

Final
ENVIRONMENTAL ASSESSMENT
and
FINDING OF NO SIGNIFICANT IMPACT

for the

CITY OF RIO RANCHO,
NEW MEXICO

SECTION 593 WATER RESOURCES DEVELOPMENT ACT
Rio Rancho Arsenic Treatment, Wells 10a and 21

February 2008



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

Finding of No Significant Impact
Section 593 Water Resources Development Act
Rio Rancho Arsenic Treatment, Wells 10a and 21
Rio Rancho, New Mexico

The U.S. Army Corps of Engineers, Albuquerque District (Corps), in cooperation with and at the request of the City of Rio Rancho, New Mexico, is planning to install arsenic removal equipment at two existing Rio Rancho Water Supply Wells. The construction work would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq*), as amended. The Act authorizes the Corps to provide assistance for design and construction for water-related environmental infrastructure and resource protection and development projects in central New Mexico. The City of Rio Rancho is the local sponsor for the proposed project and would be responsible for 25% of the total project cost. The estimated construction period is nine months and is expected to start in Winter 2008.

The proposed installation of the arsenic treatment facility near Well 10a is needed to comply with the United States Environmental Protection Agency's (USEPA) Arsenic Rule. The USEPA adopted a new standard for arsenic in drinking water of 10 parts per billion (ppb), replacing the old standard of 50 ppb. The new Arsenic Rule became effective on January 23, 2006, and groundwater systems must be sampled by December 31, 2008 to determine compliance.

The proposed project area is located in Sandoval County, about 20 miles northwest of downtown Albuquerque. The arsenic treatment facility would be installed near the existing Well 10a near Northern Boulevard NE. Water from Wells 10a and 21 would be transferred to the arsenic treatment facility for arsenic removal.

The potential effects of the proposed action are similar to the no-action alternative, with the caveat that the no-action alternative should be perceived as an environmentally unsound course of action with regard to improving the quality of Rio Rancho's drinking water. Also, the no-action alternative would not support the City of Rio Rancho's efforts to comply with the Arsenic Rule.

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

On August 3, 2007 Corps archaeologists conducted an intensive archaeological survey of the project area, which had been disturbed by previous construction activities. No historic properties or isolated occurrences were discovered within the project area during the survey. American Indian tribes that have indicated they have concerns in Sandoval County have been contacted regarding the proposed project. The Corps has received no indication of tribal concerns that would impact this project. Based on this information, the Corps is of the opinion that there would be "no historic properties affected" by the proposed undertaking or on the

historic and cultural resources of the region.

The following Best Management Practices will be utilized during the construction of the proposed project:

- Equipment with water sprinklers will be used to minimize dust.
- A Fugitive Dust Control Permit will be obtained by the contractor from the City of Rio Rancho.
- Waste media or waste brines generated during the removal of arsenic from the groundwater shall be first analyzed for their applicability as a Resource Conservation and Recovery Act defined waste prior to disposal. Sludge will be trucked to a wastewater treatment plant and put into sludge holding tanks.
- Use of silt fences in areas that will be disturbed to reduce erosion.
- Use of already paved or graveled roads for access to the compounds.
- Trenching and back-filling crews will be kept close together to minimize the amount of open trenches at any given time.
- Trenching will be done during the cooler months (October-March).
- Trenches will not be left open overnight. Where trenches cannot be back-filled immediately, escape ramps will be constructed at least every 90 meters.

Only short-term negligible adverse impacts to aesthetics, soils, air, noise, vegetation, and wildlife, would occur during construction. No impacts would occur to land use (long-term), climate, soils (long-term), air (long-term), wetlands or other waters of the U.S., special status species, floodplains, socioeconomics, environmental justice or cultural resources. Minor beneficial impacts would occur to human health and safety. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects.

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

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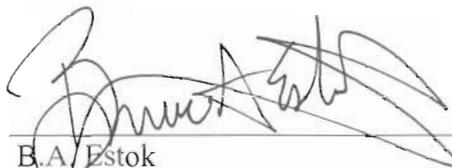

B.A. Estok
Lieutenant Colonel, U.S. Army
District Commander

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1.0 INTRODUCTION

1.1 Background and Location

The United States Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the City of Rio Rancho, Sandoval County, New Mexico, is planning a project to construct an arsenic treatment facility to treat drinking water at two existing Rio Rancho Water Supply Wells (see Figure 1 for project location). The arsenic treatment facility would be constructed near the Well 10a site and piping would be required to transfer the water from Wells 10a and 21 to the arsenic treatment facility. Well 10a and the proposed arsenic treatment facility are on Northern Boulevard NE, just west of its intersection with Loma Colorado Drive NE (see Figure 2 for site locations and Figures 3 and 4 for site visit photographs). The proposed construction period would be approximately nine months and would be expected to start in Winter 2008.

The rehabilitation work would be conducted under Section 593 of the Water Resources Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. The Act authorizes the Corps to provide assistance in the form of design and construction for water-related environmental infrastructure, resource protection, and development projects in Central New Mexico, which is defined within the Act as the counties of Bernalillo, Sandoval and Valencia. Provisions under the Act require that the project be publicly owned to receive Federal assistance. As such, the non-Federal sponsor for the project is the City of Rio Rancho. The Act further requires that a cooperative agreement be established between the Federal and non-Federal interests. The Federal share of project costs under each cooperative agreement is 75 percent of the total project costs.

1.2 Purpose and Need

The City of Rio Rancho operates approximately 20 groundwater wells that serve a population of approximately 55,000. Thirteen of the City's wells exceed the arsenic maximum contaminant level (MCL) of 10 parts per billion (ppb). Additionally, the City's population is expected to double over the next decade and additional groundwater resources need to be developed. Arsenic is a naturally occurring element present in rocks and soil. Given certain conditions, arsenic can be mobilized in groundwater and can therefore be present in some water sources. It is estimated that approximately 57 million people are drinking groundwater with arsenic concentrations elevated above the World Health Organization's standard of 10 ppb. Drinking water supplies that are impacted by the new arsenic MCL of 10 ppb had to comply with U.S. Environmental Protection Agency's (USEPA) Arsenic Rule by January 23, 2006, unless a state-approved extension of two years or more is obtained. New Mexico State Department of Environment's Drinking Water Bureau (DWB) was planning to extend the arsenic compliance period based on an "Equivalent Health Risk" analysis. Following the findings of the analysis, a number of water systems below a groundwater arsenic level of 35 ppb received an extension to comply with the arsenic MCL prior to January 23, 2006. Preliminary water quality summary results indicated that arsenic levels in Wells 10a and 21 are 12 ppb and 25 ppb respectively. Therefore, these wells received additional time to comply with the Arsenic Rule.

