

APPENDIX A - LIST OF ENVIRONMENTAL PERMITS REQUIRED

LIST OF ENVIRONMENTAL PERMITS REQUIRED

A.1 REGULATORY FRAMEWORK

This EA has been prepared under the provisions of, and in accordance with the NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, and VA's regulations for implementing NEPA (38 CFR Part 26). In addition, the EA has been prepared as prescribed in VA's *NEPA Interim Guidance for Projects* (VA 2010). Federal, state, and local laws and regulations specifically applicable to this Proposed Action are identified, where appropriate, within this EA, and include:

- Endangered Species Act of 1973, as amended (7 USC 136; 16 USC 1531 et seq.).
- Energy Independence Security Act Section 438.
- Executive Order 11988, *Floodplain Management* (24 May 1977).
- Executive Order 11990, *Protection of Wetlands* (24 May 1977).
- Executive Order 12898, *Environmental Justice* (11 February 1994).
- Executive Order 13834, *Efficient Federal Operations* (17 May 2018).
- Farmland Protection Policy Act (7 USC 4201, et seq.)
- Federal Clean Air Act of 1990 (42 USC 7401 et seq., as amended).
- Federal Clean Water Act (Federal Water Pollution Control Act) of 1948, as amended (1972, 1977) (33 USC 1251 et seq.); Sections 401 and 404.
- Migratory Bird Treaty Act (MBTA; 16 USC 703-712, 3 July 1918; as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989).
- Native American Graves Protection and Repatriation Act, as amended (25 USC 3001 et seq.).
- National Historic Preservation Act (NHPA) of 1966, as amended (36 CFR Part 800).
- New Mexico Environment Department, National Pollution Discharge Elimination System.
- New Mexico Environment Department, Air Quality Bureau Regulations.
- New Mexico Administrative Code.
- Rio Rancho Municipal Code.

A.2 ENVIRONMENTAL PERMITS REQUIRED

In addition to the regulatory framework of NEPA, the CEQ Regulations Implementing the Procedural Provisions of NEPA, VA's NEPA regulations (38 CFR Part 26), and VA's *NEPA Interim Guidance for Projects*, the following federal, state, and/or local environmental permits are required as part of this Proposed Action, and include:

- New Mexico Environment Department, National Pollution Discharge Elimination System Stormwater Discharge General Permit Associated with Construction Activity (General Permit).
- Other required environmental permits will be determined during the cemetery design.

APPENDIX B – AGENCY CORRESPONDENCE



DEPARTMENT OF VETERANS AFFAIRS
Construction & Facilities Management, Office of Real Property
425 I Street, NW
Washington DC 20001

February 7, 2020

US Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Road NE
Albuquerque, New Mexico 87113-1001
Attn: Ms. Marita Smith

**SUBJECT: NEPA Scoping Letter for the
US Department of Veterans Affairs
Proposed Albuquerque National Cemetery
Near Albuquerque, New Mexico**

Dear Ms. Smith:

The US Department of Veterans Affairs (VA) is preparing environmental documentation to assist in the Federal decision-making process concerning the acquisition of least 200 acres of land near Albuquerque, New Mexico for the development and operation of a new national cemetery (Proposed Action).

In 2017, VA considered two alternative sites for the proposed national cemetery; however, those sites were later dismissed from consideration. VA is now considering the acquisition of the following site, owned by the State of New Mexico, for the new national cemetery:

- Approximately 586 acres of unimproved land located just south of where old State Highway 44 meets U.S. Highway 550 in Rio Rancho, Sandoval County, New Mexico (Site). The western portion of the Site is scrub land with a relatively flat surface and a slight slope to the southwest. The central portion of the Site is a scrub-covered ridge identified as Loma Barbon. The eastern portion of the Site is scrub-covered with a jagged surface and a slight slope to the southeast.

The location of the Site is shown in Attachments 1A – 1C.

VA would acquire the western approximately 340 acres of the 586-acre parcel for the new national cemetery. VA may also acquire the eastern, approximately, 246 acres (the remainder) of the 586-acre parcel but plans to leave this portion of the Site as undeveloped land.

Site plans for the proposed national cemetery have not been developed; the cemetery design would be initiated after the Site is acquired. However, the proposed national cemetery would include the development of the necessary infrastructure associated with a cemetery (e.g., roads, water supply, grave sites, columbarium wall structures, committal structures, support structures, utility infrastructure and fencing).

VA is conducting an Environmental Assessment (EA) to evaluate the environmental, cultural, and socioeconomic issues associated with the proposed acquisition of the Site for the development of the national cemetery pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S. Code (USC) §4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508); and VA's Implementing Regulations (38 CFR Part 26, *Environmental Analysis of VA Actions*).

VA plans to conduct a supplementary NEPA analysis specific to the cemetery development at the Site in the future, during the cemetery design.

Information Request: *Information your agency can provide on any of the following environmental issue areas (at or in the vicinity of the Site) would be appreciated:*

- Potential environmental concerns or issues;
- Surface and groundwater resources, including streams, wetlands, floodplains, open water features, wells, and local aquifers;
- Federally or state listed threatened or endangered species, or any species proposed for such listing, or critical habitat for such species that may occur within a one-mile radius around the proposed Site;
- Parks, nature preserves, conservation areas, designated wild or scenic rivers, migratory bird habitats, or special wildlife issues;
- Natural resource issues;
- Soils and geologic data, including lists of hydric soils;
- Prime and unique farmland;
- Traffic, noise, or socioeconomic concerns;
- Air quality concerns; and
- Additional environmental, cultural, land use, or socioeconomic information or concerns your agency may have with regard to the Site.

Data made available will be used to supplement the NEPA analysis and will provide valuable and necessary input into the NEPA process. As part of the NEPA process, local citizens, groups, and agencies, among others, will have opportunity to review and comment on the information and alternatives addressed in the EA.

Other Agencies and Organizations: A list of agencies and organizations to which this request was sent is provided in Attachment 2. VA will conduct separate consultation regarding the Proposed Action with the New Mexico State Historic Preservation Office (SHPO) and respective Native American Tribes. *Should you know of any additional agencies or organizations that may have data or concerns relevant to this project or Site, please include their information in your response, or contact us directly with this information.*

We look forward to and welcome your participation in this process. **Please respond on or before March 9, 2020** to enable us to complete the scoping phase of the project within the scheduled timeframe.

Please send your written responses via regular mail or e-mail (preferred) to:

U.S. Department of Veterans Affairs (003C2A)
425 I Street, NW, Room 6W417b
Washington, D.C., 20001
ATTN: Fernando Fernández
Tel. (202) 876.7608
Email: fernando.fernandez@va.gov

and

TTL Associates, Inc.
44265 Plymouth Oaks Boulevard
Plymouth, Michigan 48170
ATTN: Paul Jackson, Environmental Scientist
Email: pjackson@ttlassoc.com

TTL Associates, Inc. is assisting VA in conducting this NEPA process.

If you have any questions concerning this request, please contact me at (202) 632-5529.

Sincerely,

Fernando L. Fernández REM
Environmental Engineer
U.S. Department of Veterans Affairs
Construction & Facilities Management Office

Attachment 1A – 1C: Site Location Maps
Attachment 2: List of Agencies and Organizations Contacted

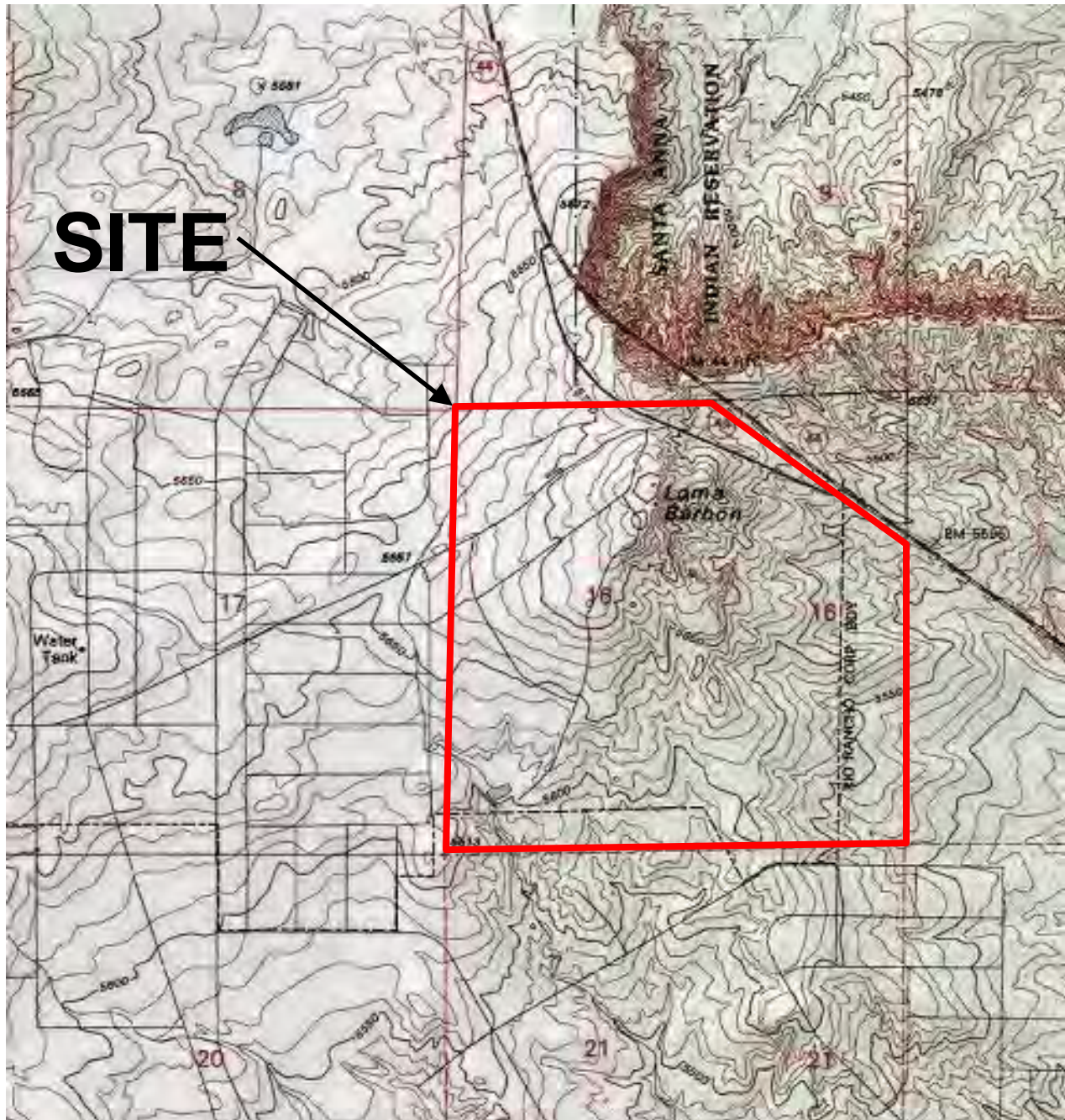
ATTACHMENT 1A

SITE LOCATION MAP (STREET MAP) PROPOSED ALBUQUERQUE NATIONAL CEMETERY RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO



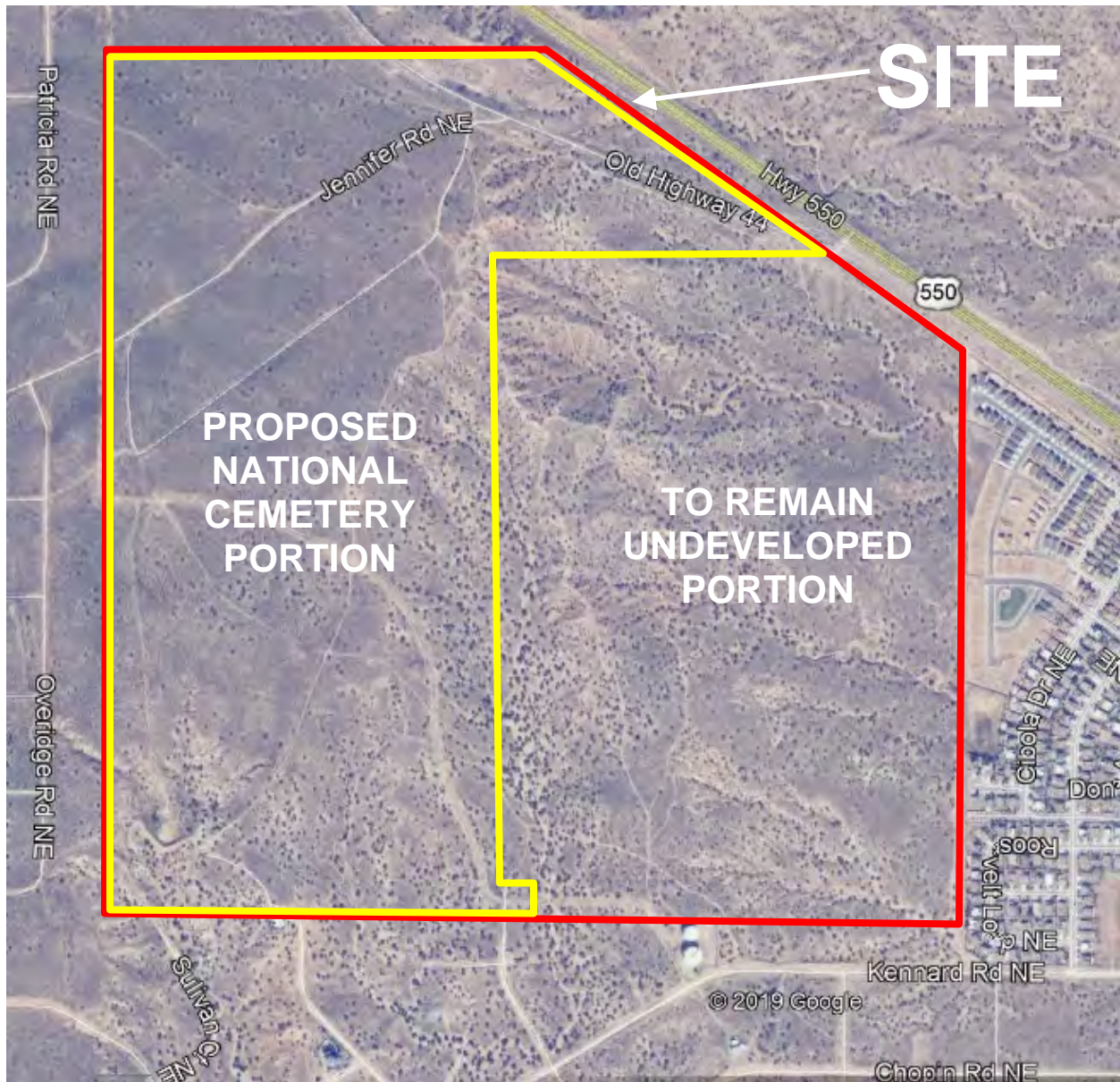
ATTACHMENT 1B

VICINITY TOPOGRAPHIC LOCATION MAP PROPOSED ALBUQUERQUE NATIONAL CEMETERY RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO



ATTACHMENT 1C

SITE AERIAL MAP (2018)
PROPOSED ALBUQUERQUE NATIONAL CEMETERY
RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO



Attachment 2
List of Agencies and Organizations Contacted
Department of Veterans Affairs
Proposed Albuquerque National Cemetery
Rio Rancho, Sandoval County, New Mexico

US Fish and Wildlife Service

New Mexico Ecological Services Field Office

Ms. Marita Smith, Administrative Officer
2105 Osuna Road NE
Albuquerque, New Mexico 87113-1001
Phone: (505) 346-2525

US Environmental Protection Agency, Region 6

Office of External Affairs

Mr. Jeff McAtee
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202
Phone: (800) 887-6063

US Army Corps of Engineers – Albuquerque District

Lt. Col. Dale Caswell, Commander
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109
Phone: (505) 342-3349

New Mexico Environmental Department – District I

Air Quality Bureau

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Environmental Department – District I

Water Resources and Management

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Environmental Department – District I

Waste Management

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Environmental Department – District I

Cleanup/Remediation Activities & Sites

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Environmental Department – District I

Permits and Licenses

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Environmental Department – District I

Services and Assistance

Mr. John Rhoderick, District Manager
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Phone: (505) 222-9500

New Mexico Department of Transportation – District 3

Ms. Kimberly Gallegos
District Three Public Information Officer
P.O. Box 91750
Albuquerque, New Mexico 87109-1750
Phone: (505) 798-6600

New Mexico Department of Game and Fish

Northwest Area Office

Mr. Tim Cimbali, Captain
7816 Alamo Road NW
Albuquerque, New Mexico 87120
Phone: (505) 222-4700

New Mexico Energy, Minerals, and Natural Resources Department

Ms. Susan Torres, Public Information Officer
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505
Phone: (505) 476-3200

Southern Sandoval Arroyo Flood Control Authority

Ms. Amanda Wolf, Executive Assistant
1041 Commercial Drive SE
Rio Rancho, New Mexico 87124
Phone: (505) 892-52566

Natural Resources Conservation Service

Cuba Service Center

Pearl Armijo, District Conservationist
109 County Road 11
Cuba, New Mexico 87013
Phone: (575) 289-3278

Sandoval County Planning and Zoning

Ms. Kym Dicome, Planning & Zoning Director
P.O. Box 40
Bernalillo, New Mexico 87004
Phone: (505) 867-7628

Sandoval County Public Works Department

Mr. Mark Hatzenbuehler, Public Works Director
P.O. Box 40
Bernalillo, New Mexico 87004
Phone: (505) 771-8500

Rio Rancho Development Services

Mr. Anthony Caravella, Director
3200 Civic Center Circle NE
Rio Rancho, New Mexico 87144
Phone: (505) 891-5005

Rio Rancho Parks, Recreation, and Community Services

Ms. Connie Peterson, Director
3200 Civic Center Circle NE, Suite 100
Rio Rancho, New Mexico 87144
Phone: (505) 891-5015

Rio Rancho Environmental Programs

Ms. Marian Wrage, Environmental Programs Manager
3200 Civic Center Circle NE, Suite 200
Rio Rancho, New Mexico 87144
Phone: (505) 891-5016

Rio Rancho Engineering Development Division

Mr. David Serrano, P.E., Division Manager
3200 Civic Center Circle NE, Suite 200
Rio Rancho, New Mexico 87144
Phone: (505) 891-5016

Rio Rancho Streets and Right-of-Way Division

Mr. Jason Gallegos, Division Manager
3200 Civic Center Circle NE, Suite 200
Rio Rancho, New Mexico 87144
Phone: (505) 891-5016

Rio Rancho Utilities Department

3200 Civic Center Circle NE, Suite 250
Rio Rancho, New Mexico 87144
Phone: (505) 896-8715

Paul Jackson

From: Mamuscia, Jodie <Jodie_Mamuscia@fws.gov>
Sent: Friday, February 28, 2020 1:34 PM
To: fernando.fernandez@va.gov
Cc: Paul Jackson
Subject: Scoping Letter for the Proposed Albuquerque National Cemetery
Attachments: 20191209_Guidance for Completing Project Reviews.pdf

Dear Mr. Fernandez,

Thank you for your letter dated February 10, 2020, regarding the U.S. Department of Veterans Affairs' proposed National Cemetery near Albuquerque, New Mexico. We appreciate the opportunity to provide comments during the scoping phase of this project. Please see the attached "Guidance for Completing Project Reviews" for instructions on obtaining an official species list and completing consultation under the Endangered Species Act, if needed. Please note that the Endangered Species Act does not require Federal agencies to consult with the U.S. Fish and Wildlife Service if the action agency determines their action will have "no effect" on threatened or endangered species or designated critical habitat (50 CFR 402.12). Therefore, if you determine your project will have "no effect" on listed species or designated critical habitat, you do not need to contact our office for concurrence. If you determine your project "may affect" listed species, then further coordination with our office will be needed.

Please do not hesitate to contact me if you have any questions regarding the attached guidance or the consultation process. Thank you!

Jodie Mamuscia
Branch Chief, Aquatic and Terrestrial Ecosystem Conservation
New Mexico Ecological Services Field Office
U.S. Fish and Wildlife Service
2105 Osuna Rd NE
Albuquerque, NM 87113
Office: 505-761-4762
Cell: 505-269-1985

Guidance for Completing Project Reviews Under the Endangered Species Act

U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
December 9, 2019

Under section 7 of the Endangered Species Act of 1973 (ESA), a Federal agency or its designated representative needs to determine whether their proposed projects may affect threatened and endangered species or designated critical habitat. The following step-by-step instructions outline the process for how to make this determination, and if necessary, how to initiate consultation with the New Mexico Ecological Services Field Office (NMESFO) when a Federal agency authorizes, funds, permits, or carries out an action.

This guide is intended to help Federal action agencies or their designated representatives, project proponents, and consultants complete project reviews under the ESA and obtain official documentation to ensure that their proposed projects will be in compliance with the ESA.

Note: If additional information is needed or you want personal assistance, please contact our main office number at (505) 346-2525.

Step 1. Obtain an Official Species List

- Go to the Information for Planning and Consultation (IPaC) website (<https://ecos.fws.gov/ipac/>). Select **GET STARTED**.
- You will be asked to define your project location. You can do this using a few methods.
 - Method 1: Use the **Find Location** box by entering an address or latitude and longitude (in decimal degrees). Then use the **Define Area** box by using the drawing tools to draw the boundary of your project area.
 - Method 2: You may use the **Upload Shape File** button if you have a GIS shape file of your project area.
 - Method 3: You may use the **Select by County** button if you are uncertain of your specific project location.
- Confirm your project location by selecting **Continue**. You may also select **Start Over** if you need to redefine your project location.

Once you have defined your project location, you will be taken to a page which provides information regarding the resources in the area. You can use the navigation on the left-hand side of the page to explore the resources present within your defined project area. You may use the **Print Resource List** button on the left-hand side of the page to obtain an unofficial resources list for planning purposes. However, in order to obtain an official species list to be used for official ESA review, follow the instructions below.

- Click **Define Project** on the left-hand side of the page.
- Log-in with your existing IPaC account or create an account in order to proceed.
- Create a **Project Name** and provide a **Project Description**.

You will see your project name, project description, and project location on the following page. From here, you will be able to complete the initial step of the official ESA review, which is obtaining an official species list.

- Click **Start Review** on the right-hand side of the page.
- Click **Continue** on the page which describes the steps of the ESA Review process.
- You will be prompted to request a species list. Click **Yes, Request A Species List**.
- Fill in all relevant **Contact Information**. Verify your project name, description, and location. Provide your lead agency and a project classification.
- Click **Submit Official Species List Request**.

This request will automatically generate a project tracking number (i.e., consultation code) for your project and will automatically generate an official letter from the U.S. Fish and Wildlife Service which includes an official species list that is valid for 90 days. This letter will be sent to you at the e-mail address you provided with your IPaC account. You can now exit the IPaC website.

If you need to update the species list, select “**Need an updated species list?**” on the IPaC homepage page. You will need the consultation code and e-mail address used to request the original species list. The consultation code and e-mail address are listed in the official letter. You will get an updated species list under the same consultation code that makes project tracking easier.

Step 2. Make an Effects Determination

Once you obtain your official species list, you are finished with IPaC and should continue to the second phase of the ESA review: making an effects determination for each listed species or designated critical habitat that could potentially be affected by the proposed project, including any interrelated and interdependent actions. Interrelated actions are those actions that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those actions that have no independent utility apart from the action under consideration. The “but for” test should be used to determine if an action is interrelated and/or interdependent. For example, “but for” the construction of an access road, a communications tower could not be built. Therefore, both the access road and communications tower need to be considered in the effects determination. Conduct your effects determinations using the process described below.

We are aware that the official species list that you obtain from IPaC may include species that are not likely to occur in your project area. However, one of the three following effects determinations should be applied to each species identified on your official species list, as well as for each designated critical habitat area identified as overlapping with your project location:

- “**No effect**” means that there will be no impacts, positive or negative, to federally-listed species or designated critical habitat from the proposed action. This determination is usually not appropriate if suitable habitat, designated critical habitat, or species are present in the action area.
- “**May affect, is not likely to adversely affect**” means that all effects to federally-listed species or designated critical habitat from the proposed action would be insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and include those effects that are not measurable. Discountable effects are effects that are extremely unlikely to occur. Completely beneficial effects include entirely positive effects without any adverse effects to the species.

- **“May affect, is likely to adversely affect”** means that adverse effects may occur to federally-listed species or designated critical habitat from the proposed action and the effect is not insignificant, discountable, or completely beneficial. Adverse effects can result from habitat loss, habitat alteration, or impacts to the species life history needs. Before making this determination, we highly recommend contacting the NMESFO first to explore additional actions or modifications to the proposed project that could minimize or avoid adverse effects on federally-listed species or designated critical habitat.

To demonstrate your effects determination, we recommend you make a table with three columns: species/critical habitat, effect determination, and rationale for your determination for each species/critical habitat. For example:

Species/Critical Habitat	Effect Determination	Rationale
Loach minnow	No Effect	The proposed project will not impact aquatic habitat.
Southwestern willow flycatcher	May affect, is not likely to adversely affect	Suitable habitat is within the proposed action area, but the species is not likely to be adversely affected by the project, because all associated construction would occur during the non-nesting season and not result in the removal of suitable habitat.
New Mexico meadow jumping mouse	May affect, is likely to adversely affect	The species is documented to occur within the action area and the proposed project will remove two acres of New Mexico meadow jumping mouse designated critical habitat.
New Mexico meadow jumping mouse Critical Habitat	May affect, is likely to adversely affect	The proposed project will remove two acres of New Mexico meadow jumping mouse designated critical habitat.

Please note that when analyzing the potential impacts of your project, there are three types of effects that need to be considered: direct effects, indirect effects, and cumulative effects. The ESA defines these types of effects as:

- **Direct effects** – are those effects that are the direct or immediate effects of the proposed project on the species or its habitats, including direct effects of interrelated and/or interdependent actions.
- **Indirect effects** – are those effects that are caused by the proposed project and are later in time, but still are reasonably certain to occur (i.e., removing the nesting /roosting habitat of a migratory species during the time of the year the habitat is unoccupied would likely avoid direct effects; however, indirect effects to the species are reasonably certain to occur when

the species returns later and its nesting/roosting habitat is gone), including indirect effects of interrelated and/or interdependent actions.

- **Cumulative effects** – are those effects of future State, tribal, local, or private activities, not involving Federal activities that are reasonably certain to occur within the action area.

Please note that each of these types of effects can result in either a “may affect, is likely to adversely affect” determination or a “may effect, is not likely to adversely affect” determination. Larger projects can become complex very quickly. For complex projects, we recommend a person knowledgeable in the ESA review the project and determination(s) prior to sending it to the NMESFO for review.

The ESA does not require Federal agencies to consult with the U.S. Fish and Wildlife Service if the action agency determines their Federal action has "no effect" on federally listed species or designated critical habitat. Therefore, if “no effect” determinations are made for each species on your list, the official species list letter and your determination table can be used to document completion of ESA review, and there is no need to continue to Step 3. Please note that as previously stated, “no effect” determinations are usually not appropriate if suitable habitat, designated critical habitat, or species are present in the action area.

Step 3. Submit your project to the NMESFO

The preferred method for submitting your project description and effects determination is electronically to nmesfo@fws.gov. After submitting your project electronically to this email address, your project will be assigned to a biologist and the review process will be initiated.

If you make a “may affect, is not likely to adversely affect” determination for any species or designated critical habitat on your list, you should submit a copy of your official species list letter, your effects determination (including supporting information, such as a biological assessment), and a request for concurrence. The NMESFO will review all information provided that supports the determination and either concur or not concur with the determination. If we concur with the “may affect, is not likely to adversely affect” determination, we will respond with an official concurrence letter, and the consultation will conclude informally. If we do not concur with your determination, we will respond with additional recommendations for how to proceed.

If you make a “may affect, is likely to adversely affect” determination for any species or designated critical habitat, you should submit your official species list letter, your effects determination (including supporting information, such as a biological assessment), and a request to enter into formal consultation. However, before submitting this request, we strongly recommend contacting us first to explore additional actions or modifications to the proposed project that could minimize or avoid adverse effects on federally-listed species or designated critical habitat. If such project adjustments or measures are not practicable, formal consultation would be required. For more information regarding formal consultation, please see the Service's Consultation Handbook at www.fws.gov/endangered/esa-library/index.html#consultations.

Please feel free to contact our main office number at (505) 346-2525 if you have any questions regarding this information.



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

March 5, 2020

Regulatory Division

SUBJECT: U.S. Department of Veterans Affairs Proposed Albuquerque National Cemetery

Fernando Fernández
U.S. Department of Veterans Affairs (003C2A)
425 I Street, NW Room 6W417b
Washington, D.C., 20001

Dear Mr. Fernández

This correspondence is regarding your request for comment by the U.S. Army Corps of Engineers (Corps) on the US Department of Veterans Affairs Proposed Albuquerque National Cemetery in Rio Rancho, Sandoval County, New Mexico. The western 340 acre site that is under consideration for development appears to have several ephemeral stream located in the southern and northern end of the site (see map 1), this conclusion is from reviewing satellite imagery. To determine if there are potential waters of the U.S. in this area, a site visit would need to be conducted to delineate any waters occurring at this site. Due to current court cases, the Albuquerque District cannot provide approved a jurisdictional determination for any project site in the state of New Mexico to determine if there are jurisdictional waters on the site.

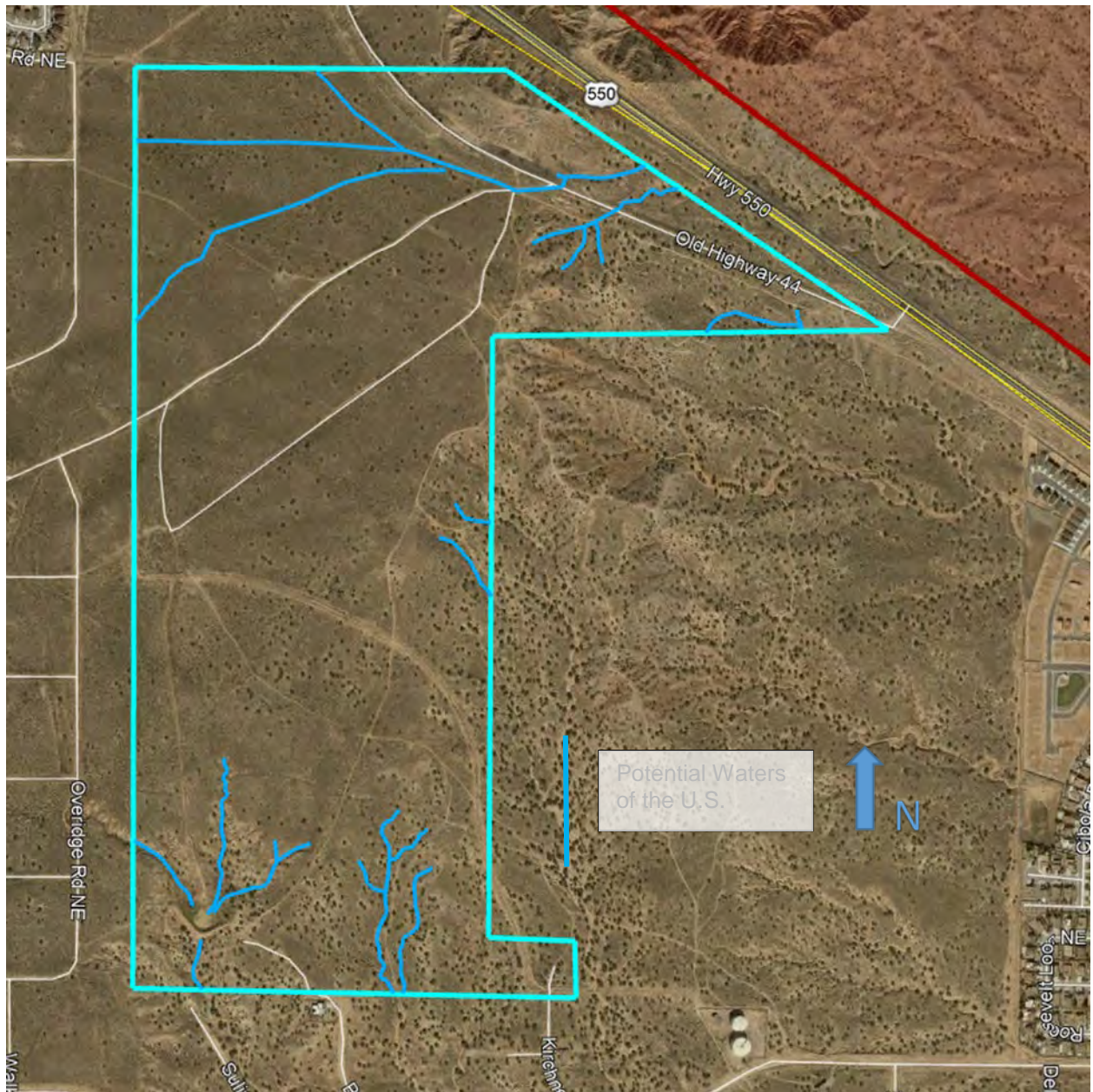
A brief update on the definition of waters of the U.S. Currently, the definition for waters of the U.S. include ephemeral streams (this is what I believe is on the site of the proposed cemetery) which the Corps would regulate the discharge of dredge or fill material into (if in the cemetery plan there would be a discharge of fill into part of an arroyo for a road crossing as an example). The EPA with the Corps will be issuing a new definition of waters of the U.S. in the next few weeks. The new definition may exclude some or all of the waters in this project site. With any new rule promulgated by the federal government, it is expect there will be lawsuits over the new definition of waters of the U.S. Depending on the process in the courts there may be a court order that will affect which definition of waters of the U.S. the Corps applies (either the new definition or a previous definition or some other interpretation the courts provide). In any case, the Corps would work with the US Department of Veterans Affairs to provide any guidance on required permits necessary for the development of this project.

If you have any questions, please contact me at (505) 342-3678 or by e-mail at Forrest.Luna@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Forrest Luna". The signature is written in a cursive, flowing style.

