

DRAFT  
ENVIRONMENTAL ASSESSMENT  
and  
FINDING OF NO SIGNIFICANT IMPACT

for the

CITY OF BELEN,  
NEW MEXICO

SECTION 593 WATER RESOURCES DEVELOPMENT ACT  
UTILITY INFRASTRUCTURE UPGRADE

April 27, 2004



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



**Finding of No Significant Impact**  
**Section 593 Water Resources Development Act**  
**Utility Infrastructure Upgrade**  
**City of Belen, New Mexico**  
**April 27, 2004**

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the City of Belen, New Mexico, is planning a project that would remove, replace and improve designated sewer and water lines and improve stormwater drainage within the project area. The construction work would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*), as amended. The Act authorizes the Corps to provide assistance for design and construction for water-related environmental infrastructure and resource protection and development projects in central New Mexico. The City of Belen is the local sponsor. The proposed construction period would begin in 2005, starting in March and finishing in November.

The proposed project would improve stormwater drainage within the project area. The proposed project area is located in Valencia County, approximately 35 miles south of Albuquerque. Construction would consist of removal and replacement of water and sewer lines, water service connections, pavement, curb and gutter, and sidewalks. The project area consists of five separate streets, which include the following: Torres Drive, Laguna Street, Acoma Street, Velta Drive, and Vivian Road. Not all construction listed above would occur at each site.

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 Belen. 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 Effected" by the construction project.

The potential effects of the proposed action are similar to the no-action alternative, with the caveat that the no-action alternative would result in further degradation of the sewer/water lines.

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. Although the removal and replacement of sewer and water lines would occur in a floodplain, the work 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 impacts 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., floodplains, special status species, socioeconomics, or cultural resources. Environmental justice and cumulative impacts would be impacted beneficially and would be long-lasting. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects, and, therefore, is recommended.

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 Environmental Impact Statement will not be prepared for the City of Belen Sewer/Water Infrastructure Project.

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Date

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## 1.0 INTRODUCTION

### 1.1 Background and Location

The United States Army Corps of Engineers, Albuquerque District, in cooperation with and at the request of the City of Belen, New Mexico, is planning a project that would improve stormwater drainage within the project area to protect properties of residents and the City of Belen.

The rehabilitation work would be conducted under Section 593 of the Water Resources Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. The Act authorizes the United States Army Corps of Engineers to provide assistance in the form of design and construction for water-related environmental infrastructure, resource protection, and development projects in central NM, which is defined within the Act as the counties of Bernalillo, Sandoval, and Valencia. Types of projects included under the Act are: wastewater treatment and related facilities, stormwater retention and remediation, environmental restoration, 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 is the City of Belen. The Act further requires that a cooperative agreement be established between Federal and non-Federal interests. In general, the Federal share of project costs under each cooperative agreement entered into under subsection three (3) of the Act shall be 75 percent of the total project costs.

The proposed project area, located in the City of Belen, Valencia County, New Mexico is shown in Figure 1. The construction work would take place on five separate streets all located within the city limits of Belen (see site visit photos below and Figure 2). The project facilities would be constructed within the existing right of way owned by the City of Belen. The proposed construction period would start in March of 2005 and finish in November of 2005.



