

# Appendix A - Environmental Protection Agency Documents



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

August 16, 2004

**FINDING OF NO SIGNIFICANT IMPACT**

**TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:**

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500 and with the use as guidance of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act," the EPA has performed an environmental review of the following proposed action.

South Valley Water System Expansion Construction Project  
located in  
Bernalillo County, New Mexico

EPA Project Number: XP-986550-1

Estimated EPA Share: \$36,400,000

Estimated Local Share: \$29,800,000

The Fiscal Year 2000 Appropriations Act for the EPA included special Congressional funding for water and wastewater construction projects. Bernalillo County (County), New Mexico, was selected to receive funding through these special appropriations to expand the City of Albuquerque's (City) existing water distribution system southwest into portions of the South Valley area of the County not presently being served by the City's municipal water system.

The proposed project consists of extending the City's existing metropolitan area water utility system to provide municipal water service to the far South Valley area. The South Valley is an unincorporated area of the County adjacent to and southwest of the City. The project area contains semi-rural pockets of dense development, and the primary water supply source for the area is individual on-site shallow ground water wells. Domestic wastewater management for the area predominantly consists of on-site septic systems with subsurface wastewater disposal. The combination of a shallow ground water supply source and wastewater disposal practices poses a continued threat to ground water quality in the area by contamination from the domestic septic tank wastewater treatment systems. When a particular area to be served by a new water line does not currently have wastewater collection lines to serve homes or businesses, then sewer lines will also be installed at the same time the water lines are being installed. The primary goal of the proposed project is to protect public health and safety in the area by providing safe drinking water and adequate fire protection systems that are in accordance with Federal, state and local environmental protection standards.

The proposed water system is based on the 1982 Albuquerque water utility master planning documents prepared in the early 1980s which originally identified a water system to serve the far South Valley and was designated as the "Pajarito Trunk System." The project would implement part of this trunk system with modifications based mainly on updated population data, current water usage data, and land use/development information. The original master plan recommended that new water wells be constructed, but recent planning decisions have determined that the water will be supplied from existing water storage reservoirs. The major components anticipated for the proposed water system include water storage reservoirs, booster pumping stations, transmission and distribution piping, and associated appurtenances. The system will provide a reliable water system to the residents and the businesses in the South Valley at a scale and level of service that is consistent with land use designations and densities from the Southwest Area Plan which was originally adopted by both the County and the City in 1988.

The environmental review process, which is documented by the enclosed Environmental Assessment, indicates that no potential significant adverse environmental impacts will result from the proposed action. The project individually, cumulatively over time, or in conjunction with other actions will not have a significant adverse effect on the quality of the environment. On the basis of the environmental review determination that there are no predicted or cumulative significant adverse impacts associated with the project, I have determined that the project is not a major Federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement is not necessary. My preliminary decision is based upon the enclosed Environmental Assessment, a careful review of the Environmental Information Document prepared for the project, the results of the public participation process, and other supporting data which are on file in the office listed below and available for public review upon request. Therefore, I am issuing this preliminary Finding of No Significant Impact pertaining to the project.

Comments supporting or disagreeing with my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the Agency will make a final decision. No administrative action will be taken on this preliminary decision for at least 30 calendar days after release of this Finding of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,

  
for Gerald Fontenot, P.E.  
Acting Director  
Compliance Assurance and Enforcement Division

Enclosure



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

September 20, 2007

## REAFFIRMATION OF NO SIGNIFICANT IMPACT

### TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA has performed an environmental review of the following proposed action:

Rio Grande Valley Utilities Infrastructure Construction Project  
proposed by Bernalillo County for the North and South Valleys  
located in Bernalillo County, New Mexico

Estimated EPA Share: \$ 18,883,534

Estimated Local Share: \$ 38,024,128

### BACKGROUND

The Fiscal Year 2000 through 2006 Appropriations Acts for the EPA included special Congressional funding for water and wastewater construction projects. Bernalillo County (County), New Mexico, was selected to receive funding support through these special appropriations to expand the County's existing wastewater collection and drinking water distribution systems into areas not presently served by these systems. The wastewater portion of the overall project includes the proper decommissioning of numerous private on-site septic tank disposal systems, many of which have already failed or are currently in the process of failing, along with installation of the centralized wastewater collection lines to ensure compliance with regulatory guidelines. The current use of these numerous private on-site septic tank disposal systems has dramatically increased the potential for environmental health concerns due to contamination of the local ground water resources.

This condition is creating continued environmental contamination in the area, especially for many of the residents relying on local water wells as the source of their drinking water. Continued analyses in the areas have determined the negative impacts that the septic tank systems are having on ground water quality in the Valleys. One such analysis conducted by the Bernalillo County Environmental Health Department identified areas with high concentrations of septic tank disposal systems per acre of land. Water well samples indicated increased levels of nitrates in the ground water in these areas. Many of the residents in these areas currently pump

ground water from shallow wells for use as drinking water. The County will utilize special Congressional funding support in conjunction with local funds to finance the construction of the overall project.

The original project was reviewed in 2002 by both the New Mexico Environment Department (NMED) and the EPA for compliance with the environmental review requirements of the National Environmental Policy Act (NEPA). This review was based upon information contained in documents prepared for the County entitled Environmental Information Document for the Rio Grande Valley Utilities Project dated August 2001, Cultural Resources of the Rio Grande Valley dated July 2001, and a Hazardous Materials Supplement dated June 2001. The County conducted a formal hearing on July 19, 2001, to inform the public of the proposed project, to identify any public concerns with the project, and to request public participation in development and implementation of the project. The County received no adverse public comments concerning any aspect of the project within the open comment period. The results of the Environmental Assessment completed and issued by the EPA determined that significant adverse environmental impacts should not result from the construction activities involved with this project. The original environmental determination was issued by EPA for public review and comment on June 6, 2002, in a NEPA decision document entitled Finding of No Significant Impact, which was supported by the Environmental Assessment. The EPA also received no adverse public comments concerning the project during the open formal 30-day comment period associated with issuance of the NEPA decision document, and has decided to proceed with the construction of the proposed project. The County conducted another public hearing on June 20, 2007, to identify any public concerns with the project. Only three members of the public attended; several questions were presented by the attendees, but no adverse written comments were received.

### **PROJECT DESCRIPTION**

The purpose of the overall proposed project is the installation of wastewater collection and drinking water distribution systems to serve various communities located within areas known locally as the North and South Valleys. The areas are located within both the greater City of Albuquerque (City) and within the County. The project will involve the construction of approximately forty miles of wastewater collection lines, pump stations, a lift station, and the elimination of numerous on-site septic tank systems. In addition to these specified areas, there are several hundred "completion areas" within the Valleys that require connection to either existing or new facilities. Completion areas are small blocks of houses varying in number where wastewater collection and/or drinking water services are currently not available to the residents. Construction has been slow to proceed due to limited funding, since adequate amounts of funding are not available at any one time to conduct extensive construction activities.

The improvements will be a significant step toward eliminating the ever increasing potential for ground water contamination, and will result in better quality drinking water being available to the citizens. All construction will occur within existing rights-of-way, whether

within the City or County, and will occur simultaneously within both the North and South Valleys. The northern boundary is the Bernalillo County line adjacent to Sandoval County, the eastern boundary runs along the North Diversion Channel and jogs to Interstate 25 north of Montano Road, the western boundary lies predominately along the Rio Grande for the North Valley portion and along Coors Road for the South Valley portion, and the southern boundary is Gun Club Road on the west side of the river and Lagunitas Road on the east side of the river. The project planning area remains the same as reviewed in 2002 without changes, and is shown on the map enclosed as Figure 1. The purchase of new land will not be required, and displacement of any existing citizen, home or business will not be necessary.

### **REAFFIRMATION DETERMINATION**

In accordance with EPA's environmental review regulations, NEPA decisions are considered to be valid for 5 years after issuance. After that time, a determination must be made to insure that the environmental baseline has not changed significantly. Based on provisions in the Appropriations Act for the EPA, the NMED has agreed to perform most of the routine management functions for EPA Region 6. The management functions related to environmental assessment include the review of environmental documentation, recommendations of preliminary environmental decisions, and preparation of draft NEPA decision documents. The EPA has received a supporting letter dated April 13, 2007, from the NMED on behalf of the County stating that the original scope of the project, the environmental conditions within the project area, and the public views concerning the project "remain unchanged for the sewer collection and water distribution line projects". The letter further states that the NMED has thoroughly reviewed and recommends approval of the County's request.

Based upon this information and recommendations by the NMED, the EPA has determined that no potential significant adverse environmental impacts are anticipated from the proposed action. The project individually, cumulatively over time, or in conjunction with other actions, is not expected to have a significant adverse effect on the quality of the environment. On the basis of the original environmental review determination that there are no predicted or cumulative significant adverse impacts expected from the project, I have determined that the project is not a major Federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement is not necessary.

My preliminary decision is based upon the original Environmental Assessment, a careful review of the original Environmental Information Document prepared for the project, the results of the public participation process, supporting data which are on file in the office listed below and available for public review upon request, and the NMED's supporting recommendations concerning the current status of the project. Therefore, I am reaffirming the results of the original Environmental Assessment and Finding of No Significant Impact, and issuing this preliminary Reaffirmation of No Significant Impact in accordance with the provisions of EPA's environmental assessment regulations found at 40 CFR Part 6. Any and all environmental and funding conditions remain in full force and effect.

**APPROVAL**

The request by the County for the issuance of this Reaffirmation of No Significant Impact is approved without the need for additional environmental review at this time. This approval will be revoked if at any time the project no longer meets the eligibility for the Reaffirmation of No Significant Impact, new evidence determines that significant local or environmental issues exist, or that Federal, state, local or tribal laws are being or may be violated by implementation of the project. Comments regarding my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the EPA will make a final decision. No administrative action will be taken on this preliminary decision for at least 30 calendar days after release of this Reaffirmation of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,

A handwritten signature in black ink, appearing to read "John Blevins", written over the typed name.

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

cc: Thaddeus Lucero, County Manager  
Bernalillo County

Ron Curry, Secretary  
New Mexico Environment Department

# County of Bernalillo

## State of New Mexico

### BOARD OF COUNTY COMMISSIONERS

**IN B. ARMIJO**, CHAIR  
DISTRICT 1  
**E. TIM CUMMINS**, VICE CHAIR  
DISTRICT 4  
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DISTRICT 3  
**MICHAEL BRASHER**, MEMBER  
DISTRICT 5  
**THADDEUS LUCERO**, COUNTY MANAGER



**PUBLIC WORKS**  
2400 BROADWAY, S.E.  
ALBUQUERQUE, NM 87102  
ADMINISTRATION (505) 848-1500  
FAX (505) 848-1510

**KAREN L. MONTOYA**, ASSESSOR  
**MARGARET C. TOULOUSE**, CLERK  
**MERRI RUDD**, PROBATE JUDGE  
**DARREN P. WHITE**, SHERIFF  
**PATRICK J. PADILLA**, TREASURER

November 26, 2007

Ms. Stephanie DuBois  
Program Manager  
NMED Construction Programs Bureau  
5500 San Antonio Drive NE  
Albuquerque NM 87109

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Ms. DuBois,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The phased expansion projects propose to provide water and sewer services over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

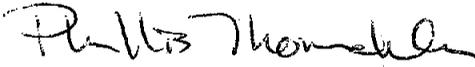
As part of the tiered environmental clearance process and to keep interested parties informed, Bernalillo County is providing yearly updates on projects under or nearing construction. I have included maps of the following project areas that were covered under the Finding of No Significant Impact, dated August 16, 2002, which will be in design and should commence construction in calendar year 2008:

- Rio Bravo del Rio Utility Project
- Shirk/Lagunitas Utility Project

Additionally, I have included a map of the South Valley Water Utility Expansion Project. The map shows the project phases, completed projects, projects currently under construction and those in design. This project was issued under a separate Finding of No Significant Impact dated August 16, 2004. The Phase 5 water distribution system will be in design in 2008. Construction anticipated in calendar year 2008 includes the completion of Phase 2 water distribution system, Phase 2A reservoir and booster station, the commencement of Phase 3 West transmission line, Phase 3 West reservoir and Phase 4 booster station.

Please provide any comments or issues of concern. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please do not hesitate to call me at (505) 848-1588.

Sincerely,



Phyllis Thormahlen  
Bernalillo County Public Works

cc: Jan Biella, Deputy State Historic Preservation Officer

## Appendix B - Cultural Resources Coordination



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

April 22, 2008

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

APR 22 2008

Ms. Katherine Slick  
State Historic Preservation Officer  
New Mexico Department of Cultural Affairs  
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 Adverse Effect to Historic Properties" for a proposed Bernalillo County (County) South Valley Water System Expansion Project (SVWSEP). The SVWSEP project is a multi-phase project designed to extend the existing City of Albuquerque (City) water utility system to provide municipal water service to the far South Valley.

In 2005, Taschek Environmental Consulting (Taschek) archaeologists conducted an intensive archaeological survey of the approximately 109.2-acre project area for this phase, as detailed in the survey report, "Cultural Resource Survey for the South Valley Water System Expansion Project, Bernalillo County, New Mexico", prepared by Ms. Kimberly Parker, Mr. Danny Gregory, Ms. Christa Burrus, and Ms. Teresa Hurt in May 2005 (NMCRIS 92981).

On July 6, 2005 Mr. Phil Young of your staff reviewed this report and stated that "this undertaking will not have an adverse effect on registered or eligible properties contingent upon successful completion of consultation with NMDOT for this project" (Enclosure 1). Please refer to this letter and report for detailed project information. Ms. Gwyneth Duncan of the New Mexico Department of Transportation (NMDOT) stated that "The Environmental Section has no concerns with this project, and this constitutes clearance for the project to proceed" (Enclosure 2).

On May 17, 2004, your office entered into a Memorandum of Understanding (MOU) with the Bernalillo County Public Works Division as evidenced in the document titled "Memorandum of Understanding Concerning the South Valley Water System Expansion Project, Between The Bernalillo County Public Works Division and the New Mexico State Historic Preservation Officer."

For this specific phase, the County has requested Corps assistance. Work would be 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. Although this project has already been approved at the non-Federal level, the Corps involvement consists of a Federal action as defined in 36 CFR 800.16(y), which requires the Corps to conduct the Section 106 process.

After reviewing the MOU, and based on the concurrence of "no adverse effect" by your office and "no concerns" from NMDOT, the Corps concurs with these determinations and further finds that the terms of the MOU are being followed by the County. Based on the understanding that there will be no adverse effect to historic properties, and because the Corps' involvement in this project is limited to this phase, the Corps does not find that our signature on the MOU is warranted at this point. If, during the course of this project, an adverse effect is determined, the Corps will take responsibilities pursuant to 36 CFR 800.2(a).

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 Tribal Consultation agreement in the MOU, tribes with an interest in this project have been contacted and provided an opportunity to consult on this phase of the project. To date, the Corps has received no indication of tribal concerns that would impact this project.

Pursuant to 36 CFR 800.13 and in the terms on the MOU, 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 consultation would take place with your office and with American Indian Tribes that have cultural concerns in the area to determine the best course of action.

If you have questions or require additional information regarding the South Valley Water System Expansion Project, please contact Mr. Lance Lundquist, archaeologist, at (505) 342-3671 or me at (505) 342-3375.

Sincerely,



Ondrea Hummel  
Chief, Environmental Resources  
Section

4/22/08

Date

I CONCUR



*For*

KATHERINE SLICK  
NEW MEXICO STATE HISTORIC  
PRESERVATION OFFICER



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

April 22, 2008

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

Ms. Katherine Slick  
State Historic Preservation Officer  
New Mexico Department of Cultural Affairs  
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Bataan Memorial Building  
407 Galisteo Street, Suite 236  
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On May 17, 2004, your office entered into a Memorandum of Understanding (MOU) with the Bernalillo County Public Works Division as evidenced in the document titled "Memorandum of Understanding Concerning the South Valley Water System Expansion Project, Between The Bernalillo County Public Works Division and the New Mexico State Historic Preservation Officer."

