

# Scoping Report

## *Upper Rio Penasco Watershed Sites 1, 2, and 3A Supplemental Watershed Plan and Environmental Assessment Project*

Mayhill, Otero County, New Mexico

Contract No. 12FPC324D0011

Task Order No. 12FPC324F0122



Site 1



Site 2



Site 3A

Submitted to:

### **U.S. Department of Agriculture Natural Resources Conservation Service – New Mexico State Office**

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March 2025  
RJH Project 24116

# **Upper Rio Penasco Watershed Sites 1, 2, and 3A Supplemental Watershed Plan and Environmental Assessment Project Scoping Report**

**March 2025**

**Prepared for:**



**Natural Resources Conservation Service**  
U.S. DEPARTMENT OF AGRICULTURE

**Prepared by:**

RJH Consultants, Inc. and Pinyon Environmental, Inc.

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## **Acronyms and Abbreviations**

BLM	Bureau of Land Management
CHAT	Crucial Habitat Assessment Tool
CH	Critical Habitat
DHSEM	Department of Homeland Security and Emergency Management
EA	Environmental Assessment
EMNRD	Energy, Minerals, and Natural Resources Department
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
IPA	Important Plant Area
IPaC	Information for Planning and Consultation
MSO	Mexican Spotted Owl
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NM	New Mexico
NMDA	New Mexico Department of Agriculture
NMDGF	New Mexico Department of Game and Fish
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environmental Department
NMPRipMap	New Mexico Riparian Habitat Map
NMSLO	New Mexico State Land Office
NRCS	Natural Resources Conservation Service
NRHP	National Register for Historic Places
OSE	Office of the State Engineer
PAC	Protected Activity Center
SGCN	Species of Greatest Conservation Need
SWCD	Soil and Water Conservation District
THPO	Tribal Historic Preservation Office
USACE	U.S. Army Corps of Engineers
USBR	U.S. Bureau of Reclamation
USDA	U.S. Department of Agriculture
USFS	US Forest Service
USFWS	U.S. Fish and Wildlife Service

USGS

U.S. Geological Survey

# **1 Introduction**

The United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), in cooperation with the Otero Soil and Water Conservation District (SWCD), as the project Sponsor, is preparing a Supplemental Watershed Plan-Environmental Assessment (Plan-EA) for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County, New Mexico. The Supplemental Watershed Plan-EA will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and funded in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which provides for cooperation between the Federal Government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources. The project will identify and evaluate alternatives to bring the dams at Sites 1, 2, and 3A into compliance with current NRCS and State of New Mexico dam safety standards.

The purpose of this document is to provide the results of the scoping process, a summary of the comments received, a summary of applicable resource concerns, and an identification of cooperating agencies.

## **1.1 Scoping Goals and Objectives**

NEPA requires an early and open process to determine the scope and significance of the issues to be addressed by the Plan-EA. Participation of the affected public, agencies, and other stakeholders is a key component of the scoping process to identify issues and resource concerns for consideration in the Plan-EA. This provides an opportunity for those who are interested in or potentially affected by the project and proposed alternatives to share concerns and provide input during the initial phases of the planning process.

The objectives of scoping include:

- Identify and notify interested and affected parties;
- Provide information regarding the Plan-EA project to the public, agencies, Tribal members, and other stakeholders;
- Identify human and environmental issues and concerns relevant to the study area;
- Collect stakeholder value information and understand their desired outcomes;
- Identify what associated research, related actions, or alternatives should be considered; and
- Determine spatial and temporal extent.

## **2 Scoping Process**

This section summarizes the scoping activities and outreach conducted for the proposed project. It describes the scoping notifications issued, as well as the public and agency scoping meetings held to solicit feedback on the project.

### **2.1 Scoping Notices and Announcements**

Public scoping for the project took place between January 28, 2025 and February 27, 2025.

A variety of materials were developed, and multiple methods were used to notify the public and interested parties about the project and solicit feedback on issues and topics to be considered in the Plan-EA. Those materials, methods, and their timing are summarized below. Appendix A includes copies of the various scoping notices.

#### **2.1.1 Newspaper Notifications**

The 30-day public scoping period was initiated with the publication of a notice to prepare a Supplemental Watershed Plan-EA and to announce scoping meetings in the village news section of the Mountain Monthly in January 2025. The notice provided background information on the project, the locations of the public meetings, methods to comment, as well as the project website address. A copy of the newspaper proof of publication is provided in Appendix A.

#### **2.1.2 Radio Ads**

Radio ads were run on KANW 89.1 FM which has coverage that includes the surrounding areas. The radio ads provided the locations, dates, and times of the public scoping meetings and referred to the Otero SWCD website. The 60-second ads ran twice a day from January 20, 2025, through January 24, 2025, and three times a day from January 26, 2025, through January 28, 2025.

#### **2.1.3 Scoping Letter to Adjacent and Downstream Property Owners**

A two-page public scoping notice was developed with project background information including a figure of the study area, project timeline, project contacts, public scoping meeting dates, meeting locations, and meeting times, and methods to comment. This notice was mailed to 21 downstream property owner recipients.

#### **2.1.4 Agency Letters and Emails**

Scoping letters were mailed and/or emailed to the following agencies, Tribes, Pueblos, and Tribal Historic Preservation Offices (THPO) on December 20, 2025:

- U.S. Bureau of Reclamation (USBR)
- Federal Emergency Management Agency (FEMA)
- Bureau of Land Management (BLM), NM State Office
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish & Wildlife Service (USFWS)
- U.S. Forest Service (USFS) Lincoln National Forest;
- Federal Highway Administration (FHWA)
- U.S. Geological Survey (USGS)
- U.S. Army Corps of Engineers (USACE), Albuquerque Regulatory Office
- NM Department of Homeland Security and Emergency Management (DHSEM)- Local Preparedness Coordination Division
- NM Environmental Department (NMED), District III Alamogordo Office

- NM State Land Office (NMSLO)
- NM State Historic Preservation Office (SHPO)
- NM Department of Agriculture (NMDA)
- NM Office of the State Engineer (OSE) Water Rights, District 2
- NM Energy, Minerals, and Natural Resource Department (EMNRD), Forestry Division
- NM Department of Transportation (NMDOT)
- NMDOT, District 2
- NM Department of Game and Fish (NMDGF), Fisheries Management Division
- NM Office of the Governor
- Otero County Attorney
- Otero County Commissioner
- Otero County Emergency Services
- Otero County Manager
- Otero County Planning
- Village of Cloudcroft
- Ysleta del Sur Pueblo Governor and THPO
- Comanche Nation Chairman and THPO
- White Mountain Apache Tribe Chairman and THPO
- Pueblo of Isleta Governor and THPO
- Kiowa Tribe of Oklahoma Chairman
- Mescalero Apache Tribe Madam President and THPO

### **2.1.5 Websites**

NRCS developed a project-specific website to provide project information and updates throughout the duration of the project. That website was updated with information pertaining to the scoping process on January 17, 2025. The address for the website is: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed>.

Additionally, the Otero SWCD website included a specific webpage pertaining to the project and the scoping period as well as a link to the NRCS project website. The address for the website is: <https://www.oteroswcd.org/projects>.

### **2.1.6 News Releases**

A press release entitled, “*Supplemental Watershed Plan-Environmental Assessment for Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project Underway*” sharing project information and promoting the upcoming public scoping meetings was distributed to area media representatives at the following media outlets:

- KTSM (NBC)
- KOAT (ABC)

No responses were received, and no articles were published online.

## **2.2 Public Scoping Meetings**

One in-person public scoping meeting with an option to attend virtually was held during the scoping period. The meeting was held from 6:30 p.m. to 8:00 p.m. on January 28, 2025, at the Mayhill Community Center located at 15 Civic Center Dr. Mayhill, NM 88339.

A total of 26 people attended the meeting, 17 of which were members of the public. A list of the individuals who attended the meeting is included in Appendix B.

A presentation was given which provided a background of the project purpose and need and current conditions of the Upper Rio Penasco Sites 1, 2, and 3A Dams, an overview of the NRCS Watershed Program and NEPA planning processes, identification of problems and opportunities, potential alternatives, project schedule, and how to comment.

Public feedback was solicited through the use of a form that presented a list of resource concerns, included a ranking of importance for each concern, and included an opportunity to provide rationale for the ranking. The list of resources on the comment form included:

- Wetlands
- Critical Habitat
- Floodplains
- Recreation
- Cultural Resources
- Threatened and Endangered Species
- Fish and Wildlife
- Forests
- Invasive Species
- Land Use
- Migratory Birds
- Natural Areas
- Parklands
- Prime and Unique Farmland
- Riparian Areas
- Public Health and Safety
- Regional Water Resource Plans
- Scenic Beauty
- Scientific Resources
- Soil Resources
- Water Quality
- Water Resources
- Wild and Scenic Rivers
- Waters of the U.S.
- Social Issues
- Other Issues

All materials provided at the scoping meetings were made available on the NRCS project website and a summary of the public scoping meeting notes, including the PowerPoint slides presented at the January 28, 2025 meeting, is included in Appendix C.

## **2.3 Agency Scoping Meetings**

One in-person agency scoping meeting with an option to attend virtually was held with agency representatives to share information on the project and to solicit information and feedback on issues and concerns. The same presentation given at the public scoping meeting was provided to agency representatives and a discussion was facilitated following the presentation. The meeting was held from 3:00 p.m. to 4:30 p.m. on January 28, 2025, at the Mayhill Community Center located at 15 Civic Center Dr. Mayhill, NM 88339. The following agencies were in attendance:

- NRCS
- Otero SWCD
- USFS Lincoln National Forest
- Otero County Commission
- Otero County Emergency Services
- NMDGF

The same resource concerns comment form provided at the public scoping meeting was made available to attendees of the agency scoping meeting.

