US Army Corps
of Engineers®
Albuquerque District

SECTION 595 WATER RESOURCES DEVELOPMENT ACT

FINAL
ENVIRONMENTAL ASSESSMENT

for the

PHASE III
QUESTA WATER SYSTEM IMPROVMENTS
VILLAGE OF QUESTA,
NEW MEXICO

Prepared by

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

December 2010

Finding of No Significant Impact
Section 595 Water Resources Development Act
Questa Water System Improvements
Village of Questa, New Mexico

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with, and at the request of, the Village of Questa, New Mexico, is planning a project that would install new water lines within the village. The construction work is authorized under Section 595 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 Idaho, Montana, rural Nevada, New Mexico, and rural Utah. The Village of Questa is the local sponsor. The duration of the construction would be two years and construction is expected to start in the winter of 2010. Construction of the Phase III Questa Water System Improvement Project is funded under the American Recovery Act and Reinvestment Act of 2009.

The project is the third phase of water line improvements within the Village of Questa. The project consists of abandoning some existing 6-inch water lines, which are bedded in molybdenum tailings, and installing new 6-inch and 8-inch water lines. The new water lines would be installed within the existing road and street right-of-way. The project would include mains, ¾" service lines to the existing meters, and pavement repair.

Under the No-Action alternative, no improvements would be made to the water lines. However, the existing 6-inch water line is bedded in molybdenum tailings and threatens the safety of the drinking water. In the event of a water line break, molybdenum could infiltrate these lines. The improvements would enhance water service reliability and fire protection. The No-Action alternative should be perceived as an environmentally unsound course of action.

This project is in compliance with the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470 et seq]. Based on the results of archival research, pedestrian survey, tribal consultation, and consultation with the New Mexico State Historic Preservation Office, the Corps finds that the project would have "no adverse effect" on the historic and cultural resources of the region.

The proposed project is regulated under the provisions of Section 404 of the Clean Water Act (CWA) and is authorized under Nationwide Permit No. 12 for Utilities Construction (see Appendix C for determination letter). Because the proposed action meets the conditions of this Nationwide Permit, the 404(b)(1) analyses have already been completed and additional 404(b)(1) analysis is not required. All conditions under the permits would be adhered to during construction. Section 401 of the CWA applies to this project, due to discharge associated with construction activities and other disturbance within waterways. A Water Quality Certification Permit would be obtained prior to any proposed work, and all conditions would be followed. The replacement of the water lines would occur outside the floodplain and would not significantly alter any use or natural feature of the area. Therefore, the planned action is consistent with Executive Order 11988 (Floodplain Management). The work complies with Executive Order 11990 (Protection of Wetlands) as no wetlands would be disturbed.

There would be no effect to state or Federal threatened or endangered plant or animal species regulated under the Endangered Species Act. No impacts would occur to climate, wetlands, land use, socioeconomics, special status species, climate change, cultural resources, or environmental justice. Only short-term, minor adverse impacts to water resources, aesthetics, soils, air, noise, vegetation, and wildlife would occur during construction. No long-term adverse impacts would occur to land use, water resources, climate, soils, air, wetlands or other waters of the U.S., noise, aesthetics, vegetation, wildlife, special status species, floodplains, socioeconomics, environmental justice, or cultural resources. Minor long and short-term beneficial impacts would occur to human health and safety. The project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects.

Best Management Practices (BMPs) incorporated into this project include the following:

- Exposed and disturbed soil surfaces are watered at a frequency sufficient to avoid dust.
- Earthmoving and other dust-producing activities are suspended during periods of high winds when dust control efforts are unable to prevent fugitive dust.
- Stockpiles of debris, soil, sand, or other materials are watered or covered.
- Materials transported on- or off-site by truck are covered.
- Trenches would be inspected every morning and throughout the day to prevent trapping of small animals.
- Silt fences would be installed in disturbed areas and left in place to prevent erosion.
- Crossings of the water bodies would be constructed at low water to minimize increases in turbidity.
- Seeding with native species would occur after construction.
- BMPs for Stream Crossings (see Appendix A) would be incorporated.

The planned action has been fully coordinated with Federal, state, tribal, and local agencies with jurisdiction over the ecological, cultural, and hydrological resources of the project area. Based upon these factors and others discussed in detail in the Final 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 improvements to the water lines.

21 DEC 10
Date

Jason D. Williams
Lieutenant Colonel, U.S. Army
District Commander

TABLE OF CONTENTS

TABLE OF CONTENTS (Cont.)

1.0 INTRODUCTION

1.1 Background and Location

The United States Army Corps of Engineers (Corps), Albuquerque District, in cooperation with, and at the request of the Village of Questa, New Mexico, is planning to replace water lines within the village. The replacement is needed because the existing water lines are encased in bedding material containing molybdenum. Other items included in this project include constructing mains, the ¾" service lines to the existing meters, and pavement repair.

The rehabilitation work would be conducted under Section 595 of the Water Resources Act of 1999 (Public Law 106-53) as amended. The Act authorizes the Corps to provide assistance in the form of design and construction for water-related environmental infrastructure, resource protection, and development projects in Idaho, Montana, rural Nevada, New Mexico, and rural Utah. Types of projects included under the Act are wastewater treatment and related facilities, stormwater retention and remediation, environmental restoration, surface water resource protection and development, and sewer and water line replacement.

Provisions under the Act require that the project be publicly owned to receive Federal assistance. As such, the non-Federal sponsor for the project is the Village of Questa, 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 cost.

The project area is located within the Village of Questa, Taos County, New Mexico (see Figure 1). The project would consist of installing 24,000 linear feet (LF) of 6-inch and 8-inch water lines, including abandoning the existing 6-inch water line bedded in molybdenum tailing (see Figure 2 for photography of some of the project areas).

The Village of Questa would benefit from the improvements to their water system. The duration of the construction would be two years, and construction is expected to start in the winter of 2010.

1.2 Purpose and Need

The purpose of this project is to provide the Village of Questa with reliable, quality drinking water; enhance fire protection, and eliminate the potential for molybdenum contamination in the water lines. The existing water lines are encased in bedding material containing molybdenum, which is an element used in hardening steel. The Environmental Protection Agency (EPA) has issued health advisories for molybdenum in drinking water in amounts greater than 40 parts per billion (ppb). Although the Village samples all contain molybdenum at an average of 6 ppb, which suggests that the drinking water is safe, the EPA has not set specific standards for molybdenum in drinking water. In addition, because there is a possibility for the molybdenum tailings to infiltrate the water lines, it is necessary for the water lines to be replaced.

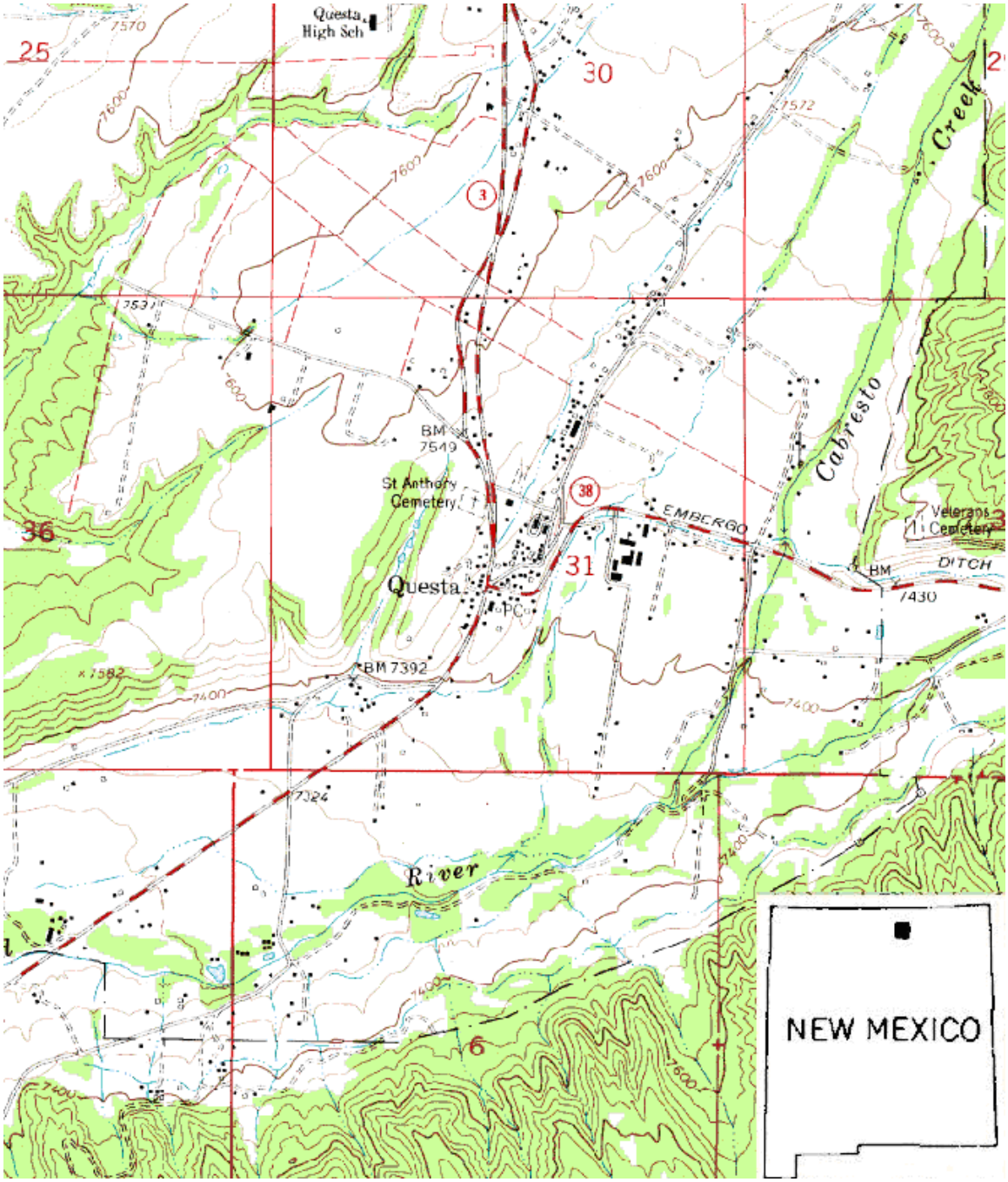


Figure 1. Vicinity Map of Proposed Location for Water System Improvements, Village of Questa, Taos County, New Mexico.