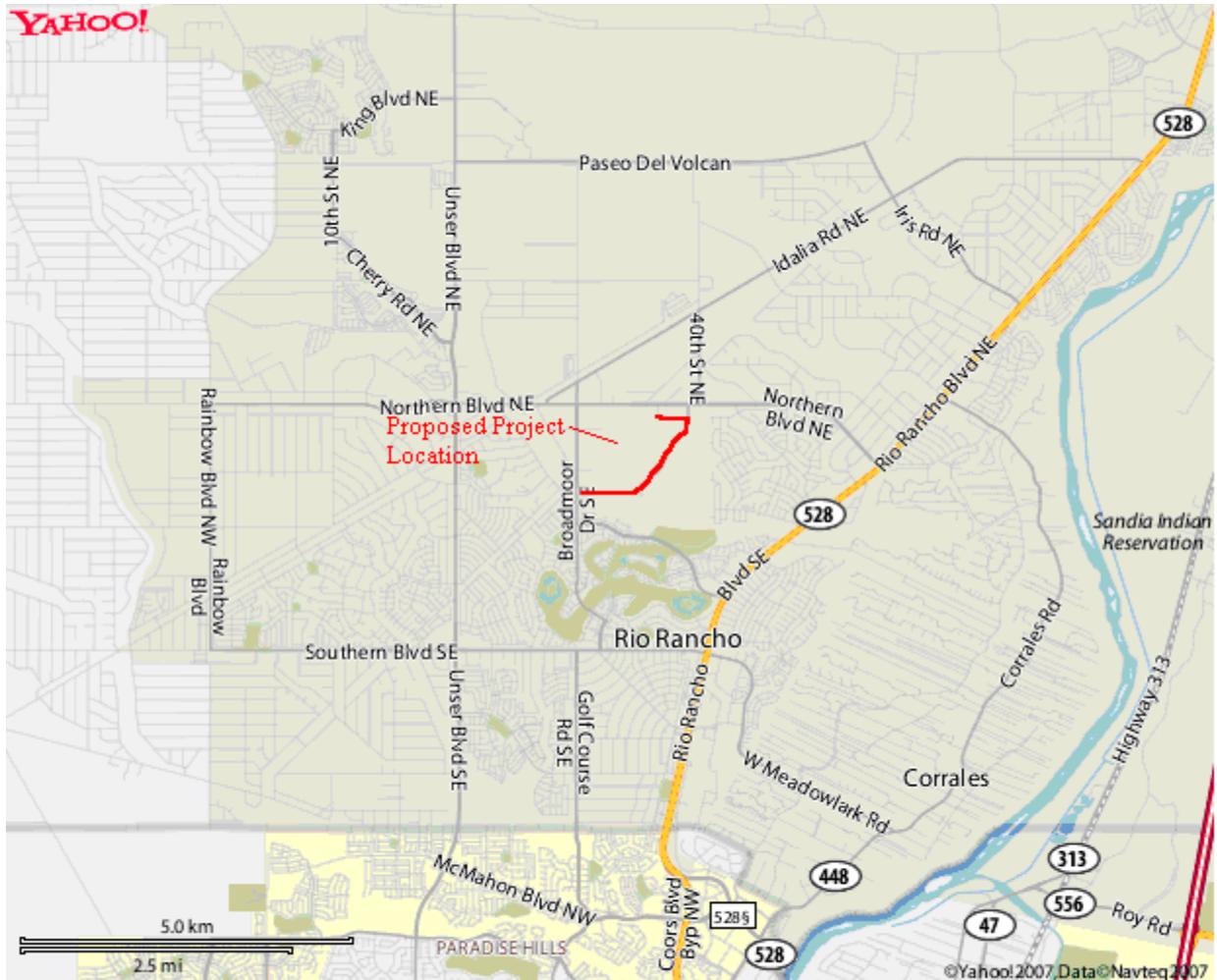


Figure 1. Vicinity Map of Proposed Project Area for Arsenic Treatment at Wells 10a and 21 in Rio Rancho, Sandoval County, New Mexico.



Figure 2. Overview of Well Locations and the Proposed Arsenic Treatment Facility in Rio Rancho, Sandoval County, New Mexico.



Figure 3. Rio Rancho Water Supply Well 10a (looking east).



Figure 4. Rio Rancho Water Supply Well 21 (looking west).

1.3 Regulatory Compliance

This Environmental Assessment was prepared by the Corps in compliance with all applicable Federal statutes, regulations, and Executive Orders, including the following:

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

This Environmental Assessment also reflects compliance with all applicable State of New Mexico and local regulations, statutes, policies, and standards for conserving the environment such as water and air quality, endangered plants and animals, and cultural resources.

2.0 PROPOSED ACTIONS AND ALTERNATIVES

All agencies that assist or take part in projects that utilize Federal funding are mandated by the National Environmental Policy Act (NEPA) to evaluate alternative courses of action. Typically, alternatives are a set of different locations that satisfy certain defined project criterion. However, alternatives can also include design considerations and/or attributes that may mitigate or reduce impacts generated by a given action. The NEPA process provides decision makers with an evaluation of the present and future conditions with regard to the implementation and timing of an action at a given site.

2.1 Proposed Action

The proposed action involves the construction of an arsenic treatment facility, which is needed to treat two existing water supply wells, 10a and 21. Both wells exceed the arsenic maximum contaminant level (MCL) of 10 parts per billion and require treatment. The arsenic treatment facility would be located near Well 10a and water would be transferred from both wells for treatment (see Figure 2). The site near Well 10a was chosen for the proposed arsenic treatment facility due to significant site developments and aesthetic issues that exist at

Well 21. Therefore, 5,886 feet of 12-inch pipeline and well pump/motor upgrades are needed to convey water from Well 21 to the arsenic treatment facility. Coagulation followed by granular media filtration is the selected method used to reduce arsenic levels in groundwater pumped from Wells 10a and 21. Ferric chloride would be added to the pumped groundwater in a mixing tank to bind the arsenic and then precipitate it. This precipitate would be filtered out of the water and stored in the sludge holding tank. Waste sludge generated during the removal of arsenic from the groundwater will be analyzed for applicability as a RCRA defined waste. Thereafter, the sludge would be dried and disposed of in the landfill every six days.

The proposed action has the potential to disturb approximately 9.3 acres of city property; however, the entire project area has been disturbed due to land development construction activities. The total construction cost for this proposed project is \$9,464,500. Federal costs would be \$7,098,375 and non-Federal costs would be \$2,366,125. The proposed construction period would be approximately nine months and would be expected to start in Winter 2008.