A list of the individuals who attended the meeting was documented and is available is included in Appendix D. A summary of the agency scoping meeting notes, including the PowerPoint slides presented at the January 28, 2025, meeting, is included in Appendix E.

## **2.4 Methods to Comment**

There were three methods to provide comment during the scoping period: filling out a comment form in-person at the scoping meetings; mail to NRCS; or email to the NRCS state watershed program manager ([merceidez.fabok@usda.gov](mailto:merceidez.fabok@usda.gov)).

## **2.5 Cooperating Agencies**

The NRCS invited the FEMA, USACE, USFS, and USFWS to participate as a cooperating agencies on the project. USFS and USACE formally accepted the request to participate as a cooperating agency.

# **3 Scoping Comments**

This section summarizes the outcomes of the public and agency meetings, the methods provided for comment during the scoping period, and the agency and public comments received, including feedback on resource concerns. This section concludes with a summary of the required scoping concerns outlined in Figure 501C-1: Resource Concerns and Applicable References from the National Watershed Program Manual and their applicability to the project, combining concerns identified in the course of the public/agency meetings with those gathered from scoping comments.

## **3.1 Scoping Meeting Discussion**

### **3.1.1 Public Scoping Meeting**

Discussions and feedback provided during the public scoping meeting can be summarized as follows:

- There is an interest in recreational opportunities, such as a permanent pool in the reservoirs; however, recreation is not part of the originally authorized purpose of the dams and dams evaluated through the rehabilitation program are limited on what purposes can be added. It was noted that a permanent pool within the reservoir would also decrease the storage volume available for flood conditions.
- A permanent pool for fire-fighting purposes may be considered as a part of the alternatives formulations.
- Historical data from past rain events and theoretical estimates will be used to evaluate inflow hydrology.

### **3.1.2 Agency Scoping Meeting**

Discussions and feedback provided during the agency scoping meeting can be summarized as follows:

- Because the dams are located on both private and public land, special use permits from USFS and coordination with landowners regarding easements will be required.
- Evaluation of upstream measures to reduce debris flow into the basins could be a project consideration. Clearing debris from the ports on the principal spillway riser has been an issue in the past and continues to be a concern. Sediment traps have been installed in the past, including at Curtis Canyon Dam, and sediment has been actively removed from Graveyard and Curtis Canyon Reservoirs.



- The USFS requested shapefiles of the project boundaries. The boundary of the dam footprints and reservoir boundaries will be provided, as the project boundary will not be fully defined until the alternatives have been identified.
- Downstream development was raised as a primary concern by Otero SWCD. There is an interest in sharing data with FEMA to update flood mapping. Data can be shared with FEMA; however, the work being completed for this project is not intended to meet FEMA mapping requirements and it is up to FEMA how and when they update flood maps.
- There is an interest in sediment removal in the reservoir basins and a question was raised regarding whether tree removal will be required as part of the project. These are possibilities but will be determined during the alternatives analysis.
- There is an interest in understanding which methods of erosion control will be used on the auxiliary spillways. The need for and types of erosion protection will be evaluated as part of the auxiliary spillway erodibility evaluations and structural alternative.
- There is interest in the inclusion of an early warning system as part of the project to reduce risk; however, due to the flash nature of storms in the area, such a system may not appreciably reduce risk but will be considered.
- There is an environmental review tool – NMERT.org – that should be used to identify species of greatest conservation need with potential to occur within the study area, and there is also a list available online from the NM EMNRD that should be reviewed for state listed endangered plants. This tool will be incorporated into analysis of environmental resources.

### **3.2 Resource Inventory Forms**

A total of twelve comments were received during the scoping period—seven provided by agencies or Tribal offices and five provided by members of the public. All but one public commenter and NMDGF provided feedback using the resource concern comment form and all other agency/THPO comments were received via email. Table 3-1 provides a summary of the public responses received during the scoping period to the resource concerns form.

**Table 3-1 Summary of Resource Concerns from Scoping Comments and their Importance**

Resource Concern	How Important is this Resource in relation to the Project?		
	Not	Little	Very
Wetlands	2 responses	1 response	
Critical Habitat	3 responses	1 response	1 response
Floodplains		1 response	3 responses
Recreation	3 responses	1 response	
Cultural Resources	3 responses	1 response	
Threatened and Endangered Species	3 responses	1 response	1 response
Fish and Wildlife	2 responses	2 responses	1 response
Forests		1 response	3 responses
Invasive Species	1 response	3 responses	1 response
Land Use	1 response		3 responses
Migratory Birds	3 responses	1 response	1 response
Natural Areas	2 responses	2 responses	1 response
Parklands	4 responses		
Prime and Unique Farmland	1 response	2 responses	1 response
Riparian Areas	2 responses	1 response	1 response
Public Health and Safety		1 response	3 responses
Regional Water Resource Plans	1 response	1 response	3 responses
Scenic Beauty	1 response	3 responses	
Scientific Resources	1 response	2 responses	1 response
Soil Resources	1 response	1 response	2 responses
Water Quality			4 responses
Water Resources	1 response	1 response	2 responses
Wild and Scenic Rivers	3 responses		1 response
Waters of the US	2 responses	1 response	1 response
Social Issues	2 responses	2 responses	
Other	2 responses		

As indicated in the above table, the resource concern with the greatest importance to commenters was water quality, followed by floodplains, forests, land use, public health and safety, and regional water resource plans.

### 3.3 Other Scoping Comments

Some commenters provided additional detail on their resource concern comment forms regarding why a particular resource concern was important to them. That information is summarized below by resource. In addition to the completed resources concerns form, the owner of [REDACTED] submitted written comments and those comments are also summarized below.

- **Wetlands:** While a number of the fields are always wet, the project will have little effect on those areas.
- **Critical Habitat:** Mexican Spotted Owls (*Strix occidentalis lucida*) have been observed near the project area and NMDGF recommended consultation with USFWS and the use of the USFWS's

Information for Planning and Consultation (IPaC) tool to confirm the potential overlap of critical habitat for Mexican Spotted Owls.

- **Floodplains:** There are two recreational vehicle (RV) parks located downstream in lower lying areas contributing to this resource as having high importance to the project. Additionally, one homeowner located downstream also indicated that floodplains are very important.
- **Recreation:** The spillway (dam not designated) is used for camping.
- **Threatened and Endangered Species:** NMDGF advised that the project area intersects an Important Plant Area (IPA) and recommends consultation with EMNRD's Endangered Plant Program coordinator, USFWS's IPAC system, and USFWS's New Mexico Ecological Services Office.
- **Fish and Wildlife:** NMDGF recommends that surveys for any burrowing wildlife species be completed in areas to be dredged, if dredging is a component of the project. Those surveys should be completed prior to the initiation of any soil moving activities.
- **Forests:** Water impounded at the dams could be used to fight forest fires, and the dams are very important in providing potential flood control following any potential future forest fire.
- **Invasive Species:** Thistles thrive in disturbed areas, such as construction footprints. The highly invasive, noxious weed African rue (*Peganum harmala*) has been documented near the proposed project area. NMDGF urges the establishment of a weed management program, in accordance with the USDA's Field Guide for Managing African Rue in the Southwest, and thorough control measures during construction to contain and control the potential spread of African rue.
- **Land Use:** The dams are perceived as a good use of public lands.
- **Migratory Birds:** NMDGF recommends that ground disturbance and vegetation be scheduled outside of the migratory bird breeding season (April 15- September 1). If ground disturbing/clearing efforts must be completed within the migratory bird breeding season, NMDGF suggests that surveys be conducted within appropriate buffer distances for any active nests identified. The federal list of Birds of Conservation Concern should be reviewed to evaluate potential effects to migratory birds and applicable conservation measures should be implemented.
- **Natural Areas:** The project area appears to be within Crucial Habitat as identified in the Crucial Habitat Assessment Tool (CHAT) which indicates that a diversity of species of conservation concern and sensitive or important habitats for wildlife are likely to be found in the project area. The Department recommends completion of thorough environmental assessment prior to, and exercising care during, implementation of project activities to avoid adverse impacts to sensitive wildlife and habitats.
- **Riparian Areas:** Riparian areas are within or near the project area and because these areas provide important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance. If such activities are not avoidable, the New Mexico Riparian Habitat Map (NMPRipMap) should be consulted and NMDGF's Habitat Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems guidelines should be followed.
- **Public Health and Safety:** The dams are very important for flood control.
- **Soil Erosion:** The dams are very important in the prevention of erosion.
- **Water Quality:** The dams are very important in the containment of sediment and trash.
- **Water Resources:** The act of damming could impact water supply in the area. Excessive flooding from a storm on July 4, 2021, was noted along Highway 82. The dams will continue to be used as

water control structures that impound water only during large storm events and immediately begin to release water at a slow rate to reduce the risk of flooding, erosion, and sedimentation downstream. The area of excessive flooding along Highway 82 will be evaluated during impacts analysis.

- **Wild and Scenic Rivers:** The Rio Peñasco runs through the property of one commenter.
- **Cost:** One commenter inquired as to whether property owners would need to financially support the project. The project will have funds provided by NRCS (65 percent) and the Otero SWCD (35 percent). As the project sponsor, the Otero SWCD must show evidence of commitment for funding, installing, operating, and maintaining the project. Contact information for Otero SWCD staff were provided by NRCS, if additional information is needed.