Figure 2. Photos of Water System Improvement Areas

1.3 Regulatory Compliance

This Final Environmental Assessment (EA) was prepared by the Corps, Albuquerque District, in compliance with all applicable Federal Statutes, Regulations, and Executive Orders, as amended, including the following:

- National Historic Preservation Act (16 U.S.C. 470 *et seq*.)
- Archaeological Resources Protection Act (16 U.S.C. 470aa *et seq*.)
- Clean Water Act (33 U.S.C 1251 *et seq.*)
- Clean Air Act (42 U.S.C. 7401 *et seq.*)
- Endangered Species Act (16 U.S.C. 1531 *et seq*.)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- Executive Order 11988, Floodplain Management
- National Environmental Policy Act (42 U.S.C 4321 *et seq*.)
- CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Part 1500 *et seq.*)
- Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq*.)
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11990, Protection of Wetlands
- U.S. Army Corps of Engineers' Procedures for Implementing NEPA (33 CFR Part 230; ER 200-2-2)
- Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*)
- Executive Order 13112, Invasive Species
- Federal Noxious Weed Act (7 U.S.C. 2814)
- Energy Independence and Security Act of 2007, P.L. 110-140, Section 438, 121 Stat. 1492, 1620 (2007)
- Migratory Bird Treaty Act, 16 U.S.C. 703, et seq.
- Fish and Wildlife Coordination Act, 48 Stat. 401; 16 USC 661 et. seq.
- Executive Order 13524, Federal Leadership in Environmental, Energy, and Economic Performance
- Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions (February 18, 2010)

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 animals, and cultural resources.

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 avoid, 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. A particular design chosen from alternatives evaluated can be implemented in the best interest of the public and environment.

2.1 Proposed Action

The project is the third phase of water line improvements within the Village of Questa. The Corps was not a part of the first phase, but was involved in the Phase II project (See EA entitled, "Questa Water System Improvements, Village of Questa, New Mexico" dated June 2008). The Village of Questa plans to have future phases of water line improvements. Currently, it is not known if the Corps would be involved in future work.

The Phase III improvements to the Village of Questa water system consist of installing 6-inch and 8-inch water lines. The new water lines would be installed within the existing road and street right-of-way. The project would include the mains, the ¾" service lines to the existing meters, and pavement repair. The intent of the project would be to abandon in place the existing waterline that is embedded in molybdenum tailings. The waterline would be installed adjacent to, or on the opposite side of the right-of-way. The location of the water lines being replaced are shown in Figure 3.

The utility construction would be accomplished in a cut and cover operation. Each segment of waterline would be installed in an open trench to a depth where the top of the pipe is located 4-feet below the ground surface. The trench is of sufficient width to provide for the pipe diameter and two additional feet to ensure acceptable bedding and compaction of backfill around the pipe. The haunching and inches of pipe bedding shall be manufactured, angular, granular material (¼" to ¾" size, see Table 701.3.A – NMAPWA). The bedding and backfill material (native material) is compacted to density of 90 percent to a depth of one foot below grade. The top one foot of the trench backfill under pavement uses native material excavated from the trench and is compacted to a density of 95 percent. The type of pipe used would be PVC C900. Existing access roads and staging areas would be used for the project.

The total construction cost for this project is $2,419,253. Federal costs would be $1,814,440 and non-Federal costs would be $604,813. The duration of construction would be two years, and construction is expected to start in the winter of 2010. Construction of the Phase III Questa Water System Improvement Project is funded under the American Recovery Act and Reinvestment Act of 2009.

2.2 Alternatives Considered

Improvements to other water lines were considered during the planning phase of this project but were later dropped from consideration due to real estate issues. The Village wanted to upgrade the water line along West Road, shown in Figure 3. However, a segment of this current water line goes through U.S. Forest Service property. Although the Village of Questa is planning to obtain a permit through the U.S. Forest Service to upgrade this water line in the future, that portion was cut from the current project.

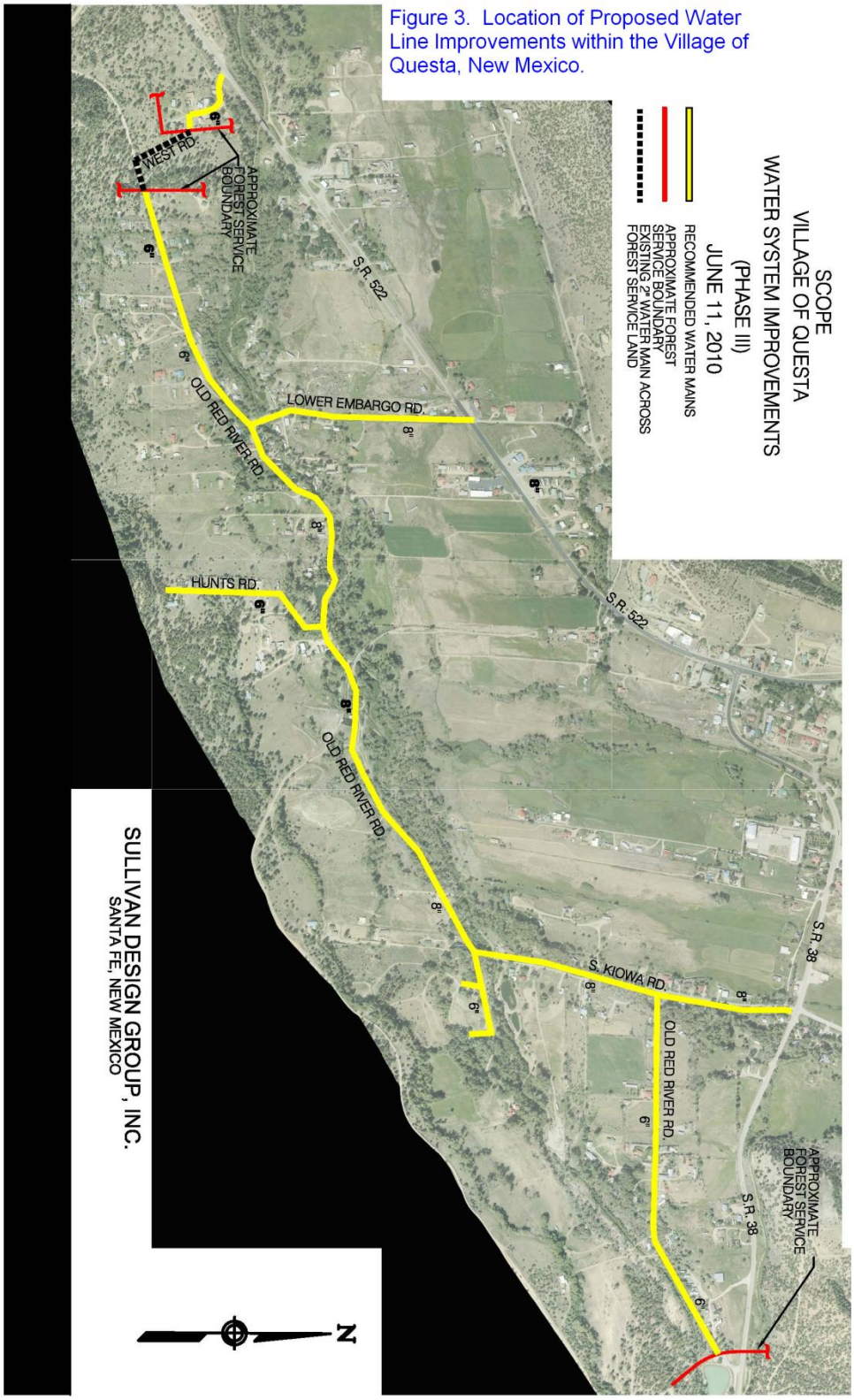


Figure 3. Location of Proposed Water Line Improvements within the Village of Questa, New Mexico.

2.3 The No-Action Alternative

Under the No-Action alternative, there would be no installation of new water lines, and abandonment of existing water lines would not occur. No Federal funding would be expended and there would be no new effects to the project site or surrounding environment. However, the No-Action alternative does not prevent the potential for molybdenum contamination in the drinking water. The improvements would enhance water service reliability and fire protection. The No-Action alternative should be perceived as an environmentally unsound course of action with regard to providing the Village of Questa with safe drinking water.

3.0 EXISTING ENVIRONMENT AND FORESEEABLE EFFECTS

3.1 Physical Resources

3.1.1 Physiography, Geology, and Soils

The project area lies within the Southern Rocky Mountain Physiographic Province (USDA, 2010). This area is divided into three geomorphic units, which consist of the Sangre de Cristo Mountains on the east, the westward sloping alluvial piedmonts plains and fans from the mountains, and the basalt areas. The Village of Questa sits in a valley at the confluence of the Red River and Cabresto Creek watersheds. The elevations range from 7,400 to 7,600 feet above mean sea level. The action occurs within the Manzano-Loveland-Caruso soil association (USDA, 2010). This association occurs on valley bottoms, terraces, and fans along streams extending west from the Sangre de Cristo Mountains. The Manzano soils are well drained and the surface layer is brown clay loam. The Loveland soils are poorly drained, and the surface layer is dark grayish brown clay loam and loam. The Caruso soils are somewhat poorly drained, and the surface layer is grayish brown silty clay loam and clay loam. Most of this map unit is used for irrigated hay and as pasture. The Manzano-Loveland-Caruso soil association is classified in Group C of the hydrologic soil groups. Soils are placed in one of four groups on the basis of the intake of water after the soils have been wetted and have received precipitation from long-duration storms. Soils in Group C have a slow infiltration rate when thoroughly wet and have a moderate rate of water transmission. There would be short-term, minor adverse effects to soils during construction of the project. There would be no effect to soils from the No-Action alternative.

