



Federal Emergency Management Agency

Washington, D.C. 20472

June 19, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Richard J. Berry
Mayor, City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

IN REPLY REFER TO:

Case No.: 12-06-2517R
Community Name: City of Albuquerque, NM
Community No.: 350002

104

Dear Mayor Berry:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that, if constructed as proposed, could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Denton, Texas, at (940) 898-5127, or the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our Web site at <http://www.fema.gov/business/nfip>.

Sincerely,

Stuart W. Rooney, CFM, PMP, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: Mr. Curtis A. Cherne, P.E., CFM
Floodplain Administrator
City of Albuquerque

Mr. Chad P. Grimshaw, P.E., CFM
Bohannon Huston, Inc.



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of Albuquerque Bernalillo County New Mexico	CHANNELIZATION FILL STORM DRAIN DETENTION BASIN CULVERT	HYDRAULIC ANALYSIS HYDROLOGIC ANALYSIS NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 350002		
IDENTIFIER	ALBUQUERQUE PUBLIC SCHOOL/STADIUM (LADERA DAM 5 AND 9 ARROYOS)	APPROXIMATE LATITUDE AND LONGITUDE: 35.096,-106.759 SOURCE: USGS QUADRANGLE DATUM: NAD 83	
AFFECTED MAP PANELS			
TYPE: FIRM* NO.: 35001C0307H DATE: August 16, 2012		* FIRM - Flood Insurance Rate Map	
TYPE: FIRM* NO.: 35001C0309G DATE: September 26, 2008			

FLOODING SOURCES AND REACH DESCRIPTION

See Page 2 for Additional Flooding Sources

Mirehaven Arroyo B (Ladera Dam 5 Arroyo) – from Detention Basin 5 (Ladera Dam 5) to approximately 960 feet upstream of the outfall into Pond 5S

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
Mirehaven Arroyo B (Ladera Dam 5 Arroyo)	Fill Placement	From inlet of Detention Basin 5 (Ladera Dam 5) to approximately 960 feet upstream of the outfall into the Pond 5S.

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
Mirehaven Arroyo B (Ladera Dam 5 Arroyo)	Zone A	Zone AE	Yes	Yes
	No BFEs*	BFEs	Yes	None
	Zone A	Zone X (unshaded)	None	Yes
	Zone X (unshaded)	Zone AE	Yes	None
	Zone AO	Zone X (unshaded)	None	Yes

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on the FEMA Web site at <http://www.fema.gov/business/nfip>.

Stuart W. Rooney, CFM, PMP, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration



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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

ADDITIONAL FLOODING SOURCES AFFECTED BY THIS CONDITIONAL REQUEST

FLOODING SOURCES AND REACH DESCRIPTION

Ladera Dam 9 Arroyo Diversion – from the outfall into Pond 5S to approximately 1,240 feet upstream of the outfall into the storm drain.
 Unnamed Arroyo and Tributaries- from just upstream of Tierra Pintada Boulevard to approximately 2,470 feet upstream of Tierra Pintada Boulevard.
 Pond 5S – entire shoreline within City of Albuquerque
 Detention Basin 5 (Ladera Dam 5) – entire shoreline within City of Albuquerque.

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
Mirehaven Arroyo B (Ladera Dam 5 Arroyo) - continued	New Culvert (48-inch RCP)	From outlet of the Pond 5S along Arroyo Vista Boulevard to the inlet of Detention Basin 5 (Ladera Dam 5).
Ladera Dam 9 Arroyo Diversion	Channelization	From the outfall into the 54" Storm drain to approximately 1,240 feet upstream of the outfall into the storm drain.
	Fill Placement	From the outfall into the 54" Storm drain to approximately 1,240 feet upstream of the outfall into the storm drain.
	New Culvert (54-inch RCP)	At outlet of Ladera Dam 9 Arroyo Diversion to the inlet of Pond 5S.
Pond 5S	New Detention Basin	Entire shoreline within City of Albuquerque.
Detention Basin 5 (Ladera Dam 5)	Detention Basin Modification	Entire shoreline within City of Albuquerque
Unnamed Arroyo and Tributaries	Fill Placement	From just upstream of Tierra Pintada Boulevard to approximately 2,470 feet upstream of Tierra Pintada Boulevard.

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
Ladera Dam 9 Arroyo Diversion	Zone X (unshaded)	Zone AE	Yes	None
	No BFEs*	BFEs	Yes	None
Unnamed Arroyo and Tributaries	Zone A	Zone X (unshaded)	None	Yes
Pond 5S	Zone X (unshaded)	Zone AE	Yes	None
	No BFEs	BFEs	Yes	None
Detention Basin 5 (Ladera Dam 5)	BFEs	BFEs	None	Yes
	Zone AE	Zone AE	Yes	Yes

* BFEs - Base (1-percent-annual-chance) Flood Elevations

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling reflecting the existing conditions.

The table below shows the changes in the base flood water-surface elevations (WSELs).

Base Flood WSEL Comparison Table

Flooding Source: Mirehaven Arroyo B (Ladera Dam 5 Arroyo)		Base Flood WSEL Change (feet)	Location of maximum change
Proposed vs. Existing	Maximum increase	0.2	at a point approximately 345 feet upstream of the outfall into Pond 5S
	Maximum decrease	3.8	at a point approximately 700 feet upstream of the outfall into Pond 5S
Flooding Source: Detention basin 5 (Ladera Dam 5)		Base Flood WSEL Change (feet)	Location of maximum change
Proposed vs. Existing	Maximum increase	NONE	
	Maximum decrease	0.2	entire shoreline of Detention Basin 5 (Ladera Dam 5)
Proposed vs. Effective	Maximum increase	NONE	
	Maximum decrease	3.3	entire shoreline of Detention Basin 5 (Ladera Dam 5)
Existing vs. Effective	Maximum increase	NONE	
	Maximum decrease	3.1	entire shoreline of Detention Basin 5 (Ladera Dam 5)
Flooding Source: Ladera Dam 9 Arroyo Diversion		Base Flood WSEL Change (feet)	Location of maximum change
Proposed vs. Existing	Maximum increase	NONE	
	Maximum decrease	NONE	
Flooding Source: Pond 5S		Base Flood WSEL Change (feet)	Location of maximum change
Proposed vs. Existing	Maximum increase	NONE	
	Maximum decrease	NONE	

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on the FEMA Web site at <http://www.fema.gov/business/nfip>.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included. A copy of this form may be accessed at http://www.fema.gov/plan/prevent/fhm/dl_mt-2.shtm.
- The detailed application and certification forms listed below may be required if as-built conditions differ from the proposed plans. If required, please submit new forms, which may be accessed at http://www.fema.gov/plan/prevent/fhm/dl_mt-2.shtm, or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology and Hydraulics Form." Hydraulic analyses for as-built conditions of the base flood must be submitted with Form 2.

Form 3, entitled "Riverine Structures Form."