**Vivian Road**



**Acoma Street**



**Laguna Street**



**Velta Drive**



**Torres Drive**

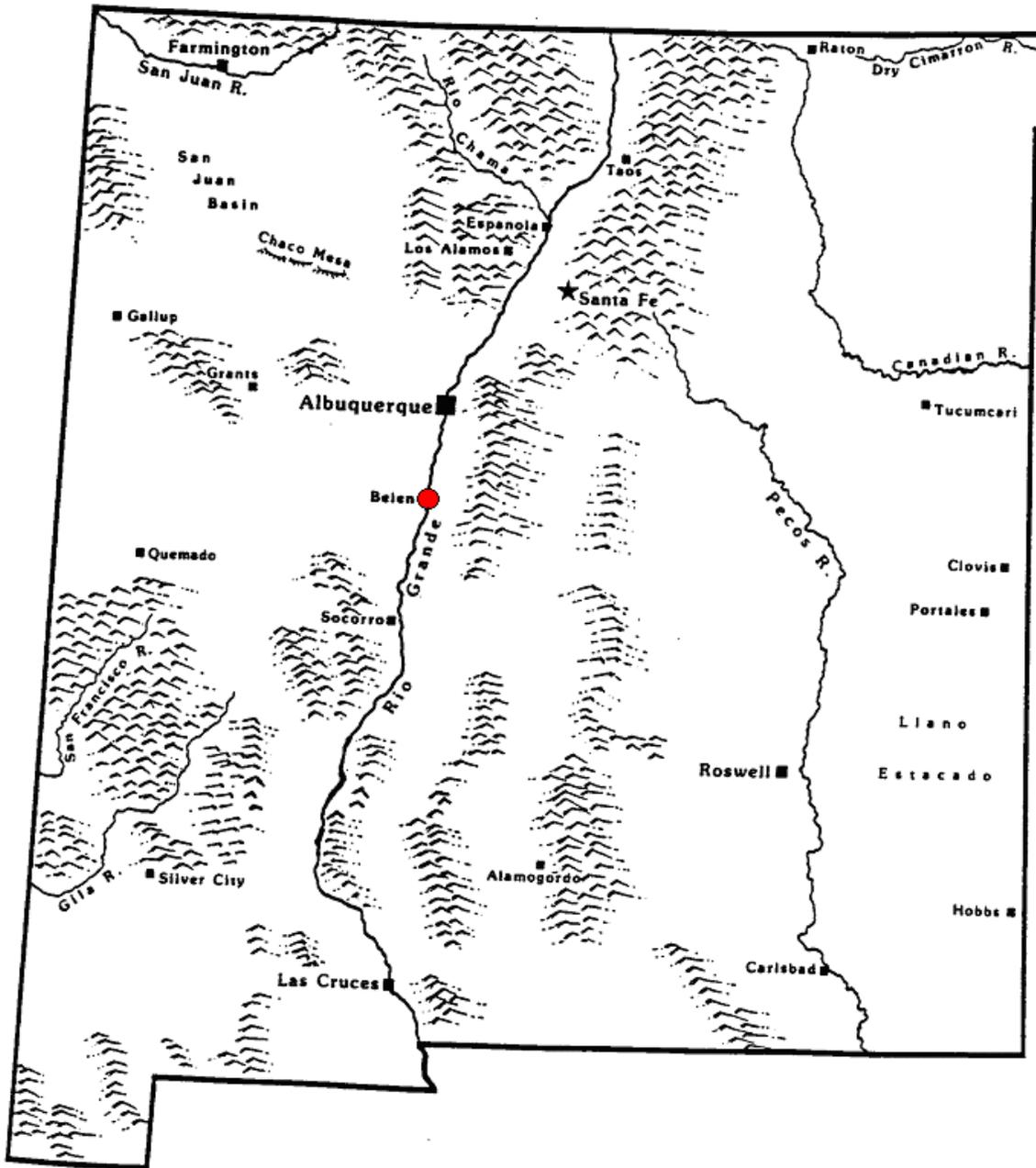
## 1.2 Purpose and Need

The purpose of the proposed project is to improve stormwater drainage within the project area and alleviate health concerns associated with existing water lines. Currently, stormwater does not drain efficiently and often stagnates. The project area consists of five separate residential streets. Some of the streets are currently without asphalt pavement, curb and gutters. The other streets are in need of replacement of the above items. Also, work would include removal and replacement of water and sewer lines. At one residential street, the water lines being replaced contain asbestos/concrete. Many health concerns are associated with asbestos/concrete lines. Replacing these water lines with PVC water lines would alleviate the concerns associated with asbestos.

## 1.3 Regulatory Compliance

This 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)
- 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.



**Figure 1: Project Location for the Sewer Line, Waste Water, and Stormwater Drainage Improvement in Belen, Valencia County, New Mexico.**