2.2 The No-Action Alternative

The potential effects of the proposed action are similar to the no-action alternative, with the caveat that the no-action alternative should be perceived as an environmentally unsound course of action with regard to improving the quality of Rio Rancho's drinking water. Also, the no-action alternative would not support the City of Rio Rancho's efforts to comply with the Arsenic Rule.

2.3 Alternatives Considered

A cost analysis was performed to evaluate separate versus combined treatment for these two wells. The analysis indicated that combined treatment (and necessary supporting infrastructure) was slightly less expensive than separate treatment by approximately five percent. Various arsenic removal technologies were studied for this proposed project. They include adsorption media (alumina, iron, or other metallic sorbents), ion exchange, coagulation followed by filtration, and coagulation with microfiltration. Based on a review of the water quality parameters, it appears that adsorption using granular iron media with or without pH adjustment, coagulation followed by conventional filtration or membrane filtration, or ion exchange are the most applicable technologies for the arsenic impacted wells. Coagulation followed by filtration was found to be the most viable and cost-effective technology for this proposed project.

3.0 EXISTING ENVIRONMENTAL AND FORESEEABLE EFFECTS

3.1 Physical Resources

3.1.1 Physiography and Soils

The proposed project area is within the Middle Rio Grande Valley, however it is to the west of the active floodplain (USDA 2007). The Rio Grande Valley is a productive agricultural area that contributes to the quality of life and economies of the urban areas of Albuquerque, Rio Rancho, Bosque Farms, Los Lunas and Belen, New Mexico, as well as several other smaller communities.

The terrain in the area is characterized by gently sloping plains from the west to the Rio Grande. The elevation of Rio Rancho is approximately 5,292 feet. Within the county, water tables average from four to five feet in depth to several hundred feet in depth and permeability is moderate (USDA 2007).

The proposed action area occurs within the Sheppard soil association (USDA 2007). This association consists of loamy fine sand with three to 15 percent slopes and is somewhat excessively drained. This soil association is most commonly found within structural benches, dunes, alluvial fans and stream terraces. There would be no long-term effect to soils by the proposed project or by the no-action alternative. Short-term negligible effects would be present during construction.

3.1.2 Climate

The climate in the vicinity of the proposed project is classified as arid (USDA 2007). The temperature occasionally reaches 100 degrees F or falls to zero or below, but not in all years. The average annual precipitation ranges from seven to ten inches. Although an average of only one day a year has more than half-inch of precipitation, these infrequent, brief, heavy showers may bring one-half to one inch of rain, except in the dry winter season. Occasionally, hail accompanies summer thunderstorms. The average annual snowfall is less than five inches and snowfall seldom exceeds one or two inches and generally melts in a few hours. The growing season is about five and a half months long. The last freeze date in spring is May 2, and the first freeze date in fall is October 25. Relative humidity averages less than 50 percent and generally less than 20 percent on hot sunny afternoons. In winter the prevailing winds are northerly and in summer the prevailing winds are southerly. Wind speed averages nearly ten miles per hour for the year. There would be no impact to climate by the proposed project.

3.1.3 Water Resources

Section 402 of the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*) as amended, regulates point-source discharges of pollutants into waters of the United States and specifies that storm-water discharges associated with construction activities shall be conducted under the National Pollution Discharge Elimination System (NPDES) guidance. Construction activities associated with storm-water discharges are characterized by such things as clearing, grading, and excavation, subjecting the underlying soils to erosion by storm-water, which results in a disturbance to one or more acres of land. The NPDES general permit guidance would apply to this project because the project area is greater than one acre. Therefore, a Storm-Water Pollution Prevention Plan (SWPPP) is required and would be prepared by the Corps, and standard best management practices to control soil erosion would be incorporated into the plans and specification for all construction contracts. Impacts from storm-water erosion are expected to be negligible.

Section 404 of the CWA, (CWA; 33 U.S.C. 1251 *et seq.*) as amended, provides for the protection of waters of the United States through regulation of the discharge of dredged or fill material. The Corps' Regulatory Program (33 CFR Parts 320-330) requires that a Section 404 permit evaluation be conducted for all proposed construction that may affect waters of the United

States. Adjacent to Northern Blvd., an existing approved detention basin is used to contain flood water for limited periods of a time. This feature is considered a stormwater management feature and is not considered a jurisdictional wetland or other water of the United States. The detention basin would not be impacted by the proposed project. Section 404 of the CWA does not apply to this project, as there would be no discharge of dredged or fill material into waters of the United States.

Section 401 of the CWA, (CEA; 33 U.S.C. 1251 *et seq.*) as amended, requires that a Water Quality Certification Permit be obtained for anticipated discharges associated with construction activities or other disturbance within waterways. Section 401 of the CWA does not apply to this project, as there would be no discharge associated with construction activities or other disturbance within waters or wetlands of the United States or into wetlands as defined by Section 404 (b)(1) of the CWA.

3.1.4 Floodplains and Wetlands

Executive Order 11988 (Floodplain Management) provides Federal guidance for activities within 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 areas are not located within any special flood hazard areas inundated by the 100-year flood. They are located in an area that is either outside the 500-year floodplain or in an area in which flood hazards are undetermined (Flood Insurance Rate Map 1996). The proposed project areas are located outside the 100-year floodplain. Therefore, the proposed project does not constitute any alterations or development within the historical floodplain and would have no new impacts to the historical or current floodplains.

Executive Order 11990 (Protection of Wetlands) requires the avoidance, to the greatest extent possible, of both long and short-term impacts associated with the destruction, modification, or other disturbance of wetland habitats. There are no wetlands within the project area, and therefore, no impacts to wetlands would occur.

3.1.5 Air Quality, Noise and Aesthetics

The Rio Rancho area is in New Mexico's Air Quality Control Region No. 2 for air quality monitoring and Sandoval County is "in attainment" (does not exceed State and Federal Environmental Protection Agency air quality standards) for all criteria pollutants (NMED/AQB 2007). Air quality in the project area is generally good. The closest Class I area is Bandelier Wilderness, approximately 88 miles to the north of the project area. Class I areas are special areas of natural wonder and scenic beauty, such as national parks, national monuments, and wilderness areas, where air quality should be given special protection. Class I areas are subject to maximum limits on air quality degradation.

