

Appendix B

Agency Correspondence



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

May 12, 2009

Regulatory Division

Mr. L. Brad Sumrall, P.E.
Bohannon Houston, Inc.
Courtyard 1
7500 Jefferson St. NE
Albuquerque, NM 87109-4335

Dear Mr. Sumrall:

This replies to your April 21, 2009, Marron and Associates letter requesting a Section 404 jurisdictional determination for waters of the United States for the proposed Carnuel Mutual Domestic Water and Wastewater Consumers Association (Carnuel MDW & WWCA) project in Tijeras Arroyo and two tributaries in Carnuel, Bernalillo County, New Mexico. We have assigned Action No. SPA-2009-00246-ABQ to this request.

We have evaluated the information you provided and concur with your findings that waters of the United States appear to be within the project site. Tijeras Arroyo and the two tributaries may be regulated under provisions of Section 404 of the Clean Water Act. The jurisdictional boundary may be defined by the ordinary high water mark identifiers including but not limited to, a line inscribed on the bank, the destruction of terrestrial vegetation or changes in soil characteristics.

This letter contains a preliminary jurisdictional determination for the subject site. A preliminary jurisdictional determination is not appealable. We have enclosed a signed copy of the preliminary jurisdictional determination form for the proposed project. If you object to this determination, you may request that an approved jurisdictional determination be performed that is appealable through an administrative appeal process under Corps' regulations at 33 CFR Part 331.

A Department of the Army permit is required prior to the discharge of dredged or fill material into jurisdictional waters of the United States. Therefore, you should contact our office prior to conducting work in these waters. If you have any questions about this determination or

-2-

permit requirements, please feel free to contact me at (505) 342-3284 or by email at william.m.oberle@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "William M. Oberle". The signature is written in a cursive style with a large, looping initial "W".

William M. Oberle
Regulatory Specialist

Enclosure
Preliminary JD Form



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

Caring for Our Nation's Waters

U.S. Army Corps of Engineers Regulatory Program

Water is one of our nation's most valuable resources. It is becoming increasingly important that we protect the quality of our inland waters and wetlands for the use and benefit of future generations.

This brochure discusses the regulatory program of the U.S. Army Corps of Engineers: what it is, how it began, how it may affect you and what you as a concerned citizen can do to help.

If you are planning work in an arroyo, river, stream, or wetland, a Corps permit (Section 10 or Section 404) may be required.

The program provides for the consideration of all concerns of the public -- environmental, social and economic -- in the Corps' decision-making process to either issue or deny permits. As part of its responsibility to protect water quality, the Corps of Engineers Section 404 permit program extends to many areas that were not regulated prior to the Clean Water Act.

The purpose of the Section 404 program is to insure that the biological and chemical quality of our nation's waters is protected from irresponsible and unregulated discharges of dredged or fill material that could permanently alter or destroy these valuable resources.

You are urged to understand and support this program.

Corps of Engineers Involvement

The Corps' permit program is not new. When it began in 1886, its purpose was principally to avoid obstructions in navigable waters. In response to changing environmental, social and economic conditions, the scope has been broadened. Sections 9 and 10 of the River and Harbor Act of 1899 were established to regulate dams, dikes, and obstruction or alteration of navigable waters of the United States.

The Corps of Engineers regulatory function was expanded when Congress passed the Federal Water Pollution Control Act Amendments of 1972. Section 404 of the Act established a permit program to be administered by the Corps of Engineers to regulate the discharge of dredged or fill material into waters of the United States. The Act, renamed the Clean Water Act, was further amended in 1977 to provide exemptions, general permits and program turnover to states having approved programs.

The Corps has published regulations in the Code of Federal Regulations (33 CFR, Parts 320-330) to administer these laws.

Activities Requiring Permits

A Corps permit is required if you plan to locate a structure or discharge dredged or fill material in waters or navigable waters of the United States. This information is directed to those individuals, companies, corporations, and government agencies planning construction activities in a river, stream, lake or wetland within the jurisdiction of the Corps of Engineers.

Examples of regulated activities are materials placed in a waterway or wetland for any purpose including: commercial, industrial or recreational construction; roadfills and causeways where portions of the construction are in waters or wetlands; dams and dikes; and protection devices such as levees, groins, riprap and other bank stabilization.

Waters of the United States

Waters of the United States are administratively defined as (1) the traditional "navigable waters of the United States" including adjacent wetlands; (2) all interstate waters including interstate wetlands; (3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), prairie potholes, mudflats, playa lakes, etc.; (4) all impoundments of these waters; (5) tributaries of the above listed waters; and (6) wetlands adjacent to the above waters. Section 404 permits are required for construction activities in these waters.

Navigable waters are defined as waters that have been used in the past, are now used or susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Section 10 and/or Section 404 permits are required for construction activities in these waters.

"Wetlands" are areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The landward regulatory limit for non-tidal waters (in the absence of adjacent wetlands) is the ordinary high water mark. The ordinary high water mark is the line on the shores established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

Exempted Activities

There are a few activities which involve placement of fill in a waterway that are not subject to the Section 404 regulatory program. These exempted activities are briefly described here. The fill must not change the use of the water and the flow must not be impaired.

1. Normal farming, silviculture and ranching activities such as plowing, seeding cultivating, minor drainage and harvesting.
2. Maintenance or emergency repair of a currently serviceable structure such as dams, riprap, abutments, and levees. The original design may not be changed.
3. Maintenance or construction of stock ponds or irrigation ditches. Maintenance (not construction) of drainage ditches. Discharges associated with irrigation facilities are included.
4. Construction of temporary sedimentation basins at construction sites if fill material is not placed in waters of the United States.
5. Activities for which a state has an approved program under Section 208 of the Clean Water Act for non-point pollution sources.
6. Construction or maintenance of farm roads, forest roads or temporary mining roads. Best management practices must be followed to reduce flow pattern impairment and aquatic impacts (see regulations for more information).