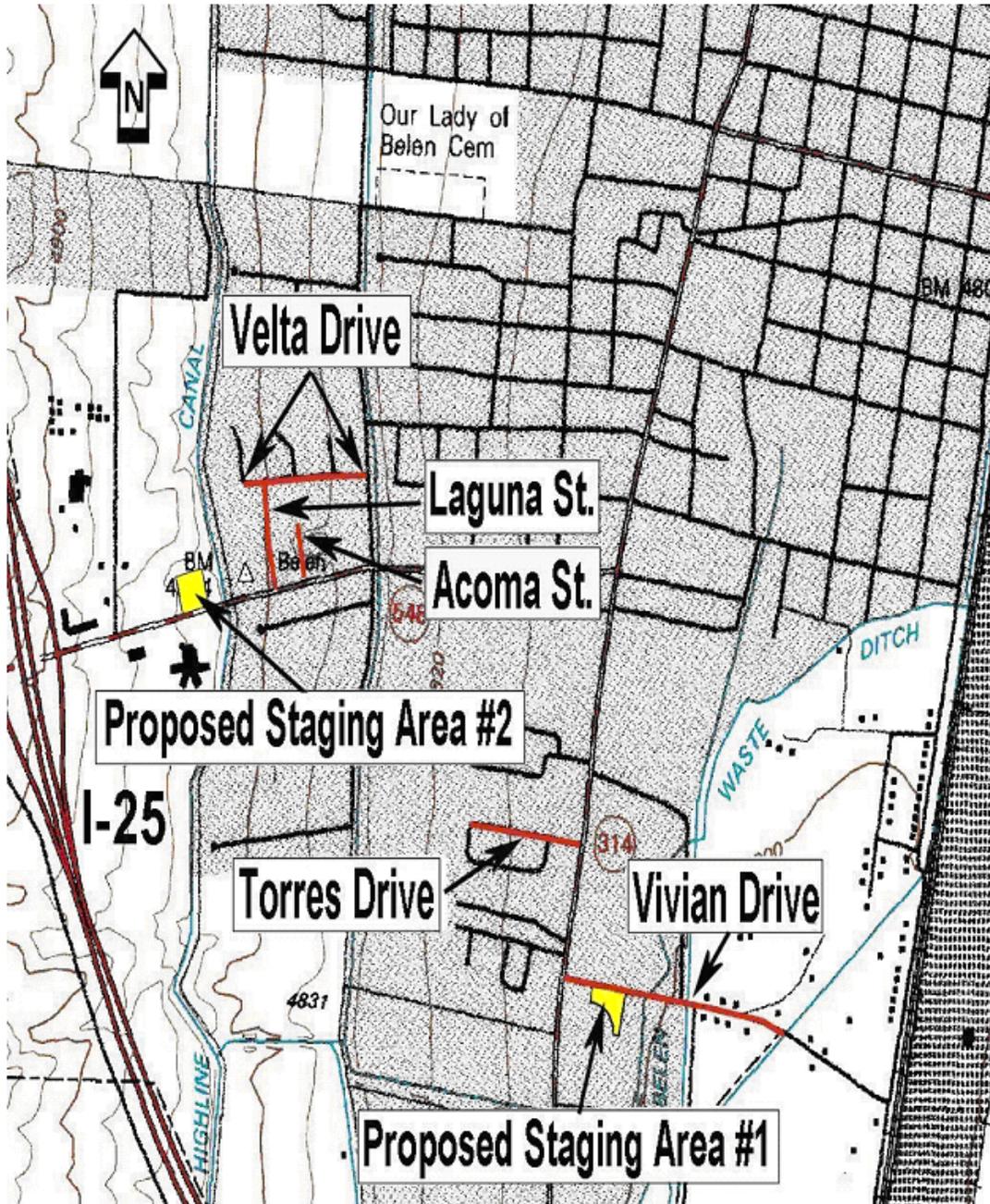


Figure 2: Section 593 Project Location: Velta/Laguna/Acoma, Torres, and Vivian Drive Project. Also illustrated are Proposed Staging Areas 1 and 2. All Projection Locations fall within the City of Belen, Valencia County, New Mexico. Adapted from USGS 7.5' Quadrangle Map: Belen, NM (34106-F7, 1991, NAD27, UTM Zone 13).

- Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 661 *et seq.*)
- 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)

This 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 Federal agencies that assist or take part in projects that utilize 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, alternatives, including a No-Action alternative, can provide decision makers with an evaluation on the present and future conditions with regard to the implementation of an action at a given site, time, or including particular design characteristics. Information and knowledge yielded from alternative evaluations can then guide decision-making processes such that they are made in the best interest of the public and environment.