For this specific phase, the County has requested Corps assistance. Work would be 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. Although this project has already been approved at the non-Federal level, the Corps involvement consists of a Federal action as defined in 36 CFR 800.16(y), which requires the Corps to conduct the Section 106 process.

After reviewing the MOU, and based on the concurrence of "no adverse effect" by your office and "no concerns" from NMDOT, the Corps concurs with these determinations and further finds that the terms of the MOU are being followed by the County. Based on the understanding that there will be no adverse effect to historic properties, and because the Corps' involvement in this project is limited to this phase, the Corps does not find that our signature on the MOU is warranted at this point. If, during the course of this project, an adverse effect is determined, the Corps will take responsibilities pursuant to 36 CFR 800.2(a).

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 Tribal Consultation agreement in the MOU, tribes with an interest in this project have been contacted and provided an opportunity to consult on this phase of the project. To date, the Corps has received no indication of tribal concerns that would impact this project.

Pursuant to 36 CFR 800.13 and in the terms on the MOU, 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 consultation would take place with your office and with American Indian Tribes that have cultural concerns in the area to determine the best course of action.

If you have questions or require additional information regarding the South Valley Water System Expansion Project, please contact Mr. Lance Lundquist, archaeologist, at (505) 342-3671 or me at (505) 342-3375.

Sincerely,



Ondrea Hummel  
Chief, Environmental Resources  
Section

\_\_\_\_\_

Date

I CONCUR

\_\_\_\_\_  
KATHERINE SLICK  
NEW MEXICO STATE HISTORIC  
PRESERVATION OFFICER

**MEMORANDUM OF UNDERSTANDING  
CONCERNING THE  
SOUTH VALLEY WATER SYSTEM EXPANSION PROJECT,  
BETWEEN  
THE BERNALILLO COUNTY PUBLIC WORKS DIVISION AND  
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

THIS AGREEMENT, made this 17<sup>th</sup> day of May 2004, by and between Bernalillo County Public Works Division, (herein after referred to as "BCPWD") and the State of New Mexico Historic Preservation Officer, (hereinafter referred to as "SHPO").

**WITNESSETH:**

WHEREAS, the Bernalillo County Public Works Division (BCPWD) intends to design and construct the South Valley Water System Expansion Project (hereinafter the Project), which will be built in phases over an approximate ten (10) year period as funding becomes available, and;

WHEREAS, BCPWD may utilize funds administered by the New Mexico Environment Department Construction Programs Bureau (NMEDCPB), for construction and design of this project; and;

WHEREAS, initial information on cultural properties has been compiled and summarized in an Environmental Information Document (EID) for the entire project area, and based on information in that study BCWPD has determined that the Project may have adverse effects upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) and/or listed on the State Register of Cultural Properties, and;

WHEREAS, the director of the Historic Preservation Division (HPD), a division of the Department of Cultural Affairs, is the New Mexico State Historic Preservation Officer (SHPO) and is charged with responsibilities to preserve, protect and enhance the prehistoric, historic and cultural heritage of New Mexico for the benefit of present and future generations under both state and federal statutes and regulations: the Cultural Properties Act of 1969, as amended (CPA) (§ 18-6-1 through 18-6-17, NMSA 1978; NMAC Title 4, Chapter 10, parts 3-11); the Cultural Properties Preservation Act of 1993 (CPPA) (§ 18-6A-1 through 18-6A-6, NMSA 1978; NMAC Title 4, Chapter 10, part 2), and the Prehistoric and Historic Sites Preservation Act of 1978, as amended (PHSPA) (§ 18-8-1 through 18-8-8, NMSA 1978; NMAC Title 4, Chapter 10, part 12); and the National Historic Preservation Act, as amended, 16 U.S.C. 470f, 36 CFR Part 800, and;

WHEREAS, the Cultural Properties Act § 18-6-4 and 18-6-5, NMSA 1978 establishes the Cultural Properties Review Committee (CPRC), whose primary

responsibilities are to take such actions to identify cultural properties and to advise on the protection and preservation of those properties within the state of New Mexico, and the CPRC has seven members, one statutory and six appointed by the governor; and

WHEREAS, the BCPWD has invited the Pueblo of Sandia, Pueblo of Laguna, Navajo Nation, Ysleta del Sur Pueblo, Pueblo of Isleta, White Mountain Apache Tribe, and Hopi Tribe, who have previously expressed interest in undertakings within the project area, to participate in consultations concerning properties of religious or cultural concern to them that might be affected by the Project; and

WHEREAS, the BCPWD and NMEDCPB recognize future design and construction of phases of the Project may involve federal funding, permits or licenses and will entail compliance with Section 106 of the National Historic Preservation Act, as amended, and consultation with the appropriate federal agency(ies), the SHPO and the Advisory Council on Historic Preservation (ACHP) under 36 CFR 800, regulations issued by the ACHP and which implement the federal act; and;

NOW, THEREFORE, BCPWD agrees that the South Valley Water Expansion Project will be completed in accordance with the stipulations established in this agreement to satisfy their responsibilities to consult with SHPO and to conduct archaeological and architectural surveys to avoid inadvertent impacts to cultural properties and to plan projects so as to preserve and protect and to avoid or minimize adverse effects on registered cultural properties under the Cultural Properties Act of 1969, as amended (18-6-1 through 18-6-17, NMSA 1978); the Cultural Properties Preservation Act of 1993 (18-6A-1 through 18-6A-6, NMSA 1978), and the Prehistoric and Historic Sites Preservation Act of 1978, as amended (18-8-1 through 18-8-8, NMSA 1978).

## STIPULATIONS

### I. Programmatic Notification

- A. BCPWD shall notify the SHPO when each 30 Percent Design of any phase of the proposed project is available for consultation. A copy of the 30 Percent Design will be made available at the time of the notification for preliminary review by SHPO. The notification shall be on BCPWD letterhead and shall include a clear and concise description of areas that may be affected by the Project and a detailed map that illustrates the location(s) of these areas. BCPWD will notify SHPO when each Final Design Phase documents are completed and a copy of those Final Design Drawings and specifications will be made available to SHPO and transmitted with appropriate maps and drawings for SHPO review. BCPWD will use its best efforts to provide SHPO advance notice of the projected release of the 30 Percent Design and Final Design documents for SHPO's planning purposes;

- B. Concurrent with the notification outlined in 1:A above, BCPWD shall notify Interested Tribes, describing the areas proposed for design and construction during the upcoming year and invite the Tribes to provide comments on the Project or concerns they may have about potential effects to properties of cultural or religious significance to them. Tribes shall have 30 days from receipt to provide comments, but Tribe(s) may request an additional time to prepare comments and BCPWD may extend the comment period upon written notice. The notification shall be on BCPWD letterhead and shall include a brief description of the proposed work and a detailed project map of all proposed work areas.

## II. Professional Standards

- A. Archaeological and architectural inventories shall be conducted under the supervision of a professional who is experienced in assessments and inventories of archaeological sites, historic buildings, structures, and landscapes. BCPWD will qualify the professional conducting the surveys to be conducted hereunder and will, subject to budgetary and availability consideration, hire a professional archaeologist and/or historian, historical architect, or architectural historian, as needed under the current survey regulations and guidelines of the New Mexico SHPO. Reports and site recordation forms documenting these identification efforts shall meet the Secretary of the Interior's Standards and Guidelines for Identification and guidelines, the CPRC's regulations and guidelines, and standards of the New Mexico SHPO.
- B. BCPWD will provide, through its Engineering Contractor, a detailed list of construction techniques that will be used generally throughout the project area and those specific techniques that will be applicable in any Area of Potential Effect (APE). Such descriptions shall discuss the protection of sensitive foundations, walls and other structures in areas of APE. Samples of the contract language that shall implement the limitation of construction techniques in each phase submitted for bid shall also be provided.
- C. BCPWD shall ensure that all materials and records resulting from the treatment program are curated at the Museum of New Mexico in accordance with 36 CFR Part 79. Any materials designated to be returned to private owners will be maintained in accordance with 36 CFR part 79 until the analysis is complete and the materials are returned to the owner (unless donated to the Museum of New Mexico by the owner).

Paragraphs III through V following apply only to the relationship between BCPWD and SHPO during the negotiation and plan review phase of Historic and Cultural Property identification process envisioned by this Agreement.

III. Identification of Cultural Properties—BCPWD shall be responsible for determining the Area of Potential Effect, identifying all cultural properties that may be affected by the Project, and evaluating the significance of the properties for eligibility for listing on the State Register of Cultural Properties or eligibility for inclusion in the National Register of Historic Places.

A. Area of Potential Effect

During each preliminary design phase of the Project, BCPWD will consider the direct, indirect, and cumulative impacts that each active phase of the Project may have on cultural properties in determining the Area of Potential Effect (APE). The APE for archaeological sites shall include all construction areas, staging zones and other areas involving ground or surface disturbance. For the built environment, the APE shall include any areas that may be visually affected by the construction of above-ground facilities and/or any areas fifty (50) feet of the edge of disturbance for the trenches that will be excavated. For Traditional Cultural Properties, the APE shall be determined through consultation with Interested Tribes as stipulated above. If any question exists as to the APE, the BCPWD shall consult the SHPO in making this determination.

B. Scope of Identification Efforts.

- (1) If BCPWD proposes to perform an intensive (standard) survey (as defined below in Item III.C) of the Area of Potential Effect (APE) of an active phase of the Project, no consultation with the SHPO regarding the level of inventory or extent of survey will be required.
- (2) Alternately, BCPWD may request assistance, in the form of field reconnaissance, from SHPO. The purpose of such assistance will be to define the APE and establish alternative identification and documentation procedures for an active phase of the Project. These alternative procedures will replace the standard survey procedures defined below in Item III.C. To accomplish this assistance, SHPO will be invited to join BCPWD personnel and/or its representatives in conducting a field reconnaissance of the Project area. Such field reconnaissance will be scheduled as early in the design phase as is practicable.
- (3) Once BCPWD has defined the APE and has determined survey procedures, BCPWD shall notify the SHPO in writing of its intent to conduct cultural properties studies and shall provide
  - (a) a clear and concise description of the active phase and the APE;
  - (b) a statement of whether the BCPWD proposes to follow standard identification procedures OR proposes to follow an alternate identification

strategy based on field reconnaissance with SHPO as outlined above, OR proposes an alternative identification strategy of its own (see stipulation below):

1. If BPCWD proposes alternate identification procedures based on field reconnaissance with SHPO as outlined above, a description of the alternate procedures and rationale shall be provided to SHPO for its review and comment. SHPO will have 15 calendar days to review and provide comment, or;
2. If BPCWD proposes alternate identification procedures of its own, a description of the alternate procedures and rationale shall be provided to SHPO of its review. SHPO shall have 30 calendar days to provide comment or concur.
3. BPCWD shall take into account any comments received from SHPO review and, to the greatest extent possible, will revise the proposed work accordingly.

C. Intensive (Standard) Surveys

(1) For each active phase of the Project, and for the purpose of identifying potential cultural properties that may be encountered, BCPWD shall develop background information, including a literature review and appropriate investigations of the area's cultural context including archival information maintained by the Historic Preservation Division (HPD) and the New Mexico Cultural Resource Inventory System (NMCRIS) database.

(2) For archaeological sites, an intensive, pedestrian archaeological survey of the APE to locate sites and isolated occurrences with a survey transect width that does not exceed 15 meters shall be considered an intensive inventory. Each site found within the APE shall be evaluated for National Register eligibility. All documentation standards shall be consistent with current standards in force as a matter of law by the CPRC, SHPO and NMCRIS;

(3) For cultural properties related to the built-environment, an intensive architectural assessment shall be conducted over the APE that describes their location and advises on their potential eligibility. This assessment shall require completion of historic cultural properties inventory forms (HCPI Forms) for masonry-constructed buildings (including adobe) within the APE. Data gathered on other buildings and structures does not have to conform to the HCPI format; rather, it can be a table with approximate dates of construction and determinations of eligibility and effect with representative photographs of eligible and non-eligible resources.. It shall

also make recommendations for any additional identification efforts deemed necessary to document and evaluate the National Register eligibility of historic sites, buildings, structures and other cultural properties within the APE;

(4) For properties of religious and cultural importance to Indian Tribes, BCPWD shall write to the Interested Tribes and invite them to identify any issues of concern regarding these traditional cultural properties (TCPs).

D. Alternate Identification or Survey Procedures

If BCPWD does not intend to follow standard identification procedures, then BCPWD must request SHPO assistance in defining an acceptable alternate procedure OR notify the SHPO in writing detailing an alternate identification strategy and rationale and requesting SHPO review and comments. If SHPO has not assisted in defining such procedures during a period of field reconnaissance as outlined above, SHPO will have 30 days from receipt of the letter to provide comments to BCPWD. If the SHPO concurs with the alternate strategy, BCPWD may proceed with its identification efforts. If the SHPO does not concur, the SHPO and BCPWD shall continue consultation to develop an identification strategy acceptable to both the SHPO and BCPWD. BCPWD will submit a report detailing the results of the alternate identification strategy to the SHPO. The SHPO will have 30 days from receipt of the report to review and comment on the report's findings. If no response is received within 30 days, BCPWD may assume that the SHPO agrees with the findings.

E. Consultation Submittals Procedure for Eligibility and Effect

Prior to implementation of each active negotiation and plan review phase of the Project BCPWD will submit a report to SHPO that includes:

- (1) one copy of the cultural properties survey or identification reports.
- (2) a copy of correspondence to Interested Tribes regarding concerns about properties of traditional cultural and/or religious concern; and;
- (3) a list of all archaeological, historic and other cultural properties within the Project's APE, and;
- (4) BCPWD's assessment of the National Register eligibility of each cultural property and potential effects of the Project on each cultural property, and;
- (5) BCPWD's determination of effect for each active phase of the Project.

#### F. Evaluation of National Register Eligibility

BCPWD through its consultant(s) shall evaluate all cultural properties identified during the intensive cultural property surveys to determine whether or not a property meets the criteria of eligibility for inclusion in the National Register of Historic Places in accordance with 36 CFR § 60.4 and submit a copy of the survey report(s), archaeological site forms (Laboratory of Anthropology), Historic Cultural Properties Inventory forms, maps, photographs and other pertinent records to SHPO with a request for a determination of eligibility. If there are cultural properties within the APE whose eligibility cannot be determined based on the survey or assessment studies, BCPWD may recommend that additional investigations be conducted in order to determine eligibility. For archaeological sites, this may involve a limited subsurface testing program. For the built environment, this may involve additional documentation of individual properties. BCPWD will submit to SHPO in writing a plan to conduct these additional investigations. The SHPO will have 30 days from receipt of the plan to review and comment on the plan. If no response is received within 30 days, BCPWD may assume that the SHPO concurs with the plan and the plan may be implemented. If BCPWD and SHPO cannot agree regarding the eligibility of a property, BCPWD shall appear before a regular meeting of the CRPC and request its determination.

#### IV. Determination of Effect

##### A. No Cultural Properties Affected:

- (1) If no National Register-eligible properties are identified during the cultural property surveys or by the Interested Tribes, then BCPWD will submit a report detailing these findings to the SHPO. The SHPO will have 30 days from receipt of the report to review and comment on the report's findings. If no response is received within 30 days, BCPWD may assume that the SHPO agrees with the findings and construction may proceed,

##### B. Cultural Properties Affected:

- (1) If National Register-eligible resources are found within the APE, but BCPWD can avoid affecting these resources through changes in Project design, the BCPWD will submit a report to the SHPO detailing how the resources will be avoided (e.g., project redesign, temporary protective barriers such as fences, etc). The SHPO will have 30 days from receipt of the report to review and comment on the report's findings. If no response is received

within 30 days, the BCPWD may assume that the SHPO agrees with the findings and construction may proceed, or;

- (2) If National Register-eligible resources are found with the APE that cannot be avoided, then the BCPWD will apply the criteria of adverse effect. If it is found that the proposed Project will not have an adverse effect on any of the properties, then BCPWD will submit a report detailing these findings to the SHPO and Interested Tribes, if any. The SHPO/Interested Tribes will have 30 days from receipt of the report to review and comment on the report's findings. If no response is received within 30 days, BCPWD may proceed with construction and no further responses shall be allowed.
- (3) If the Project may have an adverse effect on a cultural property or constitute a use under section 7 of the Prehistoric and Historic Sites Preservation Act of 1978, then BCPWD will continue to consult with the SHPO and Interested Tribes (if the cultural property is of interest to the Tribe(s) and BCPWD will develop alternatives or modifications to the undertaking to avoid, minimize, or mitigate the adverse effects.
- (4) If the Project may have an adverse effect on a property listed on the State Register of Cultural Properties or listed in or eligible for listing in the National Register of Historic Places the BCPWD shall consult with SHPO under the Prehistoric and Historic Sites Preservation Act of 1978, as amended and its implementing regulations, NMAC 4.10.12.