Regional General Permits

Regional general permits are issued by the District Engineer for a general category of fill activities when (1) the activities are similar in nature and cause minimal environmental impact (both individually and cumulatively), and (2) the regional permit reduces duplication of regulatory control by State and Federal agencies.

Contact the Albuquerque District Corps of Engineers for information regarding regional general permits in this area.

Individual Permits

Upon receipt of your application for a Section 404 permit, a public notice is issued to all known interested persons.

Historical/archeological impacts and effects on endangered species and critical habitat are reviewed. An environmental assessment is prepared to further evaluate the project's impact.

Water quality certification is requested from the appropriate state, federal, or tribal agency. Comments are received from interested individuals, groups, and government agencies. A public hearing may be held to acquire information and allow the public an opportunity to present their views.

In evaluating a permit application, the Corps of Engineers thoroughly analyzes the impacts of the proposed activity on the public interest.

Consideration is given to many factors, including: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. Individual and cumulative impacts are evaluated.

The decision to issue a permit is based on the benefits which may accrue from the proposed project. Benefits are weighed against foreseeable detriments, and a permit is issued only when its issuance is found to be in the public interest.

After evaluating the above considerations, the District Engineer makes the final decision to issue or deny the permit.

Processing time usually takes less than 120 days unless a public hearing is required or an environmental impact statement must be prepared.

Pre-Application Consultation

You are encouraged to contact the Albuquerque District Corps of Engineers for proposed work in waters in this jurisdictional area.

Exemptions, nationwide, regional and individual permit requirements will be reviewed. By discussing all information prior to application submittal, your application will be processed more efficiently.

An official determination as to the need for a Department of the Army permit will be provided on request.

Application for an Individual Permit

An individual Section 404 permit will be required for placement of dredged or fill material in waters of the United States if the project is not exempted from the Section 404 program and does not fall under one of the nationwide or regional permits.

If an individual permit is required, an application form should be completed. This application is available from the Corps of Engineers. Information needed includes (1) drawings (size 8½" X 11") sufficient for others to understand your project; (2) location, purpose, types and quantities of fills, and intended use; (3) expected start and completion dates; (4) names and addresses of adjoining landowners; and (5) location and dimensions of adjacent structures.

Nationwide Permits

A nationwide permit is a form of general permit authorizing a category of activities throughout the nation. These permits are valid only if their terms and conditions are met. If the conditions cannot be met, a regional or individual permit will be required.

Many of the nationwide permits require **Notification** to the District Engineer prior to use. **Regional conditions** have been added within each state and are available from the Regulatory Office or on our web page. In many cases, individual **water quality certification** must be obtained pursuant to General Condition No. 21 of the nationwide permits. A water quality certification information sheet is available.

A list of available nationwide permits and conditions is provided below. Summaries of the nationwide permits are available from the Regulatory Office or on our web page.

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water from Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Projects
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
48. Existing Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities

Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Wild and Scenic Rivers
16. Tribal Rights
17. Endangered Species
18. Historic Properties
19. Designated Critical Resource Waters
20. Mitigation
21. Water Quality
22. Coastal Zone Management
23. Regional and Case-by-Case Conditions
24. Use of Multiple Nationwide Permits
25. Transfer of Nationwide Permit Verifications
26. Compliance Certification
27. Pre-Construction Notification
28. Single and Complete Project

Further Information about Nationwide Permits

1. The Corps is authorized to determine if an activity complies with the terms and conditions of a nationwide permit.
2. Use of a nationwide permit does not obviate the need to obtain other federal, state or local authorizations required by law.
3. Nationwide permits do not grant any property rights or exclusive privileges.
4. Nationwide permits do not authorize any injury to the property or rights of others.
5. Nationwide permits do not authorize interference with any existing or proposed federal project.

Nationwide permit conditions are periodically revised. Please call or write for a determination and for a summary of current nationwide permit conditions.

Section 10 River and Harbor Act of 1899

Structures or work affecting navigable waters of the United States are regulated under Section 10 of the River and Harbor Act of 1899. The law applies to all structures, from small recreational docks to large commercial structures, and includes any dredging or excavation, bank protection, overhead powerlines or other work.

Even structures or work outside the limits defined for navigable waters of the United States could require a Section 10 permit if the structure or work effects the course, location or condition of the water body in such a manner as to impact the navigable capacity of the water body.

Navigable waters within the Albuquerque District include Navajo Reservoir and the Rio Grande along the international boundary. The Corps of Engineers will provide more information and an application form upon request.

You Can Help

The understanding and support of the American people is vital to the success of this program. To protect our nation's water resources and assure their use and enjoyment of future generations, we must all join this vital effort. We ask your help in "passing the word" to others concerning the permit requirements outlined in this brochure and solicit your views and comments on better ways of attaining the goals of this program. Your comments, questions, and suggestions should be directed to the addresses in this brochure.

Mailing List

We maintain a mailing list of public and private people, organizations, and agencies interested in the Corps of Engineers regulatory program. We distribute notifications of changes to the regulatory program and public notices about individual permit projects electronically. If you would like to receive these notifications, please send your name, e-mail address and area of interest (e.g., county, counties, or state) to the Albuquerque office listed below.

We periodically update the mailing list. If you do not respond to an update request, your name may be removed from the list.

For More Information

In New Mexico:

Albuquerque District Corps of Engineers
ATTN: Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Phone: (505) 342-3283

In northwestern New Mexico:

Durango Regulatory Office
799 E. 3rd Street, Suite #2
Durango, Colorado 81301
Phone: (970) 375-9509

In southeastern Colorado:

Southern Colorado Regulatory Office
200 S. Santa Fe Avenue, Suite 301
Pueblo, Colorado 81003
Phone: (719) 543-9459

In southern New Mexico and western Texas:

El Paso Regulatory Office
P.O. Box 6096
Ft. Bliss, Texas 79906-0096
Phone: (915) 568-1359

Please visit our website for more information: <http://www.spa.usace.army.mil/reg/>

Version: June 2008



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ENVIRONMENT DEPARTMENT



Office of the Secretary

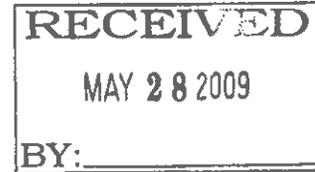
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www.nmenv.state.nm.us

RON CURRY
Secretary
Jon Goldstein
Deputy Secretary

May 27, 2009

Peggy Ulman
Marron and Associates, Inc.
7511 Fourth Street, NW
Albuquerque, NM 87107



RE: Carnuel Water System Improvement Project

Dear Ms. Ulman:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Ground Water Quality and Surface Water Quality Bureaus and are as follows.