### 2.1 Proposed Action

The proposed action would entail five separate areas of construction, consisting of removal and replacement of sewer and water lines and equipment to improve stormwater drainage in each area. Not all construction listed above would occur at every site. The expected life of the proposed project is twenty years. Approximately fifty residents would be served by the proposed project. The five construction sites are the following:

Torres Drive – Work includes replacement of the 4-inch asbestos/concrete water line with 8-inch PVC waterline, replacement of the existing sewer line with a new 8-inch PVC sewer line, replacement of all sewer and water service connections, removal and replacement of existing pavement, removal and replacement of all curb and gutter and removal and replacement of existing sidewalks.

Laguna Street – Work includes removal of existing road material and replacement with asphalt pavement, installation of curb and gutter, installation of two drop inlets, installation of two reinforced concrete pipe (RCP) storm drains to the existing storm drain manhole in Camino del Llano. Also included is replacement of the existing waterline with an 8-inch waterline with an

8-inch waterline, which will provide looping from Velta Dr. to Camino del Llano. All new water services will be provided with the water line installation.

Acoma Street – Work includes removal of existing road material and replacement with asphalt pavement, installation of curb and gutter, installation of two drop inlets, installation of two RCP pipe storm drains to the existing storm drain manhole in Camino del Llano.

Velta Drive – Work includes removal and replacement of asphalt pavement, installation of a new 8-inch waterline and new water service connections.

Vivian Road – Work includes road and utility improvements to a portion of Vivian Road spanning approximately 1,840-feet from Main Street to the Garcia Ditch. Improvements required are the removal and replacement of existing asphalt pavement, curb and gutter, and 8-inch diameter waterline; the installation of a new 24-inch diameter storm drain line with 12 new type “A” drop inlets; and the removal and replacement of approximately 1,012-feet of existing 8-inch diameter sanitary sewer pipe, including rehabilitation of two sanitary sewer manholes, from Main Street to the Bosque Drain.

## 2.2 The No-Action Alternative

Under the No-Action alternative, there would not be any construction or modification to the storm water drainage equipment. 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 should be perceived as an environmentally unsound course of action with regard to the many concerted efforts to improve storm water drainage in the project area.

## 3.0 EXISTING ENVIRONMENTAL AND FORESEEABLE EFFECTS

### 3.1 Physical Resources

#### 3.1.1 Physiography, Geology and Soils

The proposed project is in the Middle Rio Grande Valley, a wide floodplain of fertile bottomland (USDA 1977). These fertile soils and shallow water tables support vegetation as well as a variety of resident and migratory wildlife. The Rio Grande Valley is a productive agricultural area that contributes to the quality of life and economies of the urban areas of Albuquerque, Rio Rancho, Bosque Farms, Los Lunas and Belen, New Mexico, as well as several other smaller communities.

The Rio Grande follows a well-defined geologic feature called the Rio Grande graben. The Rio Grande graben contains several thousand feet of poorly consolidated sediment of the Santa Fe Group of the middle Miocene to Pleistocene age.

The terrain in the area is characterized by gently sloping plains from the east to the Rio Grande ranging from about 4,860 feet to 4,875 feet in elevation. Water tables are typically four to five feet in depth and permeability is moderate (USDA 1977). The general soil conditions are deep, nearly level, well-drained soils that are formed in recent alluvium, on flood plains of the Rio Grande.

The major soil series, which occur within the proposed planning area, are described in the

following discussion. The information in this section was obtained from the soil survey for Valencia County (USDA 1977).

### **Agua Series**

The Agua series consists of deep, well-drained soils that formed in recent alluvium on the flood plain along the Rio Grande. Slopes are 0 to 1 percent. Agua soils are mainly associated with Brazito, Gila, and Vinton soils. In a representative profile, the surface layer is light brown loam about 10 inches thick. Next is about 14 inches of brown loam and pink very fine sandy loam. Below this to a depth of 60 inches or more is very pale brown fine sand. The soil is moderately alkaline throughout. Permeability is moderate to a depth of about 24 inches and rapid below.

#### **Agua loam**

This level soil is in the irrigated Rio Grand Valley. It has the profile described as representative of the series. In most areas the water table is below 60 inches, but in some it fluctuates between 45 and 60 inches. Slopes are 0 to 1 percent. Runoff is very slow and the hazard of erosion is slight.

#### **Agua silty clay loam**

This level soil is in the irrigated Rio Grande Valley. It has a profile similar to that described representative of the series, but the surface layer differs in texture. In most areas the water table is below 60 inches, but in some it fluctuates between 45 and 60 inches. Slopes are 0 to 1 percent. Runoff is very slow, and the hazard of erosion is slight.