- A certified topographic work map showing the revised and effective base floodplain boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach and any tributaries.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised base boundary delineations shown on the submitted work map and how they tie-in to the base floodplain boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach and any tributaries.
- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.
- Documentation of the individual legal notices sent to property owners who will be affected by any widening or shifting of the base floodplain and/or any BFE establishment.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on the FEMA Web site at <http://www.fema.gov/business/nfip>.

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Engineering Management Branch
Federal Insurance and Mitigation Administration



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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR (continued)

- An officially adopted maintenance and operation plan for the Pond 5S. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.
- FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at http://www.fema.gov/plan/prevent/fhm/fm_fees.shtm. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
847 South Pickett Street
Alexandria, Virginia 22304-4605

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on the FEMA Web site at <http://www.fema.gov/business/nfip>.

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CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Frank Pagano
Director, Mitigation Division
Federal Emergency Management Agency, Region VI
Federal Regional Center, Room 206
800 North Loop 288
Denton, TX 76209
(940) 898-5127

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A handwritten signature in black ink, appearing to read "Stuart W. Rooney".

Stuart W. Rooney, CFM, PMP, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

June 7, 2013

Benjamin Kaiser, P.E., CFM
Revisions Manager
Risk Assessment, Mapping and Planning Partners (RAMPP)
8401 Arlington Blvd.
Fairfax, VA 22031-4666

RE: Case No.: 12-06-2517R
Community: City of Albuquerque, NM
Community No.: 350002 and 350001

Dear Mr. Kaiser:

With this letter, we are transmitting our responses from your letter dated March 15, 2013 with respect to the CLOMR request for the referenced project.

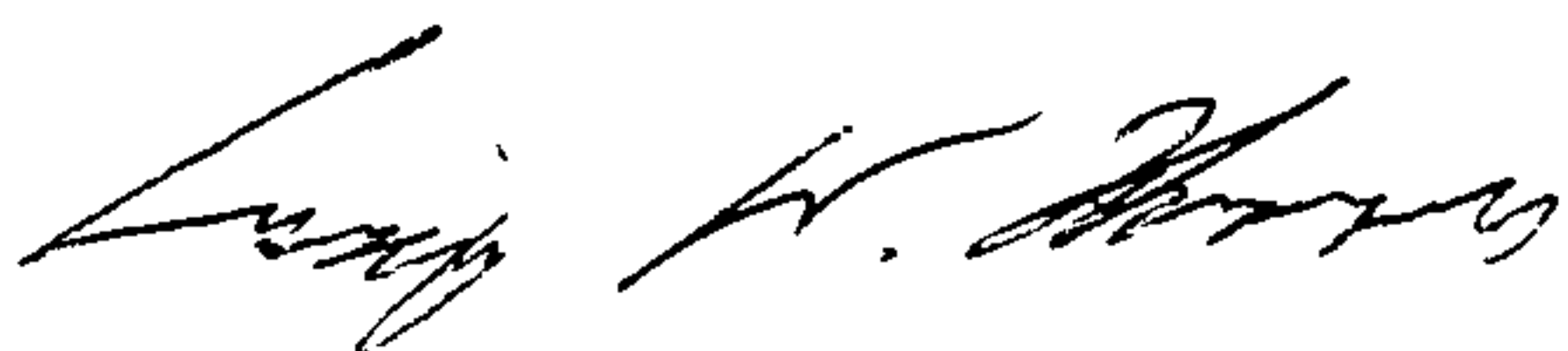
The following is our response to the "Summary of Additional Data Required to Support a Conditional Letter of Map Revision":

Comment 1: Please provide additional documentation like site investigations or a biological assessment to show that no endangered and threatened species are affected by the project. Additionally, please document what type of project is being undertaken and why it won't affect species.

Response: In May of 2013 Marron and Associates conducted a biological survey of the proposed Ladera Dam 5 and 9 sites and is included in the updated CLOMR documents attached.

Should you have any other questions or comments, please respond at your earliest convenience.

Sincerely,



Craig W. Hoover, PE
Senior Vice President
Water Resources

CWH/jcm
Enclosures

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

Endangered Species Act Compliance Memorandum

Albuquerque Public Schools Conditional Letter of Map Revision Request, Albuquerque, New Mexico

Prepared by Marron and Associates
May 2013

INTRODUCTION

Albuquerque Public Schools proposes to develop a school and stadium on a currently vacant and disturbed 205-acre parcel of land located adjacent to Tierra Pintada Boulevard and Arroyo Vista Boulevard west of Unser Boulevard within the City of Albuquerque in Bernalillo County, New Mexico. The area is located on the *Albuquerque West* and *La Mesita Negra, New Mexico* U.S. Geological Survey 7.5-minute quadrangle map (Figure 1).

The location occurs in an undeveloped lot within the far western portion of Albuquerque. The Mirehaven C Arroyo channel passes through the central portion of the area. One flood hazard zone, Zone AO, a flood depth of 1-3 feet where elevations are determined, is designated on the site by the Federal Emergency Management Agency (FEMA). The project proponent will issue a request for Conditional Letter of Map Revision (CLOMR) for the site.

The US Fish and Wildlife Service (USFWS) was contacted regarding Endangered Species Act compliance documentation (Appendix). This report provides effect determinations for all USFWS endangered, threatened, proposed, and candidate species listed within Bernalillo County; as well as a discussion of state threatened and endangered species and the Migratory Bird Treaty Act.

The project area ranges from approximately 5,500 to 5,600 feet in elevation. Soils present within the area consist predominantly of Bluepoint loamy fine sand, 1 to 9 percent slopes; and Bluepoint-Kokan association, hilly (US Department of Agriculture 2013).

BIOLOGICAL SURVEY

Marron and Associates (Marron) conducted a pedestrian biological resources survey for the project area during March of 2013. The purpose of the survey was to identify the presence of suitable habitat for listed plant and animal species.

Vegetation

The project area occurs on the west side of Albuquerque. The area lies in between two developments to the north and southeast. Vegetation at the project area supports a disturbed Plains-Mesa Sand Scrub community (Dick-Peddie 1993). Dominant plant species currently present include rubber rabbitbrush (*Ericameria nauseosa*), broom snakeweed (*Gutierrezia sarothrae*), blue grama (*Bouteloua gracilis*), desert willow (*Chilopsis linearis*), feather finger grass (*Chloris virgata*), cryptantha (*Cryptantha* sp.), desert prickly pear (*Opuntia phaeacantha*), scorpionweed (*Phacelia integrifolia*), galleta (*Pleuraphis jamesii*), alkali sacaton (*Sporobolus airoides*), soapweed yucca (*Yucca glauca*), and tumbleweed (*Salsola tragus*).

Wetlands and Waterways

The Mirehaven C Arroyo and tributaries pass through the CLOMR area (Figure 2). No wetlands are present in this area. Flows from this arroyo collect within levees and detention ponds downstream of the site and appear to collect at a golf course east of the CLOMR area. Construction impacts beneath the ordinary high water mark within this drainage may require Clean Water Act permit coverage and coordination with the US Army Corps of Engineers prior to development is recommended.

