

Draft Supplemental Environmental Assessment **Lomitas Negras Arroyo Stabilization Project- Scope Modification**

Rio Rancho, Sandoval County, New Mexico

Southern Sandoval County Arroyo Flood Control Authority
HMGP DR-4079-NM, Project #12

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ACRONYMS AND ABBREVIATIONS

APE	Area of Potential Effects
ARMS	Archaeological Records Management Section
BMP	Best Management Practices
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
cfs	cubic feet per second
CWA	Clean Water Act
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
HMGP	Hazard Mitigation Grant Program
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMDHSEM	New Mexico Department of Homeland Security and Emergency Management
NMED	New Mexico Environment Department
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
NWP	Nationwide Permit
OHWM	Ordinary High Water Mark
SHPO	State Historic Preservation Office
SSCAFCA	Southern Sandoval County Arroyo Flood Control Authority
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
WOUS	Waters of the United States
WSEL	Water Surface Elevation

1. INTRODUCTION

Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) submitted an application to the Federal Emergency Management Agency (FEMA) through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) for a grant under FEMA's Hazard Mitigation Grant Program (HMGP) following Major Disaster FEMA-DR-4079-NM for flooding in the summer of 2012. This program, as authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.

In accordance with FEMA's Instruction 108-1-1, an Environmental Assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). The original Draft EA, dated January 2017 and titled "*Lomas Negras Arroyo Stabilization Project*", was prepared for the construction of an off-channel detention pond and bank stabilization along the Arroyo de las Lomas Negras. The original EA concluded with a Finding of No Significant Impact (FONSI), dated February 9, 2017. The original EA may be accessed at <https://www.fema.gov/media-library/assets/documents/128215>.

This Draft Supplemental Environmental Assessment (SEA) has been conducted in accordance with NEPA and the associated CEQ regulations, as well as FEMA's own regulations implementing NEPA (FEMA Instruction 108-1-1). This SEA is being prepared to address a scope of work modification to the original project. The purpose of this SEA is to analyze potential environmental impacts of the proposed project that were not addressed in the original EA. FEMA will use the findings in this SEA to determine whether a FONSI is appropriate or whether preparation of an Environmental Impact Statement (EIS) is warranted.

2. PURPOSE AND NEED

The proposed project is located within and along the banks of the Arroyo de las Lomas Negras, an ephemeral water course that runs west to east through the City of Rio Rancho, Sandoval County, New Mexico (Figure 1) and ultimately conveys flows to the Rio Grande River approximately 2 miles downstream of the project area. The specific reach of the Arroyo de las Lomas Negras is located between Saratoga Road and Rio Rancho Road (New Mexico Highway 528) adjacent to Enchanted Hills Elementary School from approximately 35.2753°N, 106.6182°W to 35.2779°N, 106.6267°W.

When subjected to a significant runoff event, the Arroyo de las Lomas Negras is prone to erosion and overbanking in the vicinity of Saratoga Drive and New Mexico Highway 528 (NM528). After a significant storm event in 2006, the Saratoga Road arroyo crossing was damaged and NM528 was overtopped by stormwater flows. In the original EA, SCAFCA proposed to mitigate flooding and erosion in this area by constructing an off-channel detention pond and stabilizing the most erosion susceptible areas along this reach of the arroyo. However, a large portion of the arroyo in the vicinity of Enchanted Hills Elementary School would remain susceptible to erosion and lateral channel migration.

The purpose of the proposed project is to address this deficiency in the original project design, and to mitigate lateral channel migration and bank erosion in the vicinity of Enchanted Hills Elementary School, where erosion protection was not originally proposed.

3. ALTERNATIVES

3.1 No Action Alternative

Under the No Action Alternative, additional bank stabilization along the Arroyo de las Lomas Negras would not occur. The arroyo would continue to migrate laterally in the project area. Consequently, erosion threats to Enchanted Hills Elementary School and nearby transportation infrastructure along this reach of the arroyo would not be addressed.

3.2 Proposed Action Alternative

In addition to the work proposed in the original EA, under the proposed action alternative, SSCAFCA would extend the proposed bank stabilization area along the Lomas Negros Arroyo between Saratoga Road and Rio Rancho Road (Figure 2).

Additional bank stabilization work would include the following elements:

- Installation of four-foot-high, stepped, soil-cement structures along an additional 1,978 linear feet of the south bank and 1,497 linear feet of the north bank between Saratoga Road and Rio Rancho Boulevard, and the needed earthwork to backfill behind the structures
- Extension of two storm drains from the adjacent elementary school through the new stepped, soil-cement structures
- Installation of strategically placed perpendicular rock lined berms along the top of the bank to prevent erosion due to sheet flow entering the arroyo
- Clearing and grubbing vegetation as needed
- Utility adjustments as needed

3.3 Alternatives Considered and Dismissed

In addition to the scope of work evaluated in the original EA, SSCAFCA considered several alternatives to the original proposed action that were ultimately eliminated due to cost and maintenance concerns and were not analyzed further. These alternatives remain infeasible and will not be addressed in this SEA. Refer to the original EA for details regarding the dismissed alternatives.

4. AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

Environmental impacts in which there is no change from the original EA will not be addressed in this SEA. See Table 1 for a summary of project changes since the original EA and a list of environmental impacts addressed in this SEA.

Table 1: Summary of Changes to Affected Environment from Original EA

Impact Category	SEA Page Number	Change	No Change	Comment
Geology and Soils	NA		X	No additional impacts to soils or geology would occur as a result of the proposed action thus this impact category will not be addressed further in this SEA
Air Quality	NA		X	No additional impacts to air quality would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Surface Water	8	X		The extended bank stabilization area will impact additional surface water
Wetlands	9		X	None; no wetlands are present within the project area
Floodplains	9	X		Extended bank stabilization area contributes to additional work and fill in floodplains
Biological Resources	12	X		Extended bank stabilization area will reduce habitat area.
Cultural Resources	14	X		The Cultural Resources study area has expanded. However, impacts to Cultural Resources have not changed.
Socioeconomic Resources	NA		X	No additional socioeconomic impacts would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Environmental Justice	NA		X	No additional impacts would occur to low income or minority populations as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Hazardous Materials	NA		X	No hazardous material sites are located near the proposed project location, thus this impact category will not be addressed further in this SEA
Noise	NA		X	No additional noise impacts would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Transportation	NA		X	No additional traffic impacts would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Public Services and Utilities	NA		X	No additional impacts to public services or utilities would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA
Public Health and Safety	NA		X	No additional impacts to public health and safety would occur as a result of the proposed action, thus this impact category will not be addressed further in this SEA

4.1 Water Resources

Resources addressed in this section are surface and ground water, water quality, wetlands, and floodplains.

4.1.1 Surface Water, Ground Water, and Water Quality

The project area is located in and around the Arroyo de las Lomitas Negras, an ephemeral waterway. This waterway conveys stormwater and flows only in response to precipitation inputs. It is a tributary of the Rio Grande River via the Harvey Jones channel approximately 2 miles east of the project area and is thus subject to United States Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act (CWA) per the 2015 Clean Water Rule, which may be replaced during project implementation.

No designated or proposed wild and scenic rivers occur within the project area or the Middle Rio Grande River Valley (original EA Appendix B).

No sole-source aquifers are designated within Sandoval County (original EA Appendix B).

No impaired waters, as listed by the state of New Mexico under Sections 303(d) and 305(b) of the Clean Water Act, occur in the project area, although portions of the Rio Grande River within this 8-digit HUC are listed.

No Action Alternative

Under the no action alternative, streambank erosion would continue in the vicinity of Enchanted Hills Elementary School, resulting in increased sediment deposition downstream. During large storm events, the aggraded areas would be expected to result in a large amount of sediment being carried to the Rio Grande River during a short period. This could reduce water quality and restrict flows or cover existing wetland or riparian habitats.

Proposed Action Alternative

The proposed action would impact the arroyo below the plane of the ordinary high water mark (OHWM). Work would include additional bank stabilization along 1,978 linear feet of the south bank and 1,497 linear feet of the north bank of the arroyo. The project will require additional permitting under Section 404 of the Clean Water Act (CWA). SSCAFCA is responsible for coordinating with and obtaining any required Section 404 Permit(s) from USACE and/or any Section 401/402 Permit(s) from the state prior to initiating ground disturbance. SSCAFCA must comply with all conditions of the required permit(s).

Minor, short-term impacts to surface waters and surface water quality may occur due to the transport of sediment from disturbed soils by stormwater runoff during project construction. Sediment transport to downstream areas during rainfall events would be the primary water quality issue. However, the proposed project site is located immediately upstream of a stormwater detention facility, which would minimize the likelihood of sediment being transported from the site to the Rio Grande River Valley.

The impacts identified in this SEA have changed since the original EA was published. The additional bank stabilization area would require additional work below OHW and additional permitting under Section 404 of the CWA. To minimize impacts of the proposed action to soils and sedimentation of the

arroyo, SSCAFCA would prepare a SWPPP and obtain an NPDES permit prior to construction. Implementation of appropriate erosion and sediment control best management practices (BMPs) would be required during project construction. Upon completion of construction activities, the area would be revegetated with native seed mix, which would reduce the potential for long-term transport of sediment to nearby waterways.

4.1.2 Wetlands

Wetlands are transitional areas located between terrestrial and aquatic systems that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation that is typically adapted for life in saturated soil conditions and are defined by three essential characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology.

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the US, including wetlands, pursuant to Section 404 of the CWA. Executive Order (EO) 11990 (Protection of Wetlands) requires federal agencies to avoid, to the extent possible, adverse impacts to wetlands.

The United States Fish and Wildlife Service (USFWS) National Wetland Inventory identifies a pond, but no wetlands within the project area (original EA Appendix B). No hydric soils have been identified on soil maps of the project area (NRCS 2016, original EA Appendix B), and no wetlands were identified in the project area during the 2016 field surveys.

No Action Alternative

The no action alternative would not impact wetlands.

Proposed Action Alternative

The proposed action would not impact wetlands, as none are present within or immediately adjacent to the project area. No wetlands downstream of the project area are expected to receive discharge from project activities. SSCAFCA is coordinating with USACE on obtaining an additional Section 404 CWA permit for work within waters of the U.S. The impacts identified in this SEA have not changed since the original EA was published.

4.1.3 Floodplains

EO 11988 (Floodplain Management) requires federal agencies to avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. FEMA uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program. The project area is located within Zone A, a special flood hazard area subject to inundation by the 1 percent chance flood, within which, no base flood elevations have been determined. (FEMA 2008, Map Number 35043C1894D and 35043C1913D original EA Appendix B).

As part of the conceptual design for this project, hydrologic analysis was completed to evaluate impacts to the floodplain from the proposed project. It was determined that the project would not require a map revision due to increases in the floodplain size, however, a floodplain map revision will likely be performed to remove land from the floodplain as a result of the new construction.