Agency and THPO comments received via email are summarized below. As NMDGF completed a resource concern comment form, those responses are included in Table 3-1 and comments are summarized above.

- The project should comply with Executive Orders 11988 and 11990. **(FEMA)**
- Dams have not been documented for eligibility for the National Register for Historic Places (NRHP). Modifications to the dam and any ground disturbances will require a cultural survey and Section 106 consultation. USFS should be consulted. **(SHPO)**
- The project will not adversely affect the Tribe's traditional, religious, or culturally significant sites. The Tribe would like to be consulted if human remains or artifacts unearthed during the project are determined to fall under Native American Graves Protection and Repatriation Act (NAGPRA) guidelines. Pueblo's cultural Affiliation Position Paper and Consultation Policy are available upon request. **(Ysleta del Sur Pueblo THPO)**
- No properties within the project area have been identified that may potentially contain prehistoric or historic archeological materials significant to the Comanche Nation. **(Comanche Nation THPO)**
- The entirety of Penasco Site 1 overlaps with the Bear Lake Protected Activity Center (PAC) and there is a slight overlap with Mexican Spotted Owl (MSO) critical habitat (CH) along the southern edge. Penasco Site 2 could be used as foraging/dispersal habitat and is located approximately 0.3 miles north and 2.3 miles east of MSO CH. Penasco Site 3A could be used as foraging/dispersal habitat and is located approximately 1.2 miles south of MSO CH that contains multiple PACs. Without complete project details, it is likely that take is only a potential at Penasco Site 1: Bear Creek Dam, particularly if work is done during the breeding season. **(USFWS)**
- The project will not adversely affect the Tribe's cultural heritage resources. **(White Mountain Apache THPO)**

All comments received and responses are compiled in Appendix F.

## **4 Scoping Outcomes**

Table 4-1 provides a summary of resource concerns and their applicability to the project. This table was produced using the feedback received during the scoping process, a desktop-level assessment of existing conditions within the study area, and required scoping concerns outlined in Figure 501C-1: Resource Concerns and Applicable References from the National Watershed Program Manual. The resources in Table 4-1 that are determined to be applicable will inform which resources will be fully analyzed in the Supplemental Watershed Plan EA.

**Table 4-1 Combined Resource Concerns and Their Applicability**

Resource Concern	Relevant?	Rationale
<b>Soil-Related Concerns</b>		
Soil Resources	Yes	The dams play a role in the prevention of erosion as well as sediment retention.
Prime and Unique Farmland and Farmland of Statewide or Local Importance	To be determined	Data regarding Prime and Unique Farmlands and Farmlands of Statewide Importance is not yet available for the survey area.
<b>Water-Related Concerns</b>		
Water Resources	Yes	The three dams are located in canyons that host intermittent water sources. Bear Creek, Curtis Canyon, and Graveyard Canyon are fed by springs and surface water runoff during precipitation events. These features are represented by dashed lines on the NHD (denoting intermittent features) and characterized on the NWI as intermittently or temporarily flooded riverine systems.
Soil Source Aquifers	No	There are no designated sole source aquifers in the study area (EPA 2024).
Water Quality	Yes	Water quality reporting for the segment of Rio Peñasco from Highway 24 to Cox Canyon, the closest in proximity to the survey area, categorizes water quality within Rio Peñasco as impaired for coldwater aquatic life and good for all other designated uses, except for fish culture, which was not assessed.
Floodplain Management	Yes	Floodplain areas are mapped in the study area. FEMA data indicates that the study area is located in Zone A which signifies areas where there is a 1% annual risk of major flood (FEMA 2010).
Coastal Zone Management Areas	No	The study area is not located near any coastal zones.
Waters of the U.S., Wetlands, and Special Aquatic Sites	Yes	Waters of the U.S. are located in the study area and could be potentially impacted by the project. The ultimate watershed Plan-EA will identify permitting requirements under Section 404 of the Clean Water Act.
Coral Reefs	No	The study area is not located near any coral reefs.

Resource Concern	Relevant?	Rationale
Regional Water Resource Plans	Yes	The study area is included in the 2016 Lower Pecos Valley Regional Water Plan which covers issues related to water rights, water supply, water demand, and strategies to meet future water demand (State of New Mexico Interstate Stream Commission and Office of the State Engineer 2016).
Wild and Scenic Rivers	No	No Wild and Scenic Rivers are located within the study area (National Wild and Scenic Rivers System 2025).
<b>Air-Related Concerns</b>		
Air Quality	Yes	There are no non-attainment or maintenance areas within the study area. However, construction activities have the potential to temporarily increase air emissions and dust.
<b>Plant and Animal-Related Concerns</b>		
Threatened and Endangered Species	Yes	There is potential for both federally and state-listed threatened and endangered species to occur within the study area including the Mexican Spotted Owl (Threatened), Tricolored bat ( <i>Perimyotis subflavus</i> ; Proposed Endangered), monarch ( <i>Danaus plexippus</i> ; Proposed Threatened); Sacramento Mountains thistle ( <i>Cirsium vinaceum</i> ; Threatened), Sacramento prickly poppy ( <i>Argemone pleiacantha pinnatisecta</i> ; Threatened), Todsens' pennyroyal ( <i>Hedeoma todsenii</i> ; Endangered), Keunzler hedgehog cactus ( <i>Echinocereus fendleri</i> var. <i>keunzleri</i> ; Threatened), and New Mexico meadow jumping mouse ( <i>Zapus hudsonius luteus</i> ; Endangered). There are also several state-listed species with the potential to occur within the study area.
Migratory Birds	Yes	Habitat for migratory birds exists in the study area. The IPaC list identified several USFWS Birds of Conservation Concern as having the potential to occur within the study area, including the Black-chinned Sparrow ( <i>Spizella atrogularis</i> ), Broad-tailed Hummingbird ( <i>Selasphorus platycercus</i> ), Evening Grosbeak ( <i>Coccothraustes vespertinus</i> ) Grace's Warbler ( <i>Setophaga graciae</i> ), and Henry's

Resource Concern	Relevant?	Rationale
		Common Nighthawk ( <i>Chordeiles minor henryi</i> ).
Bald and Golden Eagles	Yes	The study area provides potential foraging habitat for eagles.
Essential Fish Habitat (EFH)	No	There is no EFH within the study area.
Ecologically Critical Areas	Yes	The study area appears to be within Crucial Habitat as identified in the CHAT which indicates that a diversity of species of conservation concern and sensitive or important habitats for wildlife are likely to be found in the area. Additionally, MSO CH (which contains multiple PACs) is located within the Bear Creek dam site and near the Curtis Canyon and Graveyard Canyon dam sites. Critical habitat for the New Mexico meadow jumping mouse is located near the study area.
Fish and Wildlife	Yes	The study area contains a variety of habitat for fish and wildlife populations. Rio Peñasco is a perennial river that supports fish populations, including brown trout ( <i>Salmo trutta</i> ) and rainbow trout ( <i>Oncorhynchus mykiss</i> ). Terrestrial wildlife observations near the dam sites include mammals such as mule deer ( <i>Odocoileus hemionus</i> ), gray fox ( <i>Urocyon cinereoargenteus</i> ), black bear ( <i>Ursus americanus</i> ), elk ( <i>Cervus canadensis</i> ), collared peccary ( <i>Pecari tajacu</i> ), striped skunk ( <i>Mephitis mephitis</i> ), and a wide variety of additional species.
Natural Areas	Yes	There are no designated natural areas (i.e., National Monuments or similar) within or adjacent to the study area. See Ecologically Critical Areas section for information about Crucial Habitat.
Riparian Areas	Yes	There is a mapped riparian corridor in the Lower Pecos Tularosa Basin study area along Rio Peñasco.
Forest Resources	Yes	The study area is located within the Lincoln National Forest.
<b>Human Use-Related Concerns</b>		
Cultural Resources/Historic Properties and Tribal Consultation	Yes / To be determined	There are three Tribes with interests in Otero County: the Apache Tribe of Oklahoma, the Comanche Nation,

<b>Resource Concern</b>	<b>Relevant?</b>	<b>Rationale</b>
		<p>Oklahoma, and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.</p> <p>The project is subject to Section 106 of the National Historic Preservation Act and Executive Order 13175—Consultation and Coordination with Indian Tribal Governments.</p>
Civil Rights	Yes	Low-income and minority populations and populations experiencing poverty are present within the study area.
Social Issues	Yes	Benefits of the project include flood protection for minor events, and the project could be modified to provide protection for larger design storm events, ultimately benefiting surrounding land owners and other public facilities.
Local, Regional, and National Economy	Yes	The economy may be affected – both short-term and long-term – by the proposed action.
Public Health and Safety	Yes	The dams do not meet current design and safety standards with several identified deficiencies. Additionally, the dams were originally built as low hazard potential but are now rated as high hazard potential due to the development that has occurred downstream.
Scenic Beauty	Yes	The study area is within the Lincoln National Forest which is associated with scenic beauty as perceived by area residents and other users.
Parklands	No	No National Parks, Monuments, Historical Sites, or similar sites are located within the study area.
Significant Scientific Resources	No	No known scientific features exist within the study area.
Land Use	Yes	The study area is largely located on Lincoln National Forest land but there is some private land ownership that does overlap the study area. Existing land use in the study area is primarily undeveloped; however, residential and agricultural structures are located downstream of the dams.



