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December 2, 2005

Ms. Susan MacMullin  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna Road NE  
Albuquerque, NM 87113

RE: Final Biological Evaluation (BE) for the Proposed Long-Term Miscellaneous Purposes Contract with Carlsbad Irrigation District

Dear Ms. MacMullin:

Please find enclosed a copy of the Final Biological Evaluation (BE) of the proposed long-term miscellaneous purposes contract with Carlsbad Irrigation District (CID) in Eddy County, New Mexico. aci consulting submits this BE on behalf of the Bureau of Reclamation (Reclamation) and the New Mexico Interstate Stream Commission (NMISC) as a follow-up to discussions with Service staff on August 27, 2004. This BE supplements a draft Environmental Impact Statement (EIS) to be distributed for public review in January 2006.

This BE describes and analyzes the potential effects of the long-term miscellaneous purposes contract (preferred alternative) on the federally listed endangered species in the area of potential affect. Reclamation is serving as the federal action agency; its proposed action is to enter into a long-term miscellaneous purposes contract with the Carlsbad Irrigation District (CID) for a term of 40 years. Reclamation would also review any third party contracts between the CID and the NMISC.

Reclamation and the CID have entered into three previous short-term miscellaneous purposes contracts (5-year duration). The current short-term miscellaneous purposes contract expires in 2009. Under the no action alternative, it is assumed that the existing short-term contract would expire in 2009 and would not be renewed. Under the proposed action, a long-term contract would be implemented and the conditions that exist under the short-term contracts would continue into the long-term future.

Reclamation has determined that the proposed action, when compared to the environmental baseline, is not anticipated to directly, indirectly or cumulatively affect federally listed threatened and endangered species. This biological



evaluation documents that no formal or informal consultation under Section 7 of the Endangered Species Act is anticipated for the proposed action.

If the Service would like to meet with the preparation team to discuss the findings of this BE, please contact me at (512) 347-9000.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Ramberg'.

Kevin Ramberg  
Senior Biologist

enclosure (Biological Evaluation)

cc: Lori Robertson, Environmental Division Manager, Reclamation ✓  
Elisa Sims, NMISC  
Nic Medley, NMISC  
Richard Trenholme, ERO Resources