All vehicles involved in transporting rubble and spoil from the project site to the deposition area will be required to have passed a current New Mexico emissions test and have required emission control equipment. The proposed project would result in a temporary but

negligible increase in suspended dust particles from construction activities. Best Management Practices used during construction include equipment with water sprinklers to minimize dust. In addition, a Fugitive Dust Control Permit is needed when there will be surface disturbance to three-quarters of an acre or more. Because the proposed project would disturb more than three-quarters of an acre, the contractor will need to apply and obtain an approved permit from the City of Rio Rancho. Air quality in Rio Rancho, Sandoval County, and Bandelier National Monument would not be significantly affected by the proposed project or by the no-action alternative. Only short-term negligible effects would be present during construction.

Background noise levels in the proposed project areas are low. According to the Noise Center for the League for the Hard of Hearing (2004), a typical, quiet residential area has a noise level of 40 decibels. A residential area near heavy traffic has a noise level of 85 decibels. Heavy machinery has a noise level of 120 decibels. During construction, noise would temporarily increase in the vicinity during vehicle and equipment operation. The Noise Center advises that noise levels above 85 decibels will harm hearing over time and noise levels above 140 decibels can cause damage to hearing after just one exposure. However, the increase in noise during construction would be minor and temporary, ending when construction is complete. Therefore, the proposed project would have no significant affect on noise.

Aesthetically, the terrain of the project areas can be characterized as mostly open land with some surrounding development. Near Well 10a, and the proposed future arsenic treatment facility location, little development exists. The nearest building is a multiplex sports arena, which is located to the southeast. More development has occurred between the two wells and near Well 21. Adjacent buildings include Rio Rancho High School, a performing arts facility and Rio Rancho's main library. Land directly adjacent to the proposed piping route, from Well 21 to the arsenic treatment facility, is currently being developed for future housing. Neither the proposed project nor the no-action alternative would have an effect on aesthetic values or scenic quality in the area. Minor, short-term adverse impacts to aesthetics would occur during construction only.

3.2 Biological Resources

3.2.1 Vegetation Communities

The project sites are part of the Plains Mesa Sand Scrub vegetation community as described by Dick-Peddie (1993). However, soils and vegetation within the project areas have been greatly disturbed from the original installments of the wells and other developments that have occurred. A site visit on 23 July 2007, by Corps' biologist, revealed vegetation consisting of kochia (*Kochia scoparia*), tumble pigweed (*Amaranthus albus* L.), Douglas rabbitbrush (*Chrysothamnus viscidiflorus*), Russian thistle (*Salsola iberica*), fourwing saltbrush (*Atriplex canescens*) and broom snakeweed (*Gutierrezia sarothrae*). Little to no vegetation exists near the two wells or the proposed site for the arsenic treatment facility. Piping needed to transfer water from Well 21 to the arsenic treatment facility would be placed immediately adjacent to the sidewalk, on the southeast side of Loma Colorado Dr. NE. The surrounding land in this area is currently being developed for future housing and little to no vegetation exists in this area. No long-term significant impacts would occur to vegetation as a

result of the proposed project or the no-action alternative.

3.2.2 Wildlife

According to Brown (1982), the project areas occur within the biotic community of the Great Basin grasslands. Wildlife species that could frequent this area may include: Western Meadow Lark (*Sturnella neglecta*), Western Kingbird (*Tyrannus verticalis*), Say's Phoebe (*Sayornis saya*), Horned Lark (*Eremophila alpestris*), Scaled Quail (*Callipepla squamata*), Eastern Fence Lizard (*Sceloporous undulates*), Little Striped Whiptail (*Cnemidophorus inornatus*). In addition, various mammals and reptiles such as mice, jackrabbits, skunks and snakes may also transit through the project area.

Adjacent to Northern Blvd., an existing approved detention basin is used to contain flood water for limited periods of a time. When water is available, it is used by local wildlife as a water source. The detention basin/wildlife resource would not be affected by the proposed action.

The proposed construction occurs in areas that have been, or are currently being developed, or in areas where little to no vegetation exists. Wildlife displaced during construction would be short-term and minimal. No long-term significant impacts would occur to wildlife as a result of the proposed project or the no-action alternative.

3.2.3 Special Status Species

Three agencies have primary responsibility for protecting and conserving plant and animal species within the proposed project area. The United States Fish and Wildlife Service (USFWS), under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531), as amended, has the responsibility for Federal listed species. The New Mexico Department of Game and Fish (NMDGF) has the responsibility for state-listed wildlife species. The New Mexico Department of Minerals, Natural Resources, Forestry Division has the responsibility for state-listed endangered plant species. Each agency maintains a continually updated list of species that are classified, or are candidates for classification, as protected based on their present status and 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 Sandoval County and may occur near the proposed project area are listed in Table 1.

Special status animal species listed by USFWS (USFWS 2004) and New Mexico Department of Game and Fish for Sandoval County (NMDGF 2004) that might occur in or near the project area but are not anticipated to occur are discussed below:

The American Peregrine Falcon (*Falco peregrinus anatum*) is a Federally delisted species with an approved recovery plan, and a State threatened species. The Peregrine Falcon may fly over the construction area during spring and fall migrations. The Peregrine prefers breeding habitat that is in isolated wooded areas with cliffs that create "gulfs" of air in which the peregrine may forage. The Peregrine's preferred wooded-forested habitat does not occur in or

near the project area. Due to the ease of mobility of the Peregrine, 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.

Baird's Sparrow (*Ammodramus bairdii*), a State Threatened species, favors shrubby short-grass habitats. The sparrow is a migrant to New Mexico, occurring mainly in autumn primarily in the eastern plains and southern lowlands, and is considered a rare to uncommon vagrant. The sparrow may fly over the construction area during migration; however, due to the ease of mobility, the limited disturbance of the proposed project and the lack of preferred habitat within the project area, there would be no effect to Baird's Sparrow.

The Gunnison's Prairie Dog (*Cynomys gunnisoni*) is listed as sensitive by the State of New Mexico Game and Fish Department. Areas of short and mid-grass rangeland are the prairie dog's preferred habitat. Prairie dog colonies are most easily recognized by the mounds at their burrow entrances. No prairie dog colonies were observed at or near the proposed project sites during the Corps' site visit. All of the proposed work would be confined to the existing well sites and all equipment would be installed within the fenced boundaries of the well sites. Due to the limited disturbance and no presence of prairie dog towns, there would be no effect to this to this species by the proposed project.

In addition, the New Mexico Department of Minerals, Natural Resources, Forestry Division has the responsibility for maintaining the list of state-listed rare plant species. The State species list indicates that there are twelve status plant species that occur in Sandoval County, the Tufted sand verbena, Santa Fe milkvetch, Knight's milkvetch, La Jolla prairie clover, Robust larkspur, Sapello Canyon larkspur, New Mexico stickseed, Sandia alumroot, Springer's blazing star, Parish's alkali grass, Plank's campion, and Gypsum Townsend's aster. They are each listed by the State of New Mexico Division of Forestry as a rare plant on the New Mexico Rare Plants Technical Council Website. Although these plants are known to occur in Sandoval County, they are not likely to occur within the project area. None of the above rare plants were seen during the Corps' site visit on 23 July 2007. None of the above rare plant's preferred habitat is located within the project area, and therefore there would be no effect to these rare plants.

