

**U.S. Department of the Interior**

**BUREAU OF RECLAMATION**

Albuquerque Area Office  
Albuquerque, New Mexico

***Finding of No Significant Impact***

**City of Albuquerque Habitat Restoration Project  
Bernalillo County, New Mexico**

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*2/22/07*

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AAO-07-002

**FONSI Number**

## BACKGROUND

The City of Albuquerque Open Space Division (City) seeks to implement part of the Reasonable and Prudent Alternative (RPA) in the March 2003 U.S. Fish and Wildlife Service Biological Opinion (BiOp) for Reclamation's Water and River Maintenance Operations, the U.S. Army Corps of Engineers' (USACE) Flood Control Operations, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico, 2003 (U.S. Fish and Wildlife Service [USFWS] 2003) and to address priority habitat restoration goals of the Middle Rio Grande Endangered Species Act Collaborative Program (Collaborative Program).

The Project, termed the City of Albuquerque Habitat Restoration Project, will apply several habitat restoration techniques within the Rio Bravo subreach of the Middle Rio Grande to create and improve habitat for silvery minnow and flycatcher. The Project is primarily funded by Reclamation through the Collaborative Program, with partial funding by the City. This Environmental Assessment (EA) has been conducted to evaluate the impacts of the implementation of these habitat restoration techniques and projects on other resources and their relationship to other projects and undertakings, in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4331–4335).

## SUMMARY OF THE PROPOSED ACTION

The Proposed Action involves the design and implementation of various habitat restoration/rehabilitation techniques to restore aquatic and riparian habitat for the benefit of silvery minnow and flycatcher within the Albuquerque Reach of the Middle Rio Grande (MRG). The purpose of the Proposed Action is to develop and construct rearing, young-of-year, and over-wintering habitat for Rio Grande silvery minnow and to thin non-native vegetation and create habitat for the benefit of southwestern willow flycatcher. Non-native vegetation thinning will be completed on a 20.3-acre point bar and a 6.5-acre island. Vegetation will be cleared using techniques described in the Collaborative Program's Habitat Restoration Plan for the Middle Rio Grande (Tetra Tech 2004). Vegetation clearing will benefit flycatcher by reducing competition between native and non-native vegetation, which will encourage the recruitment of dense native vegetation. Techniques used to create silvery minnow habitat will also benefit flycatcher by establishing open-water habitat adjacent to stands of native willow. The estimated cost of the Proposed Action is \$781,500.

No significant adverse impacts to environmental resources and the human environment are anticipated as a result of the project. No Indian Trust Assets have been identified and no impacts are anticipated during project implementation. Continual evaluation of both beneficial and adverse effects will be monitored over the duration of the project. The project design is expected to produce beneficial effects on aquatic habitats and aquatic resources. After project construction activities are complete, monitoring will take place to evaluate the success of the project in meeting stated goals and to ensure that unintended negative impacts are addressed.

## ENVIRONMENTAL IMPACTS RELATED TO THE RESOURCES OF CONCERN

Resources of primary concern for the project include the three federally threatened or endangered species (Rio Grande silvery minnow, southwestern willow flycatcher, American bald eagle) and their associated habitat that may occur within the Project area, water quality in the Rio Grande, and the visual and aesthetic quality within the project area, which lies wholly within the Rio Grande Valley State Park (RGVSP).

Short-term environmental impacts are anticipated during the project construction phase as a result of temporary construction disturbance and noise. Direct environmental impacts may include temporary and localized increases in the level of suspended sediments in the river, clearing or trampling of vegetation, and direct impacts to fish by mechanized equipment operating in the river channel. Indirect effects may result from construction noise above the typical ambient level found within the project area and the RGVSP. Increased noise levels may affect both recreational users of the RGVSP and adjacent landowners. Visual and aesthetic effects may also occur during the construction phase, which may have temporary adverse impacts to park users, adjacent businesses, and local residents. These short-term direct effects will be minimized by following best management practices, monitoring water quality when operating equipment in the channel, and using previously cleared areas for access and staging.

