US Army Corps
of Engineers®
Albuquerque District

ENVIRONMENTAL ASSESSMENT FOR THE CITY OF EUNICE WASTEWATER TREATMENT PLANT LEA COUNTY, NEW MEXICO

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

Submitted by
Taschek Environmental Consulting
8901 Adams St. NE, Suite D
Albuquerque, New Mexico 87113

May 2008

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1.0 INTRODUCTION

1.1 Background and Location

The United States Army Corps of Engineers (USACE), Albuquerque District, in cooperation with, and at the request of, the City of Eunice, New Mexico, is planning a project to construct a new wastewater treatment plant (WWTP) that would replace the existing, aging WWTP. The proposed project would include such WWTP components as an influent lift station, headworks facility, solids handling, effluent holding ponds, and ultraviolet (UV) disinfection. The new WWTP would treat its effluent to New Mexico Environment Department (NMED) Class 3 standards for land application. The proposed WWTP is needed to meet future wastewater capacity and treatment demands due to the anticipated growth in the area and to meet the requirements of an NMED Ground Water Discharge Permit (GWDP).

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

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

The proposed project area is located on land owned by the City of Eunice and private land in Lea County, New Mexico (Figures 1.1). The City is located in the Pecos River watershed, approximately 21 miles south of Hobbs, New Mexico, and about five miles west of the Texas border. The service area of the proposed WWTP would include the entire Eunice City limits, but may be extended to outlying areas according to the City of Eunice Comprehensive Plan (2004) (Figure 1.2). Figure 1.3 shows the existing WWTP and the proposed alternatives for the new WWTP, both located on land owned by the City of Eunice. Figure 1.4 shows the irrigated, cultivated fields on private land and undeveloped private rangeland that may potentially be part of a wastewater land application program. The total acreage of the project area, including potential land application areas, is approximately 128 acres.

1.2 Purpose and Need

The City of Eunice has an existing WWTP, which currently treats about 180,000 to 200,000 gallons per day (gpd) of wastewater. The facility includes most of the original processing equipment installed in 1949. The effluent currently discharges into a holding pond located to the east of the existing facility. Most of the effluent is drained from the holding pond by an adjacent

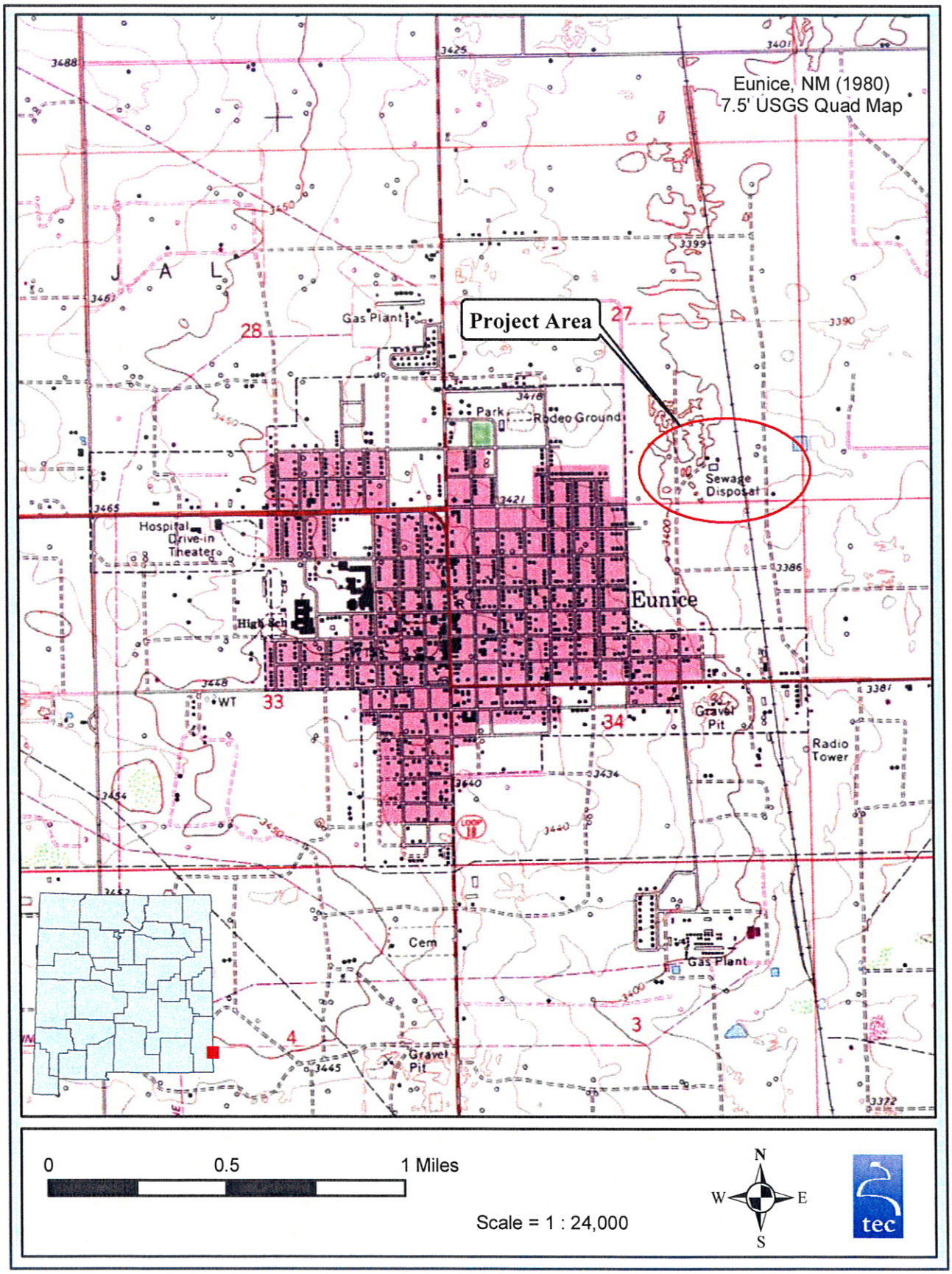
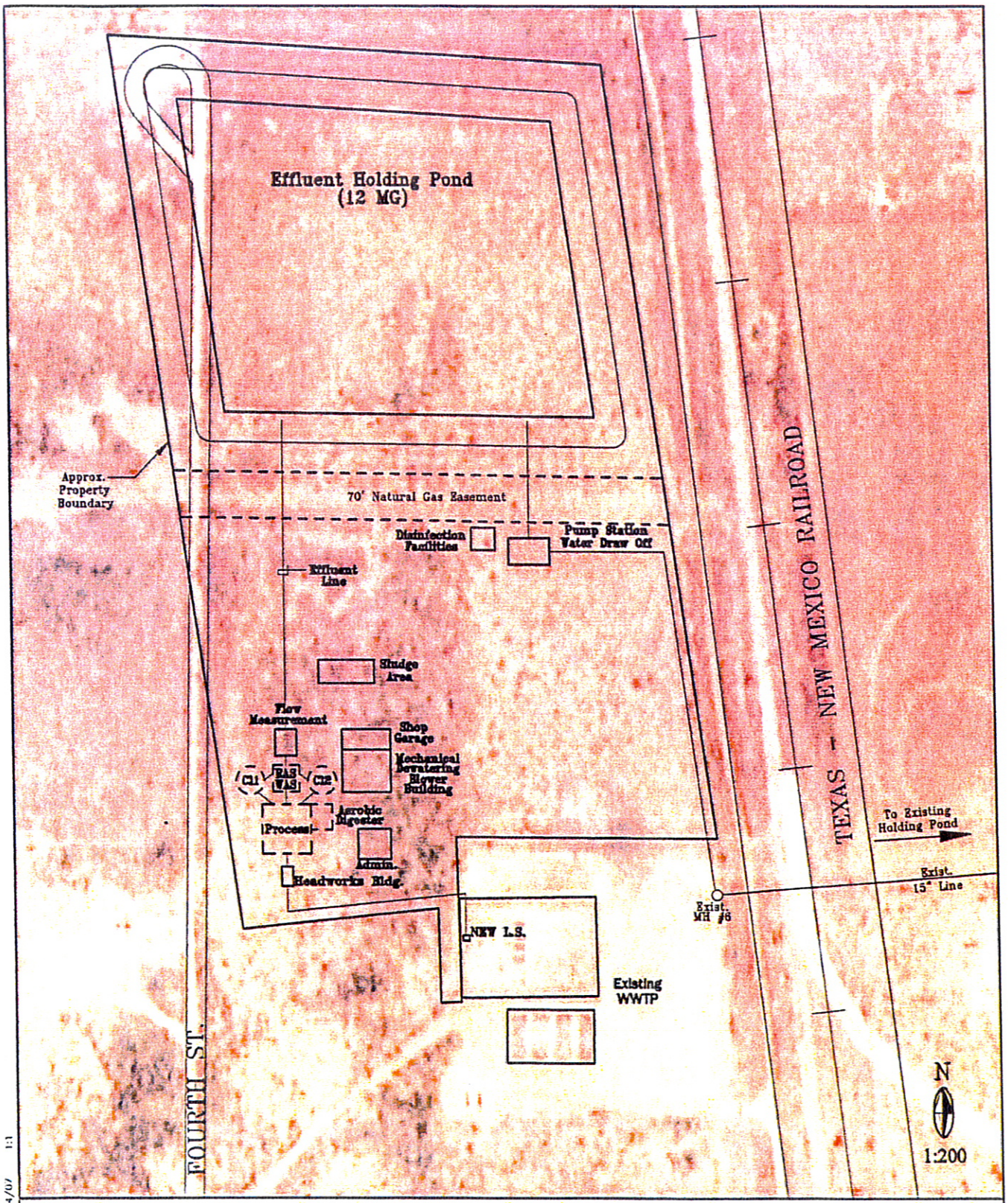


Figure 1.1. Project Area Map



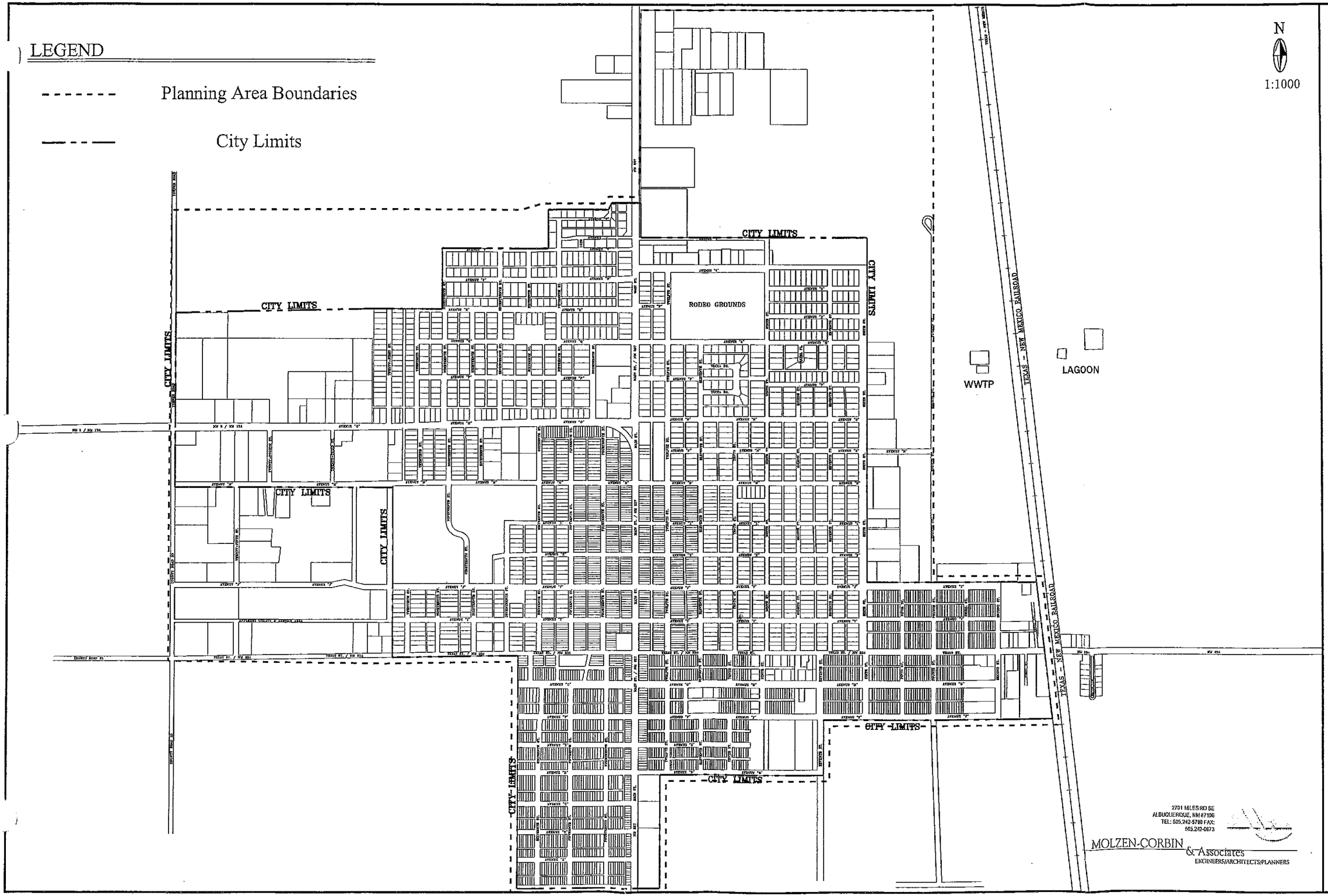
City of Eunice, New Mexico

Figure 1.2

Eunice WWTP & Site Layout for Proposed Project, Alternatives 1-4

Wastewater Treatment Facilities PER

FIGURE 5-1 3/14/07 1:1



City of Eunice, New Mexico

Figure 1.3- Planning Area Boundary
Wastewater Treatment Facilities PER

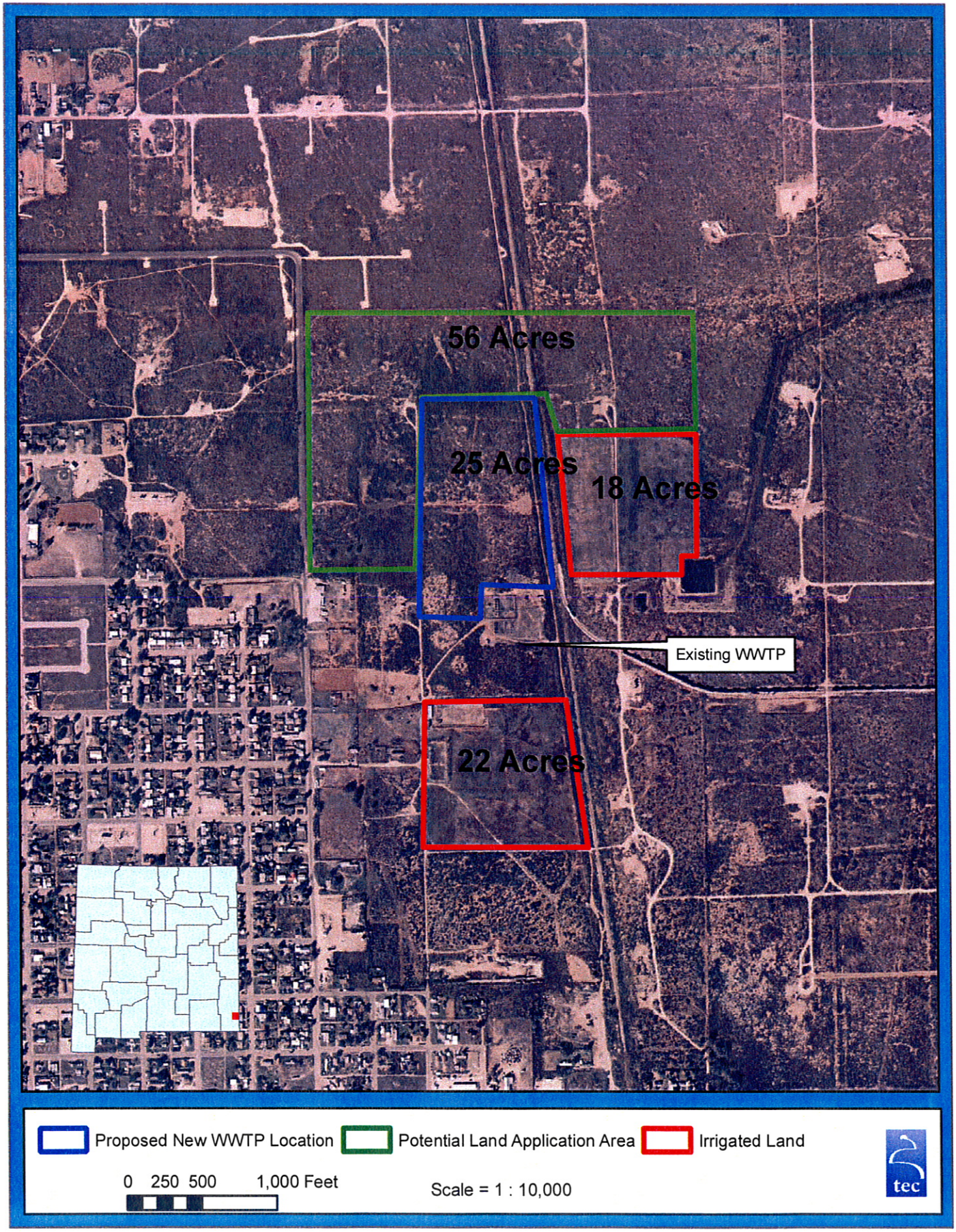


Figure 1.4 Project Area Map Showing Irrigated Fields and Potential Land Application Area.

landowner who uses the water to irrigate non-food crops, but the holding pond occasionally overflows into a nearby drainage, Monument Draw. The existing WWTP provides minimal treatment and is neither permitted by a National Pollutant Discharge Elimination System (NPDES) permit nor a NMED GWDP.