SHPO will have 30 calendar days to review and comment on the report. If no response is received within 30 days, BCPWD may assume that the SHPO agrees with its findings.

V. Resolution of Adverse Effect—To the maximum extent reasonably possible and fiscally prudent, adverse effects to cultural properties will be minimized through changes to the Project design, and/or through mitigation.

- A. If the resource cannot be avoided through changes in design, BCPWD will submit a treatment plan for mitigating the adverse effects of the Project to the SHPO and Interested Tribes, if any. The SHPO and Interested Tribes will have 30 days from receipt of the report to review and comment on the plan. If no response is received within 30 days, BCPWD may assume that the SHPO/Interested Tribes concur with the plan and the plan may be implemented. BCPWD will ensure that all comments are taken into consideration to the greatest extent possible and that the treatment plan is revised and distributed to all consulting parties for a 30-day review period

prior to approval. For archaeological sites, this mitigation may involve data recovery excavations of the affected resources. BCPWD shall ensure that their archaeological consultant obtains the appropriate project-specific excavation permit from the CPRC.

- B. For the built environment, this mitigation may involve additional documentation such as HABS/HAER recording, or modification of the design of aboveground facilities to be less visually intrusive.
- C. For TCPs, strategies to minimize adverse effects shall be developed in consultation with the Interested Tribes.
- D. All actions related to cultural properties, including conditions to ensure that cultural properties will not be adversely affected, measures to minimize or mitigate adverse effects, and treatment plans shall be developed and implemented by qualified professionals as appropriate to the type of cultural property affected.
- E. Once all measures outlined in the treatment plan have been completed, BCPWD will notify the SHPO and submit a report detailing the findings to the SHPO. The SHPO will have 30 days from receipt of the report to review and comment on the report's findings. If no response is received within 30 days, the BCPWD may assume that the SHPO agrees with the findings and construction may proceed. BCPWD will ensure that all comments are taken into consideration to the greatest extent possible and that the report is revised and distributed to all consulting parties for a 30-day review period prior to final approval.

The following Paragraphs (VI and VII) only apply during the actual construction phases of the BCPWD Project and design and plan review is completed by the parties hereto. The balance of the Paragraphs (VIII through XI) apply generally or as provided in the Paragraph itself.

VI. Authorization of Construction—Once BCPWD has received written concurrence from the SHPO that all of the effects of the Project have been resolved, BCPWD, may, at its discretion, authorize construction of the Project proposed for construction, pending compliance with all other applicable laws on federal, state, county, municipal, and private lands.

#### VII. Discoveries During Construction

A. If previously unrecorded cultural properties are discovered during construction, BCPWD and its contractor shall immediately cease construction in the vicinity of the discovery and take appropriate measures to protect the cultural property from damage. BCPWD will notify the

SHPO, Interested Tribes, other agencies, if appropriate, and the landowner within 24 hours of the discovery. The BCPWD shall develop a plan to minimize harm to the newly discovered property and resolve adverse effects. The plan may include protection in-place, project modification or mitigation, as appropriate. The plan will be circulated to the SHPO and concurring parties for a 48-hour review period. The BCPWD shall consider the comments in finalizing the plan and implement the plan. If archaeological excavation is required, the BCPWD shall insure that their consultant obtains the appropriate permit from the CPRC.

B. If the discovered cultural property has been identified by an Indian tribe as a property of traditional religious or cultural importance, BCPWD shall consult with the tribe to develop appropriate mitigation or treatment measures.

C. If the discovery appears to involve an unmarked human burial or unmarked burial grounds, BCPWD shall notify the local law enforcement agency having jurisdiction in the area. The local law enforcement agency will notify the Office of Medical Investigator and the SHPO, and shall proceed according to NMAC 4.10.11

#### VIII. Dispute Resolution—Applicable to Plan and Design Review Disputes Only

- A. Should the SHPO or any consulting party object within 30 days after notification of any determination made by the BCPWD under the provisions of this agreement, BCPWD shall consult with the objecting party to resolve the objection. This includes objections regarding BCPWD's recommendations of the APE, eligibility, adverse effect, and treatment.
- B. Should BCPWD and the objecting party be unable to reach agreement within 30 days, BCPWD shall request the opinion of the Cultural Properties Review Committee (CPRC). The BCPWD shall take into consideration the decision of the CPRC and use its best efforts within the confines of the project budget and timing consideration to implement the decision, or parts of it, of the CPRC. However, the ultimate decision maker on disputed plan and design review issues shall be BCPWD.

#### IX. Amendment and Termination

- A. This MOU may be amended only by written consent of all signatories hereto.
- B. Any signatory to this agreement may terminate it by providing 30 days notice to the other signatories, provided that the signatories and other

consulting parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

C. Term of the Agreement

This MOU will remain in effect for five years from the date of execution. At that time if all parties agree, the agreement may be extended for another five years. If one or more parties request changes to the agreement, then procedures outlined in IV:L(1) above will be followed.

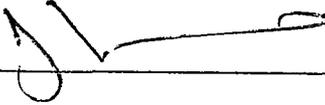
In the event that funding for the project should be obtained from the EPA or another applicable federal agency, or that there should be any federal involvement in the Project in the form of funding, permits or licensing, BCPWD will request that the federal agency(ies) sign this MOU, which may also be modified by the federal agency(ies) or replaced with a Programmatic Agreement (PA) for which the applicable federal agency will be requested to be the lead agency and signatory.

X. Third Party Beneficiary Clause—It is not intended by any of the provision of any part of the Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies) and/or any other claim(s) whatsoever pursuant to the provisions of this agreement.

XI. Indemnity and Tort Claims—SHPO shall indemnify and hold harmless BCPWD, its officers and employees, against liability, bodily injury to person or damage to property caused by, or resulting from, SHPO's and/or its employees own negligent and/or intentional act(s) or omission(s) while SHPO, and/or its employees perform(s) or fails to perform its obligations and duties under the terms and conditions of this Agreement. SHPO is not required to indemnify BCPWD for the negligence or intentional acts, errors, or omissions of BCPWD or its employees or agents. SHPO's indemnification obligation to BCPWD shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for SHPO, pursuant to laws, regulations, or policies of insurance, provided however, that this save harmless and indemnification clause is subject to the impunities, provisions, and limitation of the Tort Claims Act (41-4-1, et seq., NMSA 1978 Comp.) and Section 56-7-1 NMSA Comp. And any amendments thereto.

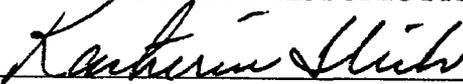
SIGNATORIES:

BERNALILLO COUNTY PUBLIC WORKS DIVISION:

By:  Date: 5/11/04

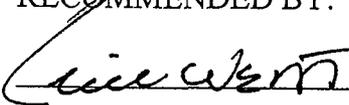
Thaddeus Lucero, Bernalillo County Manager

NEW MEXICO STATE HISTORIC PRESERVATION OFFICER

By:  Date: 17 May 2004

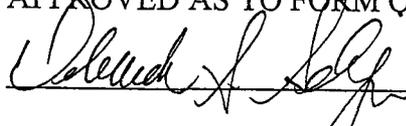
Title: SHPO

RECOMMENDED BY:

 Date: 5/10/04

Tim West, Deputy County Manager for Public Works

APPROVED AS TO FORM ONLY:

 Date: 5/7/2004

Assistant County Attorney

## APPENDIX A

### Definitions

Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Committee means the Cultural Properties Review Committee as created in 18-6-5 NMSA 1978.

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising pursuant to the Cultural Properties Act of 1969, the Cultural Properties Preservation Act of 1993, and/or the Prehistoric and Historic Sites Preservation Act of 1978.

Criteria of Adverse Effect means determining whether an undertaking may alter, directly or indirectly, any of the characteristics that of a cultural property that qualify it for inclusion on the State Register and/or in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration is given to all qualifying characteristics of a cultural property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the State and/or National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Cultural Property means any prehistoric or historic district, site, building, structure, or object of an actual or apparent age of 50 years or older having historic, archaeological, scientific, architectural or other cultural significance. The term includes properties of traditional cultural importance to an Indian tribe or Native Hawaiian organization and that meet the State Register and/or National Register criteria.

Day or Days means calendar days.

Effect means alteration to the characteristics of a cultural property qualifying it for inclusion in or eligibility for the National Register.

Integrity means the quality or characteristics that make a cultural property eligible for listing the State Register and/or on the National Register.

Interested Tribes refers to any tribes having expressed an interest in continuing consultation regarding the Valley Utilities Project. These tribes were identified through initial scoping efforts for the Project. Some, but not necessarily all of the Interested Tribes have executed this agreement. Any tribe may express interest in the Project at any time and shall become an Interested Tribe. Those expressing interest after the execution of this PA will be included in appropriate consultations from the date of their expressed written interest forward.

Eligible for Inclusion means both properties formally determined as such in accordance with regulations of the Secretary of Interior and all other properties that meet the National Register criteria.

National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

Preservation means sustaining the existing form, integrity, and material of a cultural property or the existing form and vegetative cover of a cultural property, and may include protective maintenance or stabilization where necessary in the case of archaeological sites.

Programmatic Agreement means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with 36 CFR § 800.14(b).

Registered Property means a cultural property that has been placed on the State Register of Cultural Properties (SR) and/or in the National Register of Historic Places (NR) either individually or as a property listed as significant or contributing within a historic district registered on the SR or in the NR.

Secretary means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise noted.

State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

State Register means New Mexico State Register of Cultural Properties

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance;

those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

## APPENDIX B

### Project Description

The South Valley Water System Expansion Project is being proposed to provide domestic water and fire protection in the Albuquerque/Bernalillo County South Valley. The Project is a collaborative effort by Bernalillo County (BC/County) and the City of Albuquerque, (City/COA) with participation by the U.S. Environmental Protection Agency (EPA) and State of New Mexico Environment Department. It is part of the Valley Utilities Project, which was developed to provide water and sewer to areas of the North and South Valleys. The Project will be constructed and operated under the jurisdiction of the Albuquerque/Bernalillo County Water Utility Authority (ABWUA), which was formed to administer joint city and county water utility services.

The Project is in the Albuquerque/Bernalillo County South Valley. The Project limits follow a northern boundary along Metzgar Road, Coors Boulevard, Rio Bravo Boulevard, and Blake Road. The southern boundary is Isleta Pueblo. The Rio Grande is the eastern boundary and the 5,063 feet contour line west of Coors Boulevard is the western boundary, which corresponds to the western boundary of the existing COA "1W" water pressure zone

The proposed system expansion will obtain water by connecting to the existing COA water system. The Valley Utilities Project has already provided water service to the northern part of the South Valley, and there is adequate capacity and water supply to serve the current project area. The proposed system would obtain water from two primary supply lines connecting to the existing COA system from the Miles Reservoir on the east side of the Rio Grande and crossing the river in the vicinity of Lagunitas Road and Pajarito Road and from the existing West Mesa Reservoir west of the river, connecting to the new system at Blake Road. Eventually, a new reservoir would likely be constructed west of the project area along Pajarito Road.

The proposed system will provide for 3,000 gallons per minute (gpm) fire flow for commercial and institutional service locations and 1,000 gpm for residential areas, in accordance with the 1991 Uniform Fire Code (UFC), adopted by BC in 1992.

The preliminary sizes and locations of water system piping have been identified based on a conceptual design and hydraulic analysis. Actual locations and sizing will be determined during final design. The pipelines will be situated within established rights-of-way wherever possible. Water distribution lines to individual users will be extended from the transmission system, also within rights-of-way where possible. Typically, construction of the water lines will involve trenches 3 to 4 feet deep and about 4 feet wide. Where the river or irrigation ditches are crossed, water lines will be bored under these features.

# County of Bernalillo

State of New Mexico

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DISTRICT 3

**MICHAEL BRASHER**, MEMBER

DISTRICT 5

**THADDEUS LUCERO**, COUNTY MANAGER

May 12, 2004



**PUBLIC WORKS**

2400 BROADWAY, S.E.  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 848-1500

**MARK J. CARRILLO**, ASSESSOR

**MARY HERRERA**, CLERK

**MERRI RUDD**, PROBATE JUDGE

**DARREN P. WHITE**, SHERIFF

**ALEX A. ABEYTA, JR.**, TREASURER

071123

Jan Biella, RPA  
State Historic Preservation Office  
228 East Palace Ave. Room 320  
Santa Fe NM 87501

Dear Ms. Biella: *Jan*

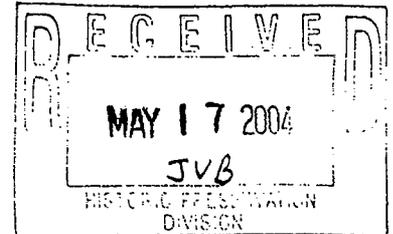
Enclosed please find two agreements for your agency's review and execution. The Memorandum of Understanding is for the South Valley Water System Expansion Project. If you will contact me when the agreements are executed, or if there is a problem, and we can arrange for one copy to be returned to me.

I appreciate all your assistance with this agreement and look forward to a productive and mutually beneficial working relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary K. Murnane".

Mary K. Murnane  
Water Resources Program Manager



Enclosure 1: SHPO Concurrence

# County of Bernalillo

## State of New Mexico

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DISTRICT 5

THADDEUS LUCERO, COUNTY MANAGER

Ms. Katherine Slick

New Mexico State Historic Preservation Officer  
Historic Preservation Division  
228 East Palace Ave., Room 320  
Santa Fe, NM 87501



**PUBLIC WORKS**  
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MARK J. CARRILLO, ASSESSOR

MARY HERRERA, CLERK

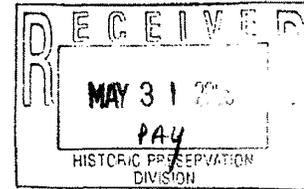
MERRI RUDD, PROBATE JUDGE

DARREN P. WHITE, SHERIFF

PATRICK PADILLA, TREASURER

May 23, 2005

074510



**Re: Determination of Effect for Water System Expansion in the South Valley**

Dear Ms. Slick:

Enclosed is a copy of Taschek Environmental Consulting (TEC) Report No. 600-110, *Cultural Resource Survey for the South Valley Water System Expansion Project, Bernalillo County, New Mexico*, (NMCRIS Activity No. 92981), as well as a copy of the Laboratory of Anthropology Investigation Record form for the survey. Bernalillo County is submitting this report and requesting a determination of *no adverse effect* for the project. Bernalillo County initiated consultation on August 27, 2003 with the following Native American governments regarding this project: Hopi Tribe, Isleta Pueblo, Laguna Pueblo, Navajo Nation, Sandia Pueblo, White Mountain Apache Tribe, and Ysleta del Sur Pueblo. Representatives of the Hopi Tribe, Isleta Pueblo, Laguna Pueblo, and Sandia Pueblo responded to this consultation, indicating that they determined that the proposed undertaking would not affect any objects, sites, or locations of religious importance to their tribe or pueblo. Copies of these response letters are also enclosed.

