

Draft

**Supplemental Environmental Assessment
and
Finding Of No Significant Impact
Addressing Donation of the Jemez Recreation Area
Access Road to the Pueblo of Santa Ana,
as Related to the
Jemez Canyon Dam Recreation Area Closure,
Sandoval County, New Mexico**



**US Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico, 87109**

January 2025

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U.S. ARMY CORPS OF ENGINEERS

ALBUQUERQUE DISTRICT

Draft FINDING OF NO SIGNIFICANT IMPACT

Supplemental Environmental Assessment Addressing Donation of the Jemez Recreation Area Access Road to the Pueblo of Santa Ana, as Related to the Jemez Canyon Dam Recreation Area Closure

Sandoval County, New Mexico

The U.S. Army Corps of Engineers, Albuquerque District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Environmental Assessment dated [date to be added when final] for the **Supplemental Environmental Assessment Addressing Donation of the Jemez Recreation Area Access Road to the Pueblo of Santa Ana**, as related to the Jemez Canyon Dam Recreation Area Closure, addresses the disposal by donation of the recreation area access road to the Pueblo of Santa Ana. The access road (approximately 0.81 kilometers) is the final recreation asset formerly held by the Corps at the former Jemez Canyon Dam Overlook Recreation Area. The transfer of the road was not formally included in the environmental analysis completed in 2022 for the permanent closure of the Jemez Canyon Dam Overlook Recreation Area, with transfer of the other recreation facilities and management of the area back to the underlying landowner, the Pueblo of Santa Ana. The proposed action would take place within the Corps' operations and management area at the Jemez Canyon Dam and Reservoir Project on Pueblo of Santa Ana Reservation lands in Sandoval County, New Mexico. The final recommendation is contained in Section 5 of the Supplemental Environmental Assessment.

The final Supplemental Environmental Assessment, incorporated herein by reference, evaluated a preferred alternative that would have the Corps donate the access road to the Pueblo of Santa Ana, returning it to Pueblo management, and a no action alternative that would have the Corps retain management of the road. The recommended alternative would conduct a "disposal by donation" of the access road to the Pueblo of Santa Ana along with the other recreation area facilities in its "as is" condition. The road would be transferred to the Pueblo through a real estate disposal action along with the other recreation facilities. Facilities would be transferred "as is" without repair or improvement. The Corps would no longer be responsible for maintenance of the road.

For both alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

Resource	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife and migratory birds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vegetation and plant communities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic, & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prime and unique farmland	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recreational resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the 2022 Environmental Assessment (USACE 2022) would be implemented, if appropriate, to minimize impacts. No additional BMPs are required in this Supplemental EA. No compensatory mitigation is required as part of the recommended plan.

Public and agency review of the draft Supplemental Environmental Assessment and FONSI was completed on [Date public review concluded]. All comments submitted during the public review period have been responded to in the Final Supplemental Environmental Assessment and FONSI.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have no effect on federally listed species or their designated critical habitat.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that there would be no historic properties affected by the recommended plan. The Pueblo of Santa Ana Tribal Historic Preservation Officer concurred with this determination on 10 November 2021. The Corps received no expression of any Tribal concerns or objections during consultation.

The proposed work does not involve a discharge of dredged or fill material within waters of the U.S. regulated by Section 404 of the Clean Water Act (CWA). Therefore, no permit under Section 404 of the CWA would be needed for this project.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. No other issues were raised relative to other environmental laws and/or Executive Orders.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not warranted, and a Finding of No Significant Impact is appropriate.