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

Common Name	Scientific Name	Federal Status (USFWS)	State of New Mexico status (NMDGF) ^a
Animals			
Wrinkled Marshsnail	<i>Stagnicola caperatus</i>	---	E
Baird's Sparrow	<i>Ammodramus bairdii</i>	---	T
Common Black-Hawk	<i>Buteogallus anthracinus</i>	---	T
Spotted Bat	<i>Euderma maculatum</i>	---	T
Gunnison's Prairie Dog	<i>Cynomys gunnisoni</i>	---	S
Plants			
Tufted sand verbana	<i>Abronia bigelovii</i>	---	R
Knight's milkvetch	<i>Astragalus knightii</i>	---	R
La Jolla prairie clover	<i>Dalea scariosa</i>	---	R
Robust larkspur	<i>Delphinium robustum</i>	---	R
Sapello Canyon larkspur	<i>Delphinium sapellonis</i>	---	R
New Mexico stickseed	<i>Hackelia hirsute</i>	---	R
Sandia alumroot	<i>Heuchera pulchella</i>	---	R
Springer's blazing star	<i>Mentzelia springeri</i>	---	R
Parish's blazing star	<i>Puccinellia parishii</i>	---	R
Plank's campion	<i>Silene plankii</i>	---	R
Gypsum Townsend's aster	<i>Townsendia gypsophila</i>	---	R
Santa Fe milkvetch	<i>Astragalus feenis</i>	---	R

^a **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.

R= Rare Plant Species.

S=Sensitive

3.3 Cultural Resources

This project has the potential to disturb approximately 9.3 acres of city property; however, the entire project area has been disturbed due to land development construction activities. The project area was surveyed by TRC in 2005 for Pulte Homes, as evidenced in the 2005 report by Carolyn A. Matras titled "Cultural Resource Survey for the Proposed Pulte Loma Colorado Housing Development, Sandoval County, New Mexico", NMCRIS 94307. As part of that survey, one archaeological site was found near the project area, LA 135819, originally recorded by Rio Rancho High School students in 2002. This site is west of Loma Colorado Drive NE and will not be affected by construction of the water line, which will be located in the right-of-way on the east side of Loma Colorado Drive NE. The New Mexico State Historic Preservation Office (NMSHPO) determined that this site is not eligible for the National Register of Historic Places in March, 2006, HPD Log 77393.

On August 3, 2007 Corps archaeologists conducted an intensive archaeological survey of the approximately 9.3-acre project area. No historic properties or isolated occurrences were discovered within the project area during the survey. The results are presented in the report titled "A Negative Cultural Resources Survey of 9.3 Acres for the City of Rio Rancho Arsenic Treatment Project, Wells 10a, 21, and 22, Sandoval County, New Mexico" by Lance Lundquist, Report No. COE-2007-009.

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 2007 Native American Consultations List, American Indian tribes that have indicated they have concerns in Sandoval County have been contacted regarding the proposed project, including the Comanche Nation of Oklahoma, the Hopi Tribal Council, the Jicarilla Apache Nation, the Navajo Nation, the Ohkay Owingeh, the Pueblo de Cochiti, the Pueblo of Isleta, the Pueblo of Jemez, the Pueblo of Laguna, the Pueblo of San Felipe, the Pueblo of San Ildefonso, the Pueblo of Sandia, the Pueblo of Santa Ana, the Pueblo of Santa Clara, the Pueblo of Santo Domingo, and the Pueblo of Zia. 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 negative survey report, the Corps is of the opinion that there would be no historic properties affected by this project or on the historic and cultural resources of the region. A concurrence on this determination was received from the NMSHPO on September 4, 2007 (see Appendix A).

3.4 Human Health and Safety

Rio Rancho does not have surface water rights, and therefore, must operate twenty groundwater wells to supply the City of Rio Rancho with drinking water. It appears that thirteen of the City's wells exceed the arsenic MCL of 10ppb.

In 1942, the U.S. Public Health Service established an arsenic drinking water standard for interstate water carriers of 50ppb. On December 24, 1975, under the authority of the Safe Drinking Water Act (SDWA) of 1974, United States Environmental Protection Agency

(USEPA) issued a National Interim Primary Drinking Water Regulation (NIPDWR) for arsenic of 50ppb. Since then, there have been an increasing number of scientific studies that have linked arsenic in drinking water to skin cancer in humans. USEPA's Arsenic Work reflected scientific uncertainties about health effects of low concentrations of carcinogens and animal studies suggested that arsenic may be an essential nutrient (USEPA 2002). The 1996 Amendments to the SDWA included new statutory deadlines for the arsenic regulation, requiring USEPA to propose a revised Arsenic Rule by January 1, 2001. Therefore, the Final Rule, published on January 22, 2001, established the MCL at 10ppb.

Arsenic is known as a carcinogen, and long-term ingestion may increase the risk of cancer. The proposed construction of the arsenic treatment facility and its connection to Well 10a and 21 would allow for the reduction of arsenic to at least ten ppb. Eventually all groundwater wells within Rio Rancho will comply with USEPA's new standard for arsenic levels and will therefore make the drinking water much safer within the City. Human health and safety would be beneficially affected due to the proposed project.

3.5 Land Use and Socioeconomic Considerations

The City of Rio Rancho is located in Sandoval County, New Mexico. The total population of Sandoval County in 2006 was estimated to be 113,772 (U.S. Census Bureau 2007). The total population of Rio Rancho in 2003 was 58,981 (U.S. Census Bureau 2007). The ethnic background for Sandoval County is: white (non-Hispanic), 65.1%; Hispanic (any race), 29.4%; black (non-Hispanic), 1.7%; and other, 3.8%. In 2005, the per capita personal income in Sandoval County was \$27,146 (U.S. Department of Commerce, Bureau of Economics 2007). The unemployment rate for Sandoval County in 2006 was 4.4% (New Mexico Department of Labor 2007). Industries making major economic contributions to the county's economy include construction, retail trade, professional and technical services, and health care and social assistance (New Mexico Department of Labor 2007).