No Action Alternative

The no action alternative would result in no reduction of the current flood potential and would not alter the floodplain.

Proposed Action Alternative

The proposed action would slightly alter the topography of a mapped flood hazard area in order to reduce streambank erosion within the project area. As a result, a larger area of the floodplain would be impacted than was evaluated in the original EA. SSCAFCA must coordinate with the local floodplain administrator and obtain required permits prior to initiating work. In compliance with FEMA regulations implementing Executive Order 11988, Floodplain Management, FEMA is required to carry out the 8-step decision-making process for actions that are proposed in the floodplain per 44 CFR §9.6. Due to the change in Scope of Work, the impacts identified in this SEA and 8-step floodplain review have been updated.

4.1.4 Eight Step Floodplain Review

Step 1 is to determine whether the project is located in the 100-year floodplain. Portions of the proposed action alternative are located in the 100-year floodplain with a Zone A designation, as depicted on FIRM map numbers 35043C1894D and 35043C1913D, dated March 18, 2008. Zone A indicates an area with a 1 percent annual chance of flooding where base flood elevations have not been determined.

Step 2 is to notify and involve the public in the decision-making process, which was accomplished during the public notice for the original EA in 2017. In addition, SSCAFCA has held public meetings with local property owners to notify them of the proposed channel stabilization project, answer any questions, and receive general feedback on the project. Additional updates on project implementation have been posted to SSCAFCA's website (<https://www.scafea.org/>) and in local newspapers.

Step 3 is to identify and evaluate practicable alternatives to locating the proposed project in the floodplain, including alternative sites and actions outside of the floodplain.

The purpose of the project is to reduce the potential for flooding and erosion within and downstream of the project area. SSCAFCA originally identified four alternatives to the original EA, including no action. The alternatives considered were to hard line the entire arroyo cross section; relocate the existing channel to the centerline of the arroyo; and construct a traditional dam just upstream of Saratoga Road in the Lomitas Negras Arroyo and a lined channel below Saratoga Road; and the preferred alternative, to construct an off-channel detention facility with some bank protection. Each of these alternatives would have also been located within the floodplain.

Since the threat of erosion and flood is location-specific, no other locations outside of the floodplain were considered because an alternate location would not meet the specific purpose and need of this project. The relocation of vulnerable structures was not considered due to the nature of the vulnerable facilities (roadways, elementary school, and sewer lift station) and the relative cost for relocating these types of facilities.

Step 4 is to identify impacts associated with occupancy and modification of the floodplain and support of floodplain development that could result from pursuing the proposed action alternative. Per 44 CFR 9.10 “Identify impacts of proposed actions,” FEMA should consider whether the proposed action will result in an increase in the useful life of any structure or facility in question, maintain the investment at risk and exposure of lives to the flood hazard, or forego an opportunity to restore the natural and beneficial values served by floodplains or wetlands. FEMA should specifically consider and evaluate impacts associated with modification of floodplains; additional impacts which may occur when certain types of actions may support subsequent action which have additional impacts of their own; adverse impacts of the proposed actions on lives and property and on natural and beneficial floodplain values; and these three categories of factors: flood hazard-related factors, natural values-related factors, and factors relevant to a proposed action’s effects on the survival and quality of wetlands. Per 44 CFR, natural values-related factors include, water resource values (natural moderation of floods, water quality maintenance, and ground water recharge); living resource values (fish and wildlife and biological productivity); cultural resource values (archeological and historic sites, and open space recreation and green belts); and agricultural, aquacultural and forestry resource values. Factors relevant to a proposed action’s effects on the survival and quality of wetlands include public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

The proposed action alternative will not result in an increased base discharge and is intended to reduce the flood hazard potential to surrounding structures and infrastructure. The project is not expected to encourage development within the floodplain. The proposed action will not change land use or result in a reduction to societal and recreational benefits provided by the floodplain at this location. Open space and recreational uses in the parks will not be impacted by the proposed action.

The floodplain provides the following functions: flood storage and conveyance, filter nutrients and impurities from runoff, reduce flood velocities, reduce flood peaks, moderate temperature of water, reduce sedimentation, promote infiltration and aquifer recharge, and reduce frequency and duration of low surface flows. These functions are expected to remain intact after the implementation of the project.

As discussed in **Section 4.1.1** of this SEA, there could be minor short-term impacts to surface water quality during project construction.

As discussed in **Section 4.2.1** FEMA has determined the project will result in no effect to threatened and endangered species and will not adversely modify or otherwise affect critical habitat. The proposed action would have negligible impacts to native species and their habitats and population levels of native species would not be affected.

Floodplains also provide migration, breeding, nesting and feeding habitat. These floodplain values would not be significantly adversely impacted by the proposed project. There is the potential for adverse impacts to migratory bird species that may be present at the time of site clearing and grubbing activities (**Section 4.2.2**).

As discussed in **Section 4.3** the site has been surveyed for archeological resources. One recommended eligible site was recorded. This site will be avoided by construction. Archeological resources are considered a societal resource and a value and benefit of floodplain areas. The proposed action will not impact archeological resources, which will be flagged for avoidance.

Step 5 is to minimize the potential adverse impacts identified under Step 4 and restore and preserve the natural and beneficial values served by floodplains. Many of the impacts discussed above are considered insignificant or beneficial to the floodplain. The proposed action to reduce flood potential and erosion contributes to the conservation of the floodplain and its natural and beneficial values. Short-term water quality impacts will be mitigated by the implementation of BMPs (see **Section 4.2.1**). Impacts to migratory bird species will be minimized by seasonal restrictions such that work is conducted outside of nesting season or by the deployment of a biological monitor if work must take place during nesting season (see **Section 4.2.2**). Archeological resources were identified and will be avoided. SSCAFCA will employ a qualified archaeologist to flag the site for avoidance and will require the contractor to remain outside the flagged area (**Section 4.3**). If during construction, archeological resources are discovered, the contractor will be required to stop work and contact SSCAFCA who will in turn contact NMDHSEM, FEMA, and/or the State Historic Preservation Office for guidance. For any work in the floodplain, SSCAFCA will be required to coordinate with the local floodplain administrator and obtain any required permits prior to initiating work

Step 6 is to determine whether the proposed action is practicable and to reevaluate alternatives. Per the discussion above, the proposed action alternative is the only practicable alternative.

Step 7 requires that the public be provided with an explanation of any final decision that the floodplain is the only practicable alternative. The public notice associated with this Draft SEA will serve as the final floodplain public notice in accordance with 44 CFR §9.12.

Step 8 is the review of the implementation and post-implementation phases of the proposed action to ensure that the requirements stated in 44 CFR § 9.11 are fully implemented. The proposed project will be conducted in accordance with applicable floodplain development requirements.

4.2 Biological Resources

Resources addressed in this section are threatened and endangered species and their critical habitat, migratory birds, and other wildlife.

4.2.1 Threatened and Endangered Species and Critical Habitat

The Endangered Species Act (ESA) of 1973 requires federal agencies to determine the effects of their actions on threatened and endangered species and their designated critical habitats. A survey for biological resources was conducted in the project area during the summer of 2016. Existing conditions were documented. No federally listed species, suitable habitat, or designated critical habitat were observed in the project area during the survey.

A list of federally listed species for Sandoval County was requested from the U.S. Fish and Wildlife Service (USFWS) via the Information, Planning, and Conservation tool (IPaC). A separate IPaC report

was prepared to provide documentation of the potential for the project to result in effects to federally listed species.

See Appendix B for a list of federally listed species known to occur in Sandoval County and the results of the 2016 biological field survey.

No Action Alternative

This alternative would result in no effect to federal listed species and would not be expected to impact state listed or otherwise protected species.

Proposed Action Alternative

FEMA has made the determination that the proposed action would result in no effect to federally listed species or their designated critical habitat because no listed species or their designated critical habitat occur within the project area and none would be indirectly impacted by the proposed action. The impacts identified in this SEA have not changed since the original EA was published.

4.2.2 Wildlife

The Migratory Bird Treaty Act (MBTA) protects migratory birds and their parts (including eggs, nests, and feathers) from take. A survey for biological resources was conducted in the project area during the summer of 2016. No bird nests were observed in the project area at the time of the survey. Several burrows potentially suitable for use by burrowing owls were present, but none were occupied (see Appendix B for the biological survey).

Common resident wildlife such as lizards and small mammals (or their sign) were observed within the project area.

No Action Alternative

No impacts to migratory birds or other wildlife is expected under the no action alternative.

Proposed Action Alternative

Approximately 3 additional acres of about 50-percent (on average) vegetated soils would be disturbed as a result of the proposed action, resulting in an additional 1.5 acres of vegetation (shrubs and grasses) clearing. Habitat for small mammals and birds would be impacted and small mammal burrows would likely be filled or scraped.

Construction may overlap with the migratory bird nesting season of April 15 through August 15. Because the construction timeframe is limited by the potential for arroyo flow events, it may not be feasible to construct wholly outside the migratory bird nesting season.

The impacts identified in this SEA have changed since the original EA was published. Additional bank stabilization work between Saratoga Road and Rio Rancho Boulevard would result in the loss of migratory bird nesting habitat and other wildlife habitat. The following measures would be implemented to avoid or minimize potential impacts to migratory birds and other wildlife:

- SSCAFCA will limit vegetation removal during the peak migratory bird-breeding and nesting period of April 15 through August 15 to the extent feasible to avoid take of individuals, nests, or eggs. If vegetation removal must occur during the nesting season, SSCAFCA will employ a

monitor qualified to conduct breeding-bird surveys to survey the area for nests prior to clearing/scraping. The monitor will determine the appropriate timing of surveys in advance of work activities. If an occupied nest is found, work within a buffer zone appropriate for the species will be delayed until the nest is vacated and juveniles have fledged. For work near an occupied nest, the monitor will prepare a report to document the species present and the rationale of buffer selection. SSCAFCA will submit this report to FEMA for inclusion in project files.

- Any trenching required for the project would be equipped with escape ramps or filled concurrently to avoid trapping small animals.
- Upon completion of construction, the area would be revegetated with native seed mix to stabilize soils and restore, to the extent feasible, lost wildlife habitat.

4.3 Cultural Resources

The National Historic Preservation Act (NHPA) of 1966, (PL 89-665; 16 USC 470 et seq.) as amended, outlines federal policy to protect historic properties and promote historic preservation in cooperation with the States, Tribal and local governments, and other consulting parties.

Section 106 of the NHPA outlines the procedures for federal agencies to follow to take into account the effect of their actions on historic properties. The Section 106 process applies to a federal undertaking that has the potential to affect historic properties, defined in the NHPA as those properties that are listed in or eligible for listing in the National Register of Historic Properties.