Ground Water Quality Bureau

The Ground Water Quality Bureau (GWQB) staff reviewed the above-referenced letter as requested, focusing specifically on the potential effect to ground water resources in the area of the proposed project. The GWQB support this effort go get households off of septic systems and onto a municipal wastewater collection system. Collection and treatment (including reduction of nitrogen concentrations) of wastewater is often more protective of ground water quality than the widespread use of septic systems.

Surface Water Quality Bureau

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. Because this project appears to exceed one acre (including staging areas, etc.), it will require appropriate NPDES permit coverage prior to beginning construction.

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water

runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 10.C.1.b)

You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP was re-issued effective June 30, 2008. The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at:
<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

I hope this information is helpful to you.

Sincerely,



Georgia Cleverley
Environmental Impact Review Coordinator
NMED File #2853



Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4400 Fax: (505) 761-4462
Website: www.nm.nrcs.usda.gov

April 27, 2009

Ms. Peggy Ulman
Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, New Mexico 87107

Dear Ms. Ulman:

We have received your request for evaluation of the Carnuel Water System Improvement Project, Bernalillo County, New Mexico. There is no prime or unique farmland in the project area. The Natural Resources Conservation Service has no objections to the proposed action.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. Alexander", is written over a large, light-colored circular stamp or watermark.

DENNIS L. ALEXANDER
State Conservationist





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

APR 28 2009

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. 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 of 1973, 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. On December 16, 2008, we published a final rule concerning clarifications to section 7 consultations under the Act (73 FR 76272). One of the clarifications is that section 7 consultation is not required in those instances when the direct and indirect effects of an action pose no effect to listed species or critical habitat. As a result, we do not provide concurrence with project proponent's "no effect" determinations.

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

April 30, 2009



Ms. Peggy Ulman
Marron and Associates, Inc.
7511 Fourth St. NW
Albuquerque, NM 87107

Dear Ms. Ulman:

We have received your April 21, 2009, letter requesting our evaluation of the potential environmental impacts which might result from the following project:

**Carnuel Water System Improvements
Bernalillo County
Albuquerque, New Mexico**

In administering the sole source aquifer (SSA) program under Section 1424 of the Safe Drinking Water Act our Office performs evaluations of projects with federal financial assistance which are located over a designated sole source aquifer.

Based on the information provided, we have concluded that the project does not lie within the boundaries of a designated sole source aquifer and is thus not eligible for review under the SSA program.

If you did not include the Parish/County; a legal description; project location and the latitude and longitude if available, please do so in future Sole Source Aquifer correspondence. If you have any questions on this letter or the sole source aquifer program please contact me at (214) 665-7133.

Sincerely yours,

Michael Bechdol, Coordinator
Sole Source Aquifer Program
Ground Water/UIC Section

cc: Bill Olsen, NMED
William Mackrain, UDSA

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Tod Stevenson

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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Hobbs, NM

12 May 2009

Peggy Ulman
Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, NM 87107

Re: Carnuel Water System Improvements Project, NMGF No. 12676

Dear Ms Ulman,

In response to your letter dated 21 April 2009, regarding the above referenced project, a list of species of concern that occur in Bernalillo County has been enclosed. Before the Department can assess the impact of your project on wildlife we will require additional information. Please provide a more specific project description, aerial photographs of the project area, and specific information regarding the location of proposed distribution lines. As a general rule we are unable to conduct site specific searches and must rely on adequate information in project submissions. Other sources of biological information are:

1. BISON-M Species Accounts, Searches, and County lists: <http://www.bison-m.org>
2. Habitat Handbook Project Guidelines:
http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
3. For custom, site-specific database searches on plants and wildlife, go to <http://nhnm.unm.edu>, then go to Data, then to Free On-Line Data, and follow the directions
4. New Mexico State Forestry Division (505-476-3334) or <http://nmrareplants.unm.edu/index.html> for state-listed plants
5. For the most current listing of federally listed species **always** check the U.S. Fish and Wildlife Service at (505-346-2525) or <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Jill Wick, Aquatic Habitat Specialist, at 505-476-8091 or jill.wick@state.nm.us.

Sincerely,


Terra Manasco
Assistant Chief, Conservation Services Division
Technical Guidance Section

TM/jw

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Operations Chief, NMDGF

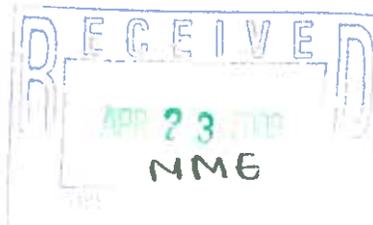
NEW MEXICO WILDLIFE OF CONCERN BERNALILLO COUNTY

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 cunicularia</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 | |



086737



7511 Fourth Street NW
Albuquerque, NM 87107
tel 505.898.8848
fax 505.897.7847

www.marroninc.com

April 21, 2009

Katherine Slick, Director
New Mexico Office of Cultural Affairs
State Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

RE: Carnuel Water System Improvements Project, Bernalillo County, New Mexico

The Albuquerque Bernalillo Water Utility Authority (ABCWUA) has entered into an agreement with the Carnuel Mutual Domestic Water and Wastewater Consumers Association (MDW & WWCA) to provide water and wastewater services for the area. An environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service is being prepared in order to assess the environmental impacts of the Carnuel Water System Improvements Project in Bernalillo County, New Mexico. The project is being proposed in order to design and construct improvements that would extend the ABCWUA system to the members of the Carnuel Mutual Domestic Water and Wastewater Consumers Association and residences within the project area. Currently, there is no central water system and community members obtain water from private wells, many of which are shallow and often co-exist in areas with poorly functioning, aging septic tanks. This situation may be the cause of nitrate contamination found in many of the wells. The enclosed maps depict the project planning area and the proposal's construction activities. Additional information about the proposed project is provided on the enclosed project summary sheet.