Short-term adverse effects of the project on Rio Grande silvery minnow (RGSM) will likely occur as a result of implementing the project. A Biological Opinion (BO) and incidental take permit have been issued, pursuant to section 7(a)(2) and 7(b)(4) of the Endangered Species Act, as amended (USFWS, February 15, 2007). The Reasonable and Prudent Measure (RPMs) are:

1. Minimize take of silvery minnows due to habitat restoration activities.
2. Manage for the protection of water quality from activities associated with the restoration project.

To implement RPM 1, the City shall:

1. Monitor for the presence/absence of silvery minnows during construction and use adaptive management to modify island restoration, scouring, and scalloping to minimize the adverse effects.
2. In coordination with the Service, develop a protocol to monitor for the presence/absence of silvery minnows in ephemeral channels following high flows, and to determine whether channel maintenance is warranted.
3. Report to the Service the results and effectiveness of all treatment islands and reference sites in a timely manner.
4. Report findings of injured or dead silvery minnows to the Service.

To implement RPM 2, the City shall:

1. Schedule, to the extent possible, river crossings during dry or frozen soil

- conditions.
2. Transport heavy equipment to the SDC Island above the entrance of the San Jose Drain to minimize disturbance of sediments below the Drain.

Indirect long-term effects, including beneficial effects to riverine and riparian habitats suitable for the silvery minnow and willow flycatcher, will be evaluated during the course of the construction of the Project. Long-term effects on the visual and aesthetic quality of the RGVSP are not anticipated, since the restoration design will restore natural riverine processes to create or improve the function of the RGVSP riverine and riparian ecosystem.

## OTHER AFFECTED RESOURCES

The Rio Grande Compact limits the amount of surface water that can be depleted (consumed) annually in the MRG based upon the natural flow of the river measured at the Otowi Gage near Los Alamos (Rio Grande Compact 1939). In addition, the New Mexico State Engineer has determined that the MRG is fully appropriated. Therefore, any increase in water use in one sector of use must be offset by a reduction in use in another sector such that senior water rights or New Mexico's ability to meet its downstream delivery obligations are not impaired. Therefore, the New Mexico State Water Plan (Office of the State Engineer/Interstate Stream Commission 2003) requires that habitat restoration projects do not result in increases in net water depletions, or that any increases that do occur because of project activities are offset by purchased or leased water rights.

## ENVIRONMENTAL COMMITMENTS

The following environmental commitments will be undertaken by the City:

- Clean Water Act compliance is required for all aspects of the Project within jurisdictional waters of the U.S. Since most work associated with the Proposed Action will be completed within floodplain areas regulated by this law, a 404 permit was obtained. A state water quality certification permit under Section 401 of the CWA was also obtained for the Project.
- Storm-water discharges under the Proposed Action will be limited to ground-disturbing activities outside the mean high water mark. All such activities will be evaluated for compliance with National Pollutant Discharge Elimination System (NPDES) guidance, a NPDES permit, or a Storm Water Pollution Prevention Plan. The 404 and 401 permitting processes has been completed for the Proposed Action.
- To avoid direct impacts to migratory birds protected by the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703, et seq.), clearing of woody vegetation and construction will be scheduled between August 15 and April 15, outside of the normal breeding season for many avian species. Should vegetation removal and

construction be implemented during the breeding season (April 15–August 15), pre-construction breeding bird surveys will be conducted and monitoring performed to assure avoidance of impacts to migratory birds. If any positive pre-construction survey results or observations of migratory species occur during construction, all activities will be suspended pending coordination with and guidance from the USFWS.