The City of Eunice is in need of upgrading its current treatment processes to meet future capacity demands due to the expected growth in the area and to meet the requirements of a GWDP. The City of Eunice has the potential to experience rapid growth in the near future due to the construction of a gas centrifuge uranium enrichment facility, or National Enrichment Facility (NEF), near Eunice, New Mexico, and anticipated ancillary business development. The City of Eunice is expected to increase its existing population of approximately 2,602 people to about 4,860 people by 2027, at which time wastewater flows are projected to increase to about 409,000 gpd.

1.3 Regulatory Compliance

This Environmental Assessment (EA) was prepared for the USACE 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)
- Invasive Species (Executive Order 13112)
- National Environmental Policy Act of 1969, as amended (NEPA; 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.*)
- Noxious Weed Act of 1974 (PL93-269; 7 U.S.C. 2801)
- Protection and Enhancement of the Cultural Environment (Executive Order 11593)
- Protection of Wetlands (Executive Order 11990)
- 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 EA also reflects compliance with all applicable State of New Mexico and local regulations, statutes, policies, and standards for conserving the environment such as water and air quality, endangered plants and animals, and cultural resources.

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

All agencies that assist or take part in projects that utilize federal funding are mandated by the National Environmental Policy Act (NEPA) to evaluate alternative courses of action. Typically, alternatives are a set of different locations that satisfy certain defined project criteria. However, alternatives can also include design considerations and/or attributes that may mitigate or reduce impacts generated by a given action. In general the NEPA process provides decision makers with an evaluation of the present and future conditions with regard to the implementation and timing of an alternative at a given site. Finally, a particular design chosen from alternatives evaluated can then be implemented in the best interest of the public and environment.

2.1 Proposed Action

The proposed action involves the demolition of the existing WWTP and the construction of a new WWTP, consisting of an aerated lagoon system. Demolition of the existing plant would entail pumping out the existing wastewater and disposing it at a septage disposal site, caving in the existing concrete plant and covering it with imported fill, and disposing of any other structural elements in a landfill. The existing facility occupies approximately 4 acres. The proposed WWTP would be located on a 25-acre site north of the existing facility.

Treatment of the wastewater would occur in aerated lagoons, which allow for the biological treatment of wastewater. This process incorporates surface aerators or submerged aeration devices to partially mix the contents and provide the necessary air for treatment. This alternative was chosen because it has simple operation and maintenance requirements and lower total project costs. However, compared to the other alternatives, aerated lagoons provide minimal treatment in terms of reducing nitrogen levels, and would require land application for the disposal of treated effluent.

The aeration pond system would consist of an influent lift station, headworks facility, a split to two aerated ponds followed by a settling pond, UV disinfection, and an effluent holding pond for storage. The capacity of the aeration ponds is sized to meet the projected 2027 demand of 409,000 gallons per day. The aeration ponds are designed for a 10-day hydraulic retention time (HRT) for a total volume of approximately 8 million gallons (MG). The proposed ponds have a surface area of approximately one acre, measure 12 ft deep, and have 3:1 side slopes. Also, they would be lined with Hypalon (a synthetic rubber). The settling pond is designed with a capacity of 10 days HRT and a total volume of 4 MG. It is designed to be 6 ft deep with a 2-ft freeboard and 3:1 slopes, and a surface area of about 2 acres.

This alternative is recommended if adequate land is available for the effluent disposal and the appropriate permits can be obtained. Disposal options of the effluent that are available to the City of Eunice include land application on agricultural lands, industrial reuse options such as oil field development, or disposal at a dedicated land application site. The option to discharge into Monument Draw may be considered as a back-up, if land application options are not available. However, an NPDES permit from the Environmental Protection Agency (EPA) would be required to discharge in the Draw, and may require levels of nitrogen lower than possible with

the proposed treatment option. Also discharge to Monument Draw would require additional coordination with USACE and NMED.

The effluent disposal options available to the City of Eunice consist of land application (including irrigation of non-food crops and discharging to adjacent vacant land) and providing water for oil well drilling operations, such as secondary oil recovery. An NMED GWDP is required for the existing WWTP operations and for the new WWTP. To dispose of effluent onto adjacent private lands, the effluent is required to be treated to Class 3 standards, in accordance with the NMED Reuse Policy. Class 3 reclaimed wastewater is suitable for irrigation of fodder, fiber, and seed crops for non-milk producing animals and uses in which public access and exposure is prohibited. It would require the effluent to meet a Biological Oxygen Demand (BOD) standard of less than 45 milligrams per liter (mg/L) and a Total Suspended Solids (TSS) standard of less than 90 mg/L. The expected nitrogen concentration of the effluent from the aerated lagoon process is between 38 to 40 mg/L. A land application plan would be developed that meets groundwater quality regulations limiting nitrogen application to groundwater resources at 200 pounds per acre per year (lb/acre-year).

Construction costs for this alternative are estimated to be approximately $5,896,000. The overall project costs, including engineering and taxes, are estimated to be about $6,841,000. Annual base operation and maintenance (O&M) costs are estimated to be $107,900. Construction is expected to begin in the first quarter of 2009.

2.2 Alternatives Considered

This section includes a summary of the overall design criteria used for comparing the alternatives for a new WWTP for the City of Eunice for a 20-year planning period (2007 to 2027). This section also summarizes the alternatives that were evaluated in addition to the previously described proposed action. It must be noted that the design of a new WWTP for the City of Eunice presented effluent disposal challenges rarely encountered elsewhere in the country. Eunice is located in a hydrologically closed basin. There are no streams in the immediate vicinity of city limits, and the only drainage from the existing WWTP is a ditch leading to the intermittent Monument Draw, which is a tributary to the Pecos River.

The following criteria were established to evaluate the alternatives:

- Regulatory Compliance
- Phasing and Expandability
- Site Efficiency, Land Issues, and Constructability
- O&M
- Public Acceptance
- Cost Considerations

In addition to the proposed action that was previously described, the following alternatives were also considered.

Conventional Biological Nutrient Removal

This alternative considered replacing the existing WWTP with a new biological nutrient removal (BNR) process known as the Modified Ludzak-Ettinger (MLE) process. The MLE process allows for the removal of nutrients in the wastewater such as nitrogen and phosphorus. The operation is similar to a typical complete-mix, activated sludge process. As such, the operation is relatively simple, and is a low-cost means of removing nitrogen from wastewater. The MLE process converts ammonia or nitrogen in the wastewater into byproduct compounds that can be easily removed from the wastewater. The mechanisms for removal of the nitrogen are assimilation and nitrification-denitrification.

This alternative adequately met the evaluation criteria; however, its total project and O&M costs were almost twice that of the proposed action ($12,332,000 total project cost). Therefore, this alternative was determined cost prohibitive.

Phased Isolation Process

This alternative considered replacing the existing plant with a BNR process that consists of phased isolation process technology that creates sequential aerobic and anoxic conditions within two separate oxidation ditches to achieve nitrification and denitrification. This technology is an adaptation of extended aeration oxidation ditch technology, and differs only in the configuration and alternating mode of operation. The alternating mode of operation allows for influent wastewater to be diverted into two ditches with operating conditions that are aerobic or anoxic, thus allowing for nitrification and denitrification of the wastewater.

This alternative adequately met the evaluation criteria; however, its total project and O&M costs were almost twice that of the proposed action ($12,147,000 total project cost). Therefore, this alternative was determined cost prohibitive.

Simultaneous Nitrification / Denitrification

This alternative considered replacing the existing WWTP with a BNR process that simultaneously nitrifies and denitrifies (SymBio). This process uses precise control of dissolved oxygen in the aeration basin to cause biochemical-oxygen-demand metabolism, nitrification, and denitrification to occur simultaneously. SymBio eliminates the need for a separate anoxic basin as well as the need for internal recycle from the aeration basin to the anoxic basin.

This alternative adequately met the evaluation criteria; however, its total project and O&M costs were almost twice that of the proposed action ($12,466,000 total project cost). Therefore, this alternative was determined cost prohibitive.

Membrane Bioreactor Plant

This alternative considered replacing the existing WWTP with a biodegradation process which uses membrane bioreactors (MBR). The MBR uses membranes that are packed together in units called "cassettes" that are immersed in an aeration basin. The MBR process allows for processing wastewater in a single basin and eliminates the need for secondary clarification.

This alternative adequately met the evaluation criteria; however, its total project and O&M costs were almost twice that of the proposed action ($13,600,000 total project cost). Therefore, this alternative was determined cost prohibitive.

Optimizing Existing Facilities

This alternative considered renovating and upgrading the existing WWTP to meet the expected NMED GWDP permit requirements. The existing facility was constructed in the 1949 and is outdated and unable to meet new permit requirements. The existing plant is limited in treatment capability due to capacity and loading limitations. Extensive work would be required to modify the existing plant and allow for treatment to the levels required by a GWDP.

Due to the need to comply with expected GWDP permit requirements, the age of the plant, and the overall deterioration of the critical components, this alternative was determined infeasible.

2.3 The No-Action Alternative

Under the no-action alternative, the construction of a new WWTP facility would not occur. No federal funding would be expended and there would be no new effects to the project area or surrounding environment. However, the existing WWTP is outdated and much of the equipment and processes are no longer functional. The expected increase in flows would only exacerbate the issue. The existing facility is not permitted at this time, and the effluent disposal process would not meet the expected NMED GWDP requirements. Further, the existing plant would not meet wastewater treatment standards as defined by the NMED Reuse Policy.

Due to the need to comply with expected GWDP permit requirements, the age of the plant, and the overall deterioration of the plant components, this alternative was considered infeasible.

3.0 EXISTING ENVIRONMENT AND FORESEEABLE EFFECTS

3.1 Physical Resources

3.1.1 Physiography, Geology, and Soils

The project area is located in the Pecos River Basin in the far southeastern corner of New Mexico, at an elevation of 3350 to 3400 feet above mean sea level. This area is situated within the Great Plains physiographic province at the boundary of the Lower Pecos Plains Subsection and the Llano Estacado (Southern High Plains, or Staked Plains) (Hawley 1986). The primary difference between the Pecos Plains and the Llano Estacado physiographic sections is a change in topography. The Llano Estacado is a large flat mesa that uniformly slopes to the southeast. The Pecos Plains section is characterized by its more irregular erosional topographic expression (Scholle 2000). The boundary between the two sections is locally referred to as Mescalero Ridge. In southern Lea County, Mescalero Ridge is an irregular erosional topographic feature with a relief of about 30 to 50 ft compared with a nearly vertical cliff and relief of approximately 150 feet in northwestern Lea County. The lower relief of the ridge in the southeastern part of the county is due to partial cover by wind-deposited sand. The dominant geologic feature of this region is the Permian Basin, a massive subsurface bedrock structure. This basin has a downward flexure of very thick, bedded, sedimentary rock that was originally flat-lying. The Permian Basin extends to 16,000 ft below mean sea level.

Soils in the project area are composed of Pyote loamy fine sand, Pyote and Maljamar fine sands, and Pyote soils and dune land (USDA 1974). The Pyote series consists of very deep, well-drained, moderately rapidly permeable soils formed in sandy loamy sediments that have been modified by wind. These soils are found on nearly level and gently undulating uplands with slopes ranging from 0 to 5 percent. Both Pyote and Maljamar soils are foiled from a parent material of sandy aeolian deposits derived from sedimentary rock. These soils are suitable for wildlife and generally used as rangeland or for irrigated agriculture. Pyote loamy fine sand, found in the southern end of the project area, is classified as farmland of statewide importance. This portion of the project area is currently under cultivation, and will not be disturbed by proposed construction.

Because, the proposed project is anticipated to permanently and temporarily disturb more than one acre of project soils, temporary and permanent soil erosion control measures will be implemented in accordance with the NPDES storm-water permit process, and a Storm Water Pollution Prevention Plan (SWPPP) will be developed.

New Mexico State University Agronomist, Dr. Robert P. Flynn, conducted an Agronomic Assessment to assess the potential land application sites for any limitations to crop production based on soil characteristics. The results of Dr. Flynn's analysis are located in the PER. Nitrogen loading rates based on varying levels of nitrogen in the effluent were calculated and are also included in the PER. Monitoring and management of effluent flows would be required to ensure that the nitrogen loading limit is not exceeded.

3.1.2 Climate

Lea County has a semiarid, continental climate with warm summers, cool, dry winters, and plenty of sunshine (USDA 1974). Moisture from the Gulf of Mexico moving from the southeast in the general circulation is the primary source of rainfall. Temperatures are slightly warmer in the southern and western parts of the county and a little cooler in the northern part. Lea County is one of the warmer parts of New Mexico. Summer daytime temperatures of 90 degrees or more occur about 66 percent of the time. Winter temperatures reach the freezing point on about 66 days of the year. 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 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 miles per hour, with monthly averages ranging from 10 miles per hour in October to 15 miles per hour in March. The information in this section was obtained from the Lea County soil survey (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 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 area of construction exceeds one acre. Additionally, a SWPPP is required and would be prepared by the contractor for this project. Standard Best Management Practices to prevent on- and off-site erosion would be incorporated in contract specifications and the SWPPP. 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 USACE 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.

The preferred alternative, as currently proposed, does not include any discharge or impacts to Monument Draw or any other jurisdictional waters. If discharge to Monument Draw were to be pursued, consultation with the USACE under Section 404 of the CWA would be required. Although a determination of permit requirements will not be made until final design, if effluent is to be discharged into Monument Draw, work on an outfall structure may be authorized by and performed under the conditions of Section 404 of the CWA, Nationwide Permits No. 12, *Utility Line Activities* or No. 7, *Outfall Structures and Maintenance*. A final determination would be

made by the City of Eunice in coordination with the USACE. If required, a Section 404 permit application, along with the project environmental document, would be submitted to the USACE to initiate the permit process. If Section 404 of the CWA applies to this project, a CWA Section 401 Water Quality Certification issued by NMED would also be required. This additional certification process would be completed prior to construction.

3.1.4 Floodplains and Wetlands

Executive Order 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 located outside the study area of the flood insurance rate map for the City of Eunice, New Mexico. Floodplain information was not available for the proposed project area. However, the siting of the new WWTP facility would avoid encroaching on base floodplains within the project area. "Encroachment" means an action within the limits of the base floodplain. However, if it is determined that the preferred project alternative would encroach on or affect base floodplains in the area by changing base flood elevations, floodplain boundaries, or flow velocities, local, state, and federal water resources and floodplain management agencies would be consulted, and a location hydraulic study would be completed as required by federal regulations for encroachments on floodplains (EO 11988 and 23 CFR 650.11).

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, Aesthetics, and Hazardous Materials

The City of Eunice is in New Mexico's Air Quality Control Region Number 5 for air quality monitoring, and Lea County is "in attainment" (does not exceed state or federal EPA 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).

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 closest Class I area is Carlsbad Caverns National Park, which is located approximately 68 miles to the west of the project area. Air quality in Carlsbad Caverns National Park would not be affected by the proposed project or by the no-action alternative.

Increased dust and locally elevated levels of particulate matter may be created during activities associated with project construction. Compliance specifications would be strictly administered for all equipment operations and dust-producing aspects of construction operations. The control

of particulate matter emanating from various construction and demolition activities is conducted in accordance with all applicable federal and state regulations. All vehicles involved in transporting rubble and spoil from the project site to the deposition area are required to have passed a current New Mexico emissions test and have required emission control equipment. To minimize exhaust emissions, contractors are required to use emission-control devices and limit idling of construction equipment. According to 20.11.20 New Mexico Administrative Code, Fugitive Dust Control, a permit application is required if three quarters of an acre or more is to be disturbed and for demolition projects over 75,000 cubic feet. This permit would be acquired by the construction contractor if applicable.

To minimize dust impacts during construction, the construction contractor would ensure that the following practices are implemented:

- Exposed and disturbed soil surfaces are watered at a frequency sufficient to avoid dust.
- Earthmoving and other dust-producing activities are suspended during periods of high winds when dust control efforts are unable to prevent fugitive dust.
- Stockpiles of debris, soil, sand, or other materials are watered or covered.
- Materials transported on- or off-site by truck are covered.

If these recommendations are followed, air quality in the project vicinity would not be affected by the proposed project.

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 effect on noise levels in the area.

Aesthetically, the terrain of the project area is characterized by an existing WWTP, irrigated fields on nearby private land, and mesquite rangeland. The project vicinity receives no recreational use with the intent of viewing scenery. The proposed new WWTP would be in keeping with the aesthetic character of the existing WWTP. Potential wastewater land application in areas to the north of the proposed new WWTP may result in increased vegetation and wildlife due to an increase in regular watering. In sum, aesthetic conditions would not be adversely affected by the proposed project.

There are no anticipated hazardous or toxic materials issues associated with the demolition of the existing WWTP. The demolition would entail pumping out the existing wastewater and disposing it at a septage disposal site, caving in the existing concrete plant and covering it with imported fill, and disposing of any other structural elements in a landfill.

