BIOLOGICAL ASSESSMENT

(ENDANGERED SPECIES ACT COMPLIANCE ASSESSMENT)

LOS DIAMANTES SUBDIVISION
CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO

Prepared by:
Sites Southwest, LLC
121 Tijeras Ave NE #3100
Albuquerque, NM 87102

Prepared for:
Mark Goodwin and Associates
8916 Adams St NE
Albuquerque, NM 87113

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1.0 Introduction

AB Southwest, LLC is proposing development of the 150-acre (ac) Los Diamantes Subdivision in the City of Rio Rancho, Sandoval County, New Mexico (Figures 1 – 3). The subdivision is zoned for approximately 1,000 single-family residential units. A portion of the subdivision is located within the 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA). AB Southwest, LLC proposes placement of fill within a portion of the 150-ac development area, to elevate the land within the Special Hazard Flood Area (SFHA) Zone A, above the 100-year base flood elevation. Mark Goodwin and Associates, P.A. has been hired to provide drainage engineering design and analysis for the subdivision, and to prepare a Request for a Conditional Letter of Map Revision (CLOMR) to FEMA. Sites Southwest, LLC (SSW) has been contracted to prepare this Biological Assessment and Endangered Species Act Compliance Report.

2.0 Summary of Impacts

Up to 150 ac of impacts would be incurred by the proposed development within the development boundary (See Section 3.0, below), primarily though vegetation clearance and site grading activities. These impacts would be limited to vegetation, wildlife, and floodplain resources depicted in Figures 2 – 7, below. Impacts to vegetation and wildlife would be insignificant, based on the highly disturbed nature of the development area. Moreover, no impacts to wetlands would be incurred. The northern and eastern portions of the development area (within SFHA Zone A) would receive placement of fill material to raise the base-flood elevation above the designated 100-year floodplain elevation.

3.0 Proposed Development

AB Southwest, LLC proposes placement of fill within the northern and eastern portions of the development area to elevate the land above the SFHA base flood elevation, as depicted in Figures 6 and 7. The proposed development would entail construction of 1,000 homes within the development area, some of which would be located within the current SFHA. Prior to construction, compacted fill would be placed in a portion of Zone A to an elevation of at least 3.0 feet (ft) or more above the 100-year water surface elevation (3-ft freeboard), to remove the floodplain in that area. No fill material would be placed inside any Jurisdictional Waters of the U.S.

The purpose of the Biological Assessment (BA) is to demonstrate compliance with the Endangered Species Act (ESA) of 1973, under the direction of the FEMA requirements. The purpose of the CLOMR is to remove a portion of the 100-year floodplain (Zone A) by constructing fill to elevate the land above the base flood elevation. The CLOMR is needed to comply with the Rio Rancho floodplain ordinance, which requires a CLOMR and LOMR (Letter of Map Revision) for the portion of this development that is planned in the 100-year or 500-year floodplains.

4.0 Location and development area Description

The development area is located within the City of Rio Rancho, just west of 10th Street NE, Section 34, Township 12 North, and Range 20 East, Sandoval County, New Mexico. The development area occurs on the Los Griegos, NM U.S. Geological Survey (USGS) 7.5-minute quadrangle map (Figure 2).