Forrest Luna
Regulatory Project Specialist



Paul Jackson

From: Luna, Forrest D CIV USARMY CESPA (USA) <Forrest.Luna@usace.army.mil>
Sent: Wednesday, October 7, 2020 5:14 PM
To: Paul Jackson
Subject: RE: VA response for Bernalillo Site LH.pdf

Hello Paul

Currently Arroyos fall under the [(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool] exclusion under the Navigable Waters Protection Rule (NWPR). The Corps can currently provide Approved Jurisdictional Determinations (AJD) in the state of New Mexico. In order to apply for an AJD you would have to submit a request, the information and forms to submit a request is located on our website at <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/> Though no AJD or permit is currently required for work in ephemeral streams in much of the nation, there are numerous lawsuits challenging Step 1 and Step 2 of the NWPR, so an injunction is possible, when or if this will happen is anybody's guess. The value of an AJD is that it give a definitive determination if an aquatic feature is jurisdictional, and that determination last for 5 years once that 5 years is up you would need to request a new determination and the new determination would use the rules in place at the time so the determination may be different. If there are plans to construct the roads or any other feature that would cross and ephemeral feature in the cemetery within the next 5 years there may be a benefit to requesting an AJD. If construction will be beyond that time frame there is no benefit to requesting and AJD at this time.

If you would like to further discuss this, give me a call on my mobile number.

V/r

Forrest Luna
Regulatory Specialist
Albuquerque Division
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Phone 505-342-3678
Mobile 505-382-0071
<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

-----Original Message-----

From: Paul Jackson <pjackson@ttlassoc.com>
Sent: Wednesday, October 7, 2020 2:40 PM
To: Luna, Forrest D CIV USARMY CESPA (USA) <Forrest.Luna@usace.army.mil>
Subject: [Non-DoD Source] RE: VA response for Bernalillo Site LH.pdf

Forrest:

Would it possible for you to provide an updated comment for the project referenced in the attachment?

In March, you indicated that the USACE was not providing jurisdictional determinations due to the legal battle over the definition of Waters of the US.

At present, how is the Albuquerque District generally handle arroyos, such as those located on the proposed VA National Cemetery Site?

Thanks,

Paul Jackson

Environmental Scientist

TTL Associates, Inc.

44265 Plymouth Oaks Boulevard | Plymouth, MI 48170 | tlassoc.com

Direct: (734) 582-4960 | Fax: (734) 582-4961

-----Original Message-----

From: Luna, Forrest D CIV USARMY CESP (USA) [<mailto:Forrest.Luna@usace.army.mil>]

Sent: Thursday, March 5, 2020 1:38 PM

To: fernando.fernandez@va.gov

Cc: Paul Jackson <pjackson@tlassoc.com>

Subject: VA response for Bernalillo Site LH.pdf

Hello

Per our phone conversation on March 4, 2020 attached is the Corps response for the request for comment on the proposed Albuquerque National Cemetery. If you have any questions please let me know.

V/r

Forrest Luna

Regulatory Specialist

Albuquerque Division

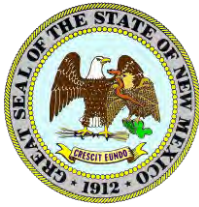
U.S. Army Corps of Engineers

4101 Jefferson Plaza NE

Albuquerque, NM 87109

Phone 505-342-3678

Blocked <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

March 25, 2020

U.S. Department of Veterans Affairs (003C2A)
425 I Street, NW, Room 6W417b
Washington, D.C., 20001
ATTN: Fernando Fernandez
Tel. (202) 876.7608

Submitted by email to fernando.fernandez@va.gov

Dear Mr. Fernandez,

The New Mexico Environment Department (NMED) has reviewed information submitted for the February 10, 2020 ***US Veterans Affairs Proposed Albuquerque National Cemetery*** Scoping Letter and offers the following comments. We have included regulations and requirements that apply to the project as described; however, other environmental regulations administered by NMED may apply depending on the circumstances of your project, in addition to regulations and requirements of other federal, state, tribal, county and municipal agencies.

NMED Air Quality Bureau Comments

The Air Quality Bureau has evaluated the information submitted with respect to the above request, and have the following comments:

Sandoval County is currently in attainment for all the New Mexico and National Ambient Air Quality Standards.

Potential exists for temporary increases in dust and emissions associated with earthmoving, construction equipment, and other vehicles. Areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust. Any applicable municipal or county regulations requiring noise and/or dust control must be followed.

All asphalt, concrete, quarrying, crushing, and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits.

Generators, light towers, and other equipment powered by diesel, gasoline, or natural gas engines may require registration or an air quality permit if the emissions of any criteria air pollutant will exceed 10 pounds per hour and 10 tons per year. If the proposed project includes this type of equipment, please contact the NMED Air Quality Bureau Permitting Section to determine if a permit is required. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

Mr. Fernandez, March 25, 2020

The project as proposed should have no significant negative impacts on ambient air quality.

NMED Drinking Water Bureau Comments

The Department of Veterans Affairs is proposing to acquire land for a new national cemetery in northern Rio Rancho, New Mexico. According to the NEPA Scoping Letter for the project, a water supply system would be developed at the proposed site.

Should the project proceed as described, development of a water supply system will require approval from the New Mexico Environment Department Drinking Water Bureau. The water system will need to submit an Application for Construction or Modification of Public Water Supply System (20.7.10.200 NMAC). Note the additional requirements for projects involving a source. Please review the complete application requirements at https://www.env.nm.gov/drinking_water/water-system-projects/.

With regards to existing public water systems, there are no regulated public groundwater wells within 1 mile of the project site, nor any regulated public surface water intakes within 10 miles downgradient. Therefore, this project is unlikely to have a significant impact on any existing regulated water system.

NMED Ground Water Quality Bureau Comments

Ground Water Quality Bureau (GWQB) staff reviewed the information submitted, focusing specifically on the potential effect to ground water resources in the area of the proposed project.

Onsite wastewater systems with design flows of more than 5,000 gallons per day must be constructed and operated in accordance with Ground Water Discharge Waste permits approved by the NMED Ground Water Quality Bureau. If domestic wastewater is to be delivered offsite to an existing municipal or regional wastewater treatment system, an additional permit will not be required by NMED.

Implementation of the project may involve the use of heavy equipment leading to a possibility of contaminant releases associated with equipment malfunctions (e.g., fuel, hydraulic fluid, etc.). The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges as specified at 20.6.2.1203 NMAC.

Ground and Surface Water Protection Regulations, 20.6.2 NMAC, are available at <http://www.srca.nm.gov/parts/title20/20.006.0002.html>

NMED Surface Water Quality Bureau Comments

New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) staff reviewed the above-referenced letter as requested, focusing specifically on the potential effect to surface water resources in the area of the proposed project.

Clean Water Act, Section 402 NPDES Industrial Storm Water Construction General Permit (CGP)

The U.S. Environmental Protection Agency (USEPA) may require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb (or re-disturb) one or more acres. Prior to discharging storm water, construction operators may need to obtain coverage under an NPDES permit.

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the project, including support and staging areas, and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (re-vegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

Part 9 of the 2017 CGP includes permit conditions applicable to specific states, Indian country lands, or territories. In the State of New Mexico, except on tribal land, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 9.4.1 of the 2017 CGP).

USEPA requires that all "operators" (see Appendix A of the 2017 CGP) obtain NPDES permit coverage by submitting a Notice of Intent (NOI) for construction projects. Generally, this means that at least two parties will require permit coverage.

The owner/developer of this construction project who has operational control over project specifications, the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the SWPPP and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP, NOI, deadlines for submitting an NOI, Fact Sheet, and Federal Register notice is available at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

Clean Water Act, Section 404 USACE/Section 401 Certification

Information is provided below if the project (or associated construction support areas, if any) during construction requires discharge of dredged/fill material into Waters of the U.S., including wetlands. Section 404 of the Clean Water Act requires approval from the U.S. Army Corp of Engineers (USACE) prior to discharging dredged or fill material into waters of the United States (U.S.).

Any person, firm, or agency (including Federal, state, tribal and local governmental agencies) planning to work in waters of the United States should first contact the USACE regarding the need to obtain a permit from the Regulatory Division. Failure to receive and implement proper permit coverage would be a violation of the Clean Water Act.

More information on the §404 permitting process, including applicability of Nationwide Permits, mitigation requirements, requirements for certification for any discharges on state, private or tribal land, can be obtained from the USACE at: <http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>

For additional information, including permitting procedures and jurisdictional water determination, contact the USACE, Albuquerque District, 4101 Jefferson Plaza NE, Albuquerque, New Mexico 87109-343, 505-342-3262.

The following NMED Bureaus reviewed the information provided and had no comments:

- Construction Programs Bureau
- Department of Energy Oversight Bureau

- Environmental Health Bureau
- Hazardous Waste Bureau
- Petroleum Storage Tank Bureau
- Radiation Control Bureau
- Solid Waste Bureau

Thank you for providing NMED with the opportunity to review and comment on this proposed project.

Sincerely,

Dennis McQuillan

Chief Scientist

New Mexico Environment Department

Office: 505-827-2140

E-mail: dennis.mcquillan@state.nm.us



PROJECT INFORMATION

Project Title: Albuquerque National Cemetary
Project Type: OTHER
Latitude/Longitude (DMS): 35.357278 / -106.633325
County(s): SANDOVAL
Project Description: The Department of Veterans Affairs is planning to acquire about 200 acres of undeveloped land to create a national cemetery.

REQUESTOR INFORMATION

Project Organization: OTHER
Contact Name: Matt Wunder
Email Address: Matthew.wunder@state.nm.us
Organization: New Mexico Department of Game and Fish
Address: PO Box 25112, Santa Fe NM 87504
Phone: 505-476-8118

OVERALL STATUS

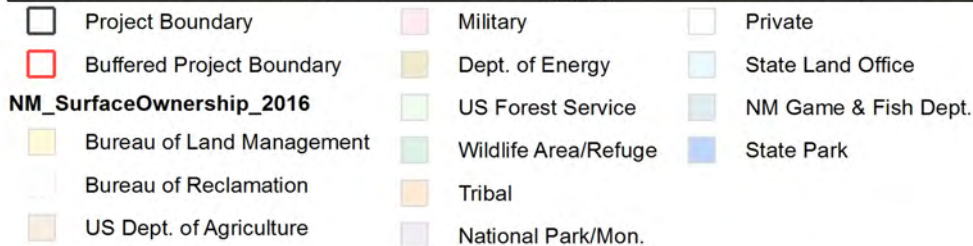
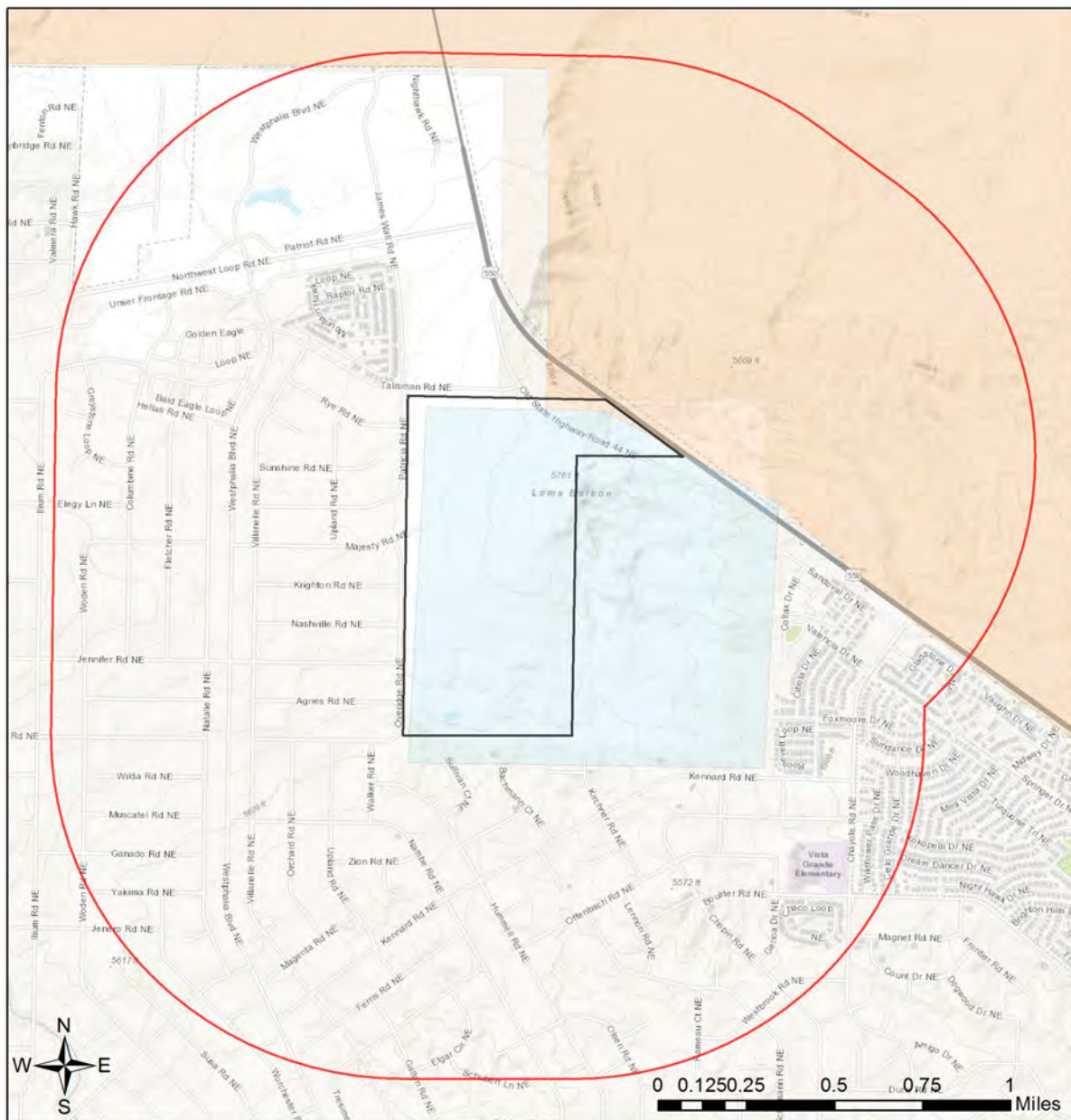
The information contained within this report comprises the recommendations of the New Mexico Department of Game and Fish (Department) for management and mitigation of proposed project impacts to wildlife and habitat resources. No further consultation with the Department is required.

About this report:

- This environmental review is based on the project description and location that was entered. The report must be updated if the project type, area, or operational components are modified.
- This is a preliminary environmental screening assessment and report. It is not a substitute for the potential wildlife knowledge gained by having a biologist conduct a field survey of the project area. Federal status and plant data are provided as a courtesy to users. The review is also not intended to replace consultation required under the federal Endangered Species Act (ESA), including impact analyses for federal resources from the U.S. Fish and Wildlife Service (USFWS) using their [Information for Planning and Consultation tool](#).
- The New Mexico Environmental Review Tool (ERT) utilizes species observation locations and species distribution models, both of which are subject to ongoing change and refinement. Inclusion or omission of a species within a report can not guarantee species presence or absence at a precise point location, as might be indicated through comprehensive biological surveys. Specific questions regarding the potential for adverse impacts to vulnerable wildlife populations or habitats, especially in areas with a limited history of biological surveys, may require further on-site assessments.
- The Department encourages use of the ERT to modify proposed projects for avoidance, minimization, or mitigation of wildlife impacts. However, the ERT is not intended to be used in a repeatedly iterative fashion to adjust project attributes until a previously determined recommendation is generated. The ERT serves to assess impacts once project details are developed. The [New Mexico Crucial Habitat Assessment Tool](#) is the appropriate system for advising early-stage project planning and design to avoid areas of anticipated wildlife concerns and associated regulatory requirements.



Albuquerque National Cemetary



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Special Status Animal Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMDGF (WCA)	NMDGF SGCN/SERI
American Bittern	Botaurus lentiginosus			SGCN
Bald Eagle	Haliaeetus leucocephalus		T	SGCN
Aplomado Falcon	Falco femoralis		E	SGCN
Peregrine Falcon	Falco peregrinus		T	SGCN
Mountain Plover	Charadrius montanus			SGCN
Elf Owl	Micrathene whitneyi			SGCN
Black Swift	Cypseloides niger			SGCN
Lewis's Woodpecker	Melanerpes lewis			SGCN
Red-Headed Woodpecker	Melanerpes erythrocephalus			SGCN
Williamson's Sapsucker	Sphyrapicus thyroideus			SGCN
Olive-Sided Flycatcher	Contopus cooperi			SGCN
Bank Swallow	Riparia riparia			SGCN
Pinyon Jay	Gymnorhinus cyanocephalus			SGCN
Clark's Nutcracker	Nucifraga columbiana			SGCN
Juniper Titmouse	Baeolophus ridgwayi			SGCN
Pygmy Nuthatch	Sitta pygmaea			SGCN
Western Bluebird	Sialia mexicana			SGCN
Bendire's Thrasher	Toxostoma bendirei			SGCN
Loggerhead Shrike	Lanius ludovicianus			SGCN
Gray Vireo	Vireo vicinior		T	SGCN
Painted Redstart	Myioborus pictus			SGCN
Brown-Capped Rosy-Finch	Leucosticte australis			SGCN
Spotted Bat	Euderma maculatum		T	SGCN
Black-Tailed Prairie Dog	Cynomys ludovicianus			SGCN
Gunnison's Prairie Dog	Cynomys gunnisoni			SGCN
Cougar	Puma concolor			SERI
Mule Deer	Odocoileus hemionus			SERI

ESA = Endangered Species Act, WCA = Wildlife Conservation Act, SGCN = Species of Greatest Conservation Need, SERI = Species of Economic and Recreational Importance

Special Status Plant Species within 1 Miles of Project Area

Common Name	Scientific Name	USFWS (ESA)	NMAC	NMRPCS
La Jolla Prairie Clover	Dalea scariosa			SS

NMAC = New Mexico Administrative Code, NMRPCS = [New Mexico Rare Plant Conservation Strategy](#), SS = NM Rare Plant Conservation Strategy Species



Project Recommendations

Your proposed project activities may require a custom review for assessment of potential effects to wildlife. If the information provided under the "OVERALL STATUS" section above indicates that your project will be forwarded for review, a Department biologist will confirm whether any additional conservation measures are needed. You should expect to receive any additional project recommendations within 30 days of your project submission. If the "OVERALL STATUS" section indicates that no further consultation with the Department is required, you should not expect to receive additional project feedback from the Department, and you may proceed with project planning as indicated.

Burrowing owl is known to occur within or near your project area. Before any ground disturbing activities occur, the Department recommends that a preliminary survey be conducted between April and September, using the Department's [burrowing owl survey protocol](#). Should burrowing owls be documented in the project area, please contact the Department or USFWS for further recommendations regarding relocation or avoidance of impacts.

The proposed project occurs near an important bat area. This area may contain important bat roosting resources, such as caves or mines, that potentially could be affected by certain project activities. Follow the guidelines below to minimize disturbance to roosting bats.

- Avoid use of pesticides, firearms, open-flame torches, or heavy smoke-producing equipment, especially from April through September.
- If artificial lighting is need, use only light sources powered by batteries, or cyalume glow/light sticks. Keep the site clean by picking up refuse or materials from project lighting or operations whenever they are shut down.
- For any surface disturbing activities, the project footprint (including a 350 foot buffer) should avoid potential roost sites such as caves or mines, especially from April through July. Tree clearing activities and prescribed burns should include a minimum 0.5 mile buffer from any such features.
- If caves, mines, bridges, or other man-made structure suitable as potential bat roosts are encountered within the project area, they should not be entered during any time of year, and no roosting or hibernating bats should be contacted or disturbed. Report any dead or injured bats to the New Mexico Department of Game and Fish, who can facilitate contacts with other appropriate personnel.



Disclaimers regarding recommendations:

- The Department provides technical guidance to support the persistence of all protected species of native fish and wildlife, including game and nongame wildlife species. Species listed within this report include those that have been documented to occur within the project area, and others that may not have been documented but are projected to occur within the project vicinity.
- Recommendations are provided by the Department under the authority of § 17-1-5.1 New Mexico Statutes Annotated 1978, to provide "communication and consultation with federal and other state agencies, local governments and communities, private organizations and affected interests responsible for habitat, wilderness, recreation, water quality and environmental protection to ensure comprehensive conservation services for hunters, anglers and nonconsumptive wildlife users".
- The Department has no authority for management of plants or Important Plant Areas. The [New Mexico Endangered Plant Program](#), under the Energy, Minerals, and Natural Resources Department's Forestry Division, identifies and develops conservation measures necessary to ensure the survival of plant species within New Mexico. Plant status information is provided within this report as a courtesy to users. Recommendations provided within the ERT may not be sufficient to preclude impacts to rare or sensitive plants, unless conservation measures are identified in coordination with the Endangered Plant Program.
- Additional coordination may also be necessary under the federal ESA or National Environmental Policy Act (NEPA). Further site-specific recommendations may be proposed during ESA and/or NEPA analyses, or through coordination with affected federal agencies.



Development Services Department
Engineering Division

February 26, 2020

U.S. Department of Veterans Affairs (003C2A)
425 I Street, NW, Room 6W417b
Washington, D.C., 20001
Attn: Fernando Fernandez
Tel. (202) 876-7608
Email: fernando.fernandez@va.gov

TTL Associates, Inc.
44265 Plymouth Oaks Boulevard
Plymouth, Michigan 48170
Attn: Paul Jackson, Environmental Scientist
Email: pjackson@tlassoc.com

Subject: NEPA Scoping Letter for the U.S. Department of Veterans Affairs Proposed
Albuquerque National Cemetery near Albuquerque, New Mexico

Mr. Fernandez,

This letter is in response to your information request, dated February 10, 2020 and received in this office February 20, 2020, for potential environmental concerns or issues at or in the vicinity of the subject site. Specifically, you listed ten types of records for which you were interested, as well as any additional agencies or organizations that may have data or concerns relevant to this project or Site.

Base on the information you provides in your letter, we conducted a thorough search of the City's various systems of record, but did not locate or identify any information responsive to oil and/or hazardous materials uses/spills/disposals/waste concerns at the property as well as any records of environmental or public health issues for this property.

The subject property is currently undeveloped with undeveloped native vegetation. As stated in the attached Loma Barbon Master Plan, the property "...has two major topographic zones: the relatively flat, sloping grasslands west of the hilltop and the-relief areas of the eastern slopes...The eastern area is heavily bisected by arroyos...".

The local soil and water conservation district may have data or concerns relevant to this project:

Ciudad Soil and Water Conservation District
Records Custodian: Maria Young

Ciudad SWCD
100 Sun Avenue, Suite 160
Albuquerque, NM 87109
Phone: (505) 510-DIRT (3478)
Email: CiudadSWCD1944@gmail.com

We appreciate the opportunity to provide this input to the scoping process for this project. We look forward to work with you as this development is accomplished. If you have any questions, please contact me at (505) 891-5059 – dserrano@rrnm.gov or Xavier Pettes, NPDES Project Manager at (505) 891-5045 – xpettes@rrnm.gov

David D. Serrano, P.E.
Engineering Division Manager

CITY OF RIO RANCHO



RESOLUTION NO. 64

ENACTMENT NO. 02-063

ADOPTING AN ANNEXATION AGREEMENT AND MASTER PLAN FOR LOMA BARBON, APPROXIMATELY 605± UNPLATTED ACRES, LOCATED CONTIGUOUS TO THE NORTHEAST BOUNDARY AND WITHIN THE CITY OF RIO RANCHO.

WHEREAS, The State of New Mexico has empowered the City of Rio Rancho to enter into contracts or leases, and enact zoning regulations for the purpose of promoting the health, safety and general welfare; and

WHEREAS, The Governing Body of the City of Rio Rancho has adopted a Comprehensive Plan that determines that the Hierarchy of Plan Development, Level 4 Master Plans, consider the fiscal, environmental and infrastructure impacts of the project, as well as providing general developmental guidelines for relatively large, specific geographic areas within the Comprehensive Planning Area. Master Plans are intended to provide a general overview in relation to transportation, drainage, utilities and other relevant systems; and

WHEREAS, The Governing Body of the City of Rio Rancho is entering into an Annexation Agreement with the State of New Mexico for the purpose of establishing Approval procedures, categories and subject matter; and

WHEREAS, The Governing Body of the City of Rio Rancho has determined that the Annexation Agreement and Master Plan for Loma Barbon is in conformance with New Mexico State Statutes 3-18-1(B) and the Vision 2020 Integrated Comprehensive Plan and that the Zoning classifications are in conformance with the City Zoning Ordinance.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That the Governing Body hereby approves the Annexation Agreement and the Master Plan, attached hereto, for the project area known as "Loma Barbon" consisting of approximately 605± acres as per the following:

REQUIREMENTS/RESTRICTIONS:

Land Use: Any development shall be as per the Annexation Agreement, Master Plan and as per the adopted Development Agreement. A Development Agreement based on the Annexation Agreement and Master Plan will be prepared when a Developer has been selected by the State of New Mexico and the City of Rio Rancho and future negotiations have concluded.

ADOPTED THIS 11TH DAY OF SEPTEMBER 2002

Jim Owen, Mayor

Date

ATTEST:

Tina Gonzales, City Clerk

[SEAL]

JOINT PLANNING AGREEMENT

Attachment I

THIS JOINT PLANNING AGREEMENT ("Agreement") is entered into between the Commissioner of Public Lands for the State of New Mexico ("Commissioner") and the City of Rio Rancho ("Rio Rancho" or "City") pursuant to the following terms and conditions:

WHEREAS, Rio Rancho desires to develop a comprehensive plan of growth for the City that will help curb urban sprawl and air pollution, lower infrastructure costs, reduce vehicle miles traveled and provide commercial opportunities and employment centers for its citizens.

WHEREAS, the Commissioner holds and manages the following land within the physical boundaries of Rio Rancho's incorporated territory in trust for the common schools, pursuant to the New Mexico Constitution and the Enabling Act:

Parcel 1: A portion of Township 13N, Range 3E, section 16 (approximately 600 acres on the south side of State Road 44/U.S. 550)

Parcel 2: All of Township 13N, Range 2E, section 36

Parcel 3: All of Township 13N, Range 3E, section 32

Hereinafter collectively referred to as the "State Trust Land".

WHEREAS, the Commissioner has jurisdiction over the State Trust Land pursuant to Article XIII, Section 2, of the New Mexico Constitution.

WHEREAS, each Parcel of State Trust Land comprises approximately one square mile in area and, if annexed, would represent the largest consolidation of land within Rio Rancho under single ownership.

WHEREAS, through a series of planning sessions and public meetings under its Vision 2020

Integrated Comprehensive Plan process, Rio Rancho has identified, among other things, a Growth Nodes scenario as its optimum land use concept.

WHEREAS, the Growth Nodes scenario envisions economies of scale through master planning of appropriate sites for large scale development which would include retail centers, employment campuses, residential communities, schools and the preservation of natural features in peripheral areas surrounding core development.

WHEREAS, the Commissioner has determined that the highest and best use of the State Trust Land is for mixed use developments, including commercial uses, in accordance with a carefully crafted Master Plan.

WHEREAS, the goals and desires of both Rio Rancho and the Commissioner for the highest and best use of the State Trust Lands are similar and complementary.

WHEREAS, the Commissioner and Rio Rancho anticipate that the Commissioner will Petition and Rio Rancho will so annex the State Trust Land, beginning with Parcel 1, and the Commissioner desires to assure that the State Trust Land is developed in full cooperation with Rio Rancho to assure timely provision of infrastructure and services to support commercial and other development.

WHEREAS, the Commissioner is considering proposals to lease and develop portions of Parcel 1 in accordance with a Master Plan, which would include a potential agreement with Sandoval County to locate an animal sanctuary on Parcel 1. The Commissioner will likely advertise for a master developer of Parcel 1 after the Master Plan is approved.

WHEREAS, Rio Rancho and the Commissioner now wish to formalize a process for the development of master plans for the State Trust Land, to allocate and coordinate resources, and to

direct their respective staffs to diligently and jointly pursue completion of master plans for each Parcel, beginning with Parcel 1.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

A. MASTER PLANNING.

1. The City, acting through the City Development Department, and the Commissioner, acting through the staff of the New Mexico State Land Office ("NMSLO"), shall work together to develop a Master Plan or plans for each Parcel prior to annexation of each Parcel by the City. For each Parcel, the City Development Department and the NMSLO shall form a Joint Planning Committee to develop the Master Plan, and may also form an Advisory Group to oversee and guide the work of the Joint Planning Committee.
2. The Joint Planning Committee shall consist of professional planning staff from both agencies, and may include private consultants. If a Parcel is leased by the Commissioner to a developer, the developer shall also provide staff for the Joint Committee. The Joint Planning Committee shall develop a schedule for preparing a Master Plan, identifying deliverables, holding public meetings and reporting to the City and the Commissioner similar to the schedule set forth below for Parcel 1.
3. The five-member Advisory Group shall be appointed by the Rio Rancho City Council ("Governing Body") and the Commissioner and oversee the work of the Joint Planning Committee. Members shall consist of two policy level staff from the NMSLO, the Rio Rancho City Administrator, one representative from the Rio Rancho Planning and Zoning Commission or City Council, and one representative from the Rio Rancho development

community who shall be appointed by the other four Advisory Group members. The Advisory Group shall meet with the Joint Planning Committee on a regular basis to discuss project progress and provide policy direction.

4. The goal of the Joint Planning Committee is to create a Master Plan that is consistent with the comprehensive planning goals of the City, allows for a reasonable rate of return on the State Trust Lands, and can serve as the basis for annexation and zoning of the Parcel. The State Trust Land will only be annexed into Rio Rancho upon acceptance of the completed Master Plan or plans for the Parcel and approval of zoning and design guidelines proposed in the Master Plan(s). At the time of annexation or any time thereafter, the City and the Commissioner or the Commissioner's lessee, may enter into a development agreement for the provision of infrastructure to the master-planned Parcel.
5. This Agreement details the schedule of events for Parcel 1. Schedules and further details for Parcels 2 and 3 will be the subject of addenda to this Agreement or, if more appropriate, separate agreements.

B. PARCEL 1 PROJECT SCHEDULE

1. Within eighteen (18) months, the City Development Department and the NMSLO shall cooperatively develop for submission to the Governing Body a Master Plan for Parcel 1. The Master Plan shall include, but not be limited to the following: a base map showing existing and proposed infrastructure, a description of site conditions and restrictions, a narrative that identifies the type, location, intensity, size and design of land uses with an accompanying map, a phasing plan, and a general utility and roads plan. Potential development impacts, including preliminary traffic, drainage and fiscal impact analyses will accompany the Master

Plan. Detailed technical studies are beyond the scope of the Master Plan, and shall be the responsibility of a master developer prior to implementation of the Master Plan.

2. **Within one (1) month**, the City Development Department and NMSLO shall form a Joint Planning Committee consisting of professional planning staff from both agencies. The Committee members will devise the Master Plan through consensus rather than majority vote.
3. **Within three (3) months**, the Joint Planning Committee shall inventory their collective planning resources and create a list of additional staff, equipment and/or professional services, if any, needed to complete the Master Plan. The Committee shall present the list to the Governing Body, together with an itemized list of anticipated expenses and justifications. The Governing Body and the Commissioner will appoint the Advisory Group in accordance with Section A, Paragraph 3.
4. **Within eight (8) months**, the Joint Planning Committee shall present a progress report to the Governing Body. The Governing Body and the Commissioner may, in its discretion, modify the dates set out hereafter.
5. **Within nine (9) months**, the Joint Planning Committee shall submit a thorough draft of the Master Plan to the Commissioner and the Governing Body for their review and comment. Informal presentations will also be made as needed to other relevant commissions, boards, and committees for the purpose of soliciting review and comments.
6. **Within twelve (12) months**, after incorporating the comments of the Commissioner and the Governing Body, the Joint Planning Committee shall publish notice to the public and hold at least two public meetings within Rio Rancho to inform the public of the draft Master Plan

and obtain their input. The Joint Planning Committee shall also solicit input from private sector land development and economic development individuals and agencies.

7. **Within sixteen (16) months**, after gathering and incorporating the comments and suggestions of the Commissioner, the Governing Body and the public, the Joint Planning Committee shall incorporate the comments and suggestions to the extent practicable and submit a revised draft Master Plan to the Governing Body. The Committee's presentation shall include a written summary of the major aspects of the Plan together with a detailed professional drawing of the Master Plan components. The report shall set out the dates of the public meetings, the major comments received from the various sources, and an explanation of the Committee's response to the comments.
8. **Within seventeen (17) months**, if deemed necessary, the NMSLO or the Joint Planning Committee shall also present to the Governing Body, together with the revised draft Master Plan, a proposed pre-annexation agreement. The pre-annexation agreement shall provide for the annexation of Parcel 1 and the simultaneous approval of the Master Plan, and the zoning and design guidelines as shown in the Master Plan, in accordance with law.
9. **Within eighteen (18) months**, NMSLO shall prepare a petition for annexation ("Petition") of Parcel 1 pursuant to NMSA 1978, § 3-7-17. City staff shall provide all necessary assistance and guidance to NMSLO in properly preparing the Petition. NMSLO will submit the Petition to the Governing Body for approval in accordance with law and the pre-annexation agreement, which shall set out the conditions under which the Commissioner shall agree to annexation of Parcel 1.
10. Following annexation and simultaneous approval of the Master Plan and its provisions, the

Commissioner may advertise a bid for a master developer for Parcel 1. The NMSLO will provide the City with the opportunity to comment on and participate in the selection of a potential master developer.

11. The City agrees not to unreasonably withhold future approval of a development agreement(s) with the master developer and other development-related approvals that are consistent with the Master Plan(s) adopted by the City and the NMSLO.

