

Frequently Asked Questions about the Los Lunas RM 163 Project

U.S. Bureau of Reclamation

02/28/2025

1. How does the National Environmental Policy Act (NEPA) apply to this project?

Answer:

In accordance with the most recent Council on Environmental Quality direction issued to federal agencies (see: <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/CEQ-Memo-Implementation-of-NEPA-02.19.2025.pdf>) and consistent with Executive Order 14154, “Unleashing American Energy” from January 20, 2025, Reclamation implements NEPA on all projects with the potential of having effects on the quality of the human environment.

2. How was the NEPA process followed for this project?

Answer:

The NEPA process for this project includes:

- Reclamation coordinated with the Middle Rio Grande Conservancy District (MRGCD) as the underlying landowner, the U.S. Army Corps of Engineers (USACE) as the agency leading the engineer levee design in this reach, and with the New Mexico Interstate Stream Commission as a project partner to identify designs that would meet the purpose and need to improve water conveyance through the Los Lunas subreach and to reduce potential safety issues related to levee protection.
- Reclamation consulted with the New Mexico State Historic Preservation Office regarding the proposed action as an operation and maintenance activity in October 2024.
- Reclamation consulted with the U.S. Fish and Wildlife Service (USFWS) regarding potential effects on federally listed species under Section 7 of the Endangered Species Act (ESA). To this end, Reclamation biologists conducted a habitat suitability survey in November 2024.
- Additionally, any incidental effects to silvery minnow, flycatcher, and cuckoo resulting from this project are encompassed within Reclamation’s annual accounting and reporting to the USFWS based on Reclamation’s 2016 Biological Opinion (<https://www.fws.gov/media/final-biological-and-conference-opinion-bureau-reclamation-bureau-indian-affairs-and-non>), which will include a post-project update of actual impacts.
- Reclamation consulted with the USACE and the New Mexico Environment Department to obtain the Clean Water Act Section 404 permit and Section 401 water quality certification in November 2024.
- Reclamation coordinated with the Valencia County Floodplain Managers and met with the Village of Los Lunas Floodplain Managers to provide information on the project in June 2024.

- Reclamation coordinated with the immediate adjacent neighbors on the east and west side of the Rio Grande as follows:

Public meeting held on August 06, 2024

- 65 invitational letters were sent by Reclamation on July 30, 2024, to neighbors with property abutting the project footprint.
- A notice was placed in the legal ad section of the Albuquerque Journal (July 23, 2024, and July 28, 2024) & the Valencia County News-Bulletin (August 1, 2024, and August 8, 2024) informing the public of the upcoming project and providing a point of contact for interested parties.
- A meeting was held with interested landowners and the USACE to address comments received after USACE's publication of the draft Environmental Assessment (EA) on October 18, 2024, as part of the Section 404 permitting.
- A site visit with staff from Reclamation, MRGCD, and the USACE was conducted on November 15, 2024, to review the general scope of the project and identify the approach to tree removal. Attendees identified trees to avoid during removal, to the extent possible.

EA Public comment notification

- Reclamation's draft EA document was released for a 15-day public comment period starting December 5 and concluded on December 20, 2024. The public was notified of the comment period through the following means:
 - 65 letters were sent by Reclamation on November 22, 2024
 - A notice was placed in the legal ad section of the Albuquerque Journal (Dec 5, 2024, and Dec 12, 2024) & the Valencia County News-Bulletin (Dec 5, 2024, and Dec 12, 2024)
 - A news release was published in the Valencia County News-Bulletin on December 5, 2024

3. Were any public comments made on the EA that Reclamation published?

Answer:

No public comments were received on the EA that was released by Reclamation on December 5, 2024.

4. Why was an Environmental Impact Statement not done?

Answer:

An EA was completed for the project. Through the EA process Reclamation determined that the proposed action will most likely have no significant effects on the human environment. Per NEPA, an Environmental Impact Statement (EIS) is only required when the proposed action will have significant effects on the human

environment. An EIS is therefore not required for the project. This project EA is consistent with the NEPA process for the majority of Reclamation's routine river maintenance activities.

5. What does the final EA describe and what do the project permits allow?

Answer:

The final EA for this project describes the actions being implemented and the anticipated effects. The project follows the Best Management Practices (BMPs) as described therein and conditions in the permits obtained, including in Reclamation's 2016 Biological Opinion. This encompasses mitigation for effects on silvery minnow, migratory bird habitat, and any other impact to the environment as identified in **Table 1.3** of the EA.

6. How far back from the levee will vegetation removal occur?

Answer:

The majority of vegetation removal will occur between 24 and 36 feet from the levee but may extend up to 60 feet to allow Reclamation's construction equipment enough space to maneuver safely. Notably, most of the mature cottonwood trees are within 30 feet of the levee. Some vegetation removal will occur further into the bosque for staging and river access, as described in the EA.

7. What is being done to protect birds and abide by the Migratory Bird Treaty Act?

Answer:

Any work performed during migratory bird season (April 15 – September 1) requires surveys be performed by Reclamation biologists to minimize impacts to migratory bird species within the project area. Areas within the project footprint where nesting birds are observed are flagged and avoided in this timeframe.

8. Why are trees being trimmed using excavators instead of chainsaws?

Answer:

Trees being trimmed using excavators are those that will most likely eventually be removed because they are unhealthy or would pose a safety risk to construction staff if a chainsaw were to be used, per Occupational Safety and Health Administration regulations (29 CFR 1910.269). Additionally, the New Mexico State Forestry department is cleaning up limb removals and falling heavily damaged trees.