<b>Resource Concern</b>	<b>Relevant?</b>	<b>Rationale</b>
<b>Ecosystem Services of Concern</b>		
Provisioning	Yes	The project has potential to benefit agriculture and livestock in the form of flood risk reduction and associated damage to crops/cattle.
Regulating	Yes	Updates to the dams, including spillways, will improve dam functionality for regulating water levels if flood events were to occur.
Supporting	Yes	By updating dam structures and removing excess sediment from surrounding streams and riparian areas, the project has potential to benefit ecosystem services.
Cultural	To be determined	Potential cultural services provided by the study area will be determined through the Section 106 and Tribal consultation processes.

Based on Figure 501C-1 of the Title 390-National Watershed Program Manual, Part 500 – Watershed Program Management (June 2024)

## **5 References**

- Environmental Protection Agency (EPA). 2024. Map of Sole Source Aquifers. Last updated on April 30, 2024. Available at: <https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>. Accessed on March 5, 2025.
- Federal Emergency Management Agency. 2010. Flood Maps 35035C1050D and 35035C1275D, Effective 12/17/2010, accessed via: <https://msc.fema.gov/portal/search?AddressQuery=Mayhill%2C%20NM>. Accessed on March 5, 2025.
- National Wild and Scenic Rivers System. 2025. New Mexico. Available at: <https://www.rivers.gov/new-mexico>. Accessed on March 5, 2025.
- State of New Mexico Interstate Stream Commission and Office of the State Engineer. 2016. Lower Pecos Valley Regional Water Plan. December 2016. Available at: [https://realfile5f809ddfc9864dad89f9d03375144a14.s3.amazonaws.com/8a0f5267-541c-4e61-ff2f2edb8921?AWSAccessKeyId=AKIAJBKPT2UF7EZ6B7YA&Expires=1741195076&Signature=GEiA%2FmbEgPEWvYmPZo8tVgYsBA4%3D&response-content-disposition=inline%3B%20filename%3D%22Reg%2010\\_Lower%20Pecos%20Valley\\_Regional%20Water%20Plan%20December%202016.pdf%22&response-content-type=application%2Fpdf](https://realfile5f809ddfc9864dad89f9d03375144a14.s3.amazonaws.com/8a0f5267-541c-4e61-ff2f2edb8921?AWSAccessKeyId=AKIAJBKPT2UF7EZ6B7YA&Expires=1741195076&Signature=GEiA%2FmbEgPEWvYmPZo8tVgYsBA4%3D&response-content-disposition=inline%3B%20filename%3D%22Reg%2010_Lower%20Pecos%20Valley_Regional%20Water%20Plan%20December%202016.pdf%22&response-content-type=application%2Fpdf)

## **Appendix A – Scoping Notices**



## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service New Mexico State Office

100 Sun Avenue NE, Suite 602

Albuquerque, New Mexico 87109

(505) 761-4400

December 17, 2024

**SENT VIA USPS FIRST-CLASS MAIL**

**Subject:** Public Scoping Meeting Notice for the Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project, Otero County, New Mexico

Dear Resident,

The United States Department of Agriculture- Natural Resources Conservation Service (NRCS), and the Otero Soil and Water Conservation District, as the project Sponsor, will be preparing a Supplemental Watershed Plan-Environmental Assessment (Supplemental Plan-EA) for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County, New Mexico (see enclosed maps). The Supplemental Plan-EA is being prepared and funded in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which provides for cooperation between the Federal Government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources. Presently, the NRCS and the Sponsor are initiating a scoping process to provide the community with an opportunity to comment on issues, potential impacts, or alternatives that you would like to see considered in the Supplemental Plan-EA.

This letter is to inform you that a Public Scoping Meeting will take place on **Tuesday, January 28<sup>th</sup>, 2025, at 6:30 PM** at the Mayhill Community Center in Mayhill, New Mexico. There will also be the option to attend virtually. Presentations will be given throughout the meeting to further describe the PL 83-566 Program, gather feedback from attendees, answer questions, and collect any written comments. Details about the Public Scoping Meeting can be found below:

**In-Person Public Scoping Meeting**

Mayhill Community Center  
15 Civic Center Drive  
Mayhill, New Mexico 88339

**Virtual Public Scoping Meeting**

Link: <https://us02web.zoom.us/j/87934943843>

Meeting ID: 879 3494 3843  
Phone #: 1-719-359-4580

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**Natural Resources Conservation Service**

*USDA is an equal opportunity provider, employer, and lender.*

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Comments can be submitted in any one of the forms listed below. Comments can also be submitted even if you cannot attend the Public Scoping Meeting. However, all comments must be postmarked by **Thursday, February 27<sup>th</sup>, 2025**.

- Submit written comments at the in-person Public Scoping Meeting
- Mail written comments to:  
USDA NRCS-New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast, Suite 602  
Albuquerque, NM 87109-3434
- Email your comments to: [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)

The goal of this project is to identify and evaluate alternatives to bring the dams at Sites 1, 2, and 3A into compliance with current NRCS and State of New Mexico dam safety standards. A website has been created for the project that will be used to provide updates as the Supplemental Plan-EA is being developed. The website can be found at the following link: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed> or via the QR Code below.



If you have any questions or comments, please contact Merceidez Fabok, Watershed Program Manager, by email at [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov) or via phone at 505.761.4421.

Respectfully,

**ELIAS  
GNANN**

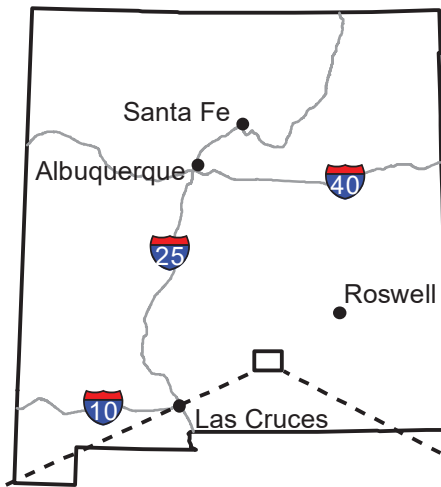
**Elias Gnann, P.E.**

*State Conservation Engineer*

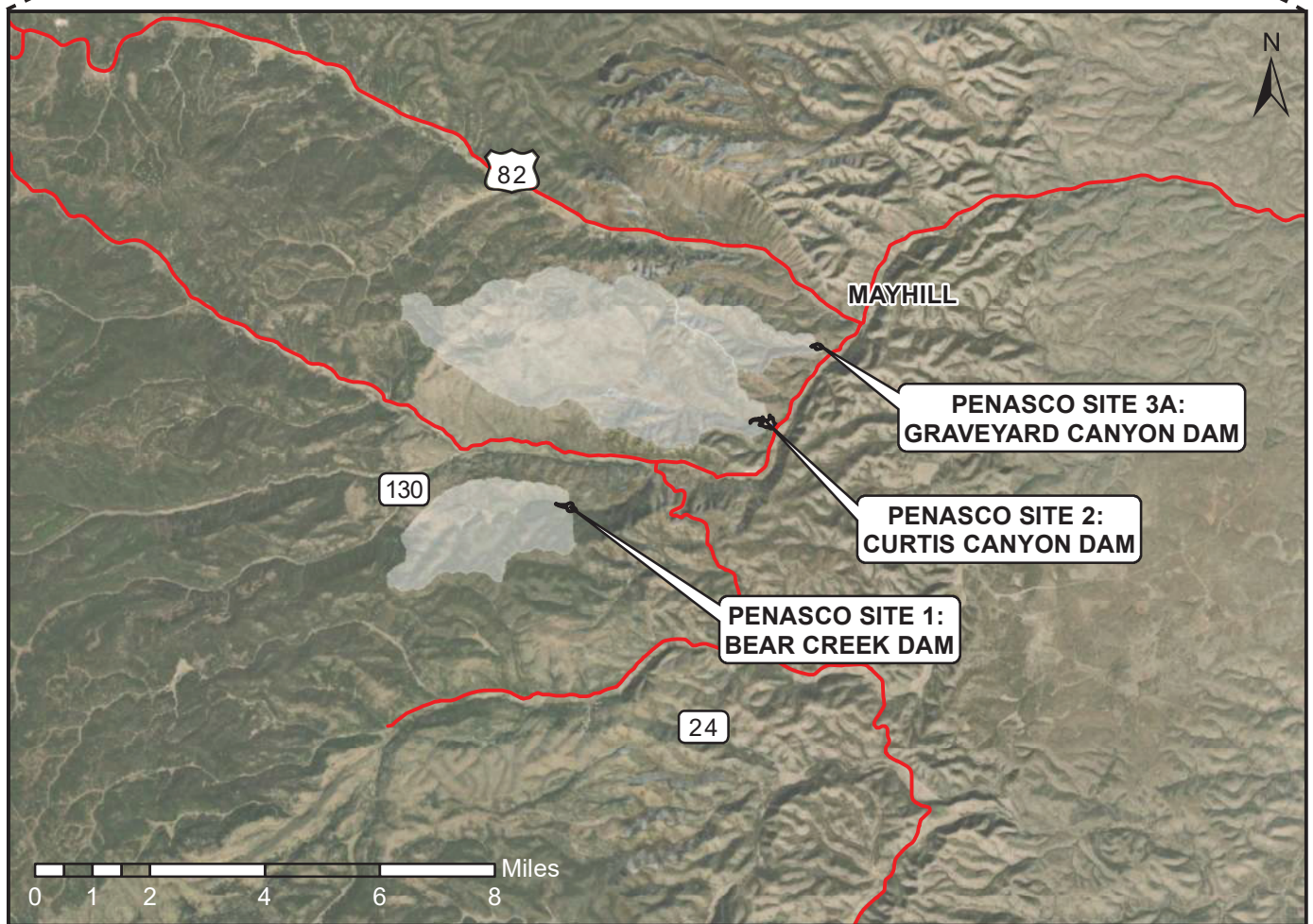
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Enclosure