3.2 Biological Resources

3.2.1 Vegetation Communities

The project area is part of the Plain-Mesa sand scrub as described by Dick-Peddie (1993). Brown (1982) describes this general area as a semidesert grassland biotic community with shinnery oak. Because scrubland vegetation is commonly found on past grassland areas, these definitions are not mutually exclusive. Soils and vegetation of the project area have been disturbed by the existing WWTP, and the immediate vicinity of the existing WWTP has been disturbed by farming and ranching practices. A site visit on June 14, 2007, by TEC Biologist Jesse Shuck revealed one field of various grasses and one field of sunflowers, as well as a large area of partially disturbed rangeland dominated by honey mesquite.

If the land application disposal option is selected, approximately 56 acres of mesquite rangeland would be affected. The increase in available water due to this option will most likely transform the semidesert grassland biotic community into a more mesic plant community (community of plants adapted to a more moderately moist habitat). Regular irrigation of the area may also cause wetland vegetation to develop if the lower areas are ponded for an adequate amount of time. However, development of hydric soils would require appropriate conditions over a long period of time, and these soils may never become established in the area. Even in the relatively unlikely event that wetlands were created as a result of the proposed land application practices, they would not be jurisdictional because the project area's location is in a closed basin.

3.2.2 Wildlife

A variety of species are known 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*), borrowing 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 insidior*), 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 would include the construction of a new WWTP as well as potential land application of wastewater onto the adjacent irrigated farmland and rangeland. The proposed site of the new facility would result in the loss of the existing vegetation and some ground inhabiting animals, but the effects would be minimal and would not significantly impact the greater habitat. If rangeland areas are subjected to wastewater application, the increased moisture regime would most likely result in a habitat that is lusher and possibly more attractive to wildlife.

3.2.3 Special Status Species

Three agencies have primary responsibility for protecting and conserving plant and animal species within the proposed project area. 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 federally listed species. The New Mexico Department of Game and Fish (NMDGF) has the responsibility for state-listed wildlife species. The New Mexico Department of Minerals, Natural Resources, Forestry Division, has the responsibility for state-listed endangered plant species. The State species list indicates that are no status plant species that occur in Lea County (New Mexico Rare Plants Technical Council 2007 Website [http://nmrareplants.unm.edu/]).

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 3.1 and described in more detail below.

Table 3.1: Special Status Species Listed for Lea County, New Mexico

Common Name	**Scientific Name**	**Federal Status (USFWS)[a]**	**State of New Mexico status (NMDGF)[b]**
Animals			
Bald Eagle	*Haliaeetus leucocephalus*	---	T
Black-footed Ferret	*Mustela nigripes*	E	---
American Peregrine Falcon	*Falco peregrinus anatum*	---	T
Bell's Vireo	*Vireo bellii*	SC	T
Baird's Sparrow	*Ammodramus bairdii*	SC	T
Northern Aplomado Falcon	*Falco femoralis septentrionalis*	E	E/10(j)NEP
Black-Tailed Prairie Dog	*Cynomys ludovicianus*	C	---
Lesser Prairie Chicken	*Tympanuchus pallidicinctus*	C	---
Sand Dune Lizard	*Sceloporus arenicolus*	C	E

[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.

NEP=nonessential experimental population.

The bald eagle, recently delisted by the federal government but still listed by the State of New Mexico as a 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 black-footed ferret is a federally 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 project 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 American peregrine falcon is a federally delisted species with an approved recovery plan, and a New Mexico State Threatened species. The peregrine falcon may fly over the construction area during spring and fall migration. 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.

Bell's vireo is a New Mexico State Threatened species a federal species of concern. It primarily inhabits riparian woodlands, scrub, and thickets for breeding. No Bell's vireo habitat was observed during the field survey. No impacts to the Bell's vireo or its habitat are anticipated as a result of the proposed project.

Baird's sparrow is a New Mexico State Threatened species and a federal species of concern. 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. This species favors shrubby short-grass habitats. 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 northern aplomado falcon is a Federal and State Endangered species. On July 26, 2006, a final rule on the establishment of a nonessential experimental population (NEP) in Arizona and New Mexico under Section 10(j) of the Endangered Species Act was published in the Federal Register. This designation authorizes unintentional or incidental take of the falcon pursuant to otherwise legal actions, but still prohibits intentional take. The northern aplomado falcon prefers habitat consisting of grassy plains interspersed with mesquite, cactus, and yucca. This species is found in grasslands and shrublands at lower elevations (2800-5500 ft) and prefers open terrain with scattered trees and low ground cover and 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. There is a general lack of open terrain with scattered trees, or yucca grassland within or near the project area. No suitable nesting platforms were observed in or near the project area. Due to the lack of preferred habitat and the limited disturbance associated with the proposed project, there would be no effect to the northern aplomado falcon.

The black-tailed prairie dog is a federal candidate species. A close cousin of the ground squirrel, the black-tailed prairie dog is native to short-grass prairie habitats of western North America where they play an important role in the prairie ecosystem. They serve as a food source for many predators and leave vacant burrows for the burrowing owl, the black-footed ferret, the Texas horned lizard, rabbits, hares, and even rattlesnakes. Black-tailed prairie dogs depend on grass as their dominant food source and usually establish colonies in short-grass vegetation types that allow them to see and escape predators. Plains-mesa sand scrub, the predominant vegetation type in the project area, is not optimal black-tailed prairie dog habitat due to the high density of shrubs. There have been no sightings of black-tailed prairie dogs, no active or inactive prairie dog mounds/burrows, or any other evidence of prairie dogs in the project area. No impacts to the black-tailed prairie dog or its habitat are anticipated as a result of the proposed project.

The lesser prairie chicken is a federal candidate species. Lesser prairie chickens historically occupied areas of mixed sand sagebrush or shinnery oak-bluestem grasslands in portions of southeastern Colorado, southwestern Kansas, western Oklahoma, the Texas Panhandle, and eastern New Mexico. Two areas within Lea County have been nominated as an area of critical environmental concern for the lesser prairie chicken. Both of these sites are on BLM land over 30 miles north of the project area. Sage sagebrush and shinnery oak are present only in very small quantities in the project area, and a field survey did not identify suitable habitat or signs of the lesser prairie chicken. No impacts to the lesser prairie chicken or its habitat are anticipated as a result of the proposed project.

The sand dune lizard is a federal candidate species and is listed as a New Mexico Endangered species in Lea County (NMDGF 2006). Sand dune lizards only occur in areas with open sand, but they forage and take refuge under shinnery oak. They are restricted to areas where sand dune blowouts, topographic relief, and shinnery oak occur. They are seldom more than 1.2 to 1.8 m (4 to 6 ft) from the nearest plant. The sand dune lizard feeds on invertebrates such as ants, crickets, grasshoppers, beetles, spiders, ticks, and other arthropods. Feeding appears to take place within or immediately adjacent to patches of vegetation. A field survey of the site did identify marginally favorable sand dune lizard habitats in the honey mesquite coppice dunes in the northern end of the project area. However, this area lacks many open sandy areas that are preferable to the sand dune lizard, and general disturbance from past grazing and nearby development also impacts the suitability of the habitat. Shinnery oak is scattered and rare in the project area. No sand dune lizards or their tracks or other identifying traces were observed during the field visit. Based on the NMDGF Management Plan for the Sand Dune Lizard (1999; and Painter 2004), the closest known population of sand dune lizards is located approximately 15 miles north of the project area. For these reasons, although some marginal sand dune lizard habitat is present in part of the project area, it is unlikely that the area hosts any significant

populations of the species. Due to the small amount of marginal habitat and the limited disturbance associated with the proposed project, no impacts to the sand dune lizard or its habitat are anticipated as a result of the proposed project.

3.3 Cultural Resources

On June 12 to June 14, 2007, TEC archaeologists conducted an intensive (100-percent), Class III cultural resources inventory of the project area covering a total of approximately 127.55 acres. The pedestrian survey was conducted by walking linear transects spaced 15 meters apart. A survey buffer area, 15 meters in width, was surveyed around the perimeter of the project area. Surface visibility ranged from 75 percent in disturbed areas, to 50 percent in mesquite rangeland, to less than 30 percent in the cultivated fields. Average surface visibility was approximately 60 percent.

Prior to the survey, on June 6, 2006, Berenika Byszewski of TEC conducted a pre-field records check with the Archaeological Records Management Section (ARMS) of the Museum of New Mexico Laboratory of Anthropology and obtained information on all previously recorded archaeological surveys and sites located within the survey area and an approximate 1000 meter buffer outside the survey area. Also, current listings of the National Register of Historic Places (NRHP) and New Mexico State Register of Cultural Properties were consulted to determine the presence of any cultural properties or districts within the project area and vicinity. No sites were located within 1000 meters of the survey area. The closest archaeological site to the survey area is located about 2 miles to the southeast. This site (LA 133469) is a historic trash dump that was determined ineligible for inclusion in the NRHP in 2001 (HPD Log Number 63901). According to ARMS database, only a few small-scale negative surveys have been completed in the general vicinity of the proposed project.

One cultural resource was identified within the project area during the survey: the former Texas-New Mexico Railway alignment, which is currently owned by Union Pacific. The arrival of the Texas-New Mexico Railway in 1930 was a major event in the history of Lea County. Because the railroad is still in use, it was recorded on a New Mexico Historic Properties Inventory Form as an historic resource that is potentially eligible for inclusion in the NRHP. The railroad consists of a single track on an elevated gravel berm. It is located within the potential land application area north of the exiting and proposed WWTP locations. The railroad alignment will be avoided by all project-related activities. Therefore, it is recommended that the proposed project will have no effect on this historic resource.

No isolated artifacts or other cultural resources manifestations with the exception of the railroad were found during the survey.

American Indian Tribes that have cultural resources concerns in Lea County have been contacted in regards to this project, including the Comanche Tribe, the Kiowa Tribe of Oklahoma, Ysleta del Sur Pueblo, the Apache Tribe of Oklahoma, and the Mescalero Apache Tribe. To date, no traditional cultural properties are known to occur in the project area, and there has been no indication of any tribal concerns in the area. Tribal correspondence is included in Appendix A.

Pursuant to 36 CFR 800.4(d), the USACE is of the opinion that there would be "No Historic Properties Affected" by the proposed project or on the historic and cultural resources of the region. The USACE consulted with the New Mexico State Historic Preservation Officer (SHPO) in a letter dated March 12, 2008. The New Mexico SHPO concurred with the findings and the opinion of the USACE on April 18, 2008. SHPO concurrence is included in Appendix A.

Pursuant to 36 CRF 800.13, should previously undiscovered artifacts or features be encountered during construction, work would cease in the immediate vicinity of the find. A determination of significance would be made, and a mitigation plan would be formulated and implemented in consultation with the New Mexico SHPO and with Native American Tribes that may have concerns in the area.

3.4 Land Use and Socioeconomic Considerations

The Eunice area supports agricultural activities such as cattle ranching and farming, while the Permian Basin geology beneath the surface holds the state's largest oil and natural gas reserves. As such, agriculture has provided a steady economic base for the city, while the vagaries of the oil and gas markets have given rise to periods of economic boom and bust throughout the City's history. In 2003, the top five commodities and cash receipts were dairy products, cattle and calves, hay, cotton, and other crops (New Mexico Department of Agriculture 2005). On an average, Lea County ranks first in New Mexico in oil production and fourth in natural gas production (Lea County Facts 2005). The area surrounding the existing WWTP is vacant land, mesquite rangeland, and agricultural land. Oil and gas wells are also present in the general vicinity. Two irrigated fields adjacent to the existing WWTP are currently used for land application of treated wastewater. Alfalfa and sunflowers were observed in the fields during the biological field survey.

The total population of Eunice in 2000 was reported as 2,562 people (U.S. Census Bureau). Within Lea County, the ethnic background is: Anglo, 63.6%; Hispanic, 30.3%; African-American, 5.1%; Native American, 0.6%; and Asian, 0.4% (U.S. Census Bureau). In 1999, the median household income in Lea County was $31,722 and the average monthly annual unemployment rate for Lea County in the same year was 5.9% (U.S. Census Bureau).

The proposed project is intended to achieve compliance with an NMED GWDP and increase the capacity of the existing plant. The project would help to accommodate anticipated growth in the area. The community character is not expected to change as a result of the project and no impacts to land uses are anticipated. There would be no displacement of homes or businesses as a result of the project. However, there may be an increase in sewer rates over the next few years to help pay for the initial project costs and to abate the upgraded and expanded WWTP's O&M costs.

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 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 Eunice WTTP 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.

3.6 Cumulative Impacts

Guidelines by the Council on Environmental Quality broadly define cumulative and secondary impacts as follows:

- Cumulative effects are impacts that result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions (40 *CFR* 1508.7).
- Secondary impacts are those caused by an action that are later in time or farther removed in distance but are still reasonably foreseeable (40 *CFR* 1508.8).

The projected population increase in the Eunice area over the next 20 years is derived from the proposed construction of the National Enrichment Facility (NEF) near the City. LES has chosen a site in Lea County, New Mexico, 5 miles east of Eunice to build a gas centrifuge uranium enrichment plant. This facility will enable the U.S. to have a domestic source of enriched uranium for the country's commercial nuclear power plants. At full capacity, the NEF will provide approximately 5 percent of domestic energy needs. LES is owned by Urenco, an independent, global energy and technology group with plants in Germany, the Netherlands and the United Kingdom. The plant is scheduled to be online in 2009.

The City of Eunice has proposed to replace and/or repair various components of its existing public water system to ensure a safe and reliable supply of potable water and to meet current and future demand in the planning region. An environmental information document for this project was finalized in February 2008 (TEC 2008c).

The City of Eunice Comprehensive Master Plan written in 2004 outlined the creation of a planning and zoning commission. Since this time, a planning and zoning commission has been

formed, and the City's Master Plan was extensively revised in 2007-2008. The updated Master Plan was produced to account for the anticipated population growth in the region resulting from the development of the NEF and associated ancillary development. The final 2008 Master Plan accounts for sustainable development of the City and the planning region based on a near doubling of the population in a 20-year period.

The cumulative effects of the project, when combined with other reasonably foreseeable actions, are not expected to significantly alter the natural or human environment of the region. The natural impacts to vegetation and soils from the project would be minimal. The proposed WWTP is consistent with the City's 2008 Master Plan, and would be able to accommodate wastewater flows from the NEF facility and anticipated ancillary development in the area. The proposed project is expected to respond to project population increases, not to entice new residents to the area. Because the WWTP is already in need of upgrading to bring it to compliance with applicable state and federal regulations, it is prudent to design the facility to be able to accommodate population projections in the planning area.

Implementation of the proposed project would involve a commitment of a range of natural, physical, human, and fiscal resources. Fossil fuels, labor, and construction materials would be expended in the project. These materials are generally not retrievable; however, they are not in short supply, and their use would not have an adverse effect on continued availability of such resources. Construction would also require an expenditure of public funds, which are not retrievable.

4.0 PUBLIC INVOLVEMENT

The Draft EA was made available for public review for a 45-day period prior to a public hearing held in the City of Eunice, New Mexico. Notice of availability of the Draft EA and a public hearing announcement was published in the *Hobbs News-Sun* on Tuesday, February 5, 2008, and Sunday, March 16, 2008, and in the *Eunice News* during the weeks of February 7, March 13, and March 20, 2008 (Copies of tear sheets included in Appendix C). In addition, postcards announcing the public hearing and the availability of the Draft EA were sent to the project mailing list.

Copies of the Draft EA were available at the following locations beginning February 3, 2008:

- Eunice City Hall, 1106 Avenue J, Eunice, NM (505) 394-2576; and at the following locations in Eunice: Eunice Public Library, Eunice Senior Center, Debbie's Kountry Kitchen, and the Eunice Health Clinic
- Molzen-Corbin & Associates, 2701 Miles Rd SE, Albuquerque, NM (505) 242-5700
- Taschek Environmental Consulting, 8901 Adams NE, Albuquerque, NM (505) 821-4700

The public hearing was held at the City of Eunice Community Center at 1115 Avenue I, Eunice, New Mexico, at 6:00 p.m. on Thursday, March 27, 2008. Fifteen people were in attendance. The hearing began at approximately 6:10 p.m, and was transcribed by Ms. Jane McGill, certified shorthand reporter (a copy of the transcript is included in Appendix C). Ms. Julie Samora of Molzen-Corbin & Associates presented the project background, purpose and need, and project

alternatives. Ms. Berenika Byszewski of Taschek Environmental Consulting discussed the environmental process. The floor was then opened to comments and questions from the public.

One question was received from the public at the end of the hearing.

Question: A Eunice resident asked when the City would receive funding for the project.

Response: Julie Samora responded that all of required funding is still being pursued for the project. She added that construction is expected to begin in the middle of 2009. Additional information about potential funding sources is provided in the PER and summarized below.

The City has secured a $1 million New Mexico Special appropriation which is administered by the NMED. The city signed an agreement with the USACE for the approximate amount of $3.5 million depending on funding availability. This grant requires a 25 percent match which can be fulfilled with the existing State appropriation funds. In addition, the USACE has indicated that up to 75 percent of the total project costs may be funded depending on availability. The City may have some limited funds to allocate to the project. The remaining funding required will have to be secured through additional grants and/or loans. Possible sources for loans may be pursued through the USDA Rural Development program or the NMED. The USDA Rural Development has a loan program for water and wastewater that allows for a $2 million loan based on a 40-year time period and 4.5 percent interest rate. The NMED has two loan programs: the New Mexico Clean Water State Revolving Fund (CWSRF) which provides loans at 3 percent interest over 20 years, and the Rural Infrastructure Program (RIP) which offers up to $ 2 million for a 20-year loan at 3 percent interest.