Under Section 106, federal agencies are responsible for identifying historic properties within the Area of Potential Effects (APE) for an undertaking, assessing the effects of the undertaking on those historic properties, if present, and considering ways to avoid, minimize, and mitigate any adverse effects of its undertaking on historic properties; it is the primary regulatory framework that is used in the NEPA process to determine impacts on cultural resources. The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist.

Because the scope of work for the current proposed action primarily involves work that will occur at or below grade, FEMA has determined that the APE is congruent with the limits of construction, including the areas of direct excavation or modification and areas used for the staging and operation of equipment.

A cultural records file search in the Archaeological Records Management Section (ARMS) of the New Mexico State Historic Preservation Division through the New Mexico State Historic Preservation Office (SHPO), was conducted for previously recorded archaeological sites and surveys in the original EA. A review of the archeological data in ARMS indicated that much of the original project area had been previously surveyed. Areas of the original APE which had been surveyed resulted in negative findings. However, several archeological sites were identified within the immediate vicinity of the APE. Due to the local topography and the proximity of several known archaeological sites, the potential for presence of unknown archeological sites within the remaining portions of the original APE were assessed as moderate to high. Based on this probability, FEMA determined that a cultural resources survey was necessary to identify potential historic properties within the APE.

SSCAFCA contracted qualified professional archaeologists from Marron and Associates to conduct a cultural resources survey in August of 2016. The survey included all areas within the APE identified in the original EA as well as the APE for the current proposed action. The survey resulted in the discovery of several isolates and one eligible lithic manufacturing site. The site was recorded as eligible under criterion D as it has the potential to yield additional information about its temporal affiliation and use. The boundaries of the site fall well outside the limits of construction identified in the both original EA and for the current proposed action. The remainder of the surveyed area contained only isolated lithic debitage that are not directly associated with the site recorded. No further investigation was recommended.

No Action Alternative

The no action alternative would not be expected to impact cultural resources.

Proposed Action Alternative

Based on the findings of the 2016 cultural resources survey and the current proposed scope of work, FEMA has determined the proposed action would have no adverse effect to historic properties. SHPO concurrence with this determination was received, dated August 19, 2019 (Appendix C).

In addition, FEMA has determined the proposed action will not adversely affect traditional, religious, or culturally significant sites. Per 36 CFR §800.2(c)(2)(i)(B), FEMA consulted with tribes that may have interest in the project area, including Hopi Tribe, Pueblo of Zia Pueblo of Tesuque, Pueblo of Santo Domingo, Pueblo of Santa Clara, Pueblo of Santa Ana, Pueblo of San Ildefonso, Pueblo of San Filipe, Pueblo of Sandia, Ohkay Owingeh, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Isleta, Pueblo of Cochiti, Navajo Nation, Kiowa Tribe, Jicarilla Apache Nation, and Comanche Nation, on August 1, 2019. The Comanche Nation responded on August 2, 2019, with a determination of No Historic Properties Affected; the Navajo Nation responded on August 8, 2019, with no concerns regarding the proposed action (Appendix C). The remaining tribes did not provide comments within 30 days or declined to comment.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and SSCAFCA shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. SSCAFCA will immediately notify NMDHSEM and FEMA, and FEMA shall notify the SHPO. If unmarked graves or human remains are present on private or state land, compliance with the New Mexico Cultural Properties Act (Article 18, Section 6, Subsection 11.2 (18-6-11.2), NMSA 1978, also known as the Unmarked Burial Statute is required. SSCAFCA will stop work immediately in the vicinity of the discovery. SSCAFCA will immediately notify NMDHSEM, FEMA, and law enforcement agencies of the discovery. Law enforcement shall notify the Office of the Medical Investigator (OMI) and FEMA shall notify the SHPO. OMI shall evaluate the remains for medicolegal significance with minimal disturbance of the remains. OMI will terminate the discovery of any non-medicolegal human remains to the SHPO, who shall proceed pursuant to the Unmarked Burial Statute and its implementing regulations found at 4.10.11 NMAC.

5. CUMULATIVE IMPACTS

According to CEQ regulations, cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” In accordance with NEPA and to the extent practical, this SEA considered the combined effect of the proposed action and other actions occurring or proposed in the vicinity of the project area.

Other local construction projects and the proposed project will impact soils, may temporarily impact local air quality by increasing dust and criteria pollutants during construction, and could impact water quality due to the transport of sediment during construction as well as ongoing urban inputs to surface flows.

FEMA has determined that the incremental impact of the proposed action, when combined with the effects of other past, present, and reasonably foreseeable projects, are neither cumulatively considerable nor significant.

6. PUBLIC INVOLVEMENT

To meet the requirements of the NEPA, FEMA Environmental and Historic Preservation staff have prepared a Draft SEA to identify and evaluate historic and environmental resources that may be affected by the proposed action. As part of its goal to ensure that good management decisions are made, FEMA invites the public to review and comment on the Draft SEA to provide FEMA with information it may not have considered in its assessment.

SSCAFCA will notify the public of the availability of the Draft SEA through the publication of a public notice in the local newspaper of record. The Draft SEA will be made available for public review at a physical location in the project area and on FEMA’s website (<https://www.fema.gov/media-library>). FEMA will conduct a 15-day public comment period commencing on the initial date of publication of the public notice. FEMA will consider and respond to all public comments in the Final SEA. If no substantive comments are received, the Draft SEA will become final and a FONSI will be issued for the project.

7. AGENCY COORDINATION

As part of the development of the SEA, federal and state resource agencies were contacted. Responses received to date are included in Appendix C and are listed below.

- State Historic Preservation Office (SHPO), Santa Fe, New Mexico
- United States Army Corps of Engineers (USACE), Albuquerque, New Mexico
- Federally Recognized Tribes

In accordance with applicable local, state, and federal regulations, the applicant will be responsible for acquiring any necessary permits prior to commencing construction at the project site.

8. LIST OF PREPARERS

The original EA was prepared by Marron and Associates. See the original EA for a list of preparers. This SEA was prepared by FEMA. The following are the individuals and their role in document production:

Kevin Jaynes
Regional Environmental Officer
FEMA Region 6
Role: Reviewer

Kim Campo-Allen
Environmental Specialist
FEMA Region 6
Role: Author

Dorothy Cook
Senior Environmental Specialist
FEMA Region 6
Role: Reviewer

9. REFERENCES

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APPENDIX A

Figures

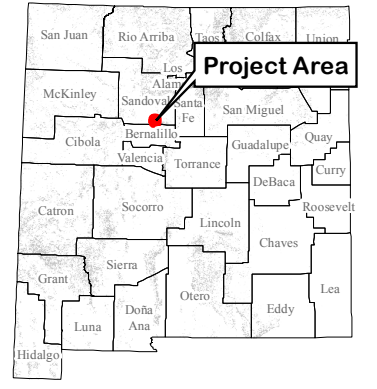
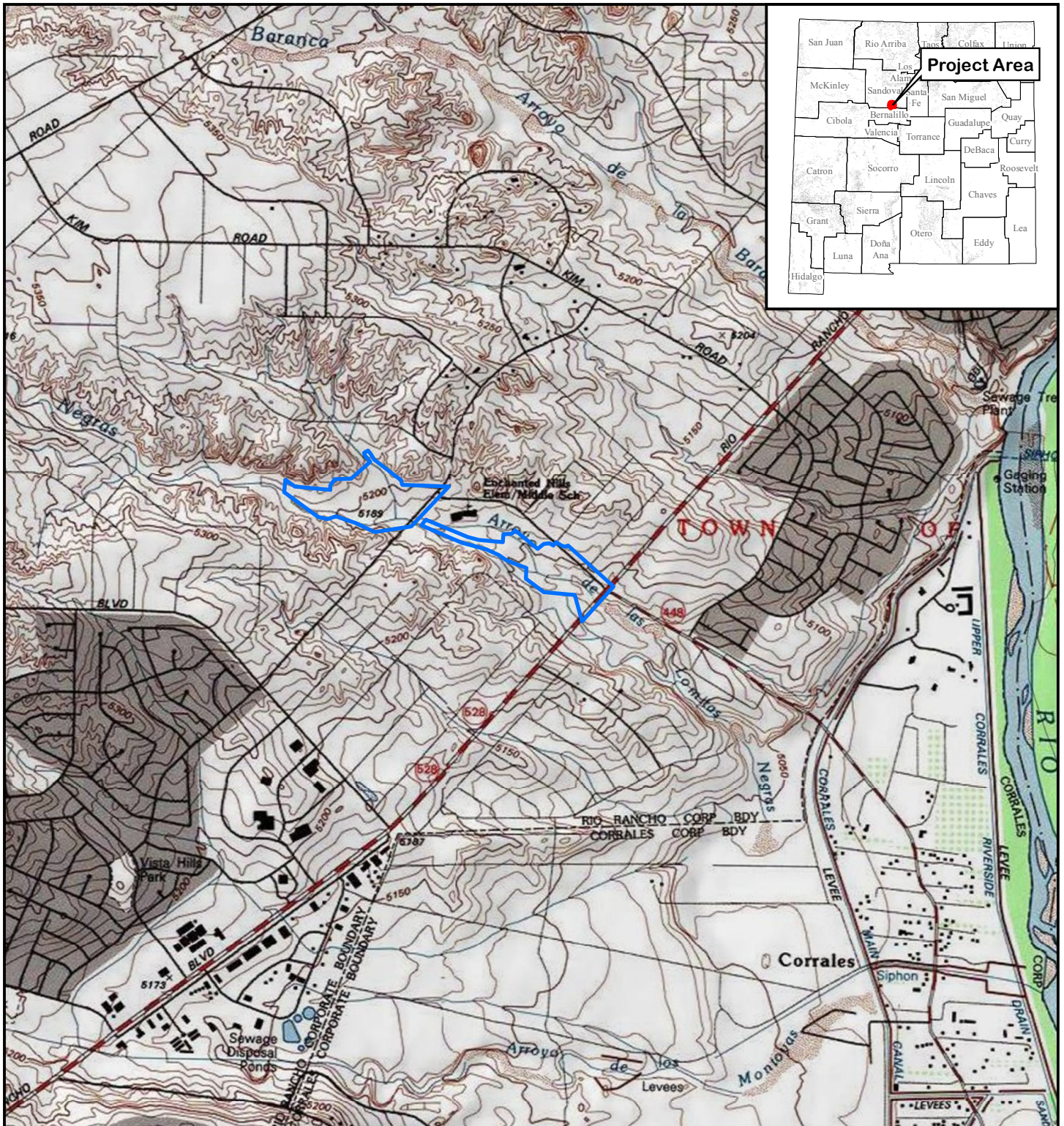