- Project Map



PROJECT VICINITY MAP  
(NOT TO SCALE)



PROJECT LOCATION MAP



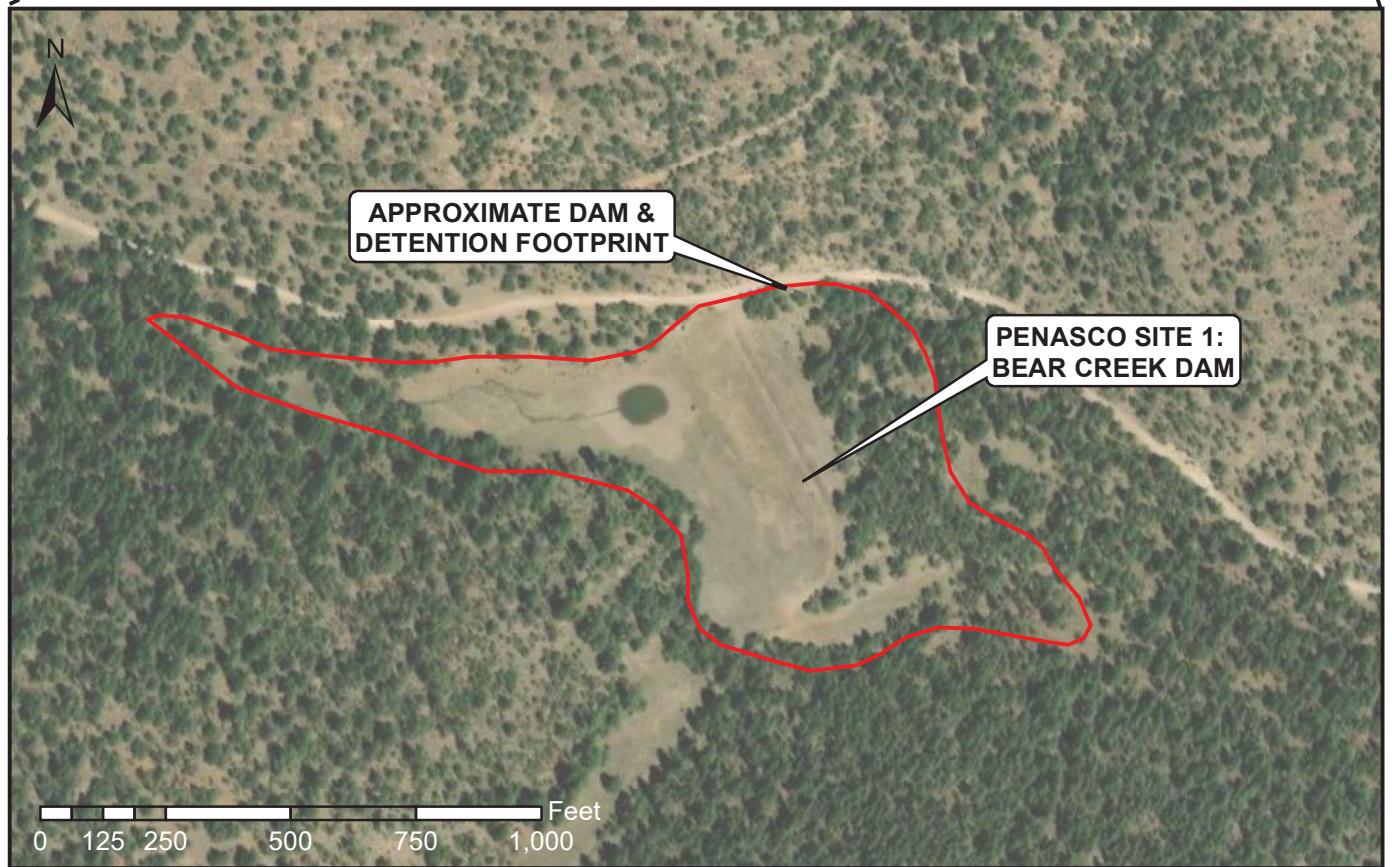
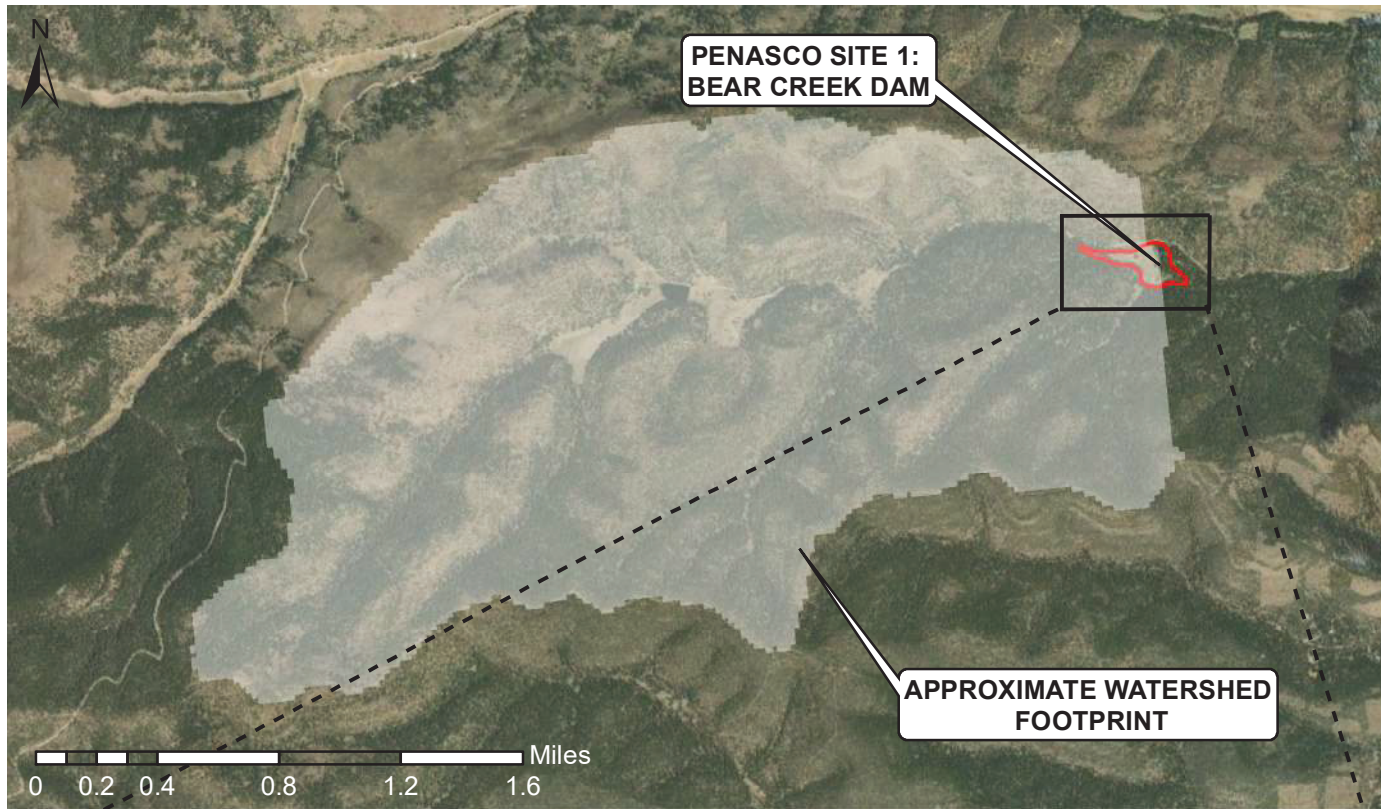
UPPER RIO PENASCO SITES  
1, 2, AND 3A SUPPLEMENTAL  
WATERSHED PLAN EA