### **Gila Series**

The Gila series consists of deep, well-drained soils that formed in recent alluvium on the flood plains along the Rio Grande and Rio Puerco. Slopes are 0 to 2 percent. Gila soils are associated with Agua, Anapra, Hantz, Vinton, and Brazito soils. In a representative profile the surface layer is brown loam about 7 inches thick. Next is about 37 inches of stratified brown and light yellowish brown very fine sandy loam and sandy loam. Below this to a depth of 60 inches or more is pale brown sand. The soil is moderately alkaline throughout. Permeability is moderate.

#### **Gila loam**

Slopes are 0 to 1 percent. Runoff is slow, and the hazard of water erosion is slight.

#### **Gila clay loam**

The surface layer texture is about 10 inches thick. Slopes are 0 to 1 percent. Runoff is slow, and the hazard of water erosion is slight.

### **Vinton Series**

The Vinton series consists of deep, well-drained soils that formed in recent alluvium on the flood plains of the Rio Grande. Slopes are 0 to 3 percent. Vinton soils are associated with Brazito, Bluepoint, Agua, and Gila soils. In a representative profile, the surface layer is brown sandy loam and pinkish gray loamy sand and pinkish gray very fine sand. The soil is moderately alkaline throughout. Permeability is moderately rapid.

### Vinton loamy sand

The surface layer is pale brown. In most areas the water table is below 60 inches, but on about 1.5 percent of the acreage it fluctuates between 45 and 60 inches. Slopes are 0 to 1 percent. Runoff is very slow, and the hazard of soil blowing is moderate to severe.

### Vinton sandy loam, 0 to 1 percent slopes

In most areas the seasonal water table is below 60 inches, but on about two percent of the acreage it is between depths of 45 and 60 inches and the soil is moderately saline. Runoff is slow, and the hazard of soil blowing is severe.

## 3.1.2 Climate

The climate in the vicinity of the proposed project is classified as arid (USDA 1977). The temperature occasionally reaches 100 degrees F or falls to zero or below, but not in all years. The average annual precipitation ranges from seven to ten inches. Although an average of only one day a year has more than half-inch of precipitation, these infrequent, brief, heavy showers may bring one to one-half of rain, except in the dry winter season. Occasionally, hail accompanies summer thunderstorms. The average annual snowfall is less than five inches and snowfall seldom exceeds one or two inches and generally melts in a few hours (USDA 1977). The growing season is about five and a half months long. The last freeze date in spring is May 2, and the first freeze date in fall is October 25 (USDA 1977). Relative humidity averages less than 50 percent and generally less than 20 percent on hot sunny afternoons. In winter the prevailing winds are northerly and in summer the prevailing winds are southerly. Wind speed averages nearly ten miles per hour for the year. There would be no effect to climate by the proposed project.

## 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 greater than one acre. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) is required and would be prepared for this project. Impacts from storm-water are expected to be negligible. Sections 404 and 401 of the CWA do not apply to this project, as there would be no discharge of dredged or fill material into waters of the United States. It will be the contractor's responsibility to follow these guidelines to not discharge of dredged or fill material into waters of the United States.

## 3.1.4 Floodplains and Wetlands

Executive Order 11988 (Floodplain Management) provides Federal guidance for activities within the floodplains of inland and coastal waters. Torres Drive and Vivian Road are within areas of 100-year shallow flooding where depths are between one and three feet (Flood

Insurance Rate Map 1985). Acoma, Laguna, and Velta Drive are within areas that are between limits of the 100-year floodplain and 500-year floodplain (Flood Insurance Rate Map 1985). The proposed construction takes place entirely on streets and street rights-of-way. Therefore, the proposed project does 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 Belen area is in New Mexico's Air Quality Control Region No. 2 for air quality monitoring and Valencia County is "in attainment" (does not exceed State and Federal Environmental Protection Agency air quality standards) for all criteria pollutants (NMED/ABQ 1995). Air quality in the project area is generally good. The closest Class 1 area is Bosque del Apache National Wildlife Refuge, approximately 90 kilometers (57 miles) to the south of the project area. 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 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. Air quality in Belen, Valencia County and the National Wildlife Refuge 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 (NCLHH), 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 NCLHH 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.

Terrain of the project area is characterized by houses, streets, sidewalks (in two of the five project areas), flat terrain, etc., typical of an urban area. The area receives minimal recreation use with the intent of viewing scenery. The recommended plan would have no effect on existing conditions.