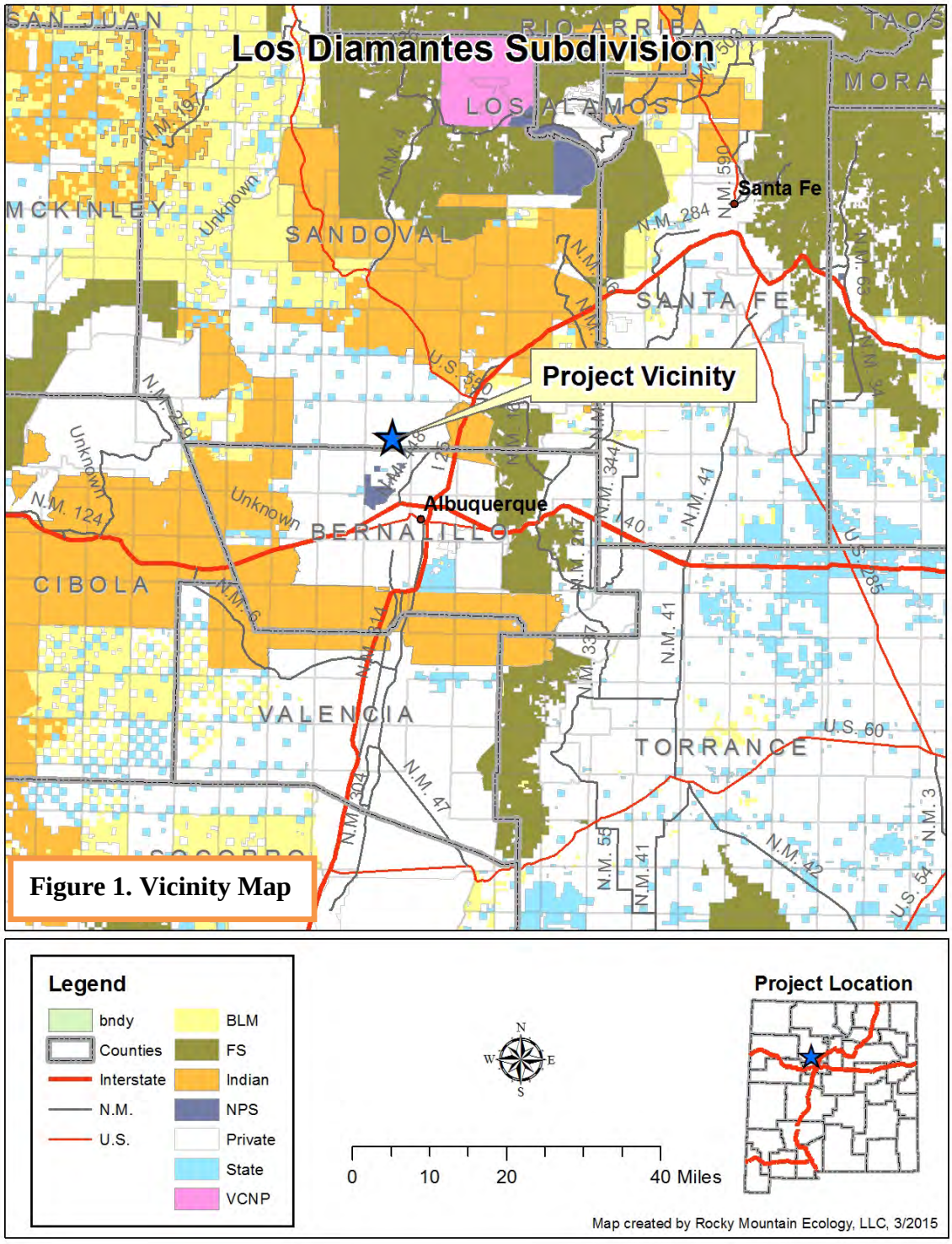

Figure 1. Vicinity Map

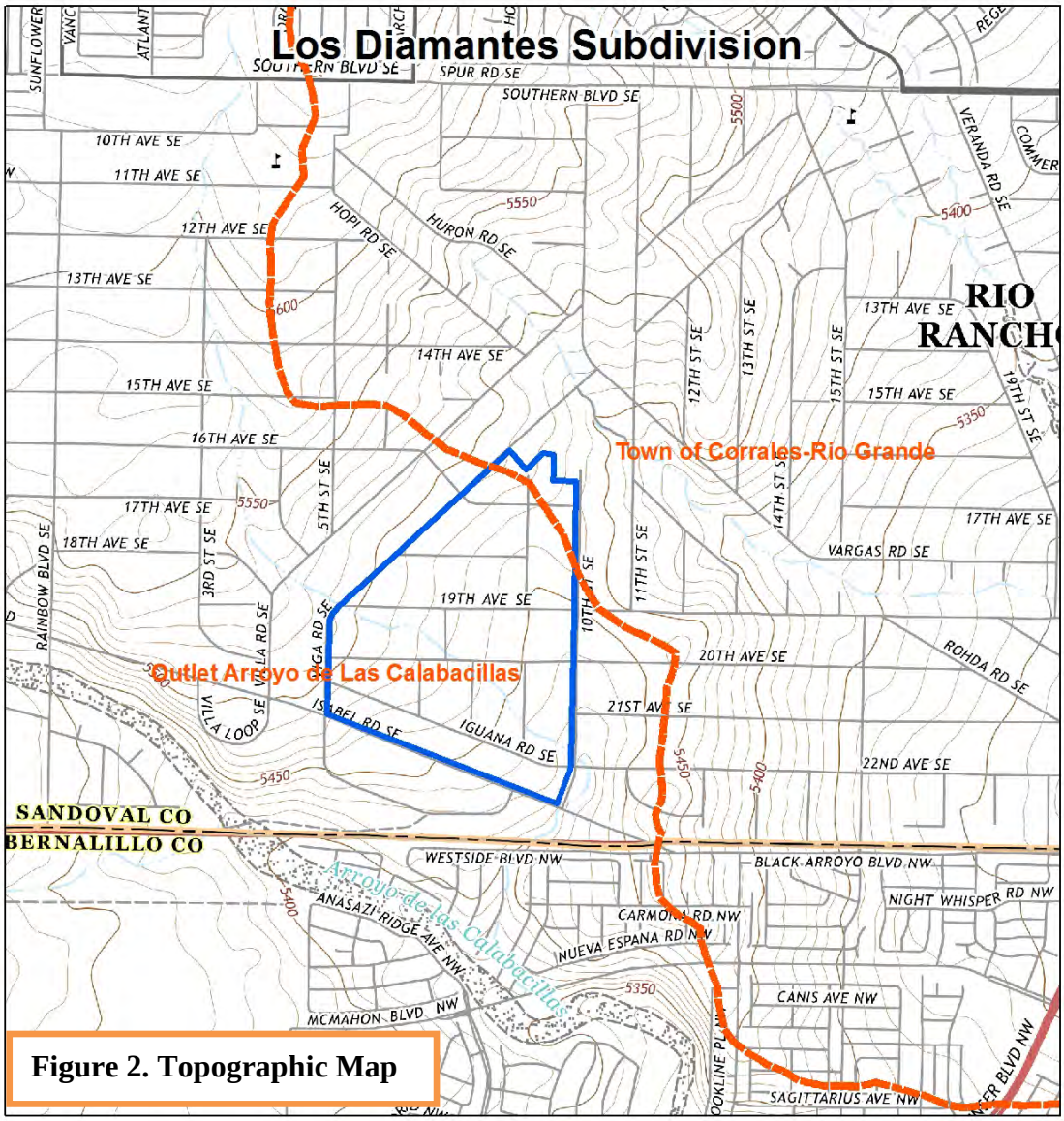

Figure 2. Topographic Map

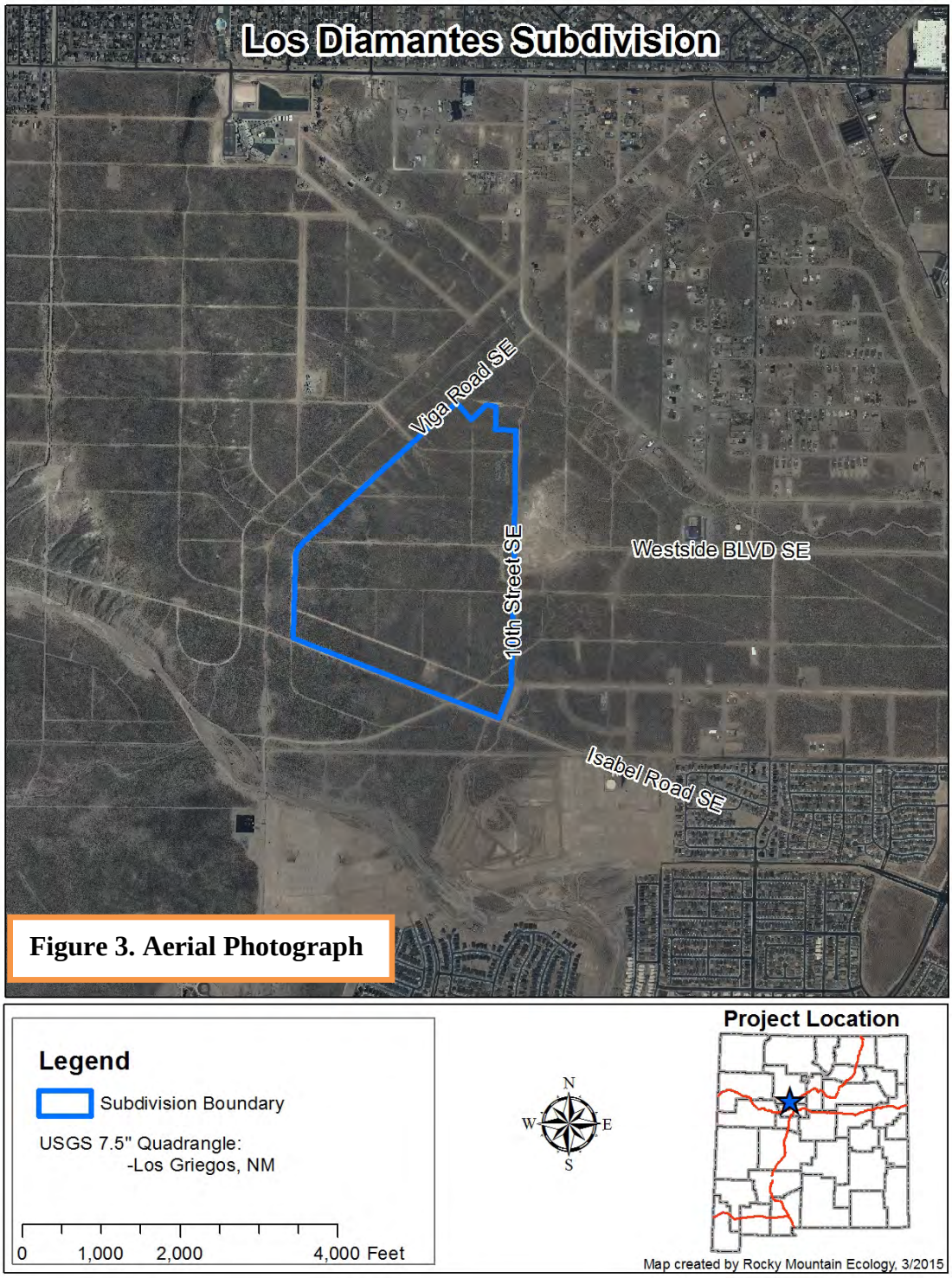

Figure 3. Aerial Photograph

5.0 Methods

The following data sources were queried before or during the analysis process to ensure that required supporting data were included:

- *Topographical Maps* - US Geological Survey (USGS) 7.5' Quadrangle: Los Griegos NM
- *Aerial Photographs* - National Agricultural Imagery Program (NAIP) (fsa.usda.gov) *Ordinary High Water Mark (OHWM)* - Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region (USACE 2008)
- *Soils* - USDA Natural Resource Conservation Service (NRCS) (websoilsurvey.nrcs.usda.gov)
- *Hydrology* - USGS National Hydrology Dataset (http://nhd.usgs.gov/)
- *Wetlands* - National Wetland Inventory website (www.fws.gov/wetlands)
- *Floodplains* - FEMA Flood Map Service Center (msc.fema.gov)
- *Federal Threatened and Endangered Species* - USFWS Information, Planning, and Conservation System (IPAC) (ecos.fws.gov/ipac)
- *Noxious Weeds* – New Mexico Department of Agriculture Noxious Weeds List (NMDA 2009)

6.0 Delineation of Wetlands or Special Aquatic Sites & Ordinary High Water Mark

A biological survey of the development area was conducted on 16 March 2015. As part of this survey, evidence of potential wetlands as defined by the *USACE Wetland Delineation Manual* (USACE 1987) was verified across the entire development area. A survey for hydrophytic plants and wetland hydrology was conducted in the field and neither of these indicators was observed. Only facultative upland plant species were observed within the development area. No wetlands or special aquatic areas were observed.

A search for the OHWM was conducted across the development area. An arroyo feature is located along the northern and eastern boundaries of the development area, where proposed homes would be developed (Figure 4). This drainage is poorly defined and lacks an ordinary high water mark (OHWM). Further, the channel morphology terminates at the intersection of Viga Road and 19th Avenue SE. Storm flows from this juncture are conveyed down these roadways and as sheet flow across the landscape to the southeast. A recently constructed housing subdivision is located south of this channel's termination point and north of the Calabacillas Arroyo. The subject arroyo has no physical surface connection with the Calabacillas Arroyo and, therefore, any of its downstream waters (i.e. the Rio Grande).