Figure 1
Project Location Map

 Original Project Area

Land Ownership

 Private

Loma Machete & Bernalillo, NM
USGS 7.5' Quadrangles

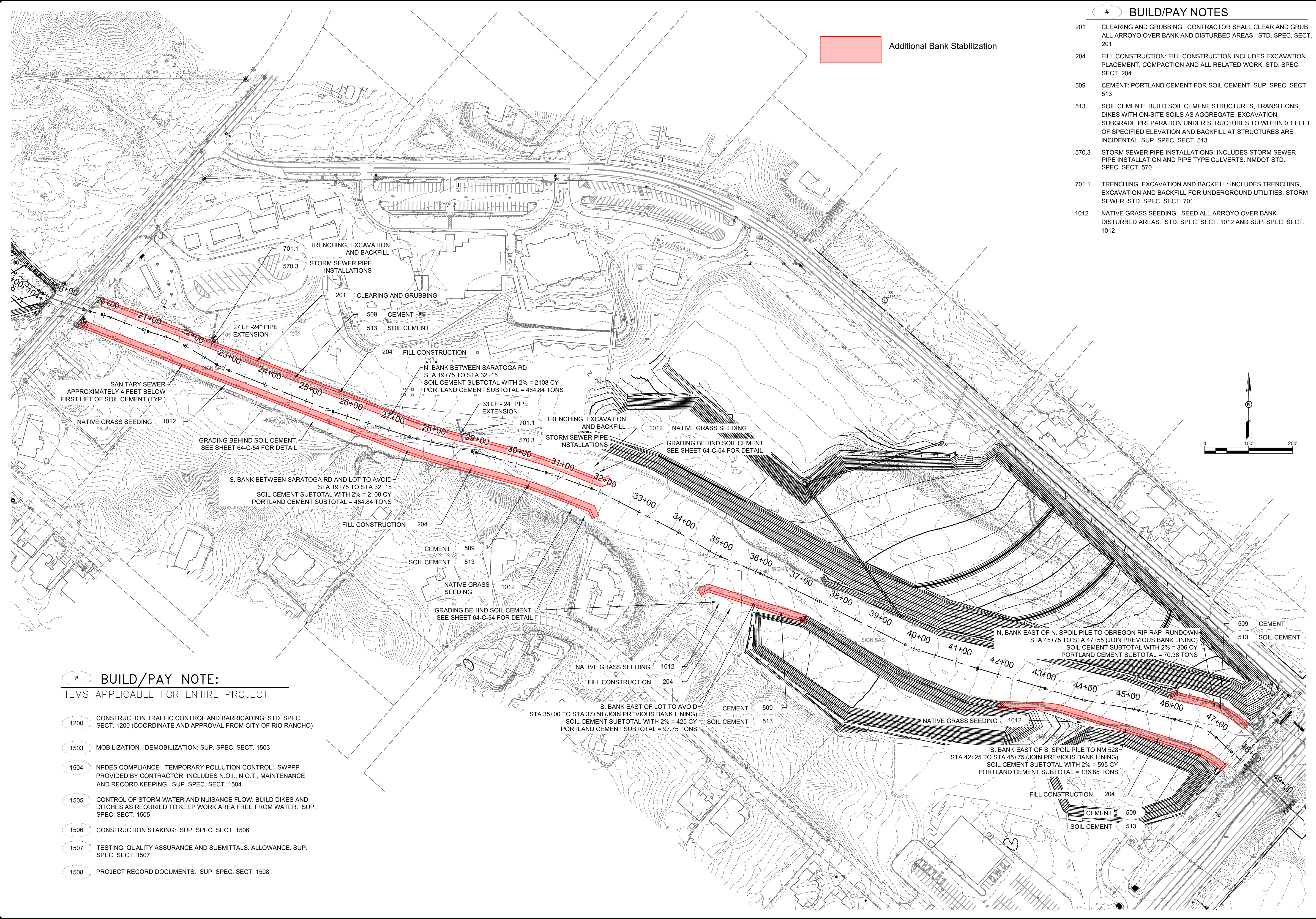
Town of Alameda Grant
Sandoval County, New Mexico

0 0.375 0.75 1.5
Kilometers

0 0.25 0.5 1
Miles



1:24,000



Additional Bank Stabilization

BUILD/PAY NOTES

- 201 CLEARING AND GRUBBING: CONTRACTOR SHALL CLEAR AND GRUB ALL ARROYO OVER BANK AND DISTURBED AREAS. STD. SPEC. SECT. 201
- 204 FILL CONSTRUCTION: FILL CONSTRUCTION INCLUDES EXCAVATION, PLACEMENT, COMPACTION AND ALL RELATED WORK. STD. SPEC. SECT. 204
- 509 CEMENT: PORTLAND CEMENT FOR SOIL CEMENT. SUP. SPEC. SECT. 513
- 513 SOIL CEMENT: BUILD SOIL CEMENT STRUCTURES, TRANSITIONS, DIKES WITH ON-SITE SOILS AS AGGREGATE. EXCAVATION, SUBGRADE PREPARATION UNDER STRUCTURES TO WITHIN 0.1 FEET OF SPECIFIED ELEVATION AND BACKFILL AT STRUCTURES ARE INCIDENTAL. SUP. SPEC. SECT. 513
- 570.3 STORM SEWER PIPE INSTALLATIONS: INCLUDES STORM SEWER PIPE INSTALLATION AND PIPE TYPE CULVERTS. NMDOT STD. SPEC. SECT. 570
- 701.1 TRENCHING, EXCAVATION AND BACKFILL: INCLUDES TRENCHING, EXCAVATION AND BACKFILL FOR UNDERGROUND UTILITIES, STORM SEWER. STD. SPEC. SECT. 701
- 1012 NATIVE GRASS SEEDING: SEED ALL ARROYO OVER BANK DISTURBED AREAS. STD. SPEC. SECT. 1012 AND SUP. SPEC. SECT. 1012

BUILD/PAY NOTE:
ITEMS APPLICABLE FOR ENTIRE PROJECT

- 1200 CONSTRUCTION TRAFFIC CONTROL AND BARRICADING: STD. SPEC. SECT. 1200 (COORDINATE AND APPROVAL FROM CITY OF RIO RANCHO)
- 1503 MOBILIZATION - DEMOBILIZATION: SUP. SPEC. SECT. 1503
- 1504 NPDES COMPLIANCE - TEMPORARY POLLUTION CONTROL: SWPPP PROVIDED BY CONTRACTOR. INCLUDES N.O.I., N.O.T., MAINTENANCE AND RECORD KEEPING. SUP. SPEC. SECT. 1504
- 1505 CONTROL OF STORM WATER AND NUISANCE FLOW: BUILD DIKES AND DITCHES AS REQUIRED TO KEEP WORK AREA FREE FROM WATER. SUP. SPEC. SECT. 1505
- 1506 CONSTRUCTION STAKING: SUP. SPEC. SECT. 1506
- 1507 TESTING, QUALITY ASSURANCE AND SUBMITTALS: ALLOWANCE: SUP. SPEC. SECT. 1507
- 1508 PROJECT RECORD DOCUMENTS: SUP. SPEC. SECT. 1508

NOT FOR CONSTRUCTION

Name	Location	NO.	REVISION DESCRIPTION	DATE	BY
###	###	###	###	###	###
###	###	###	###	###	###
###	###	###	###	###	###
###	###	###	###	###	###

LOMITAS NEGRAS
PHASE 2
PRELIMINARY SOIL CEMENT LAYOUT
SARATOGA RD. TO NM 528

SMITH ENGINEERING

JOB NO:
115121-02

DATE:
MARCH 27, 2019

Figure 2

C:\SEC-PROJECTS\115121-02\CADD\NEW LAYOUT.dwg, Mar 27, 2019 - 12:17pm Saved By: jamev

APPENDIX B

2016 Biological Survey Report

Biological Evaluation

Southern Sandoval County Arroyo Flood Control Authority Lomas Negras Arroyo Stabilization Project

Sandoval County, New Mexico
September 2016

INTRODUCTION

The Southern Sandoval County Flood Control Authority (SSCAFCA) proposes to construct an off-channel detention pond and bank stabilization features in the Arroyo de las Lomas Negras to protect adjacent and downstream properties from flood and erosion damage, as well as reduce sediment deposition in downstream facilities. The project area occurs in Rio Rancho, Sandoval County, New Mexico. It appears on the *Loma Machete* and *Bernalillo, New Mexico* US Geologic Survey 7.5-minute quadrangle maps (Figure 1). The proposed project would construct a detention pond and associated facilities, as well as line the existing arroyo and tributary downstream to direct flows and provide a stable surface for storm flows. Proposed improvements include the following elements:

- Excavation, grading and lining of a 6-foot deep detention pond
- Construction of an orifice plate and lateral weir structure across and next to the arroyo to divert stormwater flows in excess of 900 cfs into the detention pond
- Construction of principal and emergency spillways to release excess stormwater from the detention pond back into the arroyo at a greatly reduced rate
- Re-alignment and lining of a small adjacent tributary arroyo to facilitate conveyance through existing box culverts downstream
- Grading and lining of arroyo bank from existing box culverts at Saratoga upstream to new orifice and lateral weir to protect new infrastructure
- Lining of arroyo bank in vicinity of new stabilized soil disposal site at east end of project to protect from erosion.

The Arroyo de las Lomas Negras is tributary to the Rio Grande via the Harvey Jones Channel in Corrales, New Mexico approximately 2.0 miles downstream from the work location.

The elevation of the project area ranges from approximately 5,120 to 5,150 feet above mean sea level. The soil-mapping units present within the project area are Sheppard loamy fine sand, 3 to 8 percent slopes, and Sheppard loamy fine sand, 8 to 15 percent slopes (U.S. Department of Agriculture 2016).

BIOLOGICAL RESOURCES SURVEY

Marron and Associates (Marron) conducted a biological survey of the project area during August 2016. The purpose of surveys was to identify sensitive or protected biological resources that may be impacted by the project and obtain the ordinary high water mark within the arroyo.

Vegetation

The project area occurs adjacent to and within a disturbed Plains Mesa Sand Scrub vegetation community (Dick-Peddie 1993). Approximately one-half of the project area is either unvegetated arroyo channel or an area in which native vegetation has been disturbed by past activities at the site.

Within vegetated areas, the dominant plant species present are sand sage (*Artemisia filifolia*) and four-wing saltbush (*Atriplex canescens*). Other common species present include rabbitbrush (*Ericameria nauseosa*), cholla (*Cylindropuntia clavata*), Russian thistle (*Salsola tragus*), golden aster (*Chrysopsis delaneyi*), annual sunflower (*Helianthus annuus*), yucca (*Yucca glauca*), broom dalea (*Psoralea scoparius*), and snakeweed (*Gutierrezia sarothrae*).