The proposed action would be conducted under Section 593 of the Water Resources Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. The Federal share of project costs under each cooperative agreement is 75 percent of the total project costs. The local sponsor, in this case the City of Rio Rancho, would be responsible for the other 25 percent. However, under the No-Action alternative, the City of Rio Rancho would be responsible for 100 percent of the total project costs. In order to obtain funding, the city would most likely increase water rates for the water users within the City of Rio Rancho. Therefore, the city would either be responsible for 25 percent under the Proposed Action (Federal cost share 75 percent) or 100 percent under the No-Action alternative (no Federal funding).

The proposed project would take place within an area that has been disturbed or is currently being developed. Adjacent property includes a multiplex sports arena, Rio Rancho High School and main library, a performing arts facility, a detention basin, and housing developments. Other land in the area is open and vacant. The proposed project would not affect land use or socioeconomic resources in the project area.

3.6 Environmental Justice

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Low-Income Populations; February 11, 1994) was designed to focus the attention of federal agencies on the human health and environmental conditions of minority and low-income communities. It requires federal agencies to adopt strategies to address environmental justice concerns within the context of agency operations and proposed actions. In an accompanying memorandum, President Clinton emphasized that existing laws, such as the National Environmental Policy Act (NEPA), should provide an opportunity for federal agencies to assess the environmental hazards and socioeconomic impacts associated with any given agency action upon minority and low-income communities. In April of 1995, the USEPA released a guidance document entitled Environmental Justice Strategy: Executive Order 12898. In short, this document defines the approaches by which the USEPA 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.

As stated above, the proposed action would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. This program is largely intended to provide needed assistance (technical, financial, etc.) to communities in which water resources are degrading and in need of improvement. As such, this project would benefit several areas within a minority and low-income community. No adverse impacts on minority and/or low-income populations are expected. Under the definition of Executive Order 12898, there would be no adverse environmental justice impacts under the proposed action.

3.7 Cumulative Impacts

NEPA defines cumulative effects as "...the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions."

The footprint of the proposed project lies within a primarily developed area. The arsenic treatment facility would be the only component of the project to be constructed on undeveloped land. However, this land has already been leveled for future development. This area is bare and is has little to no vegetation. Most environmental impacts associated with the proposed project would have occurred from the existing and ongoing development within the project area. The majority of these impacts have stabilized and have been considered the baseline against which impacts of the proposed project have been compared. The proposed arsenic treatment facility would eventually serve a total of three wells. Well 22 is located north of Well 10a. The connection of Well 22 to the proposed arsenic treatment facility would not occur under this proposed project, but is being considered for a future project as a part of the concerted effort to improve the quality of the drinking water within the city of Rio Rancho. Positive improvement to the quality of drinking water is expected to occur from the proposed project. For these reasons, the proposed project when combined with past, present, and future activities in the City

of Rio Rancho would not significantly add to or raise local cumulative environmental impacts to a level of significance.

4.0 CONCLUSIONS AND SUMMARY

The proposed action evaluated in this Environmental Assessment (EA) addresses the method and potential effects of the installation of the arsenic removal equipment.

The analysis indicates that the proposed installment of arsenic removal equipment would serve a local need for improved drinking water quality, and would also support the City of Rio Rancho's efforts to be in compliance with the USEPA's Arsenic Rule. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects. Therefore, construction of the proposed project would not significantly affect the quality of the human environment and is recommended for implementation.

5.0 PREPARATION, CONSULTATION AND COORDINATION

5.1 Preparation

This EA was prepared by the U.S. Army Corps of Engineers, Albuquerque District (USACE). Personnel primarily responsible for preparation include, but are not limited to:

Danielle A. Galloway	Biologist, USACE, Albuquerque District
Lance A. Lundquist	Archaeologist, USACE, Albuquerque District
Cheryl Fogle	Archaeologist, USACE, Albuquerque District
Pete K. Doles	Project Manager, USACE, Albuquerque District
Suzanne Hess-Brittelle, P.G.	Geologist, Geotech Section, USACE, Albuquerque District
Cecilia V. Horner, P.E.	Chief, HTRW Section, USACE, Albuquerque District
Marvin Urban	Real Estate Specialist, USACE, Albuquerque District
John Ketchum	Project Manager, City of Rio Rancho

5.2 Quality Control

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

William R. DeRagon	Senior Biologist, USACE, Albuquerque District
Gregory D. Everhart	Senior Archaeologist, USACE, Albuquerque District
Julie A. Alcon	Supervisory Ecologist, USACE, Albuquerque District

5.3 General Consultation and Coordination

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

US Fish and Wildlife Service
New Mexico Ecological Services Field Office

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

US Bureau of Reclamation

NM Forestry and Resources Conservation Division
Energy, Minerals, and Natural Resources Department

NM Department of Game and Fish
Conservations and Services Division

Water and Waste Management Division
NM Environmental Department

NM State Engineer

Rio Rancho City Manager

Public Works Department
City of Rio Rancho

Pulte Homes

Rio Rancho High School

Rio Rancho Public Library

6.0 REFERENCES

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U.S. Fish and Wildlife Service.

2007. **Endangered Species List: Sandoval County, New Mexico.**
<http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>

7.0 DRAFT EA DISTRIBUTION LIST

The Draft EA was distributed for review to the following:

- U.S. Fish and Wildlife Service
NM Ecological Services Field Office
- USEPA, Region 6
Office of Planning and Coordination (6EN-XP)

- Bureau of Reclamation
- New Mexico State Forestry Division
Energy, Minerals, and Natural Resources Department
- New Mexico Department of Game and Fish
Conservation Services Division
- Water and Waste Management Division
New Mexico Environmental Department
- New Mexico State Engineer
- New Mexico Interstate Stream Commission
- Rio Rancho City Manager
- Rio Rancho Public Works
- Pulte Homes
- Rio Rancho High School
- Rio Rancho Public Library

Appendix A
Cultural Resources Consultation Letter

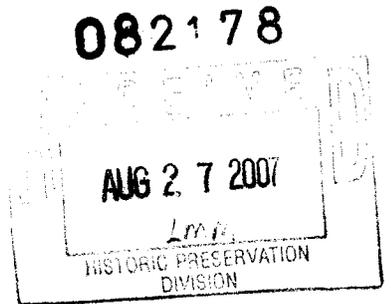


DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

August 23, 2007

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



Rec'd 9/4/07 LAC

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 water system improvement project for the City of Rio Rancho (CORR), Sandoval County, New Mexico. A negative survey report is enclosed for your review.

The Corps, at the request of the CORR, is planning a project to upgrade the city's water system. Work is being conducted under Section 593 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 project is located on the Loma Machete, New Mexico USGS 7.5' Quadrangle Map, and is unplatted in the Town of Alameda Land Grant, south of Northern Boulevard NE and along Loma Colorado Drive NE, near Rio Rancho High School.

