

DRAFT
ENVIRONMENTAL ASSESSMENT

for the

QUESTA WATER SYSTEM IMPROVEMENTS
VILLAGE OF QUESTA,
NEW MEXICO

SECTION 595 WATER RESOURCES DEVELOPMENT ACT

Prepared by



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

4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

May 2008

Finding of No Significant Impact
Section 595 Water Resources Development Act
Questa Water System Improvements
Village of Questa, New Mexico

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the Village of Questa, New Mexico, is planning a project that would improve the water lines within the village. The construction work is authorized under Section 595 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*), as amended. The Act authorizes the Corps to provide assistance for design and construction for water-related environmental infrastructure and resource protection and development projects in Idaho, Montana, rural Nevada, New Mexico, and rural Utah. The Village of Questa is the local sponsor. The duration of the proposed construction would be two years, and is expected to start in the summer of 2008.

The proposed action involves the improvement of 2,000 lineal feet of 8" water main line, 1,700 lineal feet of 4" sewer force main line, and 1,950 lineal feet of 8" sewer collection line throughout the Village of Questa. The project would consist of abandoning the existing six inch water line, which is bedded in molybdenum tailings and installing new eight inch water lines. The entire Village of Questa would benefit from the proposed improvement of the water lines.

Under the No-Action alternative, there would not be any improvements made to the water lines. However, the existing six inch water line is bedded in molybdenum tailings and could threaten the safety of the drinking water. Also, in the event of a water line break, molybdenum could infiltrate these lines. The No-Action alternative should be perceived as an environmentally unsound course of action.

The proposed work would not affect waters of the United States regulated by Section 404 of the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*); therefore a Section 404(b)(1) analysis would not be needed for the project. The proposed replacement of the water lines would occur outside the floodplain and would not significantly alter any use or natural feature of the area. Therefore, the planned action is consistent with Executive Order 11988 (Floodplain Management). The proposed work complies with Executive Order 11990 (Protection of Wetlands) as no wetlands are within the project area.

No prehistoric or historic archaeological sites or other historic properties were found during cultural resources surveys or are known to occur within or immediately adjacent to the project area. The Corps has received no indication of tribal concerns that would impact this project. Based on this information, the Corps is of the opinion that there would be "No Historic Properties Affected" by the proposed undertaking or on the historic and cultural resources of the region.

Best Management Practices (BMPs) that would be employed during construction include the use of silt fences as part of the Fugitive Dust Control Permit, and the use of already paved or graveled roads for access to the work area. The trenches would be examined daily, prior to starting work, for small mammals and reptiles to be removed prior to initiating work. A Storm

Water Pollution Prevention Plan would be prepared by the contractor and implemented during construction. Disturbance to vegetation during construction would be mitigated by re-seeding and revegetation. All equipment would be cleaned when moving between areas to prevent transfer of noxious weeds.

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

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

Date

B.A. Estok
Lieutenant Colonel, U.S. Army
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1.0 INTRODUCTION

1.1 Background and Location

The United States Army Corps of Engineers (Corps), Albuquerque District, in cooperation with, and at the request of the Village of Questa, New Mexico, is planning to construct 2,000 lineal feet of 8" water main line, 1,700 lineal feet of 4" sewer force main line, and 1,950 lineal feet of 8" sewer collection line will be installed. The proposed replacement is needed because the existing water lines are encased in bedding material containing molybdenum. The rehabilitation work would be conducted under Section 595 of the Water Resources Act of 1999 (Public Law 106-53) as amended. The Act authorizes the United States Army Corps of Engineers to provide assistance in the form of design and construction for water-related environmental infrastructure, resource protection, and development projects in Idaho, Montana, rural Nevada, New Mexico, and rural Utah. Types of projects included under the Act are: wastewater treatment and related facilities, stormwater retention and remediation, environmental restoration, surface water resource protection and development, and sewer and water line replacement.

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

The proposed project area is located within the Village of Questa, Taos County, New Mexico (see Figure 1). The proposed project would consist of installing water and sewer lines, and abandoning the existing water lines bedded in molybdenum tailing (see Figure 2 for pictures of some of the project areas).

The entire Village of Questa would benefit from the proposed improvements to the water system. The proposed construction would be part of a multi-phase water system improvement project. The duration of the proposed construction would be two years, and is expected to start in the summer of 2008.

1.2 Purpose and Need

The purpose of this project is to provide the Village of Questa with quality drinking water and to eliminate the potential for molybdenum contamination in the water lines. The existing six-inch water lines are encased in bedding material containing molybdenum, which is an element used in hardening steel. The Environmental Protection Agency (EPA) has issued health advisories for molybdenum in drinking water in amounts greater than 40 parts per billion (ppb). The village samples all contain molybdenum at an average of 6 ppb. Although these levels suggest that the drinking water is safe, the EPA has not set specific standards for molybdenum in the drinking water. In addition, because there is a possibility for the molybdenum tailings to infiltrate the water lines, it is prudent to replace the water lines.

