



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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February 28, 2008

Cons.# 22420-2008-I-0063

Memorandum

To: Area Manager, Bureau of Reclamation, Albuquerque Area Office, Albuquerque, New Mexico

From: Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, Albuquerque, New Mexico

Subject: Concurrence with Determinations for Santo Domingo Pueblo Habitat Restoration Project, Phase III

Thank you for your memorandum dated January 14, 2008, requesting concurrence on determinations made for the proposed habitat restoration phase III project on the Pueblo of San Felipe under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1534 et seq.). You determined that habitat construction activities "may affect, not likely to adversely affect" Rio Grande silvery minnow (*Hybognathus amarus*) (silvery minnow). Phase III of this project includes a total of 3 sites (site names: *Six*, *Seven*, and *Eight*) and are located on the Pueblo of Santo Domingo, Sandoval County, New Mexico.

The proposed action involves:

Site Six: An abandoned side channel will be reopened to function as a low velocity, flow-through habitat for silvery minnow. The site is 12 acres and the isolated channel of the oxbow is approximately 1780 feet (ft) in length. A flow-through side channel will be constructed by excavating 12-24 inches of river bed materials in the side channel. The inlet and outlet of the channel will remain unexcavated and blocked with a silt fence until the excavation of the side channel is complete. The channel will vary from 10-20 ft in width with 1-3 embayment features excavated and tiered into the river's banks. During construction heavy equipment will be prohibited from entering the water. Sediment recovered will be transported to community borrow pit or placed next to the project area above the ordinary high water mark. Replanted cottonwood and coyote willow will aid in stabilizing the banks of the constructed habitats without unintentionally redirecting flow.

Site Seven: The final product of this project is a functioning backwater and side channel habitats that will provide immediate shallow and low velocity habitat for silvery minnow. An inlet and outlet of a side channel and backwater will be excavated to permit active water flow. The length

of the channel is over 980 ft; however, only part of this will need excavation due to naturally occurring contours in the side channel. All excavated materials will either be transported to an existing borrow pit or placed on site, above the ordinary high water mark. Precautions will be taken during the construction of the project in the event that silvery minnow are located within the project area, including preventing heavy equipment from entering the water and installing silt fences at the inlet and outlets during excavation.

Site Eight: A total of 5.2 acres will be excavated and 20 acres of adjacent bosque and sandbar will be thinned of non-native trees. Four to twelve inches of sediment will be excavated to reconnect an isolated backwater to create nursery habitat. Excavation will allow water to flow into the backwater and side channel habitat year round and at higher water flows (>1000 cfs). Coyote willow will be planted throughout the project area. Precautions will be taken during the construction of the project in the event that silvery minnow are located in the project area, including preventing heavy equipment from entering the water and installing silt fences at the inlet and outlet of the side channel during excavation. All excavation activities will occur during low flow conditions.

You have determined that your proposed habitat restoration project may affect, is not likely to adversely affect the silvery minnow. We concur with your determinations for the following reasons:

Silvery minnow have not been captured in this portion of the river since 1994 (Platania 1995) but may occur at low densities. You report that during surveys both conducted in 2002 and during surveys conducted in the past two years by the Pueblo of Santo Domingo adjacent to the restoration project sites, that no silvery minnow were observed. The probability of encountering silvery minnow in the project area is extremely low. During construction, heavy equipment will not enter the water of the main channel, and silt fences will be used to block off the side channel areas where construction will take place.

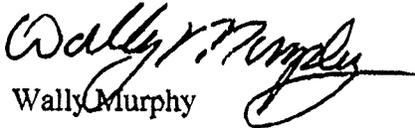
Best management practices (BMPs) will be used to minimize the degree and extent of disturbance to any fish that may be present in the project area. You have committed to the following measures to protect silvery minnow:

- Santo Domingo Natural Resources personnel will deploy a silt curtain at the work area. Fish will be excluded from the work area using a silt curtain to avoid handling and stress.
- Standard BMPs will be used to prevent pollution and an unnaturally high level of sediment loading in the river. BMPs will be enforced to minimize potential impacts to fish from direct construction impacts and erosion inputs into the river during periods of work. All equipment will be inspected prior to mobilization. Spill cleanup equipment will be kept on site for containing accidental fluid leaks.

Please contact the Service to verify the above determinations are still valid if: 1) Future surveys detect listed, proposed or candidate species in habitats where they have not been previously observed; 2) the project is changed or new information reveals effects of the actions to the listed

species or their habitats to an extent not considered in these evaluations; or 3) a new species is listed that may be affected by these projects.

This concludes section 7 consultation on the proposed San Felipe bridge rehabilitation project. Thank you for your concern for endangered species and New Mexico's wildlife habitats. If we can be of further assistance, please contact Michelle Cummer of my staff at the letterhead address, or at 505-761-4715.


Wally Murphy

cc:

Director, New Mexico Department of Game and Fish, Santa Fe, NM

Platania, S.P. 1995. Ichthyofaunal survey of the Rio Grande, Santo Domingo and San Felipe Pueblos, New Mexico, July 1994. Report to the US Army Corps of Engineers, Albuquerque, NM. 56pp.