Date

Matthew T. Miller
Lieutenant Colonel, U.S. Army
District Commander

DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

**Addressing Donation of the Jemez Recreation Area Access Road
to the Pueblo of Santa Ana, as Related to the
Jemez Canyon Dam Recreation Area Closure**

Sandoval County, New Mexico

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APPENDIX A – Cultural Resources Consultation

LIST OF ACRONYMS USED

APE	Area of Potential Effect
BMPs	Best Management Practices
cfs	Cubic feet per second
Corps	U.S. Army Corps of Engineers
CWA	Clean Water Act
EA	Environmental Assessment
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
JCD	Jemez Canyon Dam
JCDR	Jemez Canyon Dam and Reservoir
HTRW	Hazardous, Toxic, and Radioactive Waste
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMCRIS	New Mexico Cultural Resource Information System
NMED	New Mexico Environment Department
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
USFWS	U.S. Fish and Wildlife Service

1. BACKGROUND

The U.S. Army Corps of Engineers (Corps), Albuquerque District, Operations Division is planning to transfer management of the recreation area and facilities at Jemez Canyon Dam (JCD) back to the underlying landowner, the Pueblo of Santa Ana, thereby closing the JCD recreation area to public recreation. As a part of the permanent closure of the Jemez Canyon Dam Overlook Recreation Area, the Corps' Jemez Canyon Dam field office is conducting a disposal by donation of the recreation assets at the former recreation area. One of the assets not formally included in the May 2022 Environmental Assessment was the approximately .81 kilometers (0.5 miles) of asphalt road leading into the Recreation Area (Figure 1). This Draft Supplemental Environmental Assessment (SEA) addresses the environmental effects of the donation of this road and transfer of its maintenance to the Pueblo of Santa Ana.

The recreation area and its access road are located at the Corps' Jemez Canyon Dam and Reservoir (JCDR) Project on Pueblo of Santa Ana Reservation lands (Figure 1). The recreation area was placed under a temporary closure on November 30, 2015, and the Corps seeks to close the area permanently due to declining visitation and disproportionately increased operation and maintenance costs.

Once disposed, the Corps will not conduct any future management (including maintenance and repairs) of the former recreation area and access road. The Corps maintains easement of access for operating and maintaining Jemez Canyon Dam upon existing rights-of-way.

The JCD recreation area was first established in 1953, and facility construction began in 1961. It currently consists of six covered picnic shelters, each containing a concrete picnic table and grill; a vault toilet; an overlook facility; and an associated paved access road and parking area. Over the years, visitation to the overlook area has declined and the cost of maintaining the aging structures has increased, as described in the 2022 EA. The Corps has concluded that it is no longer viable or sustainable to maintain a public recreation area at the JCDR and the best use of the area is to return its management to the Pueblo.

1.1. AUTHORITY

The JCDR Project was authorized by Congress in the Flood Control Acts of 1948 (Pub. L. No. 80-858) and 1950 (Pub. L. No. 81-516). JCDR Project construction began in May 1950. The dam was completed and placed into operation in October 1953. Operation of the JCDR Project, along with the other Corps dams in the Middle Rio Grande basin of New Mexico, is prescribed in the Flood Control Act of 1960 (Pub. L. No. 86-645).

All lands associated with the JCDR Project (about 6,711 acres) are located entirely within the boundaries of the Pueblo of Santa Ana, a federally recognized Native American Tribe. The United States of America, acting through the Department of the Army, Corps of Engineers, and the Pueblo of Santa Ana signed a Memorandum of Understanding (MOU) in 1952, which established a perpetual right and privilege for the construction, operation, and maintenance of the JCDR Project. The Corps is required to protect Santa Ana natural and cultural assets as part of the federal government's Native American Trust responsibilities. Management activities are generally to be performed in cooperation with the Pueblo of Santa Ana per Executive Order and governmental policy.

The Corps currently operates and maintains the JCD and related structures on the property described in the 1952 MOU between the United States of America and the Pueblo of Santa Ana and in Public Land Order 873, dated November 14, 1952. The JCD Overlook Recreation Area is located within the Corps' Operation and Maintenance area in accordance with the MOU.

In any event, the Corps will retain easement access for operating and maintaining Jemez Canyon Dam under existing rights-of-way pursuant to the Congressional authorization of certain transfers affecting the Pueblo of Santa Ana (See Pub. L. No. 99-575).