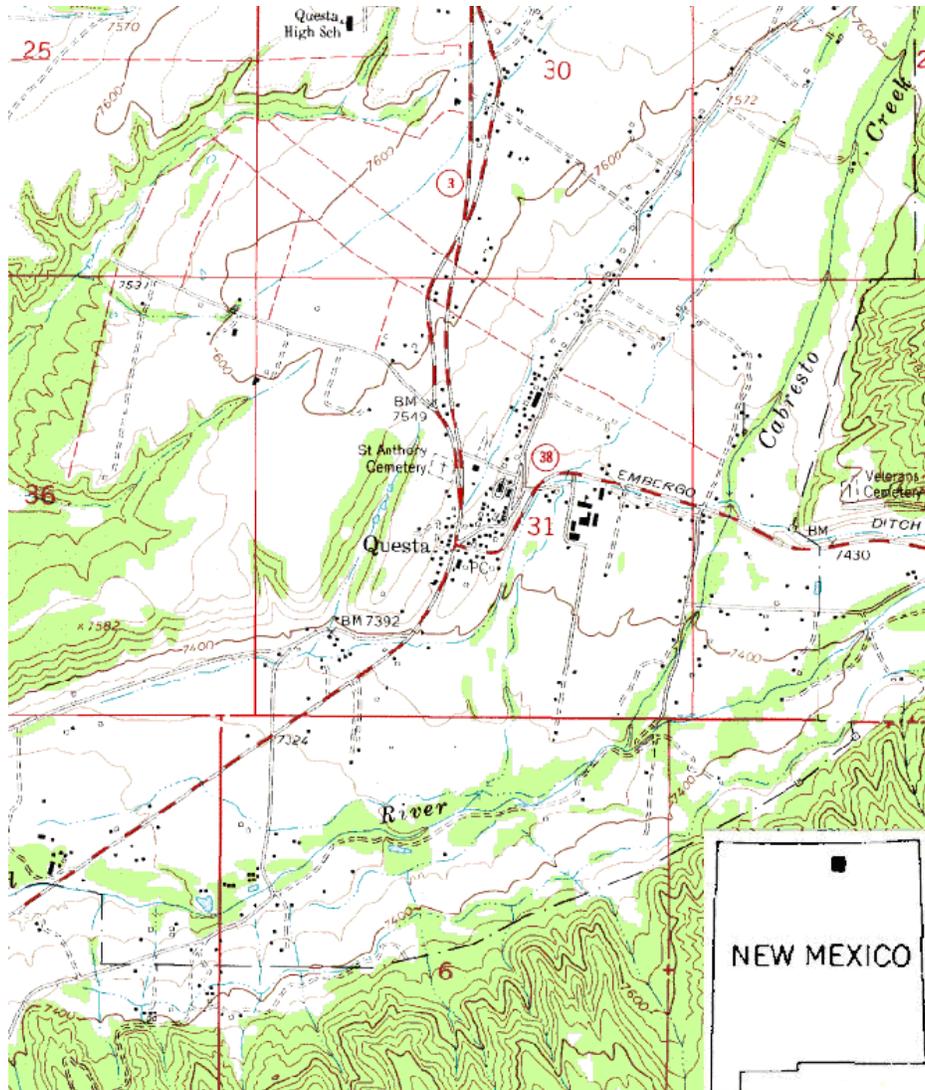


Figure 1. Vicinity Map of Proposed Location for Water System Improvements, Village of Questa, Taos County, New Mexico.