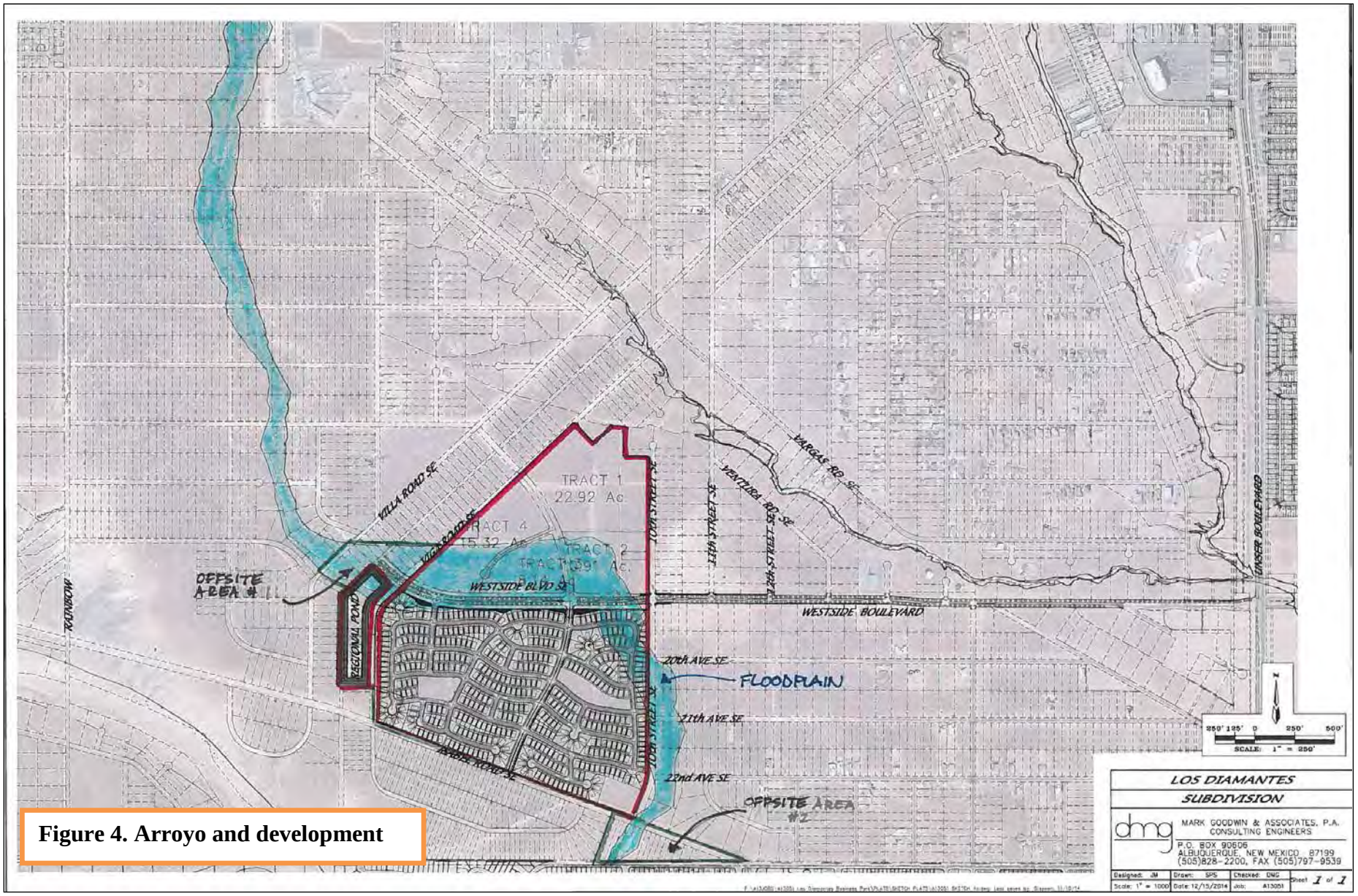

Figure 4. Arroyo and development

7.0 Description of the Existing Biological and Physical Conditions

The development area is situated within the Albuquerque Basin sub-region of the Arizona / New Mexico Plateau Ecoregion (Griffith et al. 2006; Bailey 1988, 1995, and 1998), and the Rio Grande – Albuquerque sub-basin of the Rio Grande. The Albuquerque Basin sub-region is filled with mostly Quaternary- and some Tertiary-age thick sediments, with a few areas of volcanic rocks and lava-capped mesas. The Albuquerque Basin sub-region also contains a largely thermal soil temperature regime, with a mix of sand scrub and desert grassland vegetation. The Santa Fe Group Aquifer is the drinking water source for Albuquerque and most of the Middle Rio Grande Valley.

The development area is located on slopes ranging from zero to five percent with a southeastern aspect. The elevation of the development area ranges from approximately 5,420 to 5,512 feet above sea level on the southeastern and northwestern boundaries, respectively. The warmest average daily maximum temperature in Rio Rancho, NM occurs in June and July at 90.0 degrees Fahrenheit (°F), while the coldest average daily minimum temperature of 26.0 °F occurs in January. Annual precipitation averages 9.47 inches (The Weather Channel 2015).

Soils within the development area consist of Grieta-Sheppard loamy fine sands, Grieta fine sandy loams and Sheppard loamy fine sands. Grieta-Sheppard loamy fine sands typically occur on two to nine percent slopes. These soils are well-drained to somewhat excessively well-drained and occur within the Loamy (R042XA052NM) and Deep Sand (R042XA054NM) Ecological Sites (NRCS 2015). They are typically found on ridges, fan remnants, plateaus, mesas, alluvial fans, terraces benches, dunes or structural benches, with parent material of eolian deposits over fan alluvium derived from sandstone. The surface horizon of these soils is loamy fine sand. These soils have no frequency of ponding or flooding (NRCS 2015). Grieta fine sandy loams typically occur on one to four percent slopes. These soils are well-drained to somewhat excessively well-drained and occur within the Loamy (R042XA052NM) and Deep Sand (R042XA054NM) Ecological Sites (NRCS 2015). They are typically found on ridges, fan remnants, plateaus, and mesas, with parent material of eolian deposits over fan alluvium derived from sandstone. The surface horizon of these soils is fine sandy loam. These soils have no frequency of ponding or flooding (NRCS 2015). Sheppard Loamy fine sands typically occur on three to eight percent slopes. These soils are somewhat excessively well-drained and occur within the Loamy (R042XA052NM) and Deep Sand (R042XA054NM) Ecological Sites (NRCS 2015). They are typically found on dunes, benches, stream terraces, structural benches, alluvial fans with parent material of eolian deposits derived from sandstone. The surface horizon of these soils is loamy fine sand. These soils have no frequency of ponding or flooding (NRCS 2015).

