

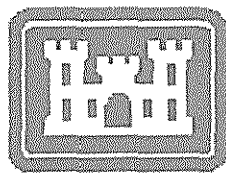
FINAL
ENVIRONMENTAL ASSESSMENT

for the

WATER SYSTEM IMPROVEMENT,
CITY OF JAL,
NEW MEXICO

SECTION 595 WATER RESOURCES DEVELOPMENT ACT

October 14, 2005



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

Finding of No Significant Impact
Section 595 Water Resources Development Act
Water System Improvement
City of Jal, New Mexico

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the City of Jal, New Mexico, is planning to install a one million gallon ground-level water storage tank. The construction work 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. 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 City of Jal is the local sponsor. The proposed construction period is seven months and is expected to start in November of 2005.

The proposed location for this tank is approximately one-acre. The input pipe for the storage tank would be eight inches while the output pipe would be six inches. A booster pump, which is a pump used to increase pressure in a water line, or to pull from a storage tank and pressurize a water system, would also be required for this system. Approximately 2,000 residents would benefit from the proposed water storage tank.

The Corps conducted a literature and data search and a cultural resources inventory survey for the project area. No artifacts or cultural resource manifestations were observed during the survey. The data search found that several archaeological sites and historic structures are known to occur within or near the City of Jal. None of these sites or structures will be affected by the construction project. Based on existing documentation and the results of the cultural resources survey, as presented in the project's cultural resources survey report, the Corps is of the opinion that there would be "No Historic Properties Affected" by the proposed undertakings or on the historic and cultural resources of the region.

The potential effects of the proposed action are similar to the No-Action alternative, with the caveat that the No-Action alternative cannot meet the two-day minimum storage requirement needed to maintain water service during periods of water supply disruption. In addition, the City of Jal does not currently have an adequate water supply for fire protection.

The proposed work would not affect waters of the United States regulated by Section 404 of the Clean Water Act (CWA); therefore a Section 404 Department of the Army (DA) permit would not be needed for the project. The proposed installation of the water storage tank would occur outside the floodplain and would not significantly alter any natural feature or use of the area. Therefore, the planned action is consistent with Executive Order 11988 (Floodplain Management). The proposed work complies with Executive Order 11990 (Protection of Wetlands) as no wetlands are within the project area.

Only short-term, negligible adverse effects to land use, aesthetics, soils, air, noise, vegetation, and wildlife, would occur during construction. No impacts would occur to land use (long-term), climate, soils (long-term), air (long-term), wetlands or other waters of the U.S.,

special status species, floodplains, socioeconomics, environmental justice or cultural resources. Minor beneficial impacts would occur to human health and safety. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects.

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

14 OCT 05

Date



FOR

Todd A. Wang
Lieutenant Colonel, U.S. Army
District Engineer

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION	1
1.1 Background and Location	1
1.2 Purpose and Need	1
1.3 Regulatory Compliance	5
2.0 PROPOSED ACTION AND ALTERNATIVE	5
2.1 Proposed Action	5
2.2 Alternatives Considered	6
2.3 The No-Action Alternative	6
3.0 EXISTING ENVIRONMENT AND FORESEEABLE AFFECTS	6
3.1 Physical Resources	6
3.1.1 Physiography, Geology, and Soils	6
3.1.2 Climate	6
3.1.3 Water Resources	7
3.1.4 Floodplains and Wetlands	7
3.1.5 Air Quality, Noise, and Aesthetics	8
3.2 Biological Resources	9
3.2.1 Vegetation Communities	9
3.2.2 Wildlife	9
3.2.3 Special Status Species	9
3.3 Cultural Resources	12
3.4 Land Use and Socioeconomic Considerations	12
3.5 Human Health and Safety	13
3.6 Environmental Justice	13
3.7 Cumulative Impacts	14
4.0 CONCLUSION AND SUMMARY	14
5.0 PREPARATION, CONSULTATION AND COORDINATION	14
5.1 Preparation	14
5.2 General Consultation and Coordination	15
6.0 REFERENCES CITED	16

APPENDICES

Appendix A	Cultural Resources Report
Appendix B	Biological Coordination
Appendix C	Public Review Comments
Appendix D	Notice of Draft EA Availability

TABLE OF CONTENTS (Cont.)

	<u>Page</u>
LIST OF FIGURES	
Figure 1. Location of Proposed Project Area for the One-Million-Gallon Ground-Level Water Storage Tank, City of Jal, Lea County, New Mexico.	2
Figure 2. Section 595 Project Location of Proposed Placement of the One-Million-Gallon Ground-Level Water Storage Tank, City of Jal, Lea County, New Mexico.	3
Figure 3. Site Visit Photo of One Acre Lot Looking West	4
Figure 4. Site Visit Photo of One Acre Lot Looking East	4
LIST OF TABLES	
Table 1 Federal and State of New Mexico's Special Status Species with Potential to Occur in Proposed Project Site	10

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 City of Jal, New Mexico, is planning to construct a one- million-gallon ground-level water storage tank. The proposed storage tank is needed to meet a two-day water storage requirement for drinking water and sufficient capacity for emergency fire demand.

The rehabilitation work would be conducted under Section 595 of the Water Resources Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) 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 project sponsor is the City of Jal, New Mexico. The Act further requires that a cooperative agreement be established between the Federal and non-Federal interests. In general, the Federal share of project costs under each cooperative agreement is 75 percent of the total project costs.

The proposed project area is located within the City of Jal, Lea County, New Mexico (Figure 1). The construction of the water storage tank would take place on a property that is approximately one acre in size (Figures 2 through 4).

Approximately 2,000 residents would benefit from the proposed water storage tank. The proposed construction period is seven months and is expected to start in November of 2005.

1.2 Purpose and Need

The City of Jal water system currently includes three storage systems. Within the city boundaries, there is a 200,000 gallon elevated tank and a 500,000 gallon ground level tank. Another 500,000 gallon ground level tank is located nine miles southwest of the city. In the city's Water and Sewer Infrastructure Master Plan, written in 1998, and in a sanitary survey conducted in 2002 by the New Mexico Environmental Department (NMED), it was identified that the city should have an additional one-million-gallons of storage to meet a two-day storage requirement for drinking water and have sufficient capacity for emergency fire demand. NMED recommends that all community systems have at least 48 hours usage in storage. Presently, the City of Jal does not have an adequate amount of storage for a two-day requirement nor does it have sufficient storage for emergency fire demand.