5.0 CONCLUSIONS AND SUMMARY

The proposed action evaluated in this EA addresses the method and potential effects for the installation of a new WWTP in the City of Eunice in Lea County, New Mexico.

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 WWTP would benefit the residents of the City of Eunice. 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.

6.0 PREPARATION, CONSULTATION AND COORDINATION

6.1 Preparation

This EA was prepared for the USACE by Taschek Environmental Consulting and Molzen-Corbin & Associates. Personnel primarily responsible for preparation include:

Pete K. Doles	Project Manager, USACE, Albuquerque District
Julie Samora	Project Manager, J. Samora & Associates, Inc.
Berenika Byszewski	Archeologist/Environmental Compliance, Taschek Environmental Consulting
Cassandra D'Antonio	Environmental Compliance, Taschek Environmental Consulting
Jesse Shuck	Biologist, Taschek Environmental Consulting

5.2 General Consultation and Coordination

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

Peter Doles, Project Manager
U.S. Army Corps of Engineers
Albuquerque District

Julie Samora, Project Manager
J. Samora & Associates, Inc.
Albuquerque, New Mexico

Mr. Hollis Fuchs
U.S. Department of Agriculture
Natural Resources Conservation Service

Ms. Roxanne Runkel
U.S. Department of Interior
National Park Service
Intermountain Region

Ms. Cathy Gilmore
U.S. Environmental Protection Agency
Region 6
Office of Planning and Coordination
Dallas, Texas

Mr. Wally Murphy
U.S. Fish and Wildlife Service
N.M. Ecological Services Office

Mr. Dennis Alexander
U.S. Department of Agriculture
Natural Resources Conservation Service

Mr. Donald Borda
U.S. Army Corps of Engineers
Albuquerque District
Regulatory Branch

Mr. Phillip Carter
U.S. Department of Agriculture
Natural Resources Conservation Service

Federal Emergency Management Agency
Region VI

Mr. Bob Sivinski
N.M. Energy, Minerals, and Natural Resources Department
Forestry Division

Mr. Bill Olson
N.M. Environment Department
Ground Water Quality Bureau

Ms. Katherine Slick
N.M. Historic Preservation
Department of Cultural Affairs

Gedi Cibas, PhD
N.M. Environment Department
Environmental Impact Review

Mr. David Bishop
N.M. Environment Department
Construction Programs Bureau

John D'Antonio, State Engineer
N.M. Office of the State Engineer

Ms. Janelle Ward
N.M. Department of Game and Fish
Conservation Services Division

Mr. Matt White, Mayor
City of Eunice

Mr. Kenneth S. Weaver, Manager
City of Eunice

Mr. Willie Luster
City of Eunice
Wastewater Treatment Plan

Ms. Candy Gonzales
City of Eunice
Water Department

Mr. Michael Brock
City of Eunice

Mr. Ron Grogan
City of Eunice
EMS Command

Ms. Roxie Luster
City of Eunice
Public Works Department

Mr. Kevin P. Burnam
City of Eunice
Police Department

Mr. Jerry Harper
City of Eunice
Fire and Rescue

Mr. Larry Harvey
City of Eunice
Municipal Schools

Mr. Wardell Allen
Eunice City Council

Ms. Mary Mitchell
Eunice City Council

Mr. Maurice Gardner
Eunice City Council

Mr. Bill Robinson
Eunice City Council

Ms. Mary Fuller
Eunice City Council

Mr. Terry Bettis
Eunice City Council

Mr. Gailand Overton
Eunice City Council

Ms. Lynn White
Eunice News

Mr. Bill Stephens
Eunice, New Mexico

Mr. Bill Gatchell
Lea County

Mr. Rick Bruce
Lea County

Mr. Michael Scot Whitehead
Lea County Commission

Mr. Darrold E. Stephenson
Lea County Commission

Mr. Gary Schubert
Lea County Commission

Mr. Randall D. McCormick
Lea County Commission

Mr. Hector M. Ramirez
Lea County Commission

Ms. Bethe Cunningham
Lea County
Economic Development Corporation

Mr. Rod Coffman
Lovington, New Mexico

Hobbs News-Sun
Hobbs, New Mexico

Chevron Production
Eunice, New Mexico

Hendrix John H Corporation
Eunice, New Mexico

Conoco, Inc.
Hobbs, New Mexico

Southwestern Public Service Company
Xcel Energy
Amarillo, Texas

National Enrichment Facility
Eunice, New Mexico

Colborn Co, Inc.
Eunice, New Mexico

Texaco Exploration and Development
Eunice, New Mexico

Amoco Production Co.
Hobbs, New Mexico

Mr. Richard Robinson
Eunice, New Mexico

Apache Corp.
Eunice, New Mexico

Occidental Permian Limited
Operations Center
Hobbs, New Mexico

McCausland Management, Inc.
Eunice, New Mexico

Union Pacific Railroad
Omaha, Nebraska

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Appendix A
Cultural Resources Consultation

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

March 12, 2008

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MAR 13 2008
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HISTORIC PRESERVATION DIVISION

4-22-2008 Rec'd LAL

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

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

Dear Ms. Slick:

Pursuant to 36 CFR Part 800, the U.S. Army Corps of Engineers (Corps), Albuquerque District, is seeking your concurrence in our determination of "No Historic Properties Affected" for a proposed construction of a new wastewater treatment plant (WWTP) project for the City of Eunice, Lea County, New Mexico. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East. The project is located on City property. The Corps, at the request of Eunice, is conducting this work under Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended, which authorizes the Corps to provide design and construction assistance for water-related environmental infrastructure and resource protection and development projects in New Mexico.

The purpose of this project is to replace the existing, outdated WWTP in order to accommodate anticipated population growth and to bring the system into compliance with the New Mexico Environment Department's Ground Water Discharge Permit regulations. Proposed components to the WWTP include a lift station, headworks facility, solids handling, effluent holding ponds, and ultraviolet disinfection. A field north of the facility is being considered for non-food farming using treated effluent discharge.

The new facility will be located just north of the existing facility. Work would be conducted within City property. Staging and access will use existing city facilities and paved roads.

On June 14, 2007 Taschek Environmental Consulting (TEC) conducted an intensive archaeological survey of the 127.5-acre project area, as detailed in the attached report titled "Cultural Resource Survey for the Construction of a Wastewater Treatment Plant in Eunice, Lea County, New Mexico", prepared by Chris Parrish, Nicholas Parker, and Berenika Byszewski, Report No. TEC-2007-50, August 2007. No historic properties or isolated occurrences were discovered within the project area during the survey.

Adjacent to the project area TEC recorded a segment of the former Texas-New Mexico Railroad, a rail line dated to 1930. Based on a conversation between Lance Lundquist of the Corps and John Murphey from your office, this rail is considered eligible for inclusion to the National Register of Historic Places (NRHP) under Criterion A due to it being one of the first New Mexico rail lines which opened up Lea County and the Eunice area to development. The rail continues to be used to this day, and has been rehabilitated many times. In the Project area, the rail consists of ballast and track, with no culverts, buildings, or other features nearby. The proposed Project is adjacent to the rail and will have no effect on the 82 m of track from this 104-mile linear feature. We also seek your concurrence in our eligibility determination.

Consistent with the Department of Defense's American Indian and Alaska Native Policy, signed by Secretary of Defense William S. Cohen on October 28, 1998, and based on the State of New Mexico Indian Affairs Department's Native American Consultations List, American Indian tribes that have indicated they have concerns in Lea County have been contacted regarding the proposed project. This includes the Comanche Indian Tribe, the Kiowa Tribe of Oklahoma, Ysleta del Sur Pueblo, the Apache Tribe of Oklahoma, and the Mescalero Apache Tribe. To date, the Corps has received no indication of tribal concerns that would impact this project.

Pursuant to 36 CFR 800.4(d) and as documented in the enclosed NMCRIS investigation abstract form, the Corps is of the opinion that there would be <u>no historic properties affected</u> by this project or on the historic and cultural resources of the region.

Pursuant to 36 CFR 800.13, should previously unknown artifacts or cultural resource manifestations be encountered during construction, work would cease in the immediate vicinity of the resource. A determination of significance would be made,

and a mitigation plan would be formulated in consultation with the New Mexico State Historic Preservation Officer and with American Indian Tribes that have cultural concerns in the area.

If you have questions or require additional information regarding the City of Eunice Wastewater Treatment Plant project, please contact Mr. Lance Lundquist, archaeologist, at (505) 342-3671.

Sincerely,

Gregory D. Greenhart

for Ondrea Hummel
Chief, Environmental Resources
Section

4/18/08
Date

I CONCUR
For KATHERINE SLICK
NEW MEXICO STATE HISTORIC
PRESERVATION OFFICER
Eligibility & Effect

Enclosures

1 bound copy of the survey report for your review
1 unbound copy of the report for filing with ARMS
1 HCPI form with photos for filing with ARMS
1 NMCRIS Investigation Abstract

Chairman Wallace Coffey
Comanche Indian Tribe
P.O. Box 908
Lawton, OK 73502

Chairman Billy Evans Horse
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

Governor Art Senclair
Ysleta del Sur Pueblo
P.O. Box 17579, Ysleta Station
El Paso, TX 79917

Tribal Administrator Wallace Bitsedy
Apache Tribe of Oklahoma
P.O.Box 1220
Anadarko, OK 73005

President Mark Chino
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 6, 2007

President Mark Chino
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

Dear President Chino:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico (Figures 1 and 2). The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers. The City contracted with Molzen-Corbin & Associates to design the facility and Taschek Environmental Consulting to conduct the environmental review process in compliance with the National Environmental Policy Act.

At this time, the preferred project alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River).

Taschek Environmental Consulting is preparing the cultural resource survey and documentation for the proposed project and is contacting the Mescalero Apache Tribe at the request of the City.

The survey has been conducted to fulfill the responsibilities of the City to meet the requirements of Section 106 of the National Historic Preservation Act. As part of the Section 106 process, the City is required to consult with the Mescalero Apache Tribe to aid in identifying any areas of traditional religious or cultural importance that may be within the project's area of potential effect. Maps are enclosed for your assistance in identifying the project area.

This consultation will also serve to ensure that the City is following the policies related to the American Indian Religious Freedom Act (AIRFA). Many traditional cultural sites clearly fall into the protection of AIRFA. Given the cultural sensitivity of religious locations, they may not be subjected to the same documentation and evaluation as historic or archaeological sites. If religious locations are identified within the proposed project area, The City will work with the Mescalero Apache Tribe to avoid and protect the identified location(s) without disclosing any specific information as to the site locations or the nature of the religious activities.

Please indicate by checking one of the boxes whether the Mescalero Apache Tribe has concerns regarding any traditional religious or cultural areas within the proposed project area. Your response will help us determine if further consultation is needed with your Nation. Please respond within 30 days of the receipt of this letter so the City may move forward with the Section 106 process.

Please contact me at 505-821-4700 if you have any questions or concerns. Thank you for your time and consideration.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager
Taschek Environmental Consulting, on behalf of the City of Eunice

Attachments: Figures 1 and 2

____ The Mescalero Apache Tribe has determined that the proposed undertaking (described above) in Lea County, New Mexico **will not** affect any objects, sites, or locations of traditional religious importance to the Mescalero Apache Tribe.

____ The Mescalero Apache Tribe has determined that the proposed undertaking (described above) in Lea County, New Mexico **will** affect objects, sites, or locations of traditional religious importance to the Mescalero Apache Tribe. The City of Eunice should undertake further consultations with the Mescalero Apache Tribe in order to evaluate, consider, or avoid such locations.

_____ _____

Mark Chino Date
President

Ysleta del Sur Pueblo
Tribal Council
119 S. Old Pueblo Rd. • P.O. Box 17579 • El Paso, Texas 79917 • (915) 859-8053 • Fax (915) 859-4252

June 22, 2007

Ms. Berenika Byszewski
Project Manager
Taschek Environmental Consulting, LLC
8901 Adams St. NE, Ste D
Albuquerque, New Mexico 87113-2701

Dear Ms. Byszewski:

This letter is in response to your correspondence received in our office of June 8, 2007, in which you provide Ysleta del Sur Pueblo the opportunity to comment on the proposed construction of a new wastewater treatment plant east of the City of Eunice, Lea County, New Mexico.

While we believe that this system will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it, we would like to request consultation should any artifacts or remains be unearthed during the course of the project be determined to fall under NAGPRA guidelines. Copies of our Pueblo's Cultural Affiliation Position Paper and Consultation Policy are available upon request.

Thank you for allowing us the opportunity to comment on this proposed project.

Sincerely,

Arturo Senclair
Tribal Governor

AS:svg

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 6, 2007

Tribal Administrator Wallace Bitsedy
Apache Tribe of Oklahoma
P.O.Box 1220
Anadarko, OK 73005

Dear Tribal Administrator Bitsedy:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico (Figures 1 and 2). The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers. The City contracted with Molzen-Corbin & Associates to design the facility and Taschek Environmental Consulting to conduct the environmental review process in compliance with the National Environmental Policy Act.

At this time, the preferred project alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River).

Taschek Environmental Consulting is preparing the cultural resource survey and documentation for the proposed project and is contacting the Apache Tribe of Oklahoma at the request of the City.

The survey has been conducted to fulfill the responsibilities of the City to meet the requirements of Section 106 of the National Historic Preservation Act. As part of the Section 106 process, the City is required to consult with the Apache Tribe of Oklahoma to aid in identifying any areas of traditional religious or cultural importance that may be within the project's area of potential effect. Maps are enclosed for your assistance in identifying the project area.

This consultation will also serve to ensure that the City is following the policies related to the American Indian Religious Freedom Act (AIRFA). Many traditional cultural sites clearly fall into the protection of AIRFA. Given the cultural sensitivity of religious locations, they may not be subjected to the same documentation and evaluation as historic or archaeological sites. If religious locations are identified within the proposed project area, The City will work with the Apache Tribe of Oklahoma to avoid and protect the identified location(s) without disclosing any specific information as to the site locations or the nature of the religious activities.

Please indicate by checking one of the boxes whether the Apache Tribe of Oklahoma has concerns regarding any traditional religious or cultural areas within the proposed project area. Your response will help us determine if further consultation is needed with your Nation. Please respond within 30 days of the receipt of this letter so the City may move forward with the Section 106 process.

Please contact me at 505-821-4700 if you have any questions or concerns. Thank you for your time and consideration.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager
Taschek Environmental Consulting, on behalf of the City of Eunice

Attachments: Figures 1 and 2

_X_ The Apache Tribe of Oklahoma has determined that the proposed undertaking (described above) in Lea County, New Mexico **will not** affect any objects, sites, or locations of traditional religious importance to the Apache Tribe of Oklahoma.

____ The Apache Tribe of Oklahoma has determined that the proposed undertaking (described above) in Lea County, New Mexico **will** affect objects, sites, or locations of traditional religious importance to the Apache Tribe of Oklahoma. The City of Eunice should undertake further consultations with the Apache Tribe of Oklahoma in order to evaluate, consider, or avoid such locations.

Wallace Bitsedy

Wallace Bitsedy
Tribal Administrator

6-11-07

Date

COMANCHE TRIBE
NAGPRA

July 27, 2007

Berenika Byszewski, Project Manager
Taschek Environmental Consulting, LLC
8901 Adams St, NE
Suite D
Albuquerque, NM 87113-2701

Re: Tribal consultation requested with the City of Eunice in Lea County, New Mexico

Dear Ms. Byszewski:

Thank you for your letter of June 6th regarding the above referenced project to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP and bring the system into compliance with federal and state regulations.

At this time, the Comanche Nation has no immediate concerns or issues regarding this project; however, please keep us informed as your planning proceeds. We look forward to receiving any project reports, archaeological reports or other information that is derived from the planning, preparation, and construction work.

If in the process of the project human remains or archaeological items are discovered, we request that you immediately cease the project work and notify us so that we may discuss appropriate disposition with you and the other Tribal Nations that may be affected by such discoveries.

We look forward to your reports as activities proceed.

Sincerely,

Ruth Toahty

Ruth Toahty, NAGPRA Coordinator

PO Box 908 • Lawton, Oklahoma 73502 • PHONE: (580) 355-2250 • FAX: (580) 355-2270

Appendix B
Agency Scoping Letter and Comments

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

Name
title
address
address

June 5, 2007

RE: City of Eunice Waste Water Treatment Plant

Dear Sir or Madam:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. Rapid population growth is anticipated in the City in the coming years due to the approved siting of the National Enrichment Facility nearby and the associated ancillary business development that is expected to follow. The existing WWTP, which contains most of the original processing equipment installed in 1949, currently provides minimal treatment and discharges effluent into a holding pond. Most of the water is then drained into a neighboring field to irrigate non-food crops, but occasionally the pond overflows into a nearby drain. Currently, the City does not have the requisite permits to operate the WWTP, including a National Pollutant Discharge Elimination System (NPDES) permit and a New Mexico Environment Department (NMED) Ground Water Discharge Permit (GWDP). To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers and other sources.