9. Will the remaining healthy trees become more prone to disease after this project?

Answer:

Reclamation biologists will reassess the health of the trees after the clearing process and project completion. Decisions about how to mitigate will be made thereafter based on Reclamations BMPs in appendix B of the EA.

10. Does the EA allow for cutting down all vegetation in certain areas?

Answer:

Yes, the EA allows for this in designated areas in addition to our National Historical Preservation Act concurrence with the State Historical Preservation Officer. Areas for equipment staging and access to the river are necessary to clearcut.

11. Why is this project important?

Answer:

The project is important because this is an area that is at risk of flooding from levee failure, the consequences of which could be catastrophic to the surrounding area. The river is unable to properly convey the two-year flood flow of 3,500 cubic feet per second in this reach; rather, water is stranded near the levee toe, which increases the risk of levee failure. The two-year flood flow is the peak flow for which there is a 50% probability of being equaled or exceeded in any given year.

12. Under what authority is this work being performed?

Answer:

This project is authorized under the Flood Control Act of 1948 (Pub. L. 80-858, Ch. 771, 62 Stat. 1171, 1179-1181) and the Flood Control Act of 1950 (Pub. L. 81-516, Ch. 188, 64 Stat. 163, 176).

13. Why must vegetation be removed from the levee?

Answer:

The purpose of vegetation removal is to create space for excavated spoil material (soil) to be placed on the existing levee. The project will raise the existing levee by 2 feet and extend the levee about 30 feet into the bosque. This will fortify the levee against failure from future flooding events in this reach.

14. Why are so many trees being removed?

Answer:

Decisions regarding the removal of trees relate to several factors: creating space for the construction equipment to safely maneuver; removal of dead or diseased limbs and trees that create a safety hazard; creating adequate space to place excavated sediment on the existing levee; and to increase the width of the levee by 30 feet to better protect it from potential failure due to flooding in this area.

Initially, Reclamation planned to remove all the trees/vegetation on the west levee starting from the west gate, north of the NM6 bridge to the boundary of Isleta Pueblo (approximately 2.2 miles) and up to 60 feet into the bosque. The initial plan would have impacted about 250 healthy mature cottonwood trees with a diameter above breast height (DBH) greater than 6 inches. However, due to concerns expressed by adjacent landowners, Reclamation scaled down removal efforts to keep as many mature cottonwood and Gooding's willow trees as possible. This significantly decreased the impact to mature trees and other bosque vegetation.

Currently, decisions around which trees to remove and which to keep are based on these three considerations:

- Construction staff safety,
- Construction equipment maneuverability and safety, and
- Ecosystem health, such as removal of dead, diseased, or disease-prone trees that pose a fire risk, while minimizing overall tree removal to only what is necessary.

15. Why are healthy, mature cottonwood trees being removed?

Answer:

Any healthy, mature cottonwood trees being removed are those that are in the way of construction equipment or pose a safety hazard.

16. How many healthy trees may be removed per the EA?

Answer:

Approximately 246 mature (DBH > 6 inches) healthy trees within the project footprint may be removed.

17. How many sick and diseased trees are being removed?

Answer:

Sick and diseased trees that pose a safety hazard or are in the construction footprint will be removed. The total number to be removed is unknown and depends on site conditions during construction.

18. Is the project footprint within the estimated quantities outlined in the EA?

Answer:

Yes, the project as being implemented is well below the maximum allowed footprint outlined in the EA for ground disturbance, tree removal, and excavated islands.

19. How are you assessing which trees are healthy versus sick?

Answer:

Healthy versus sick trees were assessed by Reclamation biologists in February 2025 before tree removal began. Reclamation biologists provided recommendations on which trees to remove based on the overall health, safety hazards each tree presented, and the estimated spacing requirements needed for construction equipment to complete project goals.

20. What does the pink flagging tied to certain trees indicate?

Answer:

Pink flagging indicates trees that may be saved in the project footprint based upon where spoils placement along the levee will occur. Reclamation biologists focused on saving as many mature, healthy native trees as possible within the construction

zone. Some flagged trees may be removed depending on the amount of space needed for spoils placement or to provide clearance for construction equipment to work in the area.

21. Is removal of invasive vegetation included in the project?

Answer:

Reclamation will remove invasive vegetation in the project vegetation clearing footprint. Additionally, Reclamation will do post-construction monitoring for invasive vegetation and mitigate as needed.

22. How are you mitigating fire risk due to the increase in downed vegetation resulting from the project?

Answer:

Fire risk will ultimately be decreased by the project given that the current understory is comprised of dense dead and downed vegetation that presents a significant fire hazard. Clearing and mastication of the understory as described in the EA reduces the likelihood of a catastrophic wildfire occurring in this reach. Additionally, all construction vehicles including masticators, excavators, and dozers are equipped with one or more fire extinguishers.

23. Has Reclamation implemented similar projects that required revegetation or removal of invasive vegetation?

Answer:

Yes, Reclamation recently completed a project at Fort Criag within the Tiffany Basin for Wetland Mitigation. Before and after imagery of the site is shown below (photo dates are included in each caption).



Photo Point #1 – 3-2-2023



Photo Point #1 – 8-23-2023



Photo Point #2 – 3-2-2023



Photo Point #2 – 8-23-2023



Photo Point #3 – 3-2-2023



Photo Point #3 – 8-23-2023



Photo point #4 – 3-2-2023



Photo point #4 – 8-23-2023



Photo Point #5 – 3-2-2023



Photo Point #5 – 8-23-2023