3.1.2 Climate and Climate Change

Taos County has a semiarid climate. Temperatures in the Taos area vary greatly due to the major elevation differences. Elevations within the Village of Questa range from 7,400 to 7,600 feet above mean sea level. Summer temperatures are mild, averaging from 80 degrees in the day to 45 degrees at night. Winter temperatures are cold. The daytime average is 40 degrees, and the minimum temperature is about 10 degrees. The average annual precipitation ranges from approximately 9 to 15 inches. Annual averages of 34 inches or more occur in the higher mountains. Precipitation is lightest in the winter; the average is a little more than one-half inch in a month. The heavier precipitation is caused mostly by thunderstorms. There would be

no effect to climate by the project or by the No-Action alternative. The information in this section was obtained from the soil survey for Taos County (USDA, 2010).

Gas emissions during the construction of the project would be so small as to be a negligible short-term consideration. The project would not be affected by climate change due to its location underground and away from exposure to the elements. There would be no effect to climate change from the No-Action alternative.

3.1.3 Water Resources

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 the National Pollution Discharge Elimination System (NPDES) guidance. Construction activities associated with storm-water discharges are characterized by clearing, grading, and excavation, which subject the underlying soils to erosion by storm-water and would result in a disturbance to one or more acres of land. The NPDES general permit guidance would apply to this project because the total construction area is greater than one acre. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) is required. Standard Best Management Practices to prevent on- and off-site erosion would be incorporated in contract specifications. Short-term, minor adverse impacts from storm-water during construction are expected to be negligible. No long-term adverse impacts are expected to water resources.

Section 404 of the CWA (CWA; 33 U.S.C. 1251 *et seq.*), as amended, provides for the protection of waters of the United States through regulation of the discharge of dredged or fill material. The Corps' Regulatory Program (33 CFR Parts 320-330) requires that a Section 404 evaluation be conducted for all construction that may affect waters of the United States. There are four areas within the project site where the installation of water lines would be located within waters of the United States. Two of these water lines would cross Red River at the southern end of Lower Embargo Road and South Kiowa Road. Two other water lines would cross Cabresto Creek along South Kiowa Road (see Figure 4 for these crossing locations). These areas are regulated under provisions of Section 404 of the Clean Water Act. A preliminary jurisdictional determination for this waterway was submitted to the Corps by the sponsor for their concurrence and to determine whether a Corps' permit would be required. It was determined that the proposed project is authorized under Nationwide Permit No. 12 for Utilities Construction (see Appendix C for determination letter). Because the proposed action meets the conditions of this Nationwide Permit, the 404(b)(1) analyses have already been completed and additional 404(b)(1) analysis is not required. All conditions under the 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 (WQC) be obtained for anticipated discharges associated with construction activities or other disturbances within waterways. Section 401 of the CWA applies to this project, as there would be discharge associated with construction activities or other disturbances within waterways. A Water Quality Certification Permit would be obtained prior to any proposed work, and all conditions would be followed.

3.1.4 Floodplains and Wetlands

Executive Orders 11988 (Floodplain Management) provides Federal guidance for activities within the floodplains 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 floodplains. The project area is located within two zones on the floodplain map for Taos County (Flood Insurance Rate Map 1996). The majority of the project area is located in Zone X, which is designated as areas determined to be outside the 500-year floodplain. The crossings of Red River and Cabresto Creek occur within Zone A. This zone is within the special flood hazard area inundated by 100-year flood events. However, in Zone A, no base flood elevations have been determined. The water lines would be installed within the existing road rights-of-way and at Village-maintained bridges and culvert crossings. Because the work would be replacing existing water lines, it would not constitute any alterations within the historical floodplain and would have no new impacts to the historical or current floodplains. During construction, there would be a minor short-term adverse effect. No long-term adverse impacts are expected to floodplains. There would be no effect to floodplains from the No-Action alternative.

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. Although wetlands may occur adjacent to Red River and Cabresto Creek, the crossings of the water lines would avoid any disturbance to these wetland habitats. All work would take place within Village road rights-of-way and at Village-maintained bridges and culvert crossings. There would be no effect to wetlands by the project or by the No-Action alternative.

3.1.5 Air Quality, Noise, and Aesthetics

The Village of Questa's nearest ambient air monitoring site is located at the Taos fire station. The Village of Questa is in New Mexico's Air Quality Control Region No.3 for air quality monitoring, and Taos County is "in attainment" (does not exceed State and Federal Environmental Protection Agency air quality standards) for all criteria pollutants (NMED/AQB 2010). Air quality in the project area is generally good. The closest Class I area is the Wheeler Peak Wilderness, which is approximately 24 kilometers (15 miles) to the southeast of the 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.

The project would result in a temporary but negligible increase in suspended dust particles from construction activities. Water trucks with sprinklers would be used during construction to minimize dust. A Fugitive Dust Control Permit is needed when there will be surface disturbance to three quarters of an acre or more. Because the project would disturb more than three quarters of an acre, the contractor would obtain an approved permit from the New Mexico Environmental Department. Air quality in the Village of Questa, Taos County

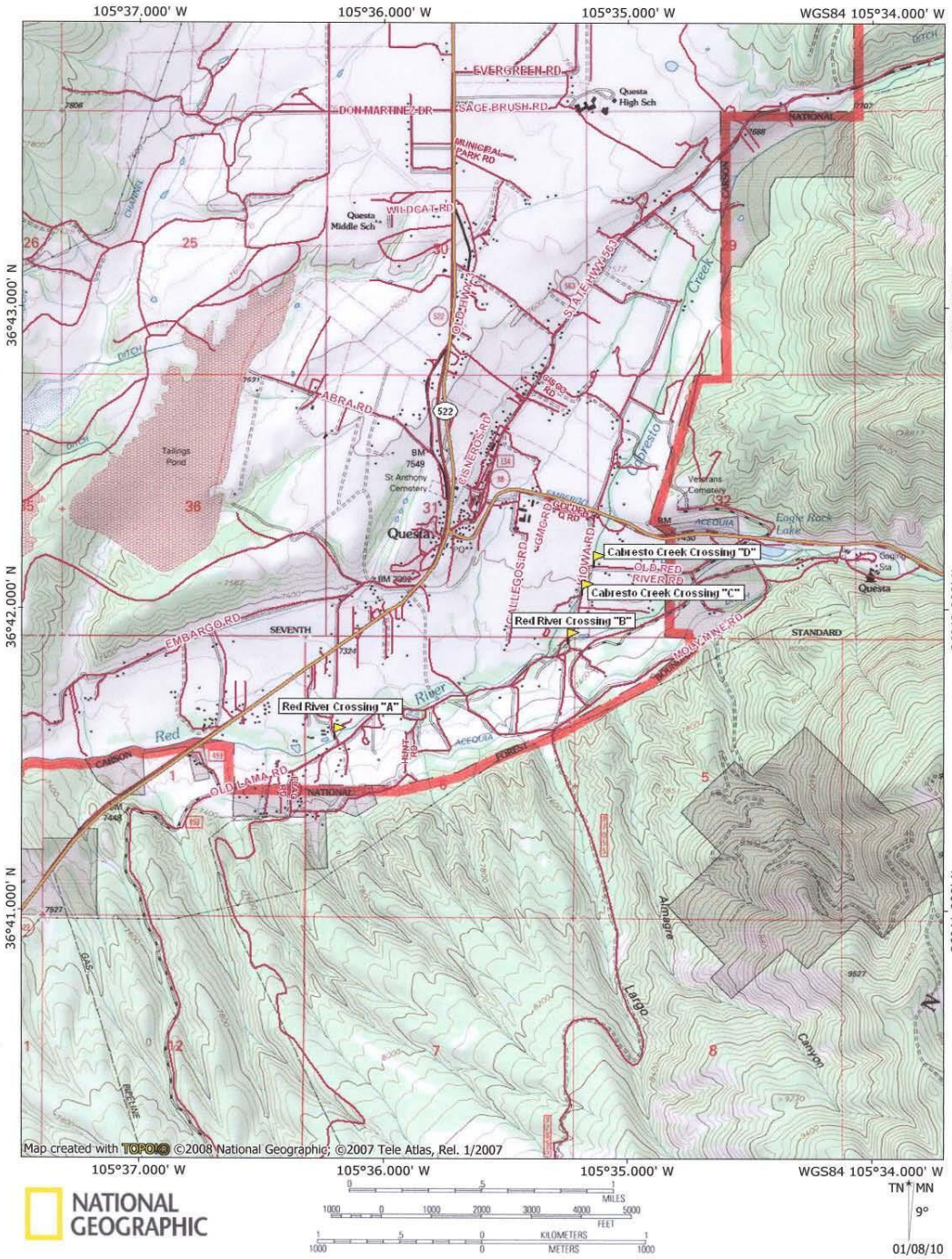


Figure 4. Location of Proposed Water Line Crossings at Red River and Cabresto Creek.

and Wheeler Peak Wilderness would not be significantly affected by the project and there would be no effect by the No-Action alternative.

Background noise levels in the project area are relatively low. According to the Noise Center for the League for the Hard of Hearing (League for the Hard of Hearing, 2010), 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. Heavy machinery has a noise level of 120 decibels. During construction, noise would temporarily increase in the vicinity during 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. Therefore, the project would have no significant affect on noise.

Aesthetically, the terrain of the project area is characterized by streets, highways, businesses, farmland, and residential houses. The installation of new water lines would be placed underground and would not change the terrain of the project area. During construction, there would be short-term, minor adverse impacts to aesthetics. Aesthetic conditions would not be adversely affected in the long-term by the project. There would be no effect to aesthetics by the No-Action alternative.

3.2 Biological Resources

3.2.1 Vegetation Communities

The project area is located on the edge of the Rocky Mountain Montane Conifer Forest biotic community as described by Brown (1982). Vegetation found in the project area is consistent with this vegetation type. During a site visit on October 23, 2009, Corps personnel visited the areas where installation of new water lines would take place. Roadside vegetation within the project area primarily consists of sand sagebrush (*Artemisia filifolia*), four-wing saltbush (*Atriplex canescens*), common sunflower (*Helianthus annuus*), gray rabbitbrush (*Chrysothamnus nauseosus*), asters (*Aster* spp.), bottlebrush squirreltail (*Sitanion hystrix*), and dandelion (*Taraxacum officianale*). Reseeding of native species would occur where vegetation was disturbed by construction. Only short-term, minor adverse impacts would occur to vegetation during construction as a result of the project. There would be no impacts to vegetation with the No-Action alternative.