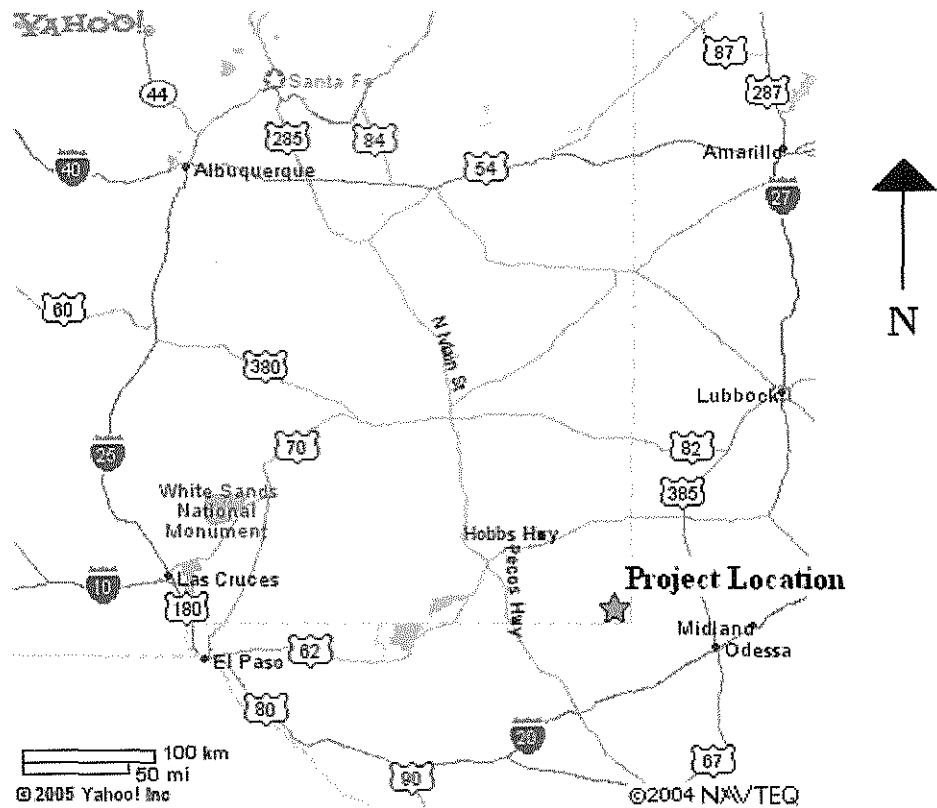


Figure 1. Location of Proposed Project Area for the Water Storage Tank, City of Jal, Lea County, New Mexico.

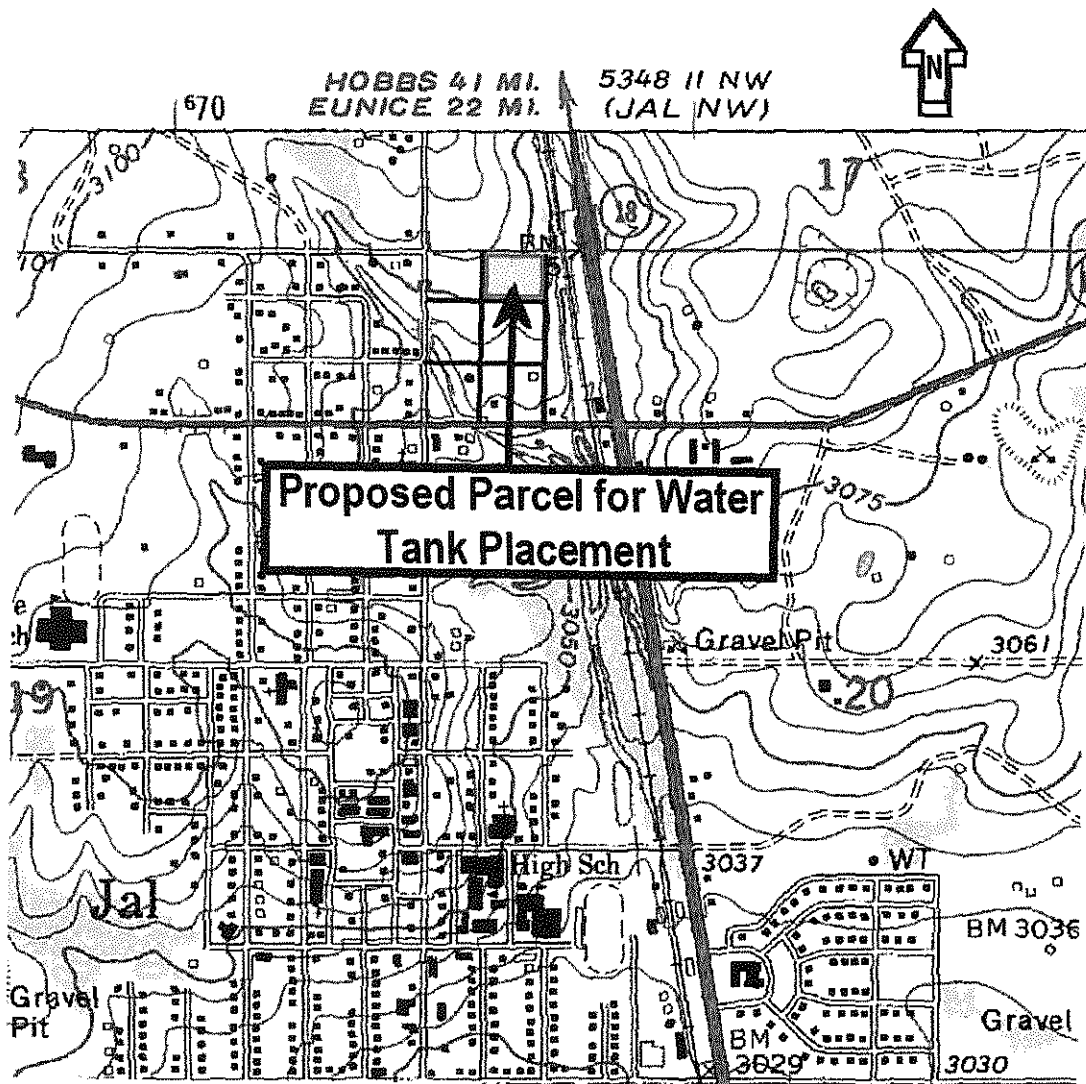


Figure 2: Section 595 Project Location of Proposed Placement of One Million Gallon Water Storage Tank. Projection Location falls with the City of Jal, Lea County, New Mexico. Adapted from USGS 7.5' Quadrangle Map: Jal, New Mexico-Texas (32103-A2, Photorevised 1979, NAD27, UTM Zone 13).



