

APPENDIX B
Public Comments

Public Review Comments Submitted by the New Mexico Department of Transportation (NMDOT)

Comment:

1. It appears from the EA map that the project will involve NMDOT right of way although the EA does not list NMDOT as a permitting agency on page 13 under General Consultation and Coordination. A NMDOT permit will be required if any of the project is within NMDOT right of way. Please clarify if indeed a NMDOT permit will be required for this project.
2. Page 11 of the EA indicates the negative cultural resources report (Lundquist 2007) is in Appendix A. I could find no such report.
3. If the NMDOT is a permitting agency, the NMDOT should have received a copy of the cultural resources report for review. Our records indicate we did not receive a copy of the report, but, again, the EA does not make it clear whether or not NMDOT is a permitting agency. Please clarify.
4. The EA does not list which species of plants and animals were observed in the project area. There are only county listings of what could occur. Was a biological survey conducted? If so, by whom and when?
5. What noxious weeds were observed? If noxious weeds do occur, what BMPs are in place to ensure noxious weeds won't be spread during or after construction?
6. Lastly, a public document such as this EA should never contain LA site forms and NMCRIS information with site location information (Appendix A). There are UTM coordinates on these documents! These documents are classified as sensitive information and are exempt from the Freedom of Information Act. Please remove the LA forms and NMCRIS information from your electronic copy ASAP.

Corps' Response:

1. Coordination on the project by the City of Las Cruces with NMDOT was previously initiated and is ongoing pending final design. The City of Las Cruces would be required to obtain a NMDOT permit for this project prior to construction.
2. The cultural resources report has been included in Appendix A and a copy forwarded to NMDOT.
3. NMDOT would be a permitting agency for this project (see response 1) and has been forwarded a copy of the cultural resources report (see response 2).
4. The Corps conducted a biological survey on December 12, 2006.
5. No noxious weeds were observed during the winter biological survey. BMP for addressing noxious weeds have been added to the document. All equipment would be cleaned with a high-pressure water jet before leaving an area and entering a new area.
6. The NMCRIS information was removed immediately from the electronic copies of the EA.