This project would not impact rare or unusual plant communities or wetland vegetation. No Class A or B noxious weed species are present. The Class C New Mexico noxious weed species Siberian elm (*Ulmus pumila*), Russian olive (*Elaeagnus angustifolia*), and salt cedar (*Tamarix* sp.) are present, but no action is recommended for Class C species.

The proposed project activities would disturb vegetation. It is recommended that currently vegetated soils disturbed by project activities that remain open after construction be revegetated using native, certified weed-free species. Any equipment used in construction should be cleaned prior to arrival at the construction site to ensure that it is free of noxious weed seeds.

Wetlands and Waterways

No wetlands are present within the proposed project site. The Arroyo de las Lomitas Negras is connected with the Rio Grande approximately 2 miles to the east via the Dulcelina Curtis Channel and Harvey Jones Channel outfall. The project area is located in the following 8 digit hydrologic unit code: 13020203. Dredge and fill beneath the plane of the ordinary high water mark will be permitted under the requirements of the Clean Water Act sections 404/401 prior to construction. The SSCAFCA expects to obtain coverage under an existing nationwide or regional general permit.

Wildlife

The project area occurs within a developing urban location and provides a pocket of undeveloped land to wildlife. Arroyo systems within the Albuquerque and Rio Rancho metropolitan areas provide wildlife with corridors that connect the Rio Grande with outlying undeveloped mesas. As a result, many species that do not reside within these arroyos pass through them. Species, or their sign, that were observed within the project area were: turkey vulture (*Cathartes aura*), American crow (*Corvus brachyrhynchos*), scaled quail (*Callipepla squamata*), common raven (*Corvus corax*), mourning dove (*Zenaidura macroura*), Say's phoebe (*Sayornis saya*), roadrunner (*Geococcyx californianus*), whiptail lizards (*Cnemidophorus*), side-blotched lizard (*Uta stansburiana*), desert cottontail (*Sylvilagus auduboni*), black-tailed jackrabbit (*Lepus californicus*), Ord's kangaroo rat (*Dipodomys ordii*), and antelope ground-squirrel (*Ammospermophilus leucurus*).

Banks of ephemeral waterways provide potential burrowing habitat for species such as small mammals and burrowing owls. The project activities would temporarily disturb this habitat. Any deep, narrow excavated trenches left open overnight also have the potential to trap small mammals and reptiles.

LISTED AND OTHERWISE PROTECTED SPECIES

Protected plant and animal species are listed by the U.S. Fish and Wildlife Service (USFWS) and the State of New Mexico for Sandoval County (Appendix B).

Unlisted but otherwise protected species are also considered. Initial evaluation eliminated most of these species from further consideration. The potential for effects to one species was evaluated.

Species Eliminated from Further Consideration

Most species that appear on agency lists for Sandoval County are not evaluated further. These species were eliminated because they occur in mountains, forests, alkali wetlands, grassland, pinyon/juniper woodlands, or expansive open waters; none of which occur in the vicinity of the project area.

Group	Common/Scientific Names	Status in County	Habitat	Rationale for Elimination
Plants				
	Brack's fishhook cactus (<i>Sclerocactus cloveriae brackii</i>)	State E	Nacimiento formation in shadscale shrub lands	No suitable habitat
	Parish's alkali grass (<i>Puccinellia parishii</i>)	State E	Alkali seeps and wetlands	No suitable habitat
	Wood lily (<i>Lilium philadelphicum</i>)	State E	Montane forest	No suitable habitat
Invertebrates				
	Wrinkled marshsnail (<i>Stagnicola caperata</i>)	State E	Sandoval County population occurs in Jemez Mountains	No suitable habitat
	Paper pondshell (<i>Utterbackia imbecillis</i>)	State E	Mud/sand substrates of lakes and rivers.	No suitable habitat
Fishes				
Amphibians				
	Jemez Mountain salamander (<i>Plethodon neomexicanus</i>)	USFWS E State E	Mixed conifer forests and talus slopes above 7,200 feet	No suitable habitat
Reptiles Not applicable				
Birds				
	Mexican spotted owl (<i>Strix occidentalis lucida</i>)	USFWS T	Old growth forested canyons	No suitable habitat
	Baird's sparrow (<i>Ammodramus bairdii</i>)	State T	Grasslands	No suitable habitat
	Broad-billed hummingbird (<i>Cyanthus latirostris magicus</i>)	State T	Nests in steep canyons near waterways	No suitable habitat
	Costa's hummingbird (<i>Calypte costae</i>)	State T	Nests in scrub desert areas	No suitable habitat
	Gray vireo (<i>Vireo vicinior</i>)	State T	Rolling pinyon-juniper woodlands	No suitable habitat
	Neotropic cormorant (<i>Phalacrocorax brasilianus</i>)	State T	Breeds in expansive open water habitats	No suitable habitat
	Brown pelican (<i>Pelecanus occidentalis carolinensis</i>)	State E	Rare in the state, associated with large open waters	No suitable habitat
Mammals				
	American marten (<i>Martes americana origenes</i>)	State T	High mixed conifer forests	No suitable habitat

Remaining listed species could use the project area transiently, or are known to occur in downstream locations, but are unlikely to be impacted by project activities. The following is a review of these species.

New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) – This is a federal and State of New Mexico endangered species that occurs within densely vegetated meadows and grasslands located near perennial water sources. The project area consists of dry uplands and no suitable habitat for this species is present. The arroyo within the project area does eventually discharge into the Rio Grande, but the project area is approximately 2 channel miles away from any potential habitat, and detention facilities are already in place upstream of the outfall location, which are expected to prevent any unseasonal flows from discharging to the river.

Spotted bat (*Euderma maculatum*) – This state-protected species has been collected in Sandoval County, as well as over scattered areas in southern New Mexico. It is often collected near water where it is presumed to be foraging. It uses crevices in nearby cliffs and trees for roosting. The project area is located 2 miles from a riparian area that could be inhabited by the spotted bat. However, no suitable roosting habitat occurs within the project area.

Southwestern willow flycatcher (*Empidonax traillii extimus*) – This flycatcher is protected as a federal and State of New Mexico endangered species. It could pass through the project area en route to suitable riparian habitat located along the Rio Grande. However, no suitable nesting or migration habitat is present within or adjacent to the project site. Potential suitable habitat for this species occurs approximately 2 channel miles from the project area. Construction would not affect this species.

Yellow-billed cuckoo (*Coccyzus americanus*) – This is a federally threatened species with proposed critical habitat in Sandoval County. It could nest near the Rio Grande, but no suitable nesting or migration habitat is present within the project area. Potential suitable habitat is located approximately 2 channel miles from the project area. Construction would not be expected to affect this species.

Bald eagle (*Haliaeetus leucocephalus*) – This is a State of New Mexico threatened species that is protected under the Bald and Golden Eagle Protection Act. It is known to winter within the Middle Rio Grande Valley, and large cottonwoods near the Rio Grande provide suitable roost habitat. However, this habitat occurs approximately 2 miles from the project site, and proposed construction activities are unlikely to impact this species.

Common black-hawk (*Buteogallus anthracinus anthracinus*) – This state-protected species occurs primarily in the southwestern part of New Mexico (Ligon 1961). It uses mature bosque and nests high in cottonwood trees. Suitable habitat for common black-hawk occurs near the Rio Grande, but not within the project area. This species is likely to be rare or transient in the project area.

Broad-billed hummingbird (*Cyanthus latirostris*) – This is a New Mexico threatened species that inhabits riparian woodlands and low wooded canyons. It rarely occurs in northern New Mexico. This species is reported from only a few historic records and is unlikely to occur near the project area. The proposed project have not impact this species.

American and Arctic Peregrine Falcon (*Falco peregrinus anatum* / *Falco peregrinus tundrius*) – These peregrine falcons are protected as threatened by the State of New Mexico. Falcons occur in areas with rocky, steep cliffs, preferably near water, in habitats ranging from pinyon-juniper, ponderosa pine, and mixed conifer forests. Although falcons may fly over the project area, no suitable roosting or nesting habitat occurs there.

Species Evaluations

One species, the Rio Grande silvery minnow (*Hybognathus amarus*) is evaluated further because of the potential for indirect impacts to the Rio Grande downstream of the project area.

Rio Grande Silvery Minnow (*Hybognathus amarus*)

Species Ecology/Threats

Rio Grande silvery minnow requires shallow waters with a sandy and silty substrate that is generally associated with a meandering river (Bestgen and Platania 1991). However, physical modifications to the Rio Grande over the last century such as dam and levee construction and channelization have altered much of the habitat that is necessary for the species to persist. Channelization has straightened and shortened river reaches; increased current velocity; and altered riparian vegetation, in-stream cover, and substrate composition.

In the Middle Rio Grande, the spring runoff coincides with, and likely triggers, the silvery minnow's spawn (USFWS 2003). However, diversion dams act as in-stream barriers and prevent silvery minnows from moving back upstream after hatching. The continued downstream displacement and decline of the silvery minnow in the Middle Rio Grande is well documented. The current distribution of the silvery minnow is limited to the Rio Grande between Cochiti Dam and Elephant Butte Reservoir. Throughout much of its historic range, the decline of the silvery minnow has been attributed to modification of the flow regime and channel drying by dams, water diversion for agriculture, stream channelization, interactions with non-native fish, and decreasing water quality (Bestgen and Platania 1991, USFWS 2003).

Critical Habitat

On February 19, 2003, the USFWS published a final rule establishing critical habitat for the Rio Grande silvery minnow within the remaining portion of their historic range in the Middle Rio Grande, from Cochiti Dam to the utility line crossing the Rio Grande, a permanent identified landmark in Socorro County (USFWS 2003). The USFWS determined that 212 miles of the Rio Grande should be designated as critical habitat for the silvery minnow. The width of critical habitat along the Rio Grande is defined as those areas bound by existing levees or, in areas without levees, 300 feet of the riparian zone adjacent to the bankfull stage of the river. The project area is not located within designated silvery minnow critical habitat.

Data Sources (including surveys conducted)

Information was collected from the New Mexico Department of Game and Fish (NMDGF), USFWS, and relevant literature. The project area occurs approximately 2 channel miles from the Rio Grande).

Affected Habitat Description

The project area occurs approximately 2 channel miles from the western bank of the Rio Grande. It is not located within the Rio Grande floodplain nor designated critical habitat for this species. However, since the project area connects to the river via the Harvey Jones Channel, indirect effects due to potential surface-water quality reduction are addressed.

Analysis of Effects

Project activities would include sediment removal and construction of flow retaining and bank stabilizing improvements. If this work resulted in indirect effects to occupied waters within designated critical habitat, the Rio Grande silvery minnow could potentially be affected.