3.2.2 Wildlife

Varieties of species are known to occur within the project area and are included in the Rocky Mountain Conifer Forest biotic community. Some of these species may include the following: mule deer (*Odocoileus hemionus*), deer mouse (*Peromyscus maniculatus*), snowshoe hare (*Lepus americanus*), least chipmunk (*Eutamias minimus*), Gapper's red-backed mouse (*Clethrionomys gapperi*), western flycatcher (*Empidonax difficilis*), western tanager (*Piranga ludoviciana*), brown creeper (*Certhia familiaris*), dwarf shrew (*Sorex nanus*), mountain bluebird (*Sialia currucoides*), and common flicker (*Colaptes auratus*).

The project construction would take place along roadways within the Village of Questa. Installation of water lines would be located underground. Wildlife displacement during construction would be minimal. Trenches would be inspected every morning and throughout the day to prevent small animals from being trapped. Short-term, minor adverse impact may occur to wildlife as a result of the project. No long-term adverse impact would occur to wildlife as a result of the action. No impact would occur to wildlife with the No-Action alternative.

3.2.3 Special Status Species

Three agencies have primary responsibility for protecting and conserving plant and animal species within the project area. The United States Fish and Wildlife Service (USFWS), under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531), as amended, has the responsibility for Federal-listed species. The New Mexico Department of Game and Fish (NMDGF) has the responsibility for State-listed wildlife species. The New Mexico State Forestry Division (Energy, Minerals, and Natural Resources Department) 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 based on their present status and on potential threats to future survival and recruitment into viable breeding populations. 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. Special status species that potentially occur in Taos County and may occur near the project area are listed in Table 1.

Special status animal species listed by USFWS (USFWS 2010) and New Mexico Department of Game and Fish for Taos County (NMDGF 2010) that are not anticipated to occur within the project area include the following:

- The Bald Eagle was removed from the Department of the Interior's list of threatened and endangered species on June 28, 2007. However, the Bald Eagle is a State Threatened species and is protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The Bald Eagle is normally found near major waterways and larger lakes where adequate food supplies may be found. It is known to occur in New Mexico primarily during the late fall and winter months. The Bald Eagle utilizes large trees for perching and forages primarily for fish, ducks, and carrion along rivers and at local reservoirs. Cabresto Creek and Red River are smaller waterways, where little to no preferred habitat exists. Due to the ease of mobility of the Bald Eagle, the limited disturbance of the project and the lack of preferred habitat in the project area, there would be no effect to the Bald Eagle.

- The American Peregrine Falcon is a Federally-Listed Species of Concern and a State Threatened species. The Peregrine Falcon may fly over the construction area during spring and fall migrations. The Peregrine Falcon prefers breeding habitat that is in isolated wooded areas with cliffs that create "gulfs" of air in which the Peregrine Falcon may forage. The Peregrine Falcon's preferred wooded-forested habitat does not occur in or near the project area. Due to the ease of mobility of the Peregrine Falcon, the limited disturbance of the project, and the lack of preferred habitat in the project area, there would be no effect to the Peregrine Falcon.

Table 1. Special Status Species Listed for Taos County, New Mexico, that have the Potential to Occur in the Vicinity of the Project Area.

Common Name	Scientific Name	Federal Status (USFWS[a]	State of New Mexico status (NMDGF)[b]
Animals			
Bald Eagle	*Haliaeetus leucocephalus*	---	T
American Peregrine Falcon	*Falco peregrinus anatum*	SC	T
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	E	E
Mexican Spotted Owl	*Strix occidentalis lucida*	T	---
White-eared Hummingbird	*Hylocharis leucotis borealis*	---	T
Boreal Owl	*Aegolius funereus*	---	T
Baird's Sparrow	*Ammodramus bairdii*	SC	T
Gray Vireo	*Vireo vicinior*	---	T
American Marten	*Martes americana origenes*	---	T
New Mexico Meadow Jumping Mouse	*Zapus hudsonius luteus*	C	E
Sangre de Cristo Peaclam	*Pisidium sanguinichristi*	SC	T
White-tailed Ptarmigan	*Lagopus leucurus altipetens*	---	E
Arctic Peregrine Falcon	*Falco peregrinus tundrius*	SC	T
Rio Grande Cutthroat Trout	*Oncorhynchus clarki virginalis*	C	---
Yellow-billed Cuckoo	*Coccyzus americanus occidentalis*	C	---
Gunnison's Prairie Dog	*Cynomys gunnisoni gunnisoni*	C	---
Burrowing Owl	*Athene cunicularia hypugaea*	SC	---
Mountain Plover	*Charadrius montanus*	SC	---
Northern Goshawk	*Accipiter gentilis atricapillus*	SC	---
Pale Townsend's Big-eared Bat	*Corynorhinus townsendii pallescens*	SC	---
Cockerell's Striate Disc Snail	*Discus shimeki cockerelli*	SC	---
Rio Grande Cutthroat Trout	*Oncorhynchus clarki virginalis*	C	---
Plants			
Arizona willow	*Salix arizonica*	---	R
New Mexico stickseed	*Hackelia hirsuta*	---	R
Pecos fleabane	*Erigeron subglaber*	---	R
Small-headed goldenweed	*Ericameria microcephala*	---	R
Robust larkspur	*Delphinium robustum*	---	R
Alpine larkspur	*Delphinium alpestre*	---	R
Smith's Whitlograss	*Draba smithii*	---	R
Ripley's milkvetch	*Astragalus ripleyi*	---	R
Taos milkvetch	*Astragalus puniceus* var. *gertrudis*	---	R
Cyanic milkvetch	*Astragalus cyaneus*	---	R
Clipped wild buckwheat	*Eriogonum lachnogynum* var. *colobum*	---	R

[a] **Endangered Species Act (ESA)** (as prepared by U.S. Fish and Wildlife Services) **status:** Only Endangered and Threatened species are protected by the ESA.

E= Endangered: any species that is in danger of extinction throughout all or a significant portion of its range.

T= Threatened: any species that is likely to become and endangered species within the foreseeable future throughout all or a significant portion of its range.

C= Candidate: taxa for which the Services has on file sufficient information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species.

SC= Species of Concern: taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possible appropriate, but for which sufficient data on biological vulnerability and threat are not currently available to support proposed rules.

[b] **State of New Mexico status:**

E= Endangered Animal species whose prospects of survival or recruitment within the state are in jeopardy.

R= Rare

T= Threatened Animal species whose prospects of survival or recruitment within the state are likely to become jeopardized in the foreseeable future.

- The Baird's Sparrow, a Federally-listed Species of Concern and a State-Threatened species, favors shrubby short-grass habitats. The sparrow is a migrant to New Mexico, occurring mainly in autumn and primarily in the eastern plains and southern lowlands, but is considered rare to uncommon and a vagrant. The sparrow may fly over the construction area during migration; however, due to the ease of mobility and the limited disturbance of the project, there would be no effect to Baird's Sparrow.

- The Southwestern Willow Flycatcher, a Federal and State-Endangered species, occurs in riparian habitats along rivers, streams, or other wetlands, where dense growths of willows, Baccharis, arrowweed, tamarisk, or other plants are present, often with a scattered overstory of cottonwood (NMDGF 2010). Preferred habitat does not exist within or near the project area. Therefore, due to the limited disturbance of the project and the lack of preferred habitat in the project area, there would be no effect to the Southwestern Willow Flycatcher.

- The Rio Grande Cutthroat Trout, a Federally-listed Candidate species, is known to exist in the Red River within the project area. Cutthroat trout are opportunistic feeders. Aquatic invertebrates are most abundant and diverse in riffle areas, and the trout will feed heavily in, and especially downstream of, these areas (Sublette et al., 1990). Stream crossing Best Management Practices will be included in the protect design (see Appendix A) to reduce potential impacts to aquatic life. Therefore, there would be no effect to the Rio Grande Cutthroat Trout.

- The New Mexico Meadow Jumping Mouse, a Federally-listed Candidate species and a State-Endangered species, occurs in mesic habitats dominated by rank, herbaceous vegetation. In both the Jemez Mountains and the Rio Grande Valley, Morrison (1985, 1988) found that preferred habitat for the New Mexico Meadow Jumping Mouse contained permanent streams, moderate to high soil moisture, and dense and diverse streamside vegetation consisting of grasses, sedges, and forbs. Such habitats were

characterized by wet meadows in the Jemez Mountains, whereas they included the edges of permanent ditches and cattail stands in the Rio Grande Valley (NMDGF, 1988). Due to the ease of mobility and the limited disturbance of the project, there would be no effect to the New Mexico Meadow Jumping Mouse.

- The primary selected habitat of the Mexican Spotted Owl, a Federally-listed Threatened species, is mixed conifer dominated by Douglas-fir, pine, or true-fir (Abies) and pine-oak forests. Secondarily selected habitats include such features as steep, narrow canyons with cliffs and a perennial water source. Such canyon habitats generally include conifer or riparian forests, or clumps of trees, but may be sparsely vegetated. Areas chosen for their contiguous forests are strongly selected for old-growth forests or forests that have more complex structure than surrounding forests (Gutierrez, et al., 1995). Preferred habitat does not exist within or near the project area. Therefore, due to the limited disturbance of the project and the lack of preferred habitat in the project area, there would be no effect to the Mexican Spotted Owl.

In addition, the New Mexico Department of Minerals, Natural Resources, Forestry Division has the responsibility for maintaining the list of State-listed Endangered plant species. The State species list indicates that the following eleven status plant species occur in Taos County, the Arizona willow (*Salix arizonica*), New Mexico stickseed (*Hackelia hirsuta*), Pecos fleabane (*Erigeron subglaber*), Smith's Whitlowgrass (*Draba smithii*), Small-headed goldenweed (*Lorandersonia microcephala*), Robust larkspur (*Delphinium robustum*), Alpine larkspur (*Delphinium alpestre*), Clipped wild buckwheat (*Eriogonum lachnogynum* var. *colobum*), Ripley's milkvetch (*Astragalus ripleyi*), Taos milkvetch (*Astragalus puniceus* var. *gertrudis*), and Cyanic milkvetch (*Astragalus cyaneus*). They are each listed by the State of New Mexico Division of Forestry as an endangered plant on the New Mexico Rare Plants Technical Council 1999 Website (updated 27 January 2010). Although these plants are known to exist in Taos County, they are not likely to occur within the project area. The preferred site condition of these plants is not present within or near the project area. There was no presence of these species during the site visit to the project area. Therefore, there would be no effect to these endangered plants by the project or the No-Action alternative.