Figure 3. Site Visit Photo of One Acre Lot Looking West



Figure 4. Site Visit Photo of One Acre Lot Looking East

1.3 Regulatory Compliance

This Final Environmental Assessment was prepared by the U.S. Army Corps of Engineers, Albuquerque District, in compliance with all applicable Federal Statutes, Regulations, and Executive Orders, including the following:

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

This Final Environmental Assessment 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 criterion. However, alternatives can also include design considerations and/or attributes that may mitigate or reduce impacts generated by a given action. In general the NEPA process can provide decision makers with an evaluation of the present and future conditions with regard to the implementation and timing of an action at a given site. Finally, a particular design chosen from alternatives evaluated can then be implemented in the best interest of the public and environment.

2.1 Proposed Action

The proposed action involves the construction of a one-million-gallon ground-level water storage tank. The proposed location for this tank is approximately one acre in size. The inlet pipe would be eight inches in diameter while the outlet pipe would be six inches in diameter. A

booster pump, which is a pump used to increase pressure in a water line, or to pull from a storage tank and pressurize a water system, would also be required for this system. The proposed construction period is seven months and is expected to start in November of 2005.

2.2 Alternatives Considered

Other alternatives considered different sizes for the water storage tank. However, a one-million-gallon water storage tank was needed to meet the two-day storage requirement for drinking water and fire demand.

2.3 The No-Action Alternative

Under the No-Action alternative, there would not be any construction of the water storage tank. 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 would not support NMED's recommendations for all community systems to have at least a two-day usage in storage. The No-Action alternative should be perceived as an environmentally unsound course of action with regard to not having an adequate amount of storage for drinking water nor a sufficient capacity for emergency fire demand.

3.0 EXISTING ENVIRONMENTAL AND FORESEEABLE EFFECTS

3.1 Physical Resources

3.1.1 Physiography, Geology, and Soils

The proposed project site occurs within Simona-Tonuco soil association (USDA 1974). This soil association is found within the southern desertic plains located in the southern half of Lea County, at elevations range from 3,000 to 4,000 feet. The Simona-Tonuco soil association consists of nearly level to gently undulating, well-drained to excessively drained soils on uplands. The soils have a fine sandy loam to loamy fine sand surface layer. They are underlain by indurated caliche at a depth of less than 20 inches. They formed in calcareous sandy sediments deposited over indurated caliche. The vegetation is short and medium-height grasses, forbs, and shrubs. This association makes up about eight percent of Lea County. Typically, Simona soils have a grayish-brown find sandy loam surface layer and a pale-brown find sandy loam subsoil. Indurated caliche is at a depth of about 16 inches. Tonuco soils have a yellowish-red loamy fine sand surface layer over a layer of loamy sand. Indurated caliche is at a depth of about 17 inches. Simona and Tonuco soils are on plains and low ridges. This association is used for range, wildlife, and recreational areas.

3.1.2 Climate

Lea County has a semiarid, continental climate with warm summers, cool, dry winters, and ample sunshine (USDA 1974). Moisture from the Gulf of Mexico moving from the southeast is the primary source of rainfall. Temperatures are a little warmer in the southern and western parts of the county in the northern part. Lea County is one of the warmer parts of New Mexico. Summer temperatures of 90 degrees F or more occur about 66 percent of the time.

Winter temperatures reach the freezing point on about 66 days. Average annual precipitation in the southern part of Lea County is 12 inches. Approximately 80 percent of the annual rainfall occurs in the six-month period of May through October, much of it in brief but heavy thundershowers. Average annual snowfall in the southern part of Lea County is four inches. Nearly half the winter months, on the average, have no measurable snowfall. The average frost-free season for the soil association described above ranges from 190 to 205 days, from April to late October. The average annual relative humidity of the county is 45 to 50 percent. From November through April surface winds in Lea County are mostly from the southwest, and from May through October, they are from the southeast. The average annual wind velocity is 12.2 miles per hour, with monthly averages ranging from ten miles per hour in October to 15.0 miles per hour in March. The information in this section was obtained from the soil survey from Lea County (USDA 1974).

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 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 project area is approximately one acre. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) is required and would be prepared by the contractor for this project. Impacts from storm-water are expected to be negligible.

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 proposed construction that may affect waters of the United States. Section 404 of the CWA does not apply to this project, as there would be no discharge of dredged or fill material into waters of the United States.

Section 401 of the CWA, (CEA; 33 U.S.C. 1251 *et seq.*) as amended, requires that a Water Quality Certification Permit be obtained for anticipated discharges associated with construction activities or other disturbance within waterways. Section 401 of the CWA does not apply to this project, as there would be no discharge associated with construction activities or other disturbance within waterways.

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 proposed project area is not located within any special flood hazard areas inundated by the 100-year flood. It is located in Zone C of the floodplain map, which is

designated as areas that are outside the 500-year flood (Flood Insurance Rate Map 1985). Approximately 300 feet east of the proposed project location is an area designated as Zone A, which indicates areas of 100-year flood. However, the proposed project location is well outside of the 100-year flood and would therefore not constitute any alterations or development within the historical floodplain and would have no new impacts to the historical or current floodplains. 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. There are no wetlands within the project area, and therefore, no impacts to wetlands would occur.

3.1.5 Air Quality, Noise, and Aesthetics

The City of Jal is in New Mexico's Air Quality Control Region No.5 for air quality monitoring and Lea County is "in attainment" (does not exceed State and Federal Environmental Protection Agency air quality standards) for all criteria pollutants (NMED/AQB 2005). However, in 2003, a violation of the federal standard for particulate matter occurred, requiring the creation of the Lea County Natural Events Action Plan to avoid nonattainment (NMED/AQB 2005). Air quality in the project area is generally good. All vehicles involved in transporting rubble and spoil from the project site to the deposition area will be required to have passed a current New Mexico emissions test and have required emission control equipment.

The closest Class I area is Carlsbad Caverns National Park, which is approximately 109 kilometers (68 miles) to the west 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 proposed project would result in a temporary but negligible increase in suspended dust particles from construction activities. Equipment with water 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 proposed project would disturb more than three-quarters of an acre, the contractor will need to apply and obtain an approved permit from the New Mexico Environmental Department. Air quality in the City of Jal, Lea County and Carlsbad Caverns National Park would not be affected by the proposed project or by the no-action alternative.