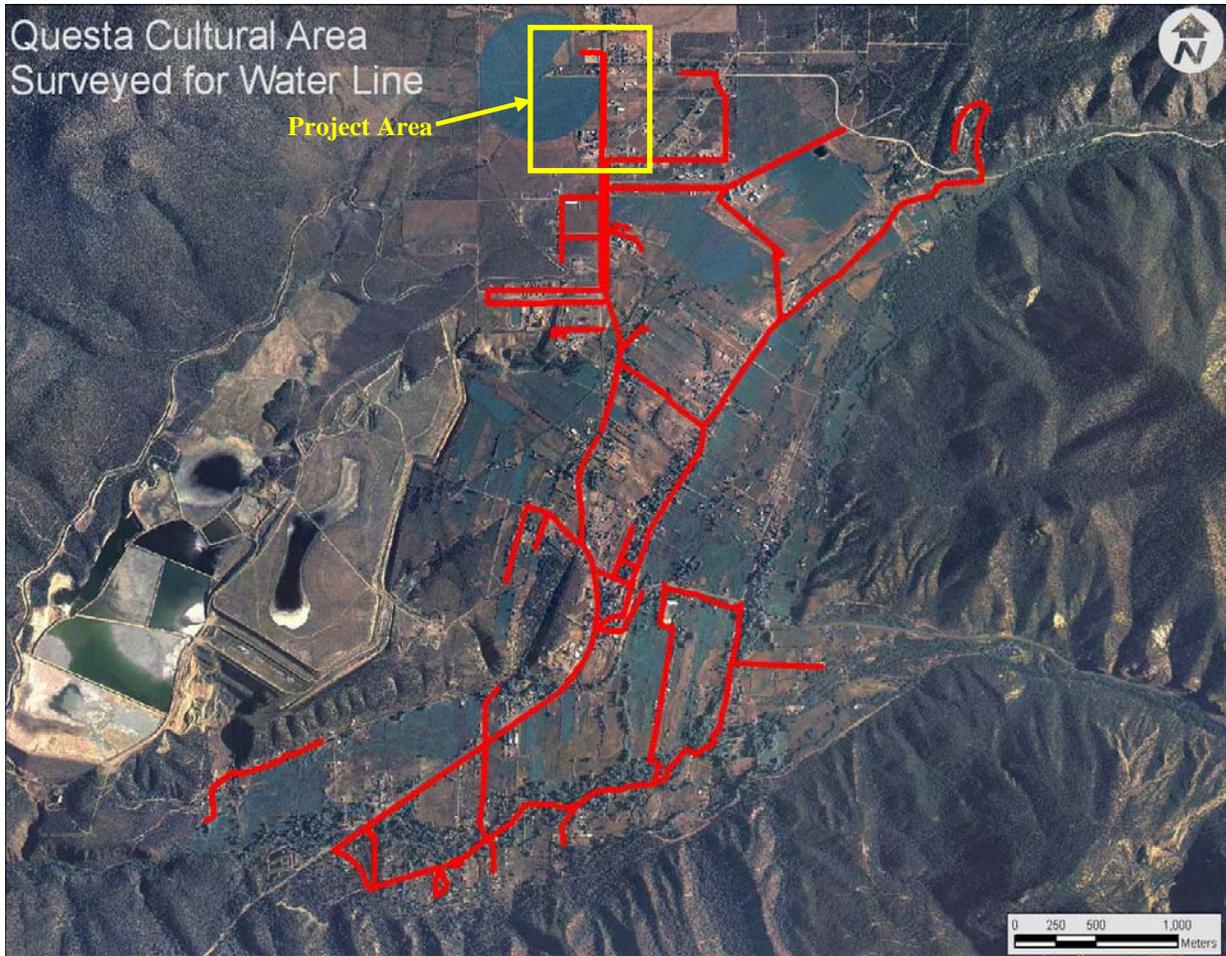


Figure 2. General layout for waterlines in Village of Questa, New Mexico.



Figure 3. Photos of Water System Improvement Areas.

1.3 Regulatory Compliance

This Draft Environmental Assessment was prepared by the U.S. Army Corps of Engineers, Albuquerque District, in compliance with all applicable Federal Statutes, Regulations, and Executive Orders, including the following:

- Archaeological Resources Protection Act of 1979 (16 U.S.C. 470)
- Clean Water Act of 1972 and Amendments of 1977 (CWA)
- Clean Air Act of 1972, as amended (42U.S.C. 7401 *et seq.*)
- Endangered Species Act of 1973, (ESA) as amended (16 U.S.C. 1531 *et seq.*)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, 1994
- Executive Order 13112, Invasive Species, sec. 2(a)(2)(IV), 1999
- Farmland Protection Policy Act of 1981, as amended (7 U.S.C. 4201 *et seq.*)
- Federal Noxious Weed Act of 1974 (Public law 93-269; 7 U.S.C. 2801)
- Floodplain Management (Executive Order 11988)
- National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*)
- Regulations of Implementing the Procedural Provisions of NEPA (40 CFR 1500 *et seq.*)
- National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*)
- Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 *et seq.*)
- Protection and Enhancement of the Cultural Environment (Executive Order 11593)
- Protection of Wetlands (Executive Order 11990)
- Procedures of Implementing NEPA (33 CFR 230; ER 200-2-2)
- U.S. Army Corps of Engineers' Procedures for Implementing NEPA (33 CFR 230)

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

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

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

2.1 Proposed Action

Prior construction of the multi-phase project was funded by New Mexico Legislative Funds and a Community Development Block Grant administered by the New Mexico Local Government Division. Previously completed work replaced portions of the existing water supply system. This phase of the proposed water system improvements would include the installation of 2,000 lineal feet of 8" water main line, 1,700 lineal feet of 4" sewer force main line, and 1,950 lineal feet of 8" sewer collection line (Figure 2). The lines would be installed by excavating a ditch along the shoulder of the roads. In addition, the existing six inch waterline bedded in molybdenum tailings would be abandoned. Any molybdenum is encountered during excavation activities will be transported to the mine tailing pile. The proposed construction period for this phase is three months and is expected to start during summer 2008. The Federal costs for this phase of the proposed project are \$1.5 million with a non-Federal cost share of \$500,000.

No other alternatives were considered for replacing the water and sewer lines. Installation of the new lines within the highway right-of-way will confine construction to previously disturbed areas. Abandonment of the existing lines rather than removal reduces disruption to water service and the potential for contamination of the water system and the Village by molybdenum.