Wildlife

Common wildlife species observed in the area were: white crowned sparrow (*Zonotrichia leucophrys*), Eurasian collared dove (*Streptopelia decaocto*), mocking bird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), canyon towhee (*Melospiza fusca*), crow (*Corvus corax*), western meadowlark (*Sturnella neglecta*), desert cottontail (*Sylvilagus audubonii*), blacktail jackrabbit (*Lepus californicus*), Botta's pocket gopher (*Thomomys bottae*), and New Mexico whiptail (*Aspidoscelis neomexicana*).

Protected and Monitored Species

The USFWS lists eight species as threatened, endangered, experimental, or candidate species in Bernalillo County and the State of New Mexico lists 13 additional species as threatened or endangered.

No potential suitable habitat for most protected or monitored species is present. No federal endangered, threatened, candidate, experimental species, or species of concern listed in Bernalillo County or state protected species were observed.

Federal Protected Species

Southwestern willow flycatcher (*Empidonax traillii extimus*) is protected as an endangered species by the USFWS and the New Mexico Department of Game and Fish (NMDGF). It has declined in recent years due to loss of breeding habitat within riparian zones. They occur in the United States from May until September, then winter in southern Mexico, and central and northern South America. Flycatchers begin arriving in New Mexico in late April and May to nest, and the young fledge in early summer. They occur statewide during spring and fall migration. The flycatcher is found in close association with dense groves of coyote willow, arrow weed, buttonbush, tamarisk, and Russian olive. They nest in thickets of trees and shrubs approximately 6-23 feet in height or taller, with a densely vegetated understory from ground or water surface level to 13 feet or more in height. Surface water or saturated soil is usually present beneath or next to occupied thickets (NMDGF 2013).

The CLOMR area is located approximately 2.5 miles from the Rio Grande, which provides potential suitable riparian habitat. The proposed action would not affect southwestern willow flycatcher.

Black-footed ferret (*Mustela nigripes*) is a federal endangered species. This species occurs in grasslands and relies upon large prairie dog towns as a prey base. No suitable habitat for ferret occurs within the CLOMR area. The action would result in no effect to black-footed ferret.

Mexican spotted owl (*Strix occidentalis lucida*) is a federal threatened species that occurs in mixed deciduous canyons in the mountains of the southwestern United States. Designated critical habitat for this owl within Bernalillo County occurs approximately 17 miles to the northeast in the Sandia Mountains.



No suitable habitat is present within the CLOMR/project area. The action would result in no effect to the Mexican spotted owl.

Rio Grande silvery minnow (*Hybognathus amarus*) is a federal and state endangered pelagic spawning species and is the only surviving species of a native pelagic spawning minnow guild historically abundant in the Middle Rio Grande. Physical modifications to the Rio Grande over the last century, such as dam and levee construction, and channelization have altered much of the habitat that is necessary for the species to persist (USFWS 1999). The silvery minnow is extirpated from the Rio Grande downstream of Elephant Butte Reservoir and upstream of Cochiti Reservoir (USFWS 2003), but is present within the Bernalillo County reach of the river.

The CLOMR area is located approximately 2.5 miles west of occupied Rio Grande silvery minnow habitat. The flows from Mirehaven Arroyo system do not appear to connect directly with the river. The proposed CLOMR/project action would result in no effect to this species.

Yellow-billed cuckoo (*Coccyzus americanus*) is a federal candidate species. It is a late migrant that usually arrives in New Mexico in late May or June. Western yellow-billed cuckoo breeds in large blocks of riparian habitats (particularly riparian woodlands with cottonwoods and willows). Dense understory foliage appears to be an important factor in nest site selection, while cottonwood trees are an important foraging habitat. Nesting peaks later (mid-June through mid-August) than for most co-occurring bird species and may be triggered by an abundance of large insects. Nests are built in trees or shrubs.

No suitable habitat for yellow-billed cuckoo occurs within or near to the CLOMR area and no impact to this species is expected as a result of the proposed action.

New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) is a federal candidate and State of New Mexico endangered species that occurs within wet meadows located near perennial water sources. This species is known to occur along irrigation and drainage systems within the Middle Rio Grande. However, the project area consists of dry uplands, and no suitable habitat for this species is present. The proposed action would result in no impact to this species.

Gunnison's prairie dog (*Cynomys gunnisoni*) is a federal candidate species that is found in high desert grasslands, mountain meadows, alluvial floodplains, and hillsides dominated by rabbitbush, sagebrush, and saltbush. The CLOMR area provides potential suitable habitat for this prairie dog, but it is not present. The action would result in no impact to Gunnison's prairie dog.

Whooping crane (*Grus americana*) is a federal experimental non-essential species that is unlikely to occur in the state of New Mexico with the exception of rare migrating individuals. These cranes nest in marsh and lacustrine or pond habitats in Canada. There is no suitable nesting habitat for whooping cranes present in the action area. The proposed action would result in no effect to this species.

Western burrowing owl (*Athene cunicularia hypugaea*) is a federal species of concern and is protected by the Migratory Bird Treaty Act. These owls nest in burrows created by other animals in grassland, agricultural fields, parks and roadsides, but have declined within the Albuquerque area due to recent drought. Inhabited burrows are identified by the presence of whitewash and regurgitated pellets near the entrance to the burrow. The owls typically begin nesting in March and have usually fledged before August. Burrows present within the project area were too small for owl use. The proposed action is not expected to impact burrowing owls.



State Protected Species

No suitable cliff nesting habitat for peregrine falcons (*Falco peregrinus*); no shoreline habitat for neotropic cormorant (*Phalacrocorax brasilianus*) or brown pelican (*Pelecanus occidentalis*); no riparian habitat for common black hawk (*Buteogallus anthracinus anthracinus*), white-eared hummingbird (*Hylocharis leucotis*), broad-billed hummingbird (*Cynanthus latirostris*), bald eagle (*Haliaeetus leucocephalus*), or Bell's vireo (*Vireo bellii*); and no grassland habitat for Baird's sparrow (*Ammodramus bairdii*) or Northern aplomado falcon (*Falco femoralis septentrionalis*) occur within the project area.

Gray vireo (*Vireo vicinior*) is a state threatened species that occurs in low rolling foothill areas dominated by Juniper savannah. No potential suitable habitat occurs within or near to the CLOMR/project area and the proposed action would not impact gray vireo.

Spotted bat (*Euderma maculatum*) is a state threatened bat that is found in ponderosa pine forests and riparian corridors. This bat could pass through the CLOMR/project area but would not roost there. The proposed action would not impact spotted bat.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) protects native and non-game migratory birds, occupied nests, eggs, and parts from take without a permit (16 U.S.C. 703-712). No nests were present during the field survey. However, potential suitable nesting habitat for migratory birds occurs throughout the action area. It is recommended that tree and shrub removal be completed outside of the nesting season for the area (March 15 – September 1) to prevent impacts to protected nesting species, or that the developer provide a preconstruction nest survey prior to clearing the site.

CONCLUSIONS

No federal protected species, their designated critical habitat, or potentially suitable habitat is present within the CLOMR area. The proposed CLOMR action would result in no effect to federal endangered, threatened, proposed, candidate, and experimental species.