C. GENERAL.

1. The parties shall liberally interpret this Agreement to comply with law and to achieve their common goal of cooperatively planning for the annexation and phased development of the State Trust Land located within Rio Rancho. This Agreement may be modified, as needed to effectively accomplish the parties' goal, by written agreement signed by the Commissioner and approved through resolution of the Governing Body.
2. The dates set out in this Agreement are "target dates" and need not have strict compliance. However, if a target date is missed by two months, the Joint Planning Committee shall appear before the Governing Body as soon as possible with an explanation and a proposed revised schedule.
3. This Agreement shall inure to the benefit of, and be binding upon, the successors in interest to the State Trust Land.
4. If any part of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of

completion.

5. This Agreement shall not be binding until approved by the Governing Body. All dates in this Agreement are based on the effective date of this Agreement, which shall be the date of Governing Body approval.
6. This Agreement may be terminated at any time by written agreement of the parties. If not terminated previously, this Agreement shall terminate automatically four years from the effective date of the Agreement if no State Trust Land has been annexed into Rio Rancho under the terms of this Agreement.

JOINT PLANNING AGREEMENT, City of Rio Rancho & Commissioner of Public Lands for the State of New Mexico

THE CITY OF RIO RANCHO

By: James C. Jimenez
James C. Jimenez
City Administrator

Date: 11/28/00

COMMISSIONER OF PUBLIC LANDS

By: Ray Powell
Ray Powell, M.S., D.V.M.
Commissioner of Public Lands for
the State of New Mexico

Date: 12/11/00

Approved as to Form:

James C. Babin
James C. Babin
City Attorney

8 Date: 11.28.00



CITY OF RIO RANCHO
OFFICE OF THE CITY CLERK
RECEIVED

02 AUG 30 PM 4:12

**CITY OF RIO RANCHO
GOVERNING BODY
AGENDA BRIEFING MEMORANDUM**

REFERENCE: 0-31 AND
R-64

DEPARTMENT: CITY DEVELOPMENT

DATE: 9/11/02

SUBJECT: LOMA BARBON. Request for Annexation, Zoning and Master Plan

PURPOSE: To approve the State Land Office's Petition for Annexation and Zoning, contingent upon approval of the Loma Barbon Master Plan.

APPLICANT: State of New Mexico/City of Rio Rancho

ANNEXATION AND ZONING ORDINANCE

SYNOPSIS:

- ~ This is a Petition for Annexation of 605± acres of land known as Loma Barbon,
- ~ The Petition meets the New Mexico State Statutes and Vision 2020 Integrated Comprehensive Plan requirements for Annexation,
- ~ There is a request to Zone the lands being annexed.

I. BACKGROUND & ANALYSIS:

This Annexation and Zoning request is being submitted simultaneously with an application for Master Plan approval (Attachment II), which will be discussed later in this document.

The State of New Mexico is petitioning the City of Rio Rancho for annexation of 605± acres of land contiguous to the municipality and is requesting the establishment of zoning for the property (Attachment I). The property has been described, but will require a Plat of Annexation, per §3-7-17(B) of the New Mexico State Statutes, to be recorded at the office of the County Clerk.

The annexation follows the New Mexico State Statutes 1978, §3-7-4, §3-7-17 and §3-7-18:

- ~ The property to be annexed shares approximately 16,735 feet of contiguous border with the municipality,
- ~ The property is solely owned by the State of New Mexico,
- ~ A map and a description of the property have been presented in the Annexation request, and

- ↺ Any municipality annexing any territory shall include in the annexation any streets located along the boundary of the territory being annexed.

The right-of-ways found on the State Land parcel have been described in the Annexation Agreement (Attachment II). A letter from the NMSH&TD stating approval of the annexation can be found in Attachment III.

The annexation follows the **Land Use Actions** found in the **Vision 2020 Integrated Comprehensive Plan**. The City should consider the annexation of lands to the municipal corporate limits:

- ↺ When there is a positive cost benefit analysis reflecting potential for increasing municipal revenue generation through recurring revenues intended to offset one-time costs,
- ↺ When there is an expressed or requested need for land use regulation and/or management by the municipality, or
- ↺ When there is an urgent necessity to provide municipal services or to install municipal facilities.

The Annexation Agreement was written to provide a binding agreement between the State and City prior to the sale or lease of State lands. It follows the format of a Development Agreement, but pertains to annexation proceedings only.

II. FINDINGS OF CONFORMANCE WITH CITY PLANS, POLICIES & REGULATIONS

CONFORMANCE WITH CITY ZONING ORDINANCE

The annexation of Loma Barbon is proposing to incorporate 605± acres of State Land into the City of Rio Rancho. The annexation follows State Annexation regulations and follows criteria for annexation as found in the Vision 2020 Integrated Comprehensive Plan. The State and City have requested zoning classifications for the land based on:

- ↺ preferred land uses found in the Comprehensive Plan,
- ↺ site topography and
- ↺ surrounding uses.

FINDING: The submittal for annexation and zoning conforms to the City Zoning Ordinance.

CONFORMANCE WITH THE VISION 2020 INTEGRATED COMPREHENSIVE PLAN

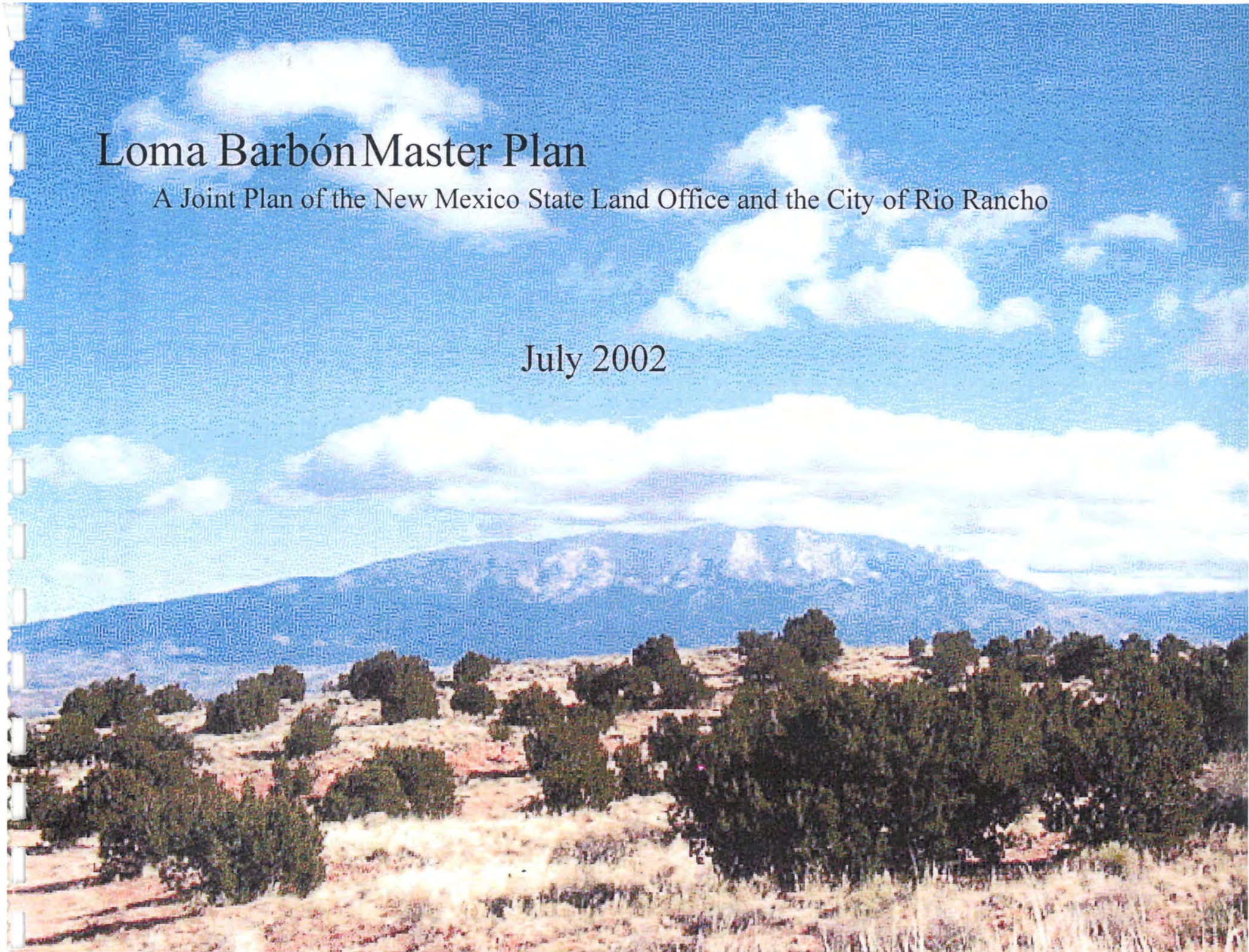
The City of Rio Rancho and the State of New Mexico have signed a Joint Planning Agreement to work together in order to facilitate the annexation and zoning of this property. The zoning classifications fit the land uses proposed for Loma Barbon, which, in turn, follow the land use criteria expressed in the Vision 2020 Integrated Comprehensive Plan.

FINDING: The request for annexation and zoning conforms to the New Mexico Statutes and the Vision 2020 Integrated Comprehensive Plan.

Loma Barbón Master Plan

A Joint Plan of the New Mexico State Land Office and the City of Rio Rancho

July 2002



A Message from Ray Powell, Commissioner of Public Lands



As Commissioner of Public Lands, it is my pleasure to introduce the Loma Barbón Master Plan. Loma Barbón includes about 600 acres of state trust land, located on the south side of U.S. Highway 550. This master plan proposes a development for Rio Rancho that emphasizes community, opportunity, and connection to the natural world.

Our primary mission at the State Land Office is to optimize revenues for our beneficiaries—New Mexico's public schools and universities. To be successful in this mission, we join with the private sector to use this land for a variety of uses—from agriculture to industry. The creation of the Loma Barbón Master Plan is a blueprint for future generations of New Mexicans in Rio Rancho, which will also generate revenues for the trust.

In 2000, the process began to jointly, with Rio Rancho and its citizens, plan Loma Barbón. This is the first time the State Land Office has collaborated with a municipal government to create a plan for state trust land. The City of Rio Rancho not only reviewed, but actively helped create this Master Plan. Proposed uses for the site include a town center, retail, employment, residential

communities, an elementary school, and the preservation of natural features. On the east side of the site, select acreage is reserved for a possible resort and/or conference center.

I would like to take this opportunity to thank our planning staff at the State Land Office as well as the excellent planning staff from the City of Rio Rancho as our collaborative efforts move forward.

The Loma Barbón Master Plan embodies the principles of economic opportunity, environmental preservation, educational advancement, and a sense of community that will be a model of development for the region. I hope you will join me in supporting this exceptional plan for development.

Sincerely,
Ray Powell, D.V.M.
Commissioner of Public Lands
State of New Mexico

Credits and Acknowledgements

Commissioner Ray Powell, D.V.M., Commissioner of Public Land

The Loma Barbón Advisory Group

David Bency, City Councilor

Jens Deichmann, Assistant Commissioner, State Land Office

James Jemenez, City Manager, City of Rio Rancho

Harry Relkin, Assistant Commissioner, State Land Office

State Land Office, Loma Barbón Team

Will Gleason, Manager for Planning and Development

Jennifer Parody, Ecologist/Planner

Tim Callahan, District Resource Manager

Michael Bowers, Public Relations Specialist

Sherry Pritchard, Management Analyst

Craig Johnson, Economist

City of Rio Rancho, Loma Barbón Team

Art Corsie, Director of City Development

Robert McArthur, Special Projects Coordinator

Ken Curtis, Public Works Director/City Engineer

Cliff LeQuieu, Municipal Planner/GIS Specialist

Steve Tollefson, Municipal Planning Manager

Consultants

Gregg Way, Planners Ink -- Graphics and Illustrations

Mark Schmidt, Engineer -- Infrastructure Analysis



Special thanks to Diane Sonier of Keep Rio Rancho Beautiful and all the terrific volunteers who helped with our clean up!

Table of Contents

Executive Summary	4	Plans and Illustrations	
The Vision	6	Site-wide Illustrative Plan	7
The State Land Office	8	Rio Rancho Vision 2020 Plan	11
The Joint Planning Agreement	9	Land Use Plan	15
The Planning Framework	10	Town Center Illustrative Plan	17
Current Conditions	12	Town Center Plan Details	19
The Plan	14	Employment District Plan Details	21
Town Center	15	Residential District Illustrative Plan	23
Retail Districts	18	Zoning Map	29
Employment	20	Roadway Plan	35
Residential Neighborhoods	22	Roadway Cross Sections	37
Parks, Trails, and Open Space	24		
Schools and Special Use	26		
Zoning	27		
Water, Wastewater, and Stormwater	30		
Fiscal and Traffic Impact Analyses	34		



Executive Summary

Current Conditions

Loma Barbón is a 605-acre parcel of vacant land, held in trust by the New Mexico State Land Office for the benefit of the public schools of New Mexico. The property is contiguous with the City of Rio Rancho. Loma Barbón borders US 550, about four miles north of the intersection of State Road 528 and Santa Ana Pueblo's Hyatt Tamaya Resort.

Loma Barbón is bordered on the north by AMREP's planned "Hawk Site" development, on the east by US 550 and the Santa Ana Pueblo, on the south by the Enchanted Hills neighborhood, and on the west by unconsolidated platted land. Existing land uses adjacent to this site do not pose any significant restrictions on development.

Loma Barbón has two major topographic zones: the relatively flat, sloping grasslands west of the hilltop and the high-relief areas of the eastern slopes. The western area is suitable for development with minimal earthwork. The eastern area is heavily bisected by arroyos and calls for more selective development.

The soils of Loma Barbón are sandy and well

drained. The vegetation is composed of juniper woodlands, grasses, and shrubs. Limited cultural and archaeological surveys have been performed on the site. To date, ten significant archaeological sites have been identified.

Land Use Plan

Loma Barbón's Master Plan envisions a 38-acre mixed-use retail district, 45 acres of employment, and over 200 acres of residential zoning. At Loma Barbón 87 acres of spectacular topography are reserved for special uses such as a resort or conference center. At the entryway along 550, 32 acres have been set aside for commercial activity.

Mixed-Use District

The mixed-use district will be located at the top of Loma Barbón and will serve as the focal point for the entire development. Here, retail, residential and civic uses will blend to form a village center that will be walkable and accessible from the remainder of the site. Buildings in this area will be two and three stories in height and will be designed to be flexible as commercial demands evolve. This district is appropriate for regional needs such as medical facilities, public buildings, and senior housing.

Employment

This plan is designed to create economic base jobs for Rio Rancho. About 46 acres are zoned for employment uses, most within walking distance of the town center. The employment districts offer several amenities that will make it attractive to potential employers: easy access to US 550, competitive land costs, and Rio Rancho's skilled labor force. This district will feature integrated facilities including shared parking and campus style commons. It will be linked to the town center via wide sidewalks and pathways. High floor-area ratios and minimal setbacks will ensure the area is walkable and attractive.

Residential Neighborhoods

Loma Barbón will offer homes in a variety of sizes, prices, types, and styles. Housing types will range from loft apartments near the town center to large estate style homes along the site's eastern slopes. Higher density housing will feature alley-loaded parking and access, shared common areas, and quick access to commercial areas. Homes in lower density areas will be sited to take advantage of solar radiation and topography and to protect arroyos and steep slopes.

Utilities

Water

The average water consumption for Loma Barbón is expected to be no more than 150 gallons per capita per day for residential users and 26 gallons per square foot per day for commercial and industrial areas.

Wastewater

At buildout, Loma Barbón will generate 600,000 gallons of wastewater per day. Several scenarios are proposed for the collection and treatment of wastewater. Due to the topography of the land, different treatment options for the northwest and southeast portions of the site will be required. Of the options outlined, a distributed, on-site wastewater system that allows on-site effluent reuse, is preferred.

Stormwater

The Southern Sandoval County Arroyo Flood Control Authority requires the maintainance of historic flows at property boundaries. At Loma Barbón, native vegetation, swales and catchments high in the watershed, will capture and slow the movement of stormwater making beneficial use of this resource. Arroyos will be maintained in their natural state to promote infiltration and to

support native biodiversity. Stormwater management areas will be combined with open space trails and recreational areas.

Fiscal Impact Analysis

Upon full buildout, annual revenues that will accrue to Rio Rancho are estimated to be over \$6.9 million, while annual costs are projected to be about \$1.7 million, indicating a **net positive** fiscal impact of over \$5.2 million. One-time revenues are estimated at over \$17.7 million, while one-time expenses were estimated at \$3.5 million, indicating that net one-time revenues to the city would be in excess of \$14.2 million. Most of this one-time revenue would come from construction related gross receipts taxes, while impact fees would be the second largest single revenue source.

Traffic Impact Analysis

The traffic impact analysis estimated that combined internal and external trips would generate a total of 33,294 trips daily along the major street system inside and outside the project area. Unser Boulevard would be most heavily impacted by Loma Barbón, since it would carry over 9,929 trips per day to and from the project area.

In all, Loma Barbón would require approximately 10.75 linear miles of streets costing \$6.683 million to build. The street system will include over 23 lane miles of roadway to accommodate traffic inside the project area. The Loma Barbón roadway system will cost over \$4.746 million to build. These costs will be offset by \$5.394 million in road impact fees from the development resulting in a net fiscal gain for the City of more than \$1.5 million. Estimated costs do not include the cost of traffic signals inside the project area or of roadway improvements required outside of the project area.

Phasing Plan

Due to the mixed-use nature of the land use plan and the fact that the State Land Office will not be the developer of the property, it is not appropriate to propose a phasing strategy at this time. Once a master developer has been selected, they will propose a phasing plan to the City. The phasing plan will be submitted to the City in conjunction with the development agreement.



The Vision

Connections

This plan is designed to connect people and places in ways that improve quality of life. Because employment and recreational areas will be close to homes, Loma Barbón's residents will be able to spend more time doing things and less time driving to do them. How is this possible? By siting land uses within each neighborhood. Stores, schools, and parks, will be located within a short walk of residents' homes and offices. Sidewalks and paths will create a network of pedestrian connections across the entire site.

Community

Good communities don't just happen. They emerge in places where there are opportunities for people to interact. At Loma Barbón, trails will connect neighborhoods and civic buildings. Walkable streets will link retail centers with schools and homes. As a result, neighbors will share sidewalks and shops, cafes and parks. They will have the opportunity to live, work, and play together. Together they can create the sense of place that strong communities enjoy. By offering a mix of activities in traditional patterns, Loma Barbón will be a place where community thrives.

Opportunity

Loma Barbón will create opportunities: for innovative industry and small business entrepreneurs; for creativity and ingenuity; for growth and change. Commercial buildings will be designed with flexibility in mind, so office spaces can transform and adapt to changing conditions. Loma Barbón will enable small businesses to expand and larger businesses to diversify. By creating premier employment districts for employers and industry, Loma Barbón will enhance and strengthen Rio Rancho's economy.



Rio Rancho High School students at Keep Rio Rancho Beautiful Clean-up Day at Loma Barbón October 2001

Illustrative Plan



The State Land Office

Section 16 of T13N, R3E, or “Loma Barbón,” was granted to the State of New Mexico on June 21, 1898 by the Federal Government as part of the Ferguson Act. The Ferguson Act, enacted by the U.S. Congress specified that Sections 16 and 32 of every township in New Mexico would be granted for support of the common schools. The State Land Office holds Loma Barbón in trust for the public schools of New Mexico. All revenue that the State Land Office generates from activities on this parcel of land goes directly to benefit New Mexico’s education system.

This parcel is being planned as part of the State Land Office’s Community Development Partnership Program. This program is an innovative effort to develop trust land properties in ways that meet the needs of local communities. The State Land Office is working with urban and rural communities to use trust lands to create jobs, quality affordable housing, and recreational opportunities for all New Mexicans. The State Land Office considers partnering with local government and the private sector the best way to achieve these goals.

The State Land Office promotes community development in a way that encourages public participation and protects our environment.



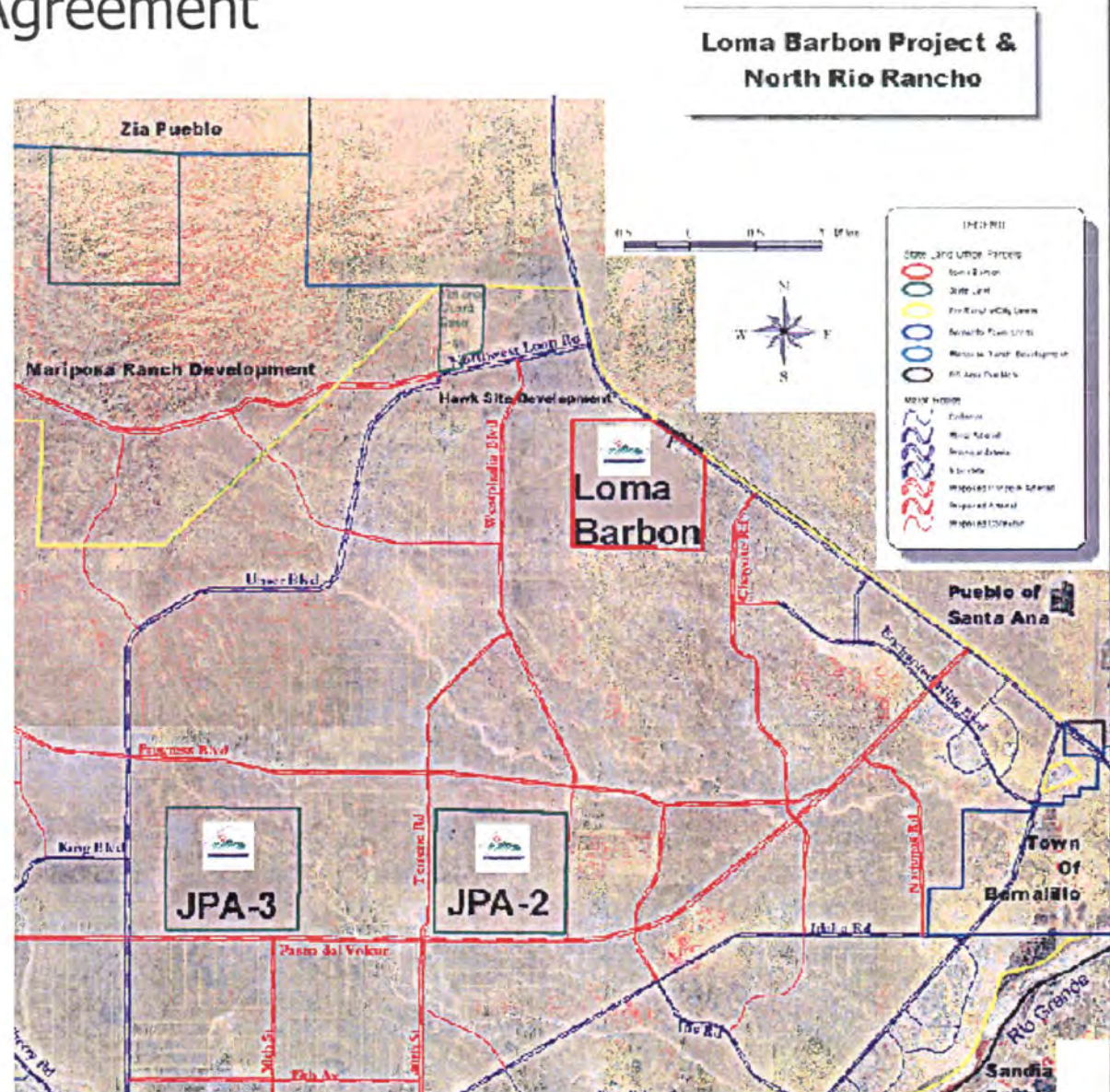
State Trust Lands (in black) are found throughout New Mexico. The Community Development Partnership Program works to support the unique vision of each community.

The Joint Planning Agreement

In December 2000, the City of Rio Rancho and the State Land Office signed a Joint Planning Agreement (included in the appendix) to guide the planning of three state trust land parcels in Rio Rancho. Loma Barbón is the first parcel to be master planned under this agreement. With guidance from citizens and policymakers at the State Land Office and the City, technical staff from both agencies have been working together to develop this master plan for Loma Barbón. Planning for the remaining two parcels of trust land is expected to begin after the approval of this plan.

The Northern Tier

A substantial portion of Rio Rancho's future development is expected to occur along the northern edge of the city in an area known as "the northern tier." The northern tier contains the Mariposa Ranch, the Hawk Site, Loma Barbón, Enchanted Hills, and a large number of unconsolidated parcels in Rio Rancho Estates. Future development is expected to be primarily residential in nature. At full build out, the northern tier may be home to as many as 47,000 people. Loma Barbón plans to capitalize on this growth by providing retail and employment opportunities for the region.



State trust parcels to be planned under the State Land Office/City of Rio Rancho Joint Planning Agreement.

The Planning Framework

Vision 2020 Plan

The City of Rio Rancho adopted the Vision 2020 Integrated Comprehensive Plan in June 2001 for the purpose of guiding the City's future growth and development over the next twenty years. As its name implies, the plan addresses a wide range of planning issues including future land uses, fiscal impacts, urban design, transportation and circulation, infrastructure needs, environmental sustainability, housing, community services and public facilities, and economic development.

The Comprehensive Plan projects that the City of Rio Rancho will double its current population to 100,000 over the next twenty years and that Loma Barbón will be one of the City's growth nodes. The plan calls for a regional retail center with a major employment component at Loma Barbón.

Given the large amount of unconsolidated land in Rio Rancho, growth nodes are expected to accommodate much of Rio Rancho's future growth. They will consist of mixed-use activity centers for employment and commercial development surrounded by varying densities of multifamily and single family residential development. Growth nodes are to be designed and built to serve village, community, or regional scales of development. Loma Barbón is intended to serve the re-

gional needs of the northern tier. The goals of the growth nodes are to capture a significant portion of the future growth in employment and housing in the city, generate high levels of gross receipts taxes, and to curb low density and single-use development.

Strategy for Implementation

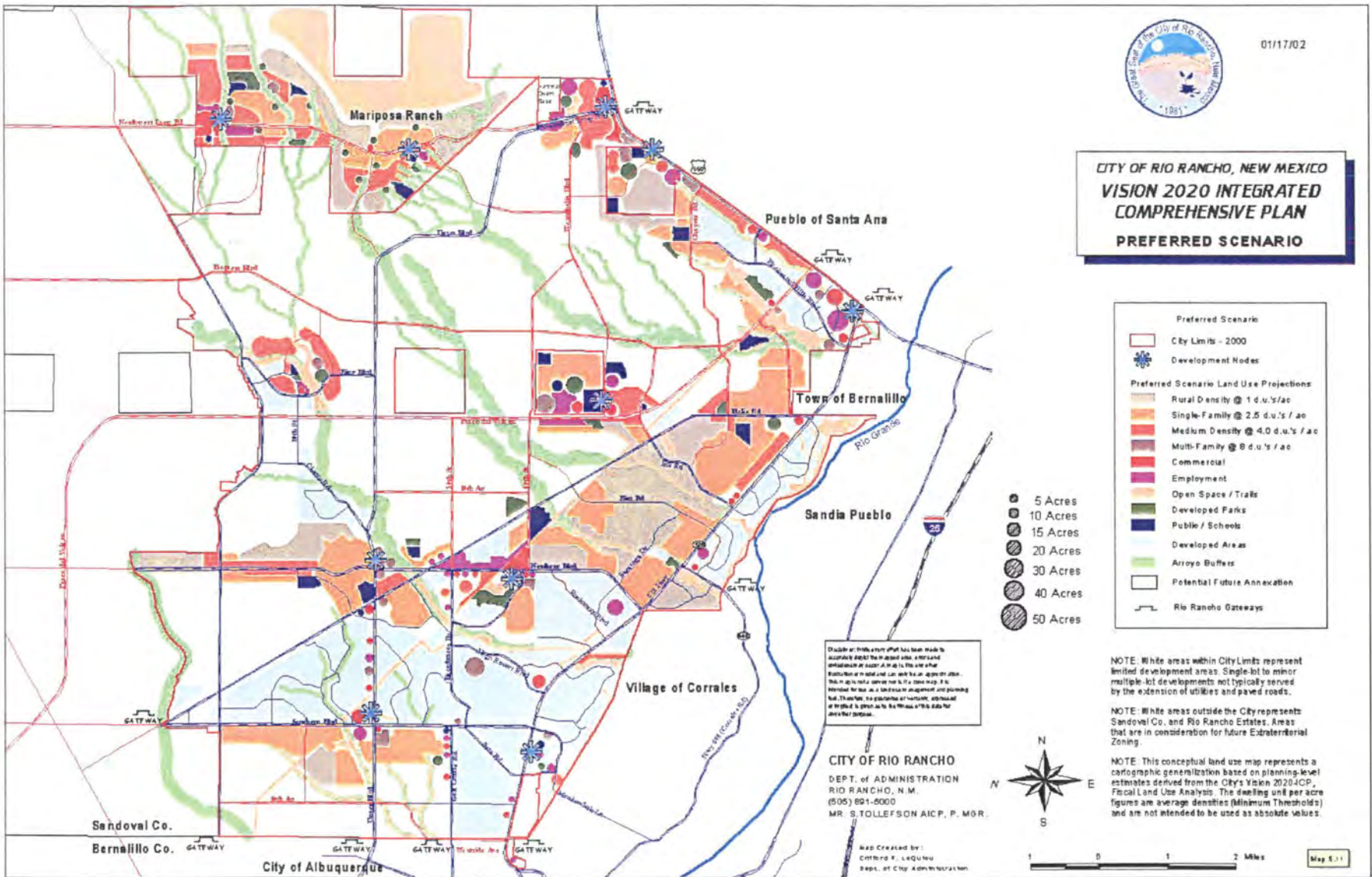
The State Land Office will seek simultaneous master plan approval, annexation into the City and zoning. Subsequent to master plan approval and annexation, the State Land Office, through an advertised, competitive bid process, will select a master developer to develop the property. The City of Rio Rancho will be invited to participate in this selection.

The master developer will then enter into a long-term lease agreement with the State Land Office. The master developer will be responsible for creating more detailed plans for each phase of development, extending infrastructure and making on-site improvements. The master developer will negotiate a final development agreement with the City to determine impact fees, utilities, rights-of-way, public facilities, and system improvements. They will also develop design standards for signage, landscaping, streetscapes, building facades, and trails.

Property taxes, gross receipts taxes, and impact fees from Loma Barbón accrue to the City as normal. Residential land sales and leasing revenues will be shared by the developer and the beneficiary of this state trust land, the public schools of New Mexico.



*Planning charrette,
April 13, 2001*



City of Rio Rancho, Vision 2020 Plan for the Northern Tier

Current Conditions

Topography, Hydrology, and Soils

Loma Barbón (Spanish for “Billygoat Hill”) is named for the high point in the center of the site (5,752 ft). This point and its associated ridgeline divides the parcel into two distinct areas: the north and western portion above the ridge and the lower elevation slopes to the southeast. The northwest area is characterized by gentle, fairly flat topography while the eastern slopes are heavily bisected by arroyos and intermittent washes.

Stormwater from the eastern slopes and the west drains into the Venada Arroyo to the southwest through a series of small watersheds (see Stormwater Management, p.33). Above the ridge to the north, water travels as overland sheet flow toward the parcel boundaries. In the far southwestern corner of the site, flows are temporarily detained in an abandoned livestock dam.

Loma Barbón has mostly sandy, well-drained soils.



Topography at Loma Barbón is gentle and rolling in the west, and heavily bisected by arroyos in the east.

Vegetation

Vegetation at the site is comprised mainly of juniper woodlands with native grasses such as blue grama and galleta dominating the mesa top. The arroyos tend to support fairly large junipers, and a higher diversity of shrub species such as Sand sage (*Artemisia filifolia*) and Broom dalea (*Dalea scoparia*).

Existing Uses

Listed below are all of the current and pending activities on the site.

Road Easements: the New Mexico State Highway Department holds a 260 foot right-of-way for US 550 (RW-16934 and RW-17120, 13.42 acres) and a 200-foot right-of-way for old US 44 (RWD-879, 17.87 acres).

Gas line easement: The Public Service Company of New Mexico (PNM) has a gasline easement parallel to the old Route 44 alignment (RW-24716, 2.22 acres). No permanent buildings will be allowed over the gas line easements and the locations of pipelines will be clearly delineated to avoid any encroachment onto the easements.

Telephone: Qwest (formerly Mountain States Telephone and Telegraph Company) holds a phone line easement parallel to the old Route 44 alignment (RW-19987, 3.04 acres).

Archaeology

Archaeological surveys have not been completed for the entire parcel. However, a survey completed for the PNM right-of-way identified ten archaeological sites. The master developer for the parcel will conduct site-wide surveys. When necessary, the plan will be altered to minimize disruption of significant sites.



Loma Barbón is dominated by juniper woodlands and spectacular views.

The Plan

Four basic design principles shape this plan:

1. group activities, such as schools, offices and homes, in a manner that is convenient and accessible;
2. provide employment opportunities that allow residents to work at or close to home;
3. encourage and support pedestrian transportation; and
4. protect open spaces and natural features for the enjoyment of the community.

The mixed-use **town center** at the top of Loma Barbón is the focal point of the site. Here, retail shops, restaurants, home offices, and the village green unite to form a compact urban core. Loma Barbón's extensive open space trail network radiates from the village green and connects to Rio Rancho's major public open space system.

On the mesa, the Town Center links with a 30-acre **employment** district, suitable for a range of business activities. Below the hilltop, on the eastern slope, medium to low-density **residential** neighborhoods transition into a 77-acre **special use** area, reserved for recreation, education or tourism-related uses.

Just east of the village green, a large undeveloped open space area lies adjacent to 10 special use acres intended for a hotel or other tourism-related industry. Further east near the site's entryway, highway **commercial** parcels connect to a 15-acre employment center.

South of the mixed-use zone, residential blocks of varying density and form will create a neighborhood centered on an elementary school and retail center. The open space network connects these areas to activities at the top of the hill.

Land uses on the boundary of the site complement commercial uses at the Hawk Site to the north, the residential development at Enchanted Hills to the east and the unconsolidated parcels south and west.