Marron and Associates is gathering information in order to prepare the environmental documentation for the proposed project. The review process requires coordination with pertinent agencies, and your review and comment on the proposed project is an important element in the overall review.

At the request of the ABCWUA, Marron has prepared a proposal for cultural resource investigations for the proposed project. The proposed cultural resource investigations will begin with a site file search. After an Archaeological Records Management System (ARMS) search is completed, site forms will be obtained from ARMS for any sites that appear to be close to the project area. Historic Preservation Division files of recorded buildings will also be searched, as well as building forms at the City of Albuquerque, Historic Preservation Department.

Subsequently, Marron has proposed an intensive, 100-percent coverage cultural resource survey to be completed on both sides of the affected roads (Figure 2). One 15-m-wide archaeological survey transect is proposed along each road side. Any cultural resources 50 years or older will be recorded. The built environment study area will include the first row of buildings facing the affected roads. Buildings 45 years or older will be recorded on the Historic Cultural Property Inventory Forms 1 and 2. No acequias are anticipated. The Plaza de San Miguel de Carnue, a listed property (HPD 422), will be investigated to see if it is within the proposed project area.

We would appreciate a response within 30 days. If you have questions about this letter or need more information, please contact Peggy Ulman at (505) 898-8848 or e-mail peggy@marroninc.com. Thank you for your assistance.

Sincerely,

Peggy Ulman
Peggy Ulman
Marron and Associates, Inc.

COMMENTS

M. Michelle Ensey 5/15/09
for NM State Historic Preservation Officer

Please provide a copy of the cultural resource survey report for review and consultation.

April 21, 2009

U.S. Department of Interior – National Park Service
Roxanne Runkel
12795 Alameda Parkway
Denver, CO 80225



RE: Carnuel Water System Improvements Project, Bernalillo County, New Mexico

The Albuquerque Bernalillo Water Utility Authority (ABCWUA) has entered into an agreement with the Carnuel Mutual Domestic Water and Wastewater Consumers Association (MDW & WWCA) to provide water and wastewater services for the area. An environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Utilities Service is being prepared in order to assess the environmental impacts of the Carnuel Water System Improvements Project in Bernalillo County, New Mexico. The project is being proposed in order to design and construct improvements that would extend the ABCWUA system to the members of the Carnuel Mutual Domestic Water and Wastewater Consumers Association and residences within the project area. Currently, there is no central water system and community members obtain water from private wells, many of which are shallow and often co-exist in areas with poorly functioning, aging septic tanks. This situation may be the cause of nitrate contamination found in many of the wells. The enclosed maps depict the project planning area and the proposal's construction activities. Additional information about the proposed project is provided on the enclosed project summary sheet.

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We would appreciate a response within 30 days. If you have questions about this letter or need more information, please contact Peggy Ulman at (505) 898-8848 or e-mail peggy@marroninc.com. Thank you for your assistance.

Sincerely,



Peggy Ulman
Marron and Associates, Inc.



The National Park Service reviewed this project,
and determined that no parks will be affected;
therefore, we have no comments.

Signed: RRIL

Date: 5/18/09



Date: May 19, 2009

To: Peggy Ulman, Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, NM 87107

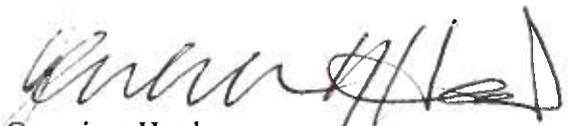
Project: Carnuel Water System Improvements Project, Bernalillo County, NM

Dear Peggy,

Thank you for notifying the NMDOT Environmental Design Division of the subject project. To obtain environmental and cultural resource clearance for a permit to access NMDOT right of way please send a copy of the environmental report along with the NMDOT environmental clearance checklist to the address and contact below. The environmental clearance checklist is included here. You can also download the clearance list from the NMDOT, Cultural Resources Bureau, Permitted ROW access web site (<http://nmshtd.state.nm.us/main.asp?secid=15610> – click on “NMDOT Environmental Clearance List” in the first paragraph).

Once I have received your request and the report I will respond within 7-10 working days.

Again, thank you for notifying us of this project. I look forward to working with you.


Genevieve Head
Cultural Resources Analyst

Cultural Resources Bureau
Environmental Design Division
New Mexico Department of Transportation
1120 Cerrillos Road, Room 213
Santa Fe, NM 87505-1149
(505)827- 5513 phone
(505)827-6862 fax
genevieve.head@state.nm.us



Environmental Clearance for Undertakings within NMDOT Rights-of-way

In order to receive environmental clearance for permitted projects in highway rights-of-way the following information will need to be submitted to the NMDOT Environmental Section. Submittals (usually) are reviewed Tuesday of each week. Submittals received on Tuesday will not be reviewed until the following Tuesday. Emergency requests are handled on a case-by-case basis. For additional information please go to <http://nmshtd.state.nm.us/> click on **Site Index**, click on **Cultural Resources**, click on **Utilities Right-of-Way Access**.

- 1. Purpose and Nature of project.** Describe the project along with width, length and depth of ground disturbance.

- 2. Is your project resulting from a NMDOT project?** If so, provide the control and/or project number.

- 3. Funding source.** Is the funding private, state, or federal? If state and/or federal, list agency(s).

- 4. Land status.** Is the project on right of way owned by BLM, Forest Service, Tribal land, or State Trust land? (NMDOT does not own all highway rights of way!)

- 5. Permitting agencies.** List other permitting agencies involved besides NMDOT.

- 6. County.** List the county or counties in which the project is located.

- 7. Highway number.** Indicate the highway the project will cross or parallel.