In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via electronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

Surveys for cultural and biological resources will be conducted within the proposed project area, including areas that may eventually be used for land application. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act. **Please provide your comments and/or complete and return a copy of the acknowledgement below.**

If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2 and 3

ACKNOWLEDGEMENT:

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

☐ Comments:

☐ No comments

Signature: _____ Date: _____

Name: _____ Title: _____

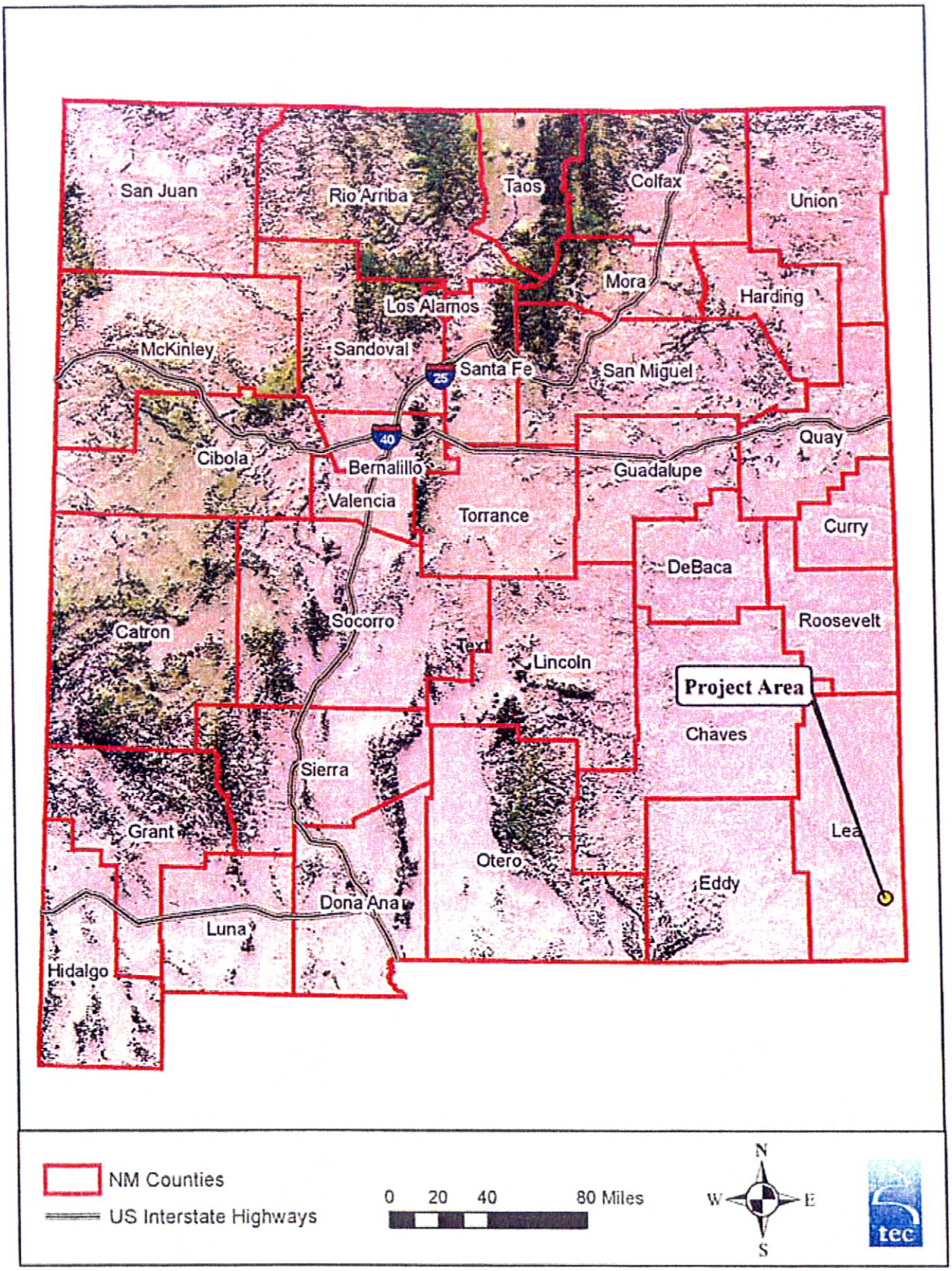


Figure 1. Project Vicinity Map: Eunice Wastewater Treatment Plant

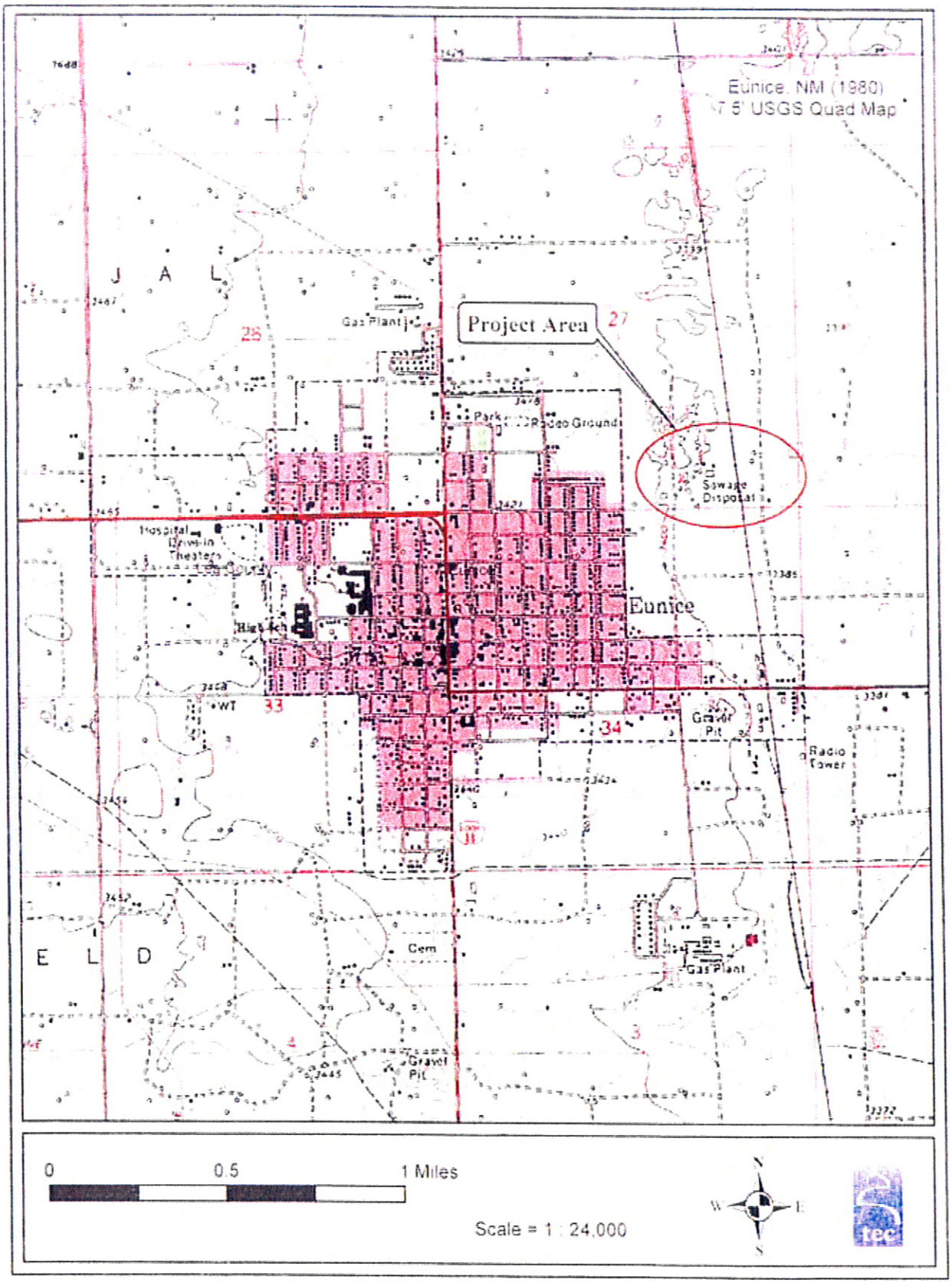
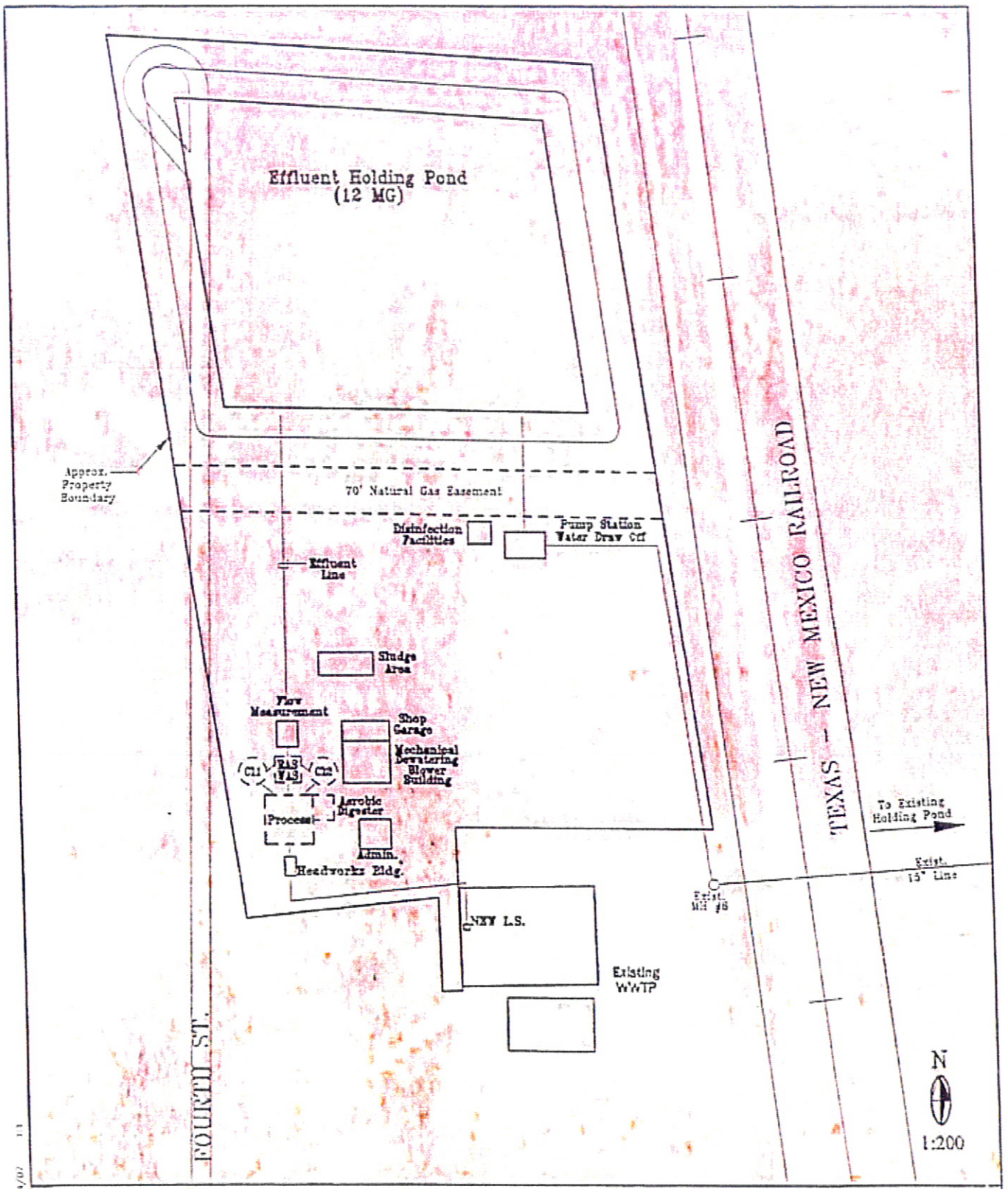


Figure 2. Project Area Map: Eunice Wastewater Treatment Plant



City of Eunice, New Mexico

Figure 3

Eunice WWTP & Site Layout for Proposed Project, Alternatives 1-4

Wastewater Treatment Facilities PER

Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701
Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

RECEIVED
JUN - 8 2007
USFWS-NMESFO

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

RE: City of Eunice Waste Water Treatment Plant

Dear Mr. Murphy:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

JUL-03-2007 10:14AM FROM-US FISH AND WILDLIFE 4505346235 T-684 P.003/003 F-667

Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

RECEIVED
JUN 11
By _____

June 7, 2007

Larry Harvey
Superintendent
City of Eunice
Municipal Schools
PO Box 129
Eunice, NM 88231

RE: City of Eunice Waste Water Treatment Plant

Dear Mr. Harvey:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via elecronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

Surveys for cultural and biological resources will be conducted within the proposed project area, including areas that may eventually be used for land application. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act. **Please provide your comments and/or complete and return a copy of the acknowledgement below.**

If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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☐ Comments:

☒ No comments

Signature: Larry Harvey Date: 6-11-07

Name: LARRY HARVEY Title: SUPERINTENDENT

Dolones

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

Federal Emergency Management Agency, Region VI
800 N. Loop 288
Denton, TX 76209

RE: City of Eunice Waste Water Treatment Plant

Dear Sir or Madam:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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project is an important element of this review process. Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via elecronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

Surveys for cultural and biological resources will be conducted within the proposed project area, including areas that may eventually be used for land application. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act. **Please provide your comments and/or complete and return a copy of the acknowledgement below.**

If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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

☐ Comments:

☐ No comments

Signature: _____ Date: _____

Name: _____ Title: _____

Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel (505) 821-4700
Fax (505) 821-7131
www.taschek.net

June 7, 2007

Faxed
Attn: Berenika Byszewski

Gary Schubert
Lea County, District 3
1814 N Vega Dr.
Hobbs, NM 88240

RE: City of Eunice Waste Water Treatment Plant

Dear Commisioner Schubert:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. Rapid population growth is anticipated in the City in the coming years due to the approved siting of the National Enrichment Facility nearby and the associated ancillary business development that is expected to follow. The existing WWTP, which contains most of the original processing equipment installed in 1949, currently provides minimal treatment and discharges effluent into a holding pond. Most of the water is then drained into a neighboring field to irrigate non-food crops, but occasionally the pond overflows into a nearby drain. Currently, the City does not have the requisite permits to operate the WWTP, including a National Pollutant Discharge Elimination System (NPDES) permit and a New Mexico Environment Department (NMED) Ground Water Discharge Permit (GWDP). To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers and other sources.

In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via electronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

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If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

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

☑ Comments:

I AM IN FAVOR OF THIS ENDEAVOR.

☐ No comments

Signature: [signature] Date: 6/12/07

Name: GARY M. SCHUBERT Title: COMM. CHAIR

Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via elecronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

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Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

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

☑ Comments:

No impacts expected.

☐ No comments

Signature: Philip S Carter Date: 6/12/07

Name: Philip S Carter Title: District Conservationist USDA - NRCS

ACKNOWLEDGEMENT:

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

☒ Comments: As your letter states, the City of Lewiston is preparing to replace the outdated facility it has in order to provide a safe facility that will last for many years. At this time I do not think the City is proposing to discharge any effluent into Monument Draw but is trying to obtain other land to provide space for safe discharge.

☐ No comments

Signature: Bill W Robinson Date: 6-13-07

Name: Bill W Robinson Title: City Councilor

U.S. Department of Homeland Security
FEMA Region 6
800 North loop 288
Denton, TX 76209-3698

FEMA

June 14, 2007

Mr. Berenika Byszewski
Project Manager
TEC
8901 Adams St., N.E., Suite D
Albuquerque, NM 87113-2701

Re: City of Eunice's Wastewater Treatment Plant

Dear Mr. Berenika:

We have received your letter dated June 7, 2007. Thank you for the opportunity to comment on the above-proposed project.

The concerns of the Federal Emergency Management Agency (FEMA) are directed toward the National Flood Insurance Program (NFIP) and the possible negative impact upon identified special flood hazard areas within the outlined project boundaries.

The City of Eunice is participating in the National Flood Insurance Program (NFIP). Therefore, any development that takes place within the City/County must be reviewed and appropriate permits issued to ensure compliance with their adopted Flood Damage Prevention Ordinance. Our records show that Mr. Ron Abusleman is the current Floodplain Administrator; he can be reached at 505-394-2577.

However, Lea County is not participating in the National Flood Insurance Program (NFIP). Any development that takes place within the County must be reviewed and appropriate permits issued, or sanctions or regulations the County may have or require be adhered to, to ensure compliance with their regulations.

Also, please review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

Coordination with the Floodplain Administrator for the City of Eunice and with Lea County can ensure that this project is in compliance with the City's Flood Damage Prevention Ordinance and any County regulations/requirements.

Sincerely,

Dolores J. LeVinus, CFM
Natural Hazards
Program Specialist

project is an important element of this review process. Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via elecronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

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If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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☑ Comments: I would only add that I think it fine. Better to err on the side of making it too big as opposed to too small. Let's do it right the first time.

☐ No comments

Signature: Marvin Burrows Date: _____

Name: _____ Title: _____

~~Marvin Burrows~~
~~Production Supt.~~
~~John H. Hendrix Corp.~~
~~Eunice, N.M.~~

Marvin Burrows
Production Supt.
John H. Hendrix Corp.
Eunice, N.M.

Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

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

RE: City of Eunice Waste Water Treatment Plant

Dear Mr. D'Antonio:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. Rapid population growth is anticipated in the City in the coming years due to the approved siting of the National Enrichment Facility nearby and the associated ancillary business development that is expected to follow. The existing WWTP, which contains most of the original processing equipment installed in 1949, currently provides minimal treatment and discharges effluent into a holding pond. Most of the water is then drained into a neighboring field to irrigate non-food crops, but occasionally the pond overflows into a nearby drain. Currently, the City does not have the requisite permits to operate the WWTP, including a National Pollutant Discharge Elimination System (NPDES) permit and a New Mexico Environment Department (NMED) Ground Water Discharge Permit (GWDP). To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers and other sources.

In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

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Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

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☐ Comments:

☒ No comments

Signature: John T Romero Date: 6/14/07

Name: John T Romero Title: WRAP Director/OSE

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

Phillip Carter
District Conservationist
US Department of Agriculture
Natural Resources Conservation Service
401 E. Tatum Highway
Lovington, NM 88260

RE: City of Eunice Waste Water Treatment Plant

Dear Mr. Carter:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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Berenika Byszewski

From: Henslee, Gale W [Gale.Henslee@XCELENERGY.COM]
Sent: Monday, June 18, 2007 12:44 PM
To: bbyszewski@taschek.net
Subject: City of Eunice Waste Water Treatment Plant

I received your request for comments on the proposed expansion of the City of Eunice Waste Water Treatment Plant. Southwestern Public Service Comapany/ Xcel Energy has no comments regarding possible cultural or biological impacts. We have recently permitted an irrigation system for disposal of power plant blowdown at Cunningham Station, about 12 miles west of Hobbs, and believe that is an efficient and desirable use for wastewater disposal in the arid southwest.

I would urge you to contact our local representatives as soon as you know about additional power requirements or any new or changed electric service needs, in order to facilitate the project. Our engineering staff will review the area for any possible conflicts with electric transmission or distribution in the immediate vicinity.

If I can be of further assistance in regards to your project, please let me know.

Gale Henslee
Principal Environmental Analyst
P.O. Box 1261
Amarillo, TX 79105
(6th & Tyler, 79101)
(806) 378 2197

Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

081418

JUN - 8

June 7, 2007

Katherine Slick
Director
NM Historic Preservation Division
Department of Cultural Affairs
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

RE: City of Eunice Waste Water Treatment Plant

Dear Ms. Slick:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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

☒ Comments: No specific concerns at this time. We look forward to consulting under Sect. 106 of the National Historic Preservation Act.

☐ No comments

Signature: Eric M Meyer Date: 6/19/07

Name: _____ Title: _____

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4402 **Fax:** (505) 761-4463
Web site: www.nm.nrcs.usda.gov

June 20, 2007

Ms. Berenika Byszewski, Project Manager
Taschek Environmental Consulting, LLC
8901 Adams St. NE Ste D
Albuquerque, New Mexico 87113-2701

RE: City of Eunice Waste Water Treatment Plant

Dear Ms. Byszewski,

We have received your request for comments on the above referenced project. The Natural Resources Conservation Service has no comments at this juncture in the planning process.

Thank you for the opportunity to comment.

Sincerely,

for

DENNIS L. ALEXANDER
State Conservationist

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

Roxanne Runkel
US Department of the Interior, National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80225

RE: City of Eunice Waste Water Treatment Plant

Dear Ms. Runkel:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

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If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: Cheryl Eckhardt Date: 6/20/07

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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

☐ Comments:

☐ No comments

Signature: _____ Date: _____

Name: _____ Title: _____

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

Matt White, Mayor
City of Eunice
PO Box 147
Eunice, NM 88231

RE: City of Eunice Waste Water Treatment Plant

Dear Mayor White:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. Rapid population growth is anticipated in the City in the coming years due to the approved siting of the National Enrichment Facility nearby and the associated ancillary business development that is expected to follow. The existing WWTP, which contains most of the original processing equipment installed in 1949, currently provides minimal treatment and discharges effluent into a holding pond. Most of the water is then drained into a neighboring field to irrigate non-food crops, but occasionally the pond overflows into a nearby drain. Currently, the City does not have the requisite permits to operate the WWTP, including a National Pollutant Discharge Elimination System (NPDES) permit and a New Mexico Environment Department (NMED) Ground Water Discharge Permit (GWDP). To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers and other sources.

In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via elecronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

Surveys for cultural and biological resources will be conducted within the proposed project area, including areas that may eventually be used for land application. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act. **Please provide your comments and/or complete and return a copy of the acknowledgement below.**

If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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

☒ Comments: This project is critical to the city of Eunice. We are a land locked city due to oil wells and numerous pipe lines - many options available in other areas will not work here therefore we are working 3 or 4 options.

☐ No comments

Signature: Johnnie M. White Date: 6/22/2007

Name: Johnnie M. WHITE Title: Mayor

United States Department of the Interior

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

JUL - 3 2007

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

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

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

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

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

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

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

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

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

Sincerely,

Wally Murphy
Field Supervisor

SE Area Office
REC'D JUN 11 2007

Taschek Environmental Consulting, LLC

8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Tel: (505) 821-4700
Fax: (505) 821-7131
www.taschek.net

June 7, 2007

~~Hollis Fuchs~~ Ken Walker
Area Conservationist
US Department of Agriculture
Natural Resources Conservation Service
305 12th Street
Carrizozo, NM 88301

RE: City of Eunice Waste Water Treatment Plant

Dear Mr. Fuchs:

The City of Eunice (the City) is proposing to construct a new wastewater treatment plant (WWTP) to replace the existing, outdated WWTP. The existing plant is located east of the City limits, in the southwest quarter of Section 27, Township 21 South, Range 37 East, in Lea County, New Mexico. The proposed location of the new treatment facility is just north of the exiting facility (Figures 1–3).

The City needs to update its existing wastewater treatment facility to accommodate future growth and to bring the system into compliance with federal and state regulations. Rapid population growth is anticipated in the City in the coming years due to the approved siting of the National Enrichment Facility nearby and the associated ancillary business development that is expected to follow. The existing WWTP, which contains most of the original processing equipment installed in 1949, currently provides minimal treatment and discharges effluent into a holding pond. Most of the water is then drained into a neighboring field to irrigate non-food crops, but occasionally the pond overflows into a nearby drain. Currently, the City does not have the requisite permits to operate the WWTP, including a National Pollutant Discharge Elimination System (NPDES) permit and a New Mexico Environment Department (NMED) Ground Water Discharge Permit (GWDP). To cover project costs, the City has secured a $1,000,000 New Mexico Special Appropriation administered by the NMED, and is currently pursuing additional funding from the United States Army Corps of Engineers and other sources.

In response to these concerns, the City has contracted with Molzen-Corbin & Associates to prepare a Preliminary Engineering Report (PER) for construction of a new WWTP that would accommodate twenty years of future population growth. The draft PER evaluates five alternatives for the complete replacement of the existing WWTP. At this time, the preferred alternative is the construction of an aerated lagoon treatment system, on the condition that adequate land for effluent disposal can be developed. This treatment alternative would provide the City with the lowest cost option for construction and engineering services, including groundwater monitoring wells. Disposal options include land application of the effluent on agricultural lands, industrial reuse options such as oil field development, disposal at a dedicated land application site, and discharge of effluent to the outfall ditch with eventual discharge to the Monument Drain (an ephemeral tributary of the Pecos River). A combination of these disposal options could be employed; however, discharging to the Monument Drain would require a NPDES permit. Irrespective of which alternative the City decides to implement, a GWDP from the NMED will be required as part of the proposed project.

Taschek Environmental Consulting (TEC) is gathering information for an environmental review of the proposed project, which requires coordination with pertinent stakeholders. **Your input on the proposed project is an important element of this review process.** Please inform us of any concerns you may have pertaining to the proposed project and/or potential effects the proposed project may have on surrounding natural and cultural resources. You may send written comments to TEC by mail at the address provided above, via electronic mail at bbyszewski@taschek.net, or by facsimile at (505) 821-7131.

Surveys for cultural and biological resources will be conducted within the proposed project area, including areas that may eventually be used for land application. We do not expect this project to result in significant environmental impacts within the context of the National Environmental Policy Act. **Please provide your comments and/or complete and return a copy of the acknowledgement below.**

If you need more information about the project, or if you have additional questions, please contact Berenika Byszewski at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Berenika Byszewski

Berenika Byszewski
Project Manager

Attachments: Figures 1, 2, and 3

ACKNOWLEDGEMENT:

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

☑ Comments

Expect No impacts if NEPA is adhered to.

☐ No comments

Signature: [signature] Date: 7/6/07

Name: Philip S Carter Title: District Conservationist
USDA-NRCS
Lovington, NM

03

GOVERNOR
Bill Richardson

DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson, Ph.D.

Tod Stevenson, Deputy Director

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) 476-8124

Visit our website at www.wildlife.state.nm.us
For information call 505/476-8000
To order free publications call 1-800-862-9310

STATE GAME COMMISSION

Alfredo Montoya, Chairman
Alcalde, NM

Dr. Tom Arvas, Vice-Chairman
Albuquerque, NM

Sandy Buffett, Commissioner
Santa Fe, NM

Jim McClintic, Commissioner
Albuquerque, NM

Terry Z. Riley, Ph.D., Commissioner
Tijeras, NM

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

Leo V. Sims, II, Commissioner
Hobbs, NM

July 12, 2007

Berenika Byszewski
Taschek Environmental Consulting
8901 Adams St. NE Ste D
Albuquerque, NM 87113-2701

Re: City of Eunice Waste Water Treatment Plant
NMGF No. 11502

Dear Ms. Byszewski,

In response to your letter dated June 7, 2007, 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. BISON-M Species Accounts, Searches, and County lists: http://www.bison-m.org
2. Habitat Handbook Project Guidelines: http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
3. 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://nmnhp.unm.edu
4. New Mexico State Forestry Division (505-827-5830) or http://nmrareplants.unm.edu/index.html for state-listed plants
5. For the most current listing of federally listed species **always** check the U.S. Fish and Wildlife Service at (505-346-2525) or http://www.fws.gov/ifw2es/NewMexico/index.cfm .

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

Sincerely,

Janell Ward, Assistant Chief
Conservation Services Division

JW gf

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Roy Hayes, Southeast Area Operations Chief, NMGF
George Farmer, Southeast Area Habitat Specialist, NMGF

NEW MEXICO WILDLIFE OF CONCERN
LEA COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at http://www.fws.gov/ifw2es/NewMexico/SBC.cfm. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to http://nmrareplants.unm.edu/. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

Common Name	Scientific Name	NMGF	US FWS	critical habitat
Sand Dune Lizard	Sceloporus arenicolus	E	C	
Bald Eagle	Haliaeetus leucocephalus	T	T	
Aplomado Falcon	Falco femoralis	E	E	
Peregrine Falcon	Falco peregrinus	T	SOC	
Lesser Prairie-Chicken	Tympanuchus pallidicinctus	s	C	
Mountain Plover	Charadrius montanus	s	SOC	
Least Tern	Sterna antillarum	E	E	
Yellow-billed Cuckoo	Coccyzus americanus	s	SOC	
Burrowing Owl	Athene cunicularia		SOC	
Broad-billed Hummingbird	Cynanthus latirostris	T		
Loggerhead Shrike	Lanius ludovicianus	s		
Bell's Vireo	Vireo bellii	T	SOC	
Baird's Sparrow	Ammodramus bairdii	T	SOC	
Cave Myotis Bat	Myotis velifer	s		
Black-tailed Prairie Dog	Cynomys ludovicianus ludovicianus	s	SOC	
Swift Fox	Vulpes velox velox	s	SOC	
Western Spotted Skunk	Spilogale gracilis	s		
Sandhill White-tailed Deer	Odocoileus virginianus texana	s		

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

BILL RICHARDSON
GOVERNOR

RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

July 18, 2007

Berenika Byszewski
Project Manager
TEC, LLC
8901 Adams St, NE Ste D
Albuquerque, NM 87113-2701 Fax 505.821.7131

Dear Ms. Byszewski:

RE: CITY OF EUNICE : WASTE WATER TREATMENT PLANT

The New Mexico Environment Department (NMED) staff reviewed the information on the above-referenced project included in your June 7, 2007 correspondence to the Department. The comments below are based on that information.

Surface Water Quality

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) permit 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 (as of March 10, 2003), including expansions, of total land area. Because this project exceeds one acre, it requires appropriate NPDES permit coverage prior to beginning construction.

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 stacilization 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.

You should also be aware that EPA requires that all "operators" (see **Federal Register/Vol. 63, No. 128/Monday, July 6, 1998** pg 36509) 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 Eunice 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.

If the option of discharging direct to the nearby drain is chosen, the City of Eunice will need to apply for an individual NPDES permit from U. S. EPA in Dallas, Texas. The contact for getting an application to discharge is Larry Giglio at 214-665-6639. A completed application will need to be submitted to EPA at least 180 days prior to a discharge occurring at this facility.

Ground Water Quality

The NMED-GWQB supports the efforts to construct a new WWTP. More effective treatment of wastewater is needed (especially with respect to nitrogen removal) to ensure protection of ground water quality in the area of the WWTP and meet the GWQB's Discharge Permit requirements for ground water protection. In addition, the City of Eunice is considering aboveground reuse of reclaimed wastewater effluent as a component of the system for disposal of treated wastewater. Specific treatment objectives must be achieved to ensure the protection of public health when reclaimed effluent is used for aboveground purposes. The construction and operation of a modern WWTP will increase the likelihood that a high quality effluent can be achieved that meets the GWQB's Discharge Permit requirements for the aboveground reuse of reclaimed effluent.

Implementation of the improvements project 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 NMED 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.

Air Quality

The proposed project is in an area that is currently in attainment for all National Ambient Air Quality Standards (NAAQS). The information provided is adequate to demonstrate that there are no anticipated conflicts with air quality laws and regulations. However, there are special considerations for this project as outlined below.

Potential exists for temporary increases in dust and emissions from construction equipment during the proposed construction. However, the increases will not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates during construction.

The Air Quality Bureau does not anticipate any air quality related problems as a result of the proposed project.

We appreciate the opportunity to comment on this project.

Sincerely,

Gedi Cibas, Ph.D.
Environmental Impact Review Coordinator

NMED File No. 2476ER

Berenika Byszewski

From: Henslee, Gale W [Gale.Henslee@XCELENERGY.COM]
Sent: Wednesday, September 26, 2007 12:26 PM
To: bbyszewski@taschek.net
Subject: City of Eunice Water System Improvements

I received your request for comments on the proposed City of Eunice Water System Improvements. Southwestern Public Service Comapany/ Xcel Energy has no comments regarding possible cultural or biological impacts. We are aware of the general concern regarding water availability in the region, and support efforts to reduce unaccounted water losses from the system. A safe and adequate water system will be essential to support future growth and welfare of the community.

I would urge you to contact our local representatives as soon as you know about additional power requirements or any new or changed electric service needs, in order to facilitate the project. Our engineering staff will review the area for any possible conflicts with electric transmission or distribution in the immediate vicinity, as well as helping to provide for adequate electric service.

If I can be of further assistance in regards to your project, please let me know.

Gale Henslee
Principal Environmental Analyst
P.O. Box 1261
Amarillo, TX 79105
(6th & Tyler, 79101)
(806) 378 2197

Appendix C
Notice of Availability, Public Hearing, Public Comments

The City of Eunice announces a

PUBLIC HEARING

and

AVAILABILITY OF THE DRAFT ENVIRONMENTAL ASSESSMENT (EA)

for the proposed

City of Eunice Wastewater Treatment Plant (WWTP)

Thursday, March 27, 2008
6:00 PM
City of Eunice Community Center
1175 Ave. I, Eunice, NM 88231

The City of Eunice is planning to construct a new WWTP to meet future wastewater capacity and treatment demands and meet the requirements of the New Mexico Environment Department.

The hearing will include:

- Project review and issues of local importance
- Summaries of the preliminary engineering report and EA
- Public comment period

The EA is available for review at five location in Eunice (505) 394-2576, and in Albuquerque at Molzen-Corbin & Associates (505) 242-5700 and TEC (505) 821-4700.

If you have any questions or ADA concerns, please contact TEC at (505) 821-4700.

Taschek Environmental Consulting
8901 Adams St. NE * Suite D
Albuquerque, New Mexico 87113

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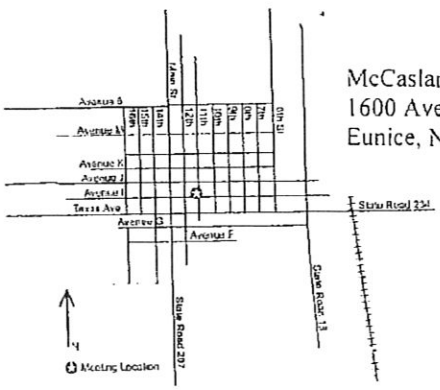

UTF

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF LEA)

Lynn G. White, being first, duly sworn on oath says that he is the editor of the Eunice News, a weekly newspaper of general circulation, published in the English language at Eunice, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meanings of Chapter 167 of the 1937 Session Laws of the state of New Mexico.
That the notice which is hereto attached, entitled

Notice of Public Hearing
City of Eunice Wastewater Treatment Plant

was published in a regular issue of THE EUNICE NEWS once a week for three (3) ~~consecutive~~ weeks, beginning with the issue of July 7, 2008
and ending with the issue of March 13 & 20, 2008
And that the cost of publishing said notice is 174.42
Subscribed and sworn to before me this
31 of March, 2008

Lynn G. White
NOTARY PUBLIC, Lea County, New Mexico

My commission expires: 9-28-08

Lynn G. White

and Jal to show support to new classroom teachers.