The enclosed report documents the results of a cultural resource survey for the area of potential effect (APE) of the South Valley Water System Expansion project in Bernalillo County, New Mexico. The project is proposed by Bernalillo County, in cooperation with the City of Albuquerque, the United States Environmental Protection Agency (EPA), and the State of New Mexico Environment Department. The proposed project is partially funded by the EPA, County and City revenue bonds, state appropriations, and the Albuquerque/Bernalillo County Water Utility Authority (ABWUA) revenue bonds. The project is located on New Mexico Department of Transportation (NMDOT) right-of-way acquired from private sources, Bernalillo County land, Middle Rio Grande Conservancy District (MRGCD) lands, and private land.

This report covers only one phase of an ongoing multi-year project. The current phase includes the installation of water lines, a storage tank, and a pump station. The project area includes a pump station on a one-acre lot on the east side of Isleta Boulevard (NM 314), south of Appleton Lane, a tank site on Pajarito Road west of Coors Boulevard, and a water distribution system of 3-foot diameter pipe totaling approximately 10,351 meters (m) (33,961 feet [ft]) in length. The proposed distribution system extends from the tank site, following Pajarito Road to Isleta Boulevard (NM 314), where it connects with the proposed pump station before continuing east to the Los Padillas Feeder along a private property line. It will then cross under the Los Padillas Feeder, the Atrisco Riverside Drain, the Rio Grande River, the Albuquerque Riverside Drain, and the Williams Lateral to the MRGCD maintenance road on the east side of the Williams Lateral. The system then extends through private property to Lagunitas Lane, following

Lagunitas Lane to Second Street (NM 303) where it turns north. From here it extends north along Second Street (NM 303) for a short distance before turning east along Desert Road. The system then follows Desert Road to Broadway Boulevard (NM 47) where it turns north and follows Broadway Boulevard to the end of the project at the Tijeras Arroyo. One alternative route, which would replace the segment of water line directly east of the proposed pump station, was also surveyed. This segment would turn south on Isleta Boulevard and east on Louise Avenue to the Los Padillas Feeder, then north along the MRGCD maintenance road for a short distance. A portion of Appleton Lane was also surveyed, before it was decided that the line would run through the location of the pump station. Acquisition of additional right-of-way by Bernalillo County will be required in order to implement some of the proposed improvements; however, the amount and location of new right-of-way needed is undetermined at this time.

The APE surveyed for this undertaking was defined as an area encompassing all possible areas of ground disturbance related to the installation of the water line and its associated components, as well as a buffer zone extending 15 m (50 ft) beyond the edge of possible disturbance. A maximum 10-ft-wide area will be disturbed by trenching for the water line; therefore a 33.5-m-wide (110-ft-wide) corridor centered on the proposed distribution system was surveyed for the linear portions of the project area. The ditches will either be avoided, bored under, or trenched through for placement of the waterline. If the acequia is trenched through the culvert will be taken out, the water line will be put in place, and a new culvert will be constructed. Many of the existing culverts are in need of replacement and this work may also be done in conjunction with the current project.

The project area is shown on the *Albuquerque West, NM* (1990) and *Isleta, NM* (1991) United States Geological Survey (USGS) 7.5-minute quadrangle maps, in unplatted areas. The Universal Transverse Mercator (UTM) coordinates (Zone 13, NAD 83) for the endpoints at each end of the project area are as follows: E 340042, N 3874451 (west end) and E 340042, N 3874078 (east end). The area surveyed totals 44.2 hectares (ha) (109.2 acres [ac]) and is located on NMDOT right-of-way acquired from private sources (8.92 ha [22.04 ac]), Bernalillo County land and right-of-way (18.6 ac [45.9 ha], MRGCD land (1.4 ha [3.5 ac]), and private land (15.3 ha [37.8 ac]).

On December 30, 2004, Taschek Environmental Consulting (TEC) personnel conducted a review of the records of the Archeological Records Management Section (ARMS) of the Museum of New Mexico, Laboratory of Anthropology to determine the locations of previously recorded sites in the project area and vicinity. TEC also reviewed the current listings of the National Register of Historic Places (NRHP) and the New Mexico State Register of Cultural Properties (NMSRCP) to determine whether any listed historic properties are within the project area.

On February 10–11, 14–16, March 30–31, April 15, and May 16, 2005, Kimberly Parker, Christa Burrus, Berenika Byszewski, Hollis Lawrence, Chris Parrish, and Teresa Hurt of TEC performed a 100-percent pedestrian survey of the APE of the proposed undertaking. The survey was performed under TEC's New Mexico State Survey Permit No. 04-121. Teresa Hurt is the principal investigator for this investigation (NMCRIIS Activity No. 92981). All reporting related to historic cultural properties was supervised by consulting architectural historian Claudia Smith.

One newly recorded archaeological site (LA 148365), six isolated occurrences (IOs), 22 historic buildings, portions of 16 historic irrigation ditches, one segment of the Burlington Northern and Santa Fe (BNSF) Railroad tracks, and one bridge were documented during the current survey.

Each of the resources recorded during the survey is described and evaluated regarding eligibility to the NRHP in the Survey Results section of the enclosed report. Recommendations regarding eligibility, effects, and treatment for each resource are also detailed in this section, and summarized in the Management Recommendations section. If the recommendations made in this report are followed,

subject to comment, the proposed water system improvements project will have either *no effect* or *no adverse effect* to any cultural resources eligible for inclusion in the NRHP. However, if buried cultural deposits are discovered during project activities, work should cease immediately and the NMDOT Environmental Section and the New Mexico State Historic Preservation Officer (SHPO) should be notified.

Please do not hesitate to contact me (505- 848-1526) if you need further information regarding this project.

Sincerely,

David E. Bishop

Encl.

This undertaking will not have an adverse effect on registered or eligible properties.

P. G. Young 07/06/05  
for NM State Historic Preservation Officer

contingent upon successful completion of consultation with NM DOT for this project.

Enclosure 2: NMDOT Concurrence



District 3  
Bernalillo County  
NM 45, 47, 303, 314  
South Valley Water

July 19, 2005

Jerome A. Marez  
HDR Engineering, Inc.  
2155 Louisiana Blvd NE  
Albuquerque, NM 87110-5483

Dear Mr. Marez:

The New Mexico Department of Transportation (NMDOT) has completed a review of the cultural resources report *Cultural Resource Survey for the South Valley Water System Expansion Project, Bernalillo County, New Mexico*, by Taschek Environmental Consulting (NMCRIS 92981). The report was sent by HDR on behalf of the Bernalillo County Public Works Division and was received in our office on July 5. This project is partially funded by the Environmental Protection Agency (EPA), city and county revenue bonds, state appropriations, and Albuquerque/Bernalillo County Water Utility Authority revenue bonds. Due to the EPA federal funding, this project is subject to review under Section 106 of the National Historic Preservation Act.

The area surveyed for this project totals 109.2 acres, which include NMDOT right of way acquired from private sources (22.04 acres), Bernalillo County land (45.9 acres), Middle Rio Grande Conservancy District (MRGCD) land (3.5 acres), and private land (37.8 acres). NMDOT land includes the west side of NM 47 (Broadway Boulevard) from mileposts 47.4 to 48.2, along the north side of NM 303 (Desert Road) from mileposts 0 to 0.5, at the intersection of NM 314 (Isleta Boulevard) and Pajarito Road, and at the intersection of NM 45 (Coors Boulevard) and Pajarito Road.

No archaeological sites were found within NMDOT right of way. There is one NMDOT bridge in the project area (Bridge 7107), which is a concrete stringer bridge constructed in 1969. This bridge does not meet National Register criteria.

Although none of the 22 historic structures recorded for this project are in NMDOT right of way, we concur with the eligibility and management recommendations for those that are adjacent to NMDOT right of way.

A segment of the BNSF (formerly AT&SF) railroad crosses NM 303. This railroad is eligible under criteria A. The proposed project will bore underneath the railroad and will have no adverse effect on this historic property.

All sixteen historic acequias documented for this project are either under the jurisdiction of the MRGCD or are privately owned.

**Bill Richardson**  
Governor

**Rhonda G. Faught P.E.**  
Cabinet Secretary

**Commission**

**Johnny Cope**  
Chairman  
District 2

**David Schutz**  
Vice Chairman  
District 5

**Gregory T. Ortiz**  
Secretary  
District 6

**Norman Assed**  
Commissioner  
District 3

**Jim Franken**  
Commissioner  
District 4

**John L. Hummer**  
Commissioner  
District 1



The Biological Evaluation that was sent along with the cultural resources report states that the EPA issued a Finding of No Significant Impact (FONSI) in 2004. It is unclear how the EPA could have issued a FONSI without having concluded consultation under Section 106 of the National Historic Preservation Act. Regardless, the NMDOT Environmental Section requests a copy of the signed FONSI and a signed consultation letter from the State Historic Preservation Officer (SHPO).

This project constitutes a no adverse effect to historic properties on NMDOT land. Once we have received copies of the FONSI and SHPO consultation letter, the Environmental Section of NMDOT will issue a clearance to the District 3 permit agent.

Sincerely,

A handwritten signature in black ink that reads "R. Blake Roxlau". The signature is written in a cursive style.

R. Blake Roxlau  
NMDOT Cultural Resources Coordinator

/gad



**NMDOT**

New Mexico Department of Transportation

**INTRA - DEPARTMENTAL CORRESPONDENCE**

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**SUBJECT:** Environmental Clearance  
Bernalillo County Public Works Dept.  
Water lines  
NM 45 (Coors Blvd.)

**Date:** 10/2/06

*Received  
10/2/06  
Jan*

**TO:** Julian Vigil or Tony Abbo  
District 3  
Permit Agent

**File Reference**

**FROM:** Gwyneth Duncan  
Environmental Section

**Attention:**

The New Mexico Department of Transportation, Environmental Section, has reviewed the required documentation (cultural resources survey report) for water distribution lines along the **east side of NM 45 (Coors Boulevard) between Raymac Road and Don Felipe Road**. No CE or Biological Survey report was required for this project.

---

The Environmental Section has no concerns with this project, and this constitutes clearance for the project to proceed.

Cc: Kimberly Parker (Taschek)

# County of Bernalillo

## State of New Mexico



**BOARD OF COUNTY COMMISSIONERS**  
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**PUBLIC WORKS**  
2400 BROADWAY, S.E.  
ALBUQUERQUE, NM 87102  
ADMINISTRATION (505) 848-1500  
FAX (505) 848-1510

November 26, 2007

Mr. Alvino Lucero  
Governor, Isleta Pueblo  
Isleta Pueblo  
P.O. Box 1270  
Isleta Pueblo NM 87022

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Governor Lucero,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The phased expansion projects propose to provide water and sewer services over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

As part of the tiered environmental clearance process and to keep interested parties informed, Bernalillo County is providing yearly updates on projects under or nearing construction. I have included maps of the following project areas that were covered under the Finding of No Significant Impact, dated August 16, 2002, which will be in design and should commence construction in calendar year 2008:

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- Shirk/Lagunitas Utility Project

Additionally, I have included a map of the South Valley Water Utility Expansion Project. The map shows the project phases, completed projects, projects currently under construction and those in design. This project was issued under a separate Finding of No Significant Impact dated August 16, 2004. The Phase 5 water distribution system will be in design in 2008. Construction anticipated in calendar year 2008 includes the completion of Phase 2 water distribution system, Phase 2A reservoir and booster station, the commencement of Phase 3 West transmission line, Phase 3 West reservoir and Phase 4 booster station.

Please provide any comments or issues of concern regarding Traditional Cultural Properties. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please do not hesitate to call me at (505) 848-1588.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis Thormahlen".

Phyllis Thormahlen  
Bernalillo County Public Works

cc: Stephanie DuBois., Program Manager, NMED Construction Programs  
Jan Biella, Deputy State Historic Preservation Officer

# County of Bernalillo

## State of New Mexico



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ADMINISTRATION (505) 848-1500  
FAX (505) 848-1510

November 26, 2007

Mr. Stewart Paisano  
Governor, Sandia Pueblo  
Sandia Pueblo  
P.O. Box 6008  
Bernalillo NM 87004

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Governor Paisano,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The phased expansion projects propose to provide water and sewer services over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

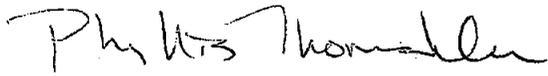
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Sincerely,

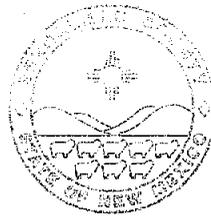
A handwritten signature in cursive script that reads "Phyllis Thormahlen".

Phyllis Thormahlen  
Bernalillo County Public Works

cc: Stephanie DuBois., Program Manager, NMED Construction Programs  
Jan Biella, Deputy State Historic Preservation Officer

# County of Bernalillo

## State of New Mexico



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2400 BROADWAY, S.E.  
ALBUQUERQUE, NM 87102  
ADMINISTRATION (505) 848-1500  
FAX (505) 848-1510

November 26, 2007

Ms. Katherine Slick  
State Historic Preservation Officer  
New Mexico State Cultural Affairs  
228 E. Palace Avenue  
Santa Fe NM 87501

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Ms. Slick,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The phased expansion projects propose to provide water and sewer services over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

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Please provide any comments or issues of concern regarding archaeological, historic and other cultural properties. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please do not hesitate to call me at (505) 848-1588.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Thormahlen".

Phyllis Thormahlen  
Bernalillo County Public Works

cc: Stephanie DuBois., Program Manager, NMED Construction Programs  
Jan Biella, Deputy State Historic Preservation Officer

# County of Bernalillo

State of New Mexico

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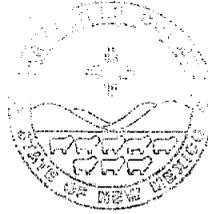
**DEANNA ARCHULETA**, MEMBER

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**MICHAEL BRASHER**, MEMBER

DISTRICT 5

**THADDEUS LUCERO**, COUNTY MANAGER



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FAX (505) 848-1510

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**MARGARET C. TOULOUSE**, CLERK

**MERRI RUDD**, PROBATE JUDGE

**DARREN P. WHITE**, SHERIFF

**PATRICK J. PADILLA**, TREASURER

November 26, 2007

Ms. Jan Biella  
Deputy State Historic Preservation Officer  
State Historic Preservation Office  
228 E. Palace Avenue  
Santa Fe NM 87501

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Ms. Biella,

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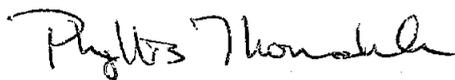
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Sincerely,

A handwritten signature in cursive script that reads "Phyllis Thormahlen".