- 8. BOP and EOP.** Provide the milepost locations for the beginning of the project area (BOP) and the end of the project area (EOP). If highway crossing only, list the milepost location. Indicate BOP and EOP on quadrangle maps as well.

- 9. Side(s) of the road.** Indicate on which side of the road the project will be located using cardinal directions (north, south, east, west). List all project crossings of the highway by milepost.

- 10. Length of the project.** Indicate the length of the project within NMDOT right of way in terms of feet and/or miles.

- 11. Provide the legal description** of the project area: Township, Range, and Section(s).

- 12. USGS 1:24,000 (7.5') Quadrangle map.** List the name(s) of the USGS quadrangle map(s) on which the project is located.

13. Include the appropriate portion of the **USGS 1:24,000 (7.5') Quadrangle map(s)** with the project area indicated by an **X** if a crossing, or **BOP** and **EOP** if linear. **Do not reduce or enlarge.** Quad map images can be printed at no charge from websites *Topozone.com* or *Terraserver-usa.com*.

14. **Photos do not reproduce when faxed.** Do not send photos unless they are scanned or sent via US Mail.

15. Include your name, company, and fax #.

16. Submit your requests by email, by fax **OR** by mail. Send in one format only - **do not send in multiple formats.** Send clearance requests to **Genevieve Head**, NMDOT - Environmental Design Division. Fax: 505-827-6862. Phone: 505-827-5513. Mail: P.O. Box 1149, Room 213, Santa Fe, NM 87504-1149. Email: genevieve.head@state.nm.us.

Subject: [Fwd: RE: Request for comments - Carnuel Water System Improvements]

Date: Monday, July 6, 2009 11:51 AM

From: Peggy Ulman <peggy@marroninc.com>

To: Eric Johnson <eric@marroninc.com>

----- Original Message -----
Subject: RE: Request for comments - Carnuel Water System Improvements
From: "Sivinski, Robert, EMNRD" <robert.sivinski@state.nm.us>
Date: Mon, July 6, 2009 9:39 am
To: peggy@marroninc.com

Peggy,

I have no comments.

Bob

-----Original Message-----
From: peggy@marroninc.com [mailto:peggy@marroninc.com]
Sent: Monday, July 06, 2009 9:21 AM
To: Sivinski, Robert, EMNRD
Subject: Request for comments - Carnuel Water System Improvements

Mr. Sivinski,

I am writing to request EMNRD comments, if any, regarding the proposed Carnuel Water System Improvements project. An agency coordination letter was sent in April 2009 and is attached for your reference. Can you let me know if you have any comments regarding the proposed project? Thank you in advance for your input.

If you have any questions, please feel free to email or call me at 253-851-2417.

Peggy Ulman
Marron and Associates

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DISTRICT I

JOHN R. D'ANTONIO, JR., P.E.
STATE ENGINEER

121 Tijeras NE, Suite 2000
Albuquerque, NM 87102
(505) 764-3888

July 14, 2009

Peggy Ulman
Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, NM 87107

Re: Carnuel Water System Improvement Project, Bernalillo County, New Mexico

Greetings:

The Office of the State Engineer (OSE) has continued jurisdiction over appropriation of water from all domestic wells in the Carnuel area. There are no special OSE requirements regarding these wells as residents of the Carnuel area connect to water provided by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA).

The OSE also has continued jurisdiction over permits obtained by the ABCWUA through the OSE. Any changes in these permits in regards to points of diversion, place of use, new appropriation of water, etc. may require a permit with the OSE.

The Office of the State Engineer has no other comments at this time. If you have any questions for the OSE, please contact Gary Stansifer at (505)-764-3888 or email gary.stansifer@state.nm.us.

Sincerely,

Gary Stansifer
Middle Rio Grande Water Master
District I
(505) 764-3888



United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: Ben Nuvamsa, Chairman
Hopi Tribe
PO Box 123
Kykotsmovi, AZ 86039

Dear Mr. Nuvamsa,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

Please find enclosed a project description and maps of the area and proposed improvements.

Should we not receive a response from your office within 30 days from the date of receipt of this letter, we will assume that this project will not have an adverse effect on any archeological or historic concerns and will proceed with the project.

If you have any questions on the above proposal, please feel free to contact me at (505) 471-4960.

Sincerely,

A handwritten signature in black ink, appearing to read "George Scott". The signature is stylized and cursive.

George Scott, P.E.
Rural Development Engineer

6200 Jefferson NE • Suite 255 • Albuquerque, NM 87109
505-761-4950 • Fax - 505-761-4976 • TDD - 505-761-4938

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Washington, DC 20250-9410 or call 800-795-3272 (voice) or 202-720-6382 (TDD)



United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: Frank Paiz, Governor
Ysleta del Sur Pueblo
P.O. Box 17579 – Ysleta Station
El Paso, TX 79917

Dear Mr. Paiz,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of “no effect” for this undertaking.

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 700
White River, AZ 85941

Dear Mr. Lupe,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: GOVERNOR JOE M. LUJAN
Sandia Pueblo
481 Sandia Loop
Bernalillo, NM 87004

Dear Mr. Lujan,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: GOVERNOR MARCELINO AGUINO
Ohkay Owingeh (San Juan) Pueblo
P.O. Box 1099
San Juan Pueblo, NM 87566

Dear Mr. Aguino,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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George Scott, P.E.
Rural Development Engineer

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: PRESIDENT JOE SHIRLEY, JR.
Navajo Nation
P.O. Box 9000
Window Rock , AZ 86515

Dear Mr. Shirley,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: GOVERNOR JOHN ANTONIO, SR.
Laguna Pueblo
P.O. Box 194
Laguna Pueblo, NM 87026

Dear Mr. Antonio,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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George Scott, P.E.
Rural Development Engineer

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United States Department of Agriculture
Rural Development
State of New Mexico

May 18, 2009

SUBJECT: Carnuel MDWWA, NM, Water System Improvements
Determination of No Effect

TO: GOVERNOR ROBERT BENAVIDES
Isleta Pueblo
P.O. Box 1270
Isleta Pueblo, NM 87022

Dear Mr. Benavides,

Rural Development (RD) is proposing to provide Federal Financial Assistance to Carnuel Mutual Domestic Water and Wastewater Association. The project consists of connecting Carnuel and adjacent communities in Tijeras Canyon to the City of Albuquerque water system. RD has made a determination of "no effect" for this undertaking.