Jordan Elementary School. Good luck, Tracey!

LEGAL NOTICE: FEBRUARY 7, 2008

THE CITY OF EUNICE ANNOUNCES A PUBLIC HEARING AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL INFORMATION DOCUMENT (EID)
for the proposed
City of Eunice Municipal Water System Improvements
Thursday, March 27, 2008
6:00 PM
City of Eunice
Community Center
1115 Ave. I
Eunice, NM 88231

PURPOSE OF MEETING: The City of Eunice is planning a project to construct a new wastewater plant (WWTP) that would replace the existing aging [illegible] proposed project would include such WWTP components as an influent lift station, headworks facility, solids handling, effluent holding ponds, and ultraviolet disinfection. The proposed WWTP is needed to meet future wastewater capacity and treatment demands due to the anticipated growth in the area and to meet the requirements of the New Mexico Environmental Department. The service area of the proposed WWTP would include the entire Eunice City limits, but may be extended to outlying areas according tot he City of Eunice Comprehensive Plan (2004). The overall project costs, including engineering and taxes, are estimated to be approximately $6,841,000.

MEETING OVERVIEW AND AGENDA: Residents, landowners, and all interested parties are invited to attend the public hearing to discuss the proposed project. The hearing will include a project presentation followed by questions and comments from those attending. The hearing will provide an opportunity for the project design team and Eunice representatives to meet interested members of the public, discuss the project, and receive comments. Meeting agenda includes:

*Project review and issues of local importance
*Summaries of the preliminary engineering report and environmental information document
*Public comment

The draft EID will be available for review at the following locations from Monday, February 11, 2008, to Thursday, March 27, 2008:

*Eunice City Hall, 1106 Avenue J, Eunice, NM (505)394-2576; and at the following locations in Eunice: Eunice Public Library, Eunice Senior Center, Debby's Kountry Kitchen, and the Eunice Health Clinic
*Moltzen-Corbin & Associates, 2701 Miles Rd SE, Albuquerque, NM (505)242-5700
*Taschek Environmental Consulting (TEC), 8901 Adams NE, Albuquerque, NM (505)821-4700

If you have any questions regarding this meeting or are interested in the project but unable to attend, contact Berenika Byszewski of TEC at (505)821-4700. Special needs or accommodations for individuals with disabilities will be provided upon request at least 48 hours in advance of the hearing by calling Berenika at (505)821-4700.

Eunice News 25cents

MARCH 20, 2008 VOL. 15, #21

automobiles and trucks and you get 2 billion acres worth of corn.

We can only grow 800 million acres today. Hmm. Just not enough land.

And don't forget about a drought and the soil erosion. It could wipe out the ethanol industry real quick.

That puts us right back to the "black gold" of oil again.

So much for what the environmentalists tell us. I just want my Cherrios back!

Community Egg Hunt
Mar. 22 10 AM
Marshall Park
Ages: 3-10 years
Bring your own basket!

JENNIFER MULLER - STUDENT OF THE YEAR

clear in New Mexico and one of the first things that needs revamping is the children's

and all they want to do is take from the system.

He recommends that before what he is doing for Lea, Chavez, and Eddy counties.

Crowell, Sr., Laura Devers, Lois Chanley, Joe Anderson, Betty Pender, Christa Thomason, Patricia Stroud, Betty Fultz, George Hatley, Les Sutton, Louie Miller, Viola Montanez, Nilo Montanez, Joe Caperton, Lanelle Hatley, Maggie Smith, Phyllis Gardner, Bobby Woolley, Gertha Simpson, Emma Reese, Tracy Graham, Melody Warford, Michael Deaton, Melissa Longoria, Wilma Pipes, Debbie Fisher Guillan, Scott Vinson, Merle Gray, Patsy Smith, Emma Reese Canon, Emma Gene Langley, David Cowan, Bobby Mathis, Dorothy Sims, Louise Hardy, Billie Hubbard, Myrl Miller, Delane Overton, Rani Cowley, Elizabeth Grogan, Madison Chanley, Terri Harvey, Those Taking A Stand For Prayer, Those Looking For Jobs, Our Schools, Our City, One Special Request, and Unspoken Requests.

NOTICE OF PUBLIC HEARING

THE CITY OF EUNICE ANNOUNCES A PUBLIC HEARING AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL INFORMATION DOCUMENT (EID) for the proposed City of Eunice Municipal Water System Improvements

Thursday, March 27, 2008
6:00 PM
City of Eunice
Community Center
1115 Ave. I
Eunice, NM 88231

PURPOSE OF MEETING: The City of Eunice is planning a project to construct a new wastewater plant (WWTP) that would replace the existing, aging WWTP. The proposed project would include such WWTP components as an influent lift station, headworks facility, solids handling, effluent holding ponds, and ultraviolet disinfection. The proposed WWTP is needed to meet future wastewater capacity and treatment demands due to the anticipated growth in the area and to meet the requirements of the New Mexico Environmental Department. The service area of the proposed WWTP would include the entire Eunice City limits, but may be extended to outlying areas according to the City of Eunice Comprehensive Plan (2004). The overall project costs, including engineering and taxes, are estimated to be approximately $6,841,000.

MEETING OVERVIEW AND AGENDA: Residents, landowners, and all interested parties are invited to attend the public hearings to discuss the proposed project. The hearing will include a project presentation followed by questions and comments from those attending. The hearing will provide an opportunity for the project design team and Eunice representatives to meet interested members of the public, discuss the project, and receive comments. Meeting agenda includes:

*Project review and issues of local importance

*Summaries of the preliminary engineering report and environmental information document

*Public comment

The draft EID will be available for review at the following locations from Monday, February 11, 2008, to Thursday, March 27, 2008: *Eunice City Hall, 1106 Avenue J, Eunice, NM (505)394-2576; and at the following locations in Eunice: Eunice Public Library, Eunice Senior Center, Debby's Kountry Kitchen, and the Eunice

NOTICE OF PUBLIC HEARING

THE CITY OF EUNICE ANNOUNCES A PUBLIC HEARING AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL INFORMATION DOCUMENT (EID) for the proposed City of Eunice Municipal Water System Improvements

Thursday, March 27, 2008
6:00 PM
City of Eunice
Community Center
1115 Ave. I
Eunice, NM 88231

PURPOSE OF MEETING: The City of Eunice is planning a project to construct a new wastewater plant (WWTP) that would replace the existing, aging WWTP. The proposed project would include such WWTP components as an influent lift station, headworks facility, solids handling, effluent holding ponds, and ultraviolet disinfection. The proposed WWTP is needed to meet future wastewater capacity and treatment demands due to the anticipated growth in the area and to meet the requirements of the New Mexico Environmental Department. The service area of the proposed WWTP would include the entire Eunice City limits, but may be extended to outlying areas according to the City of Eunice Comprehensive Plan (2004). The overall project costs, including engineering and taxes, are estimated to be approximately $6,841,000.

MEETING OVERVIEW AND AGENDA: Residents, landowners, and all interested parties are invited to attend the public hearing to discuss the proposed project. The hearing will include a project presentation followed by questions and comments from those attending. The hearing will provide an opportunity for the project design team and Eunice representatives to meet interested members of the public, discuss the project, and receive comments. Meeting agenda includes:

*Project review and issues of local importance
*Summaries of the preliminary engineering report and environmental information document
*Public comment

The draft EID will be available for review at the following locations from Monday, February 11, 2008, to Thursday, March 27, 2008: *Eunice City Hall, 1106 Avenue J, Eunice, NM (505)394-2576; and at the following locations in Eunice: Eunice Public Library, Eunice Senior Center, Debby's Kountry Kitchen, and the Eunice Health Clinic
*Moltzen-Corbin & Associates, 2701 Miles Rd SE, Albuquerque, NM (505)242-5700
*Taschek Environmental Consulting (TEC), 8901 Adams NE, Albuquerque, NM (505)821-4700

If you have any questions regarding this meeting or are interested in the project but unable to attend, contact Berenika Byszewski of TEC at (505)821-4700. Special needs or accommodations for individuals with disabilities will be provided upon request at least 48 hours in advance of the hearing by calling Berenika at (505)821-4700.

EDUCA

NMJC

Although the Spring 2008 semester is nearing mid term at New Mexico Junior College, it's not too late to take a full semester's worth of classes online.

NJMC's second 8-week session of online classes is slated to begin March 10 and end May 7, 2008.

Course offerings include Introduction to Agricultural Economics; Art Appreciation; Human Anatomy and Physiology II/Lab; Principles of Management; Introduction

The Eunice Schools cafeteria is
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Menu

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KFAST	BREAKFAST
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ice	Bagel/Cream Cheese
NCH	Fruit
Alfredo	LUNCH
lad	Corndog
uit	Fries, Fruit

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was favored in New York, New Jersey, Connecticut, Delaware and his home state of Arizona, with 251 delegates combined.

Romney hoped to counter with victories in Utah and West Virginia, as well as in a string of caucuses in Western and Midwestern states.

But his task in several Southern and border states — Arkansas, Alabama, Georgia, Oklahoma and Missouri — is complicated by the presence of Mike Huckabee on the ballot.

The former Arkansas governor was in Tennessee, where he said Wal-Mart Republicans knew long before Wall Street that the economy was headed for trouble. "They were paying more for their fuel and more for their health care and their kids' education, but their paychecks weren't going up enough to cover all those things that were costing more," he said.

In sheer numbers, Democrats have more at stake than Republicans — 15 primaries, and caucuses in seven states plus American Samoa, and 1,681 delegates.

They also lack a clear front-runner in the historic race between Clinton, who is trying to become the first woman to sit in the White House, and Obama, seeking to become the first black commander in chief.

The Northeast was their battleground for the day, an arc of states stretching from New Jersey and New York to Connecticut and Massachusetts. Apart from Clinton's home state of New York, the polls told a similar story in each — and in Missouri and California — with the former first lady trying to hold off Obama's late rush.

Obama's campaign was eager to claim the underdog's role. "Senator Clinton is certainly the favorite on Feb. 5, given the huge leads she has held in many of these contests throughout. "I said I would not tear up. Already we're not on that path," she said to laughter.

Obama campaigned in New Jersey within sight of the Meadowlands, home of the New York Giants, who defeated the previously unbeaten New England Patriots on Sunday night to win the Super Bowl. "Sometimes the underdog pulls it out," he said, talking about himself as much as a football team. "You can't always believe the pundits and prognosticators."

With so many states to cover, and so little time, the candidates relied on surrogates to expand their reach.

Former President Clinton spoke before a large number of Hispanic students at Santa Ana College in California, where he said he was part of the reason they should vote for his wife. "You know we have always been there for you, in good times and bad, we've been there for California," he said.

Obama campaigned with Sen. Edward M. Kennedy at his side, trying to close once-large gaps in the polls in the Northeast, including the senator's home state of Massachusetts.

Former Sen. Rick Santorum of Pennsylvania, campaigning alongside Romney, told reporters that if voters "want a conservative as the nominee of this party, you must vote for Mitt Romney. Because Mitt Romney is the only person in this race that can stop John McCain and the elite in the party who don't as much care about those issues that a lot of folks in Georgia care about."

But former Sen. Bob Dole, the party's 1996 presidential candidate, came to McCain's defense. "Whoever wins the Republican nomination will need your enthusiastic support," he wrote conservative radio host Rush Limbaugh, who has been critical of McCain. "Two terms for the Clintons are enough."

HPD

from PAGE 1

ists are:

Michael Clancey

- 28 years' law enforcement experience in Virginia and Texas.
- Currently College Station, Texas, chief of police.
- Retired from Virginia and Texas.
- Former police chief of Westerville, Ohio.
- Retired from Alexandria, Va., Police Department.

Donald Raley

- 20 years experience in New Mexico law enforcement.
- Currently Artesia police chief.
- Previously worked as assistant chief in Gallup.
- Retired Bernalillo County sheriff's deputy.

Sylvester Stanley

- 32-plus years of law enforcement in Kansas, the U.S. Army and New Mexico.
- Former Gallup police chief.
- Former Isleta police chief.
- Retired Bernalillo County sheriff's deputy.

Steven Sanders

- 20 years experience in Colorado law enforcement.
- Currently police commander in Northglenn, Colo.
- Former master police officer in Greeley, Colo.
- Former master paramedic in Weld County, Colo.

Joseph David (J.D.) Sanders

- 26 plus years law enforcement experience in Tennessee and Mississippi law enforcement.
- Currently deputy chief of police in Franklin, Tenn.
- Former police chief of Columbus, Miss., Police Department.
- Former Martin, Tenn., police chief.

Lottery numbers

N.M. PICK 3
7-5-1
ROADRUNNER CASH
8-15-16-19-25; Bonus: 13
TEXAS PICK 3
8-9-8 (day); 4-7-5 (night)
CASH FIVE TEXAS
6-9-22-23-30
TEXAS TWO STEP
21-24-26-30 BB: 25

Sirens to be tested

The City of Hobbs will test the emergency warning siren and public address system in the Hobbs area at 10 a.m. Wednesday.

Residents may hear a voice broadcast immediately preceding and following the one-minute siren. Testing will not occur if the weather is inclement. For more information, call HPD at 397-9265.

Parks & Recreation Office
200 E. Broadway
from 8-5 p.m.

The City of Eunice announces a
PUBLIC HEARING AND
AVAILABILITY OF THE *DRAFT*
ENVIRONMENTAL ASSESSMENT (EA)
for the proposed
City of Eunice Wastewater Treatment Plant
Thursday, March 27, 2008
6:00 PM
City of Eunice Community Center
1115 Ave. I, Eunice, NM 88231

PURPOSE OF MEETING

The City of Eunice is planning a project to construct a new wastewater treatment plant (WWTP) that would replace the existing, aging WWPT/ The proposed project would include such WWTP components as an influent lift station, headworks facility, solids handling, effluent holding ponds, ad ultraviolet disinfection. The Proposed WWTP is needed to meet future wastewater capacity ad treatment demands due to the anticipated growth in the area and to meet the requirements of the New Mexico Environment Department. The service area of the proposed WWTP would include the entire Eunice City limits, but may be extended to outlying areas according to the City of Eunice comprehensive Plan (2004). The overall project costs, including engineering and taxes, are estimated to be approximately $6,841,000

MEETING OVERVIEW AND AGENDA:

Residents, landowners and all interested parties are invited to attend the public hearing to discuss the proposed project.The hearing will include a project presentation followed by questions and comments from those attending. The hearing will provide an opportunity for the project design team ad Eunice representatives to meet interested members of the public, discuss the project, and receive comments. Meeting agenda includes:

- Project review and issues of local importance
- Summaries of the preliminary engineering report and environmental assessment
- Public comment

The draft EA will be available for review at the following location from Monday, February 11, 2008 to Thursday, March 27, 2008:

- Eunice City Hall, 1106 Avenue J, Eunice, NM (575) 394-2576; and at the following locations in Eunice: Eunice Public Library, Eunice Senior Center, Debbie's Kountry Kitchen and the Eunice Health Clinic
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Taschek Enviro.

sons — titles like "Josh and the Big Wall" in which the children of Israel finally reach the Promised Land. And "Where's God When I'm S-Scared?" teaches children the Biblical perspective of handling everyday fears.

Among the most popular films for adults are the lavish musicals "Camelot" and "Oliver." Adults also repeatedly check out the epic "Gone With the Wind" and "Red River" starring John Wayne as a man taking his cattle over the Chisholm Trail into Missouri. "The Haunting" is a popular psychological thriller about four people studying supernatural phenomena at Hill House.

"Far From the Madding Crowd" is Thomas Hardy's

House

from PAGE 17

They figure they're saving $50,000 a year in property taxes and maintenance, because their old New Jersey victorian required a steady parade of plumbers, electricians and gardeners to keep up the property. Utility costs at the Connecticut house are down to a third of what they were in New Jersey, she said.

Plus, the slimmed-down living space has freed up time. "Now I'm in much more into my community service, I'm playing tennis. I'm having much more fun in life, we're traveling."