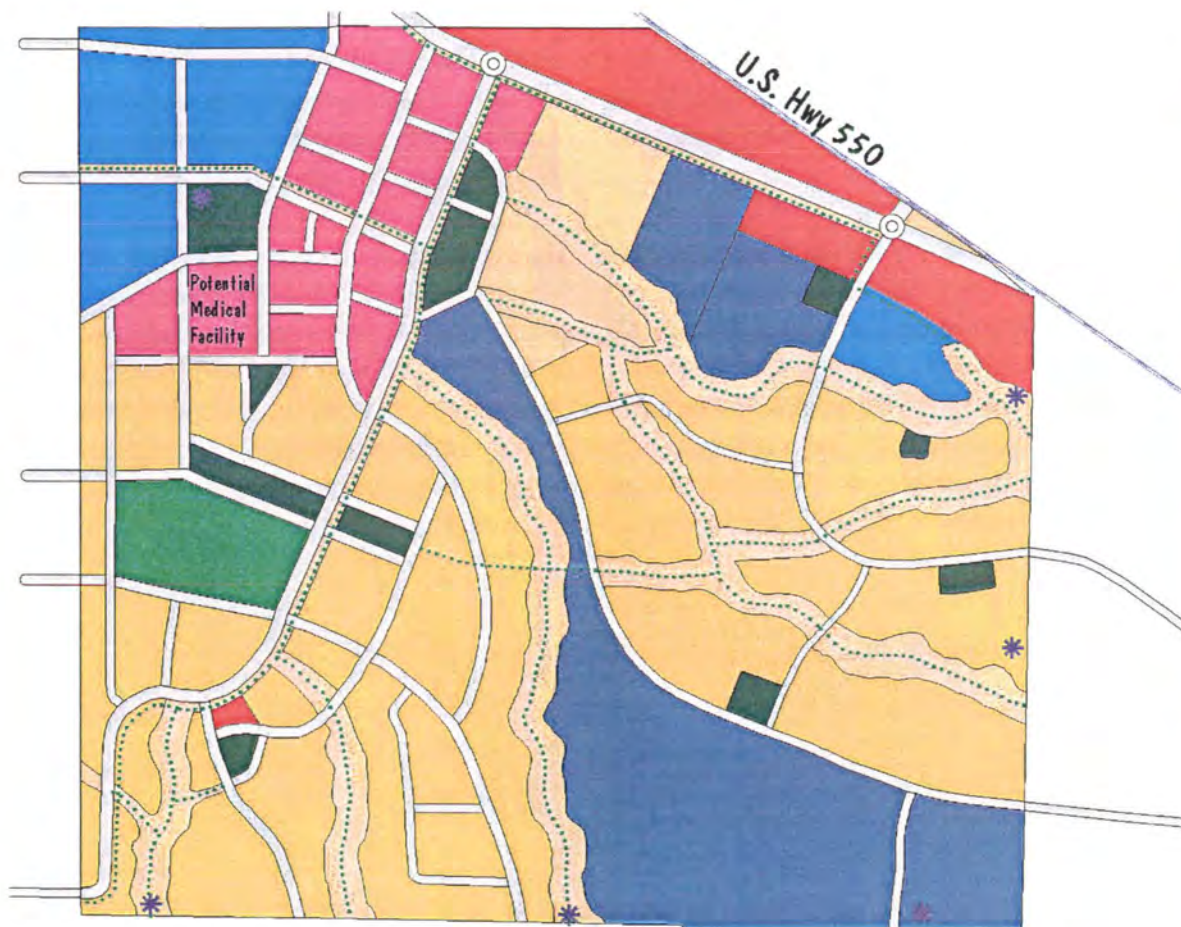
Table 1. Land uses at Loma Barbón

Land use	Acres	%
Residential	208	34.4
Mixed Use	38	6.2
Retail	32	5.3
Employment	46	7.5
Special Use	87	14.4
School	13	2.2
Park	28	4.6
ROW	72	11.9
Open Space	82	13.6
Total	605	100.0

Overall, the Loma Barbón Master Plan divides 605 acres of land into 208 acres of residential development, 157 acres of commercial and special uses, and 123 acres of public uses, including 82 acres of open space. At buildout, Loma Barbón is expected to contain 1,566 housing units for a resident population of about 4,000. The development will incorporate New Urbanist design features, such as a mixed-use activity center in the parcel and grid-style residential streets. The master plan also contains large areas of non-residential zoning for developing a strong commercial and employment base.

The street system at Loma Barbón is designed to accommodate both cars and people. In the heart of the Town Center, on-street parking and minimal lane widths are expected to reduce speeds and encourage pedestrian movement. At the same time, gridded streets will offer multiple alternative routes through the district. At the entrance to Loma Barbón, rotaries will be used to allow safe and efficient through movements and turns.

The following sections describe each of the land-use elements in more detail and include design guidelines where appropriate.



Land Use Plan

Use	Acres	%
Residential	208	34.4
Mixed Use	38	6.2
Retail	32	5.3
Employment	46	7.5
Special Use	87	14.4
School	13	2.2
Park	28	4.6
ROW	72	11.9
Open Space	82	13.6
TOTAL	605	100

- Trail System
- Roundabout
- Stormwater

Loma Barbon Master Plan

New Mexico State Land Office & the City of Rio Rancho



Town Center

The town center at Loma Barbón is envisioned as a dynamic mix of retail, employment, recreational, civic, and residential activities all within walking distance of one another. The term “town center” refers to the design of traditional downtowns, borrowing from the pattern of a “Main Street” with wide sidewalks and multi-story buildings that house a mix of retail, office, and living spaces. This concept of a town center has proven successful in many cities. It creates a popular destination that distinguishes it from the typical shopping mall or big box retail. The town center design combines employment, retail, and residential activities in a manner that makes all of them more interesting and inviting. Buildings front the streets with minimal setbacks, and parking is dispersed, with some on-street parking and the rest placed behind the buildings. Predominant pedestrian paths will link the parking areas to adjacent streets. The combination of uses enables people to park once for several different activities, thus reducing the amount of land needed for parking lots.

Loma Barbón’s town center will tap demand for retail services in the surrounding area, particularly Enchanted Hills to the east and the planned Hawk Site and Mariposa communities to the west. Demand for basic retail services such as groceries, dry cleaners, and restaurants will grow incrementally as Loma Barbón and the surround-

ing area are developed. The town center also has potential for “destination retail” that would attract shoppers from a wider area. Destination retail would result in more gross receipts revenue for the City. A strategy for developing this type of retail will be the responsibility of the master developer.

Community services will also be encouraged to locate in the town center. Space will be reserved for a regional medical facility as residents in this part of Sandoval County are currently underserved and have to drive long distances for medical services. The town center is also an ideal location for a residential development geared towards active senior citizens. Research sug-

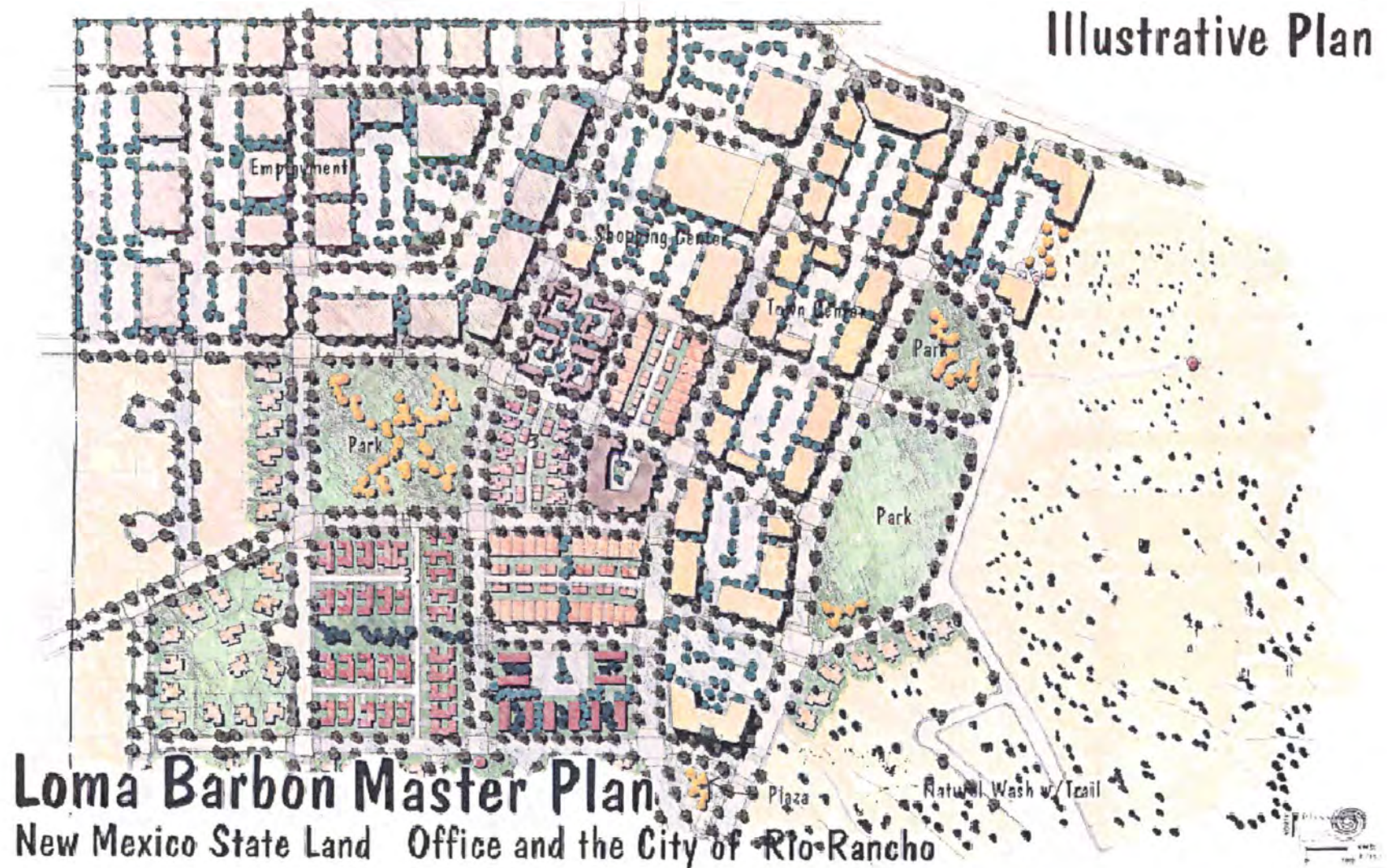
gests that as the baby boomer generation ages, many will seek to “downsize” their homes and live close to activity centers, recreation, and open space. The mixed use nature of the town center will allow seniors to remain physically active and to enjoy shopping and other community activities with little or no driving.

The character and mix of uses in the town center will change and evolve over time. In the early stages, residential uses may predominate. As the area develops, commercial and retail activity is expected to occur. To accommodate the change in uses, buildings in this area will be designed with modular, flexible floor plans that can work for a wide variety of activities.



Retail shops will front the village green at the top of Loma Barbón

Illustrative Plan



Illustrative plan of Town Center and employment district

Retail Districts

Loma Barbón will have four distinct types of retail:

Highway Retail. Close to US 550, over 30 acres are proposed to be zoned C-1. This area will be predominantly highway oriented retail but designed to set the tone for an attractive entrance to Loma Barbón.

Town Center Retail. In the area zoned for mixed-use, approximately one quarter of the total area, about ten acres, will be designated for retail. Stores will be smaller than in typical “power centers” and services will be oriented towards accommodating the needs of local residents. Storefronts will have a consistent style and scale (the master developer will develop specific criteria and design guidelines). As specified in the zoning regulations, floor to area ratio will be a minimum of .30 to create a “town center” atmosphere. Residences and offices will be located adjacent

to and in some cases, above retail operations (see illustration on next page).

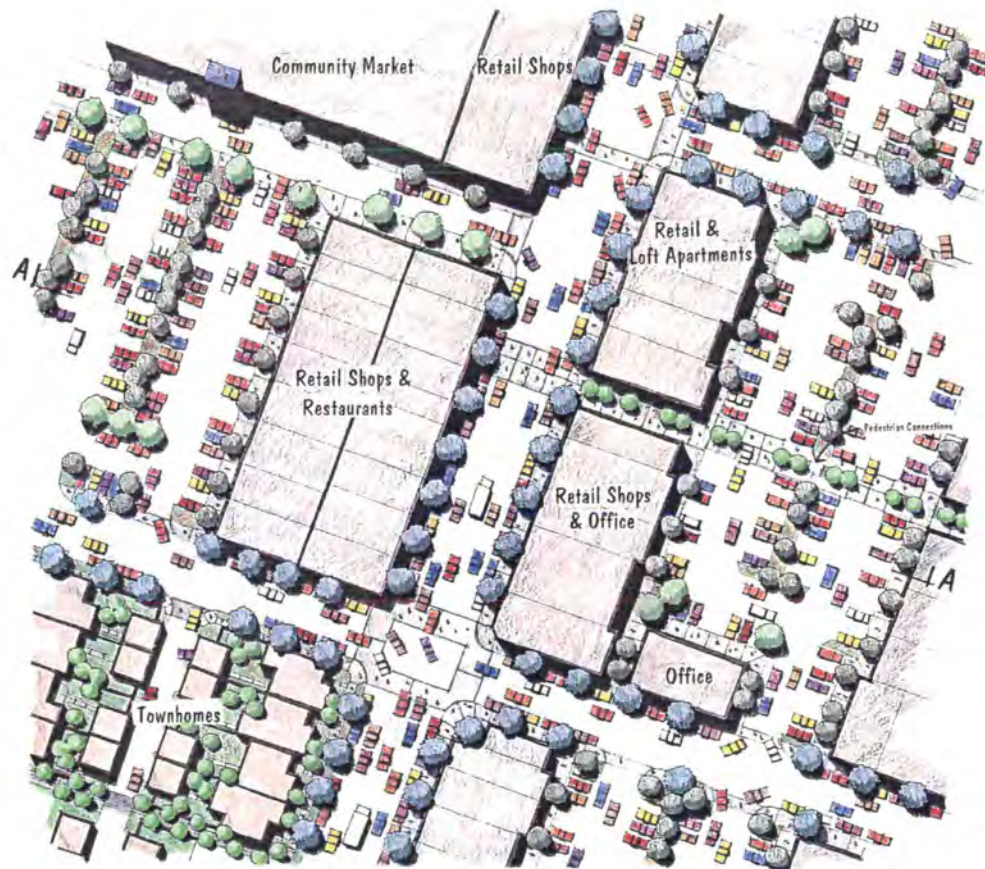
Regional Retail. Retail operations that require larger buildings will be located west of the four-block mixed use area. Demand for this type of retail will be, in large part, dependent upon the growth of the surrounding area and in the ability to create “destination retail,” a place that draws customers from the Hawk Site, Mariposa, Enchanted Hills, and travelers along the US 550 corridor.

Neighborhood Retail. A small area (less than one acre) will be designated C-1 in the neighborhood center in the southwest quadrant of Loma Barbón. This retail is intended to serve the needs of the local neighborhood.



*The Avenue at White Marsh, Baltimore County, MD.
Photo Courtesy of Urban Land Institute*

*With their mix of shops, restaurants, theaters, and outdoor gathering spaces, town centers are often viewed by market analysts as retail entertainment centers because they create synergies beyond those of a typical shopping center. Shoppers are drawn for the complete shopping experience, rather than just to purchase goods.
(From Trends and Innovations in Master Planned Communities, Urban Land Institute, 1998, p. 89.)*



Plan Details

Key Map



Loma Barbon Master Plan

New Mexico State Land Office and the City of Rio Rancho



Plan detail of town center with on-street parking, wide sidewalks, and townhomes close to retail shops.

Employment Districts

The State Land Office is committed to creating new jobs and fostering economic development at Loma Barbón. We believe that job creation is the key to creating a community and adding value to a development. We have worked with Rio Rancho staff, administration, and economic development specialists to design an employment center that furthers the City's long range economic strategy of creating more jobs and increasing the City's annual revenue stream.

Loma Barbón offers numerous advantages that will make it an ideal site for businesses looking to locate or expand in Rio Rancho. Three key criteria for businesses are: access, land costs, and labor force.

- Access: Loma Barbón has excellent access from US 550, with multiple streets connecting to the district. The site is less than 30 miles from the Albuquerque International Sunport and within five miles of Interstate 25.
- Land Costs: The sites slated for employment were chosen in part because they are relatively flat and need minimal grading for lot preparation. The State Land Office will ensure that land is made available at a rate competitive with other sites in

Rio Rancho.

- Labor Force: Businesses looking to expand or locate in Rio Rancho have access to a skilled workforce. The percentage of workers in Rio Rancho holding advanced degrees is significantly higher than the national average.

In addition to these basic factors, the design guidelines for the employment areas will distinguish them from other business parks in the region. Rather than existing as an island of employment separate from the community, employment districts at Loma Barbón will be integrated into the residential and commercial components of the site. Employees will have access to the town center, open space trails for walking and jogging, and parks.

The employment areas will look and function differently from conventional business parks. The emphasis will be on integrated, comprehensive facilities, including shared parking, campus style "commons"

for all users, and pathways that link all the businesses in the district. As in the core of the town center area, buildings will front the streets with minimal setbacks and shared parking will be located behind and between the buildings. Some larger parking areas will be located at the edges of the employment district to serve as a buffer for adjacent properties to the west. Shared parking will enable the area to build out a higher density than typical business parks. The maximum allowable floor to area ratio will be .40 and the minimum will be .25.



*I125 Business Park, Albuquerque, NM.
Photo Courtesy of Urban Land Institute*

Plan Details



Key Map



Loma Barbon Master Plan

New Mexico State Land Office and the City of Rio Rancho



Plan detail map of employment district. Pedestrian-friendly streets will encourage employees to walk to work and play.

Residential Neighborhoods

In general, higher density housing will be located close to the town center, with increasingly larger lots situated nearest open space areas and the parcel boundaries. Minimal setbacks and alley access will be used wherever practical to create streetscapes that are pedestrian-friendly.

In the mixed-use district and residential areas near the town center many different high-density (8-10 dwelling units per acre) housing types will be used including courtyard apartments, townhomes, and flats. Residences will surround shared, landscaped courtyards. Parking and vehicle access will be limited to the rear of the lot whereas yards will be located to the rear and side.

Loft apartments will be located above retail space in the heart of the mixed-use zone. Parking for these units will be located behind the building or on the street.

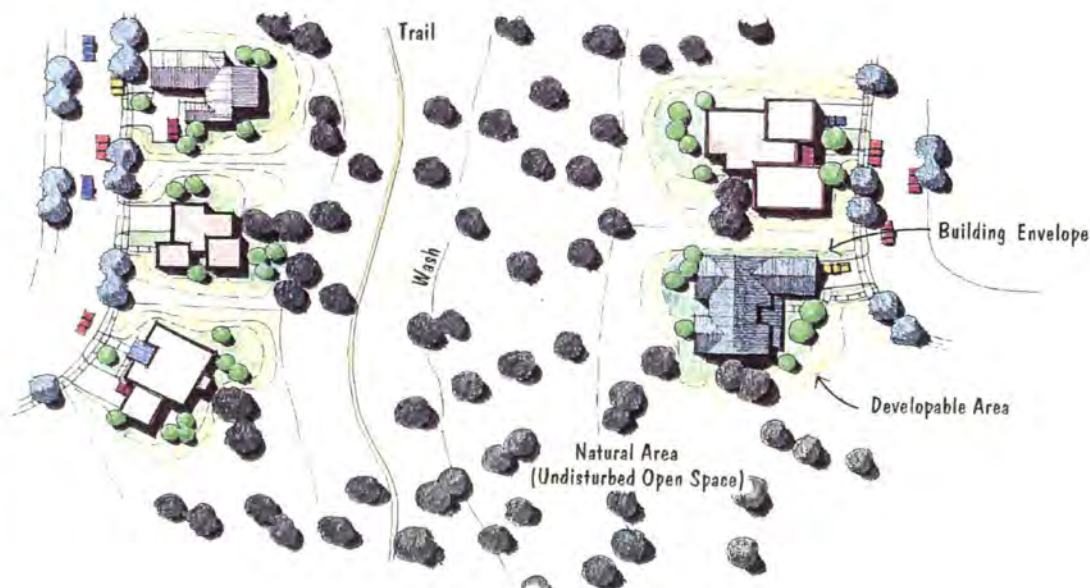
Medium density (4-8 dwelling units per acre) residential lots will be located in the southern and eastern portions of the parcel. Houses here will have minimal setbacks, back alley access, and wide sidewalks to encourage pedestrian activity.

Near arroyos along the eastern slopes, larger lots with natural landscaping will create a rural atmosphere. Here the building footprint will be minimized and placed near roadways to create continuous open space along the arroyos.

Residential buildings and lots will be designed to allow natural stormwater management. This will include: reducing the impervious areas on an individual lot, utilizing rainwater collected in a gut-

ter system for landscape irrigation, planting trees, shrubs, and groundcover to encourage infiltration, and requiring on site retention and use of water collected.

Structures will be designed to reduce overall energy demand through proper solar orientation and landscaping. To minimize outdoor water consumption, xeriscapes will be required for all residential lots.



Residential lots along arroyos will use building envelopes and small setbacks to protect natural areas.

Illustrative Plan



Loma Barbon Master Plan

New Mexico State Land Office and the City of Rio Rancho



Illustrative plan of residential neighborhoods. Higher density areas near the Town Center will transition to low density lots to the south and west.

Parks, Trails, & Open Space

This master plan calls for several maintained parks including the flagship “village green” at the top of Loma Barbón. Smaller areas (less than one acre) have also been set aside to accommodate mini-parks or tot lots. These parks provide common areas for community gatherings, events, and sports. They will be distributed throughout the development to offer recreational opportunities for neighborhoods, commercial centers, and employment districts. The development agreement between the city and the master developer will spell out operations and maintenance responsibilities for smaller parks.

The plan also sets aside extensive acreage for open space and trails. Trails will be usable by cyclists, joggers, walkers and in the more rural areas, equestrians. Generally, these will follow the site’s major arroyos and will be designed to function as greenways. Greenways are not simply trails. They are managed preserves that can enhance an area’s biological diversity by protecting important ecological systems. Stormwater at Loma Barbón largely flows through the arroyos. This water allows the arroyos to support a greater amount and diversity of vegetation than upland

sites. As the parcel is developed, and impervious surface area increases, stormwater runoff will increase throughout the site, but particularly in the arroyos. The stormwater system will be carefully planned so that this water can be used to enhance wildlife habitat and vegetative diversity and the arroyos will become true greenways. For this reason, we plan to protect these areas from development in the following ways:

- minimize impervious surfaces, leave arroyos unlined;
- minimize arroyo road crossings;
- set housing pads closer to roads and away from arroyos to allow larger, more continuous greenways; and
- design well-defined trails to concentrate the impact of bike, pedestrian and horse traffic.



Tot lots, like this one at Sugar Park in Rio Rancho will provide neighborhood recreation.



Arroyos at Loma Barbón will be maintained in their natural state.



Haynes Park in Rio Rancho shows how parks and open space can double as stormwater detention facilities.

Schools and Special Use

School Site

More than 13 acres are reserved for an elementary school site in the southwest residential area. The school site is designed to be an integral part of the surrounding neighborhood. Facilities at the school (including both buildings and recreational areas) may work in conjunction with the adjacent park to function as community areas. The school will serve residents of Loma Barbón and surrounding neighborhoods.

Currently, the site is part of the Jemez School District. Upon approval of the master plan and annexation into Rio Rancho, the State Land Of-

fice or master developer may request that the area be transferred to the Rio Rancho School District.

Special Use

Approximately 87 acres at Loma Barbón are reserved for special uses that will provide economic growth, protect the environment, and enhance the overall character and quality of the community. In the special uses areas, recreational and tourism-related activities that complement the increase in recreation and upscale tourism associated with the Hyatt Tamaya Resort at the Pueblo of Santa Ana will be encouraged. The footprint

of these activities will be confined to developable areas while the steeper topography will remain open.

The land uses listed below are consistent with the City of Rio Rancho zoning code and **permitted** at Loma Barbón :

- resort, spa;
- stadium;
- recreational vehicle/travel trailer park or campground;
- outdoor theater;
- community residential care facility; and/or
- educational institution.

The following uses, are allowed under SU zoning in Rio Rancho but will be **prohibited** due to topography and/or incompatibility with the master plan:

- airport;
- cemetery;
- race track;
- manufactured home/mobile home park;
- concrete batching plant; and/or
- landfill.



New elementary school just south of Loma Barbón

Zoning -- Residential

The zone classifications proposed for Loma Barbón are summarized below and illustrated in the zoning map on page 29. Zone classifications follow recent revisions to the Rio Rancho Zone Ordinance (2/13/2002). Development at Loma Barbón will comply with current codes; design preferences are indicated below and in Table 2.

Estate Residential (E-1)

To conform with existing land uses, estate lots at Loma Barbón are proposed at the western edge

of the parcel and along major arroyos. Where estate lots border arroyos, front setbacks will be minimal to create large continuous tracts of open space. Building envelopes can be used in lieu of required setbacks.

Single-Family Residential (R-1)

R-1 lots will be located adjacent to estate lots and will provide a transition from low to high-density housing. Building envelopes can be used in lieu of required setbacks. Garages will use maximal setback from the street and side-access garages will be encouraged.

Single-Family Residential (R-4)

R-4 lots will be located near the school and parks

and within walking distance of the mixed-use district. Minimal front setbacks will be applied in these zones. Rear lot line garages (no setback) will be accessible through alleys.

Single-Family Residential (R-5)

R-5 lots will be located adjacent to the mixed-use activity center and near the commercial area in the southwest portion of the parcel. Where feasible, garages and parking will be accessed through alleys at the rear of the lot.

Multi-Family Residential (R-6)

R-6 lots will be located adjacent to the commercial node in the southwest.

A building envelope is an area on a developable lot that delineates the maximum area of disturbance in which any building, and associated structures, may be located, exclusive of the driveway, underground utilities, irrigation, landscaping and natural material retaining walls (not to exceed four feet in height). The intent of this delineation is to preserve pre-existing grade and native vegetation outside the building envelope (City of Rio Rancho Zoning Ordinance, 2/13/2002)

Table 2. Residential zoning standards for Loma Barbón

<i>Zoning District</i>	<i>E-1</i>	<i>R-1</i>	<i>R-4</i>	<i>R-5</i>	<i>R-6</i>
Lot size (min)	21,780 ft ²	8,000	4,000	2,500	10,000
Max height	32 ft	32	32	32	72
Lot width (min)	75	50	40	35	70
Dwellings/acre (max)	2	5	10	17	32
Front setback (min)	35/BE***	25/BE	10	10	20
Side setback	10/BE	5/BE	5/0**	5	7.5
Rear setback	25/BE	20/BE	10	10	15
Garage setback (min)*	35 rear/BEr	25/BE	25	25	25
Acres at Loma Barbon	71	74	46.7	14.6	1.2
Maximum # of DU's	142	370	467	248	38

*setbacks in front unless specified; ** no side setback for attached units, ***BE--building envelope

Total Number of DU's: 1,566 comprise of 1266 single family and 300 multifamily units

Zoning -- Non-residential

Special Use (SU)

Special use zones at Loma Barbón are intended for recreational and tourism-related uses such as a resort hotel, spa, campground, or amphitheater. Alternatively, these areas could be used for a small college or school. The majority of the land in this area will be kept open for recreation and visual value. Building envelopes will be used to protect natural features.

Mixed-Use Activity Center (MU-A)

Our mixed-use area will be considered a Community Center under the Rio Rancho Zoning Ordinance. In accordance with the ordinance, this area will include buildings of one to four-stories and multifamily residential units in and around the center.

Retail Commercial (C-1)

Loma Barbón will have commercial zones in two locations: along US 550 and in the southwestern corner of the site. The commercial area along US 550 is envisioned as a regional highway commercial center whereas the commercial zone in the southwest is intended to serve neighborhood commercial needs.

Light Industrial (M-1)

Light industrial uses will be located in the northwest corner of the parcel. Buildings in this employment district will be scaled to blend with the Mixed-Use Activity District and will be designed to provide positive outdoor space for pedestrians. The employment district will be connected via walkways and trails to the mixed-use district, neighborhoods, and open space.

Parks/Recreation (PR)

Several parks and plazas are planned for Loma Barbón. The 5-acre village green at the top of the hill will serve as a focal point for the parcel. All trails and paths lead to and through this park and connect it with other major open space areas. Several smaller parks will be located within the neighborhoods and adjacent to the school. A five-acre park will be located in the employment district.

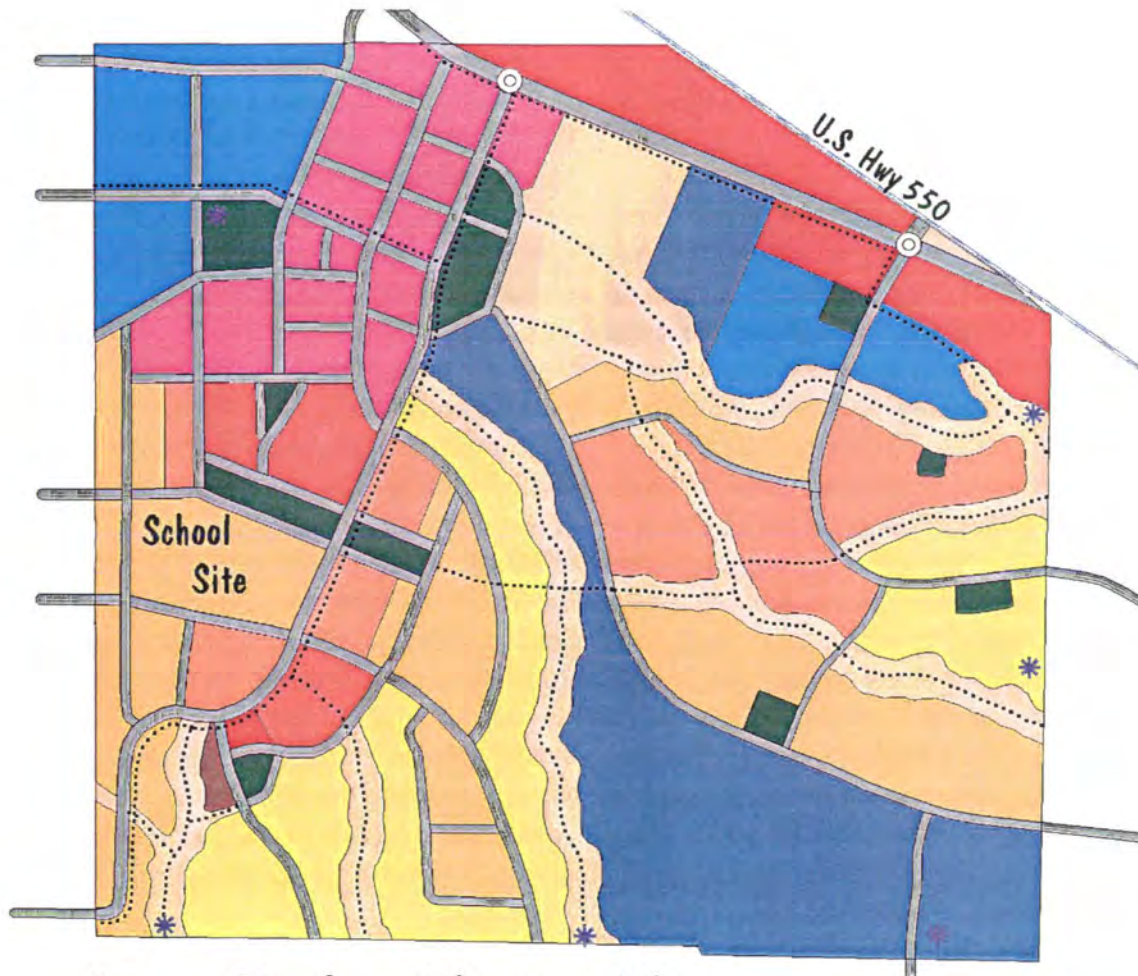
Open Space/Recreation (OS)

Undeveloped open space will be abundant at Loma Barbón. Extensive trails cross the property following major arroyos and connecting to the City of Rio Rancho's regional trail system. A 30-acre open space area adjacent to the village green is planned. Building envelopes in the special use zone will ensure that most of the eastern slopes will remain undeveloped.

Table 3. Non-residential zoning standards for Loma Barbón





<i>Zone</i>	<i>Retail (C-1)</i>	<i>Employment (M-1)</i>	<i>Mixed Use (MU-A)</i>
Building footprint (ft ²)	21,780	21,780	15,000
Max height (ft)	32	32	48
Floor/Area Ratios			.30 - 50
Front setback (min/max)	0/35	0/25	0/35
Acres at Loma Barbón	85	31.8	46.7

Zoning



Zoning Categories

E-1	Estate Residential
R-1	Single Family Residential
R-4	Single Family Residential
R-5	Single Family Residential
R-6	Multi-Family Residential
SU	Special Use
MU-A	Mixed-Use Activity Center
C-1	Retail Commercial
M-1	Light Industrial
PR	Parks/Recreation
OS	Open Space/Recreation

-  Roundabout
-  Stormwater Detention Facility
-  Trail System
-  Roads

Loma Barbon Master Plan

New Mexico State Land Office & the City of Rio Rancho



Water, Wastewater, and Stormwater

Water

Consumption and Conservation

The State Land Office is committed to the careful use of all resources, especially water. At Loma Barbón, water conservation and reuse has been integrated into the planning at each stage. As a result, dramatic reductions in water consumption are expected. Throughout the site we will: 1) encourage stormwater infiltration and reuse through careful site planning; 2) require water conserving fixtures and landscaping; and 3) reuse treated effluent for outdoor watering and other non-consumptive uses.

The average water consumption for Loma Barbón is expected to be no more than 150 gallons per capita per day for residential users and approximately 26 gallons per square foot per day for commercial and industrial uses. The peak day demand for Loma Barbón under full development will be approximately 1.5 million gallons per day (see appendix). Conservation measures are expected to reduce the total amount of potable water required by Loma Barbón to approximately half of current City average consumption.