In order to meet new Environmental Protection Agency standards for arsenic levels in drinking water, the CORR is installing arsenic treatment plants (ATP) at all wells that exceed 10 parts per billion arsenic. The current project is designed to construct an ATP that will serve three existing wells, and install approximately 5,900 feet of 12-inch piping to connect the wells to the ATP. Specifically, the project involves connecting wells 10a, 21, and 22 to a new ATP located west of Well 10a. Piping will be installed along the east side of Loma Colorado Drive NE from Well 21 to Well 10a and the ATP.

Existing pipe for Well 22 will be connected to the new pipeline at the northeast corner of the new pipe, just south of Northern Boulevard NE. The project will require open cut utility trenching for the majority of the water line placement, and excavation for ATP construction. Work would be conducted within current city property. Staging and access will use existing city facilities and roads. This project has the potential to disturb approximately 9.3 acres of city property; however, the entire project area has been disturbed due to land development construction activities.

The project area was surveyed by TRC in 2005 for Pulte Homes, as evidenced in the 2005 report by Carolyn A. Matras titled "Cultural Resource Survey for the Proposed Pulte Loma Colorado Housing Development, Sandoval County, New Mexico", NMCRIS 94307. As part of that survey, one archaeological site was found near the project area, LA 135819, originally recorded by Rio Rancho students in 2002. This site is west of Loma Colorado Drive NE and will not be affected by construction of the water line, which will be located in the right-of-way on the east side of Loma Colorado Drive NE. Lisa Meyer of your office determined that this site is not eligible for the National Register of Historic Places in March, 2006, HPD Log 77393.

On August 3, 2007 Corps archaeologists conducted an intensive archaeological survey of the approximately 9.3-acre project area. No historic properties or isolated occurrences were discovered within the project area during the survey.

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 2007 Native American Consultations List, American Indian tribes that have indicated they have concerns in Sandoval County have been contacted regarding the proposed project. To date, the Corps has received no indication of tribal concerns that would impact this project.

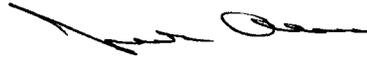
Pursuant to 36 CFR 800.4(d) and as documented in the enclosed negative survey report, the Corps is of the opinion that there would be no historic properties affected by this project or on the historic and cultural resources of the region.

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 Rio Rancho Arsenic Treatment Plant for Wells 10a, 21, and 22, please contact Mr. Lance Lundquist, archaeologist, at (505) 342-3671.

Sincerely,



Julie Alcon
Chief, Environmental Resources
Section

8/28/07
Date

I CONCUR



KATHERINE SLICK
NEW MEXICO STATE HISTORIC
PRESERVATION OFFICER

Enclosures

Copy Furnished: (w/o enclosure)

Don Klima, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, D.C. 20004

Appendix B
Public Review Letter, Comments and Responses

November 20, 2007

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

XXXXXX

Dear :

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation and at the request of the City of Rio Rancho, New Mexico, is planning to install arsenic removal equipment at two existing Rio Rancho Water Supply Wells. An arsenic treatment facility would be constructed near the Well 10a site and piping would be required to transfer the water from Wells 10a and 21 to the arsenic treatment facility. The proposed project is needed to comply with the United States Environmental Protection Agency's (USEPA) Arsenic Rule. The USEPA adopted a new standard for arsenic in drinking water at 10 parts per billion (ppb), replacing the old standard of 50 ppb. The proposed construction period is nine months and is expected to start in Fall 2007.

Enclosed for your review is the Draft Environmental Assessment (DEA), entitled "**Rio Rancho Arsenic Treatment, Wells 10a and 21, City of Rio Rancho, New Mexico**". The Corps is expediting the DEA and sending copies of it to solicit comments from Federal, State, and local interests to comply with the National Environmental Policy Act (NEPA).

Please review the DEA and provide any written comments to the above address, Attn: Mrs. Danielle Galloway, Environmental Resources Section. Written comments must be received **no later than December 20, 2007**, so that comments can be addressed and revisions made to the DEA in a timely manner. If we do not receive comments by this date, we will assume you have no concerns or have no objections to the project. You may facsimile your correspondence to (505) 342-3668. If you have any questions or need additional information, please contact Mrs. Danielle Galloway at (505) 342-3661 or e-mail at danielle.a.galloway@usace.army.mil.

Sincerely,

Julie Alcon
Chief, Environmental Resources Section



PUEBLO OF ISLETA

P.O. BOX 1270 ISLETA, NM 87022

September 5, 2007

Department of The Army
Albuquerque District, Corps of Engineers
Julie Alcon
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Dear Ms. Alcon:

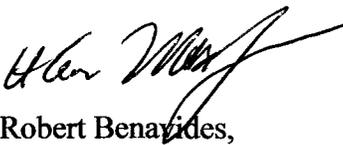
This letter is in response to your correspondence dated August 23, 2007 regarding the proposed planning to upgrade the city's water system in Rio Rancho, NM.

I am pleased to inform you that this project will not have an impact on religious or cultural sites affiliated with the Pueblo of Isleta. However, in the event that discoveries are found during construction, we would appreciate being advised of such findings. Please forward all environmental assessment plans to our office.

Thank you for your consideration in contacting this office to express our concerns.

Sincerely,

PUEBLO OF ISLETA


Robert Benavides,
Governor

cc: files



PUEBLO OF LAGUNA

P.O. BOX 194
LAGUNA, NEW MEXICO 87028



(505) 552-6598
(505) 552-6654
(505) 552-6655

Office of:

The Governor
The Secretary
The Treasurer

August 27, 2007

Ms. Julie Alcon
Department of The Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Dear Ms. Alcon:

RE: Project to up grade CORR'S Water System

The Pueblo of Laguna appreciates your consideration to comment of possible interest your project may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the proposed undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any artifacts are recovered, we would like to be notified to review items and if possible furnish photographs of items.

We thank you and your staff for the information provided.

Sincerely,

John E. Antonio, Governor
Pueblo of Laguna



THE NAVAJO NATION

JOE SHIRLEY, JR.
PRESIDENT

October 2, 2007

BEN SHELLY
VICE-PRESIDENT

Julie Alcon
Chief Environmental Resources
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Dear Ms. Alcon:

The Navajo Nation Historic Preservation Department-Traditional Culture Program (NNHPD-TCP) is in receipt of the U.S. Army Corps of Engineers Albuquerque District's proposal to upgrade the city's water system in Rio Rancho, NM.