- To avoid negative visual impacts resulting from vegetation removal, native vegetation will be planted after the removal of current vegetation during habitat restoration activities.
- A Temporary Construction Noise Permit may be required by the Albuquerque Environmental Health Department prior to construction, as specified in the local Noise Ordinance, Article 9 Section 9-13.
- If it is determined by the OSE that net depletions will occur as a result of the Project, the City will submit a permit application, including this EA and other pertinent documentation as necessary. Work will not occur at locations where permits are deemed necessary until the necessary permits have been secured.
- Wetlands will be avoided during all phases of construction and in the location of staging areas and access routes to the construction areas.
- Monitoring will be performed at each site to ensure that project goals are met.
- Cumulative impacts of adjacent habitat restoration projects will be evaluated as they come online, and adaptive management techniques will be used for elements of the Project when appropriate.
- Appropriate permits for the Rio Grande Bosque and river access and staging areas will be acquired prior to the commencement of the Proposed Action.
- Endangered Species Act compliance has been addressed through consultation with the USFWS regarding potential impacts to threatened and endangered species. Rio Grande silvery minnow critical habitat encompasses the entire project area (FR 2003b) in the river channel. The southwestern willow flycatcher uses the proposed project area during migration. BMPs will be enforced to minimize potential impacts to silvery minnow and flycatcher from direct construction impacts during periods of work. Consultation with the USFWS has determined the most effective BMPs.
- Reclamation has coordinated with the State Historic Preservation Officer for purposes of NHPA Section 106 compliance and has completed consultation with interested Tribal entities. The Project is committed to avoidance of any TCPs in the project area. Should evidence of possible prehistoric or historic cultural resources or other archaeological data be discovered during the course of this

action, work will cease at that location and the Reclamation Area Archaeologist will be notified by phone immediately with the location and nature of the findings. Care will be exercised to avoid disturbing or damaging artifacts or fossils uncovered during operations, and the proponent will provide such cooperation and assistance as may be necessary to preserve the findings for removal or other disposition by the U.S. Government.

- Annual monitoring of the following resources will be conducted for a minimum of ten years after project completion:
  - Rio Grande silvery minnow
  - Southwestern willow flycatcher
  - Water quality
  - Vegetation

## COORDINATION

Agencies and other entities contacted formally or informally to coordinate efforts in preparation of this EA include:

Bernalillo County Flood Control Authority  
Hawks Aloft  
Isleta Pueblo  
Middle Rio Grande Conservancy District  
Middle Rio Grande Endangered Species Act Collaborative Program  
New Mexico Department of Game and Fish  
New Mexico Environment Department  
New Mexico Interstate Stream Commission  
New Mexico State Historic Preservation Division  
Sandia Pueblo  
Santa Ana Pueblo  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service

## CONCLUSION

The City of Albuquerque Open Space Division's proposed project will apply a number of habitat restoration techniques within the Rio Bravo to South Diversion Channel subreach of the MRG to create and improve habitat for Rio Grande silvery minnow and southwestern willow flycatcher. The project will treat approximately 58.3 acres during periods of low flow and outside of migratory bird nesting season. The City of Albuquerque Open Space Division will complete all mitigation measures and environmental commitments required for the project. The project is being completed to meet part of the Reasonable and Prudent Alternative outlined in the March 2003 USFWS Biological Opinion for Reclamation's Water and River Maintenance Operations, the U.S.

Army Corps of Engineers' Flood Control Operations, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico (USFWS 2003).

Short-term impacts to visual and aesthetic resources, noise, water quality, and threatened or endangered species, including RGSM, may occur. Short-term construction impacts will be minimized through the implementation of best management practices and impact-avoidance measures. This will ensure that effects do not rise to the level of significance so long as the terms and conditions specified in the biological opinion commitments are met. Long-term effects may be beneficial to riverine ecosystem processes and will be monitored by the City of Albuquerque Open Space Division to determine if they meet the project objectives.

Based on the analysis performed in the environmental assessment, no significant adverse impacts to the natural or human environment will result from implementation of the Project. This Finding of No Significant Impact (FONSI) has been determined pursuant to the National Environmental Policy Act (42 U.S.C 4321et seq.). It has been determined that the proposed action does not constitute a major federal action that will significantly affect the human environment. Therefore, an environmental impact statement will not be prepared for this Project.