However, it is expected that the implementation of best management practices and other measures would ensure the arroyo channel does not convey sediment or petrochemicals to the river during construction. Additionally, the SSCAFCA recently constructed retention and stabilization features immediately downstream of the project area (east of the NM 528 roadway). As a result, should one or more of the recommended surface-water quality measures fail, any flows transporting surface waters and possible sediment or contaminants downstream would not be expected to reach the river or enter silvery minnow critical habitat.

Determination of Effect/Recommended Mitigation

The USFWS and the Middle Rio Grande Endangered Species Collaborative, through monitoring and augmentation efforts, have determined that the Middle Rio Grande reach of the Rio Grande is inhabited by the Rio Grande silvery minnow. Water-quality protection measures will be implemented during construction to prevent possible effects to this species. Post construction operation of the proposed facilities is not expected to result in downstream impacts. Implementation of the following measures is recommended:

- Require the contractor to construct during the low flow season (after monsoon flows and prior to snow melt).
- Develop and implement a sediment and erosion control plan to prevent surface water quality and turbidity impacts.
- Revegetate disturbed open upland areas to reduce surface erosion.
- Require equipment refueling, storage, and maintenance activities to occur in designated areas outside the Arroyo de las Lomas Negras floodplain.
- Clean all heavy equipment used in the project area prior to the start of the project, and inspect equipment daily for leaks. Leaking equipment must not be used in or near any watercourse.
- Report any spills immediately to the U.S. Army Corps of Engineers (USACE), USFWS, NMDGF, and the Surface Water Quality Bureau of the New Mexico Environment Department (NMED).

These measures will be implemented pending approval by SSCACFCA, FEMA, and the USACE.

Finding- Rio Grande silvery minnow

- No effect
- May affect, is not likely to adversely affect
- May affect, is likely to adversely affect

Finding- Designated critical habitat

- No effect
- May affect, is not likely to adversely affect
- May affect, is likely to adversely affect

Migratory Birds

Habitat suitable for small migratory bird nests, which are protected while occupied by the Migratory bird treaty Act (MBTA), is present in the project area. No nests were present in project area shrubs or trees. Nine burrows of sufficient size to provide nest sites for western burrowing owls were present within the project area (Figure 2), but six occur outside of proposed construction limits. None of these burrows were occupied and no sign of occupation was observed (pellets, white-wash, feathers, small animal remains).

If clearing and grading activities are needed during the migratory bird nesting season (March 15 to September 15), nest surveys must be completed prior to construction to ensure compliance with the MBTA. If the activity would occur early enough during the season that nests could be constructed after the survey but prior to the complete clearing or grading of the site, a qualified monitor should be employed to ensure new nests are not taken.

CONCLUSIONS AND RECOMMENDATIONS

The project would impact approximately 50 acres of partially vegetated soils and about 25 acres of vegetation. There are no wetlands present. The project area includes an active jurisdictional ephemeral waterway. The project area supports potentially suitable, but not recently occupied, burrow habitat for Western burrowing owl. Most burrows would not be impacted.

Marron recommends implementing the following measures to reduce impacts to biological resources:

- Require the contractor to develop and implement a sediment and erosion control plan to prevent surface water quality and turbidity impacts. Disturbed upland areas should be revegetated to reduce surface erosion.
- Require equipment refueling, storage, and maintenance activities to occur in designated areas outside the Arroyo de las Lomas Negras floodplain.
- Clean all heavy equipment used in the project area prior to the start of the project, and inspect equipment daily for leaks. Leaking equipment must not be used in or near any watercourse.
- Report any spills immediately to the USACE, USFWS, NMDGF, and the Surface Water Quality Bureau of the NMED.
- Replant open, disturbed areas with native vegetation.
- Bury any trenching or excavation concurrently to reduce small mammal and reptile trapping or leave escape ramps in deep trenches for small mammals and reptiles to escape.
- Construct outside the migratory bird nesting season for the Albuquerque area (March 1–September 15), or provide preconstruction nest surveys. If occupied nests of migratory species would be impacted, a permit must be obtained prior to constructing.

PHOTOS



Photo A – Representative habitat at the eastern project extent facing west



Photo B – Unoccupied burrow within the project area



Photo C – West End of Project Area

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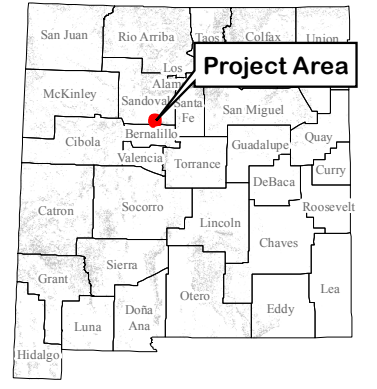
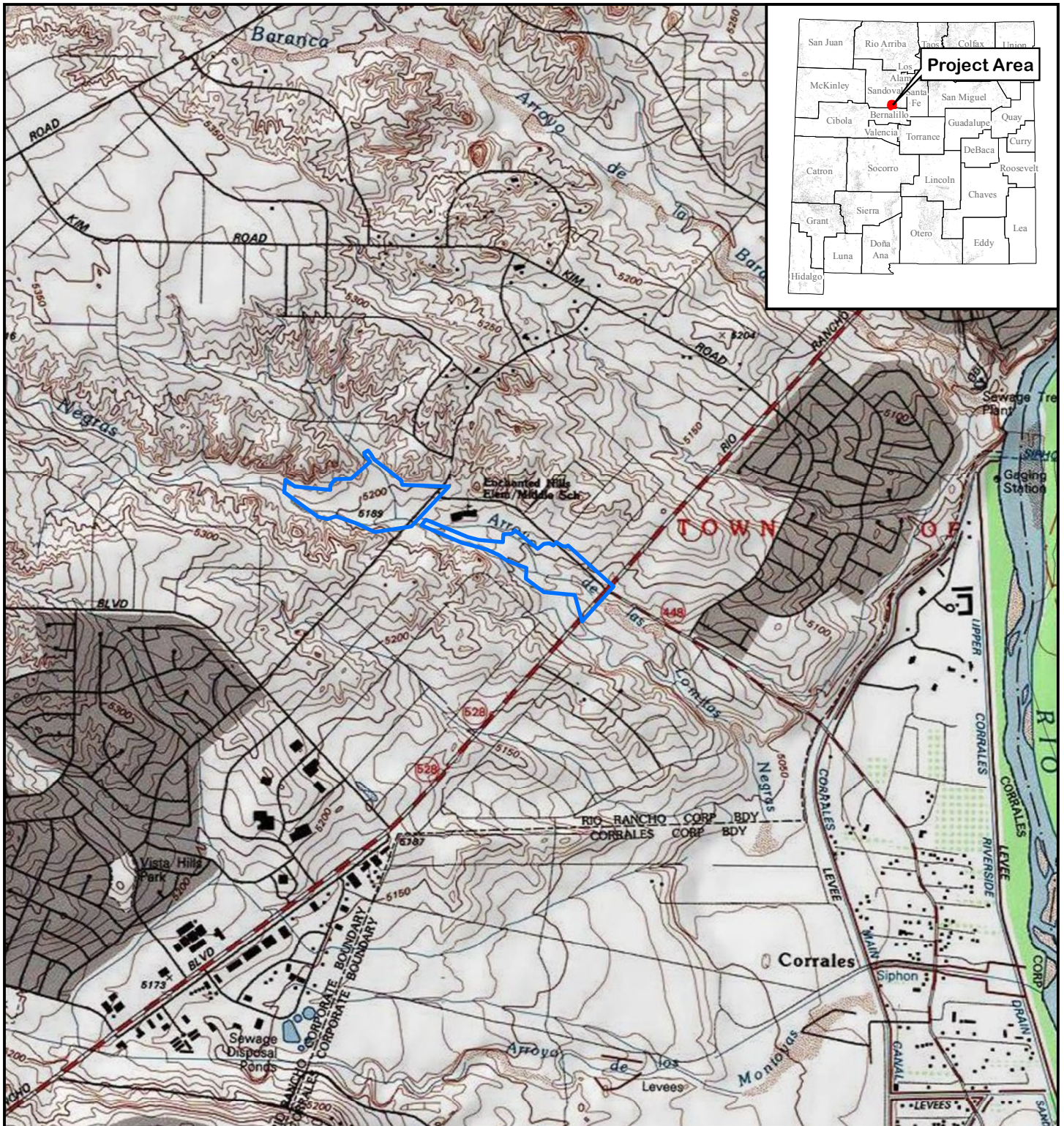


Figure 1
Project Location Map

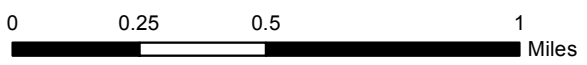
 Project Area

Land Ownership

 Private

Loma Machete & Bernalillo, NM
USGS 7.5' Quadrangles

Town of Alameda Grant
Sandoval County, New Mexico



1:24,000



bing



Figure 2
Coinceptual Plan
Overlay with
Resources

- Project Area
- OHWM
- Burrow

Land Ownership

- Private

Loma Machete & Bernalillo, NM
USGS 7.5' Quadrangles

Town of Alameda Grant
Sandoval County, New Mexico

0 0.125 0.25 0.5
Kilometers

0 0.075 0.15 0.3
Miles





United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
PHONE: (505)346-2525 FAX: (505)346-2542
URL: www.fws.gov/southwest/es/NewMexico/;
www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2016-SLI-0826
Event Code: 02ENNM00-2016-E-00868
Project Name: SSCAFCA Lomitas Stabilization

September 15, 2016

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, 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 the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information

contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached 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.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

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. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also 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.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also 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 State fish, wildlife, and plants.