Phyllis Thormahlen  
Bernalillo County Public Works

cc: Stephanie DuBois., Program Manager, NMED Construction Programs

# VALLEY UTILITIES PROJECT

## South Valley Water

### Legend

Road

Railroad

Waterway

### Water Expansion Project

Transmission Pipeline Phase 1 - Complete

Phase 2 - RFB Construction

Phase 2A - RFB Construction

**Pajarito Reservoir & Transmission Pipeline Phase 3 - In Design**

Booster Station Site Phase 4 - In Design

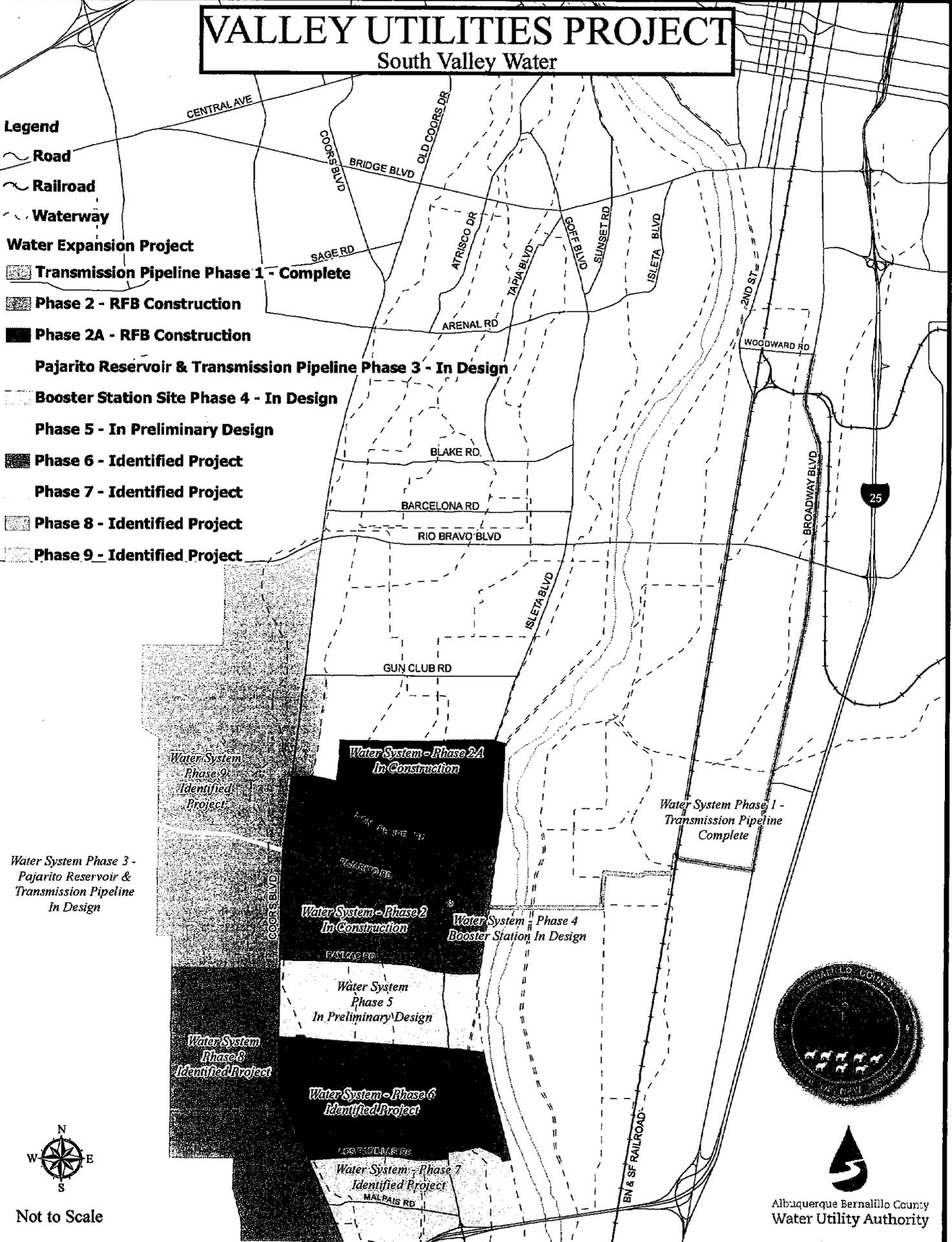
**Phase 5 - In Preliminary Design**

Phase 6 - Identified Project

**Phase 7 - Identified Project**

Phase 8 - Identified Project

Phase 9 - Identified Project



*Water System Phase 9 - Identified Project*

**Water System - Phase 2A  
In Construction**

*Water System Phase 1 -  
Transmission Pipeline  
Complete*

*Water System Phase 3 -  
Pajarito Reservoir &  
Transmission Pipeline  
In Design*

**Water System - Phase 2  
In Construction**

**Water System - Phase 4  
Booster Station In Design**

**Water System  
Phase 5  
In Preliminary Design**

*Water System  
Phase 8  
Identified Project*

**Water System - Phase 6  
Identified Project**

**Water System - Phase 7  
Identified Project**



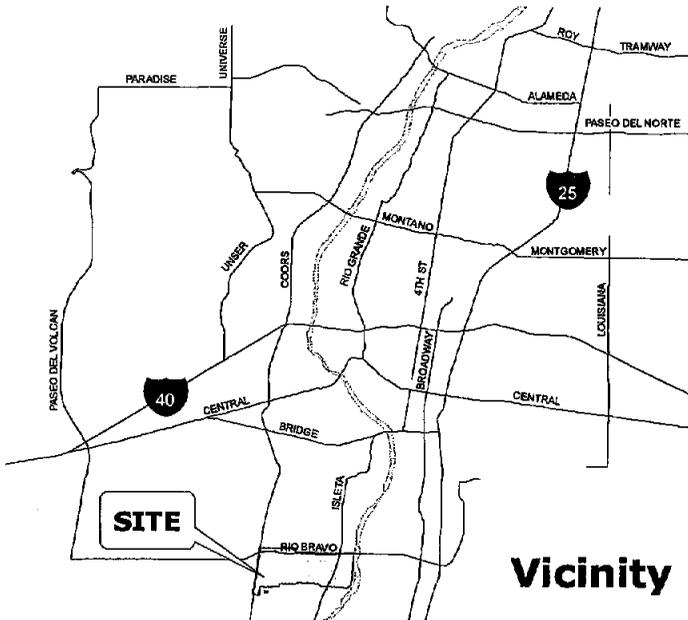
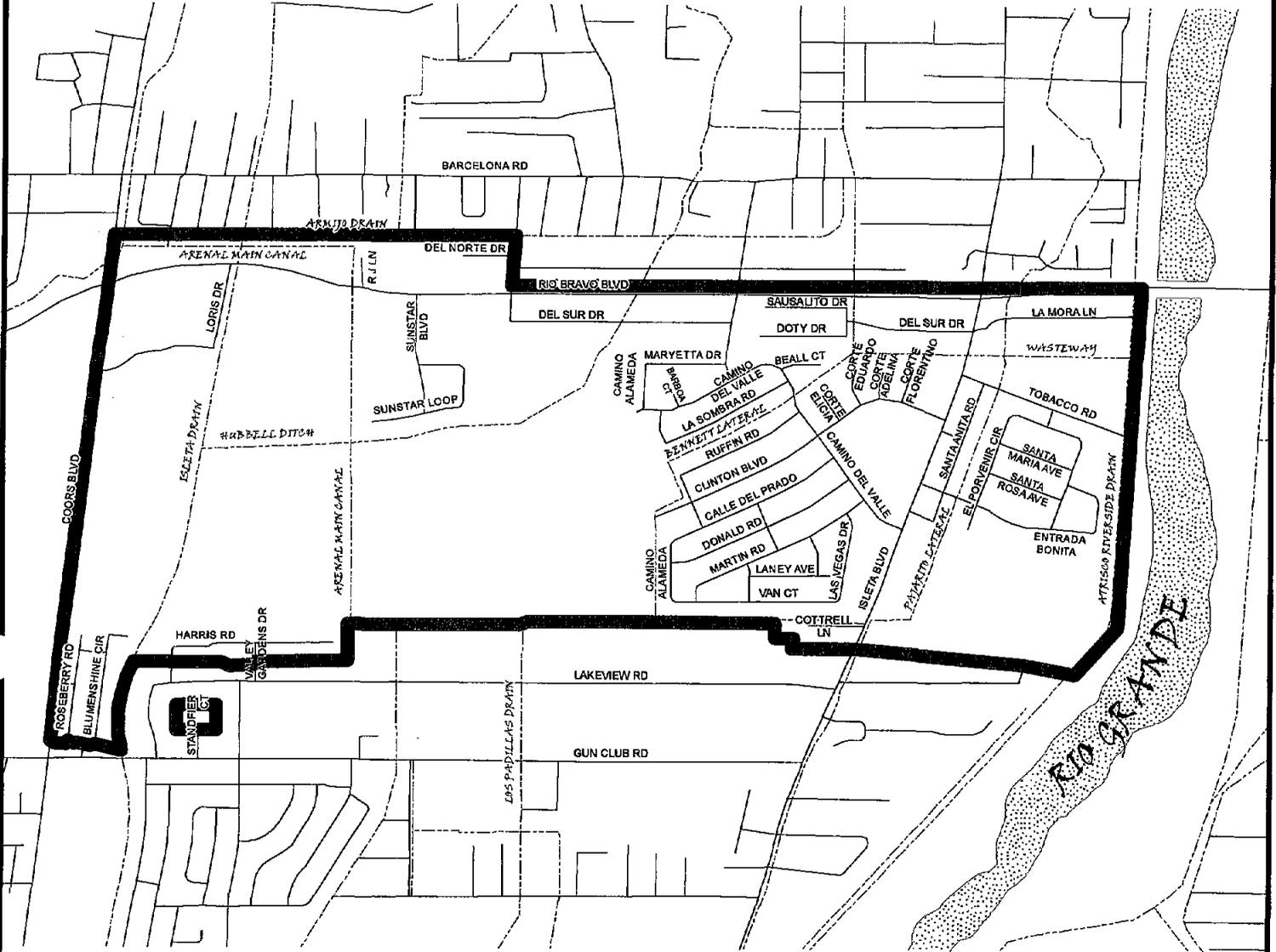
Albuquerque Bernalillo County  
Water Utility Authority



Not to Scale

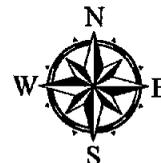


# Del Rio \ Rio Bravo - Utility Project



## Legend

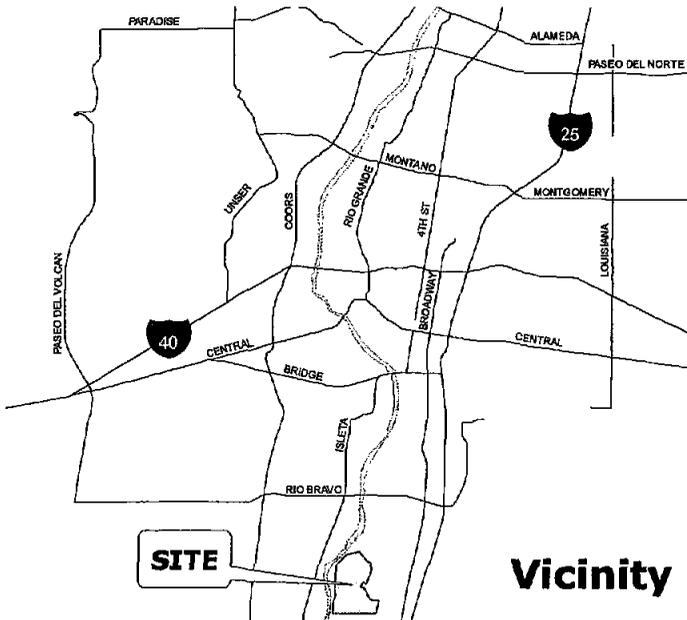
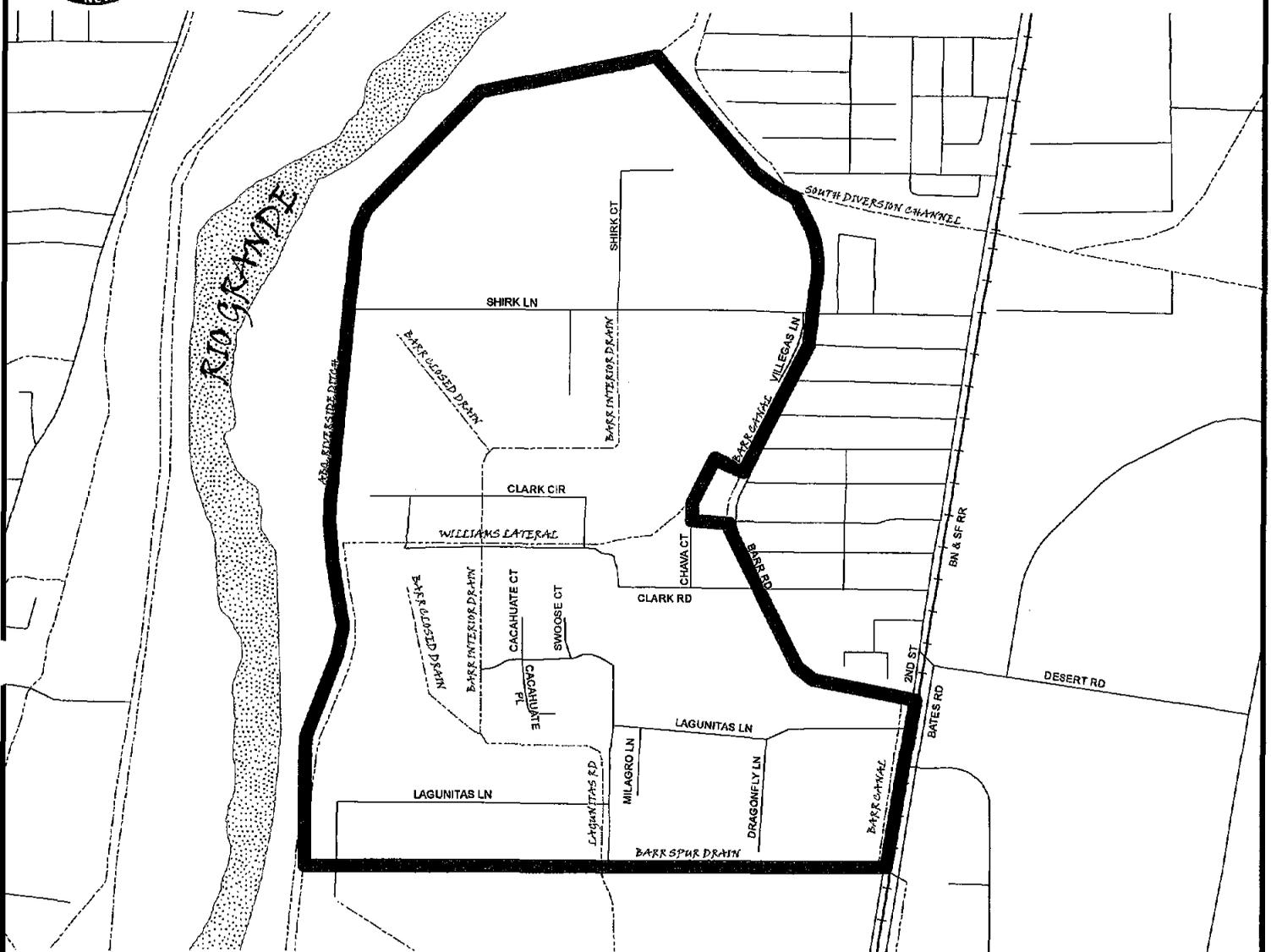
- Road
- Waterway
- Rio Grande
- Rio Bravo / Del Rio



**Vicinity Map**

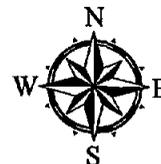


# Shirk \ Lagunitas - Utility Project



## Legend

- Road
- Waterway
- BN & SF Railroad
- Rio Grande
- Shirk / Lagunitas



Vicinity Map

# County of Bernalillo

## State of New Mexico

### BOARD OF COUNTY COMMISSIONERS

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**THADDEUS LUCERO, COUNTY MANAGER**



**PUBLIC WORKS**  
2400 BROADWAY, SE  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 848-1500 • FAX (505) 848-1510

**MARK J. CARRILLO, ASSESSOR**  
**MARY HERRERA, CLERK**  
**MERRI RUDD, PROBATE JUDGE**  
**DARREN P. WHITE, SHERIFF**  
**PATRICK PADILLA, TREASURER**

December 27, 2006

Mr. Stewart Paisano  
Governor, Sandia Pueblo  
Sandia Pueblo  
P.O. Box 6008  
Bernalillo, NM 87004

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project

Dear Governor Paisano,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The expansion projects propose to provide water and sewer services in phases over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

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- Shirk/Lagunitas Utility Project

Additionally, I have included a map of Phase 1 of the South Valley Water Utility Expansion Project. The map shows the path of the transmission pipeline, the service area of the water distribution system for Phase 2, the location of the booster station, and the location of the Pajarito Reservoir. This project was issued a separate Finding of No Significant Impact dated August 16, 2004. Construction activities in 2007 are expected to include the transmission pipeline, water distribution system in Phase 2, the Pajarito Reservoir, and the booster station.

Please provide any comments or issues of concerns regarding Traditional Cultural Properties. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please don't hesitate to call me at (505) 848-1552.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Bassore". The signature is fluid and cursive, with the first name "Kerry" being more prominent than the last name "Bassore".