### 3.1.6 Hazardous, Toxic and Radioactive Wastes

Transite pipe was commonly used for municipal water distribution. This pipe was made with asbestos containing materials. If the existing water pipe is transite pipe, the pipe will be handled and disposed of as a special waste in accordance with New Mexico Environment Department regulations (20 NMAC 9.1, Solid Waste Management Regulations) and US Environmental Protection Agency regulations (40 CFR Part 61, Subpart M, Regulations for Asbestos Containing Material).

To date, no identified hazardous, special, or solid waste associated with this project work have been identified. If any waste material is discovered during the project work, all work will cease and appropriate health and safety and regulatory regulations will be followed.

## 3.2 Biological Resources

### 3.2.1 Vegetation Communities

The project sites are part of the Plains Mesa Sand Scrub vegetation community as described by Dick-Peddie (1993). However, soils and vegetation of the project sites have been greatly disturbed by urbanization over the years. A site visit on 17 December 2003 by Corps personnel revealed very scattered yard and open space vegetation consisting of Russian thistle (*Salsola iberica*), kochia (*Kochia scoparia*), tumblegrass (*Schedonnardus paniculatus*), sand dropseed (*Sporobolus cryptandrus*), one seed juniper (*Juniperus monosperma*), vine mesquite (*Panicum obtusum*), alkali sacaton (*Sporobolus airoides*), switchgrass (*Panicum virgatum*), Bermuda grass (*Cynodon dactylon*), and common sunflower (*Helianthus annuus*).

### 3.2.2 Wildlife

Numerous wildlife species occur in the adjacent riparian areas of the Middle Rio Grande. Neotropical migrants and resident avian species frequent the area and live within the Bosque. According to Brown (1982) these species may include: Cooper's Hawk (*Accipiter cooperii*), Red-Tailed Hawk (*Buteo jamaicensis*), Great-Horned Owl (*Bubo virginianus*), Turkey Vulture (*Cathartes aura*), Greater Roadrunner (*Geococcyx californianus*), Downy Woodpecker (*Picoides pubescens*), Belted Kingfisher (*Ceryle alcyon*), White-Crowned Sparrow (*Zonotrichia leucophrys*), American Crow (*Corvus brachyrhynchos*), White-Breasted Nuthatch (*Sitta carolinensis*), Summer Tanager (*Piranga rubra*), Black-Headed Grosbeak (*Pheucticus melanocephalus*), House Finch (*Carpodacus mexicanus*), American Robin (*Turdus migratorius*), Black-Crowned Night Heron (*Nycticorax nycticorax*), Black-Chinned Hummingbird (*Archilochus alexandri*), Rufous Hummingbird (*Selasphorus rufus*), Broad-Tailed Hummingbird (*Selasphorus platycercus*), Pied-Billed Grebe (*Podilymbus podiceps*), Common Merganser (*Mergus merganser*), Canada Goose (*Branta canadensis*), and various waterfowl (*Anus spp*, *Aythya spp*, *Oxyura jamaicensis*, *Aix sponsa*). In addition, various mammals and reptiles such as mice, rabbits, skunks, coyote, beaver, and lizards may also transit through the project area.

Because the project area is located within the footprint and to the side of residential streets, minimal wildlife would be displaced during construction. No significant impacts should occur to wildlife as a result from the construction or implementation of the proposed project.

### 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 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 Federally 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 Valencia County and may occur near the proposed project area are listed below in Table 1.

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

Common Name	Scientific Name	Federal Status (USFWS) <sup>a</sup>	State of New Mexico status (NMDGF) <sup>b</sup>
<b>Animals</b>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	AD, T	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T	---
Rio Grande silvery minnow	<i>Hybognathus amarus</i>	E	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E	E
Whooping crane	<i>Grus americana</i>	E, EXPN	E
Neotropic cormorant	<i>Phalacrocorax brasilianus</i>	---	T
Common black-hawk	<i>Buteogallus anthracinus anthracinus</i>	---	T
Baird's sparrow	<i>Ammodramus bairdii</i>	---	T
New Mexican jumping mouse	<i>Zapus hudsonius luteus</i>	---	T
Common ground-dove	<i>Columbina passerina passerina</i>	---	E
Black-footed ferret	<i>Mustela nigripes</i>	E, EXPN	---
Spotted bat	<i>Euderma maculatum</i>	---	T
American peregrine falcon	<i>Falco peregrinus anatum</i>	---	T
<b>Plants</b>			
Pecos sunflower	<i>Helianthus paradoxus</i>	T	R
La Jolla prairie clover	<i>Delea scariosa</i>	---	R
Yeso twinpod	<i>Physaria newberry</i> var. <i>yesicola</i>	---	R
Laguna fame flower	<i>Telinum brachypodium</i>	---	R

<sup>a</sup> **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.