Background noise levels in the proposed project area are relatively low. According to the Noise Center for the League for the Hard of Hearing (League for the Hard of Hearing, 2004), a typical, quiet residential area, has a noise level of 40 decibels. A residential area near heavy traffic has a noise level of 85 decibels. 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 proposed project would have no significant affect on ambient sound levels.

Aesthetically, the project area is characterized by houses, streets, restaurants, and a country club. The area receives minimal recreational use with the intent of viewing scenery. The recommended plan would have no effect on existing aesthetic conditions.

3.2 Biological Resources

3.2.1 Vegetation Communities

The project area is part of the semidesert grassland biotic community as described by Brown (1982). However, soils and vegetation of the project sites have been greatly disturbed by urbanization over the years. A site visit on March 21, 2005, by Corps personnel revealed very scattered vegetation consisting of wolfberry (*Lycium barbarum*), prairie dropseed (*Sporobolus heterolepis*), narrowleaf yucca (*Yucca angustissima*), plains prickly pear (*Opuntia polyacantha*), honey mesquite (*Prosopis glandulosa*), and flixweed (*Descurainia sophia*).

3.2.2 Wildlife

A variety of mammals are well represented and expected to occur within the semidesert grassland biotic community. According to Brown (1982) some of these species may include: black-tailed jackrabbit (*Lepus californicus*), spotted ground squirrel (*Spermophilus spilosoma*), white-footed mouse (*Peromyscus leucopus*), southern plains woodrat (*Neotoma micropus*), coyote (*Canis latrans*), burrowing owl (*Athene cunicularia*), scaled quail (*Callipepla squamata*), prairie falcon (*Falco mexicanus*), eastern meadowlark (*Sturnella magna*), loggerhead shrike (*Lanius ludovicianus*), barn swallow (*Hirundo rustica*), western green toad (*Bufo debilis insidiosus*), desert grassland whiptail (*Cnemidophorus uniparens*), western hooknose snake (*Ficimia cana*), southwestern earless lizard (*Holbrookia texana scitula*), and desert box turtle (*Terrapene ornata luteola*).

The proposed project work would be confined to the one acre area and wildlife displaced during installation would be minimal. No significant adverse affects would occur to wildlife as a result of the proposed project or the no-action alternative.

3.2.3 Special Status Species

While all Federal, State, and Tribal agencies have a responsibility for the protection and conservation of plant and animal species in the proposed project area, two agencies have this task as their primary responsibility. The United State 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. 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 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 Lea County and may occur near the proposed project area are listed in Table 1.

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

Common Name	Scientific Name	Federal Status (USFWS) ^a	State of New Mexico status (NMDGF) ^b
Animals			
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	T
Black-footed Ferret	<i>Mustela nigripes</i>	E	---
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	---	T
Bell's Vireo	<i>Vireo bellii</i>	---	T
Baird's Sparrow	<i>Ammodramus bairdii</i>	---	T
Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	E	E
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	C	---
Lesser Prairie Chicken	<i>Tympanuchus pallidicinctus</i>	C	---
Sand Dune Lizard	<i>Sceloporus arenicolus</i>	C	---

^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 an 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.

P= Proposed for listing in the identified category listed above.

S/A= Similarity of Appearance.

^b **State of New Mexico status:**

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

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

SC= Species of Special Concern.

Special status animal species listed by USFWS (USFWS 2002) and New Mexico Department of Game and Fish for Lea County (NMDGF 2002) that might occur in or near the project area but are not anticipated to occur include the following:

The Baird's Sparrow, a State Threatened species, favors shrubby short-grass habitats. The sparrow is a migrant to New Mexico, occurring mainly in autumn 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 proposed project, there would be no effect to Baird's sparrow.

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

The Black-footed Ferret a Federal listed Endangered species, prefers mixed shrub habitat. The distribution of the Black-footed Ferret is closely sympatric with that of prairie dogs and all viable breeding populations have been associated with prairie dog colonies, which they use for food and shelter. There were no prairie dog towns observed at or near the proposed project area during the site visit. Preferred habitat does not exist within the one-acre area. Therefore, due to lack of preferred habitat and no presence of prairie dog towns, there would be no effect to this species by the proposed project.

The Bald Eagle, a Federal and State Threatened species, is normally found near major waterways and larger lakes where adequate food supplies may be found. The Bald Eagle 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. No preferred habitat exists within or near the project area. Due to the lack of preferred habitat and the limited disturbance of the proposed project, there would be no effect to the Bald eagle.

The Northern Aplomado Falcon is a Federal and State Endangered species. This species' preferred habitat consists of grassy plains interspersed with mesquite, cactus, and yucca. They are found in grasslands and shrublands at lower elevations (2800-5500 ft.). They prefer open terrain with scattered trees and low ground cover. They need a good supply of suitable nesting platforms. The species has been little observed by recent workers in the U.S., but past records indicate that in New Mexico it has been typically associated with yucca grassland and adjacent shrubby habitats at lower elevations. The bird is reported to be a rapid and graceful flyer, but it also spends much time perched, including on the ground. Due to the lack of suitable habitat and the limited disturbance of the proposed project, there would be no effect to the Northern Aplomado Falcon.

The Burrowing Owl, *Speotyto cunicularia*, is protected under the Migratory Bird Treaty Act, which prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. Burrowing Owls occasionally nest and may be year-round residents in the project area. They depend mainly on the abandoned borrows of prairie dogs for nesting sites and shelter, and, to some extent, on those of badgers, ground squirrels, woodchucks, wolves, foxes, skunks and armadillos. During the Corps site visit small burrows were observed. However, these burrows were smaller than what a Burrowing Owl is known to utilize. Although the preferred habitat of the Burrowing Owl does not seem to exist within the project area, a Corps biologist will visit the project area prior to the start of construction to ensure that no Burrowing Owls are present within the project area.

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 there are no special status plant species that occur in Lea County (New Mexico Rare Plants Technical Council 2002 Website).

3.3 Cultural Resources

On March 21, 2005, a Corps archaeologist conducted an intensive cultural resources inventory of approximately 0.9 hectare (2.4 acres) for a 1,000,000-gallon water storage tank within the City of Jal, Lea County, New Mexico. The survey was conducted in anticipation of construction activities that include the installation of a ground-level water storage tank for potable water consumption and sufficient capacity for emergency fire demands. No artifacts or cultural resource manifestations were observed during the survey of the project area.

