betty C. Chavez  
P.O. Box 1615  
Belen, New Mexico 87002

Dear Mr. & Ms. Chavez:

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the City of Belen, New Mexico, is planning to improve stormwater drainage and upgrade existing infrastructure for a segment of the Camino del Llano Road in the City of Belen, Valencia County, New Mexico. In some areas, gully and sheet wash from stormwater action has deposited sediment on the paved road, cut deep drainages through the topography, reduced vegetative cover, and eroded breaks in two retention pond check dams. The proposed improvements are needed to correct these erosion problems. The proposed project start date would be September 2009 and construction activities would last approximately one year.

Available for your review is the Draft Environmental Assessment, titled, "**Camino del Llano Road and Drainage Improvement Project, Valencia County, New Mexico**" located at <http://www.spa.usace.army.mil/fonsi/>. The Corps is soliciting comments from Federal, State, Tribal and local interests to comply with the National Environmental Policy Act.

Please review the Draft Environmental Assessment (DEA) and provide any written comments to the above address, Attn: Mrs. Danielle Galloway, Environmental Resources Section. Written comments must be received **no later than August 7, 2009**, so that comments can be addressed and revisions made to the DEA in a timely manner. If we do not receive comments by this date, we will assume you have no concerns or have no objections to the project. You may facsimile your correspondence to (505) 342-3668. If you have any questions or need additional information,

please contact Mrs. Galloway, biologist, at (505) 342-3661 or e-mail at [danielle.a.galloway@usace.army.mil](mailto:danielle.a.galloway@usace.army.mil) or Mr. Jonathan Van Hoose, archaeologist, at (505) 342-3687 or e-mail at [jonathan.e.vanhoose@usace.army.mil](mailto:jonathan.e.vanhoose@usace.army.mil).

Sincerely,



Julie Alcon  
Chief, Environmental Resources  
Section

Enclosure

**Camino del Llano Road Improvement Project**  
Valencia County New Mexico



**Legend**

**Project Corridor**

- Rural section with bar ditches
- New curb, gutter, & sidewalk
- Retention Pond

**Biological Features**

- ↑ Field Bindweed
- ⊕ White-winged Dove Nest
- ⊙ Prairie Dogs
- Arroyo

**Roads**

- US Interstate
- NM Highways



**Index Map**

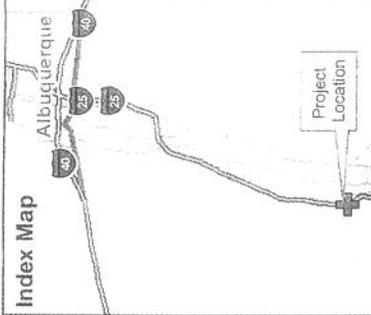


Figure 1: Location of Proposed Project Area for the Camino del Llano Road Improvements, Belen, Valencia County, New Mexico



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office

2105 Osuna NE

Albuquerque, New Mexico 87113

Phone: (505) 346-2525 Fax: (505) 346-2542

**JUL 17 2009**

Thank you for your recent request for information on threatened or endangered species or important wildlife habitats that may occur in your project area. The New Mexico Ecological Services Field Office has posted lists of the endangered, threatened, proposed, candidate and species of concern occurring in all New Mexico Counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: [http://www.fws.gov/southwest/es/NewMexico/SBC\\_intro.cfm](http://www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm). If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find New Mexico Listed and Sensitive Species Lists on the main page and click on the county of interest. Your project area may not necessarily include all or any of these species. This information should assist you in determining which species may or may not occur within your project area.

Under the Endangered Species Act of 1973, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. Similarly, it is their responsibility to determine if a proposed action has no effect to endangered, threatened, or proposed species, or designated critical habitat. On December 16, 2008, we published a final rule concerning clarifications to section 7 consultations under the Act (73 FR 76272). One of the clarifications is that section 7 consultation is not required in those instances when the direct and indirect effects of an action pose no effect to listed species or critical habitat. As a result, we do not provide concurrence with project proponent's "no effect" determinations.

If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

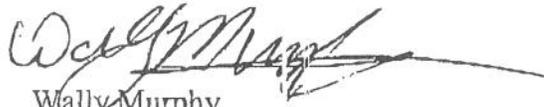
Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,

  
Wally Murphy  
Field Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

JUL 24 2009

Julie Alcon  
Chief, Environmental Resources Section  
Department of the Army  
Albuquerque District, COE  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109-3435

RE: Camino del Llano Road and Drainage Improvement, Valencia County, NM

Dear Miss. Alcon:

In accordance with Section 309 of the Clean Air Act, the Region 6 Office of the Environmental Protection Agency (EPA) has received and reviewed your Draft Environmental Assessment for the above referenced activity. We have no comments to offer.

Thank you for your coordination.

Sincerely yours,

A handwritten signature in cursive script that reads "Cathy Gilmore".

Cathy Gilmore, Chief  
Office of Planning and  
Coordination (6EN-XP)



BILL RICHARDSON  
Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Office of the Secretary*

Harold Runnels Building  
1190 Saint Francis Drive (87505)  
PO Box 26110, Santa Fe, NM 87502  
Phone (505) 827-2855 Fax (505) 827-2836  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



RON CURRY  
Secretary  
Jon Goldstein  
Deputy Secretary

August 6, 2009

Julie Alcon, Chief  
Environmental Resources Section  
Department of the Army  
Albuquerque District, Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

**RE: Proposed Improvements to Stormwater Drainage and Infrastructure Upgrades to Camino del Llano Road, City of Belen, Valencia County**

Dear Ms. Alcon:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Air Quality and Surface Water Quality Bureaus and are as follows.