The development area occurs within the Outlet Arroyo de Las Callabacillas (130202030106) and Town of Corrales Rio Grande (130202030107) 12-digit Hydrologic Unit Codes (HUC), and within the Rio Grande – Albuquerque Fe greater watershed.

8.0 Impact Analysis

8.1 Dimensions of Temporary and Permanent Impacts to Wetlands or other Special Aquatic Sites

The National Wetland Inventory (NWI) website was queried prior to the field survey (www.fws.gov/wetlands). The Arroyo de Las Calabacillas is classified as a riverine wetland (Figure 5). However, that feature is outside of this development area and would not be impacted by the proposed development. No arroyos from the development area connect to the Arroyo de Las Calabacillas. No wetlands or other special aquatic sites are located within or adjacent to the project boundaries as indicated by the field survey. Thus, no impacts to wetlands or other special aquatic sites would occur from the proposed development.

Figure 5. NWI Map

8.2 Dimensions of Temporary and Permanent Impacts to Non-Wetlands

As described above, portions of the arroyo feature located along the northern and eastern boundaries of the development area would be filled in under specifications within the

CLOMR request for the project. The CLOMR will specify exact fill volumes and elevation changes. No other impacts to non-wetlands are anticipated.

8.3 Floodplains and Assessment of Impacts

The northern and eastern portions of the development area occur within the SFHA (i.e., Zone A) depicted on Figures 4, 6 and 7. Zone A includes "Areas for which base flood elevations have not been determined." The FEMA further defines these areas as "subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods" (FEMA 2015). Portions of this area would be filled in under the previously described CLOMR request, effectively raising the base-floodplain elevation above the current 100-year floodplain. Impacts would include placement of compacted fill in a portion of Zone A to an elevation of 3.0 ft or more above the 100-year water surface elevation, to remove the floodplain in that area. No fill would be placed inside any Jurisdictional Waters of the U.S.

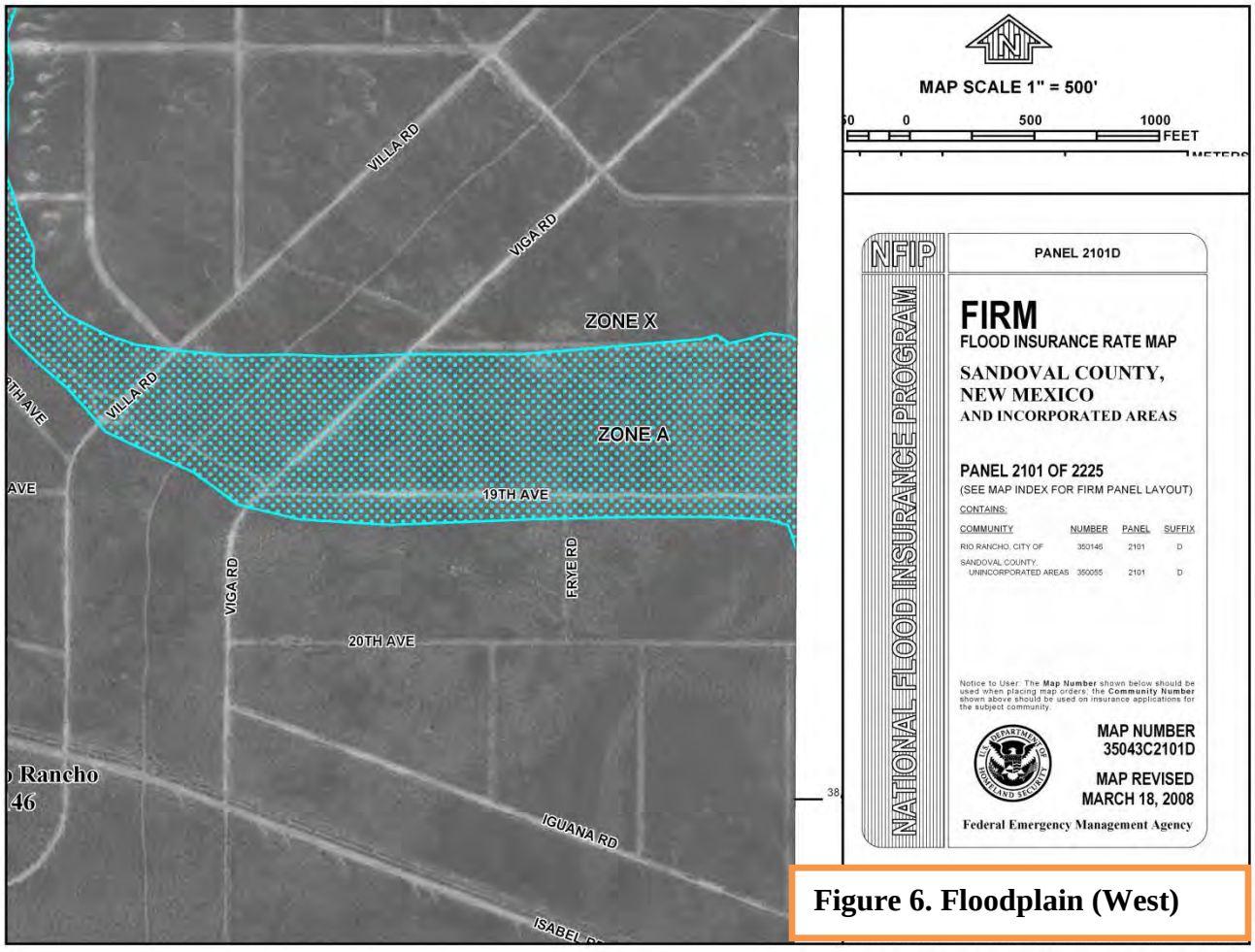

Figure 6. Floodplain (West)