13030.11
Ed: kv-5/2/13



PHOTOS



Photo A – Mirehaven Arroyo C in project area from southeastern boundary facing west



Photo B - Project area facing southeast

REFERENCES

- Dick-Peddie, W. A. 1993. *New Mexico Vegetation, Past, Present, and Future*. University of New Mexico Press. Albuquerque, New Mexico.
- Montoya, A., A. Lafon Terrazas, F. Pinyon Rodriguez, G. Quintana Martinez, and R. A. Meyer. 1997. Reproductive Success and Habitat Characteristics of Nesting Aplomado Falcons in Northern Chihuahua, Mexico. In Abstracts of the 30th Joint Annual Meeting of The Wildlife Society, New Mexico and Arizona Chapters, and American Fisheries Society, Arizona-New Mexico Chapter. February 1997.
- New Mexico Climate Summaries. 2013. Internet publication of New Mexico Climate Data Website: <http://www.wrcc.dri.edu/summary/climsmnm.html>.
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- New Mexico Department of Game and Fish. 2013. BISON-M Database. Santa Fe, New Mexico. Website: <http://www.bison-m.org>.
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- US Fish and Wildlife Service. 1999. *Rio Grande Silvery Minnow Recovery Plan*. Region 2, US Fish and Wildlife Service, Albuquerque, New Mexico.
- US Fish and Wildlife Service. 2003. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rio Grande Silvery Minnow; Final Rule. *Federal Register*, 68: 8808 – 8135.
- US Fish and Wildlife Service. 2013. *Critical Habitat Mapper*. Website: <http://criticalhabitat.fws.gov>.
- US Fish and Wildlife Service. 2013. List of Federal Endangered, Threatened, Proposed, and Candidate Species and Species of Concern in New Mexico. Ecological Services Field Office. Albuquerque, New Mexico. Website: <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>.

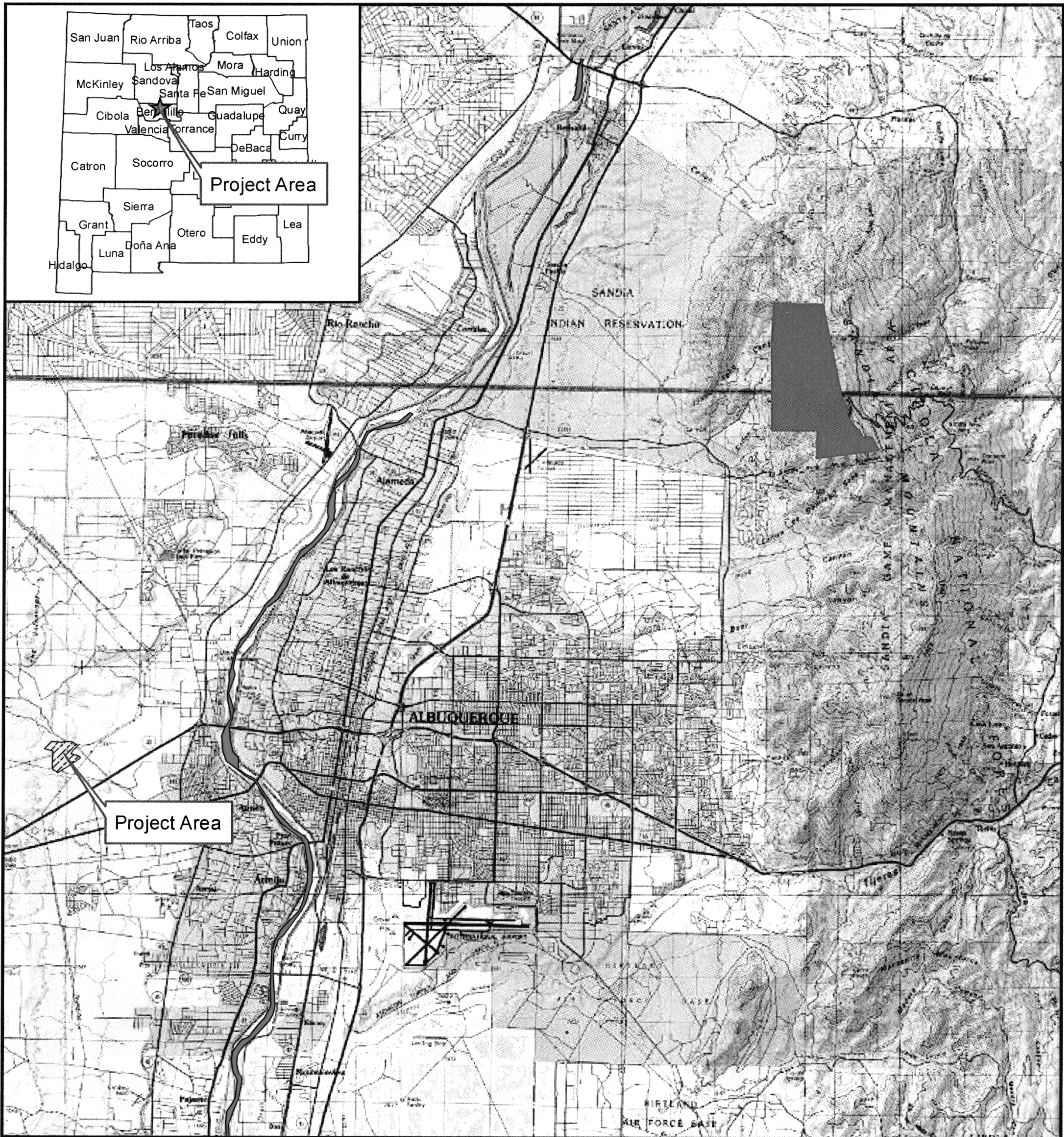
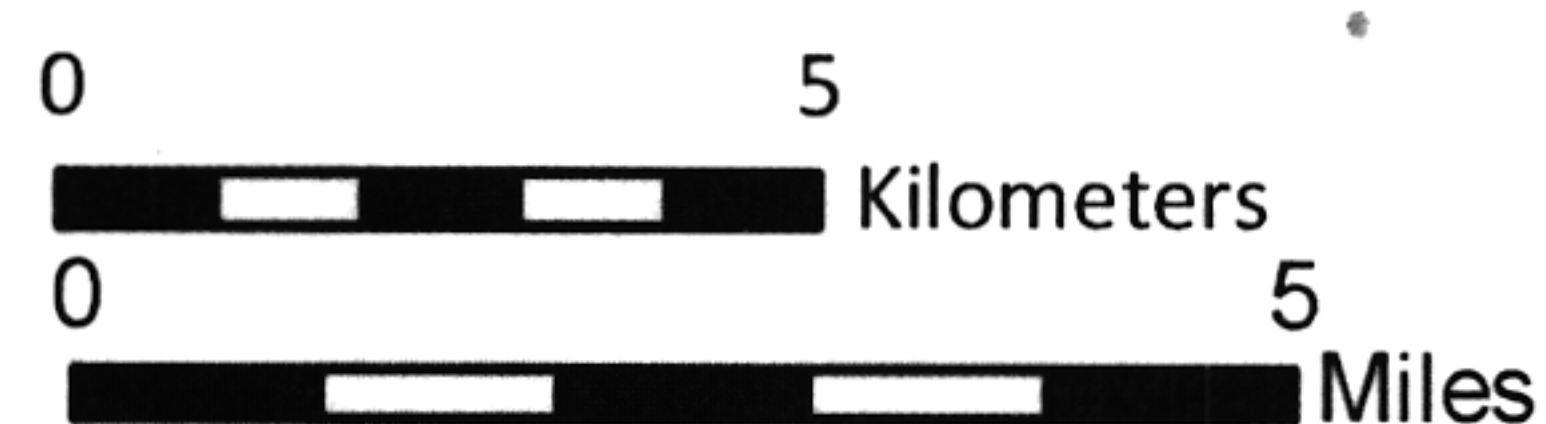