*Supplemental Environmental Assessment
Donation of the Jemez Recreation Area Access Road to the Pueblo of Santa Ana,
Jemez Canyon Dam Recreation Area Closure, Sandoval County, NM*

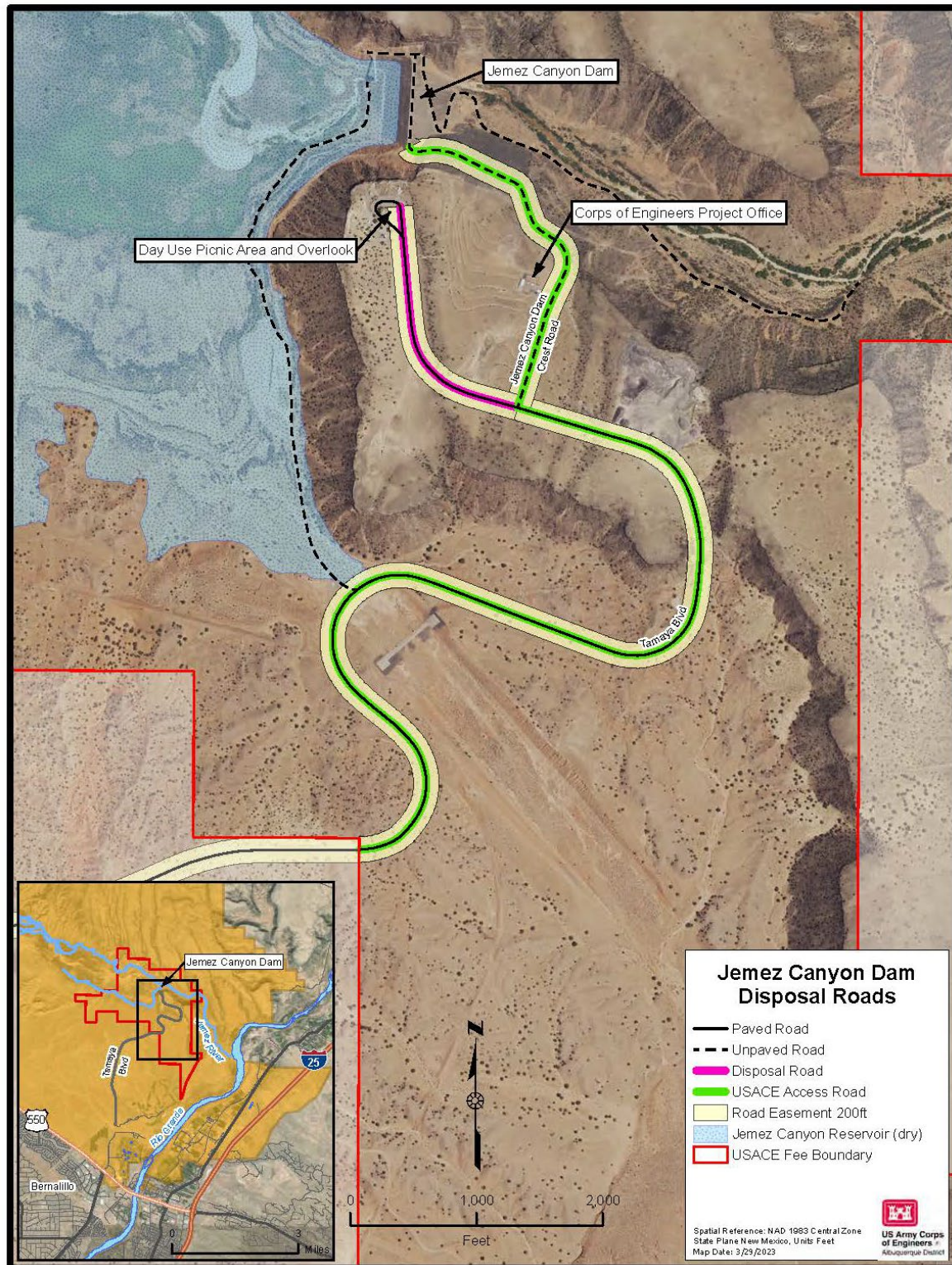


Figure 1: Jemez Canyon Dam Recreation Area and Access Road Map

1.2. PURPOSE AND NEED FOR ACTION

The JCD Overlook Recreation Area was established in 1953 as part of the original dam and reservoir project, with improvements constructed beginning in 1961. Currently, the 10-acre area consists of six covered picnic shelters, each containing a concrete picnic table and grill; a vault toilet; an overlook facility; and an associated paved access road and parking area. Photos of the recreation area appeared in the 2022 EA (USACE 2022).