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Sincerely,

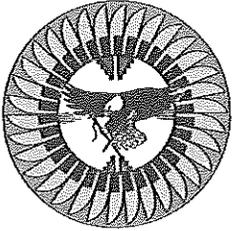
A handwritten signature in black ink, appearing to read "George Scott".

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Rural Development Engineer

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PUEBLO OF ISLETA
GOVERNOR'S OFFICE

RECEIVED
6/29/09

P.O. BOX 1270, ISLETA, NM 87022

PHONE: 505-869-3111
FAX: 505-869-4236

June 24, 2009

United States Department of Agriculture
Rural Development State of New Mexico
George Scott, P.E. Rural Development Engineer
6200 Jefferson NE, Suite 255
Albuquerque, NM 87109

Dear Mr. Scott:

This letter is in response to your letter dated May 18, 2009 regarding the proposed Carnuel MDWWA, NM, Water System Improvements.

I am pleased to inform you that this project will not have an impact on religious or cultural sites affiliated with the Pueblo of Isleta.

However, in the event that discoveries are found during construction, we would appreciate being advised of such findings. Please forward all environmental assessment plans to our office.

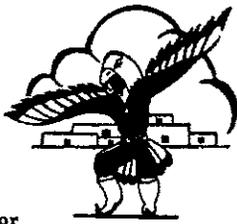
Thank you for your consideration in contacting this office to express our concerns.

Sincerely,

PUEBLO OF ISLETA


J. Robert Benavides
Governor

cc: files



PUEBLO OF LAGUNA

P.O. BOX 194
LAGUNA, NEW MEXICO 87028



RECEIVED
6/30/09

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

Office of:

The Governor
The Secretary
The Treasurer

June 26, 2009

Mr. George Scott
Rural Development Engineer
US Department of Agriculture Rural Development
6200 Jefferson NE
Suite 255
Albuquerque, NM 87109

Dear Mr. Scott:

RE: Proposed Carnuel MDWWA, NM Water System Improvement

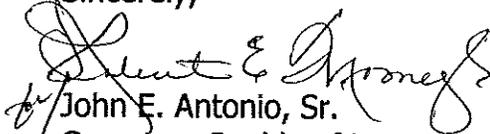
The Pueblo of Laguna appreciates your consideration to comment on the possible interest your project may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

Pueblo of Laguna requests to have further consultations on the project identify specific sites and location.

We thank you and your staff for the information provided.

Sincerely,


John E. Antonio, Sr.
Governor, Pueblo of Laguna

Folders

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Subject: Carnuel Water System**From:** "Don R. Briggs" <drbriggs@bernco.gov>**Date:** Tue, June 30, 2009 10:22 am**To:** peggy@marroninc.com**Priority:** Normal**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#)

Hi Peggy,

Thank you again for contacting me with your request for comments o
Carnuel Water System. I have two comments as follows:

1) As a portion of the project may cross arroyos considered
of the US, the Army Corps of Engineers should be contacted regardi
404 permitting requirements.

2) As the project will disturb more than one acre of land a
Water Pollution Prevention Plan for construction activities is req
Please submit a copy to Bernalillo County Public Works Division fo
review and approval prior to construction activities.

Please call if you have any questions or comments on this matter.

--

Sincerely,

Don Briggs, PE, CFM
 Grading & Drainage Engineer
 Floodplain Administrator
 Bernalillo County Public Works Division
 2400 Broadway SE, Albuquerque, NM 87102
 Ph: (505) 848-1511; Fax: (505) 848-1510

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GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION

Tod Stevenson

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8101
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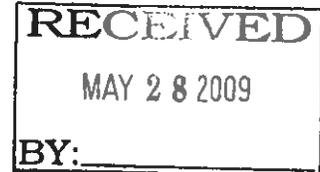
M.H. "Dutch" Salmon, Commissioner
Silver City, NM

Kent A. Salazar, Commissioner
Albuquerque, NM

Leo V. Sims, II, Commissioner
Hobbs, NM

May 22, 2009

Ms. Peggy Ulman
Marron and Associates, Inc.
7511 Fourth Street NW
Albuquerque, NM 87107



Re: Carnuel Water System Improvements Project, Bernalillo County; NMDGF Doc. No. 12676

Dear Ms. Ulman:

The Department of Game and Fish (Department) has reviewed your request for information regarding the above-referenced project. Piping would be required connect the members of the Carnuel Mutual Domestic Water and Wastewater Consumers Association to the Albuquerque Bernalillo Water Utility Authority system. The Department does not anticipate significant impacts to wildlife or sensitive habitats.

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

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

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

With implementation of these recommendations during construction, the Department believes that this project as proposed is unlikely to adversely affect wildlife or wildlife habitats. For your convenience, we have enclosed a copy of New Mexico Wildlife of Concern for Sandoval County (Biota Information System of New Mexico, BISON-M, New Mexico Dept. of Game and Fish electronic database). Species accounts,

habitat associations and county species lists (use the "Database Query" option) can be accessed from the BISON-M database via the World-wide Web at <http://www.bison-m.org> . The Department recommends that you contact the U.S. Fish and Wildlife Service for current listing of federally listed species.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Jill Wick, Aquatic Habitat Specialist, at 505-476-8091 or jill.wick@state.nm.us.