Figure 1
Project Area Map
with USFWS
Designated Critical
Habitat

LEGEND

- Project Area
- Mexican Spotted Owl Designated Critical Habitat
- Rio Grande Silvery Minnow Designated Critical Habitat



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ALBUQUERQUE APS WESTSIDE CLOMR

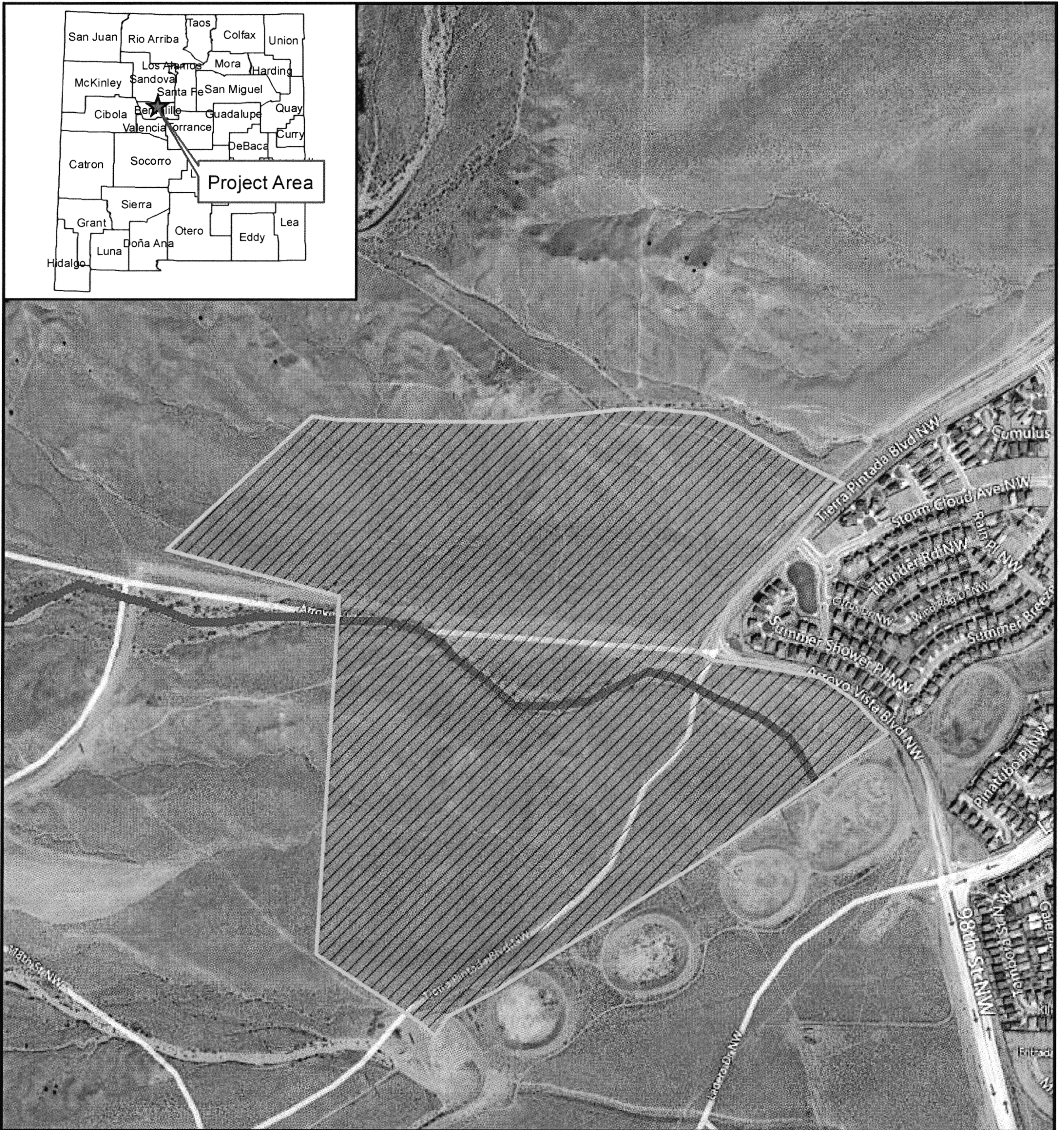


Figure 2
Project Area Map

LEGEND

-  Project Area
-  Arroyo

Bernalillo County, New Mexico.
Albuquerque West and La Mesita Negra SE,
USGS 7.5' Quadrangle Map

0 0.1 0.2 0.3 0.4 0.5
Miles



APPENDIX

USFWS Correspondence

Bernalillo County USFWS/NMDGF Species Lists



Heather Parmeter

From: Hein, Eric <eric_hein@fws.gov>
Sent: Tuesday, May 14, 2013 9:31 AM
To: Heather Parmeter
Subject: Re: APS West Side CLOMR ESA Compliance Request

Hi Heather:

Thank you for requesting technical assistance. Under the Endangered Species Act, as amended, 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 U. S. Fish and Wildlife Service (Service) further. Similarly, it is the responsibility of the action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your projects will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Still, after reviewing your information, we agree with your determination of no effect.

Thanks,

Eric

On Tue, Apr 30, 2013 at 4:46 PM, Heather Parmeter <hparmeter@marroninc.com> wrote:

Hi Eric,

Attached please find a CLOMR ESA compliance letter requesting a response from the Service regarding our 'no effect' determination for the subject project.

The project area occurs on the west mesa in Albuquerque near Unser Blvd adjacent to new developments.

Please let me know if you have concerns or require additional information.

Thanks!

Heather Parmeter



Your Vision
Our Expertise
Exceptional Results

Marron and Associates
Project Manager/Biologist
Water Resources Lead

7511 Fourth Street NW
Albuquerque, New Mexico 87107
Tel 505.898.8848
Fax 505.897.7847
hparmeter@marroninc.com | www.marroninc.com

--

Eric W. Hein
U.S. Fish and Wildlife Service
2105 Osuna NE
Albuquerque, New Mexico 87113
505-761-4735, 346-2542 (fax)



7511 Fourth Street NW
Albuquerque, NM 87107
tel 505.898.8848
fax 505.897.7847
www.marroninc.com

Your Vision. Our Expertise. Exceptional Results.