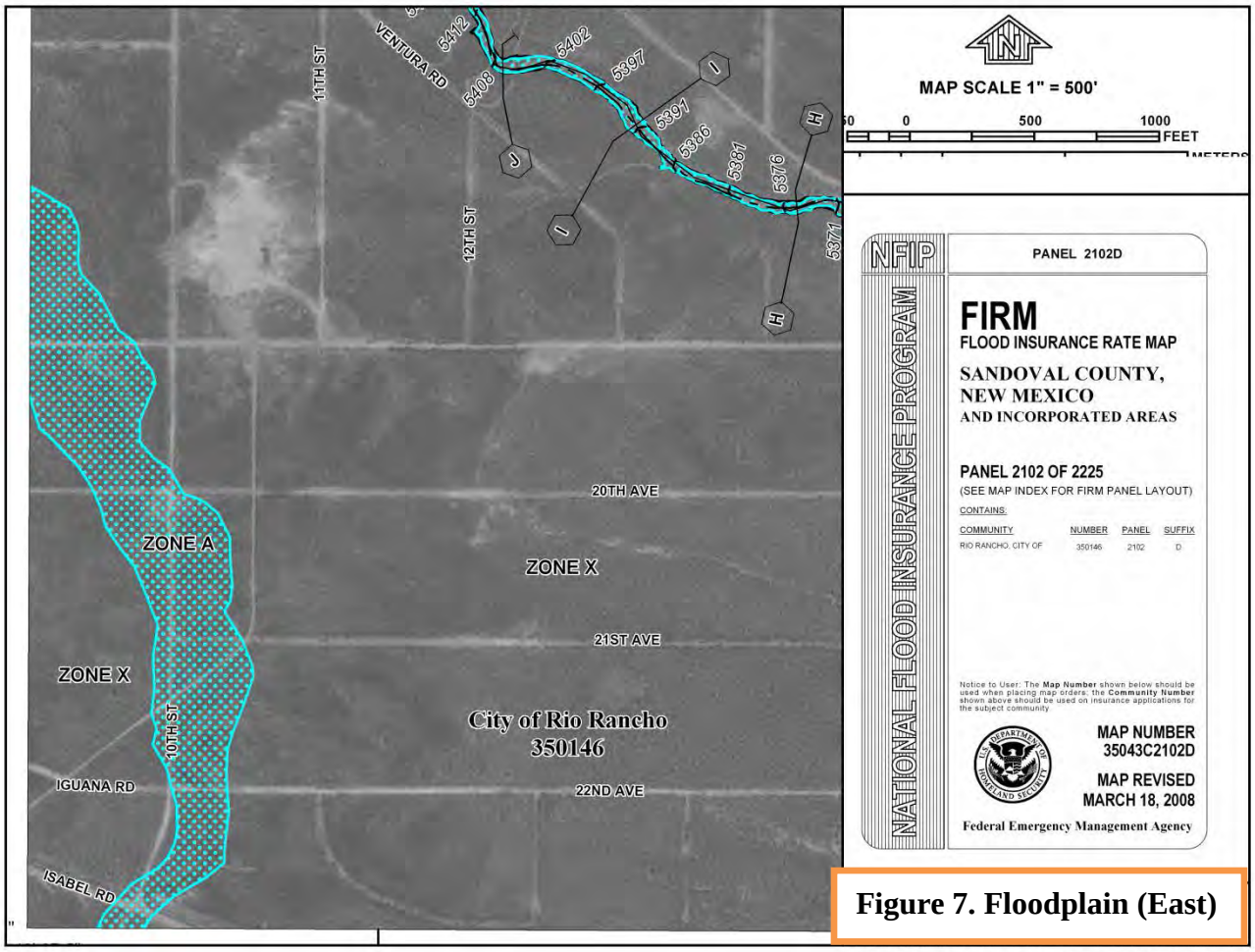

Figure 7. Floodplain (East)

8.4 Vegetation & Assessment of Impacts

The development area is located within the Plains-Mesa Sand Scrub vegetation type as defined by Dick-Peddie (1993). Two ecological site types are located on this tract; the Loamy - R042XA052NM, and Deep Sands - R042XA054NM (NRCS 2015).

Common species within the development area include alkali sacaton (*Sporobolus airoides*), blue grama (*Bouteloua gracilis*), Indian ricegras (*Oryzopsis hymenoides*) and four-wing saltbush (*Atriplex canescens*). Sub-dominants include sand dropseed (*Sporobolus cryptandrus*), buffalo grass (*Buchloë dactyloides*), snakeweed (*Gutierrezia sarothrae*), Russian thistle (*Salsola tragus*) and one-seed juniper (*Juniperus monosperma*). In highly disturbed areas, species such as Russian thistle (*Salsola tragus*), silverleaf nightshade (*Solanum elaeagnifolium*), curlycup gumweed (*Grindelia squarrosa*) and globemallow (*Sphaeralcea coccinea*) dominate.

Up to 150 ac of vegetation would be impacted through development of homes and placement of fill within the northern and eastern portions of the development area below

the existing base-floodplain elevation. Existing vegetation would be covered with fill material. However, the fill area would be reseeded with a native seed mix after earthwork is completed.