Kerry Bassore  
Water and Conservation Planner

xc: Rebecca C. Fink, P.E., Project Engineer, NMED

# County of Bernalillo

## State of New Mexico

### BOARD OF COUNTY COMMISSIONERS

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December 27, 2006

Mr. Alvino Lucero  
Governor, Isleta Pueblo  
Isleta Pueblo  
P.O. Box 1270  
Isleta Pueblo, NM 87022

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project

Dear Governor Lucero,

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Additionally, I have included a map of Phase 1 of the South Valley Water Utility Expansion Project. The map shows the path of the transmission pipeline, the service area of the water distribution system for Phase 2, the location of the booster station, and the location of the Pajarito Reservoir. This project was issued a separate Finding of No Significant Impact dated August 16, 2004. Construction activities in 2007 are expected to include the transmission pipeline, water distribution system in Phase 2, the Pajarito Reservoir, and the booster station.

Please provide any comments or issues of concerns regarding Tradional Cultural Properties. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please don't hesitate to call me at (505) 848-1552.

Sincerely,

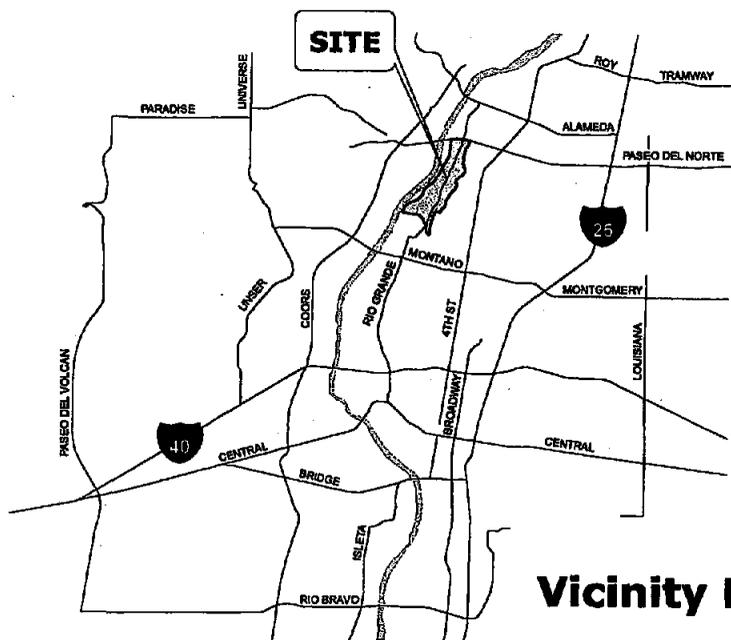
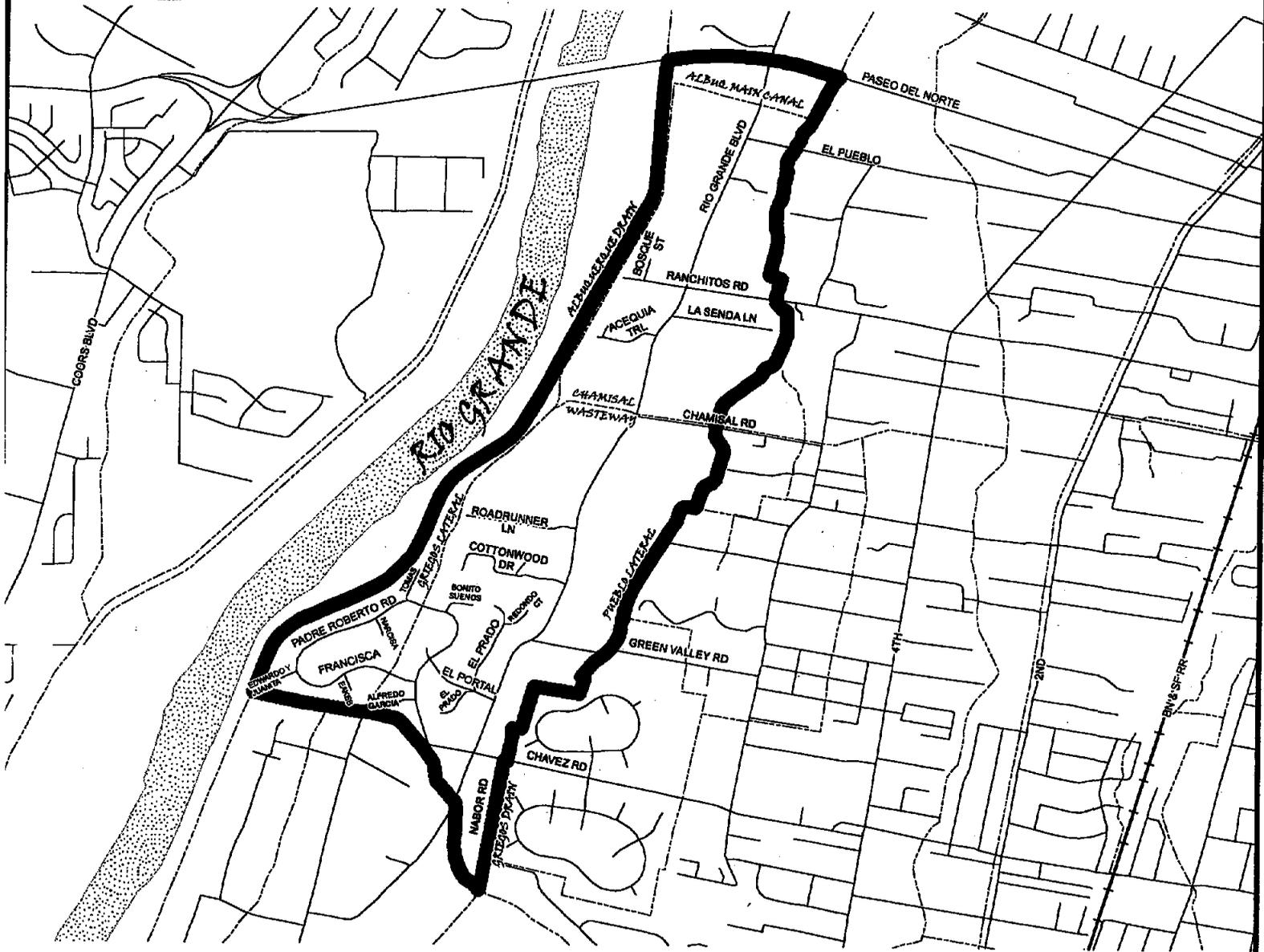
A handwritten signature in black ink, appearing to read "Kerry Bassore". The signature is written in a cursive style with a large initial 'K'.

Kerry Bassore  
Water and Conservation Planner

xc: Rebecca C. Fink, P.E., Project Engineer, NMED

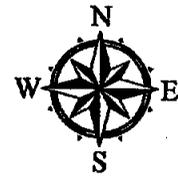


# Area I & J - Utility Project



## Legend

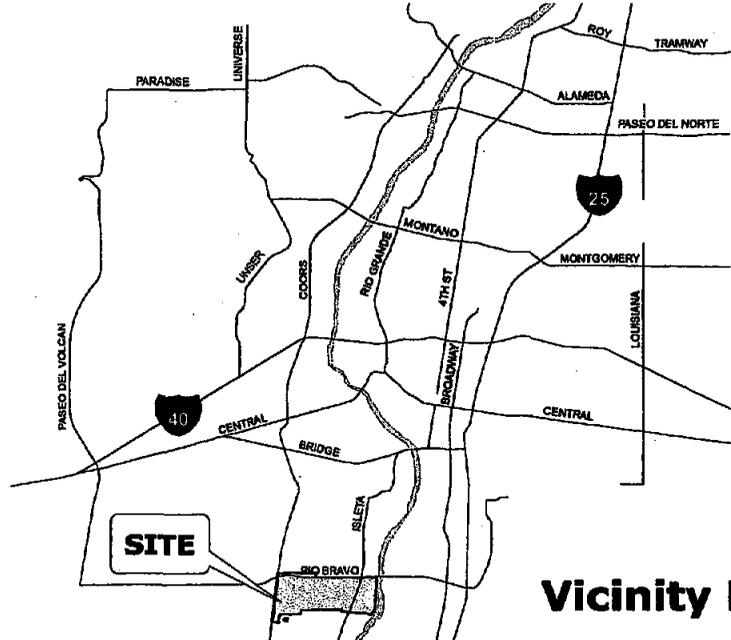
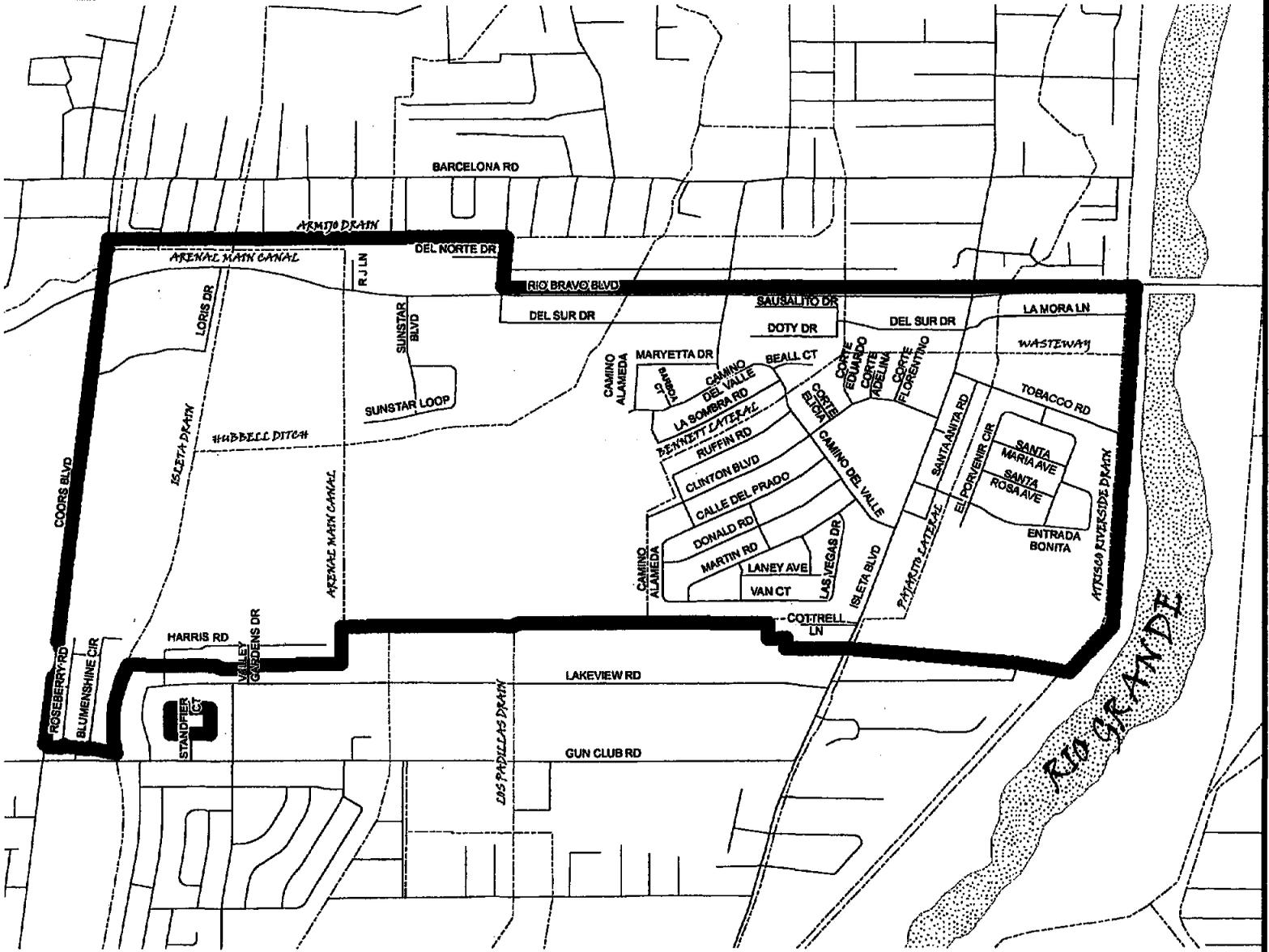
- Road
- - - Waterway
- + + + BN & SF Railroad
- ▨ Rio Grande
- ▭ Area I & J - Utility Project



**Vicinity Map**

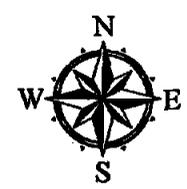


# Del Rio \ Rio Bravo - Utility Project



## Legend

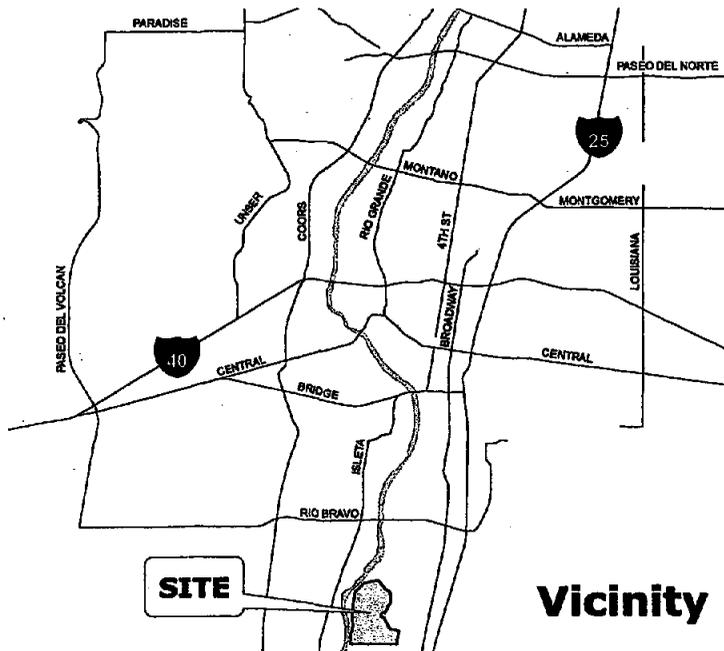
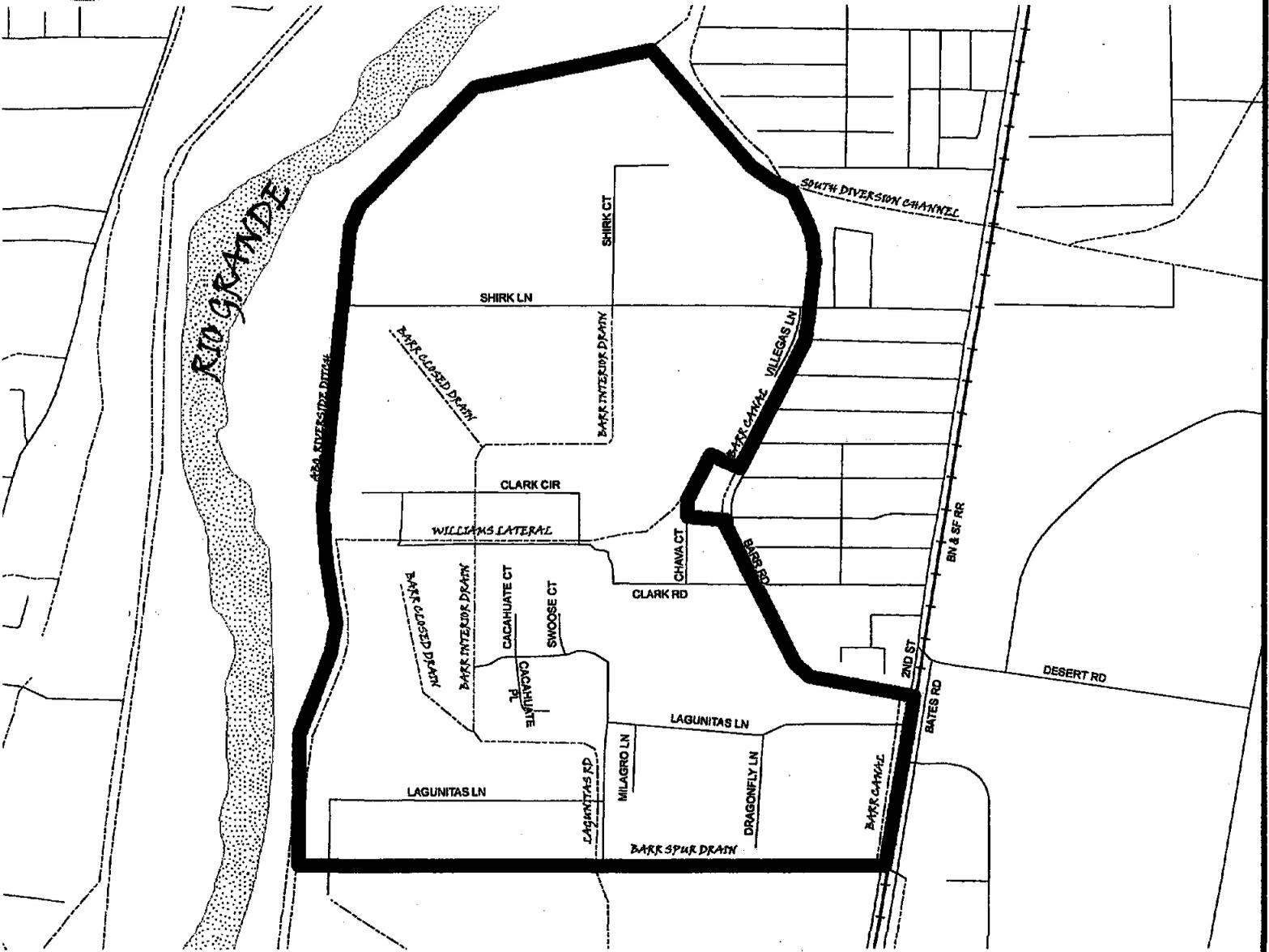
- Road
- Waterway
- Rio Grande
- Rio Bravo / Del Rio