April 29, 2013

Mr. Wally Murphy, Field Supervisor
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Road NE
Albuquerque, NM 87113

RE: Compliance Statement – Conditional Letter of Map Revision, Albuquerque Public Schools West Side Stadium and School Development Project, Bernalillo County, New Mexico.

Dear Mr. Murphy:

Proposed Action: Albuquerque Public Schools proposes to develop a school and stadium on a currently vacant and disturbed 205-acre parcel of land located adjacent to Tierra Pintada Boulevard and Arroyo Vista Boulevard west of Unser Boulevard within the City of Albuquerque in Bernalillo County, New Mexico. The area is located on the *Albuquerque West, and La Mesita Negra, SE New Mexico* U.S. Geological Survey 7.5-minute quadrangle maps (attached). Marron and Associates recently conducted a natural resources survey of the action area and determined that the site development would result in 'no effect' to USFWS listed species.

A request for a Conditional Letter of Map Revision (CLOMR) will be submitted to the Federal Emergency Management Agency (FEMA). FEMA Procedure Memorandum 64 (dated August, 2010) requires that the applicant demonstrate Endangered Species Act (ESA) compliance by submitting one of the following to document contact with the Service:

- Incidental Take Permit / Incidental Take Statement
- 'Not likely to adversely affect' determination
- 'No effect' concurrence
- Refusal to provide concurrence or determination

Request for Statement: We request a response to this inquiry to meet FEMA documentation requirements. Please respond via email or check the appropriate statement below regarding ESA compliance and return. If you have concerns regarding project effects, please contact me at (505) 898-8848, or e-mail hparmeter@marroninc.com. Thank you for your attention to this matter.

Sincerely,


Heather Parmeter
Project Manager/Biologist

____ Under the ESA, as amended, 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 action agency or project proponent, not the Service, to make 'no effect' determinations.

____ The Service concurs with your finding of 'no effect'

____ The Service is of the opinion that the above described project 'may affect' endangered, threatened, or proposed species, or designated critical habitat, and further consultation is required.

_____	_____	_____
Title	Signature	Date

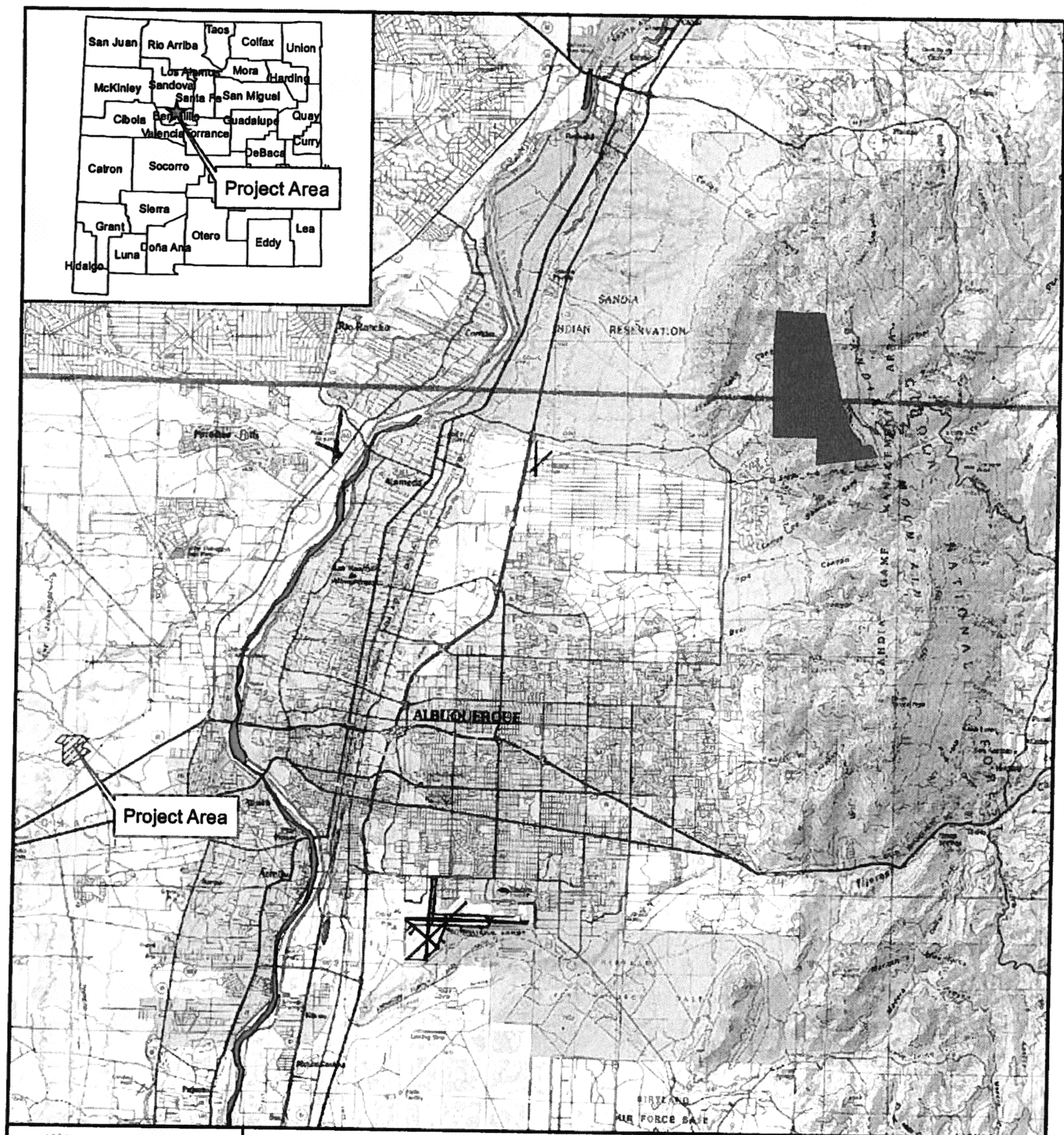
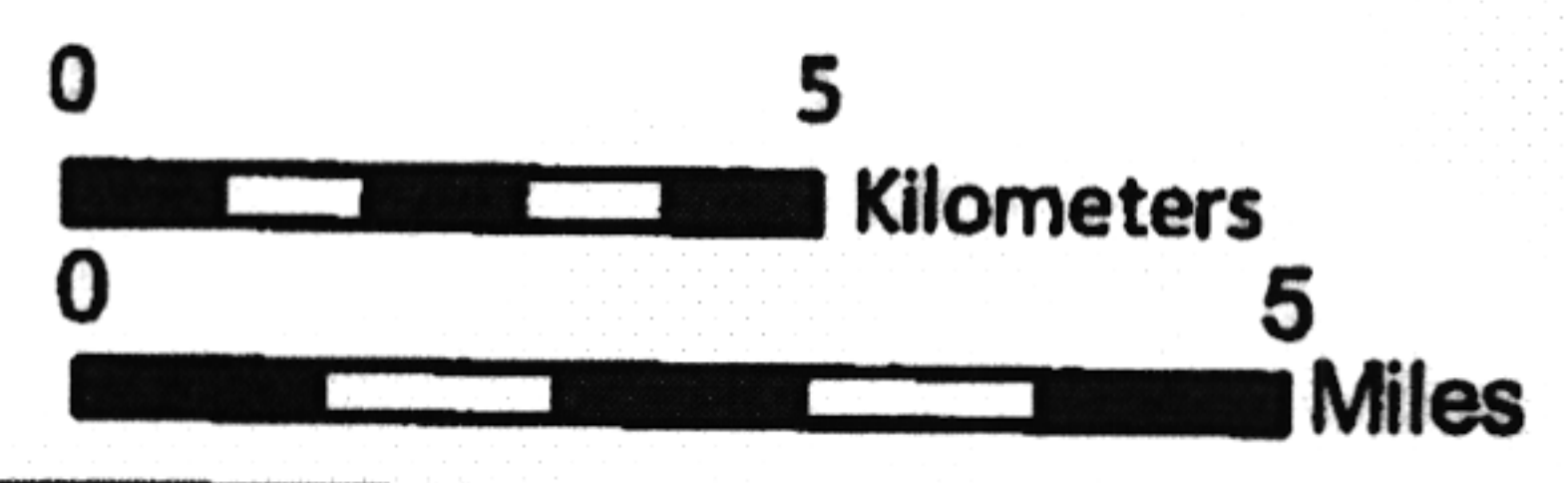