Prior to the March 21st survey, a search of the New Mexico Historic Preservation Division's Archeological Records Management Section database and of State and National Registered sites was conducted. The search results concluded that one previously recorded archaeological site is located adjacent to the proposed project area. Site LA 129126 (small lithic scatter) is reported to occur moderately adjacent to, but not within, the proposed project area. This site will not be affected by the project. No other State and National Register properties are found within the City of Jal.

The proposed water tank parcel is located north of the Jal city limits at the intersection of East Dakota Ave. and North First Street; Section 20, Township 25 South, Range 37 East (see Figure 2). The location (north city limits) was selected because of its slight elevation that would promote gravity water flow towards the south of the city (see Figure 2).

While there are numerous cultural resources known to occur within Lea County, there are no other cultural resources known to occur within the immediate vicinity of the proposed 0.9-hectare (2.4 acres). Based on this information, the Corps is of the opinion that there would be "No Historic Properties Affected" by the proposed undertakings or on the historic and cultural resources of the region.

Should previously undiscovered artifacts or features be unearthed during construction, work would be stopped in the immediate vicinity of the find, a determination of significance made, and a mitigation plan formulated in coordination with the New Mexico State Historic Preservation Officer and with Native American Tribes that may have concerns in the project area. Consultation regarding cultural resources is documented in Appendix A.

3.4 Land Use and Socioeconomic Considerations

The City of Jal is located in southern Lea County, New Mexico. The total population of Jal, New Mexico in 2003 was estimated to be 1,980 (U.S. Census Bureau, 2004). Within the City of Jal, the ethnic background is: Anglo, 63.6%; Hispanic, 30.3%; African American, 5.1%; Native American, 0.6%; and Asian, 0.4%. The per capita income in Lea County was \$17,184 (U.S. Census Bureau, 2002). The average annual unemployment rate for Lea County in 2004 was 5.1% (New Mexico Department of Labor, updated June 2004). Within the project area,

farming is still a major land use. The top five commodities and cash receipts are dairy products, cattle and calves, hay, cotton, and other crops (New Mexico Department of Agriculture, 2003). Also, Lea County is home of the single most important oil discovery in the history of the state of New Mexico. On an average, Lea County ranks first in oil production and fourth in natural gas production (Lea County Facts, 2005).

The proposed project would take place entirely within the one-acre property. Presently, it is an abandoned, open lot. The proposed water storage tank would benefit approximately 2,000 residents. Adjacent property includes residential houses, the city's wastewater storage ponds, a gas station, a country club, and a restaurant. The proposed project would not affect land use or socioeconomic resources in the project area.

3.5 Human Health and Safety

Currently, the City of Jal has 700,000 gallons of water storage inside the city limits (a 500,000 ground tank and a 200,000 overhead tank) and another 500,000 gallons of water storage at the West Field, which is located nine miles southwest of the city. In general, it has been recommended that on a small water system, two days of storage during average water use periods be considered the minimum needed to maintain water service during periods of water supply disruption. For the City of Jal, therefore, 1.65 million gallons of in-town storage would be needed to meet a two-day storage supply. Currently, they only have 1.2 million gallons. Also, although the existing in-town storage is 700,000 gallons, the 500,000 gallon ground level reservoir is not equal to the 200,000 gallon elevated reservoir. Therefore, if there were a power outage or failure of the booster pump, the 500,000 gallons would not be available for use system wide. In addition, the present booster station at the 500,000 gallon reservoirs is not designed to provide fire flow demand.

The proposed installation of the one million gallon water storage tank would enable the City of Jal to have at least two days of water storage in times of water supply disruption. In addition, the proposed storage tank would be designed to provide fire flow demands for fire protection. Human health and safety would be beneficially affected due to the proposed 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 proposed 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 City of Jal's Wastewater System 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. No adverse impacts on minority and low-income populations are expected. Under the definition of Executive Order 12898, there would be no adverse environmental justice impacts under the proposed action.

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 proposed project lies within a rural area. However, there was a great extent of development that occurred due to the City of Jal being a boom and bust oil town. The proposed one-acre property is located within a well-developed part of the City. Since the construction work primarily involves the installation of the water storage tank, most environmental impacts associated with the proposed project would have occurred from previous development activities. These impacts have stabilized and have been considered the baseline against which impacts of the proposed project have been compared. Installation of the million-gallon storage tank would occur on already disturbed ground. This would not significantly impact the current conditions of the local environment. For these reasons, the proposed project when combined with past, present, or future activities within the City of Jal would not significantly add to or raise local cumulative environmental impacts to a level of significance.

4.0 CONCLUSIONS AND SUMMARY

The proposed action evaluated in this final EA addresses the method and potential effects for the installation of the million-gallon water storage tank.

Due to the previously disturbed and well-developed region of the project area, impacts to the environment would be non-significant and short-term. The proposed water storage tank would benefit approximately 2,000 residents. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects. Therefore, construction of the proposed project would not significantly affect the quality of the human environment and is recommended for implementation.

5.0 PREPARATION, CONSULTATION AND COORDINATION

5.1 Preparation

This Final Environmental Assessment (FEA) was prepared for the City of Jal by the

U.S. Army Corps of Engineers, Albuquerque District (USACE). Personnel primarily responsible for preparation include:

Danielle A. Pecastaing	Biologist
Garyald S. Benally	Archaeologist
Pete K. Doles	Project Manager
John D. Schelberg	Archaeologist, Quality Control
William R. DeRagon	Biologist, Quality Control
Julie A. Hall	Supervisory Ecologist, Quality Control

5.2 General Consultation and Coordination

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

Ms. Susan Mac Mullin
US Fish and Wildlife Service
New Mexico Ecological Services Field Office

Mr. Rob Lawrence
US Environmental Protection Agency, Region 6
Office of Planning and Coordination

Mr. Steve Hansen
US Bureau of Reclamation

Mr. Dan Malanchuk
Chief, Regulatory Branch
US Army Corps of Engineers

Mr. Subhas K. Shah
Chief Engineer
Middle Rio Grande Conservancy District

Mr. Robert Sivinski
NM Forestry and Resources Conservation Division
Energy, Minerals, and Natural Resources Department

Mr. Tod Stevenson
NM Department of Game and Fish
Conservations and Services Division