**Vicinity Map**

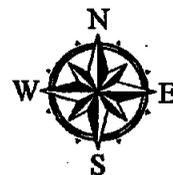


# Shirk \ Lagunitas - Utility Project

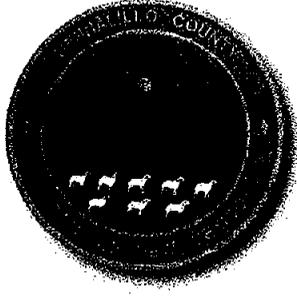


## Legend

- Road
- Waterway
- BN & SF Railroad
- Rio Grande
- Shirk / Lagunitas

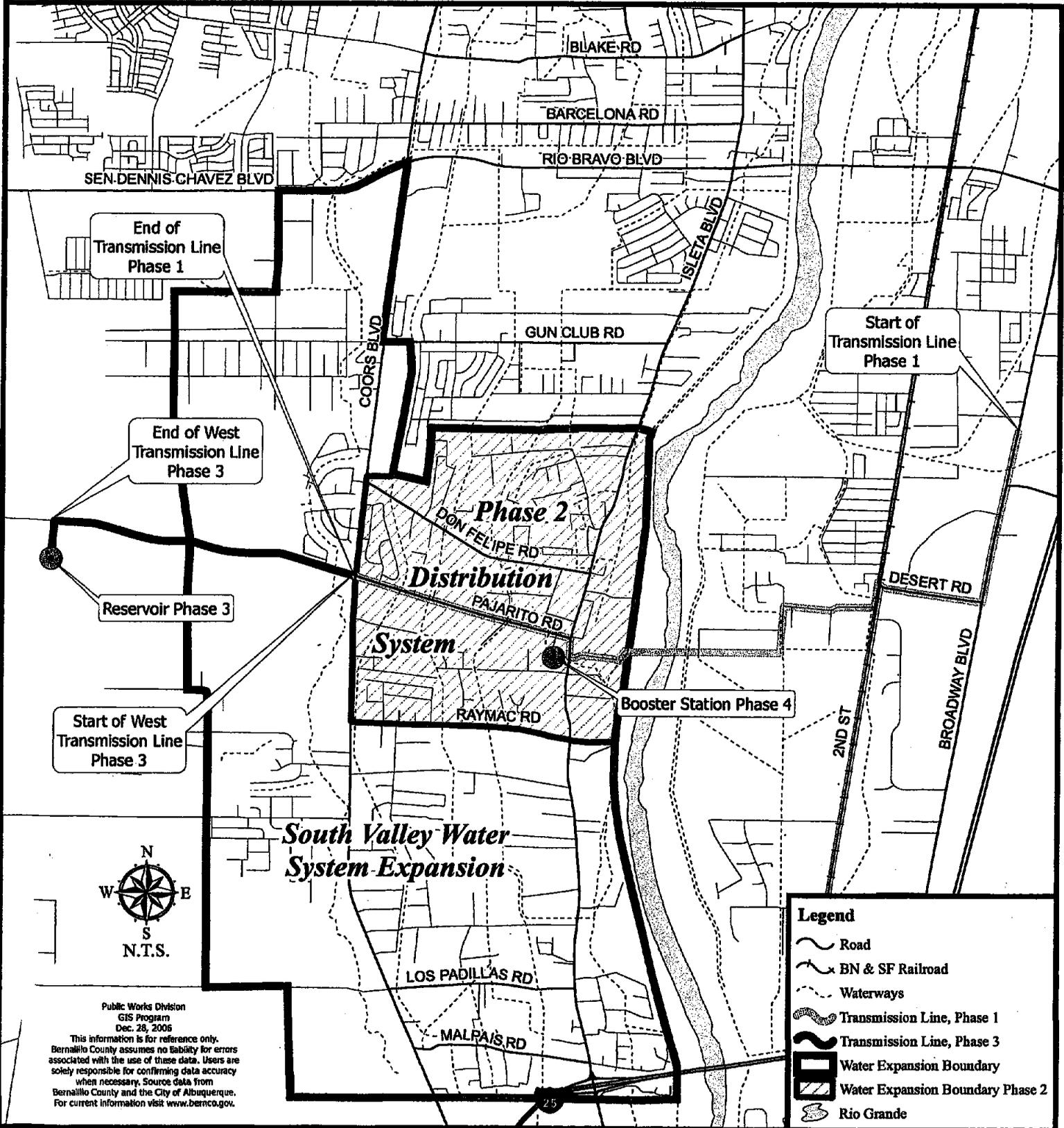


**Vicinity Map**



# VALLEY UTILITIES PROJECT

## South Valley Water System Expansion Reservoir & Transmission Line



**Legend**

- Road
- BN & SF Railroad
- Waterways
- Transmission Line, Phase 1
- Transmission Line, Phase 3
- Water Expansion Boundary
- Water Expansion Boundary Phase 2
- Rio Grande

Public Works Division  
GIS Program  
Dec. 28, 2006

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data from Bernalillo County and the City of Albuquerque. For current information visit [www.berncgo.gov](http://www.berncgo.gov).

## Appendix C - Biological Coordination

# County of Bernalillo

State of New Mexico

**BOARD OF COUNTY COMMISSIONERS**

**ALAN B. ARMIZO**, CHAIR

DISTRICT 1

**DEANNA ARCHULETA**, VICE CHAIR

DISTRICT 3

**TERESA L. CORDOVA, PhD.**, MEMBER

DISTRICT 2

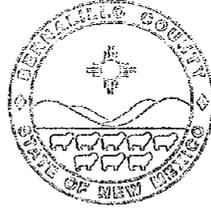
**E. TIM CUMMINS**, MEMBER

DISTRICT 4

**MICHAEL BRASHER**, MEMBER

DISTRICT 5

**THADDEUS LUCERO**, COUNTY MANAGER



**PUBLIC WORKS**

2400 BROADWAY, S.E.

ALBUQUERQUE, NM 87102

ADMINISTRATION (505) 848-1500

FAX (505) 848-1510

**KAREN L. MONTOYA**, ASSESSOR

**MARGARET C. TOULOUSE OLIVER**, CLERK

**MERRI RUDD**, PROBATE JUDGE

**DARREN P. WHITE**, SHERIFF

**PATRICK J. PADILLA**, TREASURER

May 19, 2008

Mr. Wally Murphy  
Field Supervisor, Ecological Services  
U.S. Fish and Wildlife Service  
2105 Osuna Road, NE  
Albuquerque, NM 87113

Re: South Valley Water Expansion Project Phase 3, Transmission Line West and Reservoir,  
Bernalillo County.

Dear Mr. Murphy:

On November 26, 2007, Bernalillo County Public Works sent a letter to your office in regards to the South Valley Water System Expansion project annual update required by programmatic agreement; you responded with a letter to Bernalillo County dated December 19, 2007. The Bernalillo County letter discussed the South Valley Phase 3 project as starting construction in 2008. Bernalillo County plans to advertise the project for construction bid by early June of 2008. The project construction cost is estimated at \$8 million dollars, the Corps of Engineers is going to provide funds in the amount of \$3.75 million towards the project; the County has to match the \$3.75 million of Federal funding with \$1.25 million. The remaining \$3 million dollars required to complete the project will be paid for entirely by the County. The Corps of Engineers funding will be used for the Reservoir (\$3.5 million construction cost) and part of the Transmission Line (\$4.5 million construction cost). This letter is to notify Fish and Wildlife that the Corps of Engineers will be cost sharing with the County on this phase of the South Valley Water System project.

Please see the attached map for the location of the project. If you have any questions about the project or funding please contact me at (505) 848-1518.

Sincerely

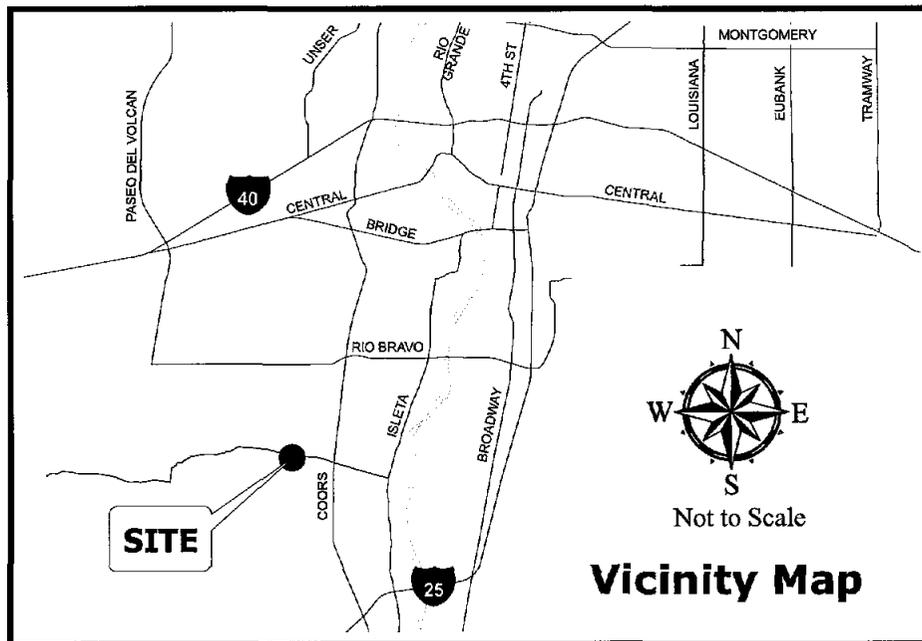
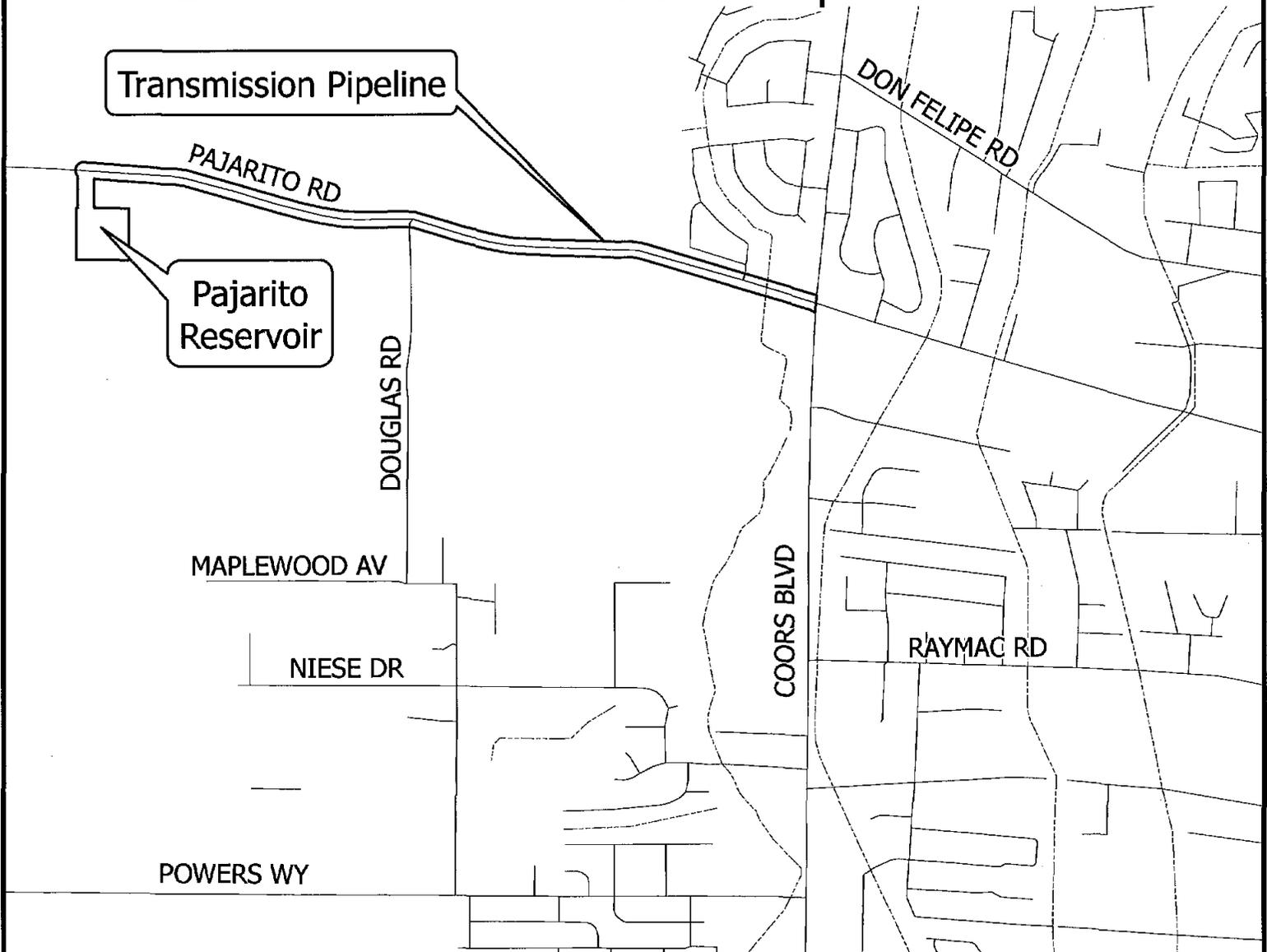
A handwritten signature in black ink that reads "Brad Catanaen".