3.3 Cultural Resources

This project is in compliance with the National Historic Preservation Act (NHPA) of 1966, as amended [16 U.S.C. 470 et seq]. The current undertaking represents the third phase of recent water line construction for Questa. The Corps was not involved in the first phase. For Phase 1, the Village of Questa had an archaeological consultant survey the entire project area (for all phases), send tribal consultation letters for the entire project, and received State Historic Preservation Office concurrence (dated March 6, 2005) on the archaeological consultant's "no adverse effect to historic properties" recommendation for the entire project (Appendix B).

At the request of Questa, the Corps became involved in the second phase of construction. For Phase 2, the majority of the area had been covered by the original cultural resources survey. The Phase 2 project was altered by the addition of Questa's Business Park. To comply with the NHPA, the Corps surveyed the new area, prepared a negative survey report, and asked for the

SHPO's concurrence in the Corps' determination of "no adverse effect to historic properties". In addition, the Corps sent new tribal consultation scoping letters covering the entire project on November 8, 2006. The Corps received no evidence of tribal concern regarding the project. The SHPO concurred with the Corp's "no adverse effect" determination on November 13, 2006 (Appendix B). This covered the entire project as originally described with the addition of the Business Park.

Corps' archaeologists reviewed the final plans for the current Phase 3 project relative to the original cultural resources survey, and concluded that the original survey did not include all areas within the current project Area of Potential Effects (APE). The APE for this project is considered to be the road and right-of-way where construction will take place. For the newly added alignments, construction will be in the middle of existing roads, because the right-of-way is too narrow for utilities to be placed adjacent to the road.

On March 30, 2010, Corps' archaeologists surveyed the previously unsurveyed portions of the project. No artifacts or other cultural resource manifestations were observed during the survey. Access and staging will use existing roads and existing Questa facilities. No ground disturbance would occur outside of the surveyed areas. On April 20, 2010, the Corps sent a letter to the SHPO requesting concurrence with the Corps' "no historic properties affected" determination for the additional 8.48-acre survey area (Appendix B). As of June 21, 2010, the Corps has not received a response from the SHPO. Pursuant to 36 CFR 800.4(d)(1)(i), because the SHPO has not responded within 30 days of receipt of an adequately documented finding, the Corps' responsibilities under Section 106 are fulfilled. The remainder of the project is within the Corps' original SHPO concurrence area.

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 consultation with the SHPO and with American Indian Tribes that have cultural concerns in the area would be initiated to determine the best course of action.

3.4 Socioeconomic and Land Use Considerations

The Village of Questa is located in northern Taos County, New Mexico. The 2008 total population estimate for Questa was 1,907 (U.S. Census Bureau, 2010). Within Questa, the ethnic background is as follows: Hispanic or Latino, 80.5%; Anglo, 19.5%; African-American, 0%; Native American, 0%; and Asian, 0%. In 2000, the per capita money income in Questa was $13,303 and the median income for a family was $23,448 (U.S. Census Bureau, 2010). The average monthly annual unemployment rate for the Village of Questa in 2000 was 7.5% (U.S. Census Bureau, 2010). The average monthly annual unemployment rate for the State of New Mexico in 2008 was 4.4% (U.S. Census Bureau, 2010).

The project would take place entirely along existing roadways and rights-of-way. Adjacent property/features include streets, businesses, farmland, highways, and residential houses. The project would not affect existing land use or socioeconomic resources in the project area.

3.5 Human Health and Safety

The scope of work for this project calls for workers to install underground water lines in an area near mine tailings material. This site and the mine tailings associated with it have been listed by the Environmental Protection Agency on the National Priorities List (Molycorp Inc), a listing of the most contaminated sites in the country. These tailings have the potential to be harmful to human health. If any of these mine tailings are to be disturbed during this work, the tailings shall be analyzed as to their content before any work proceeds at the site. A Certified Industrial Hygienist (CIH) who is experienced with mine waste and the risk posed to human health and on-site workers from this waste shall be consulted by the contractor that would be performing this work prior to the start of any construction work at the site. All work shall be performed in accordance with the CIH recommendations and the Occupational Safety and Health Administration Hazardous Waste Workers requirements provided in 29 CFR 1910.120 Hazardous Waste Operations. A Site Safety and Health Plan or equivalent shall be written and followed, and the construction workers shall receive Hazardous Communication training as required by OSHA (29 CFR 1910.120).

The current OSHA standard for molybdenum and insoluble molybdenum compounds is 15 milligrams of molybdenum and insoluble molybdenum compounds per cubic meter of air (mg/m^3) averaged over an eight hour work shift. The American Conference of Governmental Industrial Hygienists has recommended a Threshold Limit Value of 10 mg/m^3. Other naturally occurring elements in the tailings (arsenic, cadmium, chromium, cobalt, lead, manganese, and zinc) have also been identified as contaminants of concern at the site because they are present in levels much higher than they appear in nature. These elements also have OSHA standards that are enforceable by law.

Because the intent of the project would be to abandon in place the existing waterline that is embedded in molybdenum tailings, it is highly unlikely that any of the mine tailings would be disturbed during this work.

The replacement of the Village's water lines is necessary to prevent the possibility of molybdenum contamination in drinking water. These improvements would assure safe drinking water for all of the residents living within the Village of Questa. Human health and safety would have a minor, long-and short-term beneficial effect due to the project.

3.6 Environmental Justice

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority 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 actions. In an accompanying memorandum, President Clinton emphasized that existing laws, such as the National Environmental Policy Act (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 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 Village of Questa Water Line Improvement Project would be conducted under Section 595 of the Water Resources Development 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. The replacement of the water lines and improvements to the water system would benefit the entire Village of Questa. These improvements would assure safe drinking water for all of the residents living within the Village of Questa. 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 action.

3.7 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 footprint of the project lies within a rural area. The water line water system improvements would take place within the Village of Questa (see Figure 3). The water system improvements are located along and adjacent to the roadways within the Village of Questa. The project is the third phase of water line improvements within the Village of Questa. As previously stated, the Corps was not a part of the first phase, but was involved in the Phase II project. Both Phases I and II water line improvements were located at the north end of the Village (opposite to the location of the Phase III improvements). Phase I improvements included approximately 4,000 linear feet of 4-inch and 6-inch water line replacements. Phase II improvements included approximately 6,000 linear feet of 4-inch and 6-inch water lines replacements. Although future phases of water line improvements are planned, at this time the Village has not identified which water lines would be replaced.

The improvements to the water system would not significantly impact the current conditions of the local environment. Assurance of safe drinking water is anticipated to occur from the project. For these reasons, the project, when combined with past, present, or future activities in the Village of Questa, would not significantly add to or raise local cumulative environmental impacts to a level of significance.

4.0 CONCLUSION AND SUMMARY

The action evaluated in this Final EA addresses the method and potential effects for the water system improvements.

The water system improvements are located along and adjacent to the roadways within the Village of Questa. Impacts to the environment would be non-significant and short-term. The water system improvements would benefit the drinking water for the Village of Questa. The project would not result in any moderate or significant, long-term, or cumulative adverse effects. Therefore, the project would not significantly affect the quality of the human environment and is recommended for implementation.

5.0 PREPARATION, CONSULTATION AND COORDINATION

5.1 Preparation

This Final EA was prepared for the Village of Questa by the U.S. Army Corps of Engineers, Albuquerque District (Corps). Personnel primarily responsible for preparation include:

Danielle A. Galloway	Biologist
Lance A. Lundquist	Archaeologist
Matthew L. Masten	Environmental Engineer

5.2 Quality Control

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

Ondrea C. Hummel	Senior Ecologist
Gregory D. Everhart	Archaeologist
Julie A. Alcon	Supervisory Ecologist

5.3 General Consultation and Coordination

Agencies and entities contacted formally or informally in preparation of this Final EA include:

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

US Forest Service
Carson National Forest
Questa Field Office

5.4 Mailing Distribution List for the Draft EA

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

US Forest Service
Carson National Forest
Questa Field Office

US Environmental Protection Agency, Region 6
Office of Planning and Coordination
Dallas, Texas

US Bureau of Reclamation
Albuquerque, New Mexico

NM Forestry and Resources Conservation Division
Energy, Minerals, and Natural Resources Department
Santa Fe, New Mexico

NM Department of Game and Fish
Conservations and Services Division
Albuquerque, New Mexico

Surface Water Quality Bureau
NM Environmental Department
Santa Fe, New Mexico

NM State Engineer
Santa Fe, New Mexico

NM Interstate Stream Commission
Santa Fe, New Mexico

Village of Questa Administrator
Questa, New Mexico

Mayor of Village of Questa
Questa, New Mexico

Public Works Director
Questa, New Mexico

Questa Public Library
Questa, New Mexico

Adjacent Property Owners

5.5 Corps' Responses to Comments Received During the Public Review Period

The public review period was held from September 28, 2010, to October 28, 2010. The Corps received comments from the New Mexico Environment Department and the U.S. Fish and Wildlife Service. The Corps responds to these comments as follows:

Comments received from the New Mexico Environment Department:

"Best Management Practices should include structures that will prevent the disturbed soils from construction activities to leave the construction site. Since the soils in and around the designated construction area may pose a water contamination source in the Red River, it is imperative that these soils be restricted from movement. The project workplan should include possible actions that would be taken during storm events as well. The location at which this project is located is high mountainous and sloped areas, where flooding is susceptible during runoff and storm events. Furthermore, re-seeding of the construction areas should account form BMP implementation. This activity will ensure soil stabilization by root introduction."

"This project will be a challenge to the Contractor because of the location and the terrain associated with it. The weather conditions tend to change rapidly, and winter months extend further into the seasons than usual. An appropriate Best Management Plan should be incorporated into the construction workplan to ensure that possible reneged soils are retained on site."