J.B. Canon CHI

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Sign-In Sheet
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City of Eunice Wastewater Treatment Plant Improvements
27-Mar-08

NAME	ADDRESS			PHONE	EMAIL	How did you hear about the meeting? (newspaper, mailing, etc.)
	Street	City, State	Zip			
1. Richard L. Robinson	East of City	Eunice, N. Mex.	88231	394-2917		Mayor
2. Melba J. Robinson	East of City	Eunice, N. Mex.	88231	394-2917		mayor
3. Beth Hahn	20th	Eunice	88231	391-5437	government@hobbsnews.com	postcard
4. TIM LEFTWICH	P.O. Box 408	ANDREWS, TX	79714	238-5077		
5. PAT THURMAN	AVE F / PO Box 1789	Eunice, TX	88231	394-6042 (505) 391-4375		
6. Lynn White	816 19th	Eunice, N.M.	88231	394-2163		
7. MATT WHITE	1101 AVE F	Eunice NM	88231	394-2586	Eunicemayor@yahoo.com	
8. BILL ROBINSON	1302 ~~Ave~~ 10th St	Eunice, NM	88231	394-3642		
9. Tanya White	816 19th St	" "	"	394-2343		paper
10. Julie Samora					JSamora@comcast.net	
11. KEVIN W. EADES	2701 MILES ROAD SE	ALB., NM	87106	242-5700	KEADES@MACZEKCORBIN.COM	ADVERTISEMENT
12. Pete Doles	4901 Jefferson NE	Albq NM	8709	342 3203	peter.k.doles@usace.army.mil	Mailing
13. GREGG FULFER	22 FULFER LANE	JAL, NM	88252	431-0522	GFULFER@AOL.COM	MAYOR
14. Berenika Byszewski	TEC					
15. Del Arduieta	M-C					
16.						
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8 CITY OF EUNICE
9 WASTEWATER TREATMENT PLANT IMPROVEMENTS
10
11 PUBLIC HEARING
12 THURSDAY, MARCH 27, 2008
13 CITY OF EUNICE COMMUNITY CENTER
14 EUNICE, NEW MEXICO
15
16
17
18
19
20
21
22 Conducted by:
23 Julie Samora, Molzen-Corbin & Associates
24 Berenika Byszewski, Taschek Environmental Consulting
25

1 MAYOR WHITE: Let's go ahead and get
2 started. We're going to start anyway. We have got the
3 same group of certain citizens we always have, so I
4 appreciate everybody coming down today. Jim, we
5 appreciate y'all coming out. For you that drove from
6 Albuquerque, welcome. It's been awhile since you've
7 been down here.
8 So with that, I'm going to turn it over to
9 Julie. Julie Samora is the contractor with
10 Molzen-Corbin, and she's the one that's kind of
11 ramrodded the design and all the paperwork on this
12 thing. So it's all yours.
13 MS. SAMORA: Thank you, Mayor, and thank
14 you everyone for coming and we appreciate you coming
15 out. And I think the Mayor made introductions, but I
16 wanted to recognize that the Mayor was here and then
17 Bill Robinson, who is Mayor Pro Tem, I understand. And
18 what I'd like to do is make a few other introductions.
19 My name is Julie Samora, and I work with
20 Molzen-Corbin & Associates, and we also have Del
21 Archuleta and Kevin Eades with Molzen, and then Berenika
22 Byszewski with Taschek Environmental, and Jane McGill is
23 our court reporter. She'll be -- it's actually a formal
24 public meeting, so we're taking formal minutes.
25 And let me get orientated. Can everybody

hear me okay? I usually speak kind of loud. People can attest to that, but, you know, in a public meeting I want to make sure I'm speaking plenty loud. So what we're going to do is we're going to go through, I'm going to talk about the preliminary engineering report and how we went through that to pick our preferred alternative. And then I'm going to turn it over to Berenika and she's going to talk about the environmental process. And then we're going to allow time for public comments and then she'll explain a little bit more about how the public comments work. You will have an opportunity to provide comments at a later date, as well.

The preliminary engineering report, what I'm going to go through real quickly is just the project background, how we got to where we're at, talk a little bit about the project planning area, the need for the project, and how we developed the various alternatives to come to our conclusion, and then I will conclude with the preferred alternative.

And the background is really that the city of Eunice, as most of y'all know if you are a resident here, is experiencing a little bit of a boom, and we're expecting some population growth due to the various facilities that are coming in; namely, the National

1 Enrichment Facility and any other businesses that may
2 come up from that. So the city is experiencing some
3 growth.
4 The other major factor is really that the
5 existing wastewater treatment plant is quite old. It
6 was built probably in the late -- well, around the
7 fifties, and so it's pretty old and it really needs to
8 be updated.
9 And then finally, the background is that
10 the preliminary engineering report, the purpose of it is
11 to provide a comprehensive plan to address the
12 wastewater needs to have a 20-year period for the growth
13 that we're expecting.
14 And I want to interrupt for a minute, too.
15 I should have introduced Pete Dole. Pete Dole is a very
16 important man. He's with the US Corps of Engineers, and
17 we're going to be requesting money from him. So I'm
18 sorry for that oversight.
19 MR. DOLE: I'm the money man.
20 MS. SAMORA: The project planning area,
21 the location and service area -- I don't have a map of
22 that, but it's basically the city limits and a little
23 bit of outlying area that was identified in the
24 comprehensive plan, but it doesn't go, you know, much
25 beyond that. And the growth and population -- what we

1 did, the growth was difficult to kind of assess, so we
2 looked at about five different type models and various
3 options, and we kind of looked at a low growth, a
4 medium, a high. And we consulted with the City and
5 others, and we basically ended up with a medium growth
6 model. We didn't want to go too high, but we didn't
7 want to be low to where we were underestimating.
8 So our estimate was just about just under
9 5,000 people by the year 2027 and that's, basically, our
10 timeframe. And the wastewater flows that we expect to
11 generate from that are a little over 400,000 gallons a
12 day. And that's for 20 years down in the future.
13 So we talked a little bit about why we
14 needed the project, but this gives you a little bit of a
15 summary. There are health, sanitation, and safety
16 issues. The facilities really need to be operated in a
17 safe and sanitary manner and so we want to update the
18 plant to address that.
19 The operation and maintenance, I mentioned
20 that wastewater treatment plant is quite old, so there
21 are O&M issues with it, and we need to make sure that we
22 can meet the regulatory requirement. And then the
23 growth, we need to plan for a reasonable growth to meet
24 the City's needs during that 20-year planning period.
25 So in developing the alternatives, one of

1 the first things we have to look at is where are we
2 going to discharge the wastewater? You don't have a
3 river close by. You know, you currently discharge to a
4 neighboring property. And so that kind of dictates what
5 we end up picking for the treatment alternative. So
6 what we did was we looked at some alternatives, and one
7 was using the effluent by a neighboring rancher to
8 irrigate non-food crops, and that's what we are
9 currently doing. And we have the landowner here and
10 we're grateful that he came, and we're working with that
11 landowner to work on some of those details.
12 And that's what's being done right now.
13 And then another option is to dispose of the effluent on
14 a dedicated land application site, which the City would
15 have to secure some property to do that.
16 And then a third option is using the
17 effluent, providing it to the water haulers who use it
18 in some of the oil production. Right now, they bring --
19 they take water from the City system. So that's just an
20 option that we can use for periods when we need to
21 discharge the wastewater and we don't have a place to
22 take it.
23 So when we develop the alternatives, these
24 are pretty specific requirements that we basically have
25 to follow to meet the Federal guidelines, and I'm not

1 going to go into detail, but in general, it's just the
2 preferred alternative has to meet the regulatory State
3 and Federal requirements. It should be fairly easy to
4 phase and expand, should have that option. It should be
5 efficient to where we can locate it in the land that we
6 have available.
7 It needs to be relatively, you know,
8 reasonable to operate, maintain. The public needs to be
9 able to accept it, and then finally, and a very
10 important one, is the cost considerations.
11 So what we did on the alternatives is we
12 actually did a pretty extensive review. We looked at
13 seven alternatives we initially screened. And those
14 included -- the first one is the biological nutrient
15 removal option, and we looked at four of those
16 extensively, because what we were trying to do is look
17 at a more advanced treatment that would treat the
18 nitrogen to below ten. And what that does is just allow
19 us to -- a little bit easier control of how we are going
20 to dispose of the effluent. So we looked at that. It's
21 a much higher cost, capital cost, and it's a little more
22 complicated to operate and higher O&M costs.
23 So the other option we looked at were --
24 was an aerated lagoon. An aerated lagoon is a little
25 bit less advanced treatment, doesn't quite get us to the

level of treatment we want, but it's a much lower capital cost and a much simpler O&M.

And then we also looked at well, maybe we can optimize the existing facilities, but the plant is just -- it's in such a state now where it's a little bit too difficult to do that. It's just very old and kind of in need of a little bit of repair.

And then we looked at no action, which just basically wasn't an option, based on the growth.

So what, you know -- we did a very detailed analysis and, you know, we're just sort of summarizing everything, but we did a pretty extensive PER. We've got detailed costs in here and descriptions of each alternative. And so we're just doing kind of an overview of that at this point.

But we had a very specific ranking system where we evaluated each of those criteria that I discussed earlier. And then we provided a ranking to really look at what is the best alternative for the city.

We chose, collectively with the City, really, the aerated lagoon system as being mainly the most cost effective. It offered us a treatment system that would meet the regulatory requirements, but be fairly easy to operate and it complies with regulatory.

1 That was important. It does require a little bit more
2 land for disposal. That was kind of the only downfall,
3 but we've got that covered, as well.
4 So what this preferred alternative looks
5 like, and I've got a placard here as well, but you
6 probably can see it on the screen. The existing
7 treatment plant is -- you can see it in the lower part
8 of that. That's where the existing treatment plant is.
9 And the new plant is going to go in about 22 acres
10 that's directly north of the existing treatment plant.
11 So it's going to be located basically in the same spot,
12 but we'll be able to build a new plant while the old
13 plant is still in operation.
14 And it includes a -- we're going to put in
15 a new lift station. We'll leave the influent line
16 coming to the existing plant, we'll put in a new lift
17 station. We'll put in a new headworks facility that
18 will elevate it so it can flow by gravity through the
19 treatment plant.
20 And we kind of have this laid out. This
21 is just conceptual at this point. Obviously, we are
22 going to have to work on some design drawings, but
23 conceptually that's the layout. We have two primary
24 aeration ponds and then we have a settling pond. It's a
25 biological treatment system. We put aerators in the

1 system and we aerate waste and that's really how it
2 treats. There's not a sludge component; it just kind of
3 treats within these ponds. And then we have a settling
4 pond.
5 We're going to have an administration
6 building and then we'll have disinfection. And then on
7 the top part, you can see we have an effluent holding
8 pond. We actually have two, because we have one that's
9 on the other property where we're going to be
10 irrigating. But that allows us to have some storage
11 capability to store at those times when we're not able
12 to discharge, just gives us a little bit of flexibility.
13 And finally, we have the effluent
14 disposal.
15 So the preferred alternative, just in
16 summary, the project costs are about $7 million, okay?
17 That number's rounded, but that's what we're looking at,
18 and we're looking at several funding sources. We have
19 some money from the State and I know the City has been
20 very aggressive in pursuing some additional funding.
21 We've got the US Corps of Engineers. That's why I
22 wanted to make sure that I introduced Pete, because we
23 want to keep them happy and we're pursuing whatever
24 funding we can. And we're looking at -- diligently
25 looking at other sources of funds. We'll probably have

1 to do some loan component. And we did look at user
2 rates, and you guys have recently updated your user
3 rates, so we don't -- we don't see a problem with where
4 they're at, at this point. And, you know, the O&M costs
5 look like they're within your budget.
6 So that's where we're at and I think that
7 was all I had on that. So what I'm going to do is turn
8 it over to Berenika and she's going to complete the
9 discussion and then we'll have a chance to wrap it up.
10 MS. BYSZEWSKI: Good evening. My name is
11 Berenika Byszewski, and I work for Taschek Environmental
12 Consulting. I'm an environmental specialist. And we're
13 responsible for conducting the environmental
14 investigation for this project and for preparing the
15 environmental assessment, which has been made available
16 for public review.
17 This document was produced to comply with
18 the National Environmental Policy Act. The National
19 Environmental Policy Act or NEPA prescribes a process to
20 evaluate the environmental effects or consequences of
21 implementing a project. And NEPA applies to all Federal
22 undertakings which includes projects with Federal
23 funding, land, or permits.
24 NEPA assures that potential effects to the
25 social and natural environment are considered in the

1 decision-making process and assures that the project is
2 in compliance with applicable environmental regulations
3 and laws such as the Clean Air Act, the Clean Water Act,
4 and the National Historic Preservation Act.
5 In the environmental assessment, we
6 consider a wide range of social economic and
7 environmental issues, including land use, water issues,
8 endangered species, community impacts and cultural
9 resources.
10 It's important to note that NEPA does not
11 guarantee a project without environmental impacts. It
12 simply assures that environmental issues are considered
13 in the decision-making process.
14 So in the environmental assessment, we
15 prepared for this project, we included a description of
16 the need for the project and the alternatives
17 considered, which Julie has already covered. And then
18 we evaluated a number of environmental issues, including
19 those listed here. We looked at potential impacts to
20 surface water and ground water. We looked at geology
21 and soils. We conducted a biological survey for
22 threatened and endangered species. We also surveyed for
23 cultural resources and conducted Native American
24 consultation on behalf of the City. We looked at air
25 quality, environmental justice, land use, public health

1 and safety, among other issues.

2 As a result of the analysis, we

3 recommended that there would be no significant impacts

4 to the environment as a result of the project and that

5 standard mitigation procedures best management practices

6 and compliance with State permits will insure that there

7 are no significant impacts.

8 As part of the New Mexico Environment

9 Department's ground water discharge permit, the City

10 will develop and implement a land application plan that

11 will minimize any impacts to ground water.

12 So the environmental assessment that we

13 produced was produced to standards prescribed by the US

14 Army Corps of Engineers. Every Federal agency has their

15 own sort of process for the environmental investigation.

16 The Corps' approval process consists of a 30-day review

17 period of the draft environmental assessment. The

18 production of a final environmental assessment that

19 incorporates public comments and responses, as well as

20 any other clearances and permits required for the

21 project, and the drafting -- and then they are going to

22 draft a Finding of No Significant Impact or FONSI, which

23 will be available on their web site. And then at the

24 end of this process, the Corps can award the contract

25 and release the funds to the City.

1 If the City pursues other funding that
2 requires approval from the Environmental Protection
3 Agency, the process is very similar. After tonight's
4 public hearing and the ensuing comment period, the New
5 Mexico Environment Department would prepare their own
6 environmental assessment, which they would produce using
7 information from our document and then the EPA would
8 prepare the FONSI. And after another 30-day comment
9 period for the FONSI, the EPA funds would be released.
10 So that concludes our presentation and now
11 I can invite your comments and questions. And before we
12 do that, I was wondering, Del, did you want to add
13 anything on the project?
14 MR. ARCHULETA: (Shakes head)
15 MS. SAMORA: Okay.
16 MS. BYSZEWSKI: So since it's a public
17 hearing, if you could state your name before you ask
18 your question, that would be great.
19 MAYOR WHITE: I would like the introduce
20 Gregg Fulfer, our County Commissioner from this district
21 just walked in.
22 MR. FULFER: Sorry, I'm late.
23 MS. SAMORA: See, we went too fast.
24 MAYOR WHITE: May have to do it again.
25 MS. BYSZEWSKI: Any questions? Comments?

1 MS. SAMORA: So they have a period -- when
2 they can send their comments and we have got comment
3 forms.
4 MS. BYSZEWSKI: Yeah, we have got comment
5 sheets over there if you want to make a comment, a
6 written comment, you can write it down here and put it
7 in our comment box, or else can you can send it to us.
8 The address is on the comment sheet. And there will be
9 a 15-day comment period, after which point we'll
10 finalize the EA.
11 Yes?
12 MR. LYNN WHITE: I'm Lynn White from
13 Eunice. My comment is we're looking at about, what, six
14 months before this gets --
15 MS. BYSZEWSKI: Are you talking
16 construction or funding?
17 MR. LYNN WHITE: Funding.
18 MS. BYSZEWSKI: Well --
19 MS. SAMORA: We're still working on the
20 funding. Our schedule right now is to maybe be able to
21 start construction like in the middle of 2009.
22 MR. LYNN WHITE: 2009?
23 MS. SAMORA: Yeah, so we've got a pretty
24 complete schedule and a lot of things are going to
25 factor into that. We have to get mainly the funding, we

1 have to work on the design, but that's just a rough
2 estimate at this time.
3 MAYOR WHITE: Matt White. One of the
4 things on the funding we've taken a three-way approach
5 on this. We know we have Federal funds, hopefully, so
6 they get funded. We've got some grants and we also have
7 had the USDA review these plans and comment on them. So
8 if we need to borrow money, we've got everything in
9 place to go forward to borrow money and also the
10 Environmental Department has done the same thing because
11 they have money available, too. So we're looking at all
12 the different options to make sure we have the funds
13 lined up whenever we get ready to actually say here's
14 the contract, go to work.
15 MS. SAMORA: Any other comments? That's
16 an easy group.
17 MAYOR WHITE: Is that it?
18 MS. SAMORA: That's it. We're concluded.
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1 THE STATE OF TEXAS)

2 COUNTY OF ECTOR)

3 I, Jane McGill, Certified Shorthand Reporter

4 Number 1759 for the State of Texas and Number 125 for

5 the State of New Mexico, do hereby certify that the

6 facts stated by me in the caption hereof are true, and

7 that the said witness did make the above and foregoing

8 answers in response to questions propounded as shown,

9 and that I did, in computerized stenotype shorthand,

10 report said proceedings and that the above and foregoing

11 pages contain a full, true and correct computer-assisted

12 transcription of my computerized stenotype shorthand

13 notes taken on said occasion.

14 I further certify that I am neither counsel

15 for, related to, nor employed by any of the parties or

16 attorneys in the action in which this proceeding was

17 taken, and further that I am not financially or

18 otherwise interested in the outcome of the action.

19 Witness my hand this 15th day of April, 2008.

20

21

22 JANE McGILL, Texas CSR No. 1759
NM CSR No. 125 - Expires 12/31/08

23 6537 Dunbar Drive
Odessa, Texas 79762

24 432-272-2436 Fax: 432-272-0766

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