2.2 The No-Action Alternative

Under the No-Action alternative, there would be no installation of new water lines and abandonment of existing water lines would not occur. No federal funding would be expended and there would be no new effects to the project site or surrounding environment. However, the No-Action alternative does not prevent the potential for molybdenum contamination. The No-Action alternative should be perceived as an environmentally unsound course of action with regard to providing the Village of Questa with safe drinking water.

3.0 EXISTING ENVIRONMENT AND FORESEEABLE EFFECTS

3.1 Physical Resources

3.1.1 Physiography, Geology, and Soils

The project area lies within the Southern Rocky Mountain Physiographic Province (USDA, 2007). This area is divided into three geomorphic units, which consist of the Sangre de Cristo Mountains on the east, the westward sloping alluvial piedmonts plains and fans from the mountains, and the basalt areas. The Village of Questa sits in a valley at the confluence of the Red River and Cabresto watersheds. The elevations range from 7,400 to 7,600 feet above mean sea level. The proposed action occurs within the Manzano-Loveland-Caruso soil association (USDA, 2007). This association occurs on valley bottoms, terraces, and fans along streams extending west from the Sangre de Cristo Mountains. The Manzano soils are well drained and the surface layer is brown clay loam. The Loveland soils are poorly drained and the surface layer is dark grayish brown clay loam and loam. The Caruso soils are somewhat poorly drained and the surface layer is grayish brown silty clay loam and clay loam. Most of this map unit is used for irrigated hay and as pasture. The Manzano-Loveland-Caruso soil association is

classified as being in Group C of the hydrologic soil groups. Soils are placed in one of four groups on the basis of the intake of water after the soils have been wetted and have received precipitation from long-duration storms. Soils in Group C have a slow infiltration rate when thoroughly wet and have a moderate rate of water transmission. There would be short-term disturbance to soils during construction. Re-vegetation of the disturbed area would occur following construction. There would be no long-term effects by the proposed project or by the no-action alternative.

3.1.2 Climate

Taos County has a semiarid climate. Temperatures in the Taos area vary greatly due to the major elevation differences. Elevations within the Village of Questa range from 7,400 to 7,600 feet above mean sea level. Summer temperatures are mild, averaging from 80 degrees in the day to 45 degrees at night. Winter temperatures are cold. The daytime average is 40 degrees, and the minimum is about 10 degrees. The average annual precipitation ranges from about 9 to 15 inches. Annual averages of 34 inches or more occur in the higher mountains. Precipitation is lightest in the winter; the average is a little more than one-half inch a month. The heavier precipitation is caused mostly by thunderstorms. There would be no effect to climate by the proposed project. The information in this section was obtained from the soil survey for Taos County (USDA, 2007).

3.1.3 Water Resources

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

Section 404 of the CWA, (CWA; 33 U.S.C. 1251 *et seq.*) as amended, provides for the protection of waters of the United States through regulation of the discharge of dredged or fill material. Projects that involve a discharge, or placement, of dredged or fill material in the waters of the United States, including wetlands, require the Corps to complete a Section 404 (b)(1) evaluation. A Section 404 (b)(1) evaluation would not be required for this project, as there would be no discharge of dredged or fill material into waters of the United States.

Section 401 of the CWA, (CEA; 33 U.S.C. 1251 *et seq.*) as amended, requires that a Water Quality Certification Permit be obtained for anticipated discharges associated with construction activities or other disturbance within waterways. Section 401 of the CWA does not

apply to this project, as there would be no discharge associated with construction activities or other disturbance within waterways.

3.1.4 Floodplains and Wetlands

Executive Orders 11988 (Floodplain Management) provides Federal guidance for activities within the floodplains of inland and coastal waters. The order requires Federal agencies to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Executive Order 11990 (Protection of Wetlands) requires the avoidance, to the greatest extent possible, of both long and short-term impacts associated with the destruction, modification, or other disturbance of wetland habitats. Wetlands do not occur within the proposed project location. Therefore, no impacts to wetlands would occur.

3.1.5 Air Quality, Noise, and Aesthetics

The Village of Questa's nearest ambient air monitoring sites is located at the Taos fire station. The Village of Questa is in New Mexico's Air Quality Control Region No.3 for air quality monitoring and Taos County is "in attainment" (does not exceed State and Federal Environmental Protection Agency air quality standards) for all criteria pollutants (NMED/AQB 2006). Air quality in the project area is generally good. The closest Class I area is the Wheeler Peak Wilderness, which is approximately 24 kilometers (15 miles) to the southeast of the project area. Class I areas are special areas of natural wonder and scenic beauty, such as national parks, national monuments, and wilderness areas, where air quality should be given special protection. Class I areas are subject to maximum limits on air quality degradation.

The proposed project would result in a temporary but negligible increase in suspended dust particles from construction activities. Water trucks with sprinklers would be used during construction to minimize dust. A Fugitive Dust Control Permit is needed when there will be surface disturbance to three-quarters of an acre or more. Because the proposed project would disturb more than three-quarters of an acre, the contractor would obtain an approved permit from the New Mexico Environmental Department. Air quality in the Village of Questa, Taos County and Wheeler Peak Wilderness would not be affected by the proposed project or by the no-action alternative.