Corps' Response:

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 the National Pollution Discharge Elimination System (NPDES) guidance. Construction activities associated with storm-water discharges are characterized by such things as clearing, grading, and excavation, subjecting the underlying soils to erosion by storm-water, which results in a disturbance to one or more acres of land. The NPDES general permit guidance would apply to this project because the total construction area is greater than one acre. Therefore, a Storm-Water Pollution Prevention Plan is required. Standard Best Management Practices to prevent on- and off-site erosion would be incorporated in contract specifications. Short-term, minor adverse impacts from storm-water during construction are expected to be negligible. No long-term adverse impacts are expected to water resources.

In the Environmental Assessment, Section 3.2.1 Vegetation Communities, it states that reseeding of native species would occur where vegetation is disturbed from construction.

Comments received from the U.S. Fish and Wildlife Service:

"One possible impact would be from pipeline stream crossings. The Federal candidate species Rio Grande cutthroat trout (Oncorhynchus clarki virginalis) is found the Red River within the project area. As such, we recommend that stream crossing BMPs (attached) be included in the project design to reduce potential impacts aquatic life."

Corps' Response:

The U.S. Fish and Wildlife Service provided a list of BMPs that should be included in the project design to reduce potential impacts to aquatic life. These BMPs will be included in the project design and have been included in the Environmental Assessment (Appendix A).

6.0 REFERENCES

Brown, David E.

1982. **Desert Plants: Biotic Communities of the American Southwest-United States and Mexico**. University of Arizona, Superior, Arizona.

Brown, David E. and C.H. Lowe.

1977. **Biotic Communities of the Southwest Map**. USDA Forest Service, Ft. Collins, Colorado.

Dick-Peddie, William A.

1993. **New Mexico Vegetation: Past, Present, and Future**. University of New Mexico Press, Albuquerque, New Mexico.

Gutierrez, R.J., A.B. Franklin, and W.S. Lahaye.

1994. **Spotted Owl: The Birds of North America**. No. 179, 28pp. A Poole and F. Gill, eds.

League for the Hard of Hearing.

2010. **Noise Center**. http://www.chchearing.org/noise-center-home/facts-noise/common-environmental-noise-levels

Lundquist, Lance.

2006. **A Review of the Relevance of Recent Cultural Resources Surveys for the Village of Questa Emergency Sewer Improvement Project near Red River and Cabresto Creek, Taos County, New Mexico.** U.S. Army Corps of Engineers. Albuquerque District. Report No. COE-2006-10. Albuquerque.

Morrison, J.L.

1985. **The Distribution of the meadow jumping mouse, *Zapus hudsonius luteus*, in the Jemez Mountains, New Mexico.** New Mexico Department of Game and Fish, contract 516.6-74-01, final report: 1-39.

Morrison, J.L.
1988. **Distribution, life history, and ecology of the meadow jumping mouse, *Zapus hudsonius luteus* at four sites along the Rio Grande Valley in New Mexico.** New Mexico Department of Game and Fish, contract 516.6-75-21, final report:1-57.

National Flood Insurance Program.
1996. **Flood Insurance Rate Map for Taos County, New Mexico and Incorporated Areas**. Community-Panel Number 3500780275C. Federal Emergency Management Agency.

New Mexico Department of Agriculture.
2007. **Agricultural Statistics for 2003**. http://nmdaweb.nmsu.edu/stat.html

New Mexico Department of Game and Fish (NMDGF).
1988. **Handbook of Species Endangered in New Mexico**. G-217:1-2.

New Mexico Department of Game and Fish (NMDGF).
2010. **New Mexico Species List/Species Account – BISON-M.** http://www.nmnhp.unm.edu/bisonm/bisonquery.php

New Mexico Environmental Department, Air Quality Bureau (NMED/AQB).
2010. **New Mexico Air Quality**. New Mexico Environmental Department. http://air.state.nm.us/

New Mexico Rare Plant Technical Council.
1999. **New Mexico Rare Plants**. New Mexico Department of Minerals, Natural Resources, Forestry Division. Albuquerque, New Mexico: New Mexico Rare Plants Home Page. http://nmrareplants.unm.edu (Last update: 27 January 2010).

Sublette, J. E., M. D. Hatch, and M. Sublette.
1990. **The Fishes of New Mexico**. University of New Mexico Press, Albuquerque, New Mexico.

Townsend, Steven.
2005. **A Cultural Resource Inventory for Improvements to the Water & Sanitation System at the Village of Questa, Taos County, New Mexico.** Townsend Archaeological Consultants Report No. 2004-20, Las Vegas, New Mexico.

U.S. Army Corps of Engineers.
2008. **Final Environmental Assessment for the Questa Water System Improvements.** Albuquerque District.

U.S. Department of Agriculture.
2010. Online **Soil Survey for Taos County**. http://websoilsurvey.nrcs.usda.gov/app/

U.S. Fish and Wildlife Service.
2010. **Endangered Species List: Taos County, New Mexico.** http://ifw2es.fws.gov/endangeredspecies/lists/

Appendix A

Best Management Practices for Stream Crossings

U.S. Fish and Wildlife Service
New Mexico
Best Management Practices (BMP)
for Stream Crossings

In addition, all terms and conditions for the Army Corps of Engineers 404 Permit and the New Mexico Environment Department 401 permit will be adhered to including:

A Spill Control and Containment Plan will be prepared and implemented. Spill clean-up materials such as booms and absorbent pads will be available on-site at all times during construction.

All heavy equipment used in the project area will be steam cleaned before the start of the project and inspected daily for leaks. Leaking equipment will not be used in or near the river.

Equipment will be refueled at least 100 feet from surface water and fuel, oil, hydraulic fluid or substances of this nature must not be stored within the normal floodplain. All heavy equipment will be parked outside the river channel when not in use.

Work activities will be conducted topside of the stream channel. The inlet screen and pipe will be placed in the stream channel from the river bank above.

Jersey barriers lined with plastic will be placed in the river as a coffer dam to contain any sediment released during installation.

A qualified fisheries biologist will monitor the placement of the coffer dam to release any fish that could become trapped within the dam.

Fiber logs or split screens will be placed at the toe of the disturbed slope, just above the ordinary high water mark to prevent additional sedimentation during a storm event. This BMP will be kept in place after construction until vegetation has stabilized the slope.

Once the inlet screen and pipe are put in place, final backfill operations will be done along the existing bank edge.

Once the final back slope is completed, turf reinforcement mats filled with topsoil and seeded with native species will be place down to the ordinary high water mark.

Appendix B

Cultural Resources Consultation Letters

Gannett Fleming

Gannett Fleming West, Inc.
2155 Louisiana Boulevard, NE
Suite 9000
Albuquerque, New Mexico
87110

Office (505) 265-8468
Facsimile (505) 881-2513

RECEIVED
MAR 0 8 2005

February 2, 2005

073440
RECEIVED
FEB - 3 2005
MLE
HISTORIC PRESERVATION DIVISION

Ms. Katherine Slick
New Mexico Office of Cultural Affairs
Historic Preservation Division
Room 320, La Villa Rivera
228 East Palace Avenue
Santa Fe, New Mexico 87501

Subject: **Cultural Resources Survey for the Village of Questa, Water and Wastewater System Improvements**

Dear Ms. Slick:

Gannett Fleming West, Inc. (GFW), under subcontract to the Village of Questa, is preparing the design and environmental documentation for the Village of Questa's Water and Wastewater System Improvements Project. This includes performing an environmental review pursuant to the National Environmental Policy Act to assess the environmental impacts of water system improvements to the Village of Questa, Taos County, New Mexico.

Under subcontract to GFW, Townsend Archaeological Consultants, completed a cultural resource inventory for the subject project and summarized their findings in the attached report, dated January 25, 2005. The report concludes that the waterline project would have no effect on significant archaeological or historical properties.

The construction contract will state the following: "Contractors shall cease disturbance immediately in the event that features, artifacts, or human remains are encountered." In the event of an inadvertent discovery of cultural materials, ground disturbance in the discovery location shall cease immediately. The contractor shall notify the Project Manager immediately, so that notification to the State Historic Preservation Office can be made."

A Community Development Block Grant (CDBG) will be used to fund Phase I of the Water System Improvements Project, which is scheduled to be constructed this year. The project, Water System Improvements, Phase I, includes the installation of a booster station and replacement of existing waterlines within the existing roadways and roadway easements and right-of-ways. The existing water system is quite old, undersized, and leaking. The proposed project is funded by a New Mexico Legislative Funds and a Community Development Block Grant and is administered by the New Mexico Local Government Division. All construction, projects initiated by state or local units of government with grant funding from New Mexico Local Government Division are subject to the National Environmental Policy Act (NEPA).

Native American tribes that may be culturally affiliated with traditional cultural properties or other kinds of sites within an "area of potential effects" were sent letters on September 17, 2004, requesting consultation prior to the beginning of project work. Copies of these letters and any responses are also enclosed.

The point of contact at the Village of Questa is Brent Jaramillo, (505) 856-0694. On behalf of the Village of Questa, a copy of the Cultural Resources Report is submitted to your office for your review and concurrence. We respectfully request a response within 30 days.

If you need any further information or wish to discuss the project further, please contact Carol Bicher at 505-265-8468, x119. Your assistance with this matter is greatly appreciated.

Sincerely,
GANNETT FLEMING WEST, INC.

Carol Bicher for Gene Leyendecker

Gene Leyendecker
Project Manager

Enclosure

cc Brent Jaramillo, Village of Questa
Project File 43972

Concur with recommendation of eligibility and/or effects as proposed.

Michael R. Elliott 3-6-05

for NM State Historic Preservation Officer

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

COPY

April 20, 2010

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

Ms. Jan Biella
Acting State Historic Preservation Officer
Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501

Dear Ms. Biella:

Pursuant to 36 CFR Part 800, the U.S. Army Corps of Engineers (Corps), Albuquerque District, is seeking your concurrence in our determination of "no historic properties affected" for an addendum to a water and sewer system improvement project at the Village of Questa (Questa), Taos County, New Mexico (Enclosure 1). Questa is located about 22 miles north of Taos. Questa has requested Corps assistance 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.

The original project, as well as the current project, involves replacement of portions of the existing water and sewer supply system, which includes replacement of existing lines, valves, controls, and a booster station. Ms. Lisa Meyer of your office concurred with the Corps' "no adverse effect" determination on the original project on November 13, 2006 (HPD Log 079742; Enclosure 2). Townsend Archaeological Consultants conducted the survey for the original project (NMCRIS 914720). Questa has already completed two phases of construction on this project.