Mr. Ed Kelley
Water and Waste Management Division
NM Environmental Department

Mr. John R. D'Antonio, Jr.
NM State Engineer

Mr. Estevan Lopez
NM Interstate Stream Commission

Mr. Fonzy Abeyta
Public Works Director
City of Jal

Ms. Iona Kemp
Special Projects Administrator
City of Jal

Woolworth Trust
City of Jal

6.0 REFERENCES

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Appendix A

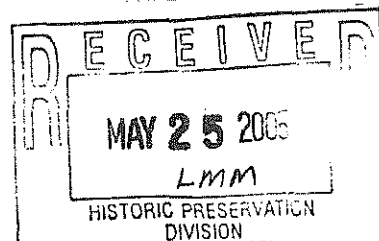
Cultural Resources Report



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

May 17, 2005

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



Ms. Katherine Slick
State Historic Preservation Officer
New Mexico State Historic Preservation Bureau
228 East Palace Avenue, Room 320
Santa Fe, New Mexico 87501

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 Historic Properties Affected" for the proposed water storage tank construction within the City of Jal, Lea County, New Mexico. The Corps, at the request of the City of Jal, is planning installation of a proposed 1 Million Gallon Water Storage Tank under Section 595 of the Water Resources Development Act of 1996 (Public Law 99-662; 33 U.S.C. 2201 et seq.), as amended. The Act authorizes the Corps to provide assistance in the form of design and construction for water-related environmental infrastructure and resource protection and development projects in New Mexico. The City of Jal is the project sponsor.

On March 21, 2005, a Corps' archaeologist conducted an intensive (Class III) cultural resources inventory of the proposed construction and staging area that covers approximately 0.9 hectares (2.4 acres) within the City of Jal (the staging area will be within the 2.4 acres). No other artifacts or cultural resource manifestations were encountered within the construction parcel. Information on the proposed project, including project description, locations, and dimensions with tables and figures, are provided in the enclosed report entitled **A Cultural Resources Inventory of 2.4 Acres for the Proposed Ground Level One Million-Gallon Water Storage Tank, Booster Pump, and an Emergency Backup Generator, located within the City of Jal, Lea County, New Mexico (NMCRIIS No. 92667)**. Access to the construction area will be on existing paved streets.

Prior to the March 21st survey, a search of the New Mexico (NMHPD) Archaeological Records Management Section (ARMS) database, and of the State Register of Cultural Properties and the National Register of Historic Places found that one archaeological site, LA 129126, is known within a 1-mile radius of the project area. The archaeological site will not be affected by the project.

Based on the information provided in the enclosed report, the Corps is of the opinion that there would be "No Historic Properties Affected" by the proposed project. Pursuant to 36 CFR 800.11, should previously unknown artifacts or cultural features be discovered during construction, work would be stopped in the immediate vicinity of the discovery, a determination of significance made, and a mitigation plan formulated in consultation with your office and any Tribes or Pueblos that may have concerns in the area. Traditional Cultural Properties (TCPs) letters have been sent to the Tribes with concerns in Lea County. Neither the project sponsors nor local residents have TCPs concerns.

If you have any questions or require additional information, please contact Garyald Benally, Archaeologist, at (505) 342-3278, Gregory Everhart, Archaeologist at (505) 342-3352 or John D. Schelberg, Archaeologist, at (505) 342-3359.

Sincerely,

John D. Schelberg
for Julie A. Hall
Chief, Environmental Resources
Section

Date 5/27/05

Katherine Slick
I CONCUR
KATHERINE SLICK
NEW MEXICO STATE HISTORIC
PRESERVATION OFFICER

Enclosure

Copy Furnished w/o enclosure:
Don Klima, Director
Advisory Council on Historic Preservation
Office of Planning and Review
12136 W. Bayaud Ave., #330
Lakewood, Colorado 80228-2115

Appendix B

Biological Coordination



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

September 22, 2005

Cons. # 2-22-05-I-532

Julie A. Hall, Environmental Resources Branch
Attention: Ms. Danielle Pecastaing
U.S. Army Corps of Engineers
4101 Jefferson Plaza N.E.
Albuquerque, New Mexico 87109-3435

Re: Review of Draft Environmental Assessment for the Water System Improvement, City of
Jal, Lea County, New Mexico, Project

Dear Lt. Colonel Wang:

Thank you for your August 24, 2005, letter requesting our review of the Draft Environmental Assessment (EA) for the Water System Improvement, City of Jal, Lea County, New Mexico, project. The proposed project would include the installation of a one million gallon ground-level water storage tank, an 8-inch input pipe, a 6-inch output pipe, and a booster pump. The proposed project would be located within the City of Jal on a site approximately one-acre in size. The project would be in addition to an existing 200,000 gallon elevated water tank and a 500,000 gallon ground-level water tank.

We have reviewed your EA and have enclosed a current list of federally endangered, threatened, proposed, and candidate species, and species of concern that may be found in Lea County, New Mexico, for inclusion in the document.¹ Under the Endangered Species Act, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

¹ Additional information about these species is available on the Internet at
<<http://nmrareplants.unm.edu>>, <<http://nmnhp.unm.edu/bisonnm/bisonquery.php>>, and
<<http://ifw2es.fws.gov/endangeredspecies>>.

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

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete. Burrowing owls occasionally nest and may be year-round residents in the project area. Therefore, we recommend that surveys for owls be conducted prior to construction outside of the migratory bird nesting season. Owls detected during these surveys should be flushed from their nests prior to nest destruction.

Should the project result in the loss of burrowing owl nests, the Service recommends that one borrowing owl nest structure be created for each nest structure lost during construction. These structures should be constructed in an area conducive to owl residency (i.e., away from direct human disturbance). Information on the construction of burrowing owl nest structures can be found at: <http://www.srcsd.com/nestsite.html>.

To minimize trapping of wildlife during trenching operations we recommend, where possible, that trenching and burying of water lines be done concurrently. In addition, we recommend leaving the least amount of trench open overnight and providing escape ramps for trapped wildlife. We also recommend that areas disturbed during construction be reseeded with native vegetation to minimize erosion.

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

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. In future correspondence regarding this project, please refer to consultation # 2-22-05-I-523. If you have any questions about the information in this letter, please contact Mike Buntjer at the letterhead address or at (505) 346-2525, ext. 4733.