Supply and Storage

The City of Rio Rancho will determine how to supply water to Loma Barbón and the northern tier. The following section describes our current

understanding of the supply and storage system and potential strategies for meeting projected demands. Supporting data is provided in the appendix

Reservoir 15 lies to the north and west of Loma Barbón. This reservoir, supplied by Well 15 has an excess capacity of approximately 450 gallons per minute. This excess can be used by the initial stages of development at Loma Barbón or other developments including Hawk Site, Mariposa, or Rio Rancho Estates. Once that excess supply is allocated, however, new supplies must be developed. Proposals by Mariposa Ranch identify several locations for new wells and reservoirs. The development of these would provide for a redundant system throughout the region that would improve reliability and total supply. Analyses of existing data and topographic maps indicates that proposed Well 24 would have sufficient capacity and pressure to supply most of Loma Barbón's development with water. Only the lower density areas on the eastern slopes fall outside Reservoir 24's pressure zone. This area could be supplied by existing Reservoir 12 using a booster pump.

Wastewater

At full buildout, Loma Barbón will generate 600,000 gallons of wastewater per day.

We propose several scenarios for the collection and treatment of wastewater. These include both centralized and distributed systems. In general the topography of the site dictates that two different discharge points, one to the northwest and one to the southeast, will be required to maintain gravity flow. Table 4 outlines each of three proposed wastewater alternatives.

Under Options 1 and 2, treated effluent would be reused onsite. The City of Rio Rancho is in the process of studying the feasibility of reusing treated effluent from wastewater treatment facilities citywide. Subject to approval by the City of Rio Rancho and the State of New Mexico Environment Department, treated effluent from Loma Barbón could also be reused through spray irrigation on parks, recreational fields, and landscaping. In colder months, treated effluent may be discharged to a waterway for return flow credit or reinjected into the water table. In all cases, wastewater would be treated to the water quality level required for each end use.

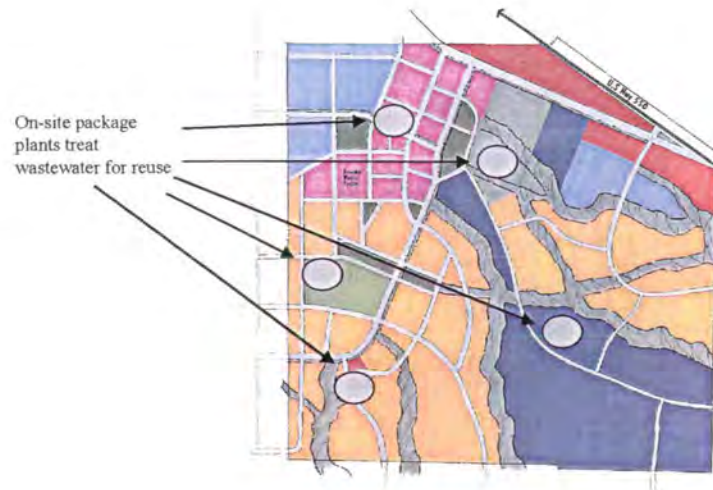
Total Reuse - Option 1

This is the preferred option (1) which calls for a single treatment facility or several dispersed treatment facilities that will allow all wastewater to be collected and treated onsite. The treated water would be disposed of by a combination of reuse, recharge, and re-injection.

Option 1

Traditional and Reuse Options - 2A&B

Under Option 2A, the north and western portions of Loma Barbón would be served by the new wastewater treatment facility proposed for the northeast corner of the Mariposa property. The southeastern area would connect to an alternative on-site treatment plant. This would allow for on-site wastewater reuse. Option 2B considers the use of several new wastewater treatment facilities both on the west and east. In this scenario, larger volumes of wastewater could be collected, treated, and reused onsite.



Traditional Options - 3A&B

The last option (3A), proposes that wastewater for the entire parcel be collected at a single off-site location and pumped to the new wastewater treatment facility at Mariposa. Wastewater will flow offsite by gravity and from low-lying areas through the use of booster pumps.

A variation on this, 3B, is similar to 3A with the exception that wastewater from the less developed eastern portion of the site would be collected and distributed by gravity to existing wastewater infrastructure in Enchanted Hills to the east.

Booster pumps send wastewater to new treatment plant at Mariposa

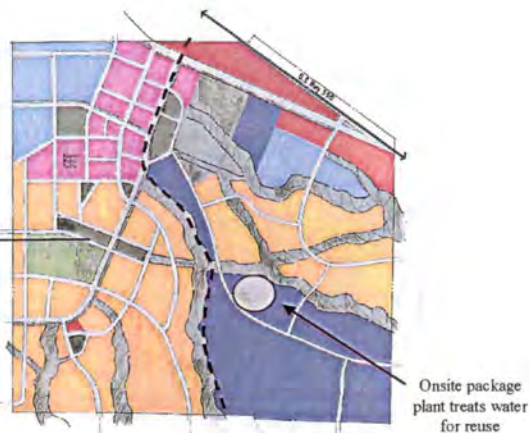
Option 2A



Booster pumps send
wastewater to new treatment
plant at Mariposa

Option 2B

Wastewater
collected off-site
at regional lift
station



Booster pumps send
wastewater to new treatment
plant at Mariposa

Option 3A

Wastewater
collected off-site
at regional lift
station



Table 4. Wastewater treatment options.

Options		Comments
1	On-site treatment plant(s)	<ul style="list-style-type: none"> On-site package plant(s) treatment flows from entire site. Effluent used to water parks and open space in the region and natural recharge.
2A	Off-site and on-site treatment to west, on-site package plant to east	<ul style="list-style-type: none"> Several package treatment plants process flows from west. Additional flows to new regional lift station. Additional treatment at Mariposa. On-site package plant treats flows from east. Effluent used to water parks, landscaping, and open space.
2B	Off-site Treatment to west, On-site package plant to east	<ul style="list-style-type: none"> West portion of site flows by gravity flow to new regional lift station. Treatment at new plant at Mariposa. On-site package plant treats flows from east. Effluent used to water parks and open space
3A	All wastewater treatment Off-site	<ul style="list-style-type: none"> West portion of the site will be gravity flow to lift station. Treatment at new WWTP at Mariposa East portion of the site flows by gravity to existing infrastructure at Enchanted Hills
3B	All wastewater treatment Off-site	<ul style="list-style-type: none"> West portion of site flows by gravity to new regional lift station. Treatment at new plant at Mariposa. Booster pumps send wastewater from east to new regional lift station. Treatment at new plant at Mariposa

Booster pumps send
wastewater to new treatment
plant at Mariposa

Option 3B

Wastewater
collected off-site
at regional lift
station



Stormwater Management

Progressive stormwater management is the key to a successful water conservation plan. At Loma Barbón, we will treat stormwater as a precious resource to be used and reused.

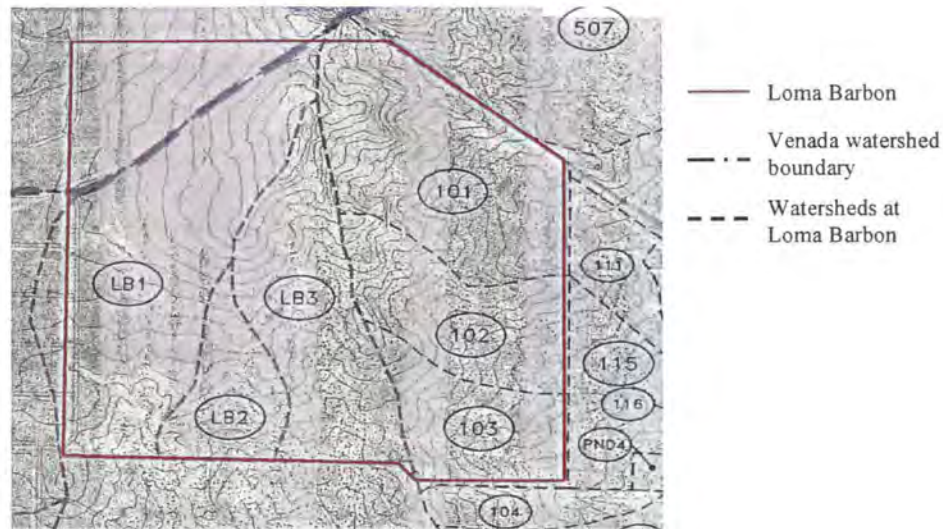
To minimize runoff we will reduce water velocities and allow water to infiltrate into the subsurface by constructing small naturalistic detention basins, swales, and infiltration galleries at multiple locations high in the watershed. Throughout the parcel we hope to maintain the major arroyos in their natural alignment and condition. This strategy will allow water to percolate into

the subsurface and decrease channel degradation. We will also use soft curbs in estate zones to further encourage infiltration.

Runoff exits Loma Barbón site through several small watersheds that flow toward the south and east property boundaries (see map). The Southern Sandoval County Arroyo Flood Control Authority's (SSCAFCA) Venada Arroyo Mangement Plan, requires that we maintain historic flows from these watersheds so as not to impact downstream parcels. Increased infiltra-

tion will help achieve this goal. Additionally, we plan to capture stormwater onsite in retention facilities at the lower end of the watersheds. These facilities would be multipurpose and function as both stormwater detention and open space areas (see Land Use Map, p.15).

Stormwater volumes for under full buildout were modeled for SSCAFCA's Venada Arroyo Mangement Plan using the AHYMO - 97 Hydrologic model (runoff volumes are presented in the appendix).



Most of Loma Barbón drains, through a series of small watersheds, into the Venada Arroyo (map courtesy of SSCAFCA)

Fiscal and Traffic Impact Analyses

Fiscal Analysis

Net fiscal impacts on the City of Rio Rancho were determined based on full build out of the project as currently planned. The methodologies used in this report replicate those used by the Sedway Group in a fiscal impact study for Mariposa Development. The purpose of the fiscal impact statement is to estimate outcomes by comparing the public revenues the project is projected to generate with the capital costs and operating expenses the project is assumed to impose.

Assumptions

At full buildout, Loma Barbón is projected to have a total of 1,566 dwelling units, composed of 1,227 single family dwelling units, and 338 multifamily units. It is projected that 3,956 people will live at Loma Barbón. It is estimated that there will be about 1,665,626 square feet of non-residential development of which over 774,500 square feet are planned for commercial/retail uses.

The estimated annual gross receipts tax (GRT) generated by Loma Barbón was calculated using the direct generation method. The direct generation method requires the development of retail and commercial space to generate GRT. The net retail/commercial floor space and the sales

per square foot are based on the New Mexico statistics from the 1997 Economic Census of Retail Trade, Miscellaneous Report, which is available at the census website.

Results

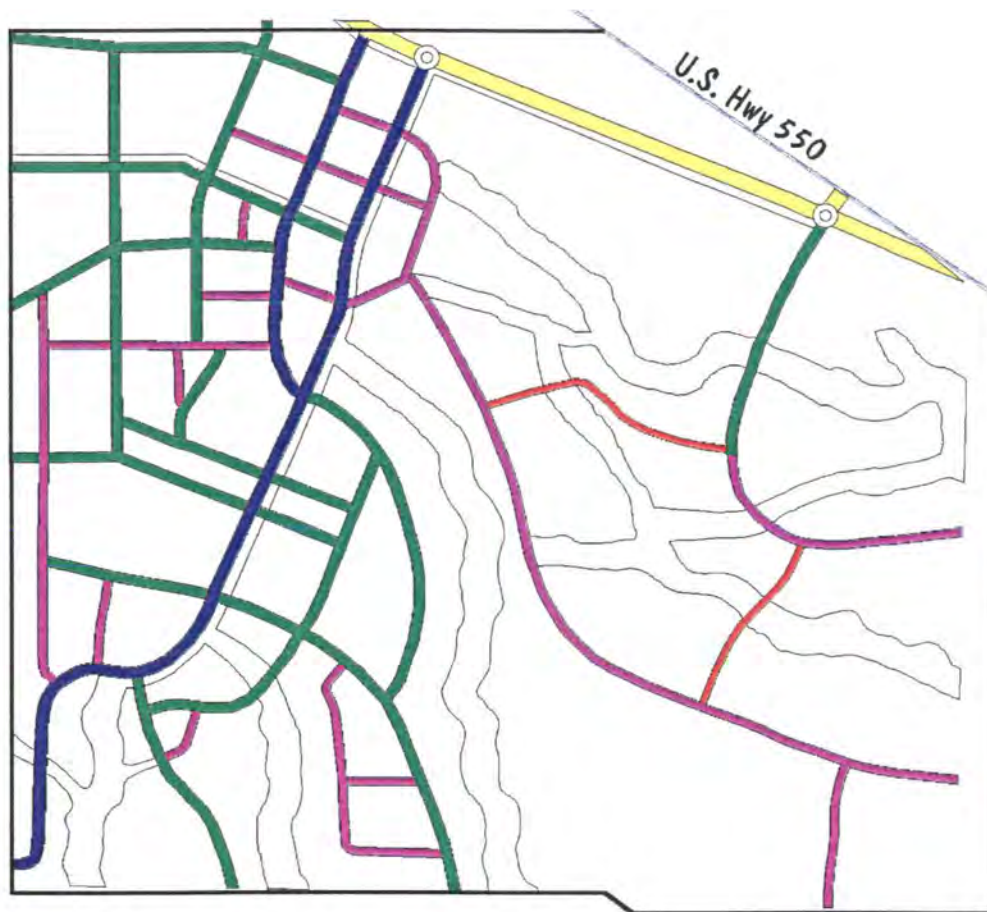
Upon full buildout, annual revenues accruing to Rio Rancho are estimated to be over \$6.9 million, while annual costs are projected to be about \$1.7 million, indicating a **net positive** fiscal impact of over \$5.2 million. One-time revenues are estimated at over \$17.7 million, while one-time expenses were estimated at \$3.5 million, indicating that net one-time revenues to the city would be in excess of \$14.2 million. Most of this one-time revenue would come from construction related gross receipts taxes, while impact fees would be the second largest single revenue source.

Traffic Analysis

This traffic impact analysis calculates traffic impacts from the master plan. These will be re-evaluated in more detail by the master developer for Loma Barbón as site specific plans are developed. This study assumes that Loma Barbón and the surrounding northern tier area of Rio

Rancho will be built-out or substantially completed by the year 2020. The study is based in large part on the data derived from the fiscal impact analysis conducted for the proposed land uses in the Loma Barbón Master Plan. The distances between those land uses were measured by a geographic information system (GIS), which was used to generate a computerized map of the area. The Middle Rio Grande Council of Governments (MRGCOG) supplied employment and population data for the surrounding region from its 2020 socioeconomic forecast, which was updated for the northern tier area of Rio Rancho.

The study followed the standard three-step procedure used in a traffic impact analysis: trip generation, trip distribution, and trip assignment. Trip generation established the number of trips that are likely to be generated by the land uses in the project area, based on the number of housing units and the square footage of non-residential development. Trip distribution established the origins and destinations of these trips based on the land uses in the project area and surrounding region. Trip assignment was used to route these trips on the major street system of the region in order to estimate the traffic impacts that will be generated by the project.



Loma Barbon Master Plan

New Mexico State Land Office & the City of Rio Rancho

Roadway Types

Roadway Descriptions

Type	Width	Description
A	90'	4 travel lanes, center median w/left turn pockets, on-street parking (one side), landscaping and sidewalk
B	70'	2 travel lanes, center turn/median, on-street parking (both sides), sidewalk (both sides), w/or w/o landscaped parkway
C	60'	2 travel lanes, on-street parking (both sides), bike lanes (both sides), sidewalk and landscaped parkway (both sides)
D	50'	2 travel lanes, on-street parking (both sides), sidewalk and landscaped parkway (both sides)
E	40'	2 travel lanes, on-street parking (one side), sidewalk and landscaped parkway (both sides)
		Natural Open Space



These land uses were assigned trip generation values for average daily trips (ADT's) based on the ADT standards used for calculating impact fees in the City of Rio Rancho. In addition, the total number of trips generated by the land uses in Loma Barbón was reduced using the multi-use development trip reduction procedure employed by the ITE Trip Generation Handbook. This trip reduction procedure assumes that a large non-residential development combined with adjacent residential land uses will capture a large number of internal trips made inside the project area. An estimated 2,99 trips, or nine percent of the 33,294 daily trips, were internal trips in the study (see Table 5).

The internal trips were deducted from the total number of trips to yield the number of external trips generated by the project. The external trips were input into a gravity model in order to calculate trip distribution based the relative attraction of the different concentrations of population and employment in the project area and the surrounding region. The external trips were then assigned to the regional road network. Loma Barbón would most heavily impact Unser Boulevard, which would carry over 9,929 trips per day to and from the project area. Osage and Westphalia would also carry substantial numbers of trips generated by Loma Barbón.

However, the trip assignment table shows only the primary access roads that were used to carry the trips. This was done to avoid double counting the trips that use multiple road segments to travel to their destinations. In terms of actual travel routes, trips assigned to Unser would likely use Osage as a connecting segment, while trips assigned to I-25 and NM 528 would likely use US 550. This means that in terms of trip volumes Osage could carry over 13,000 daily trips generated by Loma Barbón, while US 550 could carry over 12,000 daily trips (see Table 6).

Loma Barbón is one of several projects that are scheduled to develop in the Northern Tier area over the next 20 years. The impact of these projects on the road network in the area needs to be examined on a cumulative basis as well as on a project-by-project basis. The master developer for Loma Barbón will work with the City and the other developments to coordinate construction of regional transportation improvements. For example, Mariposa and Loma Barbón will collaborate on the construction of an arterial through Loma Barbón to Mariposa.

Table 5. Daily trips by land use

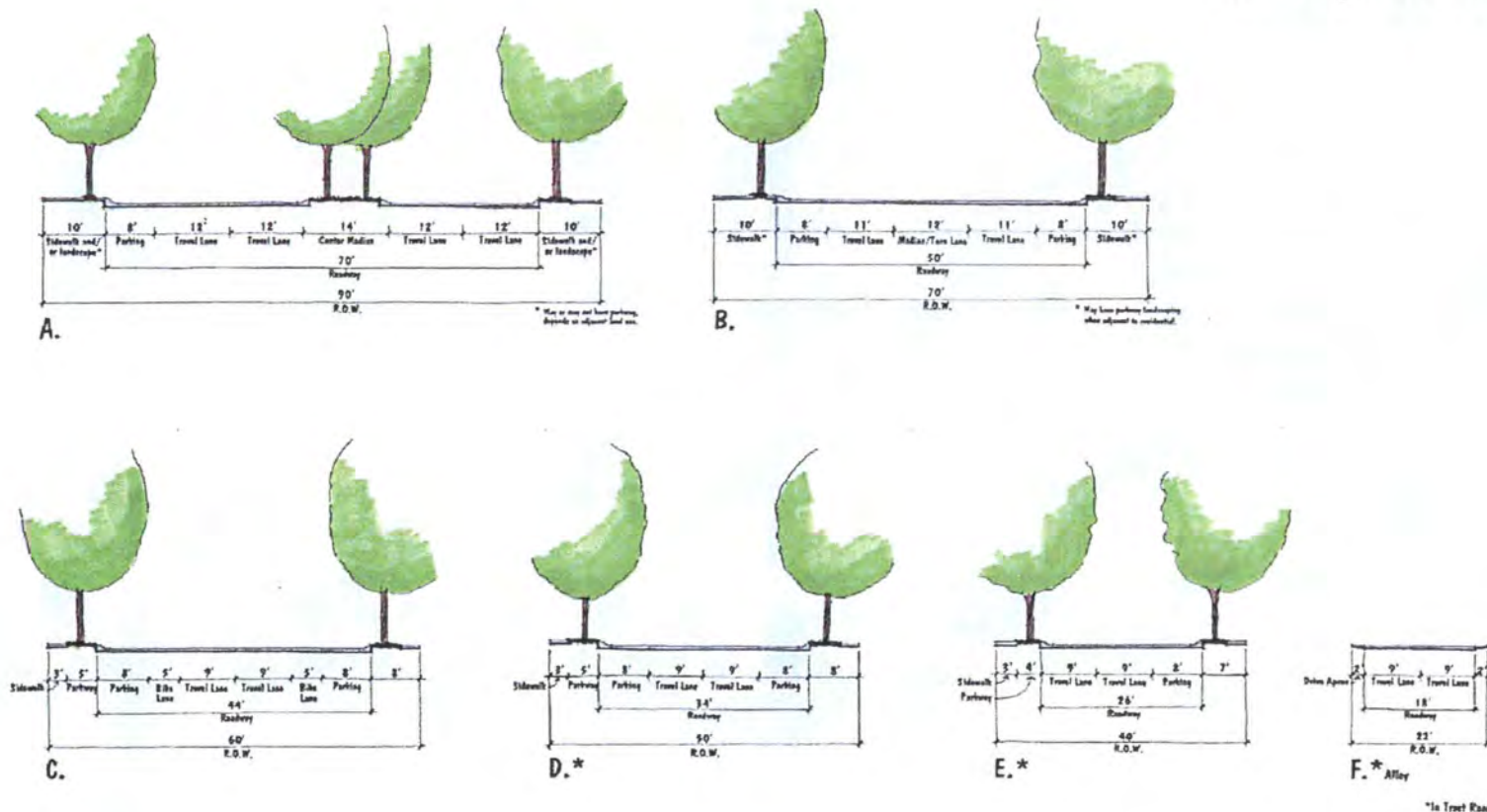
Categories	Daily Trips	Internal Trips	External Trips
Residential	13,874	1,131	12,743
Retail	10,410	1,405	9,005
Office/Indus	9,009	454	8,555
Total	33,294	2,991	30,303
Percentage	100%	9.00%	91.00%

Table 6. Trip assignment to off-site roadways

Street	%Distribution	Daily Trips
Osage	12.59	3,814
Westphalia	14.2	4,303
Unser	32.77	9,929
US550W	0.21	64
US 550 E	16.37	4,959
NM 528	3.27	992
I-25 S	18.13	5,495
I-25 N	2.46	745
Total	100	30,303

The Loma Barbón street system consists of five classes of streets, Types A through E, based on cross sectional design standards to accommodate different volumes of through traffic and turning movements. Types A, B, and C correspond to arterial and collector streets, and would be considered system-level improvements that

Roadway Cross Sections



Loma Barbon Master Plan

New Mexico State Land Office and the City of Rio Rancho



qualify for impact fee credits if dedicated by the developer. Types D and E correspond to local streets, which would be considered project level improvements that would not qualify for impact fee credits.

In all, Loma Barbón will require approximately 10.75 linear miles of streets costing \$6.683 million to build. The street system will include over 23 lane miles of roadway to accommodate traffic inside the project area. The system-level improvements to the Loma Barbón roadway system will cost over \$4.746 million to build, however the city will collect \$5.394 million in road impact fees resulting in a net benefit to the city. These costs, however, do not include the cost of right-of-way, traffic signals inside the project area, or the cost of roadway improvements that may be required outside of the project area.

Table 7. Trip volumes by roadway

<i>Trip Volumes</i>	<i>% Distribution</i>	<i>Daily Trips</i>
Osage	28.96%	13,743
Westphalia	9.07%	4,303
Unser	20.91%	9,929
US 550 W	0.13%	64
US 550 E	25.69%	12,191
NM 528	2.09%	992
I-25 S	11.58%	5,495
I-25 N	1.57%	745
Total	100.00%	47,462

Table 8. Miles and costs of each road type

	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>	<i>Type D</i>	<i>Type E</i>	<i>Total</i>
Linear Miles	0.76	1.5	4.82	3.17	0.5	10.75
Lanes	4	2	2	2	2	Varies
Lane Miles	3.04	3	9.65	6.34	1	23.02
Cost	\$741,968	\$949,522	\$3,055,169	\$1,673,569	\$263,514	\$6,683,742



March 4, 2020

Fernando Fernández
US Dept. of Veterans Affairs (003C2A)
425 I Street NW, Room 6W417b
Washington, DC, 20001

Dear Mr. Fernández:

This letter is in regard to the information requested by your letter dated 2/10/2020 and will be outlined in the same order as the Information Request portion of your letter.

Potential environmental concerns or issues

Surface and groundwater resources, including streams, wetlands, floodplains, open water features, wells, and local aquifers

- Santa Fe Group Aquifer
- City of Rio Rancho drinking water production well and reservoirs are just south of the Undeveloped Portion of Site (see attached "enchanted Hills West Tank/Booster Station")
- 16 inch drinking water line buried in the Proposed National Cemetery Portion of Site (see attached "enchanted Hills West Tank/Booster Station")
- Sewer lines in the Hawksite subdivision will be extended in the future for development (see attached "enchanted Hills West Tank/Booster Station")
- Homes with private domestic wells are just south of the Site (see attached "Private Domestic Wells")

Federally or state listed threatened or endangered species, or any species proposed for such listing, or critical habitat for such species that may occur within a one-mile radius around the proposed Site

- Burrowing owls (*Athene cunicularia*) may be at the Site

Parks, nature preserves, conservation areas, designation wild or scenic rivers, migratory bird habitats, or special wildlife issues

- None known

Natural resource issues

- Limited groundwater resources
- Groundwater contains naturally-occurring arsenic and potentially other contaminants (do we know what is in the closest wells?)

Soils and geologic data, including lists of hydric soils

- Not known

Prime and unique farmland

- None known

Traffic, noise, or socioeconomic concerns

- None known

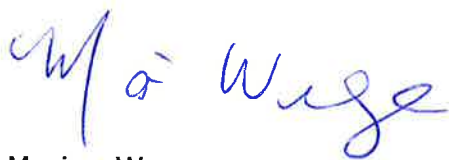
Air quality concerns

- Blowing dust

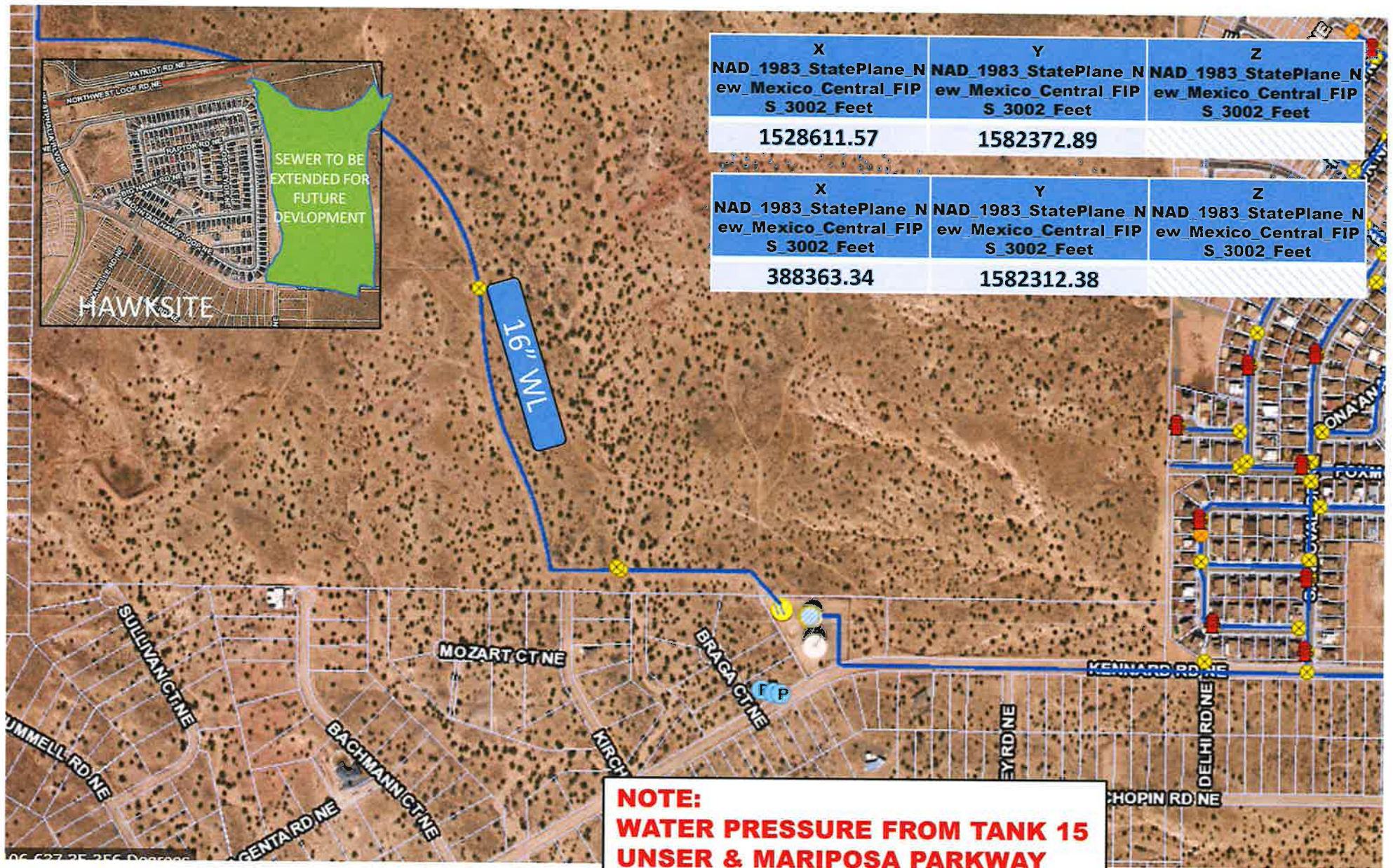
Additional environmental, cultural, land use, or socioeconomic information or concerns your agency may have with regard to the Site

- No additional information or concerns

Respectfully,



Marian Wrage
Environmental Programs Manager



ENCHANTED HILLS WEST TANK/BOOSTER STATION

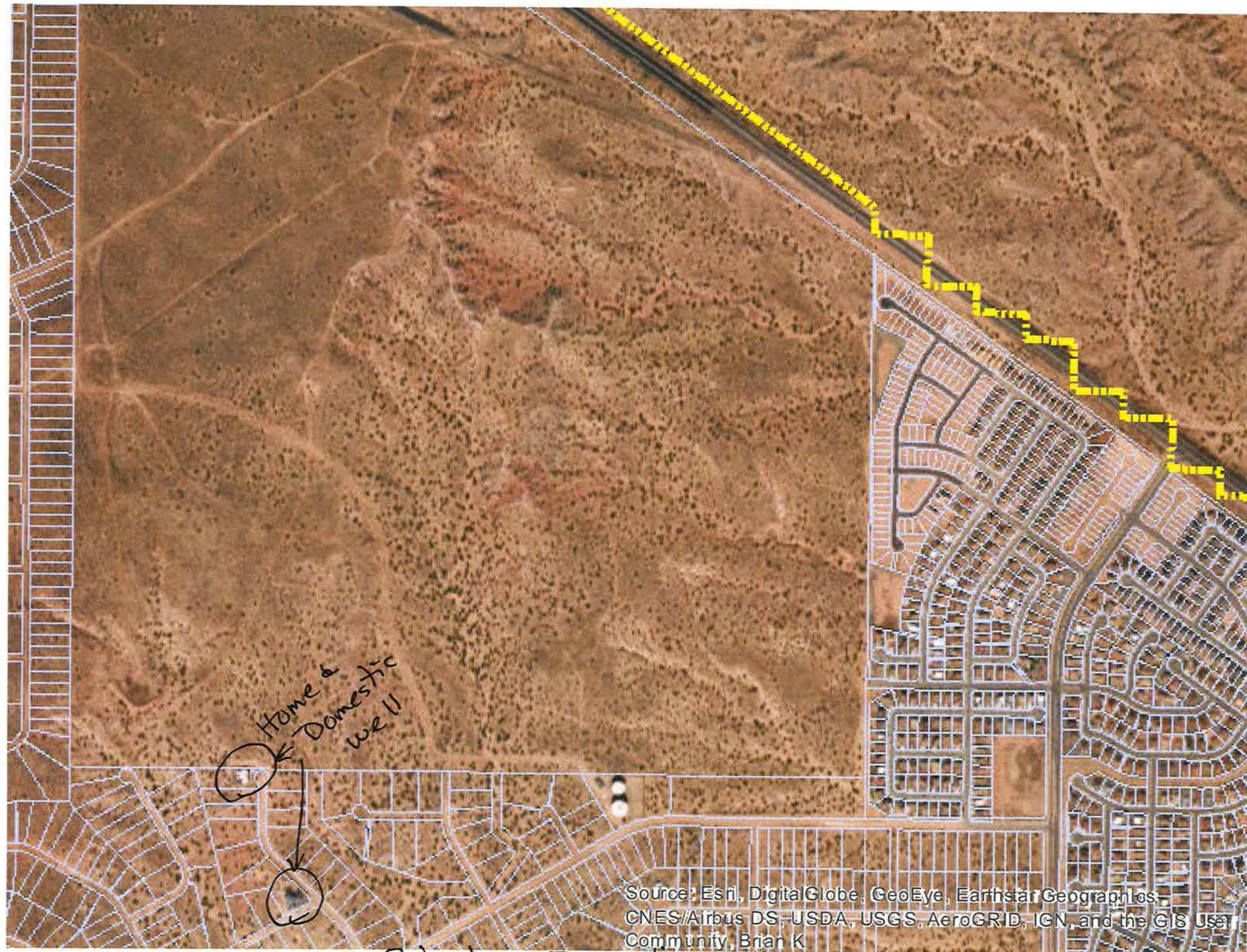
RG-6745-S-21
POD 22



Rio Rancho City Hall
3200 Civic Center Circle NE
Rio Rancho, NM 87144
(505) 891-5000



NOT TO SCALE



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
Community, Brian K

Private Domestic wells



***Southern Sandoval County
Arroyo Flood Control Authority***

1041 Commercial Drive SE • Rio Rancho, NM 87124
Ph (505) 892-RAIN (7246) • Fax (505) 892-7241

BOARD OF DIRECTORS

John Chaney
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Michael Obrey

EXECUTIVE ENGINEER

Charles Thomas, P.E.