From 1979 to 2000, the New Mexico Interstate Stream Commission established a sediment retention pool and stored water in the Jemez Canyon reservoir. The storage agreement expired, which necessitated release of the pool. A Conservation Water Agreement in 2001 allowed for additional storage; however, this water was released to allow for repairs to the dam. Therefore, between August 2000 and October 2001, the Corps, in cooperation with the State of New Mexico, released the pool of water that had been held behind the JCD. Since fall of 2001, JCD has been operated as a dry, flood-control reservoir. Visitation to the overlook area has declined while costs associated with operation and maintenance of the overlook area have increased disproportionately. The cost of maintaining the aging structures and monitoring the area for vandalism has led the Corps to believe it is no longer viable or sustainable to maintain a recreation area at the Project. The Corps suspended recreation at the JCD Overlook Recreation Area on November 30, 2015, and the area has remained under temporary closure since then. An Environmental Assessment (EA) to evaluate the environmental impacts of transferring management and facilities back to the Pueblo of Santa Ana and permanent closure of the recreation area was completed in 2022 (USACE 2022). This SEA considers the environmental impacts of including the access road in the transfer of management and facilities back to the Pueblo of Santa Ana.

1.3. PROJECT LOCATION

The JCD Overlook Recreation Area is a 10-acre management compartment located within the Corps' Operations and Maintenance area, as described in the 1952 MOU, at the JCDR. Access is from U.S. highway 550 on the west side of Bernalillo via the Jemez Canyon Dam Road (Figure 1).

2. REGULATORY COMPLIANCE

This 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, but not limited to, the following:

- Americans with Disabilities Act (42 U.S.C. §§ 12101 *et seq.*)
- Archaeological Resources Protection Act (16 U.S.C. §§ 470aa - mm)
- Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668d)
- Clean Air Act (42 U.S.C. §§ 7401 *et seq.*)
- Clean Water Act (33 U.S.C. §§ 1251 *et seq.*)
- Endangered Species Act (16 U.S.C. §§ 1531-1544)
- Energy Independence and Security Act of 2007 (Pub. L. No. 110-140, Dec. 19, 2007, Section 438; 121 Stat. 1492, 1620)
- Farmland Protection Policy Act (7 U.S.C. §§ 4201 *et seq.*)
- Federal Noxious Weed Act (7 U.S.C. §§ 2814-2814)
- Plant Protection Act of 2000 (7 U.S.C. §§ 7701 *et seq.*)
- Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-666c)
- Migratory Bird Treaty Act (16 U.S.C. §§ 703-712; 50 CFR 10.13)
- National Environmental Policy Act (42 U.S.C. §§ 4321 *et seq.*)
- National Historic Preservation Act (54 U.S.C. §§ 300101 *et seq.*)
- Native American Graves Protection and Repatriation Act (25 U.S.C. §§ 3001-3013)
- Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 651-678)
- CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 C.F.R. §§ 1500 *et seq.*)
- U.S. Army Corps of Engineers' Procedures for Implementing NEPA (33 C.F.R. § 230; Engineer Reg. 200-2-2)
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13112, Invasive Species
- Executive Order 13751, Safeguarding the Nation from the Impacts of Invasive Species
- Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds
- Executive Order 13834, Efficient Federal Operations

This document and associated analyses have been coordinated with the Pueblo of Santa Ana.

3. DESCRIPTION OF ALTERNATIVES

3.1. NO ACTION ALTERNATIVE: CORPS RETAINS MANAGEMENT OF THE ACCESS ROAD

Under the no action alternative, the road would not be donated to the Pueblo, and maintenance of the road would not be transferred but would continue to be the responsibility of the Corps. Also, condition of the road would continue to degrade and decline, as USACE recreation budget continues a decreasing trend, and there would be less funding to maintain. The recreation area facilities would be donated, and their maintenance transferred to the Pueblo as described in the 2022 EA. Under this alternative, the Corps would continue managing the road, but the recreation area would be managed by the Pueblo and would remain closed to the public for the foreseeable future.