**<sup>b</sup> 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 County list for Valencia) and New Mexico Department of Game and Fish for Valencia County (BISON, NM&F; December 2002) that might occur in or near the project area but are not anticipated to occur include the following:

The American peregrine falcon (*Falco peregrinus anatum*) 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 and the limited disturbance of the proposed project, there would be no effect to the peregrine falcon.

Baird’s sparrow (*Ammodramus bairdii*), a State Threatened species, favors shrubby short-grass habitats. The sparrow is a migrant to New Mexico, occurring primarily in the eastern plains and southern lowlands mainly in autumn, 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 bald eagle (*Haliaeetus leucocephalus*), 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 utilized large trees for perching and forages primarily for fish, ducks, and carrion along river and at local reservoirs. The Bald eagle may fly over the construction area. However, due to the ease of mobility for the Bald eagle and the limited disturbance of the proposed project, there would be no effect to the Bald eagle.

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 four status plant species that occur in Valencia County, the Pecos sunflower (*Helianthus paradoxus*), La Jolla prairie clover (*Delea scariosa*), Yeso twinpod (*Physaria newberry* var. *yesicola*), and Laguna fame flower (*Telinum brachypodium*). 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 Website- <http://nmrareplants.unm.edu/>). Although these plants are known to occur in Valencia County,

they are not likely to occur within the project area. Two of these plants, the Yeso twinpod and Laguna fame flower, are known to occur only in western Valencia County. Their preferred habitat is shortgrass steppe/juniper savanna and pinon juniper woodland, respectively. These habitats are not present within the project area. Due to the location and absence of suitable habitat within the project area, there would be no effect to the Yeso twinpod and Laguna fame flower. The Pecos sunflower is often associated with desert springs or wetlands created from modifying desert springs. There is no suitable habitat within the project area, and therefore there would be no effect to the Pecos sunflower. The La Jolla prairie clover is known to occur in open sandy clay banks and bluffs, often along roadsides. Although this habitat occurs within the project area, the plant was not seen during the Corps site visit on 17 December 2003. The vegetation that exists with the street right-of-way is of low quality.

### 3.3 Cultural Resources

On December 31, 2003, a Corps' archaeologist conducted an intensive cultural resources inventory of the project area, covering approximately 1.4 hectares (3.6 acres). On March 8, 2004, the Corps' archaeologist surveyed two proposed staging areas identified by the City of Belen. The staging areas include an existing city parking lot (Staging Area No. 1) and a one-acre parcel (Staging Area No. 2; Figure 2). With the staging areas, the total cultural resources inventory covered approximately 1.9 hectares (4.7 acres). No artifacts or cultural resource manifestations were observed during the surveys of the project areas.

Prior to the cultural surveys, a search of the New Mexico Historic Preservation Division's (NMHPD) Archaeological Records Management Section (ARMS) database, and of the State Register of Cultural Properties and the National Register of Historic Places was conducted. The ARMS database search found that three historic archaeological sites have been reported to occur adjacent to the project area. Two archaeological sites (LA103432 and LA103433) are reported in the vicinity of the Velta/Laguna/Acoma construction area and Staging Area #2 (Marshall 1993). LA103432 is an irrigation water control structure that dates from the 1930s and is still in use. The structure is part of the large, local, Belen Highline Canal irrigation system. The LA103432 structure is located between the Velta/Laguna/Acoma construction areas and Staging Area #2 where Sosimo Padilla Boulevard crosses the Belen Highline Canal (Figure 2; Marshall 1993:4-5). The second archaeological site (LA103433), an irrigation water control structure, also dates from about the 1930s. The LA103433 structure is a part of the New Belen Ditch irrigation system and is located northeast of the Velta/Laguna/Acoma project area where Sosimo Padilla Boulevard crosses the New Belen Ditch (Figure 2; Marshall 1993:4-5). The third archaeological site, LA100340, is an irrigation water control structure on the Garcia Ditch. The LA100340 structure, located adjacent to the end of the Vivian Drive project area, dates to about 1912 and is still in use (Figure 2). The proposed waterline/sewerline rehabilitation project will not transect any of the irrigation ditches or affect these historic irrigation structures; therefore, the canals' structural integrity will remain intact and the proposed project will have no effect on the acequia systems or these structures. The community of Belen is a historic community and has been reported as LA8879; the proposed project will have no effect on the Belen community. Documentation indicates that no formal determinations of eligibility for the National Register have been made for LA8879, LA100340, LA103432, or for LA103433.