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

Aesthetically, the terrain of the project area is characterized by streets, highways, businesses, farmland and residential houses. The installation of new water lines would be placed underground and would not change the terrain of the project area. Aesthetic conditions would only be affected during construction, and not be affected by the proposed project or by the no-action alternative.

3.2 Biological Resources

3.2.1 Vegetation Communities

The project area is located on the edge of the Rocky Mountain Montane Conifer Forest biotic community as described by Brown (1982). Vegetation found in the project area is consistent with this vegetation type. Corps personnel have visited the areas where installation of new water lines would take place. Roadside vegetation within the project area primarily consists of sand sagebrush (*Artemisia filifolia*), four-wing saltbush (*Atriplex canescens*), common sunflower (*Helianthus annuus*), gray rabbitbrush (*Chrysothamnus nauseosus*), asters (*Aster* spp.), bottlebrush squirreltail (*Sitanion hystrix*) and dandelion (*Taraxacum officianale*). Re-vegetation of the disturbed area would occur following construction. No significant impacts should occur to vegetation as a result of the proposed project or no-action alternative.

3.2.2 Noxious Weeds

The Federal Noxious Weed Act of 1974 (Public law 93-269; 7 U.S.C. 2801) provides for the control and eradication of noxious weeds and their regulation in interstate and foreign commerce. Executive Order 13112 directs Federal agencies to prevent the introduction of invasive (exotic) species and to control and minimize the economic, ecological, and human health impacts that invasive species cause. In addition, the State of New Mexico, under administration of the U.S. Department of Agriculture, designates and lists certain weed species as being noxious (Nellessen 2000). “Noxious” in this context means plants not native to New Mexico that may have a negative impact on the economy or environment and are targeted for management or control. Class C- listed weeds are common, widespread species that are fairly well established within the state. Management and suppression of Class C weeds is at the discretion of the lead agency. Class B weeds are considered common within certain regions of the state but are not widespread. Control objectives for Class B weeds are to prevent new infestations, and in areas where they are already abundant, to contain the infestation and prevent their further spread. Class A weeds have limited distributions within the state. Preventing new infestations and eliminating existing infestations is the priority for Class A weeds. In order to prevent this, all equipment would be cleaned with a high-pressure water jet prior to entering the project area, and before leaving an area and entering a new area.

3.2.3 Wildlife

Various species are known to occur within the project area and are included in the Rocky Mountain Conifer Forest biotic community. Some of these species may include: mule

deer (*Odocoileus hemionus*), deer mouse (*Peromyscus maniculatus*), snowshoe hare (*Lepus americanus*), least chipmunk (*Eutamias minimus*), Gapper's red-backed mouse (*Clethrionomys gapperi*), western flycatcher (*Empidonax difficilis*), western tanager (*Piranga ludoviciana*), brown creeper (*Certhia familiaris*), dwarf shrew (*Sorex nanus*), mountain bluebird (*Sialia currucoides*) and common flicker (*Colaptes auratus*).

The proposed project construction would take place along roadways within the Village of Questa. Proposed installation of water lines would be located underground. Therefore, no significant impacts would occur to wildlife as a result of the proposed project or the no-action alternative.

3.2.4 Special Status Species

Three agencies have primary responsibility for protecting and conserving plant and animal species within the proposed project area. The United States Fish and Wildlife Service (USFWS), under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531), as amended, has the responsibility for Federal listed species. The New Mexico Department of Game and Fish (NMDGF) has the responsibility for state-listed wildlife species. The New Mexico State Forestry Division (Energy, Minerals, and Natural Resources Department) has the responsibility for state-listed plant species. Each agency maintains a continually updated list of species that are classified, or are candidates for classification, as protected based on their present status and potential threats to future survival and recruitment into viable breeding populations. These types of status rankings represent an expression of threat level to a given species survival as a whole and/or within local or discrete populations. Special status species that potentially occur in Taos County and may occur near the proposed project area are listed in Table 1.

Special status animal species listed by USFWS (USFWS 2007) and New Mexico Department of Game and Fish for Taos County (NMDGF 2007) that might occur in or near the project area but are not anticipated to occur include the following:

The Bald Eagle is normally found near major waterways and larger lakes where adequate food supplies may be found. It is a State Threatened species that recently was federally delisted, but is still protected under the Golden and Bald Eagle Act. The Bald Eagle is known to occur in New Mexico primarily during the late fall and winter months. The Bald Eagle utilizes large trees for perching and forages primarily for fish, ducks, and carrion along rivers and at local reservoirs. Cabresto Creek and Red River are smaller waterways, where little to no preferred habitat exists. In addition, the project areas are not directly adjacent to these waterways. Due to the ease of mobility of the Bald Eagle, the limited disturbance of the proposed project and the lack of preferred habitat in the project area, there would be no effect to the Bald Eagle.