Sincerely,



Terra Manasco
Assistant Chief, Conservation Services Division
Technical Guidance Section

TM/jw

(encl: 1)

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Operations Chief, NMDGF

NEW MEXICO WILDLIFE OF CONCERN SANDOVAL 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> |
|---------------------------------|---|-------------|---------------|-------------------------|
| Costa's Hummingbird | <i>Calypte costae</i> | T | | |
| Southwestern Willow Flycatcher | <i>Empidonax traillii extimus</i> | E | E | Y |
| Loggerhead Shrike | <i>Lanius ludovicianus</i> | s | | |
| 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 | | |
| Little Brown Myotis Bat | <i>Myotis lucifugus carissima</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 | | |
| Long-eared Myotis Bat | <i>Myotis evotis evotis</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 | | |
| Goat Peak Pika | <i>Ochotona princeps nigrescens</i> | s | SOC | |
| Gunnison's Prairie Dog | <i>Cynomys gunnisoni</i> | s | | |
| New Mexican Jumping Mouse | <i>Zapus hudsonius luteus</i> | E | SOC | |
| American Marten | <i>Martes americana origenes</i> | T | | |
| Black-footed Ferret | <i>Mustela nigripes</i> | | E | |
| Wrinkled Marshsnail | <i>Stagnicola caperata</i> | E | | |
| Socorro Mountainsnail | <i>Oreohelix neomexicana</i> | s | | |



United States Department of Agriculture
Rural Development
State of New Mexico

Rec'd
7/27/09

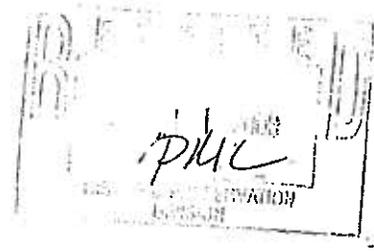
Received on
JUN 11/09

? January 15, 2009

SUBJECT: Carnuel Water System Improvements ER Review
Determination of No Effect

087029

TO: Ms. Katherine Slick
State of New Mexico
Department of Cultural Affairs
Historic Preservation Division
Bataan Memorial Bldg (2nd floor)
407 Galisteo Street
Santa Fe, NM 87501



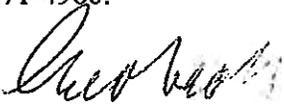
Dear Ms. Slick:

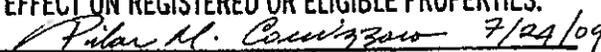
Rural Development (RD) is proposing to provide Federal Financial Assistance to the Carnuel Mutual Domestic Water and Wastewater Consumers in Carnuel, New Mexico. ✓
Please find enclosed a Cultural Resource Report with NMCRIS Investigation Abstract Forms, Cultural Resource Findings form, a project description and location maps. Historic Cultural Property Inventory Detail Forms are also included.

After review of the cultural resources investigation prepared by the Marron and ✓
Associates, Inc., RD has made a determination of "No Effect" for the project. Though there are adobe buildings within the project area, the project may be completed by avoiding these structures and using low vibration equipment.

Should we not receive a response from your office within 30 days from the date of receipt of this letter, we will assume that this project will not have an adverse effect on any archeological or historic concerns and will proceed.

If you have any questions on the above proposal, please feel free to contact me at (505) 471-4960.


George Scott, P.E.
Rural Development Engineer

THIS UNDERTAKING WILL NOT HAVE AN ADVERSE
EFFECT ON REGISTERED OR ELIGIBLE PROPERTIES.
 7/24/09
for NM STATE HISTORIC PRESERVATION OFFICER

enclosures

6200 Jefferson NE • Suite 255 • Albuquerque, NM 87109
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Subject: Carnuel Water System Improvements

Date: Tuesday, August 25, 2009 5:17 PM

From: Livia Crowley <lcrowley@fs.fed.us>

To: Eric Johnson <eric@marroninc.com>

Cc: Cid H Morgan <chmorgan@fs.fed.us>, Susan S Millsap <ssmillsap@fs.fed.us>

Greetings -

I reviewed the EA for the proposed Carnuel Water System Improvements Project for effects to soil, water, and air resources on the Cibola National Forest, Sandia Ranger District. It appears that only alternative 2B would involve direct activities on the Cibola National Forest. Should this alternative be selected, the construction of a water storage tank and associated pipeline on Forest Service lands would require additional NEPA and permitting through the Forest Service process.

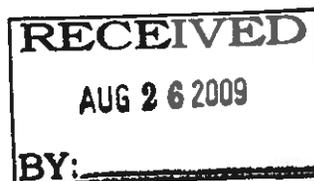
Thank you for the opportunity to comment. If you have questions, please contact me.

Livia Crowley

Livia Crowley, Forest Hydrologist
Water & Air Program Manager
Cibola National Forest
2113 Osuna Road NE
Albuquerque, NM 87113
email: lcrowley@fs.fed.us
phone: 505-346-3900

August 24, 2009

Mr. William M. Oberle
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109



Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice:505.823.1000
facsimile:505.798.7988
toll free:800.877.5332

Re: Carnuel MDW & WWCA, Water System Improvements, Phases 1 and 2
COE Action No. SPA-2009-00246-ABQ

Dear Mr. Oberle:

This letter serves as the Preconstruction Notification (PCN) for the Nation Wide Permit (NWP) submittal for the above referenced project. Based on previous meetings and discussions with you, it is our understanding that the above referenced project will be processed under NWP 12- Utility Line Activities. With this letter we are supplying information required for the permit. As stated in the July 14, 2009 letter, this project includes the construction of Phase 1 and Phase 2 of the water system improvements project for the Carnuel Mutual Domestic Water and Wastewater Consumer's Association (MDW&WWCA). This project is located along the south side of the NM Department of Transportation right-of-way for NM State Road 333 (NM 333) beginning east Tramway Blvd. and then continuing along the south side of the US Interstate 40 (I-40) frontage road until crossing north of the I-40/NM 333 interchange and continuing easterly in parallel to both the north and south rights-of-way of NM 333 for approximately one mile. The goal of the project is to provide a reliable drinking water supply for the residences of Echo Canyon, Monticello, and Carnuel.

Enclosed with this letter are the following items:

- Environmental Report with mitigation plan, figures and photographs
- Overall aerial photo showing the project area

As our project relates to NWP 12 – Utility Line Activities, we offer the following information:

The project meets the permit criteria as follows:

- a. The construction of the Carnuel waterline will cross jurisdictional waters of the U.S. within the project area.