Brad Catanaen, P.E.  
Engineering Manager

Cc: Michael Porter, U.S. Army Corps of Engineers  
Veronica Cid, P.E., Bernalillo County Public Works



# South Valley Utilities Water Project Phase 3 Transmission Pipeline West & Reservoir Location Map





## 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

DEC 19 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](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

# County of Bernalillo

## State of New Mexico

*SL*

### BOARD OF COUNTY COMMISSIONERS

ALAN B. ARMIJO, CHAIR

DISTRICT 1

E. TIM CUMMINS, VICE CHAIR

DISTRICT 4

TERESA L. CORDOVA, PH.D., MEMBER

DISTRICT 2

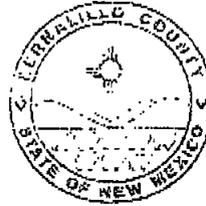
DEANNA ARCHULETA, MEMBER

DISTRICT 3

MICHAEL BRASHER, MEMBER

DISTRICT 5

THADDEUS LUCERO, COUNTY MANAGER



**PUBLIC WORKS**

2400 BROADWAY, S.E.  
ALBUQUERQUE, NM 87102  
ADMINISTRATION (505) 848-1500  
FAX (505) 848-1510

CEIVE

NOV 28 2007

NAME

KAREN L. MONTOYA, ASSESSOR

MARGARET C. TOULOUSE, CLERK

MERRI RUDD, PROBATE JUDGE

DARREN P. WHITE, SHERIFF

PATRICK J. PADILLA, TREASURER

November 26, 2007

Ms. Joy Nicholopoulos  
Field Supervisor, Ecological Services  
U.S. Fish and Wildlife Services  
2105 Osuna Road NE  
Albuquerque NM 87113

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project and South Valley Water System Expansion Project  
Annual Update Letter Required by Programmatic Agreement

Dear Ms. Nicholopoulos,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The phased expansion projects propose to provide water and sewer services over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

As part of the tiered environmental clearance process and to keep interested parties informed, Bernalillo County is providing yearly updates on projects under or nearing construction. I have included maps of the following project areas that were covered under the Finding of No Significant Impact, dated August 16, 2002, which will be in design and should commence construction in calendar year 2008:

- Rio Bravo del Rio Utility Project
- Shirk/Lagunitas Utility Project

Additionally, I have included a map of the South Valley Water Utility Expansion Project. The map shows the project phases, completed projects, projects currently under construction and those in design. This project was issued under a separate Finding of No Significant Impact dated August 16, 2004. The Phase 5 water distribution system will be in design in 2008. Construction anticipated in calendar year 2008 includes the completion of Phase 2 water distribution system, Phase 2A reservoir and booster station, the commencement of Phase 3 West transmission line, Phase 3 West reservoir and Phase 4 booster station.

# County of Bernalillo

## State of New Mexico

**BOARD OF COUNTY COMMISSIONERS**  
**JOSE L. ARMijo**, CHAIR  
DISTRICT 1  
**E. TIM CUMMINS**, VICE CHAIR  
DISTRICT 4  
**TERESA L. CORDOVA, PhD.**, MEMBER  
DISTRICT 2  
**DEANNA ARCHULETA**, MEMBER  
DISTRICT 3  
**MICHAEL BRASHER**, MEMBER  
DISTRICT 5  
**THADDEUS LUCERO**, COUNTY MANAGER



**PUBLIC WORKS**  
2400 BROADWAY, S.E.  
ALBUQUERQUE, NM 87102  
ADMINISTRATION (505) 848-1500  
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**KAREN L. MONTOYA**, ASSESSOR  
**MARGARET C. TOULOUSE**, CLERK  
**MERRI RUDD**, PROBATE JUDGE  
**DARREN P. WHITE**, SHERIFF  
**PATRICK J. PADILLA**, TREASURER

November 26, 2007

Ms. Joy Nicholopoulos  
Field Supervisor, Ecological Services  
U.S. Fish and Wildlife Services  
2105 Osuna Road NE  
Albuquerque NM 87113

Sent Certified and Regular Mail

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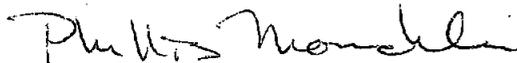
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Please provide any comments or issues of concern regarding federally listed threatened and endangered species and their habitats. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please do not hesitate to call me at (505) 848-1588.

Sincerely,



Phyllis Thormahlen  
Bernalillo County Public Works

cc: Stephanie DuBois., Program Manager, NMED Construction Programs  
Jan Biella, Deputy State Historic Preservation Officer

# County of Bernalillo

## State of New Mexico

### BOARD OF COUNTY COMMISSIONERS

**AN B. ARMIJO**, CHAIR  
DISTRICT 1  
**TERESA L. CORDOVA**, VICE-CHAIR  
DISTRICT 2  
**DEANNA ARCHULETA-LOESER**, MEMBER  
DISTRICT 3  
**E. TIM CUMMINS**, MEMBER  
DISTRICT 4  
**MICHAEL BRASHER**, MEMBER  
DISTRICT 5  
**THADDEUS LUCERO**, COUNTY MANAGER



**PUBLIC WORKS**  
2400 BROADWAY, SE  
ALBUQUERQUE, NEW MEXICO 87102  
(505) 848-1500 • FAX (505) 848-1510

**MARK J. CARRILLO**, ASSESSOR  
**MARY HERRERA**, CLERK  
**MERRI RUDD**, PROBATE JUDGE  
**DARREN P. WHITE**, SHERIFF  
**PATRICK PADILLA**, TREASURER

December 27, 2006

Ms. Joy Nicholopoulos  
Field Supervisor, Ecological Services  
U.S. Fish and Wildlife Services  
2105 Osuna Road NE  
Albuquerque, NM 87113

Sent Certified and Regular Mail

Re: Rio Grande Valley Utilities Project

Dear Ms. Nicholopoulos,

Bernalillo County has been awarded funds from the Environmental Protection Agency (EPA) to complete water and sewer expansion projects within the North and South Valleys in the Albuquerque area in Bernalillo County. The expansion projects propose to provide water and sewer services in phases over the next ten years to those residences that currently rely on individual septic tanks and wells. The projects will primarily be conducted within existing road rights-of-way.

As part of the tiered environmental clearance process and to keep interested parties informed, Bernalillo County is providing yearly updates on projects under or nearing construction. I have included maps of the following project areas that were covered under the Finding of No Significant Impact dated August 16, 2002 which will be in design and should commence construction in calendar year 2007:

- Area I and J Utility Project
- Rio Bravo del Rio Utility Project
- Shirk/Lagunitas Utility Project

Additionally, I have included a map of Phase 1 of the South Valley Water Utility Expansion Project. The map shows the path of the transmission pipeline, the service area of the water distribution system for Phase 2, the location of the booster station, and the location of the Pajarito Reservoir. This project was issued a separate Finding of No Significant Impact dated August 16, 2004. Construction activities in 2007 are expected to include the transmission pipeline, water distribution system in Phase 2, the Pajarito Reservoir, and the booster station.

Please provide any comments or issues of concerns regarding federally listed threatened and endangered species and their habitats. As stated in the Programmatic Agreement interested parties have 30 days from the receipt of this letter to respond with any concerns. If you have any questions, please don't hesitate to call me at (505) 848-1552.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Bassore". The signature is fluid and cursive, with the first name "Kerry" being more prominent than the last name "Bassore".

Kerry Bassore  
Water and Conservation Planner

xc: Rebecca C. Fink, P.E., Project Engineer, NMED



## 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

January 8, 2004

Cons. # 2-22-04-I-180

Nolan Bennett, Environmental Planner  
County of Bernalillo, Public Works  
2400 Broadway, SE  
Albuquerque, New Mexico 87102

Dear Mr. Bennett:

Thank you for your December 9, 2003, letter requesting information on threatened or endangered species or important wildlife habitats that could be affected by the construction of water and sewer line expansion project within the North and South Valleys of Albuquerque, Bernalillo County, New Mexico. The proposed expansion projects would provide water and sewer services in phases over the next 10 years to those residences that currently rely on individual septic tanks and wells. The projects would primarily be constructed within existing road rights-of-way.

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

Candidates and species of concern have no legal protection under the Act and are included in this document for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened.

---

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

Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

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.

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

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

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. In future correspondence regarding this project, please refer to consultation # 2-22-04-I-180. If you have any questions about the information in this letter, please contact Dennis Coleman at the letterhead address or at (505) 346-2525, ext. 4716.

Sincerely,



Joy E. Nicholopoulos  
State Supervisor

Enclosure

cc: (w/o enc)

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico  
Director, New Mexico Energy, Minerals, and Natural Resources Department, Forestry  
Division, Santa Fe, New Mexico

Revised September 2003

FEDERAL ENDANGERED, THREATENED,  
PROPOSED, AND CANDIDATE SPECIES  
AND SPECIES OF CONCERN IN NEW MEXICO

Consultation Number 2-22-04-I-180

January 8, 2004

**Bernalillo County**

ENDANGERED

- Black-footed ferret (*Mustela nigripes*)\*\*
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Rio Grande silvery minnow (*Hybognathus amarus*) with critical habitat

THREATENED

- Bald eagle (*Haliaeetus leucocephalus*)
- Mexican spotted owl (*Strix occidentalis lucida*)

CANDIDATE

- Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

- New Mexican meadow jumping mouse (*Zapus hudsonius luteus*)
- Pecos River muskrat (*Ondatra zibethicus ripensis*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- American peregrine falcon (*Falco peregrinus anatum*)
- Arctic peregrine falcon (*Falco peregrinus tundrius*)
- Baird's sparrow (*Ammodramus bairdii*)
- Black tern (*Chlidonias niger*)
- Mountain plover (*Charadrius montanus*)
- Northern goshawk (*Accipiter gentilis*)
- Western burrowing owl (*Athene cunicularia hypugea*)
- Millipede (*Comanchelus chihuanus*)

Index

- Endangered = Any species which is in danger of extinction throughout all or a significant portion of its range.
- Threatened = Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
- Candidate = Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).
- Proposed = any species of fish, wildlife or plant that is proposed in the Federal Register to be listed under section 4 of the Act.
- Species of Concern = Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only.
- \*\* = Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (*Cynomys gunnisoni*) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (*Cynomys ludovicianus*). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.



## 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

October 15, 2001

Cons. #2-22-00-I-441

Mr. Nick Schiavo  
Bernalillo County Public Works Department  
2400 Broadway SE  
Albuquerque, New Mexico 87102

Dear Mr. Schiavo:

This letter is in response to the Draft Environmental Information Document (EID) for the Rio Grande Valley Utilities Project. The Draft EID provides information on environmental impacts associated with the proposed water and sewer expansion projects within the North and South Valleys in Albuquerque, Bernalillo County, New Mexico. The expansion projects would provide water and sewer service in phases over the next 10 years to those residents that currently rely on the individual septic tanks and wells. Currently, specific information related to the location of all proposed water and sewer lines is not available, and therefore, we are unable to provide site specific comments on the project at this time. Because the project will be completed in phases over the next 10 years, we request that Bernalillo County Public Works Department coordinate their project implementation with the U.S. Fish and Wildlife Service (Service) on a project by project basis. This will allow the Service to better evaluate the proposed actions and site specific impacts of the various projects at the time of implementation.

Thank you for your concern for endangered species and New Mexico's wildlife habitats. We look forward to continued coordination and communication on this project. If you have any questions, please contact Anna Maria Muñoz of my staff at the letterhead address or at (505) 346-2525, extension 110.

Sincerely,

Joy E. Nicholopolous  
Field Supervisor

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  
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September 9, 2008

Mr. Michael Porter  
US Army Corp of Engineers  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

Re: South Valley Water System Expansion Project; NMDGF Doc. No. 12212

Dear Mr. Porter:

The Department of Game and Fish (Department) recognizes that the deadline for comments has past but would like to submit comments to be considered for the construction specifications. The Department has reviewed your request for information regarding the above-referenced project, and provides 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 Mexico Wildlife of Concern for Bernalillo County (Biota Information

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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](mailto:mark.olson@state.nm.us) .

Sincerely



Terra Manasco  
Assistant Chief, Conservation Services Division

TM/mo

(encl: 1)

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

# NEW MEXICO WILDLIFE OF CONCERN

## BERNALILLO 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.

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Rio Grande Chub	<i>Gila pandora</i>	s		
Rio Grande Silvery Minnow	<i>Hybognathus amarus</i>	E	E	Y
Brown Pelican	<i>Pelecanus occidentalis</i>	E		
Neotropic Cormorant	<i>Phalacrocorax brasilianus</i>	T		
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	T	
Northern Goshawk	<i>Accipiter gentilis</i>	s	SOC	
Common Black-Hawk	<i>Buteogallus anthracinus</i>	T	SOC	
Aplomado Falcon	<i>Falco femoralis</i>	E	Exp	
Peregrine Falcon	<i>Falco peregrinus</i>	T	SOC	
Mountain Plover	<i>Charadrius montanus</i>	s	SOC	
Black Tern	<i>Chlidonias niger surinamensis</i>		SOC	
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	s	C	
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	s	T	Y
Burrowing Owl	<i>Athene cucularia</i>		SOC	
Black Swift	<i>Cypseloides niger</i>	s		
Broad-billed Hummingbird	<i>Cynanthus latirostris</i>	T		
White-eared Hummingbird	<i>Hylocharis leucotis</i>	T		
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	E	Y
Loggerhead Shrike	<i>Lanius ludovicianus</i>	s		
Bell's Vireo	<i>Vireo bellii</i>	T	SOC	
Gray Vireo	<i>Vireo vicinior</i>	T		
Baird's Sparrow	<i>Ammodramus bairdii</i>	T	SOC	
Western Small-footed Myotis Bat	<i>Myotis ciliolabrum melanorhinus</i>	s		
Yuma Myotis Bat	<i>Myotis yumanensis yumanensis</i>	s		
Occult Little Brown Myotis Bat	<i>Myotis lucifugus occultus</i>	s		
Long-legged Myotis Bat	<i>Myotis volans interior</i>	s		
Fringed Myotis Bat	<i>Myotis thysanodes thysanodes</i>	s		
Spotted Bat	<i>Euderma maculatum</i>	T		
Pale Townsend's Big-eared Bat	<i>Corynorhinus townsendii pallescens</i>	s	SOC	
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	s		
Gunnison's Prairie Dog	<i>Cynomys gunnisoni</i>	s		
New Mexican Jumping Mouse	<i>Zapus hudsonius luteus</i>	E	SOC	
Red Fox	<i>Vulpes vulpes</i>	s		
Ringtail	<i>Bassariscus astutus</i>	s		
Black-footed Ferret	<i>Mustela nigripes</i>		E	
Western Spotted Skunk	<i>Spilogale gracilis</i>	s		
Socorro Mountainsnail	<i>Oreohelix neomexicana</i>	s		
Slate Millipede	<i>Comanichelus chihuuanus</i>		SOC	

# Appendix D - Notice of Draft EA Availability

Notice of Availability of Draft Environmental Assessment for the  
**“Construction of the South Valley Water System Expansion Project**  
**located in Bernalillo County, New Mexico”**

Pursuant to the Council on Environmental Quality Regulations for implementing the Procedural Provision of the National Environmental Policy Act, the U.S. Army Corps of Engineers (Corps), Albuquerque District in cooperation with the Environmental Protection Agency (EPA), has completed a Finding of No Significant Impact (FONSI) to adopt an Environmental Assessment (EA) for proposed construction of a water transmission line and reservoir.

The proposed work was designed as part of projects originally funded by the EPA. The EPA prepared with an EA with the FONSI signed on August 16, 2004, with the EPA reaffirming the Finding of No Significant Impact on September 20, 2007.

The proposed project would construct: 1) 9000 lineal feet of 36” transmission water line along Pajarito Road from Coors Boulevard to Douglas Road; and 2) a three million gallon above ground steel tank west of Douglas Road, and south of Pajarito Road. The design for the water transmission line and reservoir is complete.

Public review of the FONSI will begin on July 28, 2008 and will run for 30 days until August 27, 2008. The document will also be available on the Corps web site at <http://www.spa.usace.army.mil> (go to FONSI/Environmental Assessments). A hard copy will be sent upon written request. Comments on the DEA / FONSI should be sent to:

*U.S. Army Corps of Engineers*  
*Albuquerque District*  
*Environmental Resources Section*  
Attn: CESP-PM-LE (Michael Porter)  
4101 Jefferson Plaza NE  
Albuquerque, New Mexico 87109-3435

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

Albuquerque/Bernalillo County Library  
501 Copper Ave. NW  
Albuquerque, NM 87102

South Valley Library  
3904 Isleta SW  
Albuquerque, NM 87105

For more information please contact Michael Porter, USACE, (505) 342-3264 or [Michael.D.Porter@usace.army.mil](mailto:Michael.D.Porter@usace.army.mil)

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# Public Review Comments

No public comments were received by the Corps by the end of the Public Review period on August 27, 2008.