April 22, 2020

Fernando Fernandez
Environmental Engineer
U.S. Department of Veterans Affairs (003C2A)
425 I Street, NW, Room 6W417b
Washington, D.C., 20001

Re: Response to NEPA Scoping – Proposed Albuquerque National Cemetery

Dear Mr. Fernandez,

This letter is being sent to you to in response to your request for information to be added to the Environmental Assessment for the proposed project.

SSCAFCA does not have any information to provide based on the categories of information requested.

Please let me know if you have any questions or need any further information.

Sincerely,

Charles Thomas, P.E.
Executive Engineer
SSCAFCA



March 1, 2021

Mr. Victor G. Gamboa, RA
VACFM National Region Project Manager
US Department of Veterans Affairs
Office of Construction & Facilities Management
425 I Street, NW Washington DC 20001

Re: Conditional Water & Wastewater Availability for Rio Rancho (Albuquerque) Veterans National Cemetery through phase 3. Location: New Mexico State Land Office Loma Barbon. See attached exhibit.

Dear Mr. G. Gamboa:

The Utilities Department approves the Conditional Water and Wastewater Availability for the Rio Rancho (Albuquerque) National Veterans Administration Cemetery (NVA). The Veterans National Cemetery will be a 200 to 250-acre site development within the State Land Office Loma Barbon Site. Condition: ***"The Water Availability will be subject to final approval by the City Manager and/or the City's Governing Body."***

The NVA has indicated that it will build out in approximately 15-acre phase increments. Each phase is anticipated to be constructed every 15 years as needed. The Utilities can serve the development based on the irrigation estimates submitted from the NVA. Initial irrigation estimates are approximately 140 acre-feet with a 250,000 gallons peak day during the summer for phase 1 (420 equivalent single-family dwelling units). Phase 2 and phase 3 will add 115,000 gallons per day peak water demand for each phase for a total of 474,000 gallons per peak day of water demand by 2045 (Approximately 850 equivalent single-family dwelling units based on 280 acre-feet/year estimate). The Utilities department also encourages environmentally friendly Xeriscape Landscaping where possible. Smart Xeriscaping also has the potential of cost savings for the Veterans National Cemetery going into the future. Reuse water from the Mariposa Water Reclamation Facility (WWTP 5) may be available in the twenty-year horizon for irrigation. Line extensions for the reuse would be at the developer's expense. Sewer usage would be negligible. The NVA site may be using a septic system approved by the New Mexico Environment Department or may be connected to the City Wastewater System if feasible.

Approval of this availability statement does not imply or suggest approval of zoning changes, construction plans, conceptual layouts, or any other requirements that may be conditions of approval for this development. This statement merely represents a commitment from the City that, if all other necessary approvals are obtained, and the completion of the proposed water and wastewater system improvements, this development will be allowed to be served by the City's water and wastewater systems as described above.

If a fire flow test is performed for the site, results are to be turned into the Utilities Administration Attn: Steve Gallegos and Fire Marshall or designee. The test is to be coordinated with the System Maintenance Crews at 896-8287. The System Maintenance Crews are the only personnel authorized

to operate valves in the City of Rio Rancho. The developer is responsible for paying for a fire flow test from a certified tester.

Please refer to the City of Rio Rancho Web Site for additional water and sewer information. Design Criteria and Standard Details are located on the following web address: <http://ci.riorancho.nm.us/index.asp?NID=482> Departments, Public Works, Design Criteria and Standards Details, Water and Wastewater.

Contacts for additional information and guidance: Development Services: 505-891-5005
Engineering Division: 505-891-5016 Environmental: **Backflow Prevention 505-896-8816 and Industrial Pollution Pretreatment Program (Commercial Wastewater Survey and Grease Interceptors) 505-891-5017**. Water pressure will need to be verified by the developer. If water pressure exceeds 80 psi, individual pressure reducing valves will be needed on the homes or business at the cost and responsibility of the customers.

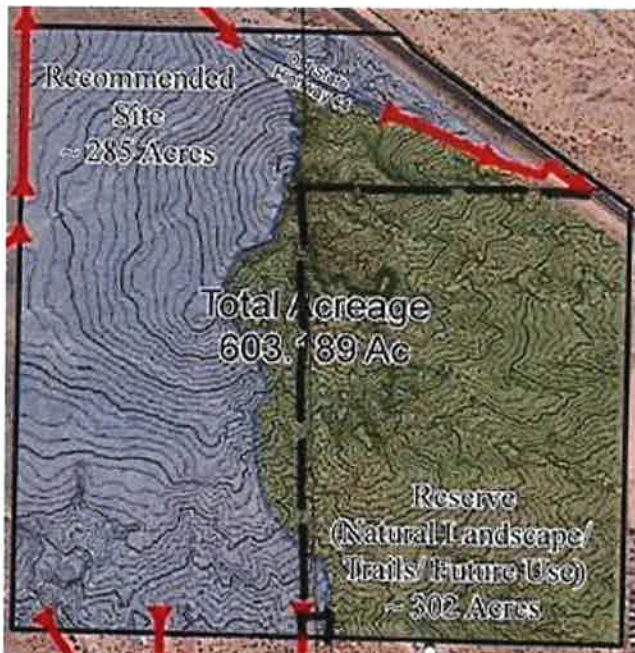
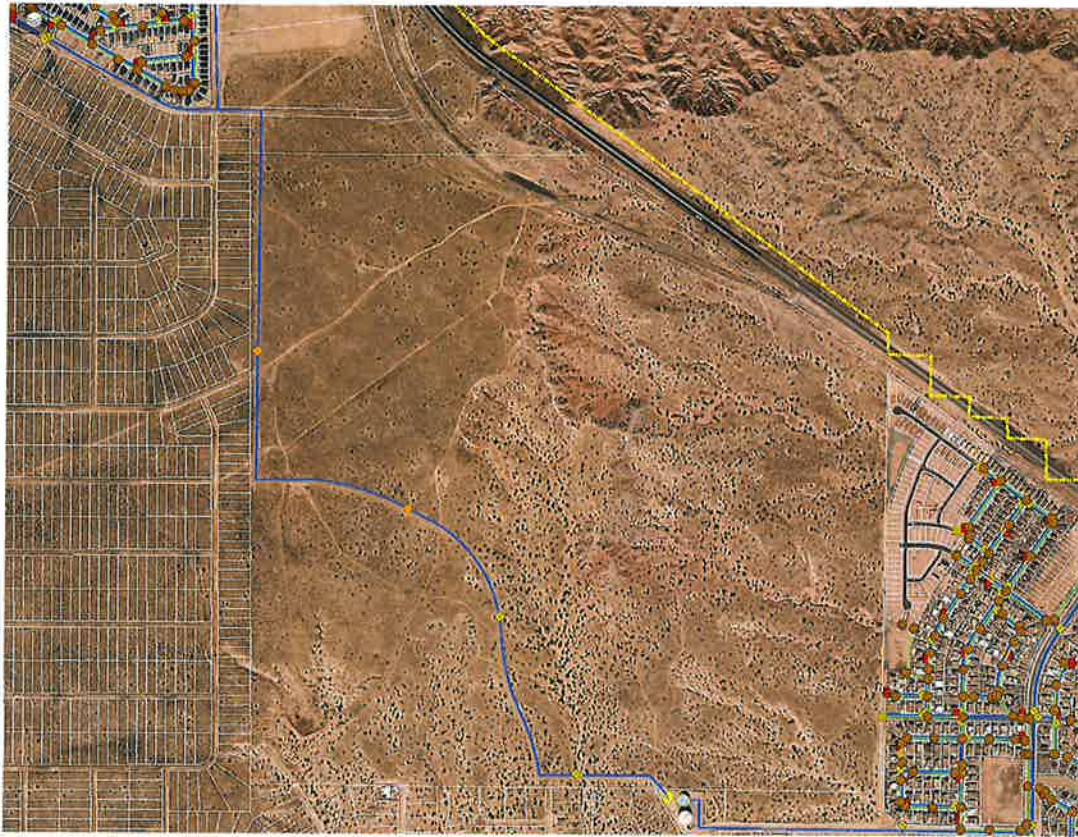
This Availability Statement will expire unless construction starts within 18 months of approval by the Utilities Department and is complete within 3 years of approval. Additional time may be granted by the City Manager and/or Governing Body for the NVA Rio Rancho (Albuquerque) Veterans National Cemetery Development as part of the site approval. If you have questions regarding this Availability Statement, please contact me at 891-5046.

Best Regards,



Steve Gallegos,
Deputy Director
Utilities Department

EXHIBIT A
New Mexico State Land Office Loma Barbon 16-inch Water Line



APPENDIX C – SECTION 106 AND NATIVE AMERICAN TRIBE CORRESPONDENCE



**DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
Design and Construction Service
Washington DC 20420**

Jeff Pappas, Ph.D
State Historic Preservation Officer
New Mexico Historic Preservation Division
407 Galisteo Street
Suite 236
Santa Fe, NM 87501

October 8, 2020

RE: Initiation of Section 106 consultation for proposed VA national cemetery, Rio Rancho, Sandoval County, New Mexico

Dear Dr. Pappas:

Pursuant to Section 106 of the National Historic Preservation Act (54 USC §306108) and its implementing regulations (36 CFR Part 800), the National Cemetery Administration (NCA) of the U.S. Department of Veterans Affairs (VA) is initiating section 106 consultation with the New Mexico State Historic Preservation Office regarding development of a proposed VA national cemetery near Albuquerque, NM. In order to fulfill this mission, NCA intends to acquire a 335-acre parcel (136 hectares), land located in Rio Rancho, Sandoval County, New Mexico for the construction of a new national cemetery (Undertaking). The proposed acquisition parcel is located just south of where old State Highway 44 meets U.S. Highway 550 in Rio Rancho.

UNDERTAKING

VA proposes to acquire a parcel of New Mexico State Trust land for development of a new VA national cemetery in Sandoval County, New Mexico (Figure 1). The project area is located along United States Highway 550 (US 550) on the Albuquerque West Mesa, approximately 5 miles west of Bernalillo. It is accessed from a remnant of Old New Mexico Highway 44 (NM 44) that diverts from US 550 as it crosses the northern slope of Loma Barbon. The proposed undertaking would include site preparation for below-ground interments, construction of columbaria and other receptacles for cremated remains, and the installation of roads, entrance gates, and other landscaping measures and support facilities. The parcel to be acquired is administered by the New Mexico State Land Office. The project will be funded by NCA, which is serving as the lead agency for environmental and cultural resource compliance.

In addition to compliance with federal laws, because the property is currently New Mexico State Trust land, the project requires compliance with the New Mexico Cultural Properties Protection Act (18-6A-1 through 18-6A-6 New Mexico Statutes Annotated [NMSA] 1978), the New Mexico Cultural Properties Act (18-6-1 through 18-6-17 NMSA, as amended through 2005), and the Prehistoric and Historic Sites Preservation Act (18-8-1 through 18-8-8 NMSA 1978), as outlined in the implementing regulations of the New Mexico Administrative Code (NMAC). In order to comply with the afore mentioned rules and regulations, ISI Professional Services (who are assisting VA contracted with Environmental Research Group (ERG) and Okun Consulting Solutions (OCS) to perform a 100-percent (Class III) pedestrian cultural resource survey of the area of potential effects (APE) defined for the project.

The enclosed Class III report on the cultural resources survey assumes that planned development activities will include the activities outlined above; any buildings constructed on the site will not exceed two stories in height. If development and construction plans deviate markedly from these assumptions,

NCA will assess the need to reinitiate consultation. See Appendix I for the draft report.

AREA OF POTENTIAL EFFECTS

The area of potential effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE was defined to include the entire property that will be acquired and is depicted in Figure 2, identified by the red outline, as well as an additional radius of 50 feet around those acres to address potential indirect effects to historic properties in the area. An overview photo of the APE from the central area of the APE is depicted in Figure 3; additional photos of the APE are included in Appendix I.

HISTORIC PROPERTIES

NCA conducted a records and literature search of NM SHPO files via the New Mexico Cultural Resource Information System (NMCRIS) for built resources on January 10, 2020. No National Historic Landmark-listed or National Register of Historic Places (NRHP)-listed or eligible built resources are located on the acquisition parcel. There are no buildings in the project area.

Historic Buildings and/or Districts

In December 2019, an architectural historian who exceeds the *Professional Qualification Standards* established by the Secretary of Interior conducted a survey and historic research on the APE (for both Direct and Indirect effects) to identify properties that are more than fifty years of age and that retain sufficient integrity to warrant listing in the NRHP. No buildings are extant on the project parcel, or in the APE. All of the buildings adjacent to the APE have been constructed within the last thirty years and do not meet the criteria for inclusion in the NRHP. Initial identification efforts for built resources included a walking survey of the APE and pedestrian survey and windshield survey of areas adjacent to the parcel.

Archaeological Resources

Okun Consulting Solutions (OCS) performed a 100-percent (Class III) pedestrian cultural resource survey of the APE; the draft report on the findings of this survey are attached as Appendix I of this letter. That identification effort included intensive (100-percent) pedestrian cultural resource survey. In addition, OCS conducted a visual inspection for standing architecture or other historic resources that could be affected by the proposed undertaking within a 50-foot area surrounding the project parcel. Eleven archaeological sites, one linear resource, and 61 isolated occurrences (IOs) were documented during the survey. Five of the archaeological sites have been previously recorded, and six are newly discovered. One other previously documented archaeological site (LA 5889) could not be relocated and is most likely incorrectly plotted in the New Mexico Cultural Resource Information System (NMCRIS) database. The 61 IOs, by definition, lack additional research potential; no further management considerations are warranted for these resources.

Of the 11 archaeological sites, seven (LA Nos. 5882, 32710, 98387, 98388, 197266, 197267, and 197269) are recommended as eligible for listing on the National Register of Historic Places (NRHP) under Criterion D, three (LA Nos. 98391, 197268, and 197270) are recommended as having undetermined eligibility status pending archaeological testing, and one (LA 197271) is recommended as not eligible because it lacks historic significance (see management summary table below). No further management considerations are warranted for LA 197271.

Table 1 Management Summary of Resources Documented in the APE

Summary of Eligibility and Management Recommendations for Documented Resources			
Resource	Type	Eligibility Recommendation	Management Summary
LA 5882	Archaeological Site	Eligible (D)	Avoidance; if the site cannot be avoided, data recovery should be used to mitigate adverse effects
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LA 197271	Archaeological Site	Not Eligible	No management required
HCPI 49714	Linear Resource	Not Eligible	No management required

Traditional Cultural Properties

No Traditional Cultural Properties (TCP) were identified in the APE. However, this project did not include an ethnographic study or consultation with Native Americans or other unique groups to identify TCPs.

FINDING OF EFFECTS ON HISTORIC PROPERTIES

NCA has determined that if the eligible sites identified in Table 1 above cannot be avoided or minimized, the undertaking has the potential for adverse effects to them pursuant to 36 CFR § 800.5(a)(1). If the adverse effects to historic properties cannot be avoided or minimized, NCA intends to resolve the adverse effects by negotiating either a Memorandum of Agreement or a Programmatic Agreement, in concordance with 36 CFR § 800.6(a). NCA will be inviting the following parties to participate in the consultation: your office, the Advisory Council on Historic Preservation (ACHP), the New Mexico State Land Office, officials from the City of Rio Rancho, the Ohkay Owingeh, the Pueblo of Santa Clara, the Jicarilla Apache Nation, the Apache Tribe of Oklahoma, the Pueblo of San Ildefonso, the Pueblo of Tesuque, the Pueblo of Cochiti, the Pueblo of San Felipe, the Pueblo of Santa Ana, the Pueblo of Sandia, the Pueblo of Zia, the Hopi Tribe, the Pueblo of Jemez, the Pueblo of Isleta, the Pueblo of Laguna, the Navajo Nation, the Pueblo of Santo Domingo, and the Historical Society of New Mexico. NCA is executing an Environmental Assessment (EA) prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code 4321 et seq.), the President's Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (40

Code of Federal Regulations 1500-1508), VA's NEPA regulations (38 CFR 26), and the VA NEPA Interim Guidance for Projects (VA 2010). This will also include public notification and comments.

NCA welcomes your comments on: the list of invited consulting parties; the APE; the identified historic properties; the finding of effects; and the plan to avoid, minimize, or mitigate adverse effects. We appreciate your help with this important undertaking and look forward to a productive consultation with your organization. We thank you for your support of NCA. If you have any questions about this project, please contact me Marianne Marinucci at Marianne.Marinucci@va.gov 202-632-5468.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Edward Hooker, III".

W. Edward Hooker, III
Historic Architect/Cultural Resources Manager
National Cemetery Administration
Design and Construction Service

Enclosure: Cultural Resource Survey Report

CC: Doug Pulak, VA Federal Preservation Officer
David C. Eck, Trust Land Archaeologist, New Mexico State Land Office

Figures

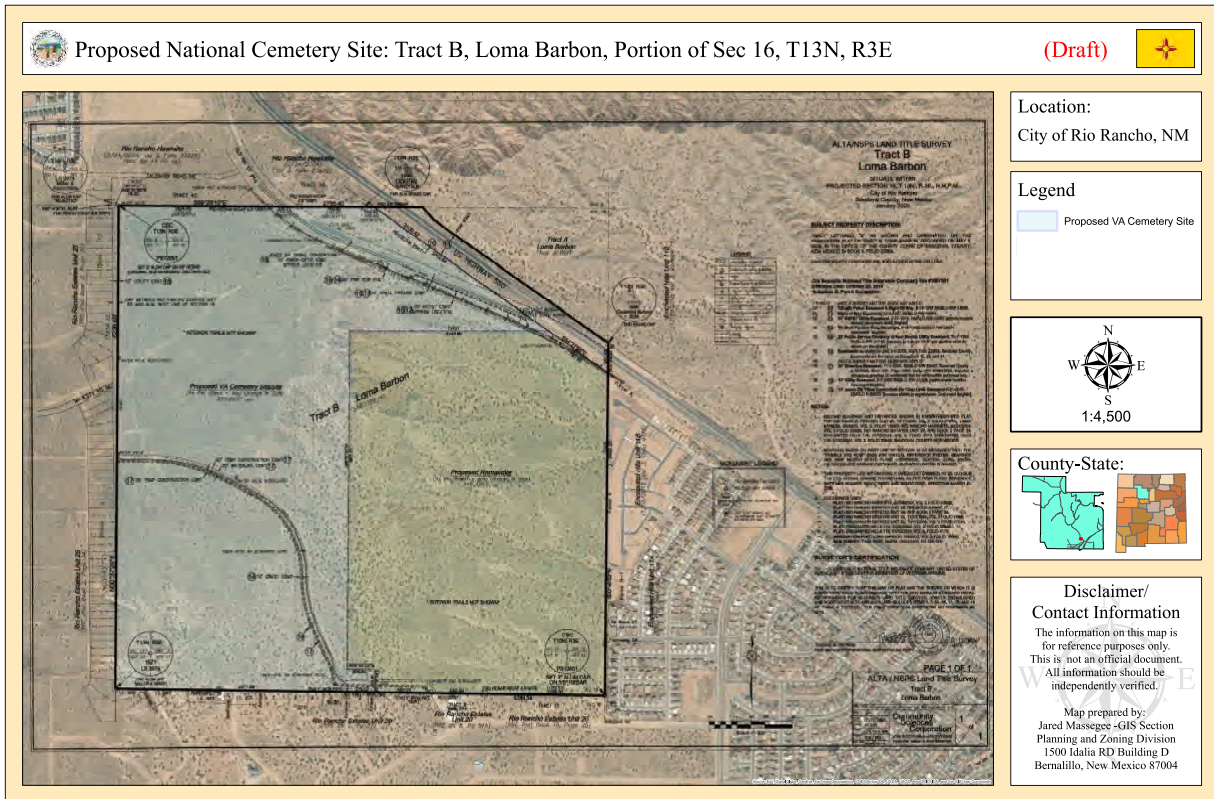


Figure 1 Overall Project Area in Blue; NB U.S. Highway 550, and the Remnant of Old State Highway 44 on the North

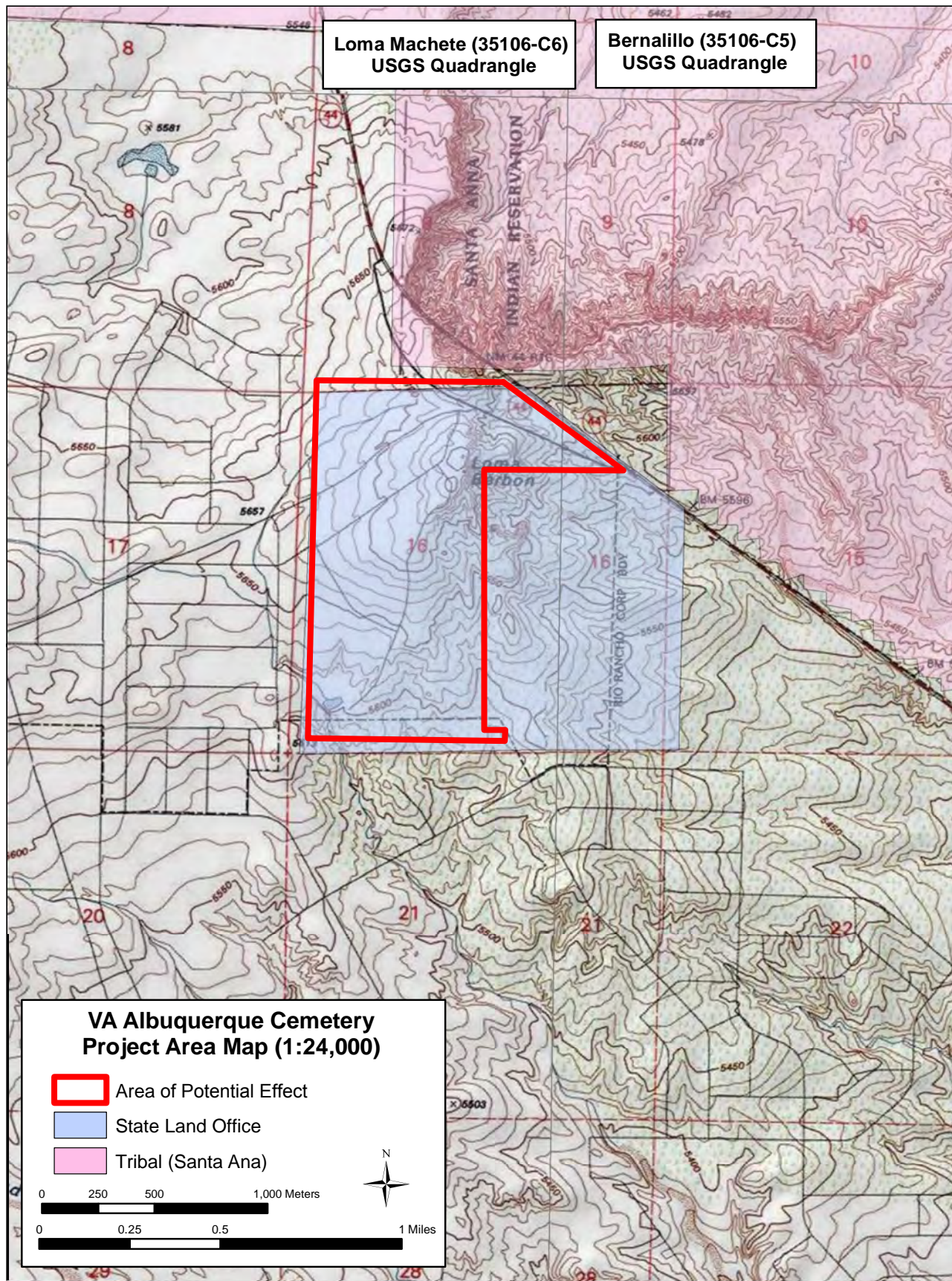




Figure 3 Area of Potential Effects Overview



**DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
Design and Construction Service
Washington DC 20420**

Ms. Martina Callahan
Tribal Historic Preservation Officer
Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502

October 8, 2020

RE: Initiation of Section 106 consultation for proposed VA national cemetery, Rio Rancho, Sandoval County, New Mexico

Dear Tribal Historic Preservation Officer Callahan:

Pursuant to Section 106 of the National Historic Preservation Act (54 USC §306108) and its implementing regulations (36 CFR Part 800), the National Cemetery Administration (NCA) of the U.S. Department of Veterans Affairs (VA) invites the Comanche Nation of Oklahoma to consult on the development of a proposed VA national cemetery near Albuquerque and is submitting information to the Comanche Nation of Oklahoma in compliance with the National Historic Preservation Act of 1966 as amended. In order to fulfill this mission, NCA intends to acquire a 335-acre parcel (136 hectares), land located in Rio Rancho, Sandoval County, New Mexico for the construction of a new national cemetery (Undertaking). The proposed acquisition parcel is located just south of where old State Highway 44 meets U.S. Highway 550 in Rio Rancho.

UNDERTAKING

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In addition to compliance with federal laws, because the property is currently New Mexico State Trust land, the project requires compliance with the New Mexico Cultural Properties Protection Act (18-6A-1 through 18-6A-6 New Mexico Statutes Annotated [NMSA] 1978), the New Mexico Cultural Properties Act (18-6-1 through 18-6-17 NMSA, as amended through 2005), and the Prehistoric and Historic Sites Preservation Act (18-8-1 through 18-8-8 NMSA 1978), as outlined in the implementing regulations of the New Mexico Administrative Code (NMAC). In order to comply with the afore mentioned rules and regulations, ISI Professional Services (who are assisting VA contracted with Environmental Research Group (ERG) and Okun Consulting Solutions (OCS) to perform a 100-percent (Class III) pedestrian cultural resource survey of the area of potential effects (APE) defined for the project.

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Code of Federal Regulations 1500-1508), VA's NEPA regulations (38 CFR 26), and the VA NEPA Interim Guidance for Projects (VA 2010). This will also include public notification and comments.

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Sincerely,

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W. Edward Hooker, III
Historic Architect/Cultural Resources Manager
National Cemetery Administration
Design and Construction Service

Enclosure: Cultural Resource Survey Report

CC: Doug Pulak, VA Federal Preservation Officer
David C. Eck, Trust Land Archaeologist, New Mexico State Land Office

Figures

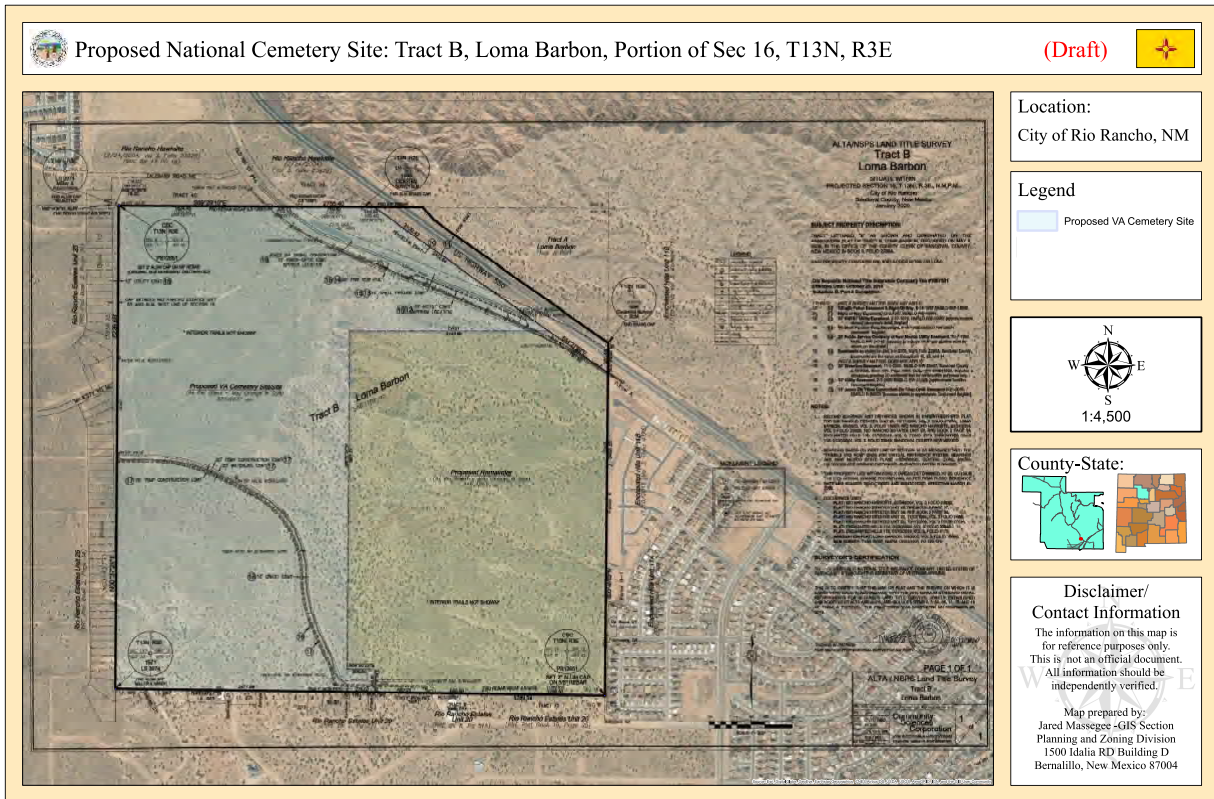


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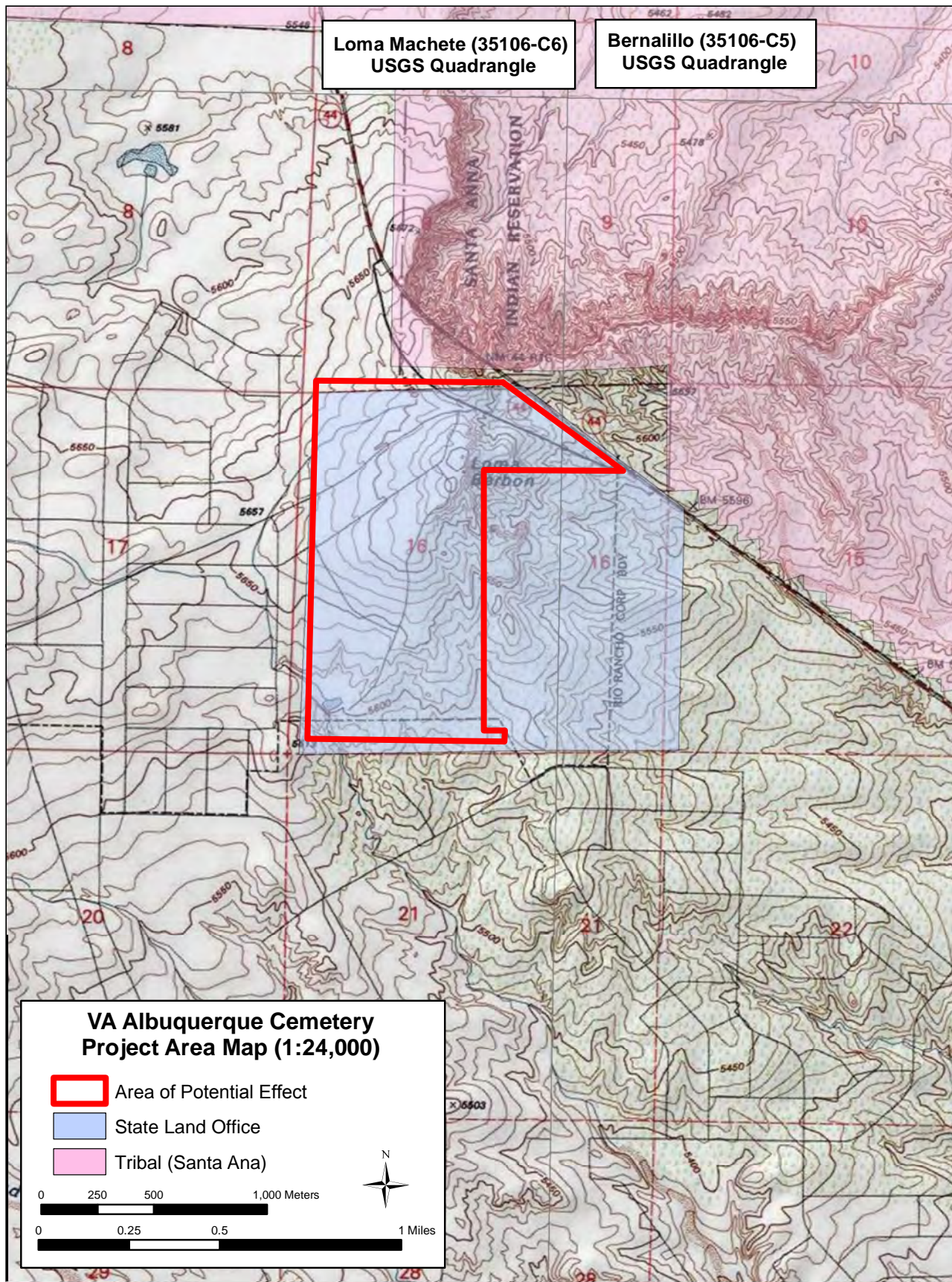




Figure 3 Area of Potential Effects Overview



Michelle Lujan
Grisham, Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

October 20, 2020

W. Edward Hooker, III
Historic Architect/Cultural Resources Manager
National Cemetery Administration
Design and Construction Service

Attn: Marianne. Marinucci@va.gov
Katy@Row10HPS.com

RE: Proposed VA national cemetery, Rio Rancho, Sandoval County, New Mexico

Dear Mr. Hooker:

Thank you for your letter initiating Section 106 consultation with the New Mexico State Historic Preservation Officer (SHPO) on the proposed VA National Cemetery. Per your letter, received October 9, 2020, I am providing comments on the list of invited consulting parties, the APE, the identified historic properties, the finding of effects, and the plan to avoid, minimize or mitigate effects.

The SHPO has no concerns with the APE as currently defined and concurs with the eligibility recommendations for the cultural resources as summarized in Table 1, Management Summary of Resources Documented in the APE. However, if the New Mexico State Land Office does not concur with these recommendations we will need to consult further to resolve the differences in opinion.