The Black-footed Ferret, a Federally listed Endangered species, prefers mixed shrub habitat. The Black-footed Ferret occurs in the same places as prairie dogs and all viable breeding populations have been associated with prairie dog colonies, which they use for food and shelter. There were no prairie dog towns observed at or near the proposed project area during the site visit. Preferred habitat does not exist within or near the project area. Therefore, due to lack

Table 1. Special Status Species Listed for Taos County, New Mexico, that potentially occur in the Vicinity of the Proposed Project Area.

Common Name	Scientific Name	Federal Status (USFWS) ^a	State of New Mexico status (NMDGF) ^b
Animals			
Bald Eagle	<i>Haliaeetus leucocephalus</i>	delisted	T
Black-footed Ferret	<i>Mustela nigripes</i>	E	---
Whooping Crane	<i>Grus americana</i>	E	E
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	---	T
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	E
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T	---
White-eared Hummingbird	<i>Hylocharis leucotis borealis</i>	---	T
Boreal Owl	<i>Aegolius funereus</i>	---	T
Baird's Sparrow	<i>Ammodramus bairdii</i>	---	T
Gray Vireo	<i>Vireo vicinior</i>	---	T
American Marten	<i>Martes americana origenes</i>	---	T
Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>	---	T
Sangre de Cristo Peaclam	<i>Pisidium sanguinichristi</i>	---	T
White-tailed Ptarmigan	<i>Lagopus leucurus altipetens</i>	---	E
Plants			
Arizona willow	<i>Salix arizonica</i>	---	R
New Mexico stickseed	<i>Hackelia hirsuta</i>	---	R
Pecos fleabane	<i>Erigeron subglaber</i>	---	R
Small-headed goldenweed	<i>Ericameria microcephala</i>	---	R
Robust larkspur	<i>Delphinium robustum</i>	---	R
Alpine larkspur	<i>Delphinium alpestre</i>	---	R
Ripley's milkvetch	<i>Astragalus ripleyi</i>	---	R
Taos milkvetch	<i>Astragalus puniceus var. gertrudis</i>	---	R
Cyanic milkvetch	<i>Astragalus cyaneus</i>	---	R

^a **Endangered Species Act (ESA)** (as prepared by U.S. Fish and Wildlife Services) **status:** Only Endangered and Threatened species are protected by the ESA.

E= Endangered: any species that is in danger of extinction throughout all or a significant portion of its range.

T= Threatened: any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C= Candidate: taxa for which the Services has on file sufficient information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species.

SC= Species of Concern: taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possible appropriate, but for which sufficient data on biological vulnerability and threat are not currently available to support proposed rules.

P= Proposed for listing in the identified category listed above.

S/A= Similarity of Appearance.

^b **State of New Mexico status:**

E= Endangered Animal species whose prospects of survival or recruitment within the state are in jeopardy.

R= Rare

T= Threatened Animal species whose prospects of survival or recruitment within the state are likely to become jeopardized in the foreseeable future.

SC= Species of Special Concern.

of preferred habitat and no presence of prairie dog towns, there would be no effect to this species by the proposed project.

The American Peregrine Falcon is a Federally delisted species with an approved recovery plan, and a State threatened species. The American Peregrine Falcon may fly over the construction area during spring and fall migrations. The American Peregrine Falcon prefers breeding habitat that is in isolated wooded areas with cliffs that create “gulfs” of air in which the peregrine may forage. The American Peregrine Falcon’s preferred wooded-forested habitat does not occur in or near the project area. There would be no effect to the American Peregrine Falcon due to the ease of mobility of the peregrine, the limited disturbance of the proposed project and the lack of appropriate habitat.

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

In addition, the New Mexico Department of Minerals, Natural Resources, Forestry Division has the responsibility for maintaining the list of state-listed endangered plant species. The State species list indicates that there are nine status plant species that occur in Taos County, the Arizona willow (*Salix arizonica*), New Mexico stickseed (*Hackelia hirsuta*), Pecos fleabane (*Erigeron subglaber*), Small-headed goldenweed (*Ericameria microcephala*), Robust larkspur (*Delphinium robustum*), Alpine larkspur (*Delphinium alpestre*), Ripley’s milkvetch (*Astragalus ripleyi*), Taos milkvetch (*Astragalus puniceus* var. *gertrudis*), and Cyanic milkvetch (*Astragalus cyaneus*). They are each listed by the State of New Mexico Division of Forestry as an endangered plant on the New Mexico Rare Plants Technical Council 2002 Website. Although these plants are known to exist in Taos County, they are not likely to occur within the project area. The preferred site condition of these plants is not present within or near the project area. Also, there was no presence of these species during the site visit to the project area. Therefore, there would be no effect to these endangered plants by the proposed project or the no-action alternative.