3.2. PREFERRED ALTERNATIVE: DONATION OF THE ACCESS ROAD TO THE PUEBLO OF SANTA ANA

Under the preferred alternative, the access road would be included in the donation of recreation facilities and transfer of management to the Pueblo of Santa Ana. The road and recreation facilities would be transferred to the Pueblo through a real estate disposal action. Facilities would be transferred “as is” without repair or improvement. The Corps would no longer be responsible for management and maintenance of the road. The Corps would nevertheless retain easement access for operating and maintaining Jemez Canyon Dam under existing rights-of-way.

4. EXISTING ENVIRONMENT AND FORESEEABLE EFFECTS

4.1. PHYSICAL ENVIRONMENT

4.1.1. Climate and Climate Change

The climate of the Jemez River basin was described in the 2022 EA (USACE 2022), and is characterized by hot summers, short spring and fall transition seasons, and winters that vary from moderate in the lower basin to cold and snowy in the higher mountainous area. Mean annual precipitation varies from 8.35 inches at JCD to more than 30 inches in the high mountainous regions of the basin. About one-third of the annual precipitation occurs during July and August as thunderstorms.

Climate change is expected to result in increased temperatures and decreased snowpack, as well as potentially more frequent severe storms. Nevertheless, the preferred alternative would not contribute to any climate-related risks. The transfer of management responsibility would not generate additional releases of greenhouse gases, nor would climate affect how management is conducted. The no action alternative also would not affect climate. **There would not be any impact on climate from either alternative, nor would any alternative be at risk due to climate change.**

4.1.2. Physiography, Geology, and Soils

The JCD is located across a constriction of a canyon cut by the Jemez River about two miles above its confluence with the Rio Grande. The geology and soils at the JCDR Project were described in the 2022 EA (USACE 2022).

The preferred alternative is a change in ownership and management responsibility only; donation of the road and transfer of management to the Pueblo of Santa Ana would not entail any disturbance to soils or geology. The no action alternative similarly would not result in any change from existing conditions. **There would be no significant impacts to the local physiography, geology, or soils from either alternative.**

4.1.3. Water Resources and Water Quality

The Rio Jemez watershed has been described in the 2022 EA (USACE 2022).

Section 404 of the Clean Water Act (CWA) protects against impacts associated with discharges of dredged or fill material into waters of the U.S., including wetlands. The proposed action would not result in a discharge of dredged or fill material; therefore, no permit under Section 404 of the CWA is required. Because no permit for Section 404 of the CWA is required, neither is water quality certification under Section 401.

Section 402(p) of the CWA regulates point source discharges of pollutants into waters of the U.S. and specifies that storm-water discharges associated with construction activity be conducted under National Pollutant Discharge Elimination System (NPDES) guidance. The NPDES permit requirement would not apply to the transfer of the road to the Pueblo because there would be no ground-disturbing activities associated with the proposed action.

Neither of the proposed alternatives would have any impacts on water resources.

4.1.4. Floodplains and Wetlands

Executive Order 11990 (Protection of Wetlands) requires the avoidance, to the extent possible, of long- and short-term adverse impacts associated with the destruction, modification, or other disturbance of wetland habitats.

Wetlands are not present within the project area; therefore, E.O. 11990 does not apply to this project site.

Executive Order 11988 (Floodplain Management) provides federal guidance for activities within the floodplains of inland and coastal waters. Preservation of the natural values of floodplains is of critical importance to the nation and the State of New Mexico. Each federal agency is required “to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management.”

Neither of the alternatives would affect the Rio Jemez floodplain. The proposed alternatives comply with E.O. 11988.

4.1.5. Hazardous, Toxic, and Radioactive Waste

The Corps Albuquerque District’s Environmental Engineering section has reviewed the documentation pertaining to the donation of the road and permanent closure of the recreation area at JCD. No Hazardous, Toxic, and Radioactive Waste will be involved with the actions of the donation and closure of the road.