Figure 1
Project Area Map
with USFWS
Designated Critical
Habitat

LEGEND

- Project Area
- Mexican Spotted Owl Designated Critical Habitat
- Rio Grande Silvery Minnow Designated Critical Habitat



La Mesita Negra SE, NM
 USGS 7.5 Minute Quadrangle
 Bernalillo County, New Mexico



Listed and Sensitive Species in Bernalillo County

Total number of species: 17



Common Name	Scientific Name	Group	Status
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Bird	Candidate
Gunnison's prairie dog	<i>Cynomys gunnisoni</i>	Mammal	Candidate
New Mexican meadow jumping mouse	<i>Zapus hudsonius luteus</i>	Mammal	Candidate
Southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	Bird	Endangered
Rio Grande silvery minnow Designated Critical Habitat	<i>Hybognathus amarus</i>	Fish	Endangered
Black-footed ferret ²	<i>Mustela nigripes</i>	Mammal	Endangered
Whooping Crane	<i>Grus americana</i>	Bird	Experimental, Non-essential Population
Mexican spotted owl Designated Critical Habitat	<i>Strix occidentalis lucida</i>	Bird	Threatened

Species of Concern

Species of Concern are included for planning purposes only.

Common Name	Scientific Name	Group	Status
Millipede	<i>Comanchelus chihuensis</i>	Arthropod - Invertebrate	Species of Concern
American peregrine falcon	<i>Falco peregrinus anatum</i>	Bird	Species of Concern
Arctic peregrine falcon	<i>Falco peregrinus tundrius</i>	Bird	Species of Concern
Baird's sparrow	<i>Ammodramus bairdii</i>	Bird	Species of Concern
Black tern	<i>Chlidonias niger</i>	Bird	Species of Concern
Northern goshawk	<i>Accipiter gentilis</i>	Bird	Species of Concern
Western burrowing owl	<i>Athene cunicularia</i>	Bird	Species of

	<i>hypugaea</i>		Concern
Pecos River muskrat	<i>Ondatra zibethicus ripensis</i>	Mammal	Species of Concern
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	Mammal	Species of Concern

Endangered	Any species which is in danger of extinction throughout all or a significant portion of its range.	Threatened	Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
Candidate	Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).	Proposed	Any species of fish, wildlife or plant that is proposed in the Federal Register to be listed under section 4 of the Act. This could be either proposed for endangered or threatened status.
Experimental, Non-essential Population	A reintroduced population established outside the species' current range, but within its historical range. For purposes of section 7 consultation, this population is treated as a proposed species, except when it is located within a National Wildlife Refuge and National Park, when the population is considered threatened.		
Under Review	Determining whether the status of the species meets the definition of threatened or endangered.		
Species of Concern	Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies. Species of Concern are included for planning purposes only.		

Foot Notes:

D	Designated Critical Habitat.	P	Proposed Critical Habitat.
1	Introduced population.	3	Extirpated in this county.
2	Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (<i>Cynomys gunnisoni</i>) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (<i>Cynomys ludovicianus</i>). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.		



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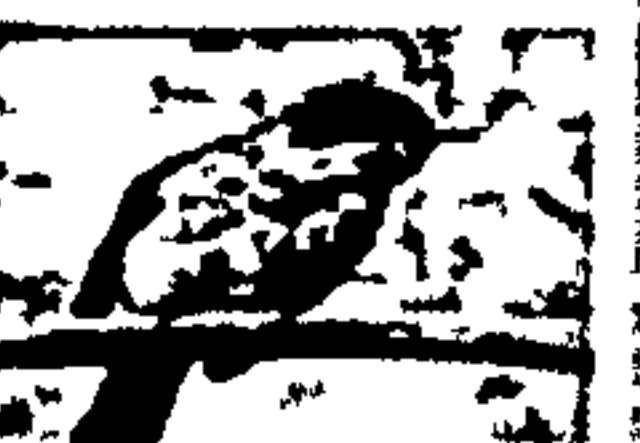
Database Query










Your search terms were as follows:

16 species returned.

Taxonomic Group	# Species	Taxonomic Group	# Species
Fish	1	Mammals	2
Birds	13		

Export to Excel

Species ID	Species	Common Name	Category	Scientific Name	ITIS Code	Species Photo	County	Status
010310	Minnow, Silvery, Rio Grande	Minnow, Silvery, Rio Grande		Hybognathus amarus	163365		Bernalillo	State NM: Endangered
040040	Black-Hawk, Common	Black-Hawk, Common		Buteogallus anthracinus anthracinus (NM)	175403		Bernalillo	State NM: Threatened
040195	Cormorant, Neotropic	Cormorant, Neotropic		Phalacrocorax brasilianus	554375		Bernalillo	State NM: Threatened
040370	Eagle, Bald	Eagle, Bald		Haliaeetus leucocephalus alascanus (NM)	175422		Bernalillo	State NM: Threatened
040380	Falcon, Aplomado	Falcon, Aplomado		Falco femoralis septentrionalis (NM)	175611		Bernalillo	State NM: Endangered
040384	Falcon, Peregrine	Falcon, Peregrine		Falco peregrinus anatum	175605		Bernalillo	State NM: Threatened
040385	Falcon, Peregrine, Arctic	Falcon, Peregrine, Arctic		Falco peregrinus tundrius	175608	no photo	Bernalillo	State NM: Threatened
040521	Flycatcher, Willow, Southwestern	Flycatcher, Willow, Southwestern		Empidonax traillii extimus	712529		Bernalillo	State NM: Endangered