3.3 Cultural Resources

Prior to Federal involvement, an intensive pedestrian archaeological survey of the Village of Questa’s water and sanitary system was conducted by Townsend Archaeological Consultants (Townsend 2005). Historic properties included 100 historic structures (30 of which are potentially eligible for the National Register), 1 in-use bridge, 43 acequia loci, and a slurry line associated with the Molycorp mine. This project was reviewed by the State Historic Preservation Officer (SHPO) on March 6, 2005, and the SHPO determined that upgrades from this project will offer "no adverse effect to significant cultural resources."

After this review, the Corps became involved, triggering a Federal Section 106 of the National Historic Preservation Act review. The scope of the project was the same; the only change was the funding source. Corps archaeologists conducted reconnaissance surveys of the

proposed construction area(s) on July 19, 2006 and October 23, 2006. Because Townsend's survey was recent, encompasses the project area of potential effect, and the results have been field-checked, no additional surveys were initially planned for this project (Lundquist 2006).

Based on the information provided by Townsend (2005), the Corps concurred with the SHPO that there would be "No Adverse Effect to Historic Properties" by this project or on the historic and cultural resources of the region. The SHPO concurred with the Corps' "no adverse effect" determination on the project on November 13, 2006.

Recently, Questa modified the scope of their project to include a 2000-foot expansion of the approximately 121,000-foot long water and sewer project. The expansion of the water and sewer line is to service a proposed 29.4-acre business park located in the northern portion of the village. This expansion would involve placement of approximately 2,000 feet of 8" water and sewer pipe as well as a road to access the business park. Initially, an 8-10,000 square foot pre-fabricated manufacturing building on a concrete slab is planned for a 2-acre plot located just off State Route 522. The Corps is not assisting in the development or construction of the business park, with the exception of the water and sewer infrastructure.

Corps' archaeologists conducted a remote Archaeological Records Management Section (ARMS) search on April 1, 2008, and concluded that the Townsend (2005) survey stopped just short of the proposed expansion. Approximately half of the area to be piped is within the original project area. On April 15, 2008, Corps' archaeologists surveyed the previously unsurveyed portions of the proposed water and sewer expansion, as well as the business park that will be made possible through this Federally-assisted infrastructure project. No cultural resources were located during the intensive pedestrian survey.

Part of the sewer line runs adjacent to State Route 522. The contractors for the village contacted the New Mexico Department of Transportation (NMDOT) concerning this project. On September 28, 2007, NMDOT indicated that a "cultural resources inventory" was not required for this project. The ARMS database indicates that the east side of the road has been surveyed, and potentially the west. As this project is on the west portion of the ROW, Corps' archaeologists walked this 1.17-acre portion to confirm an absence of cultural resources.

Based on the negative results of the recent project expansion area, the Corps determined that there would be "No Historic Properties Affected" by the expansion project on the historic and cultural resources of the region. The SHPO concurred with the Corps' "no historic properties affected" determination for the expansion on May 5, 2008.

Consistent with the Department of Defense's American Indian and Alaska Native Policy, signed by Secretary of Defense William S. Cohen on October 28, 1998, and based on the State of New Mexico Indian Affairs Department's 2006 Native American Consultations List, American Indian Tribes that have indicated they have concerns in Taos County include the Jicarilla Apache Nation, Navajo Nation, Ohkay Owingeh, Pueblo of Isleta, Hopi Tribal Council, Kiowa Tribe of Oklahoma, Pueblo of Picuris, and the Pueblo of Taos. No Traditional Cultural Properties (TCPs) are known to occur in the area. Informal consultation (scoping) letters were mailed to these

tribes on November 3, 2006. To date, the Corps has received no indication of tribal concerns that would impact this project. A copy of the letter can be read in Appendix A.

Pursuant to 36 C.F.R. 800.13, should previously unknown artifacts or cultural resource manifestations be encountered during construction, work would cease in the immediate vicinity of the resource. A determination of significance would be made, and a mitigation plan would be formulated in consultation with the New Mexico State Historic Preservation Officer and with American Indian Tribes that have cultural concerns in the area.

3.4 Land Use and Socioeconomic Considerations

The Village of Questa is located in northern Taos County, New Mexico. The total population of Questa in 2000 was 1,864 (U.S. Census Bureau, 2007). Within Questa, the ethnic background is: Hispanic or Latino, 80.5%; Anglo, 19.5%; African-American, 0%; Native American, 0%; and Asian, 0%. In 2000, the per capita money income in Questa was \$13,303 and the median income for a family was \$23,448 (U.S. Census Bureau, 2007). The average monthly annual unemployment rate for the Village of Questa in 2000 was 7.5% (U.S. Census Bureau, 2007).

The proposed project would take place entirely along roadways. The entire Village of Questa would benefit from the proposed water system improvements. Adjacent property or features include streets, businesses, farmland, highways, and residential houses. The proposed project would not affect land use or socioeconomic resources in the project area.