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. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: SSCAFCA Lomitas Stabilization

Official Species List

Provided by:

New Mexico Ecological Services Field Office

2105 OSUNA ROAD NE

ALBUQUERQUE, NM 87113

(505) 346-2525

<http://www.fws.gov/southwest/es/NewMexico/>

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2016-SLI-0826

Event Code: 02ENNM00-2016-E-00868

Project Type: LAND - FLOODING

Project Name: SSCAFCA Lomitas Stabilization

Project Description: flood control and erosion features

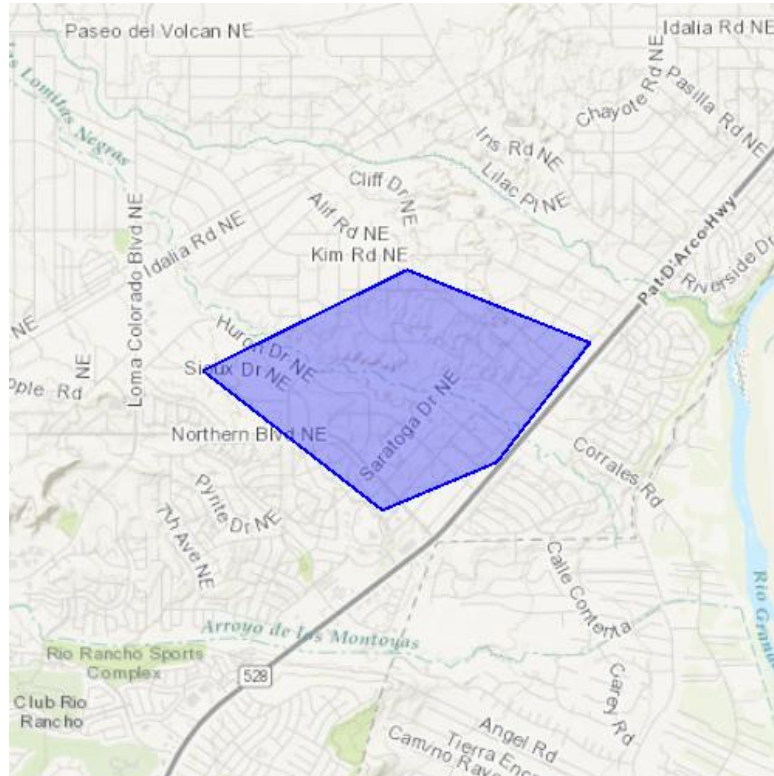
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: SSCAFCA Lomitas Stabilization

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-106.63278579711914 35.26818708799519, -106.62145614624023 35.27211131498526, -106.61235809326172 35.28164078909293, -106.63038253784178 35.28752608058503, -106.65046691894531 35.27939866076553, -106.63278579711914 35.26818708799519)))

Project Counties: Sandoval, NM



United States Department of Interior
Fish and Wildlife Service

Project name: SSCAFCA Lomitas Stabilization

Endangered Species Act Species List

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
Jemez Mountains salamander (<i>Plethodon neomexicanus</i>) Population: Wherever found	Endangered	Final designated	
Birds			
Mexican Spotted owl (<i>Strix occidentalis lucida</i>) Population: Wherever found	Threatened	Final designated	
Southwestern Willow flycatcher (<i>Empidonax traillii extimus</i>) Population: Wherever found	Endangered	Final designated	
Yellow-Billed Cuckoo (<i>Coccyzus americanus</i>) Population: Western U.S. DPS	Threatened	Proposed	
Fishes			
Rio Grande silvery minnow (<i>Hybognathus amarus</i>) Population: Wherever found, except where listed as an experimental population	Endangered	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: SSCAFCA Lomitas Stabilization

Mammals			
New Mexico meadow jumping mouse (<i>Zapus hudsonius luteus</i>) Population: Wherever found	Endangered	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: SSCAFCA Lomitas Stabilization

Critical habitats that lie within your project area

There are no critical habitats within your project area.



Biota Information System of New Mexico



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Database Query

Your **search terms** were as follows:

County Name

Sandoval

Status











State NM: Endangered

State NM: Threatened

18 species returned.

Taxonomic Group	# Species	Taxonomic Group	# Species
Fish	1	Mammals	3
Amphibians	1	Molluscs	2
Birds	11		

[Export to Excel](#)

Species ID	Common Name	Scientific Name	Photo	USGS Distribution Map	County	Status
050095	Spotted Bat	<i>Euderma maculatum</i>			Sandoval	State NM: Threatened
050335	Pacific Marten	<i>Martes caurina</i>			Sandoval	State NM: Threatened
050410	Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>		no map	Sandoval	State NM: Endangered
041400	Brown Pelican	<i>Pelecanus occidentalis</i>		no map	Sandoval	State NM: Endangered
040040	Common Black Hawk	<i>Buteogallus anthracinus</i>			Sandoval	State NM: Threatened
040370	Bald Eagle	<i>Haliaeetus leucocephalus</i>			Sandoval	State NM: Threatened

040384	Peregrine Falcon	Falco peregrinus		no map	Sandoval	State NM: Threatened
040385	Arctic Peregrine Falcon	Falco peregrinus tundrius	no photo	no map	Sandoval	State NM: Threatened
040195	Neotropic Cormorant	Phalacrocorax brasilianus		no map	Sandoval	State NM: Threatened
040905	Broad-billed Hummingbird	Cynanthus latirostris			Sandoval	State NM: Threatened
040925	Costa's Hummingbird	Calypte costae			Sandoval	State NM: Threatened
040521	Southwestern Willow Flycatcher	Empidonax traillii extimus		no map	Sandoval	State NM: Endangered
042200	Gray Vireo	Vireo vicinior			Sandoval	State NM: Threatened
041785	Baird's Sparrow	Ammodramus bairdii			Sandoval	State NM: Threatened
020060	Jemez Mountains Salamander	Plethodon neomexicanus			Sandoval	State NM: Endangered
010310	Rio Grande Silvery Minnow	Hybognathus amarus		no map	Sandoval	State NM: Endangered
060200	Wrinkled Marshsnail	Stagnicola caperata	no photo	no map	Sandoval	State NM: Endangered
060040	Paper Pondshell	Utterbackia imbecillis	no photo	no map	Sandoval	State NM: Endangered

[Close Window](#)

NEW MEXICO STATE ENDANGERED PLANT SPECIES (19.21.2.8 NMAC)

Detailed information and images of many of these and other rare plants can be found at the New Mexico Rare Plants website (<http://nmrareplants.unm.edu/index.html>) (plants marked with an * are not listed on the NMRPTC website)

Botanical Name	Common Name	New Mexico Counties
<i>Aliciella formosa</i>	Aztec gilia	San Juan
<i>Allium gooddingii</i> *	Goodding's onion	San Juan, McKinley, Catron, Lincoln, Santa Fe
<i>Amsonia tharpii</i>	Tharp's bluestar	Eddy
<i>Argemone pleiacantha</i> subsp. <i>pinnatisecta</i> (<i>A. pinnatisecta</i>)	Sacramento prickly poppy	Otero
<i>Astragalus humillimus</i>	Mancos milkvetch	San Juan
<i>Cirsium vinaceum</i>	Sacramento Mountains thistle	Otero
<i>Cirsium wrightii</i>	Wright's marsh thistle	Chaves, Grant, Guadalupe, Otero, Sierra, Socorro
<i>Cleome multicaulis</i> (<i>Peritoma multicaulis</i>)	slender spiderflower	Grant, Hidalgo
<i>Coryphantha scheeri</i> var. <i>scheeri</i>	Scheer's pincushion cactus	Chavez, Eddy
<i>Cylindropuntia viridiflora</i>	Santa Fe cholla	Santa Fe
<i>Cypripedium parviflorum</i> var. <i>pubescens</i> *	golden lady's slipper	San Juan, Grant, San Miguel
<i>Echinocereus fendleri</i> var. <i>kuenzleri</i>	Kuenzler's hedgehog cactus	Chavez, Eddy, Lincoln, Otero
<i>Erigeron hessii</i>	Hess' fleabane	Catron
<i>Erigeron rhizomatus</i>	Zuni fleabane	Catron, McKinley, San Juan
<i>Eriogonum gypsophilum</i>	gypsum wild buckwheat	Eddy
<i>Escobaria duncanii</i>	Duncan's pincushion cactus	Sierra
<i>Escobaria organensis</i>	Organ Mountain pincushion cactus	Doña Ana
<i>Escobaria sneedii</i> var. <i>leei</i>	Lee's pincushion cactus	Eddy

<i>Escobaria sneedii</i> var. <i>sneedii</i>	Sneed's pincushion cactus	Doña Ana
<i>Escobaria villardii</i>	Villard's pincushion cactus	Doña Ana, Otero
<i>Hedeoma todsenii</i>	Todsen's pennyroyal	Otero, Sierra
<i>Helianthus paradoxus</i>	Pecos sunflower	Cibola, Valencia, Socorro, Guadalupe, Chavez
<i>Hexalectris nitida</i>	shining coralroot	Eddy, Otero
<i>Hexalectris spicata</i> *	crested coralroot	Sierra, Otero, Hidalgo
<i>Ipomopsis sancti-spiritus</i>	Holy Ghost ipomopsis	San Miguel
<i>Lepidospartum burgessii</i>	gypsum scalebroom	Otero
<i>Lilium philadelphicum</i> *	wood lily	Otero, Los Alamos, Sandoval, San Miguel, Santa Fe
<i>Mammillaria wrightii</i> var. <i>wilcoxii</i> *	Wilcox pincushion cactus	Hidalgo, Grant, Doña Ana, Luna
<i>Opuntia arenaria</i>	sand prickly pear	Doña Ana, Luna, Socorro
<i>Pediocactus knowltonii</i>	Knowlton's cactus	San Juan
<i>Pediomelum pentaphyllum</i>	Chihuahua scurfpea	Hidalgo
<i>Peniocereus greggii</i>	night-blooming cereus	Doña Ana, Grant, Hidalgo, Luna
<i>Polygala rimulicola</i> var. <i>mescalerorum</i>	San Andres milkwort	Doña Ana
<i>Puccinellia parishii</i>	Parish's alkali grass	Catron, Cibola, Grant, Hidalgo, McKinley, Sandoval, San Juan
<i>Sclerocactus cloveriae</i> subsp. <i>brackii</i>	Brack's cactus	San Juan, Rio Arriba, Sandoval
<i>Sclerocactus mesae-verdae</i>	Mesa Verde cactus	San Juan
<i>Spiranthes magnicamporum</i> *	lady tresses orchid	Bernalillo, Santa Fe, Guadalupe, Rio Arriba

APPENDIX C

Section 106 Documentation



FEMA

U.S. Department of Homeland Security
Federal Emergency Management Agency
800 N Loop 288
Denton, Texas, 76209

RECEIVED

Bob AUG 06 2019

August 1, 2019

HISTORIC PRESERVATION DIVISION

187# 111116

Jeff Pappas, Ph.D
NM State Historic Preservation Officer
Attn: Bob Estes, Archaeologist
Department of Cultural Affairs
Bataan Memorial Building
407 Gallisteo Street, Suite 236
Santa Fe, NM 87501

RE: Section 106 Review **Continuing Consultation**, FEMA-4079-DR-NM, HMGP Project #12 (originally Project #11), Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) Lomitas Negras Stab, Sandoval County, New Mexico

Multiple locations:

Area 1: Start GPS 35.27805, -106.62688, End GPS 35.276795, -106.622949;

Area 2: Start GPS 35.276211, -106.622186, End GPS: 35.276019, -106.621301;

Area 3: South bank start GPS 35.275523, -106.620042, North Bank start GPS: 35.275578, -106.618642, End GPS location: 35.275130, -106.617991

Dear Dr. Estes:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the major Disaster Declaration for FEMA-4079-DR-NM, dated August 24, 2012. FEMA, through its 404 Hazard Mitigation Grant Program (HMGP), proposes to fund the proposed project as requested by the Applicant. FEMA is continuing Section 106 consultation for the above referenced properties in accordance with the Programmatic Agreement between FEMA, the New Mexico State Historic Preservation Officer (SHPO), and the New Mexico Department of Homeland Security and Emergency Management (DHSEM) dated May 23, 2016.