8.5 Wildlife & Assessment of Impacts

Fauna observed during the biological survey included Say's phoebe (*Sayornis saya*), common ravens (*Corvus corax*), mourning doves (*Zenaida macroura*), desert cottontails (*Sylvilagus audubonii*), and thirteen-lined ground squirrels (*Spermophilus tridecemlineatus*). Coyote (*Canis latrans*) tracks/scat was also observed. Ground squirrel burrows were also observed throughout the development area. No invertebrates, fish, amphibians, or reptiles were observed during the biological field.

8.6 Federally Listed Species & Assessment of Impacts

The ESA requires the evaluation of potential impacts on federally-listed species and their designated Critical Habitat. The BISON-M website (www.bison.org) and the USFWS IPAC website (http://www.fws.gov/ipac/) were reviewed to determine potential occurrence and habitat requirements of federal proposed, threatened, endangered, or candidate species in the development area (BISON-M 2015; USFWS 2015). The USFWS provided a letter response with six species listed for analysis (Consultation Tracking No. 02ENNM00-2015-SLI-0231 – Appendix A). Those are included in Table 1 below. Habitat associations and species descriptions for those species were derived from these websites, and their habitat requirements were then compared to the habitat found in the development area to identify which species were likely to occur. Habitat suitability for federally threatened, endangered, proposed, or candidate species with potential to occur was determined at the development area.

Table 1. Federal Proposed, Threatened, Endangered and Candidate Species in Sandoval County

Species Category	Common Name	Scientific Name	Habitat	Rationale for Elimination for Further Consideration	Status	Effect Determination
AMPHIBIAN	Jemez Mountains salamander	*Plethodon neomexicanus*	Coniferous forests at high elevation from 7,200 to 10,000 feet	No coniferous forests are present within the proposed project area and the elevation is much too low	USFWS Endangered	No effect
CRITICAL HABITAT	Jemez Mountains salamander	*Plethodon neomexicanus*	NA	The closest Critical Habitat is 35 miles north of the development area near in the Santa Fe National Forest	Final – designated (not in the development area)	No effect
BIRD	Southwestern Willow Flycatcher	*Empidonax trailii extimus*	Riparian habitats with multi-layered shrub and tree structure, typically in close proximity to water.	No riparian habitats with multi-layered shrub and tree structure, in close proximity to water exist within the project vicinity	USFWS Endangered	No effect
CRITICAL HABITAT	Southwestern Willow Flycatcher	*Empidonax trailii extimus*	NA	The closest Critical Habitat is 20 miles south of the development area near Isleta Pueblo	Final – designated (not in the development area)	No effect
BIRD	Mexican Spotted Owl	*Strix occidentalis lucida*	Old-growth, uneven-aged ponderosa pine or mixed coniferous forests.	No ponderosa pine or mixed conifer forest type is present within the development area.	USFWS Threatened	No effect

Table 1. Federal Proposed, Threatened, Endangered and Candidate Species in Sandoval County

Species Category	Common Name	Scientific Name	Habitat	Rationale for Elimination for Further Consideration	Status	Effect Determination
CRITICAL HABITAT	Mexican Spotted Owl	*Strix occidentalis lucida*	NA	The closest Critical Habitat is approximately 35 miles north of the development area in the Santa Fe National Forest	Final – designated	No effect
BIRD	Yellow-billed Cuckoo	*Coccyzus americanus*	Mature riparian habitats, most commonly associated with cottonwood or other native forests.	No mature riparian habitats, associated with cottonwood or other native forests are present within the greater development area	Threatened	No effect
CRITICAL HABITAT	Yellow-billed Cuckoo	*Coccyzus americanus*	NA	The closest proposed Critical Habitat is five miles east of the development area within the Rio Grande	Proposed	No effect
MAMMAL	New Mexico meadow jumping mouse	*Zapus hudsonius luteus*	Riparian areas with a dense grass component	No riparian areas with a significant grass component exist within the development area	USFWS Proposed Endangered	No effect
CRITICAL HABITAT	New Mexico meadow	*Zapus hudsonius luteus*	Proposed	The closest proposed Critical Habitat is more	USFWS Proposed	No effect

Table 1. Federal Proposed, Threatened, Endangered and Candidate Species in Sandoval County

Species Category	Common Name	Scientific Name	Habitat	Rationale for Elimination for Further Consideration	Status	Effect Determination
	jumping mouse			than 35 miles north of the project area in the Santa Fe National Forest		
FISH	Rio Grande silvery minnow	*Hybognathus amarus*	Large, riverine systems with shifting sand or silty bottoms	No riverine habitats are present within the development area	USFWS Endangered	No effect
CRITICAL HABITAT	Rio Grande silvery minnow	*Hybognathus amarus*	Final – designated	The closest Critical Habitat is five miles east of the development area in the Rio Grande	USFWS Endangered	No effect

No habitat exists for any of the aforementioned species with or adjacent to the development area. Therefore, no effect to any to these species are anticipated from the proposed development. No further analyis is required.

8.7 Noxious Weeds & Assessment of Impacts

No noxious weeds, as defined by the New Mexico Department of Agriculture (NMDA 2009), were located within the development area. Therefore, no impacts are expected.

8.8 Migratory Birds & Assessment of Impacts

All migratory birds are protected through the Migratory Bird Treaty Act of 1918, which is enforced by the USFWS. Migratory birds that could utilize the area as habitat include various species of song birds, ravens, hawks, finches, doves, thrashers, and meadowlarks.

No active or inactive bird nests were located within the development area during the field survey. No cliffs suitable for raptor nesting occur within close enough proximity to the development area to be impacted by the proposed work activities. Marginal avian nesting habitat exists within the development area for scrub-obligate species. During the biological survey, a search was made for bird nests in the shrub stands within the development area, however, none were located. Impacts to individuals could occur (i.e., harassment by noise from heavy equipment), if work occurs during the migratory bird breeding and nesting period (1 April – 31 August). However, no impacts to populations are expected, based on the generally poor, disturbed habitat condition.