**Air Quality Bureau**

The proposed improvements to Camino del Llano Road, City of Belen, is located in Valencia County. Valencia County is currently considered to be in attainment with all New Mexico and National Ambient Air Quality Standards.

Potential exists for temporary increases in dust and emissions from vehicular use and combustion-related equipment associated with construction and earth-moving activities. However, the increases should not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates due to vehicular traffic. If activities result in significant ground disturbance, the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust.

To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed. If none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members.

All asphalt, concrete, quarrying, crushing and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. In the event of

combustion-related construction activities, please refer to 20.2.72 NMAC for more information on air quality permitting and modeling requirements. The project, as proposed, is not anticipated to contribute negatively to air quality on a long-term basis.

### **Surface Water Quality Bureau**

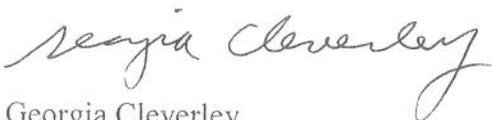
The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges during construction activities that will disturb one or more acres (July 14, 2008). If this project is part of a larger common plan of development [A contiguous area where multiple separate and distinct construction activities are occurring under one plan (e.g., the operator is building on three half-acre lots in a 6-acre development). "Plan" is broadly defined as any announcement or piece of documentation or physical demarcation indicating that construction activities may occur on a specific plot], that will ultimately disturb one or more acres, then permit coverage is required.

If the disturbed area is greater than one acre, EPA requires an eNOI (Electronic Notice of Intent) be submitted at least seven (7) days prior to the start of any construction activities. Among other things, the CGP requires a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (fill piles, fuels, and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that all disturbed areas be permanently stabilized by either vegetative or non-vegetative practices and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering U.S. waters.

You should also be aware that EPA requires that all "operators" obtain NPDES coverage for construction projects. Generally, this means that you should apply for permit coverage if you have operational control over either the construction plans and specifications, including the ability to make modifications to those plans and specifications (owner or developer of the project), or you have day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP (general contractor).

I hope this information is helpful to you.

Sincerely,



Georgia Cleverley  
Environmental Impact Review Coordinator  
NMED File #3000

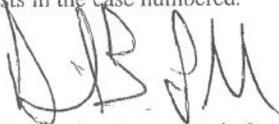
**APPENDIX D**

**Draft Environmental Assessment Notice of Availability**

**AFFIDAVIT OF PUBLICATION  
STATE OF NEW MEXICO  
COUNTY OF VALENCIA**

Dave Puddu being first duly sworn, upon his oath, does and says:

1. That he is the Publisher of the Valencia County News-Bulletin of Valencia County, a semi-weekly newspaper published in the English Language and having been regularly published, issued and in general circulation in the County of Valencia and State of New Mexico, for a period of more than six months next proceeding the first publication of the legal notice herein referred to, a printed copy of which is hereto attached, and is a newspaper duly qualified for that purpose within the meaning of Section 10-2-4 of the New Mexico Statutes Annotated (1953). That the publication, a printed copy of which is hereto attached and made a part hereof, was published in said newspaper in the regular and entire issue of every number of the newspaper during the period of time of publication, and in the newspaper proper and not in a supplement thereof, one consecutive issues; the first publication being in the issue of the 11th of July 2009, and the last publication being issued of the 11th day of July, 2009. And deponent further says that the said notice published has been paid for or has been assessed as court costs in the case numbered.



Subscribed and sworn to before me the 13th day of July, 2009

**OFFICIAL SEAL**  
Notary Public  
My Commission Expires  
July 1, 2011  
My Commission Expires: \_\_\_\_\_  
**Angela Esquibel**  
NOTARY PUBLIC  
STATE OF NEW MEXICO

**NOTICE OF  
AVAILABILITY**

The U.S. Army Corps of Engineers (Corps), Albuquerque District, has completed the Draft Environmental Assessment (DEA), titled, "Camino del Llano Road and Drainage Improvement Project, Valencia County, New Mexico". The proposed project would improve stormwater drainage and upgrade existing infrastructure for a segment of the Camino del Llano road in the City of Belen, Valencia County, New Mexico. In some areas, gully and sheet wash from stormwater action has deposited sediment on the paved road, cut deep drainages through the topography, reduced vegetative cover, and eroded breaks in two retention pond check dams. The proposed improvements are needed to correct these erosion problems. The proposed project would start in the summer of 2009 and construction activities would last approximately one year.

The DEA is electronically available for viewing and copying at the Albuquerque District website (under "FONSI / Environmental Assessments") at:

<http://www.spa.usace.army.mil> or a hard copy will be sent upon written request to the following address:

U.S. Army Corps of Engineers  
Albuquerque District  
Environmental Resources Section

Attn: CESPA-PM-LE (Mrs. Danielle Galloway)  
Albuquerque, New Mexico  
87109-3435

Paper copies of this document are also available for review at:  
Belen Public Library  
333 Becker Avenue  
Belen, NM 87002

The public review will extend from July 7, 2009 to August 7, 2009. Written comments should be sent to the above address and will be accepted until 4:00 PM, August 7, 2009. Alternatively, comments may be sent electronically to [danielle.a.galloway@usace.army.mil](mailto:danielle.a.galloway@usace.army.mil).

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