Final plan designs for what is currently designated Phase 3 include areas that were not in the original plan. The proposed changes involve ca. 7,000 feet of changes and additions to Questa's original ca. 121,000-foot long water and sewer project. The proposed construction is located within the Village of Questa, and the construction for the proposed 7,000 feet will be in the middle of existing roads, as the right-of-way is too narrow for utilities to be placed adjacent to the road. Enclosure 1 presents a map of the new project areas.

Corps' archaeologists reviewed the final plans for the Phase 3 project relative to the Townsend survey, and concluded that the Townsend survey did not include all areas within the current project Area of Potential Effects (APE). The APE for this project is considered to be the road and right-of-way where construction will take place.

On March 30, 2010, Corps' archaeologists surveyed the previously unsurveyed portions of the proposed project. Enclosure 3 contains a negative cultural resources survey report for your review, titled "An 8.48 Acre Cultural Resources Survey Addendum for the Questa Water Expansion Project, Questa, Taos County, New Mexico" (Report No. USACE-ABQ-2010-002, NMCRIS No. 117127). No artifacts or other cultural resource manifestations were observed during the survey. Access and staging will use existing roads and existing Questa facilities. No ground disturbance would occur outside of the surveyed areas.

Consistent with the Department of Defense's American Indian and Alaska Native Policy, signed by Secretary of Defense William S. Cohen on October 20, 1998, tribes that have indicated they have concerns in Taos County were contacted regarding Questa's water and sewer improvements. To date, the Corps has received no indication of tribal concerns about this project.

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 consultation with your office and with American Indian Tribes that have cultural concerns in the area would be initiated to determine the best course of action.

If you have questions regarding the Village of Questa Phase 3 Waterline Project, please contact Mr. Lance Lundquist, Archaeologist, at (505) 342-3671 or me at (505) 342-3375.

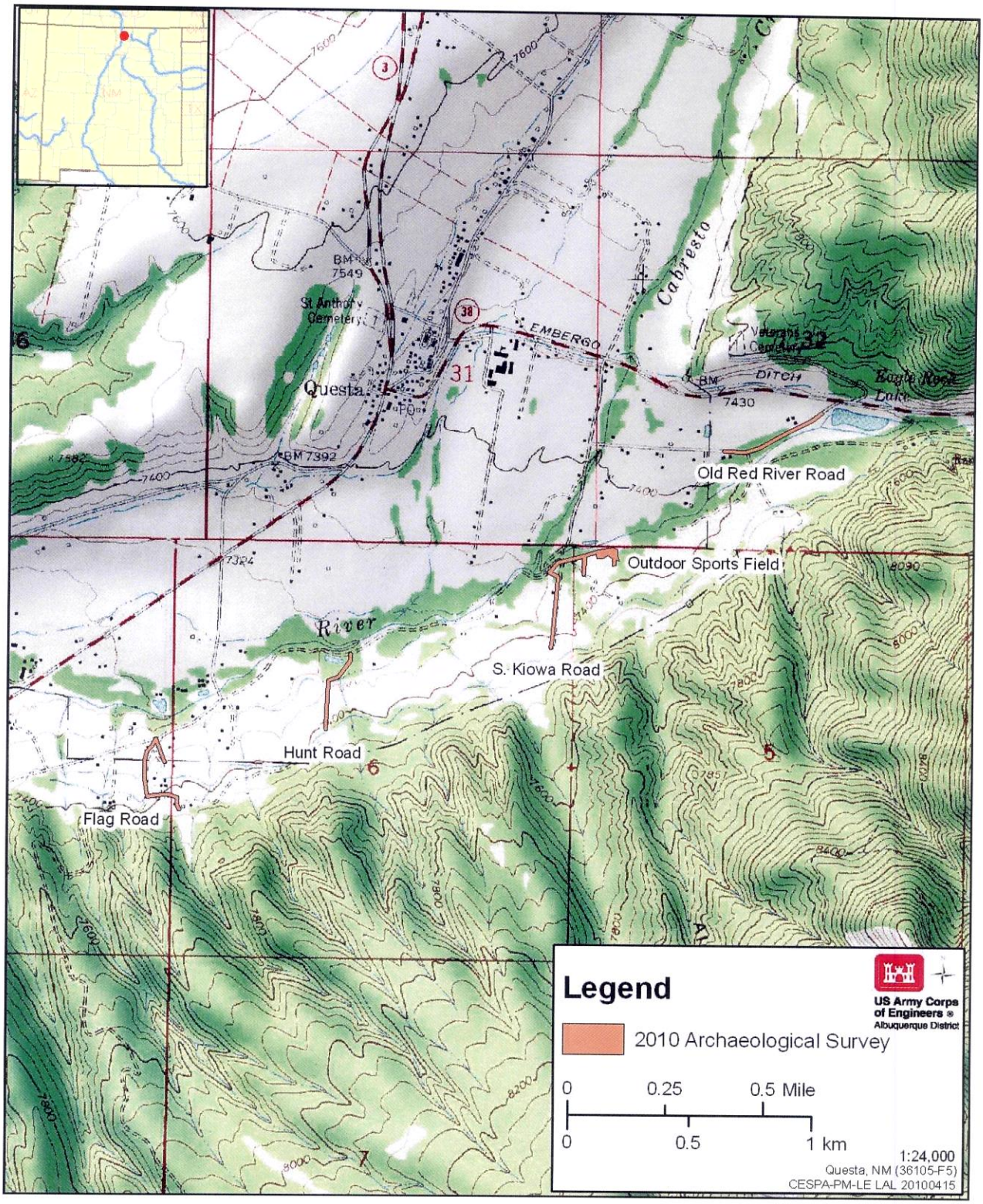
Sincerely,

Julie Alcon
Chief, Environmental Resources Section

Enclosures

Concur _____ _____
Jan Biella
Acting New Mexico State Historic Preservation Officer
Date

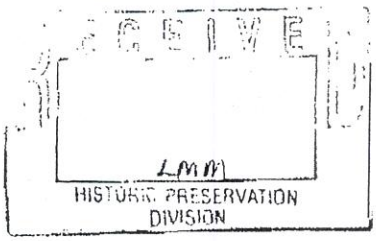
Enclosure 1: Project Location Map, Questa, New Mexico



Enclosure 2: SHPO Correspondence (HPD Log 079742)

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

079742



November 8, 2006

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

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

RE: Concurrence Request Regarding Water System Improvements at the Village of Questa, Taos County, New Mexico

Dear Ms. Slick:

Pursuant to 36 CFR Part 800, the U.S. Army Corps of Engineers (Corps), Albuquerque District, is seeking your concurrence in our determination of "No Adverse Effect to Historic Properties" for a water system improvement project at the Village of Questa, Taos County, New Mexico. Questa is about 22 miles north of Taos. The Village of Questa has requested Corps assistance. Work is being conducted under Section 595 of the Water Resources Development Act of 1999 (WRDA), 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.

This project involves replacement of portions of the existing water supply system, which includes replacement of existing waterline, valves, controls, and a booster station. The construction is located entirely within the Village of Questa, and the waterlines are located beneath existing roads.

The first of three phases for this project has already been completed. The first phase was funded by New Mexico Legislative Funds and a Community Development Block Grant administered by the New Mexico Local Government Division. The Corps, under Section 595 of the WRDA, will be funding partners with the Village of Questa for the remainder of this project.

Prior to Phase 1 construction, an intensive pedestrian archaeological survey of the Village of Questa's water and sanitary system was conducted by Townsend Archaeological Consultants (NMCRIS 91472) and was reviewed by your office (HPD Log 073440). In your review, you concurred that upgrades from this project will offer "no adverse effect to significant cultural resources" (see Enclosure 1). Based on the information provided by Townsend (2005), the Corps concurs with the SHPO that there would be "No Adverse Effect to Historic Properties" by this project or on the historic and cultural resources of the region. Currently, the scope of the project is the same; the only change is the funding source.

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 2006 Native American Consultations List, American Indian Tribes that have indicated they have concerns in Taos County have been contacted regarding the Corps' involvement in this project. To date, the Corps has received no indication of tribal concerns about this project.

Pursuant to 36 C.F.R. 800.11, 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 regarding the Village of Questa Water System Improvement project, please contact Mr. Lance Lundquist, archaeologist, at (505) 342-3671.

Sincerely,

Julie A. Hall
Chief, Environmental Resources Section

11/13/06
Date

I CONCUR
FO/ KATHERINE SLICK
NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

Appendix C

Regulatory Determination Letter for Nationwide Permit No. 12 for Utilities Construction

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 Jefferson Plaza NE
Albuquerque, NM 87109
505-342-3262
FAX 505-342-3498

November 12, 2010

REPLY TO
ATTENTION OF:

Regulatory Division
New Mexico/Texas Branch

SUBJECT: Action No. SPA-2010-00102-ABQ, Village of Questa Phase III Water System Improvements, Red River & Cabresto Creek

Brent Jaramillo
Village of Questa
PO Box 260
Questa, NM 87556-0260

Dear Mr. Jaramillo:

The U.S. Army Corps of Engineers (Corps) is in receipt of your application to install Phase III of water system improvements in the Village of Questa in Taos County, New Mexico. The activity involves the installation of 8 inch water main in the Village right-of-way from the existing 6 inch water main. We have assigned Action No. SPA-2010-00102-ABQ to this project. To avoid delay, please include this number in all future correspondence concerning this project.

We have reviewed this project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the Corps regulates the discharge of dredged and fill material into waters of the United States (U.S.), including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the U.S. Based on your description of the proposed work, and other information available to us, we have determined that the proposed project will involve activities subject to Section 404. Therefore, a Department of the Army permit is required.

We have determined that this project is authorized by Nationwide Permit 12, for utilities construction. A summary of this permit and the regional conditions for New Mexico are available on our website at www.spa.usace.army.mil/reg/. You are only authorized to conduct the work described in your submittal. To use this permit, you must ensure that the work complies with the terms and conditions listed in the permit.

Under Section 401 of the Clean Water Act, certification of compliance with state or tribal water quality standards by the state water quality agency or tribal water quality certifying authority is required for any discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act.