The 2022 EA listed construction Best Management Practices (BMPs) to protect against hazardous, toxic, and radioactive waste. However, since donation of the road to the Pueblo would not entail any demolition or new construction, no additional BMPs are required.

None of the alternatives would have environmental or public health impacts from hazardous or toxic substances.

4.1.6. Air Quality

The New Mexico Environment Department (NMED), Air Quality Bureau maintains an air quality monitoring station at Bernalillo (NMED 2020). Sandoval County is in attainment status for state and federal Ambient Air Quality Standards, meaning that air quality standards are met (USEPA 2020).

Although seasonally high winds are common and blowing dust may be a problem in the project area, neither the preferred alternative nor the no action alternative would result

in construction or soil disturbance that could produce dust. Therefore, **no impacts to air quality would occur from either of the alternatives.**

4.2. NOISE

Ambient noise levels at the project site are typical of undeveloped, rural areas. The major noise sources include vehicles traveling to the area, natural sounds (wind, birds), and occasional people.

Neither the preferred alternative nor the no action alternative would involve operation of machinery or change the amount of traffic traveling to the area. **Neither alternative would have any effect on noise.**

4.3. BIOLOGICAL RESOURCES

4.3.1. Vegetation

The vegetation at Jemez Canyon Reservoir has been described in the 2022 EA (USACE 2022) and is typical of the Plains-Mesa Sand Scrub biotic community as defined by Dick-Peddie (1993). The preferred alternative is a change in management responsibility only and would not affect vegetation. Similarly, the no-action alternative would result in no change in visitation, no construction, and no impacts to vegetation. **Neither alternative would have an effect on vegetation.**

4.3.2. Wildlife

Common wildlife species likely to utilize upland areas around the reservoir include Scaled and Gambel's Quail (*Callipepla squamata* and *C. gambelii*), Mourning Dove (*Zenaidura macroura*), coyote (*Canis latrans*), badger (*Taxidea taxus*), cottontail rabbit (*Sylvilagus audubonii*), jackrabbit (*Lepus californicus*), pronghorn (*Antilocapra americana*), ground squirrel (*Xerospermophilus spilosoma*), various songbirds, hawks, and, occasionally, mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*). The sparse vegetation at the recreation area supports minimal wildlife and does not constitute important habitat for any wildlife species. The access road crosses pronghorn habitat. However, there would be no change in utilization of the road from the proposed action and no impacts to wildlife. **Neither alternative would have an effect on wildlife.**

4.3.3. Invasive/Exotic Species

The most notable invasive species at JCDR, tamarisk or saltcedar (*Tamarix sp.*), occurs in the reservoir and floodplain, not in uplands or the recreation area. The recreation area has minor populations of Russian thistle (*Salsola tragus*), kochia (*Bassia scoparia*), and other upland weeds. The preferred alternative is a change in management

responsibility only and would not affect invasive species populations. Similarly, the no action alternative would not affect invasive species. **Neither alternative would have an effect on invasive species populations.**

4.3.4. Special Status Species

Federally listed threatened and endangered species that could occur in the project area have been reviewed (USFWS 2024). As discussed in the 2022 EA, habitat for the listed Rio Grande silvery minnow (*Hybognathus amarus*), Southwestern willow flycatcher (*Empidonax traillii extimus*) and Yellow-billed cuckoo, western distinct population segment (*Coccyzus americanus*) does not exist at the recreation area. These species do not occur in the project area and would not be affected by either the preferred alternative or the no action alternative.

Requirements have been met for the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). The lists of federal and state threatened or endangered species, species of concern, and rare plants that occur, or could potentially occur in Sandoval County, New Mexico, have been reviewed. Due to the absence of suitable habitat and the limited scope of activity, **the proposed alternatives would have no effect on federal or state threatened or endangered species, candidate or proposed species, or their habitats.**

4.4. CULTURAL RESOURCES

Existing Environment

The area of potential effect (APE) for this project includes the recreation area proper with all its attendant constructed facilities, and the road to the recreation area to the west of the intersection with the road leading to the Corps Project Office (Figure 1). The footprint of the recreation area management compartment is larger, but because the land already belongs to the Pueblo of Santa Ana and ceding control over the area changes nothing regarding original ownership, the only real potential for adverse effect as a result of the transfer lies within the recreation area itself and its associated buildings, and the road leading to the recreation area, should it be permanently closed. Constructed in 1961, the recreation area includes an octagonal, open-sided concrete slab structure with benches on the interior that overlooks the valley below the mesa, six day-use picnic areas measuring approximately 12 feet by 24 feet, and a more recent vault toilet installed in 2006.