In the original project, the Applicant proposed to excavate a detention pond and an off-channel stormwater storage facility which connected into a new soil cement lateral weir structure and primary outfall, which then linked the stormwater storage facility back into the Lomitas Negras Arroyos (please see Figure 5). The project also included soil cement armoring of both north and south arroyo banks from approximately 200 feet east of Saratoga Road southeasterly for approximately 1900 ft (maximum length).

The Applicant now proposes additional bank stabilization work at three new areas along the Lomitas Negros Arroyos between Saratoga Road and Rio Ranch Road (please see Figure 6). The proposed stabilization includes the installation of 4 ft. high, stepped soil-cement structures along the banks of the arroyo, earthwork to backfill behind the structures, extension of two pre-existing storm drains from the adjacent school property through the new bank structures, and modification of existing manholes. The

proposed armored grade and channel profiles will conform to existing baselines. Work along these segments will also include limited clearing and grubbing, regrading, installation of rip rap, the construction of earthen berms, and native grass seeding along the riverbank. For more details, please see attached construction plans.

A records search using the New Mexico Cultural Resource Information Service (NMCRIS) database administered by the Archaeological Records Management Service (ARMS) of the Historic Preservation Division (HPD), New Mexico Department of Cultural Affairs was conducted for the APE with a one-mile buffer around each Parcel. Due to the local topography and the proximity of several known archaeological sites the potential for presence of archeological sites within the remaining portions of the APE was assessed as moderate to high. Based on this probability, FEMA determined that a cultural resources survey was necessary to identify potential historic properties within the original project area. One site was recorded and determined eligible (LA 186030).

In August of 2016, the Applicant contracted qualified professional archaeologists from Marron and Associates to conduct a cultural resources survey of the project APE under permit number NM 16-160-S. The SSCAFCA Lomitas Negras Phase II Project Cultural Resources Survey (NMCRIS Activity No. 136431) resulted in the documentation of several isolates and one eligible lithic manufacturing site (LA 186030). The remainder of the surveyed area contained only isolated lithic debitage that are not directly associated with the site recorded. *The additional proposed bank stabilization work occurs within the project's previously identified APE and survey area. This additional scope work does not occur near site LA 186030.*

On November 4, 2016, FEMA consulted with your office on the SSCAFCA Lomitas Negras Arroyo project scope with a "No Adverse Effect" with conditions determination and received concurrence from your office on December 7, 2016. Based on the information gathered through this review process, FEMA maintains that the additional bank stabilization work also results in a "No Adverse Effect" to historic properties determination, with the original project conditions applied as follows:

The applicant shall ensure that an avoidance area, not less than 50 feet from the boundaries of the site (LA 186030), will be established by a qualified professional archaeologist, who meets the Secretary of Interior standards, prior to construction.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted, and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. If unmarked graves or human remains are present on private or state land, compliance with the New Mexico Cultural Properties Act (Article 18, Section 6, Subsection 11.2 (18-6-11.2), NMSA 1978, also known as the Unmarked Burial Statute is required. NMDHSEM will require the applicant to stop work immediately in the vicinity of the discovery. OEM will immediately notify FEMA, and law enforcement agencies of the discovery, which shall notify the Office of the Medical Investigator (OMI) and the SHPO. OMI shall evaluate the remains for medicolegal significance with minimal disturbance of the remains. OMI will terminate the discovery of any non-medicolegal human remains to the SHPO, who shall proceed pursuant to the Unmarked Burial Statute and its implementing regulations found at 4.10.11 NMAC. For any questions for human remains on state or private land, contact State Archeologist, Bob Estes, (505) 827-4225, Fax (505) 827-6338, bob.estes@state.nm.us.

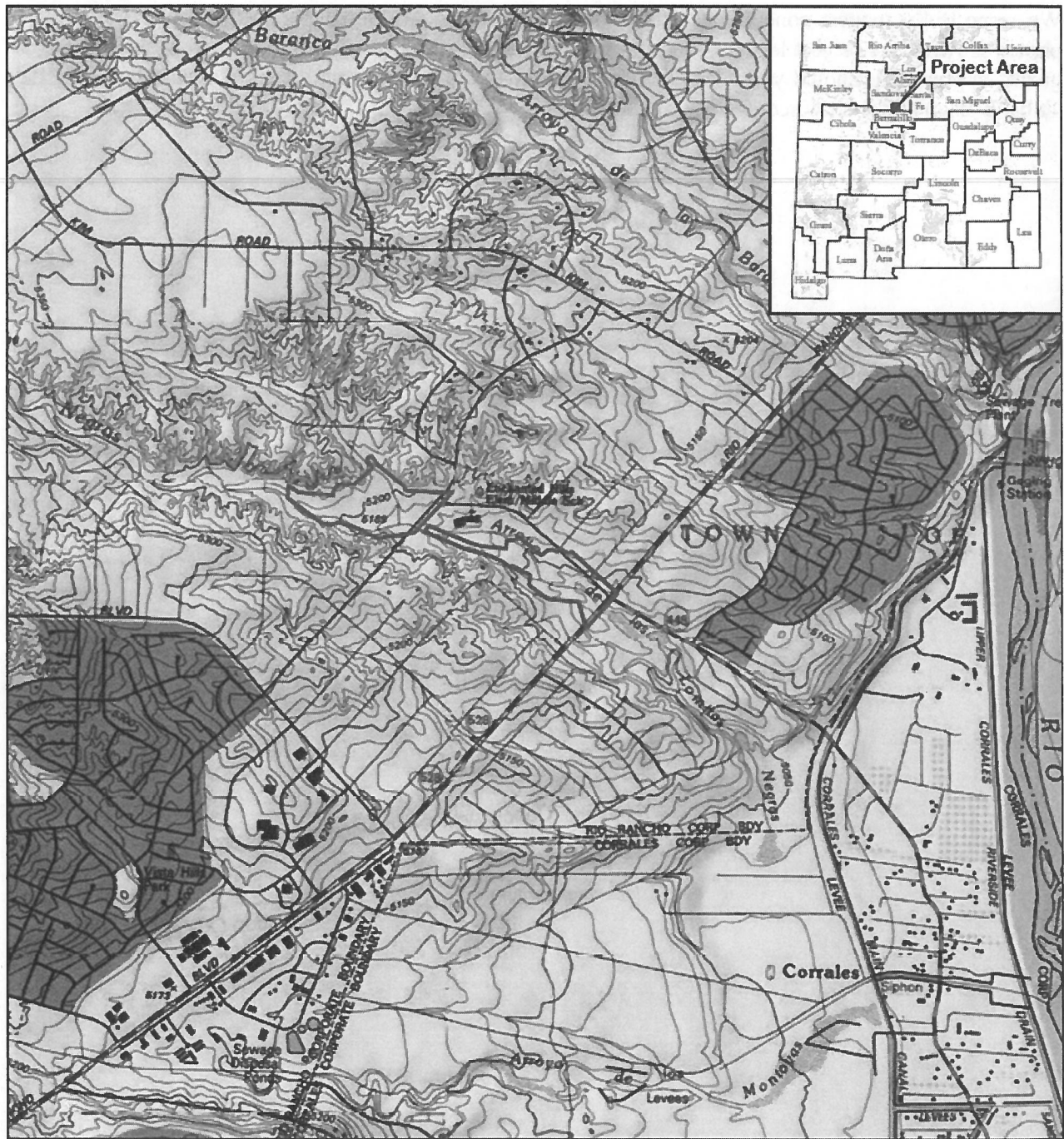
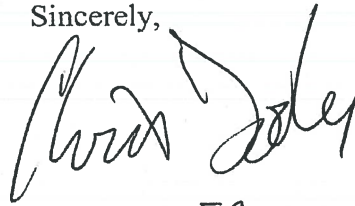


Figure 1: Location Map from the 2016 SSCAFCA Lomas Negras Phase II Project Cultural Resources Survey, new work located within original project APE (lower project area). Courtesy of Marron and Associates.

We respectfully request concurrence with this determination. An Aerial map, NMCRIS ARMS map, photos showing the project location, and design plans are attached. Your prompt review of this project is greatly appreciated. Should you need additional information please contact Robert Scoggin, Interim EHP Tribal Liaison at Robert.w.scoggin@fema.dhs.gov (202) 719-4139.

Sincerely,



FBI

Kevin Jaynes
Regional Environmental Officer
FEMA Region 6

Concur with recommendations as proposed.

 8/19/2019
for NM State Historic Preservation Officer

COMANCHE NATION



U.S. Department of Homeland Security
Attn: Mr. Robert W. Scoggin
800 Region 6
Texas 76209

August 2, 2019

Re: Section 106 Review **Continuing Consultation**, FEMA-4079-DR-NM,
HMGP-Project #12, (originally Project #11), Southern Sandoval County Arroyo
Flood Control Authority (SSCAFCA)
Lomas Negras Stab, Sandoval County, New Mexico

Dear Mr. Scoggin:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of "**No Properties**" have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 595-9960/9618) if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW "D" Avenue, Suite C
Lawton, OK. 73502

From: [Richard M. Begay](#)
To: [FEMA-R6-EHP](#)
Cc: [Timothy Begay](#)
Subject: RE: FEMA Section 106 Consultation –NM 4079 - Lomitas Negras Arroyo Project, Sandoval, New Mexico - Navajo Nation
Date: Thursday, August 8, 2019 2:09:09 PM

Hello,

I've reviewed the attached information and have no concerns. You may proceed with your project without further consultation with the Navajo Nation.

Thank you,
Richard M Begay, THPO
Navajo Nation

From: FEMA-R6-EHP <FEMA-R6-EHP@fema.dhs.gov>
Sent: Thursday, August 1, 2019 9:54 AM
To: Richard M. Begay <r.begay@navajo-nsn.gov>
Subject: FEMA Section 106 Consultation –NM 4079 - Lomitas Negras Arroyo Project, Sandoval, New Mexico - Navajo Nation

Good morning Mr. Begay,

We kindly request review and comment on the attached Section 106 continuing consultation for the proposed drainage improvement project in Sandoval County, New Mexico.

Thank you for your consideration.

Please let me know if you have any questions.

Respectfully,

Chantal

Chantal McKenzie
Environmental Protection Specialist
FEMA Region 6
600 N Loop 288
Denton, TX 76209
(940) 297-0160 – office
(202) 531-5322 – cell
chantal.mckenzie@fema.dhs.gov



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