In the State of New Mexico, the New Mexico Environment Department (NMED) has denied water quality certification (WQC) for activities that occur in perennial or intermittent streams, wetlands, or Outstanding National Resource Waters (ONRW). We understand that this project is located in a perennial stream; therefore individual WQC is required. You are not authorized to begin work under this Nationwide Permit until you obtain WQC from NMED. An application for NMED WQC is available at http://www.spa.usace.army.mil/reg/Application%20Process/jntwqnm.pdf or from NMED. The application should be mailed to:

NMED - Surface Water Quality Bureau
ATTN: 401 Certification Program
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
(505) 476-3017

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 17 and 18. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within the permit area. We have also determined that this project will not affect historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that you are responsible for meeting the requirements of general condition 17 on endangered species and general condition 18 on historic properties.

This verification is valid until March 18, 2012, unless the nationwide permit is modified, suspended, revoked or reissued prior to that date. The Corps will issue a public notice when the nationwide permits are reissued. If you commence or are under contract to commence the authorized activity before the date that the relevant nationwide permit(s) is modified, reissued or revoked you will have twelve (12) months from the date of the modification, reissuance, or revocation of the nationwide permits to complete the activity under the present terms and conditions of the nationwide permits. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

The Corps based this decision on a preliminary jurisdictional determination (JD) that there may be waters of the United States on the project site. Preliminary JDs are advisory in nature and may not be appealed. An approved JD is an official Corps determination that "waters of the U.S." and/or "navigable waters of the U.S." are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the CWA or RHA. If you wish, you may request that the USACE reevaluate this case and issue an approved JD. If you request an approved JD, you may not begin work until the approved JD, which may require coordination with the Environmental Protection Agency, is completed. Please contact me if you wish to request an approved JD for this case.

You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the nationwide permit.

You must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

This permit is not an approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of Federal, state or local laws or regulations. You must possess the authority, including property rights, to undertake the proposed work.

If you have any questions concerning our regulatory program, please contact at 505-342-3280 or by e-mail at Deanna.L.Cummings@usace.army.mil. At your convenience, please complete a Customer Service Survey on-line available at http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Deanna L. Cummings
Regulatory Project Manager

Copies furnished (via email):
Neal Schaeffer, NMED
Harold Sullivan, Sullivan Engineering

Certification of Compliance
with Department of the Army Nationwide Permit

Action Number: SPA-2010-00102-ABQ

Name of Permittee: Brent Jaramillo, Village of Questa

Nationwide Permit: 12

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

Deanna Cummings
Albuquerque District, U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109
505-342-3262
FAX 505-342-3498

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

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

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

Date Work Started _____

Date Work Completed _____

_____ _____

Date Signature of Permittee

Appendix D

Corps Public Review Letter and Comment Letters Received

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

September 28, 2010

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

Dear :

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the Village of Questa, New Mexico, is planning to replace water lines to provide the Village of Questa with reliable, quality drinking water, enhance fire protection, and eliminate the potential for molybdenum contamination in the water lines (See enclosure for location of proposed water line improvements). The proposed improvements consist of installing 6-inch and 8-inch water lines. The new water lines would be installed within the existing road and street right-of-way. The proposed project also would include the mains, the ¾" service lines to the existing meters, and pavement repair. The existing water line that is embedded in molybdenum tailings would be abandoned in place. The proposed project start date would be the fall of 2010 and construction activities would last approximately two years.

This work is proposed under Section 595 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 Idaho, Montana, rural Nevada, New Mexico, and rural Utah. Available for your review is the Draft Environmental Assessment (EA), titled, **"Phase III Questa Water System Improvements, Village of Questa, 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 EA and provide any written comments to the above address, Attn: Mrs. Danielle Galloway,

Environmental Resources Section. Written comments must be received **no later than October 28, 2010,** so that comments can be addressed and revisions made to the Draft EA 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 or Mr. Jonathon Van Hoose, archaeologist, at (505) 342-3687 or e-mail at jonathan.e.vanhoose@usace.army.mil.

Sincerely,

Julie Alcon
Chief, Environmental Resources Section

Enclosure

NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

BILL RICHARDSON
Governor

Harold Runnels Building
1190 Saint Francis Drive (87505)
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

RON CURRY
Secretary
Sarah Cottrell
Deputy Secretary

October 13, 2010

ATTN: Ms. Danielle Galloway
Environmental Resources Section
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

RE: Proposed Water Line Installation, Village of Questa

Dear Ms. Galloway:

A letter from Ms. Julie Alcon 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 Surface Water Quality Bureau and are as follows.

Surface Water Quality Bureau
The proposed project is located in the vicinity of Red River and Cabresto Creek, respectively. According to the "2010 – 2012, State of New Mexico Clean Water Act 303(d)/305(b) Integrated Report, - Appendix A – List of Assessed Waters", the following listings are for Red River and Cabresto Creek.

Red River (Rio Grande to Placer Creek

Use Information:	Designated Use(s)	Attainment
	Coldwater Aquatic Life	Not Supporting
	Fish Culture	Fully Supporting
	Irrigation	Fully Supporting
	Livestock Watering	Not Assessed
	Primary Contact	Not Assessed
	Wildlife Habitat	Fully Supporting

Assessment Information:

Probable Causes of Impairment	TMDL Schedule
Aluminum	2004

Probable Sources of Impairment
Highway/Road/Bridge Runoff (Non-Construction Related)
Impacts from Abandoned Mine Lands (inactive)
Mill Tailings
Mine Tailings
Natural Resources

Assessment Unit Comments: Original listing based on 1999 SWQB survey. Molycorp submitted data used to verify the aluminum listing. Segment specific aluminum criteria are need for this reach.

Cabresto Creek (Red River to Headwaters

Use Information:	Designated Uses(s)	Attainment
	Domestic Water Supply	Fully Supporting
	Fish Culture	Fully Supporting
	High Quality Coldwater Aquatic Life	Fully Supporting
	Irrigation	Fully Supporting
	Livestock Watering	Fully Supporting
	Secondary Contact	Not Assessed
	Wildlife Habitat	Fully Supporting

Assessment Unit Comments: Prior listing was based on spring 1999 data. Re-assessment of this consecutive day data combined with more recent multi-season data submitted by Molycorp indicates no aluminum impairment.

Best Management Practices should include structures that will prevent the disturbed soils from construction activities to leave the construction site. Since the soils in and around the designated construction area may pose a water contamination source in the Red River, it is imperative that these soils be restricted from movement. The project workplan should include possible actions that would be taken during storm events as well. The location at which this project is located is high mountainous and sloped areas, were flooding is susceptible during runoff and storm events. Furthermore, re-seeding of the construction areas should account for BMP implementation. This activity will ensure soil stabilization by root introduction.

This project will be a challenge to the Contractor because of the location and the terrain associated with it. The weather conditions tend to change rapidly, and winter months extend further into the seasons then usual. An appropriate Best Management Plan should be incorporated into the construction workplan to ensure that possible renegade soils are retained on site.

I hope this information is helpful to you.

Sincerely,

Georgia Cleverley
Environmental Impact Review Coordinator
NMED File #3313

From:	George_Dennis@fws.gov
To:	Galloway, Danielle A SPA
Subject:	Phase III Questa Water System Improvements, Village of Questa, New Mexico
Date:	Thursday, October 28, 2010 5:46:08 PM
Attachments:	Quarantined Attachment.txt

Danielle,

We have reviewed the Draft Environmental Assessment (EA) for the Phase III Questa Water System Improvements, Village of Questa, New Mexico requested in your letter of September 28, 2010. The project is located in Questa, Taos County, New Mexico. The project primarily involves installation of a freshwater pipeline within disturbed areas along existing roads. We did not find any omissions in the EA listed species assessment. One possible impact would be from pipeline stream crossings. The Federal candidate species Rio Grande cutthroat trout (Oncorhynchus clarki virginalis) is found the Red River within the project area. As such, we recommend that stream crossing BMPs (attached) be included in the project design to reduce potential impacts aquatic life.

Regards,
George Dennis

George D. Dennis III, Ph.D.
Aquatic Ecosystems Branch Chief
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113-1001
505.761.4754
george_dennis@fws.gov

Appendix E

Affidavit of Notice of Availability

00013581
00178245

AFFIDAVIT OF PUBLICATION

Legal No. 11,704.
Notice of Availability

The U.S. Army Corps of Engineers (Corps), Albuquerque District, has completed the Draft Environmental Assessment (EA), titled, "Phase III Questa Water System Improvements, Village of Questa, New Mexico". The purpose of this project is to provide the Village of Questa with reliable, quality drinking water, enhance fire protection, and eliminate the potential for molybdenum contamination in the water lines. The proposed improvements consist of installing 6-inch and 8-inch water lines. The new water lines **to October 28, 2010.** Written comments should be sent to the above address and will be accepted until 4:00 PM, October 28, 2010. Alternatively, comments may be sent electronically to danielle.a.galloway@usace.army.mil

(Legal No. 11,704; Pub. Sept. 30, 2010).

STATE OF NEW MEXICO } SS.
County of Taos

I, Linda Lewis being first duly sworn, declare and say that I am the Customer Service Supervisor of the TAOS NEWS, a weekly newspaper, published in the English language, and having a general circulation in the City and County of Taos, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1987; that the publication, a copy of which is hereby attached, was published in said paper for 1 insertions and on Thursday of each week in the regular issue of the paper during the time of publication, and that the notice was published in the newspaper proper and not in any supplement, for 1 insertions the first publication being on the 30th day of September 2010, and the last publication being on the 30th day of September 2010; that payment for said advertisement has been (duly made) or (assesed as court costs); that the undersigned has personal knowledge of the matters and things set forth in this affidavit.

PUBLISHER'S BILL

1 lines 1 times at $ 78.03

Sub-Total $ 78.03

Tax $ 6.39

Total $ 84.42

Received Payment

Mary Chavez 9/29/10

By

Linda Lewis

Customer Service Supervisor

SUBSCRIBED AND SWORN to before me this 30th day of September, A. D. 2010

Mary Chavez

Notary Public

My Commission expires January 20, 2013

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF
NEW MEXICO
Mary Chavez
My Commission Expires 1/20/2013