								
040905	Hummingbird, Broad-billed	Hummingbird, Broad-billed		Cynanthus latirostris magicus (NM)	178074		Bernalillo	State NM: Threatened
040955	Hummingbird, White-eared	Hummingbird, White-eared		Hylocharis leucotis borealis (NM)	178070		Bernalillo	State NM: Threatened
041400	Pelican, Brown	Pelican, Brown		Pelecanus occidentalis carolinensis (NM)	174687		Bernalillo	State NM: Endangered
041785	Sparrow, Baird's	Sparrow, Baird's		Ammodramus bairdii	179339		Bernalillo	State NM: Threatened
042190	Vireo, Bell's	Vireo, Bell's		Vireo bellii arizonae (NM,AZ);medius (NM)			Bernalillo	State NM: Threatened
042200	Vireo, Gray	Vireo, Gray		Vireo vicinior	179008		Bernalillo	State NM: Threatened
050095	Bat, Spotted	Bat, Spotted		Euderma maculatum	180010		Bernalillo	State NM: Threatened
050410	Mouse, Jumping, Meadow	Mouse, Jumping, Meadow		Zapus hudsonius luteus (NM,AZ)	609782		Bernalillo	State NM: Endangered

[Close Window](#)

Bohannon Huston

Albuquerque

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Albuquerque, NM
87109-4335

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facsimile: 505.798.7988
toll free: 800.877.5332

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facsimile: 575.532.8680

Denver

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Suite 140
Englewood, CO
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voice: 303.799.5103
facsimile: 303.799.5104
toll free: 877.799.5103

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NATIONAL FLOOD INSURANCE PROGRAM

FEMA PRODUCTION AND TECHNICAL SERVICES CONTRACTOR

March 15, 2013

Mr. Jonathan Ellison, P.E., CFM
Bohannon Huston, Inc.
Courtyard I, 7500 Jefferson Street NE
Albuquerque, NM 87109-4335

IN REPLY REFER TO:
Case No.: 12-06-2517R
Communities: City of Albuquerque, NM

Community Nos.: 350002

316-AD

Dear Mr. Ellison:

This responds to your submittal dated February 29, 2013, in response to our letter dated November 29, 2012, concerning a request dated May 15, 2012, that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issue a conditional revision to the Flood Insurance Rate Map (FIRM) for Bernalillo County, New Mexico, and Incorporated Areas. Pertinent information about the request is listed below.

Identifier:	Albuquerque Public School/Stadium
Flooding Source:	Mirehaven Arroyo B, Unnamed Stream and Unnamed Pond
FIRM Panels Affected:	35001C0309G and 35001C0307G

The data required to complete our review, which must be submitted within 90 days of the date of this letter, are listed on the attached summary.

If we do not receive the required data within 90 days, we will suspend our processing of your request. Any data submitted after 90 days will be treated as an original submittal and will be subject to all submittal/payment procedures, including the flat review and processing fee for requests of this type established by the current fee schedule. A copy of the current fee schedule is available for your information on the FEMA Web site at http://www.fema.gov/plan/prevent/fhm/frm_fees.shtm.

FEMA receives a very large volume of requests and cannot maintain inactive requests for an indefinite period of time. Therefore, we are unable to grant extensions for the submission of required data/fees for revision requests. If a requester is informed by letter that additional data are required to complete our review of a request, the data must be submitted within 90 days of the date of the letter. Any fees already paid will be forfeited if the requested data are not received within 90 days.

If you have general questions about your request, FEMA policy, or the National Flood Insurance Program, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). If you have specific questions concerning your request, please contact your case reviewer, Ms. Swetha Konduru, by e-mail at skonduru@dewberry.com or by telephone at (703-206-0843, or the Revisions Coordinator for your State, Ms. Kavitha Pulugundla, CFM, at kavitha_pulugundla@urscorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Kaiser", enclosed within an oval-shaped scribble.

Benjamin Kaiser, P.E., CFM
Revisions Manager
Risk Assessment, Mapping,
and Planning Partners

Attachment:

Summary of Additional Data

cc: Mr. Curtis Cherne
Floodplain Administrator
City of Albuquerque, NM



NATIONAL FLOOD INSURANCE PROGRAM

FEMA PRODUCTION AND TECHNICAL SERVICES CONTRACTOR

Summary of Additional Data Required to Support a Conditional Letter of Map Revision (CLOMR)

Case No.: 12-06-2517R

Requester: Mr. Jonathan Ellison, P.E., CFM

Communities: City of Albuquerque, NM

Community No.: 350002 and 350001

The issue listed below must be addressed before we can continue the review of your request.

Please provide additional documentation like site investigations or a biological assessment to show that no endangered and threatened species are affected by the project. Additionally, please document what type of project is being undertaken and why it won't affect species.

Please send the required data to:

LOMC Clearinghouse
Attention: LOMR Manager
847 South Pickett Street
Alexandria, VA 22304-4605

For identification purposes, please include the case number referenced above on all correspondence.

I , Rudy E.

From: Cherne, Curtis

Sent: Wednesday, March 20, 2013 8:38 AM

To: Rael, Rudy E.

Subject: FW: Additional Data Received - Bernalillo County, New Mexico (Case Number 12-06-3488P) - Receipt Requested
Same as last one. Seems we should file these e-mails so that we know when the 90 day clock started.

Thanks,

Curtis

From: Konduru, Swetha [mailto:skonduru@dewberry.com]

Sent: Tuesday, March 19, 2013 2:08 PM

To: Craig Hoover

Cc: Cherne, Curtis; Pulugundla, Kavitha

Subject: Additional Data Received - Bernalillo County, New Mexico (Case Number 12-06-3488P) - Receipt Requested

Dear Mr. Hoover:

This responds to your submittal received on March 15, 2013, concerning a October 10, 2012 request, requesting information for the above-referenced Case Number (12-06-3488P). This case number is for a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issue a revision to the flood hazard information on the applicable National Flood Insurance Program (NFIP) map for Bernalillo County, New Mexico and Incorporated Areas. This e-mail is being sent to officially acknowledge the receipt of your additional data for the above-referenced case number and replaces the paper copy acknowledgement letters previously issued by FEMA. We ask that you please respond directly to this e-mail to verify that it has been received.

We are reviewing your submitted data and will contact you if additional information is required to process your request.

If additional information is not required, we will issue a final letter of determination within 90 days of receiving your submittal dated March 15, 2013.

If you have general questions about your request, FEMA policy, or the National Flood Insurance Program, please call the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). If you have specific questions concerning your request, please contact the case reviewer using the information listed below, or the Revisions Coordinator for your request, Ms. Kavitha Pulugundla, CFM, at kavitha.pulugundla@urs.com or at (703) 849-0554.

Please be assured we will do our best to respond to all inquiries in a timely manner.

Thanks,

S Konduru, EIT, CFM

Er / MT-2 Analyst

Risk Assessment, Mapping and Planning Partners (RAMPP)

8401 Arlington Blvd.

Fairfax, VA 22031-4666

Phone: 703.206.0843

3/20/2013

F. 3.849.0648

Visit Dewberry's website at www.dewberry.com

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3/20/2013