A pre-field online records check of the New Mexico Office of Cultural Affairs, Historic Preservation Division, New Mexico Cultural Resource Information System was conducted on June 8, 2020. At the time of this records check, there was no previous cultural resource survey and no known archaeological sites or historic properties within

the boundaries of the proposed management transfer. In 2011, Statistical Research, Inc. (SRI) conducted a comprehensive, Class III cultural resource inventory of the maximum flood pool of the reservoir (2,050 acres). This survey resulted in the documentation of 100 sites, 80 new and 20 revisited. The mesa top location of the recreation area was not included in this survey, and none of the sites documented by SRI fall into the APE of the management transfer.

Without the proposed project, any historic properties within the proposed project's APE would be expected to remain in their approximate current condition, or to continue to degrade slowly over time should the recreation area remain closed to the public. **The no-action alternative and preferred alternative would result in no historic properties affected.**

Preferred Alternative:

The transfer of ownership or control of land by the federal government is considered an adverse effect to historic properties if it is conducted without adequate conditions or restrictions regarding the preservation, maintenance, or use of historic properties. Since the recreation area has not been surveyed for cultural resources in the past, it was necessary to inventory the area to determine whether any cultural resources or historic properties could be adversely affected by the recreation area management transfer.

On June 10, 2020, a Corps archaeologist visited the JCD recreation area. A 100% coverage survey was conducted along 15-meter transects throughout the recreation area and along the road between the recreation area and the Corps Project Office. Nineteen isolated occurrences were documented during the course of this survey, consisting of recent petroglyphs and pictographs, prehistoric lithic toolmaking debris, including seven flakes and one core, and recent metal refuse including cans and lids. The purpose of the survey was also to determine whether any of the structures at the recreation area, most of which were built in 1961, would be considered eligible to the National Register of Historic Places (NRHP). The survey found that none of the structures, which include the octagonal overlook and six day-use picnic area sites, as well as a comfort station toilet installed in 2006, meet the criteria for inclusion on the NRHP. Therefore, it is the Corps' determination that **the transfer of recreational facilities out of federal control will result in no historic properties affected.**

In order to comply with Section 106 of the National Historic Preservation Act (NHPA), federal agencies must consult on the effects of their undertakings on historic properties with the State Historic Preservation Officer (SHPO), Native American Tribes, other stakeholders, and the public. In the case of undertakings on tribal lands of Tribes that have assumed the role of the SHPO pursuant to Section 302702 of the NHPA, the Tribal Historic Preservation Officer (THPO) for that Tribe will be consulted. The cultural resources survey was conducted on lands owned exclusively by the Pueblo of Santa

Ana, which has a designated THPO. The Pueblo of Santa Ana THPO was sent a report detailing the results of the survey on September 10, 2020. Further consultation was conducted with the THPO during the month of November 2021. The Santa Ana THPO concurred on November 10, 2021, with the determination that the project would result in no historic properties affected. Appendix A contains copies of the cultural resources consultation correspondence as well as photos, tables, and maps of the 2020 survey results.

4.5. RECREATION

Existing Environment

Historic recreational use has been described in the 2022 EA (USACE 2022).

As the reservoir is now dry, the area is less attractive to visitors. At the same time, the age of the structures and the need for renovations to accommodate ADA accessibility make operation and maintenance of the area increasingly expensive.

Under both alternatives, the JCD recreation area would remain closed to the public. Pueblo members would be able to continue using the area. The Pueblo would manage the area and would be responsible for decisions and management related to future recreation.