Table 1 also recommends that all eligible or undetermined sites be avoided or if the site cannot be avoided, testing and data recovery be conducted to mitigate adverse effects. The SHPO concurs that the undertaking has the potential for adverse effects if the sites cannot be avoided and a Memorandum of Agreement (MOA) is appropriate. It is not clear, however, if NCA intends to mitigate all eligible sites or if development plans will include avoidance of some sites. It is the SHPO's recommendation that all eligible and undetermined sites be mitigated for this undertaking, even if some sites can be avoided by initial plans to develop the cemetery. Avoidance can often lead to indirect effects, such as erosion and inadvertent trespass. Additionally, if all eligible sites are treated during this undertaking, the NCA will not need to conduct additional Section 106 consultation and mitigation in the future if development plans change or the cemetery expands.

In addition to the consulting parties listed, NCA may want to invite the New Mexico Department of Transportation if the undertaking requires a driveway permit from NM 550 to access the national

cemetery. We also recommend consulting with the Comanche Indian Tribe rather than the Apache Tribe of Oklahoma.

I encourage NCA to begin consultation with the Native American tribes as soon as possible on the APE and the cultural resources report to identify those tribes who wish to participate in the consultation, resolution of adverse effects, and development of the MOA. Beginning this consultation now will ensure that any comments and concerns the tribes have on this undertaking are taken into consideration before drafting the MOA.

Please do not hesitate to contact me if you have any questions. I can be reached by telephone at (505) 490-3928 or by email at michelle.ensey@state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Ensey', is positioned above the typed name.

Michelle M. Ensey
Deputy State Historic Preservation Officer &
State Archaeologist

Log: 113891
Cc: David Eck, NMSLO

From: "Eck, David" <deck@slo.state.nm.us>
Date: Thursday, November 12, 2020 at 1:54 PM
To: Katy Coyle <katy@row10hps.com>
Cc: "Marinucci, Marianne (CFM)" <Marianna.Marinucci@va.gov>, "Hooker III, William E." <William.Hooker@va.gov>, "Ensey, Michelle, DCA" <michelle.ensey@state.nm.us>
Subject: RE: [EXTERNAL] Re: Albuquerque NCA Project

Katy:

I did indeed receive the letter as an attachment to your email. I received the full suite of the actual documentation necessary for review on 16 October, at which time it entered our review queue, with a target date for response of 16 November.

The New Mexico State Land Office (NMSLO) has no particular concerns with the APE as currently defined. The eligibility recommendations presented in Table 1 appear to be appropriate, and I find that I can concur with them on behalf of the Commissioner of Public Lands and the NMSLO. I would offer the observation that the effort to identify historic properties remains incomplete until such time as consultations with Native American and other unique groups has reached closure.

Further, I find that I can concur with the finding that the undertaking has the potential for adverse effects to the historic properties presented as either eligible or undetermined. Data recovery may well be among the appropriate means to mitigate adverse effects for the properties already identified, but the NMSLO believes that a move toward data recovery must await the results of consultations with Native American and other unique groups that may have Traditional Cultural Properties in the area (some of which may include one or more of the properties already identified).

Finally, the NMSLO believes that the list of parties intended to be invited to consult is appropriate, provided that the NMDOT is added (per commentary of the NMSHPO). We understand from separate email correspondence from Marianne Marinucci that the Comanche Nation of Oklahoma was also invited to participate, though they were not included in the list of parties in the initiation letter.

Thank you for your invitation to participate in consultation, and we will look forward to working with the NCA and all the other consulting parties.

****Due to the Coronavirus, State Land Office facilities are closed to the public until further notice. Business operations remain open and our staff can be reached at (505) 827-5760 or www.nmstatelands.org/contact.**



David C. Eck

Trust Land Archaeologist
Surface Resources Division
505.827.5857
New Mexico State Land Office
310 Old Santa Fe Trail
P.O. Box 1148
 Santa Fe, NM 87504-1148
deck@slo.state.nm.us
nmstatelands.org

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From: Katy Coyle [mailto:katy@row10hps.com]
Sent: Tuesday, November 10, 2020 12:41 PM
To: Eck, David <deck@slo.state.nm.us>
Cc: Marinucci, Marianne (CFM) <Marianna.Marinucci@va.gov>; Hooker III, William E. <William.Hooker@va.gov>
Subject: [EXTERNAL] Re: Albuquerque NCA Project

Dear Dr. Eck,

This is an email inquiry to ensure that you received VA's Initiation of Section 106 consultation for proposed VA national cemetery, Rio Rancho, Sandoval County, New Mexico, sent via email on 10/8/2020. With the exception of the New Mexico SHPO, whose response we include here, and the Advisory Council on Historic Preservation, who requested copies of responses to VA's invitations, we have not heard from any of the other invited consulting parties, including the State Land Office. When you have a moment, please update us on the status of your review of VA's invitation and cultural resources report. Thank you.

Respectfully,

Katy Coyle, M.A.
Partner
Row 10 Historic Preservation Solutions, LLC
Katy@Row10HPS.com

Phone (504) 210-9234

From: Katy Coyle <katy@row10hps.com>
Date: Friday, October 9, 2020 at 9:22 AM
To: "deck@slo.state.nm.us" <deck@slo.state.nm.us>
Cc: "Marinucci, Marianne (CFM)" <Marianna.Marinucci@va.gov>, "rbanchoff@isiwdc.com" <rbanchoff@isiwdc.com>
Subject: Albuquerque NCA Project

Greetings,
I hope this letter finds you well. Please see attached.
Sincerely,

Katy Coyle, M.A.
Partner
Row 10 Historic Preservation Solutions, LLC
Katy@Row10HPS.com
Phone (504) 210-9234

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Subject: RE: Albuquerque NCA Project

Date: Tuesday, November 10, 2020 at 2:24:29 PM Central Standard Time

From: Mark A. Mitchell

To: Katy Coyle

Good Afternoon Ms. Coyle,

I have received your email dated November 10, 2020 Re: NCA Project.

Here are some of our concerns when this project gets under way. The APE is a concern, as Native American Tribes there are site all across this state and some maybe in this area of the Project. Its great to hear that you've built in plans for avoidance, minimizing, or mitigating effects. I would strongly advise you that you have a Pueblo representative on site to assist as the construction happens. There maybe unmarked graves and traditional culture Places (TcP's) within the proposed area. Some tribes cant disclose those sites or if they are active site (meaning they still get visited to this day). I don't know if any other tribes (pueblos) have responded to this. I would advise that maybe a zoom meeting asap to go over the details of the project. Should you have any questions please feel free to contact me.

Sincerely,

Mark Mitchell

THPO

20 -TP 828

Santa Fe, NM 87506

From: Katy Coyle <katy@row10hps.com>

Sent: Tuesday, November 10, 2020 12:40 PM

To: Mark A. Mitchell <mamitchell@pueblooftesuque.org>

Cc: Marinucci, Marianne (CFM) <Marianna.Marinucci@va.gov>; Hooker III, William E. <William.Hooker@va.gov>

Subject: Re: Albuquerque NCA Project

Dear Tribal Historic Preservation Officer Mitchell,

This is an email inquiry to ensure that you received VA's Initiation of Section 106 consultation for proposed VA national cemetery, Rio Rancho, Sandoval County, New Mexico, sent via email on 10/8/2020. With the exception of the New Mexico SHPO, whose response we include here, and the Advisory Council on Historic Preservation, who requested copies of responses to VA's invitations, we have not heard from any of the other invited consulting parties, including the Pueblo of Tesuque. When you have a moment, please update us on the status of your review of VA's invitation and cultural resources report. Thank you.

Respectfully,

Katy Coyle, M.A.

Partner

Row 10 Historic Preservation Solutions, LLC

Katy@Row10HPS.com

Phone (504) 210-9234

From: Katy Coyle <katy@row10hps.com>

Date: Friday, October 9, 2020 at 9:25 AM

To: "mamitchell@pueblooftesuque.org" <mamitchell@pueblooftesuque.org>

Cc: "Marinucci, Marianne (CFM)" <Marianna.Marinucci@va.gov>, "rbanchoff@isiwdc.com" <rbanchoff@isiwdc.com>

Subject: Albuquerque NCA Project

Greetings,
I hope this letter finds you well. Please see attached.
Sincerely,

Katy Coyle, M.A.
Partner
Row 10 Historic Preservation Solutions, LLC
Katy@Row10HPS.com
Phone (504) 210-9234

Subject: RE: Albuquerque New National Cemetery
Date: Friday, October 9, 2020 at 2:43:33 PM Central Daylight Time
From: MATT B. GEISEL
To: Katy Coyle
CC: Marinucci, Marianne (CFM), rbanchoff@isiwdc.com, AMY RINCON, DAVID SERRANO

Katy –

Thank you for sending. There is a strong support for the project from the City's Governing Body and the Sandoval County Commission.

We look forward to assisting as the project moves forward and working with the VA and other entities on the development and entitlement processes for the project. In that light, please keep us posted of progress and next steps.

Thank you,

Matt B. Geisel
Economic Development – City of Rio Rancho
O: 505-896-8219 / M: 505-382-4326

From: Katy Coyle <katy@row10hps.com>
Sent: Friday, October 9, 2020 9:25 AM
To: MATT B. GEISEL <MGEISEL@RRNM.GOV>
Cc: Marinucci, Marianne (CFM) <Marianna.Marinucci@va.gov>; rbanchoff@isiwdc.com
Subject: Albuquerque New National Cemetery

CAUTION: This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments.

Greetings,
I hope this letter finds you well. Please see attached.
Sincerely,

Katy Coyle, M.A.
Partner
Row 10 Historic Preservation Solutions, LLC
Katy@Row10HPS.com
Phone (504) 210-9234

PUEBLO OF SANTA ANA

Tribal Historic Preservation Office

February 18, 2021

Marianne Marinucci
Senior Realty Specialist
Office of Real Property, Department of Veterans Affairs
Washington D.C., 20420

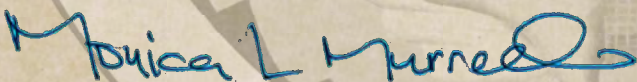
RE: Initiation of Section 106 consultation for Proposed VA National Cemetery near Albuquerque,
Rio Rancho, Sandoval County, New Mexico

Ms. Marinucci,

The Pueblo of Santa Ana Tribal Historic Preservation Office received your request for consultation on January 22, 2021. The Area of Potential Effects (APE) is located in an area of concern for the Pueblo of Santa Ana. We have closely reviewed the archaeological survey report and the potential for adverse effects to cultural resources related to the proposed undertaking if avoidance measures are not possible. The Pueblo of Santa Ana wishes to be included as a consulting party in all future plans associated with the undertaking, and would like to request specifics of the development proposed for the APE.

If you have any questions or require any additional information, please contact me at 505.220.8073 or monica.murrell@santaana-nsn.gov.

Kind Regards,



Monica L. Murrell, M.A., RPA
Tribal Historic Preservation Officer &
Director, Tribal Historic Preservation Division

CC: Ulysses Leon
Governor, Pueblo of Santa Ana
Bennett Leon
Lt. Governor, Pueblo of Santa Ana

**PROGRAMMATIC AGREEMENT
BETWEEN
THE NATIONAL CEMETERY ADMINISTRATION
OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE ACQUISITION, CONSTRUCTION AND OPERATION OF
A NEW NATIONAL CEMETERY IN SANDOVAL COUNTY, NEW MEXICO**

WHEREAS, the National Cemetery Administration (NCA) of the U.S. Department of Veterans Affairs (VA) proposes to acquire an approximately 340-acre parcel (138 hectares) of land located in the City of Rio Rancho, Sandoval County, New Mexico for the construction and operation of a new national cemetery (undertaking); and

WHEREAS, NCA has determined the undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), as amended, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800 – Protection of Historic Properties, (collectively referred to here as “Section 106”); and

WHEREAS, NCA, in consultation with the New Mexico State Historic Preservation Officer (SHPO), has determined the Area of Potential Effects (APE) to be the parcel being acquired located south of the intersection of old State Highway 44 and U.S. Highway 550 in city of Rio Rancho, Sandoval County (Attachment #1); and

WHEREAS, NCA has not yet finalized development and layout plans for the new National Cemetery on the parcel, and will not finalize a design until after the property is acquired and preliminary design development plans are drafted, and therefore the full range of effects on historic properties cannot be determined at this time; and

WHEREAS, NCA will use a phased approach to identification of historic properties and assessment of adverse effect, pursuant to 36 CFR § 800.4(b)(2) and 800.5(a)(3); and

WHEREAS, NCA has determined that it is appropriate to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

WHEREAS, NCA has consulted with the SHPO; and

WHEREAS, NCA invited the New Mexico State Land Office (SLO) as the current property owner to participate in consultation, and SLO elected to participate and is a consulting party, and NCA has invited SLO to concur with this PA; and

WHEREAS, NCA has contracted with a qualified archaeologist to perform a 100-percent (Class III) pedestrian cultural resource survey, based on New Mexico Historic Preservation Division (HPD) and New Mexico Administrative Code (NMAC) requirements, which results are included in the report *Cultural Resource Survey For A Proposed VA National Cemetery Near Albuquerque, Sandoval County, New Mexico*; and

WHEREAS, NCA, in consultation with the SHPO and other consulting parties, has identified the following historic properties within the APE, pursuant to 36 CFR § 800.4: Archaeological Sites LA5882, LA32710, LA98387, LA98388, LA197266, LA197267, and LA197269 and concurred that they are

eligible for listing on the National Register of Historic Places (NRHP) under Criterion D, and three archaeological sites, LA Nos. 98391, 197268, and 197270, have undetermined eligibility status pending further archaeological testing (see New Mexico General Archaeological Investigation Permit NM-20-285-S); and

WHEREAS, NCA has invited the Advisory Council on Historic Preservation (ACHP) to consult and of its intent to develop a PA, pursuant to 36 CFR § 800.14(b), and the ACHP has elected not to participate in the consultation; and

WHEREAS, on October 9, November 11, November 14, and December 18, 2020, NCA invited the following Federally recognized tribes (Tribes) that might attach religious and cultural significance to historic properties in the city of Rio Rancho and Sandoval County, pursuant to 36 CFR § 800.2(c)(2), to participate in consultation: Ohkay Owingeh, Pueblo of Santa Clara, Jicarilla Apache Nation, Pueblo of San Ildefonso, Pueblo of Cochiti, Pueblo of San Felipe, Pueblo of Santa Ana, Pueblo of Sandia, Pueblo of Zia, Hopi Tribe, Pueblo of Jemez, Pueblo of Isleta, Pueblo of Laguna, Navajo Nation, Pueblo of Santo Domingo, Comanche Nation of Oklahoma, and the Pueblo of Tesuque; and

WHEREAS the Pueblo of Santa Ana and the Pueblo of Tesuque have elected to participate and are consulting parties, and they are invited signatories to this PA; and

WHEREAS, NCA invited the City of Rio Rancho, Development Services Department (City) to participate in consultation, pursuant to 36 CFR § 800.2(c)(3), and the City has elected to participate and is a consulting party and NCA has invited the City to concur with this PA; and

WHEREAS, NCA invited the Historical Society of New Mexico to participate in consultation, pursuant to 36 CFR § 800.2(c)(5), and, at this time, it has not elected to participate; and

WHEREAS, NCA provided the public with information about the undertaking and sought comment and input, pursuant to 36 CFR § 800.2(d), through National Environmental Policy Act (NEPA) compliance efforts, including a comment period from December 20 2020 to January 20, 2021, no public comments related to cultural resources were received; and

NOW, THEREFORE, NCA and the SHPO, agree that undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

I. APPLICABILITY

- a. NCA is responsible for ensuring implementation of the stipulations in this PA associated with the undertaking.
- b. The Anti-Deficiency Act, 31 U.S.C. 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.
- c. All references in the Stipulations below to "consulting parties" refers specifically to parties that have participated in consultation and are a signatory, invited signatory or concurring party.

II. GENERAL

- a. Consulting parties shall send and accept official notices, comments, requests for additional information and/or documentation, and all other communications required by this PA via email with NCA.
- b. Time designations shall be in calendar days.
- c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z) shall apply.
- d. NCA shall ensure that Federal or Contractor staff who meet the applicable Secretary of the Interior's *Professional Qualification Standards* (36 CFR § 61), in the appropriate discipline (e.g. architectural history, history, archaeology, architecture, or historic architecture) participate in the review and implementation required as part of this PA; if any work is done pursuant to the terms of this PA prior to NCA acquiring the project parcel, NCA shall ensure that that Federal or Contractor staff also meet the standards outlined in section 4.10.8.13.A(1) of the NMAC.

III. CONTINUATION OF CONSULTATION

Identification of Historic Properties

- a. NCA, in consultation with the SHPO, invited signatories, and concurring parties, will complete the identification of historic properties that may have cultural and/or Tribal significance within the parcel consistent with 36 CFR § 800.4(b).

Assessment of Adverse Effects

- a. When the cemetery is at 35% conceptual design, NCA, in consultation with the SHPO, invited signatories, and concurring parties, will apply the criteria of effect consistent with 36 CFR § 800.5(a), to determine whether the undertaking will have an adverse effect on historic properties.
 - i. If NCA finds that there is no adverse effects to historic properties, and the signatories concur, no further consultation will be required.
 - ii. If NCA finds there will be an adverse effect to historic properties, it will consult further with the SHPO, invited signatories, and concurring parties to resolve the adverse effect.

Resolution of Adverse Effects

- a. NCA, in consultation with the SHPO, invited signatories, and concurring parties, will seek measures to avoid and/or minimize any identified adverse effect consistent with 36 CFR § 800.6. As all the historic properties identified to date are archaeological resources, if avoidance of adverse effect is not feasible, NCA will seek to resolve those effects. Resolution of effects could be achieved through archaeological data recovery, which would be designed in consultation with the SHPO, invited signatories, and concurring parties, and would be consistent with the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites," (ACHP, 1999) and considering the New Mexico Administrative Code *4.10.16: Standards for Excavation and Test Excavation* (January 2006). However, if the consulting parties agree, resolution of effects could be in the form of an alternative mitigation effort acceptable to signatories and invited signatories.
- a. The execution of data recovery fieldwork may, but need not, proceed in geographic sections, if NCA determines that is a benefit to the project.
- b. NCA shall provide the SHPO and other consulting parties an opportunity to review and comment on the proposed mitigation plan and draft reports of the results of mitigation. NCA shall complete any requested revisions.
- c. A final report shall be prepared according to professional standards, including the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79), if applicable.

- d. Upon concurrence with the draft mitigation report, NCA may proceed with development of the cemetery for the specific geographic section under consideration.

IV. POST-REVIEW DISCOVERIES

- a. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities associated with the undertaking, NCA shall immediately stop all work involving subsurface disturbance in the immediate area of the discovery and in the surrounding areas where additional subsurface remains can reasonably be expected to occur. Work in all other areas of the undertaking may continue.
- b. NCA shall notify the SHPO, invited signatories, and concurring parties within two (2) working days of the discovery. In the case of prehistoric or historic Native American sites, NCA shall also notify the appropriate federally recognized tribes with an interest in the area within two (2) working days of the discovery.
- c. NCA shall ensure that an archaeologist meeting the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44739) investigates the work site and the resource; if any archaeological work is done pursuant to the terms of this PA prior to the NCA acquiring the project parcel, NCA shall ensure that that Federal or Contractor staff also meet the standards outlined in section 4.10.8.13.A(1) of the NMAC.
- d. NCA shall then forward to the SHPO, invited signatories, and concurring parties, and appropriate federally recognized tribes with an interest in the area if a prehistoric or historic Native American site, an assessment of the NRHP eligibility of the resource (36 CFR Part 60.4) and proposed treatment actions to resolve or avoid any adverse effects on historic properties. The SHPO, invited signatories, and concurring parties, and appropriate federally recognized tribes with an interest in the area shall respond within five (5) working days of receipt of NCA's assessment of NRHP eligibility of the resource and proposed action plan. NCA shall take into account the recommendations of the SHPO, invited signatories, concurring parties, and appropriate federally recognized tribes regarding NRHP eligibility of the resource and the proposed action plan when carrying out the actions.
- e. NCA shall ensure that ground disturbing work within the affected area does not proceed until the appropriate consultation and any other applicable processes are completed.

V. TREATMENT OF HUMAN REMAINS

- a. NCA shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. In the event that human remains and/or associated funerary objects are encountered during the implementation of this PA, NCA shall immediately halt all work in the area and contact the appropriate authorities.
- b. If NCA owns the property at the time of an unexpected discovery, and if the remains appear to be Native American in origin, any such remains and/or funerary objects shall be treated in accordance with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 USC 3001. If the remains are determined not to be of Native American origin, NCA will retain an archaeologist who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for Archaeology, and shall consult with the SHPO, invited signatories, and concurring parties in a manner that is consistent with section 18-6-11.2 of the New Mexico Cultural Properties Act, and its implementing rule, NMAC 4.10.11.
- c. However, if the project parcel has not been transferred to NCA at the time of an unexpected discovery, NCA shall ensure that section 18-6-11.2 of the Cultural Properties Act, and its implementing rule, NMAC 4.10.11, will be followed.

- d. NCA shall treat all human remains in a manner consistent with ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 2007).

VI. EXECUTION AND DURATION

- a. This PA shall be executed in counterparts, with a separate page for each signatory. NCA shall file a complete copy of the executed PA, including all signatory pages and Attachment #1, with the ACHP and distribute a copy to the SHPO, invited signatories, and concurring parties.
- b. Subsequent to the execution of this PA, if NCA acquires the parcel as identified in the Undertaking, it will then notify the SLO in writing that its participation in the execution and implementation of this PA as a consulting party is no longer required per the date of the acquisition. All other signatories' responsibilities will remain unchanged.
- c. This PA shall expire if its stipulations are not carried out within ten (10) years from the date of execution, unless it is terminated prior to that date. Six (6) months prior to such time, NCA may consult with the SHPO and invited signatories to reconsider the terms of the PA and amend it in accordance with Stipulation VIII below.
- d. Upon the annual anniversary of the execution of this document, NCA will provide the consulting parties to the undertaking with an annual report, documenting that year's progress on: the status of work completed and estimates for additional consultation timeframes, if available; fulfillment of stipulations; objections received and disposition of the dispute; amendments executed; and changes to the list of consulting parties.

VII. DISPUTE RESOLUTION

- a. Should any consulting party to this undertaking object in writing to the implementation of any stipulation(s) of this PA, NCA shall notify the Signatories, invited signatories, and concurring parties of the objection and consult with that party or parties to resolve the objection. If NCA determines that the objection cannot be resolved, NCA shall:
 - i. Forward all documentation relevant to the dispute, including NCA's proposed resolution, to the ACHP. The ACHP shall provide NCA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NCA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of this response. NCA will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within thirty (30) days, NCA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NCA shall prepare a written response which takes into account any timely comments regarding the dispute from the SHPO and provide it and the ACHP with a copy of such written response with its final decision.
 - iii. NCA's responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.
 - iv. Should a member of the public object in writing to NCA regarding the manner in which the measures stipulated in this PA are being implemented, NCA shall notify the SHPO, the ACHP, and other consulting parties, and consider the views of the member(s) of the public making such objection in accordance with 36 CFR § 800.2(d).

VIII. AMENDMENTS

- a. Any signatory or invited signatory to this PA may propose that it be amended, whereupon the signatories and invited signatories shall consult to consider such an amendment.
- b. Any amendment will be agreed to in writing by all signatories and will be effective on the date a copy with all signatures is filed with the ACHP.

IX. TERMINATION

- a. If NCA determines that it cannot implement the terms of this PA, or if the SHPO or invited signatories determine that this PA is not being properly implemented, a signatory or invited signatory may propose to the other parties that this PA be terminated.
- b. The party proposing termination shall so notify the other signatory or invited signatories to this PA explaining the reasons for termination and affording at least thirty (30) days to consult and seek an alternative to termination.
- c. Should such consultation fail, and the PA is terminated, NCA shall notify all consulting parties and shall either consult to develop a new agreement, in accordance 36 CFR § 800.6, or request the comments of the ACHP, under 36 CFR § 800.7(a).

EXECUTION AND IMPLEMENTATION of this PA and implementation of its terms evidence that NCA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signature Pages and Attachment #1 follow.

**PROGRAMMATIC AGREEMENT
BETWEEN
THE NATIONAL CEMETERY ADMINISTRATION
OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE ACQUISITION, CONSTRUCTION AND OPERATION OF
A NEW NATIONAL CEMETERY IN SANDOVAL COUNTY, NEW MEXICO**

SIGNATORY:

**Department of Veterans Affairs
National Cemetery Administration**

Bradley G Phillips Digitally signed by Bradley G
Phillips 156860
156860 Date: 2021.05.07 08:59:21 -07'00'

DATE:

Bradley Phillips, Pacific District Executive Director

**PROGRAMMATIC AGREEMENT
BETWEEN
THE NATIONAL CEMETERY ADMINISTRATION
OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE ACQUISITION, CONSTRUCTION AND OPERATION OF
A NEW NATIONAL CEMETERY IN SANDOVAL COUNTY, NEW MEXICO**

SIGNATORY:

New Mexico State Historic Preservation Officer



DATE: 5/6/2021

Jeff Pappas, PhD, New Mexico State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
BETWEEN
THE NATIONAL CEMETERY ADMINISTRATION
OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE ACQUISITION, CONSTRUCTION AND OPERATION OF
A NEW NATIONAL CEMETERY IN SANDOVAL COUNTY, NEW MEXICO**

INVITED SIGNATORY:

Pueblo of Santa Ana



Ulysses Leon, Governor

DATE: 4/21/2021

1 of 1

APPENDIX D – SITE PHOTOGRAPHS

SITE PHOTOGRAPHS



Photo #1:	Looking east across the northern portion of the Site
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Photo #2:	Looking east across the central portion of the Site
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Photo #3:	Looking northwest across the central portion of the Site
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Photo #4:	Looking south across the eastern portion of the Site
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Photo #5:	Looking southeast across the southern portion of the Site
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Photo #6:	Looking southeast across the Site
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SITE PHOTOGRAPHS



Photo #7:	Looking northwest across the northern portion of the Site along Old Hwy 44.
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Photo #8:	Looking west across the northern portion of the Site
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Photo #9:	Looking southeast across the Site
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Photo #10:	Arroyo in southern portion of the Site
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Photo #11:	Seasonal pond in the southwestern portion of the Site
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Photo #12:	NMDOT asphalt pile in northern portion of the Site.
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SITE PHOTOGRAPHS



Photo #13:	Northeast adjoining
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Photo #14:	Northwest residential development, approximately 700 feet from Site.
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Photo #17:	Looking south at the east adjoining property
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Photo #18:	Rio Rancho water tanks 1,000 feet southeast of Site
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Photo #21:	South adjoining residence
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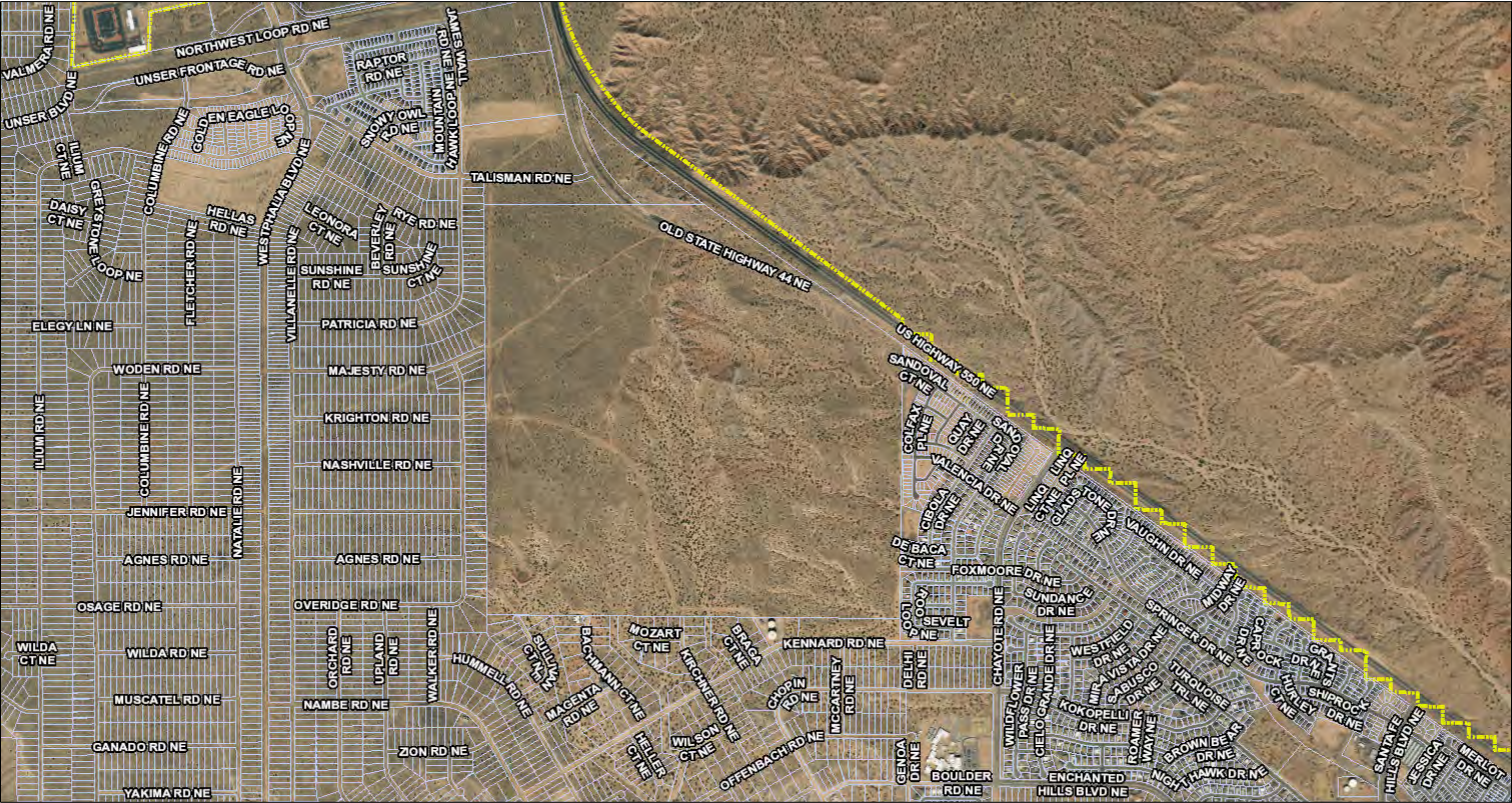


Photo #22:	West adjoining
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APPENDIX E – OTHER RELEVANT ENVIRONMENTAL DATA

- **Site Parcel**
- **Site Survey**
- **Soil Map**
- **IPaC Report**
- **Wetlands Map**
- **Floodplain Map**
- **EJSCREEN Report**

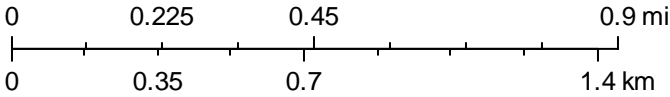
Map Title



10/16/2020, 10:36:26 AM

1:18,056

- Parcels
- Streets
- City Boundary



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SITUATE WITHIN
PROJECTED SECTION 16, T.13N., R.3E., N.M.P.M.,
City of Rio Rancho
Sandoval County, New Mexico
January 2020

TRACT LETTERED "B" AS SHOWN AND DESIGNATED ON THE ANNEXATION PLAT OF TRACT B, LOMA BARBON, RECORDED ON MAY 9, 2003, IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO IN BOOK 3, FOLIO 2286A.

Old Republic National Title Insurance Company File #1907591
Effective Date: October 25, 2019
Schedule B, Part 2 Exceptions

- 1 1 THRU 9: (~~NOT A SURVEY MATTER. DOES NOT APPLY~~)
- 2 10 7th mile Fence Easement & Right-Of-Way, 9-14-1967, NMSLO RW-13988.
- 3 11 11 Right of Way Easement, 12-5-1967, NMSLO RW-16934
- 4 12 30' MST&T Utility Easement, 2-27-1979, NMSLO RW-19987 [approx location
- 5 shown] [document detail illegible]
- 6 13 13 10' Shell Pipeline Corp Easement, 8-18-1980, NMSLO RW-20671
- 7 [document illegible]
- 8 14 14 20' Public Service Company of New Mexico Utility Easement, 10-7-1992,
- 9 NMSLO RW-24716. [appears to include 10' 6" gas pipeline easmt as
- 10 shown on document.]
- 11 15 15 Easements as shown on plat, 5-9-2003, Vol 3 Folio 2286A, Sandoval County,
- 12 Easements are the same as Exceptions 12, 13, and 14.
- 13 16 (~~NOT A SURVEY MATTER. DOES NOT APPLY~~)
- 14 17 17 30' Waterline Easement, 11-3-2005, NMSLO RW-29457, Sandoval County
- 15 9-13-2006, Book 409, Page 4552, Document 200645522. Includes a
- 16 stipulation granting 20 additional feet for construction purposes only.
- 17 18 18 10' Utility Easement, 2-5-2009 NMSLO RW-31365. [approximate location.
- 18 Document illegible.]
- 19 19 19 Jemez Zia Tribal Consortium Zia Fiber Optic Easement 6-21-2018,
- 20 NMSLO R-36623. [location shown is approximate. Document illegible].