9.0 Conclusion

1) No OHWM exists within the development area.

2) No perennial water sources or wetlands exist within the development area.

3) Up to 150 ac of land could be impacted within the development area. Prior to construction, compacted fill would be placed in a portion of FEMA-designated Zone A, to an elevation of at least 3.0 ft or more above the 100-year water surface elevation (3-ft freeboard), to remove the floodplain in that area. No fill material would be placed inside any jurisdictional Waters of the U.S.

4) Some incidental mortality of small animals may occur. Effects on wildlife are expected to be minor. Wildlife is expected to relocate to adjacent, suitable habitat areas.

5) No suitable habitat for federal proposed, threatened, endangered, or candidate species exists within the development area; therefore, there would be no effect on these species from the proposed development.

6) No noxious weeds are located within the development area.

7) Impacts to individual birds could occur (i.e., harassment by noise from heavy equipment), if work occurs during the migratory bird breeding and nesting period

(1 April – 31 August). However, no impacts to populations are expected, based on the small scale of the project.

10.0 Photos

Photo 1. View from Westside Blvd looking southwest from eastern project boundary.

Photo 2. View from Westside BLVD looking northwest from eastern project boundary.

Photo 3. View from northeastern project boundary looking southwest.

Photo 4. From western project boundary facing east.

11.0 References

Bailey, R.G. 1988. Ecogeographic analysis: a guide to the ecological division of land for resource management. Miscellaneous Publication No. 1465. US Forest Service,Washington, D.C. 16 pp.

Bailey, R.G. 1995. Description of the ecoregions of the United States. 2nd edition revised and expanded (1st edition 1980). Miscellaneous Publication No. 1391. US Forest Service,Washington, D.C. 108 pp., with separate map at 1:7,500,000.

Bailey, R.G. 1998. Ecoregions map of North America: explanatory note. Miscellaneous Publication No. 1548. US Forest Service, Washington, D.C. 10 pp.

BISON. 2015. Biota Information System of New Mexico. Version 01/2004. http://fwie.fw.vt.edu/states/nm.htm. Accessed 10 March, 2015.

Brown, D. E. and C.H. Lowe. 1980. Biotic Communities of the Southwest. USDA Forest Service General Technical Report: RM-78. Rocky Mountain Forest and Range Experiment Station. Fort Collins, Colorado.

Dick-Peddie, W.A. 1993. New Mexico Vegetation: Past, Present, and Future. UNM Press.

FEMA. 2015. Federal Emergency Management Agency website: https://www.fema.gov/national-flood-insurance-program/definitions . Accessed 15 March 2015.

Griffith, G.E., Omernik, J.M., McGraw, M.M., Jacobi, G.Z., Canavan, C.M., Schrader, T.S., Mercer, D., Hill, R., and Moran, B.C., 2006, Ecoregions of New Mexico (color poster with map, descriptive text, summary tables, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:1,400,000).

New Mexico Department of Agriculture. 2009. New Mexico Noxious Weed List. Accessed 10 March 2015. Available URL: http://www.nmda.nmsu.edu/wp-content/uploads/2012/01/weed_memo_list.pdf

NRCS. 2015. Natural Resource Conservation Service Web Soil Survey Website. Version 1.1. http://websoilsurvey.nrcs.usda.gov/. Accessed 20 Sept and 3 November 2014.

The Weather Channel 2015. www.weather.com Accessed 15 March 2015.

USACE. 1987. Corps of Engineers Wetland Delineation Manual. Wetlands Research Program Technical Report Y-87-1. Prepared by Environmental Laboratory.

USACE. 2008. Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region – A Delineation Manual. Prepared by Robert W. Livchar and Shawn M. McColley. ERDC/CRREL TR-08-12. Prepared for the Cold Regions Research and Engineering Laboratory.

USFWS. 2015. U.S. Department of Interior. U.S. Fish and Wildlife Service. 2015. New Mexico Ecological Services Field Office Database. (http://ecos.fws.gov/)

Appendices

United States Department of the Interior

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

Consultation Code: 02ENNM00-2015-SLI-0231 March 16, 2015
Event Code: 02ENNM00-2015-E-00276
Project Name: Los Diamantes Development

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

Official Species List

Provided by:

New Mexico Ecological Services Field Office
2105 OSUNA ROAD NE
ALBUQUERQUE, NM 87113
(505) 346-2525
http://www.fws.gov/southwest/es/NewMexico/
http://www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2015-SLI-0231
Event Code: 02ENNM00-2015-E-00276

Project Type: Development

Project Name: Los Diamantes Development
Project Description: Los Diamantes development is in the planning stages on 100 acres located northwest of Westside and Unser, adjacent to Presbyterian Rust and the Village at Rio Rancho. Los Diamantes would consist of single-family homes, and a massive business park, along with other features and amenities.

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

Project Location Map:

Project Coordinates: MULTIPOLYGON (((-106.7168279 35.2249538, -106.7169137 35.2205031, -106.7169566 35.2200123, -106.7173858 35.2191358, -106.7262263 35.2217635, -106.7262263 35.2248486, -106.7258401 35.2253744, -106.7195744 35.230072, -106.7191024 35.2296881, -106.7184157 35.230249, -106.7175574 35.230072, -106.7175145 35.229618, -106.7168279 35.2296162, -106.7168279 35.2249538)))

Project Counties: Sandoval, NM

Endangered Species Act Species List

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

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

New Mexico meadow jumping mouse *(Zapus hudsonius luteus)*	Endangered	Proposed	

Critical habitats that lie within your project area

There are no critical habitats within your project area.