Four previously documented historic properties, listed on the National and/or the State

Registers, are reported to occur within the City of Belen. None of these properties are located in the immediate vicinity of the project area. These historic properties are all structures and include the Belen Harvey House (NMHPD No. 886, 1982; NR 1983), Felipe Chavez House (NMHPD No. 766, 1980; NR 1980), the Belen Hotel (NMHPD No. 774, 1980; NR 1980), and the Old Jarales Schoolhouse (NMHPD No. 1594, 1994). None of these listed properties would be affected by the proposed rehabilitation.

Although prehistoric peoples utilized the area, no prehistoric archaeological sites were documented within the immediate vicinity of the project area. Prehistoric sites; however, do exist and are located on the surrounding periphery of the Belen area. No other cultural properties are reported near the proposed construction areas. Therefore, the Corps is of the opinion that there would be “No Historic Properties Affected” by the proposed undertaking.

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 groups 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 Belen is located in Valencia County, New Mexico. The total population of Valencia County in 2002 was estimated to be 67,578 (2000 U.S. Census Bureau). The total population of Belen in 2002 was 6,991 (2003 U.S. Census Bureau). The ethnic background for Valencia County is: Hispanic (any race), 55%; white (non-Hispanic), 39.4%; black (non-Hispanic), 1.3%; and other, 4.28%. In 2000, the per capita personal income in Valencia County was \$19,182. The annual average wage/salary per job was \$22,179 (U.S. Department of Commerce, Bureau of Economics). The unemployment rate for Valencia County in 2002 was 4.8% (New Mexico Department of Labor). Industries making major economic contributions to the county’s economy include agriculture, manufacturing, and transportation & warehousing. Major crops include hay, corn, and alfalfa. Federal, state, and local governments are the largest employers in the county.

The proposed project would take place entirely within residential areas. All construction would be limited to the street and street rights-of-way. Adjacent property includes residential, conventional single-family residential and mixed single-family residential, community commercial, and a recreational park. The proposed project would not affect land use or socioeconomic resources in the project area.

#### 3.5 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.

Belen's Sewer/Water Infrastructure Project would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. 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 several areas 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.

### 3.6 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 an urban residential area that has little, if any, resemblance to what was present prior to urbanization. Since the construction work primarily involves the removal and replacement of designated sewer and water lines, 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. Construction of new sewer/water lines, asphalt pavement and curb and gutter would occur entirely on the street and street rights-of-way or already disturbed/developed ground. This would not significantly impact the current conditions of the local environment. Positive stormwater drainage improvements are anticipated to occur from the proposed project that would enhance the quality of life for residents in the area. For these reasons, the proposed project when combined with past, present, or future activities in the City of Belen 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 draft EA addresses the method and potential effects for the removal and replacement of sewer and water lines and the equipment to improve stormwater drainage in each of the five areas.

Due to the previously disturbed and urban nature of the project area, impacts to the environment would be insignificant and short-term. This proposed project would improve

stormwater drainage within the project area and protect properties of residents and the City of Belen. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects. Therefore, construction of the proposed project would not significantly affect the quality of the human environment and is recommended for implementation.

## 5.0 PREPARATION, CONSULTATION AND COORDINATION

### 5.1 Preparation

This Environmental Assessment (EA) was prepared for the City of Belen by the U.S. Army Corps of Engineers, Albuquerque District (USACE). Personnel primarily responsible for preparation include:

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Garyald S. Benally	Archeologist, USACE, Albuquerque District
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### 5.2 General Consultation and Coordination

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

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**Appendix A**  
**Cultural Resources Report**

**Appendix B**  
**Biological Coordination**