Sincerely,

Susan MacMullin

Susan MacMullin
Field Supervisor

FEDERAL ENDANGERED, THREATENED,
PROPOSED, AND CANDIDATE SPECIES
AND SPECIES OF CONCERN WITHIN COUNTIES IN NEW MEXICO
Consultation Number 2-22-05-I-523
September 22, 2005

Lea County

ENDANGERED

- Black-footed ferret (*Mustela nigripes*)**
- Northern aplomado falcon (*Falco femoralis septentrionalis*)

THREATENED

- Bald eagle (*Haliaeetus leucocephalus*)

CANDIDATE

- Lesser prairie chicken (*Tympanuchus pallidicinctus*)
- Sand dune lizard (*Sceloporus arenicolus*)

SPECIES OF CONCERN

- Black-tailed prairie dog (*Cynomys ludovicianus*)
- Swift fox (*Vulpes velox*)
- American peregrine falcon (*Falco peregrinus anatum*)
- Arctic peregrine falcon (*Falco peregrinus tundrius*)
- Baird's sparrow (*Ammodramus bairdii*)
- Bell's vireo (*Vireo bellii*)
- Western burrowing owl (*Athene cunicularia hypugea*)
- Yellow-billed cuckoo (*Coccyzus americanus*)

Index

Endangered	=	Any species which is in danger of extinction throughout all or a significant portion of its range.
Threatened	=	Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
Candidate	=	Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).
Species of Concern	=	Taxa for which further biological research and field study are needed to resolve their conservation status <u>OR</u> are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only.
**	=	Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (<i>Cynomys gunnisoni</i>) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (<i>Cynomys ludovicianus</i>). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.

Appendix C

Public Review Comments

13 Sep 2005

MEMORANDUM FOR CH, Environmental resources Section (CESPA-EC-R / Julie A. Hall)

SUBJECT: Water System Improvements, City of Jal, Lea County, New Mexico, Authorization No. 2005 00584

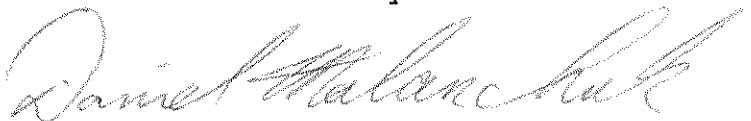
1. Reference is made to your 24 August 2005 Memo regarding the proposed water system improvements in the City of Jal, Lea County, New Mexico. We have assigned Action No. 2005 00584 to this activity.

2. We have evaluated the information you have provided and studied the project description, other records, and documents available to us. It appears that no waters of the United States are located within the project site. The project is not regulated under the provisions of Section 404 of the Clean Water Act and a Department of the Army permit will not be required if there are no Corps of Engineers jurisdictional waters on the site.

3. Our disclaimer of jurisdiction is only for Section 404 of the Clean Water Act Other Federal, state and local laws may apply to the activities.

4. This determination will be valid for 2 years from the date of this letter unless new information warrants revision of the determination within that time.

5. If you have any questions fell free to contact me at (505) 342-3282 or e-mail me at daniel.malanchuk@usace.army.mil.



Daniel Malanchuk
Chief, regulatory Branch



BILL RICHARDSON
GOVERNOR

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



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

October 11, 2005

Danielle Pecastaing
Environmental Resources Section
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax: 505.342.3668

Dear Ms. Pecastaing:

RE: DEA: WATER SYSTEM IMPROVEMENT, CITY OF JAL, LEA COUNTY, NM

This transmits New Mexico Environment Department (NMED) staff comments concerning the above-referenced Draft Environmental Assessment (DEA).

Surface Water Quality

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. As stated in the DEA, because this project exceeds one acre (including staging areas, etc.); it will require appropriate NPDES permit coverage prior to beginning construction (small, one - five acre, construction projects may be able to qualify for a waiver in lieu of permit coverage - see Appendix D).

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 9.C.1)

Danielle Pecastaing
October 11, 2005
Page 2

You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications (probably the City of Jal and/or the USACOE in this case), the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP was re-issued effective July 1, 2003 (see **Federal Register/Vol. 68, No. 126/Tuesday, July 1, 2003** pg. 39087). The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at: <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

Ground Water Quality

It appears that the proposed water system improvement project will provide significant benefits to the City of Jal. The report notes that the City currently does not have enough water storage to meet the two-day storage requirement for drinking water and lacks sufficient storage to meet emergency fire demand. The proposed water system improvement will therefore involve the construction of a 1 million gallon ground-level water storage tank. Construction of this tank will provide the City with the needed water supply capacity. Implementation of the proposed project is unlikely to have any effect on ground water quality in the area.

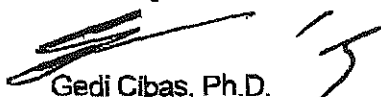
The water system improvements will likely involve the use of heavy equipment, thereby leading to the possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with equipment malfunctions. The GWQB advises all parties involved in the project to be aware of discharge notification requirements contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will ensure the protection of ground water quality in the vicinity of the project.

Drinking Water

Please note that the Department's Drinking Water Bureau can provide plan review and comments as they relate to the drinking water supply plan of the proposed project and maintaining drinking water quality. The information provided does not indicate known conflicts with requirements under NMED-related laws and regulations. This project will require submittal of a completed construction application to the Drinking Water Bureau. The public water supply engineering and construction will be required to comply with New Mexico Drinking Water Regulations. Finally, we should mention that the outlet pipe size should be equal to or greater than the inlet pipe size.

We appreciate the opportunity to comment on these documents. Please let us know if you have any questions.

Sincerely,



Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 2176ER

GOVERNOR
Bill Richardson



STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8128

STATE GAME COMMISSION
Guy Riordan, Chairman
Albuquerque, NM

Dr. Tom Arvas, Vice-Chairman
Albuquerque, NM

Alfredo Montoya, Commissioner
Alcalde, NM

David Henderson, Commissioner
Santa Fe, NM

Peter Pino, Commissioner
Zia Pueblo, NM

Leo Sims, Commissioner
Hobbs, NM

M. H. "Dutch" Salmon, Commissioner
Silver City, NM

DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson

Visit our website at www.wildlife.state.nm.us
For basic information or to order free publications: 1-800-862-9310.

September 7, 2005

Ms. Danielle Pecastaing, Environmental Resources Section
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE

Re: DEA for Water System Improvement, City of Jal, Lea County, New Mexico
NMGF No. 10310

Dear Ms. Recastaing,

In response to your letter dated August 24, 2005, regarding the above referenced project, the Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats. For your information, we have enclosed a list of sensitive, threatened and endangered species that occur in Lea County.