PROJECT NO. 24116

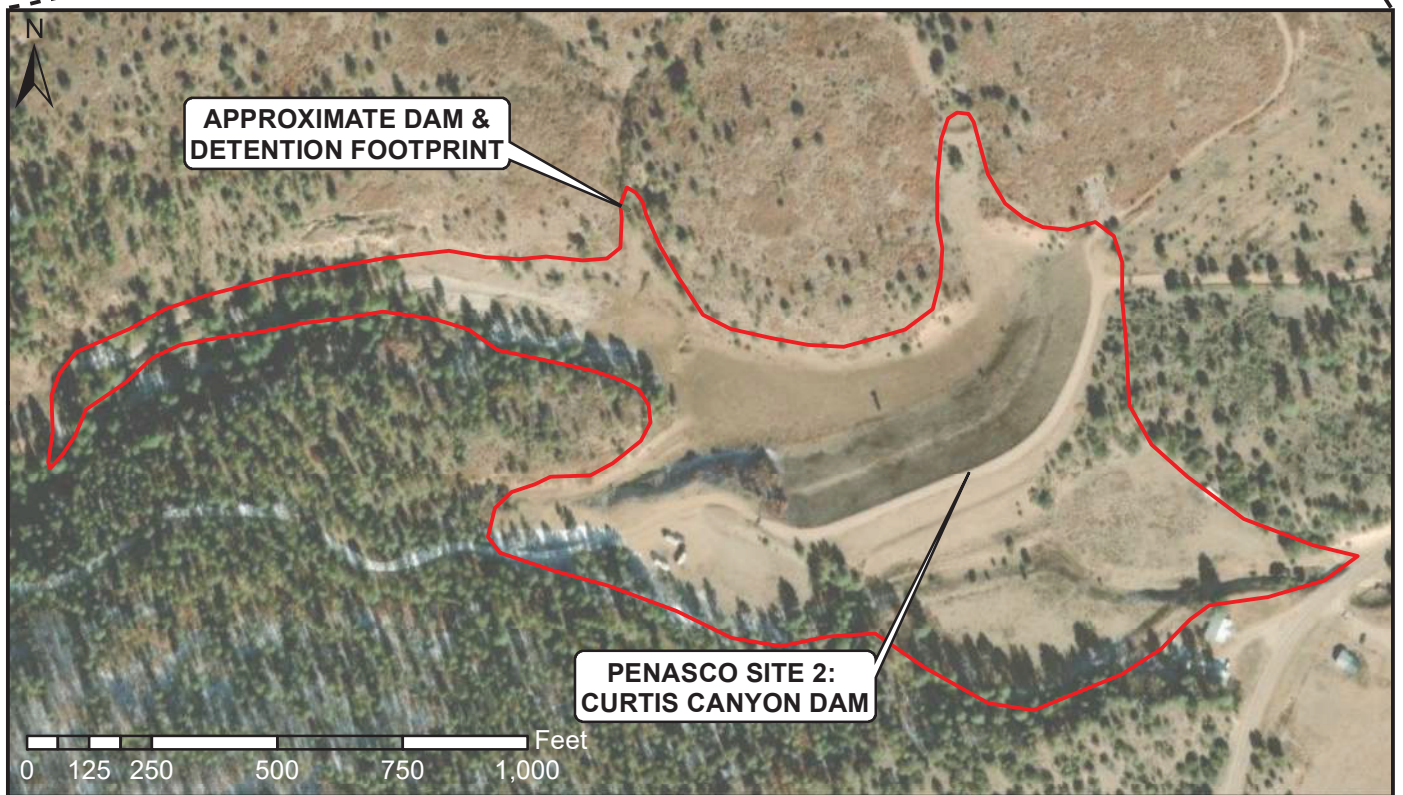
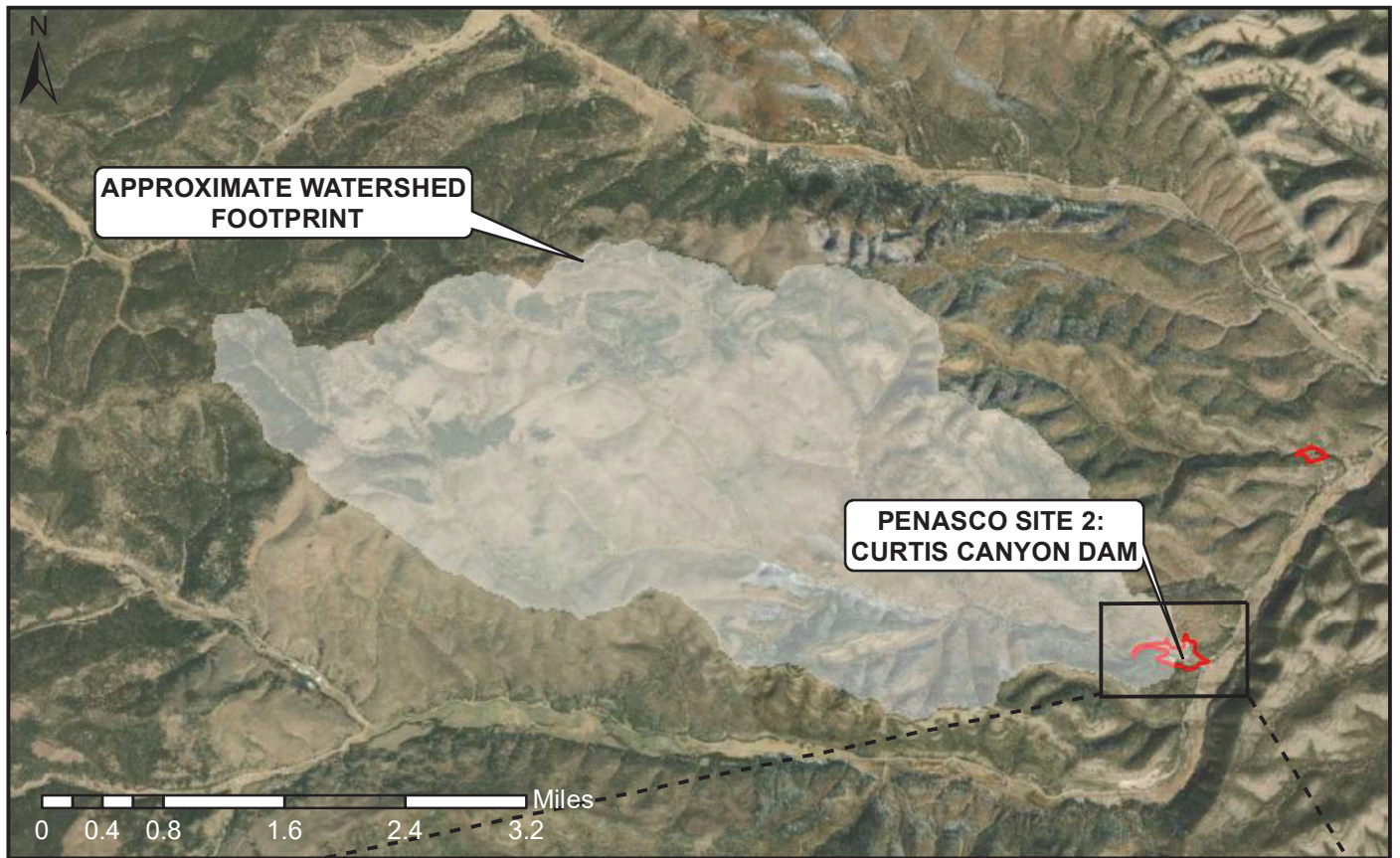
SITE VICINITY MAP