3.5 Human Health and Safety

The existing six-inch water lines are encased in bedding material containing molybdenum, which is an element used in hardening steel. The Environmental Protection Agency (EPA) has issued health advisories for molybdenum in drinking water in amounts greater than 40 parts per billion (ppb). The Village samples all contain molybdenum at an average of 6 ppb. Although these levels suggest that the drinking water is safe, the EPA has not set specific standards for molybdenum in the drinking water. In addition, because there is a possibility for the molybdenum tailings to infiltrate the water lines, it is necessary for the water lines to be replaced.

Prior to any construction activity all the contractor's personnel that will be involved in waterline installation would receive training from the Owner or Owner's representative in the identification of mine tailings. Prior to waterline installation along Highway 522 the contractor would pothole along the waterline alignment. Potholes would be taken every 200-feet or as directed by the Engineer. It is estimated the 13 locations are to be potholed. Potholes would be eight feet in depth or as directed by the Engineer. Soil samples would be taken at depths of 1-foot intervals for a total of eight samples from each pothole. The samples would be placed in heavy-duty clear one-quart plastic bags and turned over to the Owner following standard Chain-of-Custody (COC) procedures for analytical samples. A COC record is required for each sample location. The soil samples would be delivered to the Owner along with the COC record. The contractor must obtain the Owner's signature relinquishing custody on the COC before turning

the samples over the Owner to ensure proper chain of custody. The Contractor would obtain a copy of the signed COC record for his files.

In the event that mine tailings are encountered during installation of waterlines the contractor would immediately cease construction activity at that location and notify the Engineer's on site representative. The Engineer would determine if realignment of the waterline is necessary and notify the contractor of any alignment change. The contractor would be allowed time extensions for any delay but no extended overhead would be allowed, in accordance with the General Conditions of the Contract for Construction. The contractor would only continue work in the area until directed to do so by the Engineer. If the contractor chooses to do so construction activity may take place in other areas of the project. The cost of potholing and sample collection would be considered as incidental to the water line installation and no payment would be made for this work.

Therefore, the proposed replacement of the Village's water lines is necessary to prevent the possibility of molybdenum contamination in drinking water. These improvements would assure safe drinking water for all of the residents living within the Village of Questa. Human health and safety would be beneficially affected due to the proposed project.

3.6 Environmental Justice

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

The Village of Questa Water Line Improvement Project would be conducted under Section 595 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*) as amended. This program is largely intended to provide needed assistance (technical, financial, etc.) to communities in which water resources are degrading and in need of improvement. As such, this project would benefit an area within a minority and low-income community. The replacement of the water lines and improvements to the water system would benefit the entire Village of Questa. These improvements would assure safe drinking water for all of the residents living within the Village of Questa. No adverse impacts on minority and low-income populations are expected. Under the definition of Executive Order 12898, there would be no adverse environmental justice impacts under the proposed action.

3.7 Cumulative Impacts

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

The footprint of the proposed project lies within a rural area. The proposed water line water system improvements would take place within the Village of Questa (Figure 2). Construction of the water and sewer lines would support development of the Questa Industrial Park. Development of the Industrial Park would occur without the new infrastructure. The proposed water system improvements are located along and adjacent to the roadways within the Village of Questa. The improvements to the water system would not significantly impact the current conditions of the local environment. Assurance of safe drinking water is anticipated to occur from the proposed project. For these reasons, the proposed project when combined with past, present, or future activities in the Village of Questa would not significantly add to or raise local cumulative environmental impacts to a level of significance.

4.0 CONCLUSIONS AND SUMMARY

The proposed action evaluated in this Draft EA addresses the method and potential effects for the water system improvements.

The proposed water system improvements are located along and adjacent to the roadways within the Village of Questa. Impacts to the environment would be non-significant and short-term. The proposed water system improvements would benefit the entire Village of Questa. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects. Therefore, the proposed project would not significantly affect the quality of the human environment and is recommended for implementation.

5.0 PREPARATION, CONSULTATION AND COORDINATION

5.1 Preparation

This Draft EA was prepared for the Village of Questa by the U.S. Army Corps of Engineers, Albuquerque District (USACE). Personnel primarily responsible for preparation include:

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5.2 Quality Control

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

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Archaeologist, USACE, Albuquerque District
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5.3 General Consultation and Coordination

Agencies and entities contacted formally or informally in preparation of this DEA and / or that will be receiving notification for the public review of this DEA include:

US Fish and Wildlife Service
New Mexico Ecological Services Field Office
Albuquerque, New Mexico

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

NM Forestry and Resources Conservation Division
Energy, Minerals, and Natural Resources Department
Santa Fe, New Mexico

NM Department of Game and Fish
Conservations and Services Division
Albuquerque, New Mexico

Water and Waste Management Division
NM Environmental Department
Santa Fe, New Mexico

Surface Water Quality Bureau
NM Environmental Department
Santa Fe, New Mexico

NM State Engineer
Santa Fe, New Mexico

NM Interstate Stream Commission
Santa Fe, New Mexico

Village of Questa Administrator
Questa, New Mexico

Mayor of Village of Questa
Questa, New Mexico

Public Works Director
Questa, New Mexico

Red River Public Library
Red River, New Mexico

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