For more information on listed and other species of concern, contact the following sources:

1. Species Accounts: <http://fwie.fw.vt.edu/states/nm.htm>
2. Species Searches: <http://nrmnhp.unm.edu/bisonnm/bisonquery.php>
3. New Mexico Wildlife of Concern by Counties List:
http://www.wildlife.state.nm.us/conservation/share_with_wildlife/documents/speciesofconcern.pdf
4. Habitat Handbook Project Guidelines:
http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
5. For custom, site-specific database searches on plants and wildlife. Go to Data then to Free On-Line Data and follow the directions go to: <http://nrmnhp.unm.edu>
6. New Mexico State Forestry Division (505-827-5830) or <http://nmrareplants.unm.edu/index.html> for state-listed plants
7. For the most current listing of federally listed species always check the U.S. Fish and Wildlife Service at (505-346-2525) or <http://ifw2es.fws.gov/EndangeredSpecies/lists/>.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact George Farmer at (505) 624-6135 or george.farmer@state.nm.us.

Sincerely,

Janell Ward, Assistant Chief
Conservation Services Division

JW/gf

xc: Susan MacMullin, New Mexico Ecological Services, USFWS
Roy Hayes, Southeast Area Operations Chief, NMGF
George Farmer, Southeast Area Habitat Specialist, NMGF

New Mexico Species of Concern - Lea County

Common Name.....	SCIENTIFIC NAME.....	FWS..	NM...	FS..	BLM..	NM...	FWS..
		ESA	WCA	R3	NM	Sen	SOC
Texas Horned Lizard	Phrynosoma cornutum	-	-	S	S	-	-
Sand Dune Lizard	Sceloporus arenicolus	C	T	-	S	-	-
Desert Kingsnake	Lampropeltis getula splendida	-	-	S	-	-	-
Mississippi Kite	Ictinia mississippiensis	-	-	S	-	-	-
Bald Eagle	Haliaeetus leucocephalus	AD, T mg	T	S	-	-	-
Swainson's Hawk	Buteo swainsoni	-	-	S	-	-	-
Ferruginous Hawk	Buteo regalis	-	-	S	S	-	-
Aplomado Falcon	Falco femoralis septentrionalis	E mg	E	S	-	-	-
American Peregrine Falcon	Falco peregrinus anatum	DM m	T	S	-	-	S
Lesser Prairie-Chicken	Tympanuchus pallidicinctus	C	-	-	S	S	-
Upland Sandpiper (no data)	Bartramia longicauda	-	-	S	-	-	-
Western Snowy Plover	Charadrius alexandrinus nivosus	-	-	S	-	-	-
Mountain Plover	Charadrius montanus	PT	-	S	-	S	-
Yellow-billed Cuckoo	Coccyzus americanus occidentalis	-	-	S	-	S	S
Flammulated Owl	Otus flammeolus	-	-	S	-	-	-
Burrowing Owl	Athene cunicularia hypugaea	-	-	-	S	-	S
Belted Kingfisher	Ceryle alcyon	-	-	S	-	-	-
Loggerhead Shrike	Lanius ludovicianus	-	-	-	S	S	-
Bell's Vireo	Vireo bellii	-	T	S	-	-	S
Gray Catbird	Dumetella carolinensis ruficrissa	-	-	S	-	-	-
Sprague's Pipit	Anthus spragueii	-	-	S	-	-	-
American Redstart	Setophaga ruticilla tricolora	-	-	S	-	-	-
Baird's Sparrow	Ammodramus bairdii	-	T	S	S	-	S
McCown's Longspur	Calcarius mccownii	-	-	S	-	-	-
Cave Myotis Bat	Myotis velifer	-	-	S	S	S	S
Black-tailed Prairie Dog	Cynomys ludovicianus ludovicianus	C m	-	-	-	S	-
Swift Fox	Vulpes velox velox	-	-	S	-	S	S
Western Spotted Skunk	Spilogale gracilis	-	-	-	-	S	-
Sandhill White-tailed Deer	Odocoileus virginianus texana	-	-	-	-	S m	-

NATIVE SPECIES APPARENTLY NO LONGER OCCURRING IN LEA COUNTY

Mexican Gray Wolf	Canis lupus baileyi	
Black-footed Ferret	Mustela nigripes	(extirpated from NM)
Merriam's Elk	Cervus elaphus merriami	(extinct)
American Bison	Bos bison	

Appendix D
Notice of Draft EA Availability

AFFIDAVIT OF PUBLICATION

State of New Mexico,
County of Lea.

I, KATHI BEARDEN

Publisher

of the Hobbs News-Sun, a
newspaper published at
Hobbs, New Mexico, do solemnly
swear that the clipping attached
hereto was published once a
week in the regular and entire
issue of said paper, and not a
supplement thereof for a period.

of 1

weeks.

Beginning with the issue dated

August 28 2005

and ending with the issue dated

August 30 2005

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 30th day of

August 2005

Notary Public.

My Commission expires
February 07, 2009
(Seal)



OFFICIAL SEAL
DORA MONTZ
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires: _____

This newspaper is duly qualified
to publish legal notices or adver-
tisements within the meaning of
Section 3, Chapter 167, Laws of
1937, and payment of fees for
said publication has been made.

LEGAL NOTICE

August 30, 2005

Notice of Availability

The U.S. Army Corps of Engineers, Albuquerque District, has completed the **Draft Environmental Assessment (DEA)** entitled "Water System Improvement, City of Jal, Lea County, New Mexico". The purpose of installing a one-million-gallon ground-level water storage tank is to provide the City of Jal with a two-day storage requirement for drinking water and to provide a sufficient capacity for emergency fire demand. Approximately 2,000 residents would benefit from the proposed water storage tank. The proposed construction period is seven months and is expected to start in November of 2005.

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

<http://www.suace.army.mil>

or a hard copy will be sent upon written request to the following address:

U.S. Army Corps of Engineers
Albuquerque District
Environmental Resources Section
Attn: CESPA-PM-LE (Ms. Danielle Pecastaing)
Albuquerque, New Mexico 87109-3435

Paper copies of this document are also available for review at:

Woolworth Community Library
3rd & Utah
Jal, New Mexico 88252

The public review will extend from **August 25, 2005 to September 23, 2005**. Written comments should be sent to the above address and will be accepted until 4:00 PM, September 20, 2005. Alternatively, comments may be sent

Box 850 Hobbs, NM 88241. Journeyman Electrician

02106346000

02578494

THE U.S. ARMY CORPS OF ENGINEER
ENVIRONMENTAL RESOURCES SECTION
ATTN: CESPA-PM-LE
ALBUQUERQUE, NM 87109-3435