The Corps concluded in 2022 that the closure of the recreation area would have a minor negative impact on recreation. However, including the access road in the transfer of recreation facilities to the Pueblo would not have any additional impact because the area is already closed to the public. Therefore, **neither alternative would have an impact on recreation** beyond that already discussed in the 2022 EA.

4.6. SOCIOECONOMIC CONSIDERATIONS

4.6.1. Socioeconomics

The population, demographic and socioeconomic information for Sandoval County and Santa Ana Pueblo were reported in the 2022 EA (USACE 2022). The JCDR recreation area does not attract visitors from other regions and does not generate significant economic return. Donation of the road to the Pueblo would not affect any socioeconomic indicators. The no action alternative would similarly have no effect. **Neither of the alternatives would have socioeconomic impacts.**

4.6.2. Environmental Justice and Protection of Children

The goal of environmental justice is to ensure that all Americans are afforded the same degree of protection from environmental and health hazards and have equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs federal agencies to make environmental justice part of their mission to the greatest extent practicable and permitted by law.

The Pueblo of Santa Ana is considered a community with environmental justice concerns. The no action alternative would not change any EJ circumstances related to the Pueblo. The preferred alternative could be considered to empower the Pueblo community by transferring management authority for the road to the Pueblo.

Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks) recognizes that children may suffer disproportionately from environmental health risks and safety risks and directs each federal agency to ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks. The access road, being closed to the public, does not present a health or safety concern for children.

Neither of the proposed alternatives would disproportionately affect safety or environmental health risks to children or communities with environmental justice concerns.

5. RECOMMENDED ALTERNATIVE

The Corps proposes to implement the preferred alternative, donating the recreation area access road along with the other recreation assets and transferring management of the road to the Pueblo of Santa Ana. The Pueblo would assume responsibility for maintenance and management of the road along with the rest of the recreation area. The Corps would retain easement access for operating and maintaining Jemez Canyon Dam under existing rights-of-way pursuant to the Congressional authorization of certain transfers affecting the Pueblo of Santa Ana (See Pub. L. No. 99-575).

5.1. SUMMARY OF ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

Table 1: Summary of Findings and Impacts to Resources.		
Resources	Preferred Alternative	No-Action Alternative
Physical Landscape		
<i>Climate and Climate Change</i>	No Impacts	No Impacts
<i>Physiography, Geology, and Soils</i>	No Impacts	No Impacts
<i>Water Resources and Water Quality</i>	No Impacts	No Impacts
<i>Floodplains and Wetlands</i>	No Impacts	No Impacts
<i>HTRW</i>	No Impacts	No Impacts
Air Quality	No Impacts	No Impacts
Noise	No Impacts	No Impacts
Biological Resources		
<i>Vegetation</i>	No Impacts	No Impacts
<i>Fish and Wildlife</i>	No Impacts	No Impacts
<i>Invasive/Exotic Species</i>	No Impacts	No Impacts
<i>Special Status Species</i>	No Effect	No Effect
Cultural Resources	No Effect	No Effect
Recreation	No Impacts	No Impacts
Socioeconomic Considerations		
<i>Socioeconomics</i>	No Impacts	No Impacts
<i>Environmental Justice and Protection of Children</i>	No Impacts	No Impacts

6. CONSULTATION AND COORDINATION

Coordination with the public and federal, tribal, and state agencies is ongoing. Agencies and entities contacted formally or informally in preparation of this Environmental Assessment (EA) include:

- Pueblo of Santa Ana
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency

6.1. PUBLIC REVIEW

The public was provided a 30-day review period of the Draft SEA from January 21 until February 20, 2025. Letters inviting review of the Draft SEA were sent to tribes with interest in Sandoval County, NM and Sandoval and Bernalillo County Commissioners. The Draft SEA was posted on the Corps Albuquerque District website. A Notice of Availability of the Draft SEA was published in the Albuquerque Journal on January 19, 2025. Availability of the Draft SEA was also posted on the Albuquerque District Facebook page. In response to these outreach efforts, Corps received comments from [comments and responses to be added....]

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6.3. COMMENTS AND RESPONSES

[To be added following public review]

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8. REFERENCES

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