The HPD-TCP has some concerns with the proposed project sponsored by U.S. Army Corps of Engineers. After cross-referencing the HPD-TCP Sacred Sites Database, there is a Cultural Sacred Site within the proposed project area. The database has revealed that project area as an area of cultural sensitivity, not only to the Navajo people but other neighboring tribes within the vicinity. The HPD-TCP recommends the U.S. Army Corps of Engineers to continue with their proposal as planned. But please understand there are areas of importance to the Navajo tribe.

However, the determination made by the HPD-TCP does not necessarily mean that the Navajo Nation has no interests or concerns with the proposed project. If the proposed project inadvertently discovers Navajo habitation sites, human remains and objects of cultural patrimony, the HPD-TCP request that we be notified respectively in accordance with the Native America Graves Protection and Repatriation Act (NAGPRA).

The Navajo Nation recommends that you consult with other tribes within the vicinity of the proposed project area.

In conclusion, the HPD-TCP appreciates the U.S. Army Corps of Engineers for consulting the Navajo Nation pursuant to 36 CFR 800.1 (c)(2)(iii). If you have questions, do not hesitate to contact me electronically at tonyjoe@navajo.org or telephone at 928-871-7750.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony H. Joe, Jr.", written in black ink.

Tony H. Joe, Jr.
Traditional Culture Program
Historic Preservation Department

Cc TCP 08-002

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION

Bruce C. Thompson, Ph.D.

Robert S. Jenks, 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

December 19, 2007

Ms. Julie Alcon
Chief, Environmental Resources Section
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435

Re: Rio Rancho Arsenic Treatment, Wells 10a and 21, City of Rio Rancho, New Mexico
NMGF Doc. No. 11835

Dear Ms. Alcon:

The Department of Game and Fish (Department) has reviewed the Draft Environmental Assessment for the construction of an arsenic treatment facility. Piping would be required to transfer the water from wells 10a and 21 to the proposed arsenic treatment facility. The Department does not anticipate significant impacts to wildlife or sensitive habitats. However due to the fragile nature of the soils at your project location, we recommend that you re-vegetate the disturbed area, using native plants.

Provided are the following recommendations to minimize or eliminate impacts to wildlife.

Open trenches and ditches can trap small mammals, amphibians and reptiles and can cause injury to large mammals. Periods of highest activity for many of these species include night time, summer months and wet weather.

- To minimize the amount of open trenches at any given time, keep trenching and back-filling crews close together.
- Trench during the cooler months (October – March). However, there may be exceptions (e.g., critical wintering areas) which need to be assessed on a site-specific basis.
- Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope should be less than 45 degrees (100%). Trenches that have been left open overnight, especially where endangered species occur, should be inspected and animals removed prior to back-filling.

With implementation of these recommendations during construction, the Department believes that this project as proposed is unlikely to adversely affect wildlife or wildlife habitats. For your convenience, we have enclosed a copy of New Mexican Wildlife of Concern for Sandoval County (Biota Information System of New Mexico, BISON-M, New Mexico Dept. of Game and Fish electronic database). Species accounts, habitat associations and county species lists (use the "Database Query" option) can be accessed from the BISON-M database via the World-wide Web at <http://www.bison-m.org>. The Department recommends that you contact the U.S. Fish and Wildlife Service for current listing of federally listed species.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Mark Olson, Northwest Area Habitat Specialist, at (505) 222-4708 or mark.olson@state.nm.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Wunder".

Matthew Wunder, PhD
Chief, Conservation Services Division

MW/mo

(encl: 1)

xc: Acting Ecological Services Field Supervisor, USFWS
Brian Gleadle, Northwest Area Operations Chief, NMGF
Mark Olson, Northwest Area Habitat Specialist, NMGF

TRENCHING GUIDELINES

NEW MEXICO DEPARTMENT OF GAME AND FISH

September 2003

Open trenches and ditches can trap small mammals, amphibians and reptiles and can cause injury to large mammals. Periods of highest activity for many of these species include nighttime, summer months and wet weather. Implementing the following recommendations can minimize loss of wildlife.

- Keep trenching and back-filling crews close together, to minimize the amount of open trenches at any given time.
- Trench during the cooler months (October – March). However, there may be exceptions (e.g., critical wintering areas) that need to be assessed on a site-specific basis.
- Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The slope should be less than 45 degrees (1:1). Trenches that have been left open overnight should be inspected and animals removed prior to backfilling, especially where endangered species occur.

On a statewide basis there are numerous threatened, endangered or sensitive species potentially at risk by trenching operations. Project initiators should seek county species list to evaluate potential impact of projects. Risk to these species depends upon a wide variety of conditions at the trenching site, such as trench depth, side slope, soil characteristics, season, and precipitation events.

Corps' Response to the Comment from New Mexico Department of Game and Fish:

The recommendations provided by New Mexico Department of Game and Fish will be implemented during the construction of the arsenic removal equipment.

Appendix C
Draft Environmental Assessment Notice of Availability

AFFIDAVIT of PUBLICATION

, being first duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the Rio Rancho Observer printed and published 2 days a week in the County of Sandoval, State of New Mexico and of general circulation in the City of Rio Rancho, County of Sandoval, State of New Mexico and elsewhere, and the here to attached

STATE OF NEW MEXICO)
 :SS
COUNTY OF SANDOVAL)

Notice of Availability

The U.S. Army Corps of Engineers, Albuquerque District, has completed the Draft Environmental Assessment (DEA) entitled "Rio Rancho Arsenic Treatment, Wells 10a and 21, City of Rio Rancho, New Mexico." The purpose of constructing an arsenic treatment facility and installing arsenic removal equipment at two existing Rio Rancho Water Supply Wells is to comply with the United States Environmental Protection Agency's (USEPA) Arsenic Rule. The EPA adopted a new standard for arsenic in drinking water at 10 parts per billion (ppb), replacing the old standard of 50 ppb. The proposed construction period is nine months and is expected to start in Fall 2007.

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

<http://www.spa.usace.army.mil>

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Albuquerque District
Environmental Resources Section
Attn: CESP-PM-LE
(Mrs. Danielle Galloway)
Albuquerque, New Mexico
87109-3435

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The public review will extend from November 20, 2007 to December 20, 2007. Written comments should be sent to the above address and will be accepted until 4:00 PM, December 20, 2007. Alternatively, comments may be sent electronically to danielle.a.galloway@usace.army.mil.

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By: _____
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Subscribed sworn to before me this 29 day of November

2007
Susan Ann Saunier

Notary

NotaryPublic in and for the County of Sandoval, State of New Mexico

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STATE OF NEW MEXICO
My commission expires: 6-8-2010