1. RECORD BEARINGS AND DISTANCES SHOWN IN PARENTESIS PER PLAT FOR RIO RANCHO ESTATES UNIT 20, 10/17/2006, VOL 3 FOLIO 2723A; LOMA BARBON, 5/9/2003, VOL 3, FOLIO 1566B; RIO RANCHO HAWKSITE, 02/24/2004, VOL 3 FOLIO 2392B; RIO RANCHO ESTATES UNIT 20, RRE BOOK 2 PAGE 34; ENCHANTED HILLS 11B, 01/10/2018, VOL 3, FOLIO 4175; ENCHANTED HILLS 11A, 01/30/2004, VOL 3, FOLIO 2384B; SANDOVAL COUNTY NEW MEXICO
2. BEARINGS BASED ON WEST LINE OF SECTION 16 AS MEASURED WITH THE "TRIMBLE VRS NOW" GNSS RTK VIRTUAL REFERENCE SYSTEM. BEARINGS ARE NEW MEXICO STATE PLANE BEARINGS, CENTRAL ZONE, NAD83. DISTANCES ARE GROUND DISTANCES. ELEVATION DATUM IS NAVD88.
3. THIS SUBDIVISION LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS PER FEMA FLOOD INSURANCE RATE MAP NUMBER 35043C1900D, AND 35043C1925D, EFFECTIVE MARCH 18, 2008.
4. DOCUMENTS USED:
 - PLAT: RIO RANCHO HAWKSITE, 02/24/2004, VOL 3 FOLIO 2392B;
 - PLAT: RIO RANCHO ESTATES UNIT 25, RRE BOOK 2 PAGE 37;
 - PLAT: RIO RANCHO ESTATES UNIT 20, RRE BOOK 2 PAGE 34;
 - PLAT: RIO RANCHO ESTATES UNIT 20, 11/23/1988, VOL 3 FOLIO 748A;
 - PLAT: RIO RANCHO ESTATES UNIT 20, 10/17/2006, VOL 3 FOLIO 2723A,
 - PLAT: ENCHANTED HILLS 11A, 01/30/2004, VOL 3, FOLIO 2384B;
 - PLAT: ENCHANTED HILLS 11B, 01/10/2018, VOL 3, FOLIO 4175;
 - ANNEXATION PLAT: LOMA BARBON, 5/9/2003, VOL 3, FOLIO 1566B;
 - BLM SURVEY: T13N, R03E, NMPM, 07/07/1995, PG 120-121;

TO: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, UNITED STATES OF AMERICA (BY & THROUGH THE SECRETARY OF VETERANS AFFAIRS).

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 6A, 6B, 11, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 26, 2019.

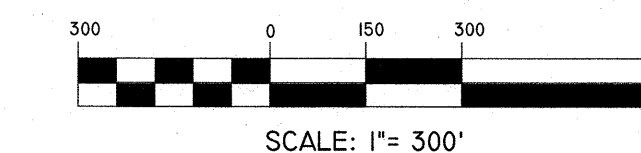
THOMAS W. PATRICK
NEW MEXICO PROFESSIONAL SURVEYOR NO 12651

ALTA / NSPS Land Title Survey

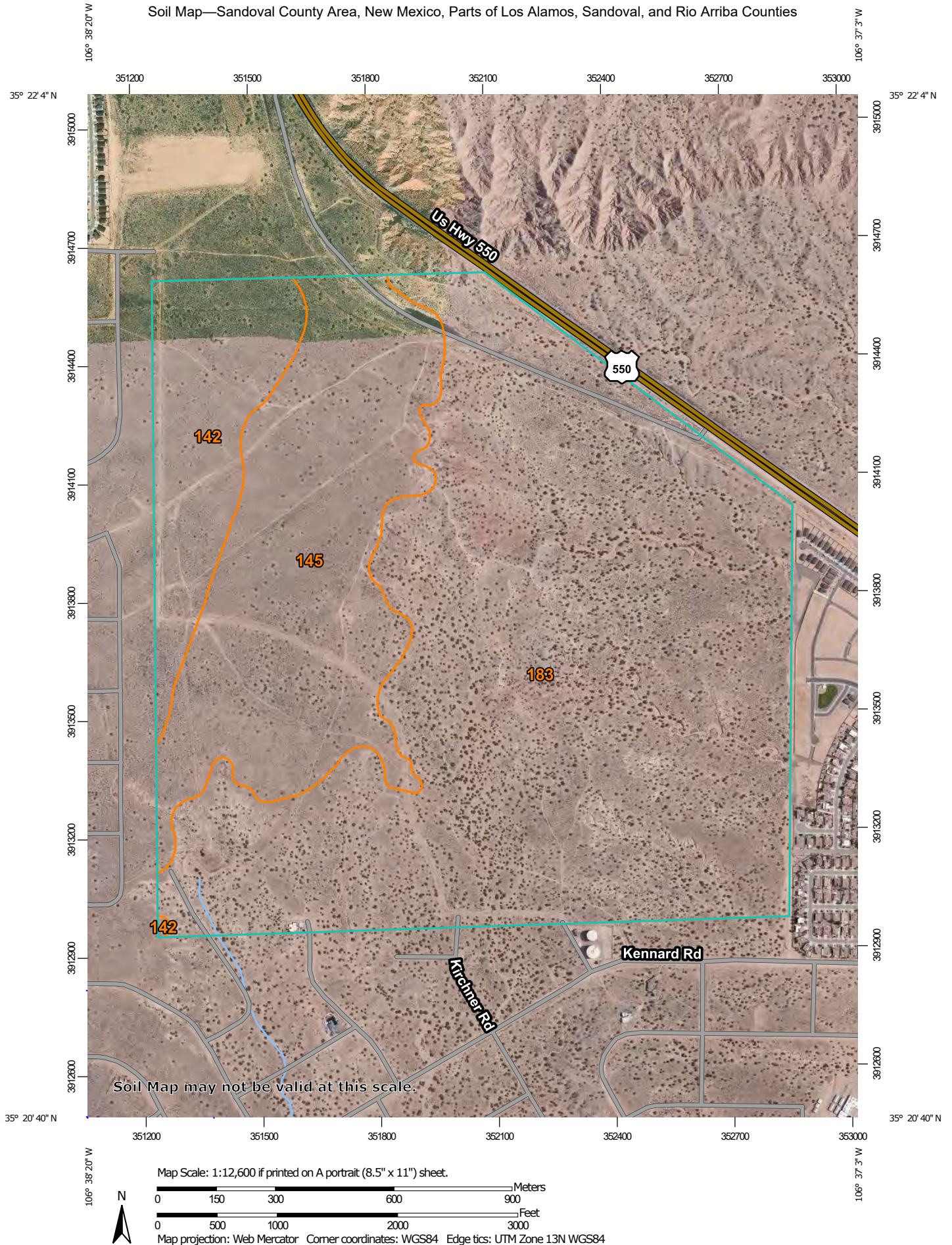
**Community
Sciences
Corporation**

LAND SURVEYING & LAND PLANNING
P.O.Box 1328, Corrales N.M., 87048 (505) 897.0000

1 of 1



Soil Map—Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sandoval County Area, New Mexico, Parts of Los Alamos, Sandoval, and Rio Arriba Counties

Survey Area Data: Version 13, Sep 15, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 23, 2018—Sep 9, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
142	Grieta fine sandy loam, 1 to 4 percent slopes	59.3	9.8%
145	Grieta-Sheppard loamy fine sands, 2 to 9 percent slopes	147.3	24.2%
183	Sheppard loamy fine sand, 8 to 15 percent slopes	401.2	66.0%
Totals for Area of Interest		607.8	100.0%



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna Road Ne

Albuquerque, NM 87113-1001

Phone: (505) 346-2525 Fax: (505) 346-2542

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

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

In Reply Refer To:

November 06, 2020

Consultation Code: 02ENNM00-2021-SLI-0136

Event Code: 02ENNM00-2021-E-00291

Project Name: Proposed Albuquerque, NM National Cemetery

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(s):

- Official Species List
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Mexico Ecological Services Field Office

2105 Osuna Road Ne

Albuquerque, NM 87113-1001

(505) 346-2525

Project Summary

Consultation Code: 02ENNM00-2021-SLI-0136

Event Code: 02ENNM00-2021-E-00291

Project Name: Proposed Albuquerque, NM National Cemetery

Project Type: DEVELOPMENT

Project Description: Proposed Albuquerque, NM National Cemetery

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.356890872912814N106.63356042257875W>



Counties: Sandoval, NM

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
New Mexico Meadow Jumping Mouse <i>Zapus hudsonius luteus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Jemez Mountains Salamander <i>Plethodon neomexicanus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4095	Endangered

Fishes

NAME	STATUS
Rio Grande Silvery Minnow <i>Hybognathus amarus</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1391	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Brewer's Sparrow <i>Spizella breweri</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9291	Breeds May 15 to Aug 10

NAME	BREEDING SEASON
Burrowing Owl <i>Athene cunicularia</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737	Breeds Mar 15 to Aug 31
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Virginia's Warbler <i>Vermivora virginiae</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9441	Breeds May 1 to Jul 31
Willow Flycatcher <i>Empidonax traillii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/3482	Breeds May 20 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum

probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

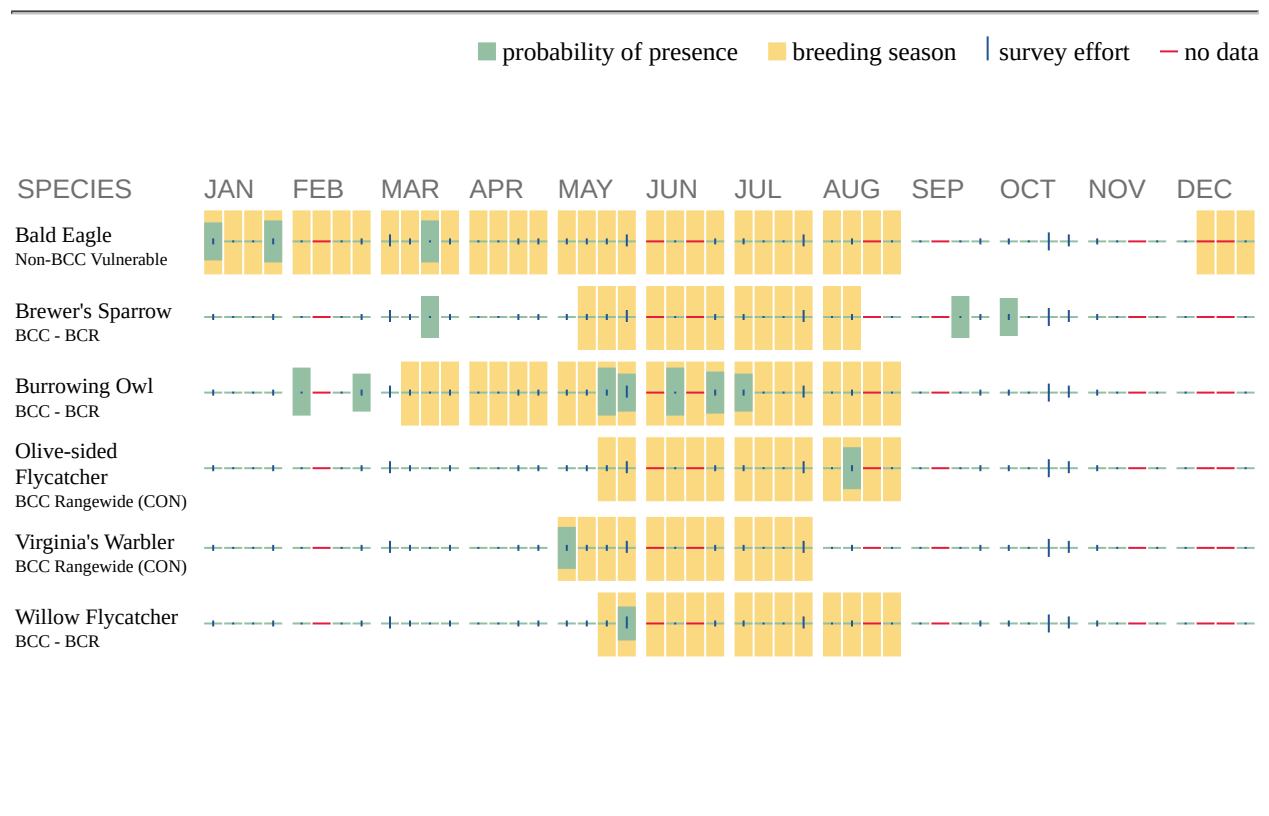
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

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Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

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Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

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What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

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3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical](#)

[Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

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Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Sandoval County, New Mexico



Local office

New Mexico Ecological Services Field Office

☎ (505) 346-2525

📅 (505) 346-2542

2105 Osuna Road Ne

Albuquerque, NM 87113-1001

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

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

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
New Mexico Meadow Jumping Mouse <i>Zapus hudsonius luteus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/7965	Endangered

Birds

NAME	STATUS
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8196	Threatened
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Jemez Mountains Salamander <i>Plethodon neomexicanus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/4095	Endangered

Fishes

NAME	STATUS
Rio Grande Silvery Minnow <i>Hybognathus amarus</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/1391	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE
BIRD MAY BREED IN YOUR
PROJECT AREA SOMETIME WITHIN
THE TIMEFRAME SPECIFIED,
WHICH IS A VERY LIBERAL
ESTIMATE OF THE DATES INSIDE
WHICH THE BIRD BREEDS ACROSS
ITS ENTIRE RANGE. "BREEDS
ELSEWHERE" INDICATES THAT THE
BIRD DOES NOT LIKELY BREED IN
YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

Breeds Dec 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Brewer's Sparrow *Spizella breweri*

Breeds May 15 to Aug 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9291>

Burrowing Owl *Athene cunicularia*

Breeds Mar 15 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9737>

Olive-sided Flycatcher *Contopus cooperi*

Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Virginia's Warbler *Vermivora virginiae*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9441>

Willow Flycatcher *Empidonax traillii*

Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

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Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

[R4SBC](#)

[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted.

Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

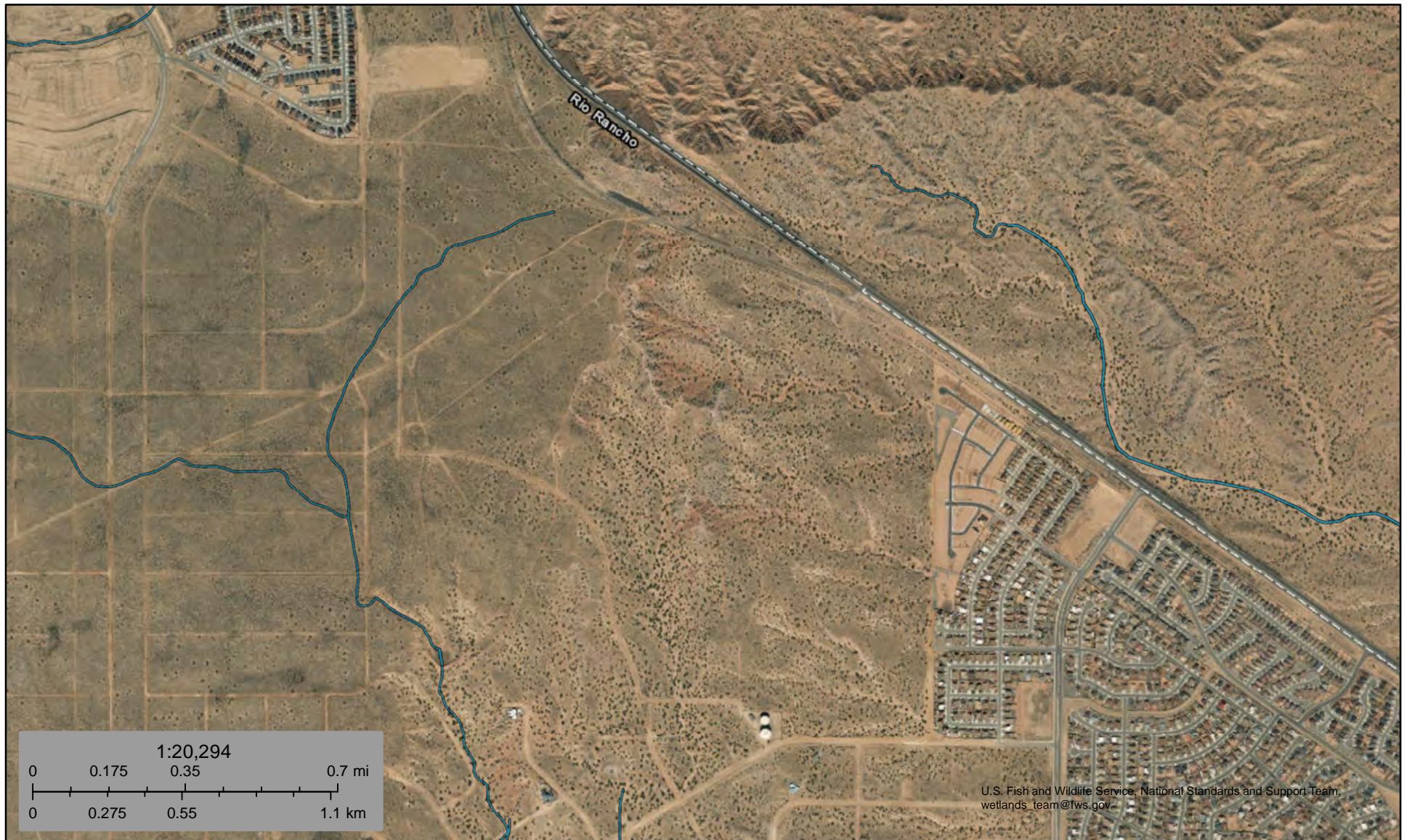
NOT FOR CONSULTATION



U.S. Fish and Wildlife Service

National Wetlands Inventory



Wetlands



U.S. Fish and Wildlife Service, National Standards and Support Team,
wetlands_team@fws.gov

March 27, 2020

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



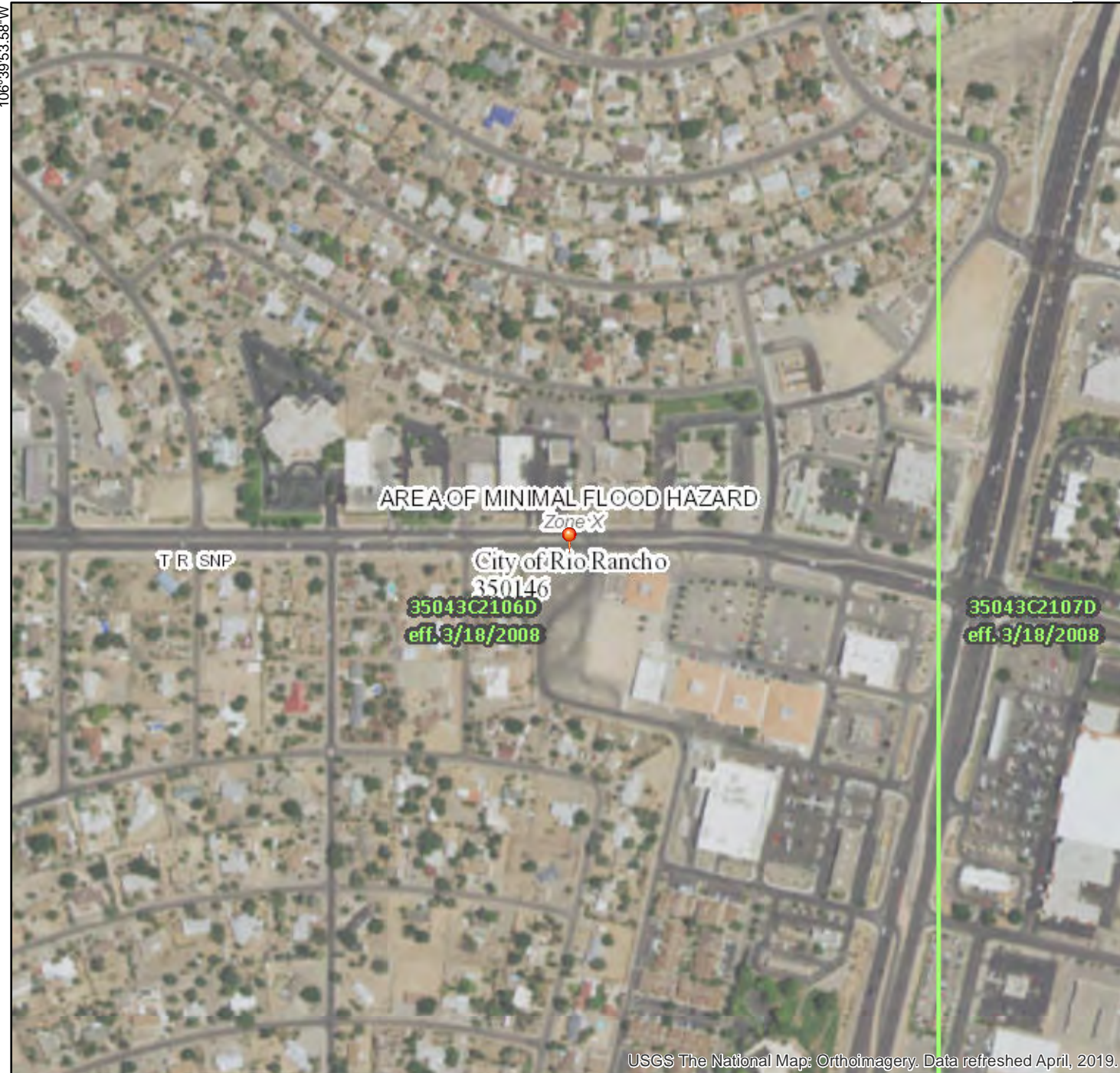
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/31/2020 at 11:17:03 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

35°14'44.42"N



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

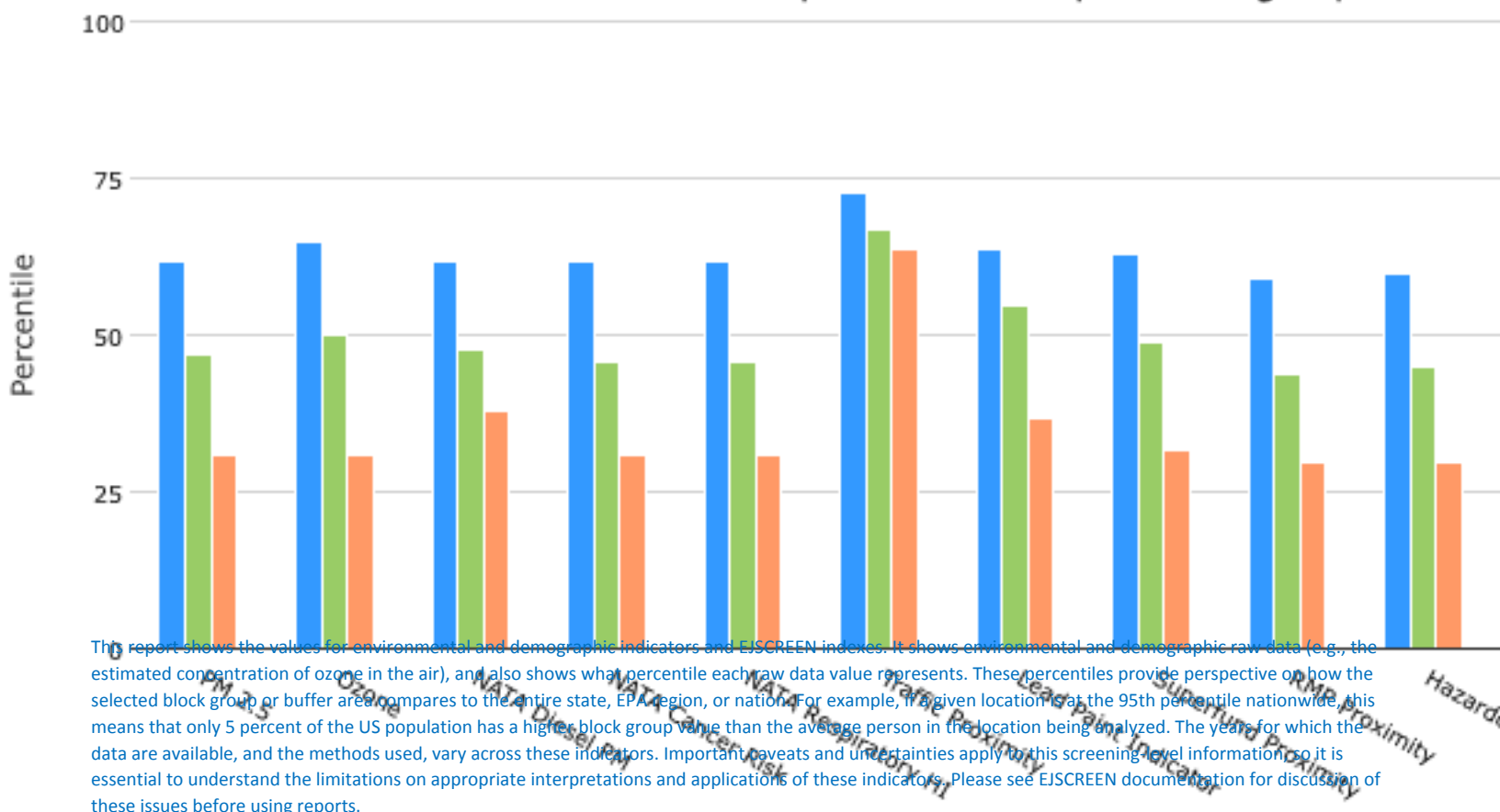
0 250 500 1,000 1,500 2,000 Feet 1:6,000

35°14'15.03"N

106°39'16.12"W

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5			
EJ Index for Ozone			
EJ Index for NATA* Diesel PM			
EJ Index for NATA* Air Toxics Cancer Risk			
EJ Index for NATA* Respiratory Hazard Index			
EJ Index for Traffic Proximity and Volume			
EJ Index for Lead Paint Indicator			
EJ Index for Superfund Proximity			
EJ Index for RMP Proximity			
EJ Index for Hazardous Waste Proximity			
EJ Index for Wastewater Discharge Indicator			

EJ Index for the Selected Area Compared to All People's Blockgroups in the



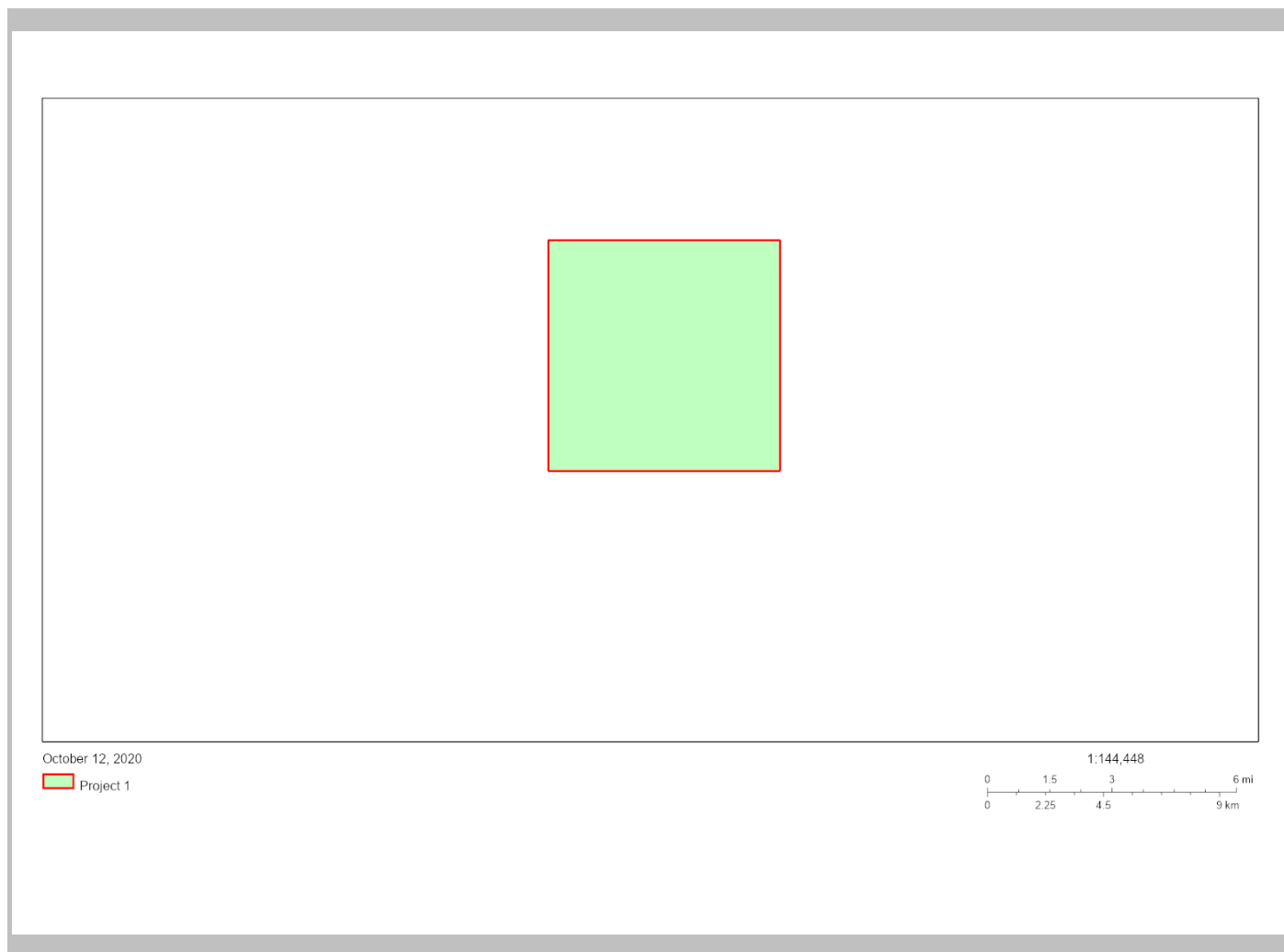
EJSCREEN Report (Version 2019)



the User Specified Area, NEW MEXICO, EPA Region 6

Approximate Population: 12,074

Input Area (sq. miles): 30.95



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1

EJSCREEN Report (Version 2019)

the User Specified Area, NEW MEXICO, EPA Region 6

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Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	6.23	6.15	45	8.37	4	8.3	9
Ozone (ppb)	52	50.4	80	39.4	99	43	92
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.23	0.281	53	0.401	<50th	0.479	<50th
NATA* Cancer Risk (lifetime risk per million)	24	24	51	36	<50th	32	<50th
NATA* Respiratory Hazard Index	0.31	0.32	52	0.45	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	250	360	61	400	63	750	52
Lead Paint Indicator (% Pre-1960 Housing)	0.0081	0.18	18	0.17	22	0.28	12
Superfund Proximity (site count/km distance)	0.037	0.14	39	0.081	46	0.13	32
RMP Proximity (facility count/km distance)	0.12	0.24	50	0.82	18	0.74	20
Hazardous Waste Proximity (facility count/km distance)	0.14	0.46	51	0.75	32	4	26
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	170	130	96	9.8	99	14	99
Demographic Indicators							
Demographic Index	39%	52%	29	44%	47	36%	62
Minority Population	53%	62%	35	51%	54	39%	68
Low Income Population	25%	42%	24	37%	33	33%	42
Linguistically Isolated Population	1%	5%	31	6%	39	4%	48
Population With Less Than High School Education	8%	15%	36	16%	34	13%	44
Population Under 5 years of age	5%	6%	36	7%	30	6%	37
Population over 64 years of age	11%	16%	32	13%	46	15%	36

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

APPENDIX F – PUBLIC NOTICES AND COMMENTS

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL
ASSESSMENT

U.S. DEPARTMENT OF
VETERANS AFFAIRS

Proposed Albuquerque
National Cemetery
Rio Rancho, Sandoval
County, New Mexico

The U.S. Department of Veterans Affairs (VA) announces the availability of a Draft Environmental Assessment (EA) for public review and comment. The Draft EA evaluates the potential environmental effects of acquiring approximately 340 acres of land for the development and operation of a new National Cemetery. The proposed cemetery site is located south of U.S. Highway 550 at its junction with Old State Highway 44, in Rio Rancho, New Mexico.

VA prepared the Draft EA in accordance with the National Environmental Policy Act and regulations implementing the Act. Comments will be addressed in the Final EA, after which VA intends to issue a Finding of No Significant Impact. The public comment period ends on January 20, 2021.

The Draft EA is available for review online at:

[https://www.cfm.va.gov/
environmental/index.asp](https://www.cfm.va.gov/environmental/index.asp)

Please email comments by January 20, 2021 to Marianne Marinucci (marianne.marinucci@va.gov), using the subject line "Albuquerque National Cemetery Draft EA". If you have any questions or are unable to submit your comments by email, please contact Marianne Marinucci at (202) 632-5468.

Journal: December 20, 21, 22,
2020

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 3 time(s) on the following date(s):

12/20/2020, 12/21/2020, 12/22/2020



Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

22 day of December of 2020

PRICE \$172.21

Statement to come at the end of month.

ACCOUNT NUMBER 1082760



DEPARTMENT OF VETERANS AFFAIRS
Construction & Facilities Management, Office of Real Property
425 I Street, NW
Washington DC 20001

Date: December 21, 2020

Notice: Valued Stakeholders

Subject: Notice of Availability - Draft NEPA Environmental Assessment
Proposed Albuquerque National Cemetery
Rio Rancho, Sandoval County, New Mexico

The U.S. Department of Veterans Affairs (VA) announces the availability of a Draft Environmental Assessment (EA) for public review and comment. The Draft EA evaluates the potential environmental effects of acquiring approximately 340 acres of land (site) and the construction and operation of a new National Cemetery at the site. The proposed cemetery site is located south of U.S. Highway 550 at its junction with Old State Highway 44, in Rio Rancho, New Mexico.

VA prepared the Draft EA in accordance with the National Environmental Policy Act and the Council on Environmental Quality and VA regulations implementing the Act (40 CFR Part 1500, 38 CFR Part 26). Comments will be addressed in the Final EA, after which VA intends to issue a Finding of No Significant Impact. The public comment period ends on January 20, 2021.

The Draft EA is available for review online at:

<https://www.cfm.va.gov/environmental/index.asp>

Please email comments by January 20, 2021, to:

Marianne Marinucci
Office of Real Property
marianne.marinucci@va.gov

Please put "Albuquerque National Cemetery Draft EA" in the subject line.

If you have any questions or are unable to submit your comments by email, please contact Marianne Marinucci at (202) 632-5468.

Sincerely,

FERNANDO L. FERNANDEZ
336237

Digitally signed by
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FERNANDEZ 336237
Date: 2020.12.17
12:07:03 -05'00'

Fernando L. Fernández REM
Environmental Engineer
U.S. Department of Veterans Affairs
Construction & Facilities Management Office