Nationwide Permit Conditions information:

1. **Navigation:** Not applicable
2. **Aquatic Life Movements:** Not applicable.
3. **Spawning Areas:** Not applicable.
4. **Migratory Bird Breeding Areas:** There will be minimal impacts to breeding areas during construction according to the Environmental Report (ER) by Marron and Associates.
5. **Shellfish Beds:** Not applicable.
6. **Suitable Material:** The activity of this project will not use any unsuitable material.
7. **Water Supply Intakes:** This project does not take place in the proximity of a public water supply intake.
8. **Adverse Effects from Impoundments:** Any adverse impacts from impoundments will be minimized pursuant to the specifications, terms and conditions and recommendations discussed in the Environmental Report.
9. **Management of Water Flows:** The construction will be conducted to reduce any adverse effects such as flooding or downstream erosion to the maximum extent possible.

ENGINEERING

SPATIAL DATA

ADVANCED TECHNOLOGIES

10. **Fills Within 100-Year Floodplains:** The activity will comply with all applicable FEMA-approved state and local floodplain management requirements.
11. **Equipment:** Since no work in this phase will be completed in delineated wetlands this condition is not applicable.
12. **Soil Erosion and Sediment Controls:** The contractor will be required to follow a Stormwater Pollution Prevention Plan (SWPPP) as part of the construction contract.
13. **Removal of Temporary Fills:** Any temporary fills will be removed and the impacted areas will be returned to pre-existing elevations and disturbed areas will be revegetated.
14. **Proper Maintenance:** The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) will maintain the utility line.
15. **Wild and Scenic Rivers:** This project is not within a listed National Wild and Scenic River System.
16. **Tribal Rights:** Not applicable.
17. **Endangered Species:** The proposed project is expected to have minimal effects to protected species within the project planning area per the Environmental Report.
18. **Historic Properties:** The Environmental Report identified 12 potential historic buildings along the alignment. Low vibration equipment will be required during construction activities within 100 ft to avoid any damage to the buildings. In addition, vibration monitoring will be used to verify the level of vibration within 30 ft of these structures impact on historic buildings. A letter from the State Historic Preservation Officer is attached to this letter.
19. **Designated Critical Resource Waters:** Not applicable.
20. **Mitigation:** See response to 27. (b)(5)
21. **Water Quality:** The proposed project is unlikely to have an adverse effect on ground and surface water quality per the Environmental Report.
22. **Coastal Zone Management:** Not applicable.
23. **Regional and Case-By-Case Conditions:** Not applicable.
24. **Use of Multiple Nationwide Permits:** Not applicable.
25. **Transfer of Nationwide Permit Verifications:** Not applicable.
26. **Compliance Certification:** The permittee will provide the Corps a signed certification regarding the completed work and any required mitigation.
27. **Pre-Construction Notification:** This letter serves as notification.
 - (b) (1) The permittee for the project is Albuquerque Bernalillo County Water Utility Authority. The project contact is:

Anthony Montoya Jr. P.E., Project Manager
Albuquerque Bernalillo County Water Authority
P.O. Box 1293
Albuquerque, NM 87103
Ph: (505) 768-2713
Fax: (505) 768-2580
Email: almontoya@abcwua.org
 - (b) (2) The location of the project is along the south side of the NM Department of Transportation right-of-way for NM State Road 333 beginning east of Tramway Blvd. and then continuing along the south side of the US Interstate 40 frontage road until crossing north of the I-40/NM 333 interchange and continuing easterly in parallel to both the north and south rights-of-way of NM 333 for approximately one mile.
 - (b) (3) The project will consist of the installation of a new 12-inch diameter waterline that will connect to distribution lines from the Sandia Manor Reservoir, located north of I-40 and east of Tramway Boulevard, and extend along the proposed alignment. Project

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P.O. Box 1293
Albuquerque, NM 87103
Ph: (505) 768-2713
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Email: almontoya@abcwua.org

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Mr. William M. Oberle
U.S. Army Corps of Engineers
August 24, 2009
Page 4

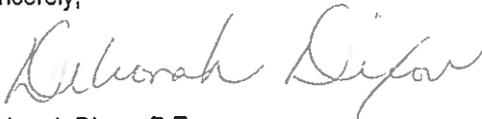
improvements include construction of a new 200,000 gallon water storage tank in the Echo Canyon area however, a final tank location has not been identified. The purpose of this project is to provide a reliable drinking water supply for the residences of Echo Canyon, Monticello, and Carnuel.

- (b) (4) - Not applicable.
- (b) (5) A mitigation plan is attached describing how temporary losses of waters of the US will be addressed. Temporary impacts will be handled as part of the Storm Water Pollution Prevention Plan as required by the National Pollution Discharge Elimination Program General Permit for Construction.
- (b) (6) Information provided in the Environmental Report identifies two federally endangered species (black-footed ferret, southwestern willow flycatcher), and five threatened species (peregrine falcon, grey vireo, bell's vireo, spotted bat, and New Mexico meadow jumping mouse) within the Bernalillo County. See information provided for General Condition 17.
- (b) (7) National Register of Historic Places- Not applicable - see General Condition 18.

28. Single and Complete Project: The activity for which this nationwide permit is requested is a single and complete project.

BHI has provided this letter and attachments provide you with the information necessary to obtain clearance for this project under Nationwide Permit 12. If you need additional information please call Todd Burt or me at 823-1000. Thank you for your attention to this matter.

Sincerely,



Deborah Dixon, P.E.
Senior Project Manager
Water Resources Group

TAB/ba/lm

Enclosures: USDA Letter to State Historic Preservation Office
 Environmental Report dated July 2009 by Marron and Associates
 Overall Aerial Photo of the Project Area
 Correspondence from COE Dated August 3, 2009
 Correspondence to COE Dated July 14, 2009

cc: Anthony Montoya Jr. PE, ABCWUA (w/encls.)
 Frank Roth, ABCWUA (w/encls)
 Eric Johnson, Marron and Associates (w/out encls.)
 Peggy Ulman, Marron and Associates (w/out encls.)