Figure 1

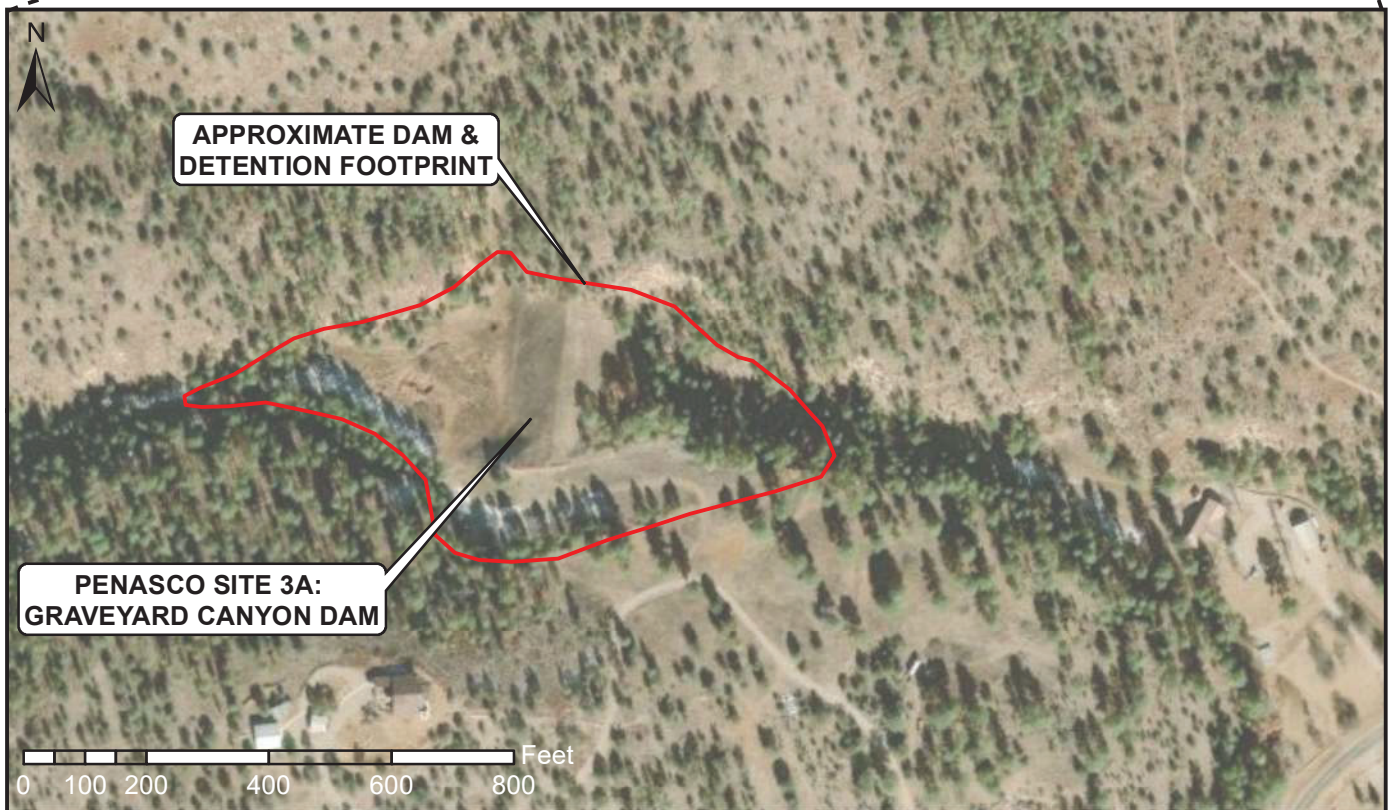
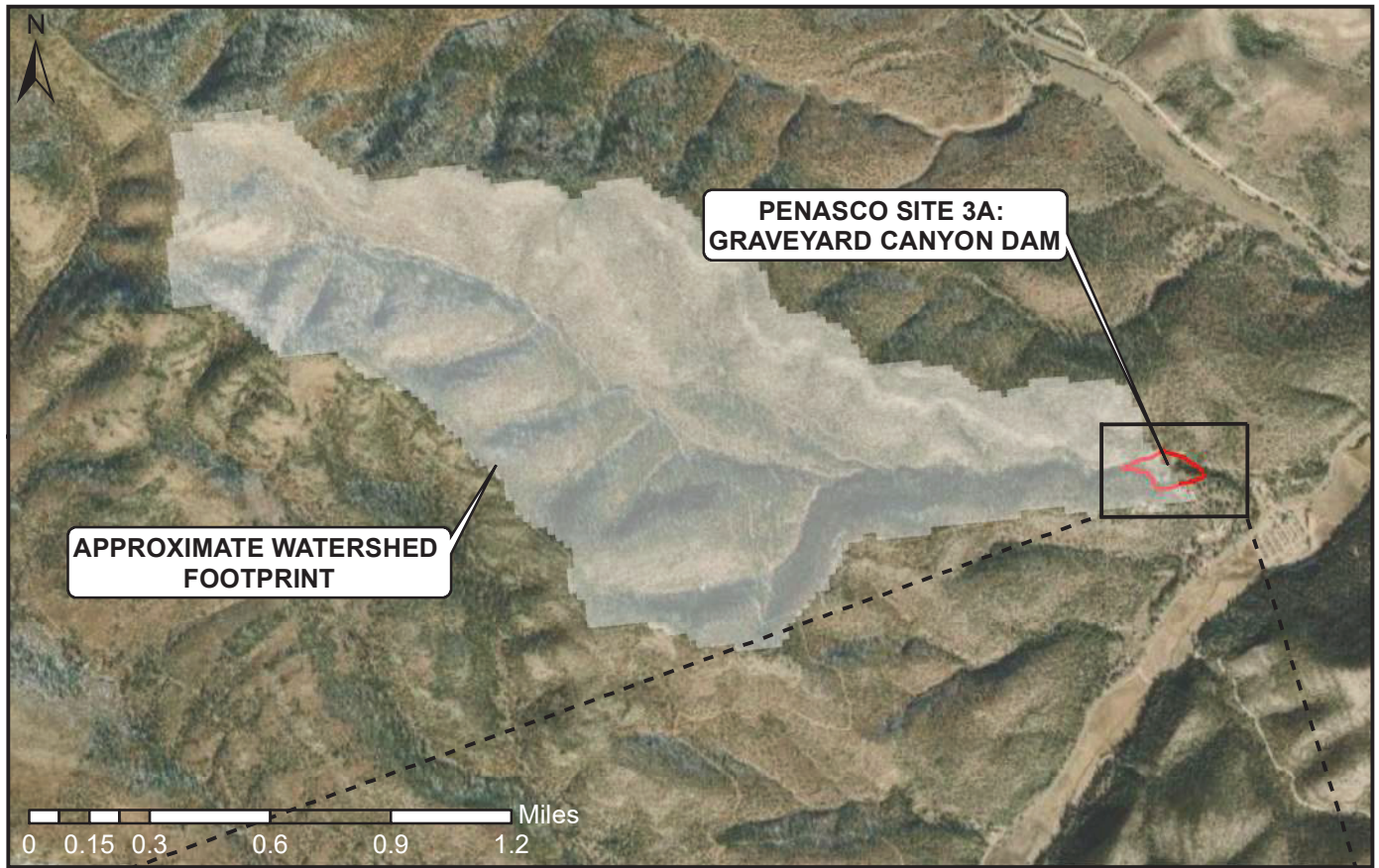














## Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service New Mexico State Office

100 Sun Avenue NE, Suite 602

Albuquerque, New Mexico 87109

(505) 761-4400

December 18, 2024

**SENT VIA USPS FIRST-CLASS MAIL AND/OR EMAIL**

**Subject:** Agency and Tribal Scoping Meeting Notice for the Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project, Otero County, New Mexico

Dear Stakeholder,

The United States Department of Agriculture- Natural Resources Conservation Service (NRCS), and the Otero Soil and Water Conservation District, as the project Sponsor, will be preparing a Supplemental Watershed Plan-Environmental Assessment (Supplemental Plan-EA) for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County, New Mexico (see enclosed maps). There have been no Cooperating Agencies identified at this time. The Supplemental Plan-EA is being prepared and funded in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which provides for cooperation between the Federal Government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources. Presently, the NRCS and the Sponsor are initiating a scoping process to provide all stakeholders with an opportunity to comment on issues, potential impacts, or alternatives that you would like to see considered in the Supplemental Plan-EA.

This letter is to inform you that an Agency and Tribal Scoping Meeting will take place on **Tuesday, January 28<sup>th</sup>, 2025, at 3:00 PM** at the Mayhill Community Center in Mayhill, New Mexico. There will also be the option to attend virtually. Presentations will be given throughout the meeting to further describe the PL 83-566 Program, gather feedback from attendees, answer questions, and collect any written comments. Details about the Agency and Tribal Scoping Meeting can be found below:

**In-Person Agency and Tribal Scoping Meeting**

Mayhill Community Center

15 Civic Center Drive

Mayhill, New Mexico 88339

**Virtual Agency and Tribal Scoping Meeting**

Link: <https://us02web.zoom.us/j/86442756291>

Meeting ID: 864 4275 6291

Phone #: 1-719-359-4580

**Natural Resources Conservation Service**

*USDA is an equal opportunity provider, employer, and lender.*



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Comments can be submitted in any one of the forms listed below. Comments can also be submitted even if you cannot attend the Agency and Tribal Scoping Meeting. However, all comments must be postmarked by **Thursday, February 27<sup>th</sup>, 2025**.

- Submit written comments at the in-person Agency and Tribal Scoping Meeting
- Mail written comments to:  
USDA NRCS-New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast, Suite 602  
Albuquerque, NM 87109-3434
- Email your comments to: [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)

The goal of this project is to identify and evaluate alternatives to bring the dams at Sites 1, 2, and 3A into compliance with current NRCS and State of New Mexico dam safety standards. A website has been created for the project that will be used to provide updates as the Supplemental Plan-EA is being developed. The website can be found at the following link: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed> or via the QR Code below.



If you have any questions or comments, please contact Merceidez Fabok, Watershed Program Manager, by email at [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov) or via phone at 505.761.4421.

Respectfully,

**ELIAS GNANN** Digitally signed by ELIAS GNANN  
Date: 2024.12.18 07:01:37 -07'00'

**Elias Gnann. P.E.**  
*State Conservation Engineer*

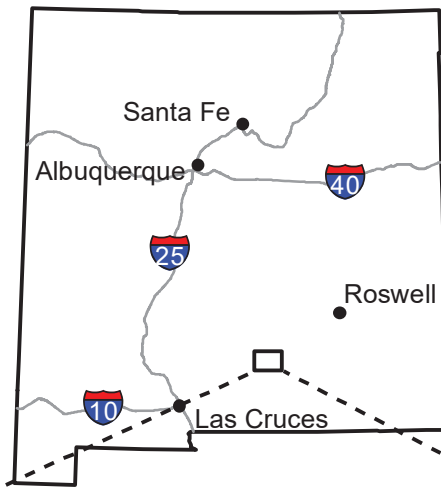
Enclosure

- Project Map

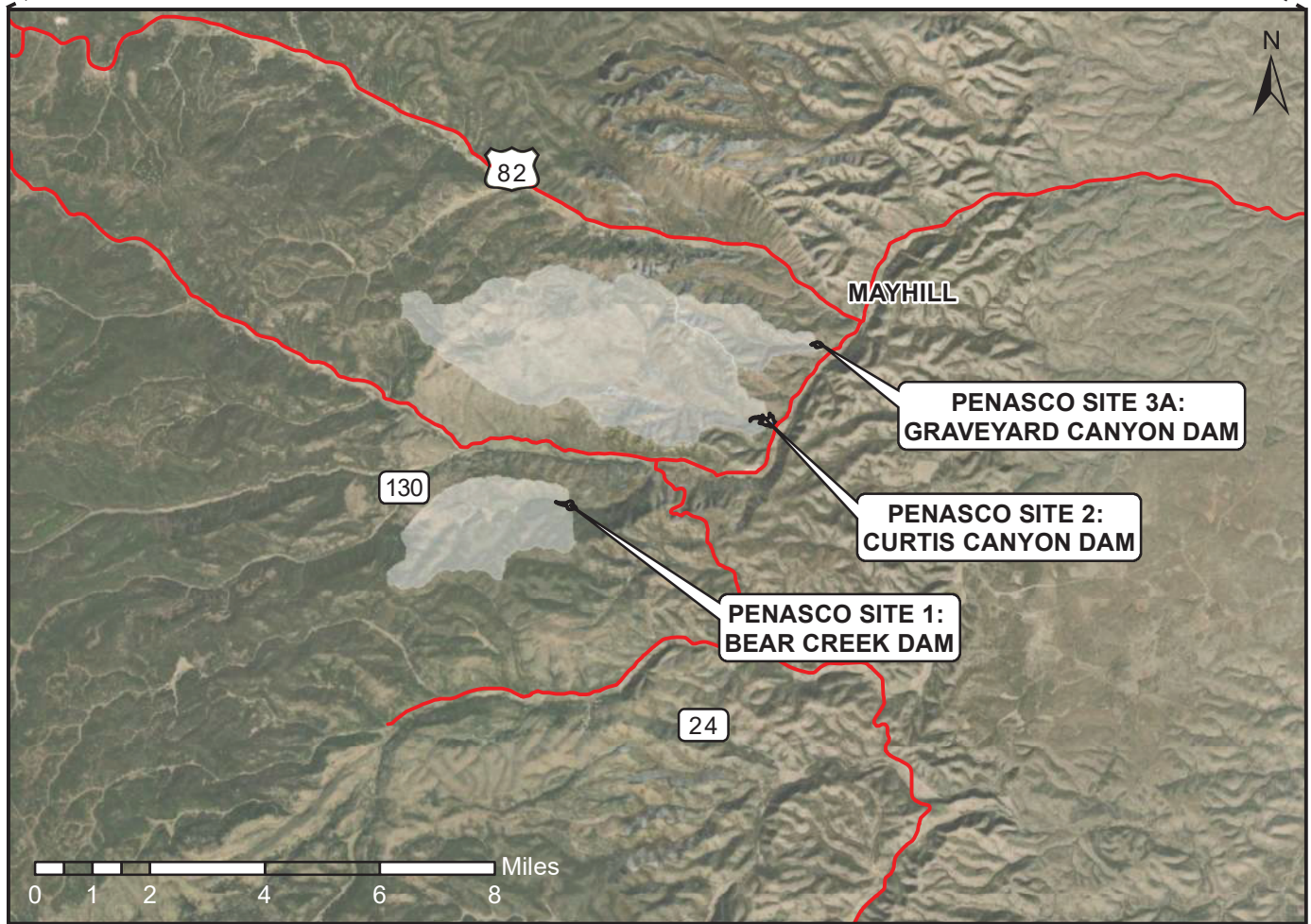
CC:

Merceidez Fabok, Watershed Program Manager, NRCS-New Mexico

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PROJECT VICINITY MAP  
(NOT TO SCALE)



PROJECT LOCATION MAP



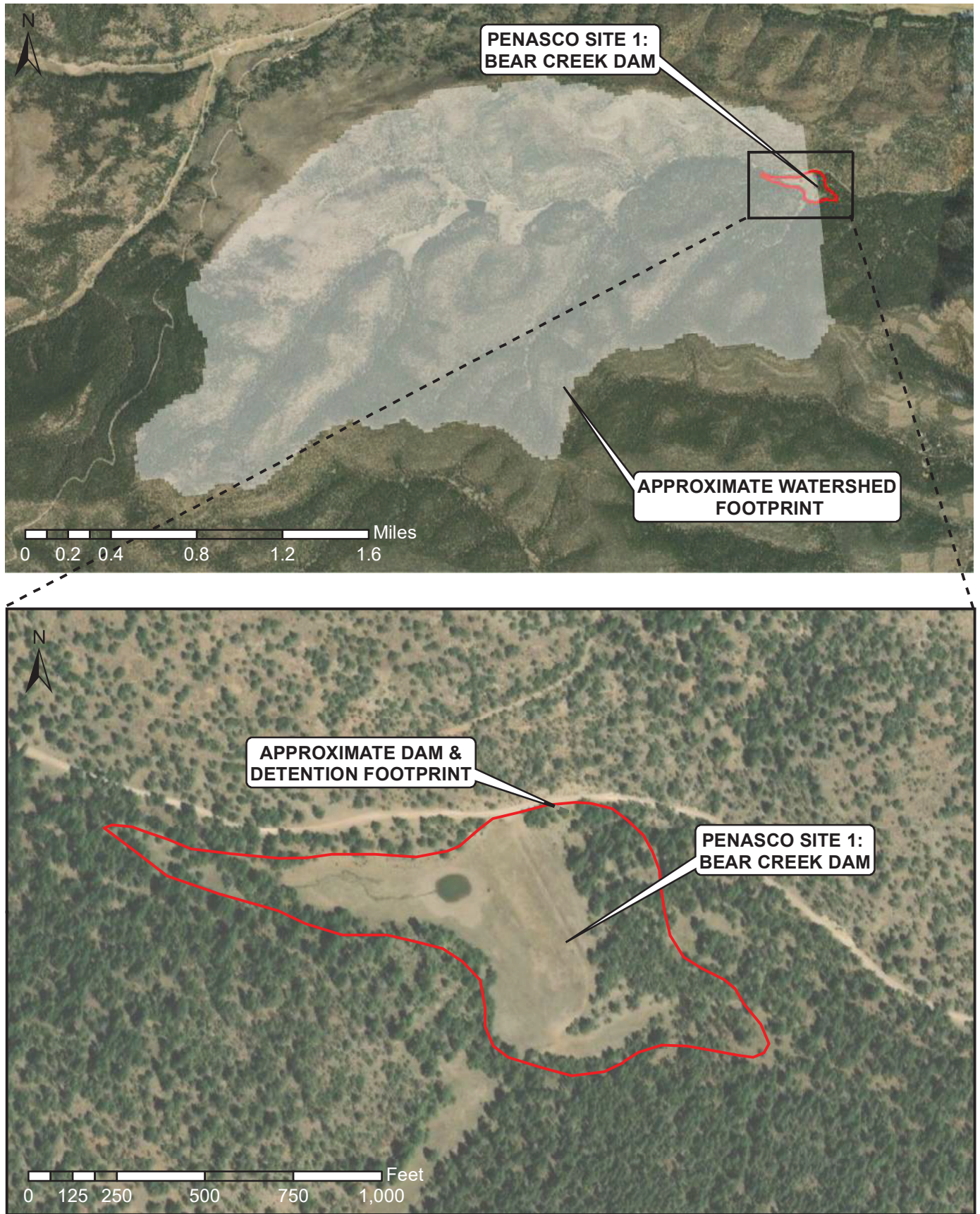
UPPER RIO PENASCO SITES  
1, 2, AND 3A SUPPLEMENTAL  
WATERSHED PLAN EA

PROJECT NO. 24116

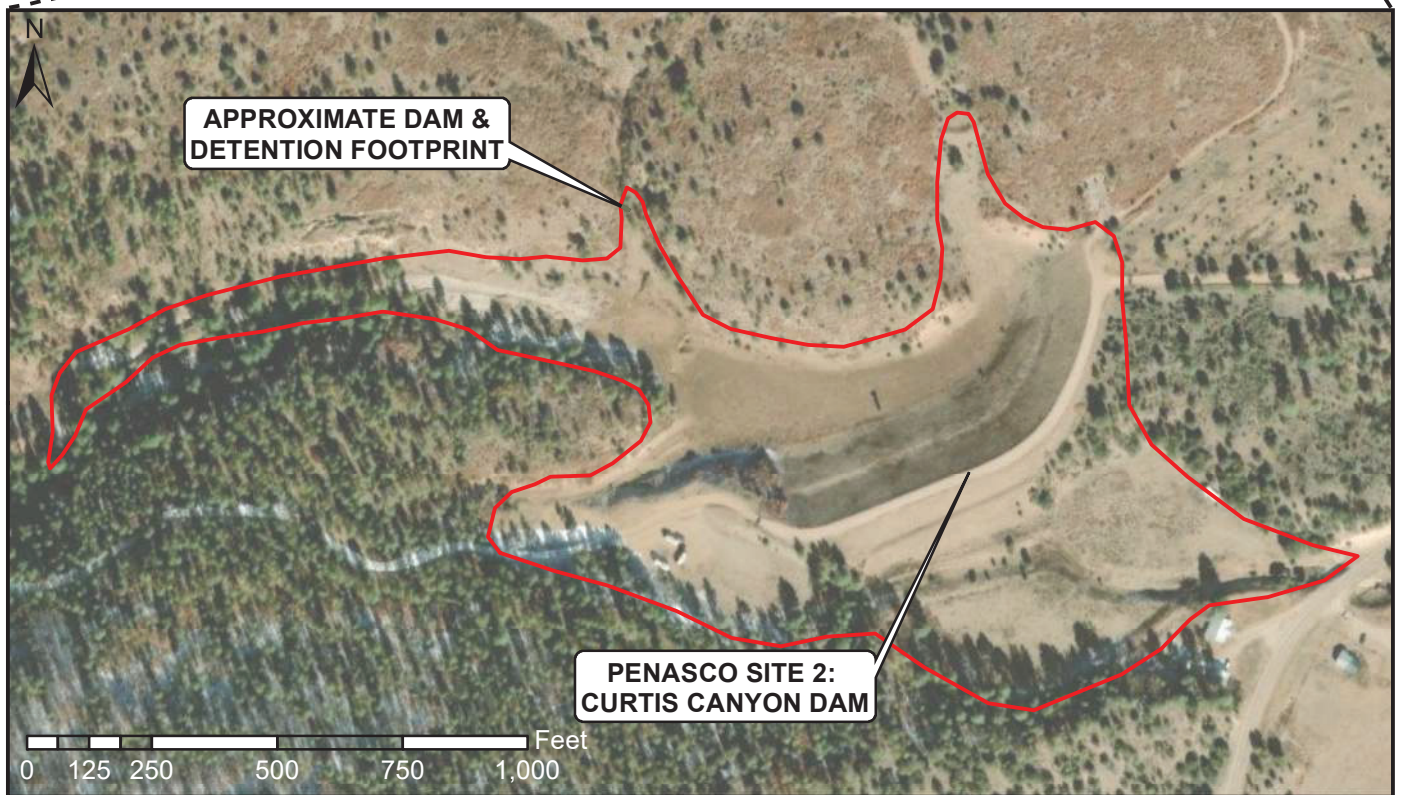
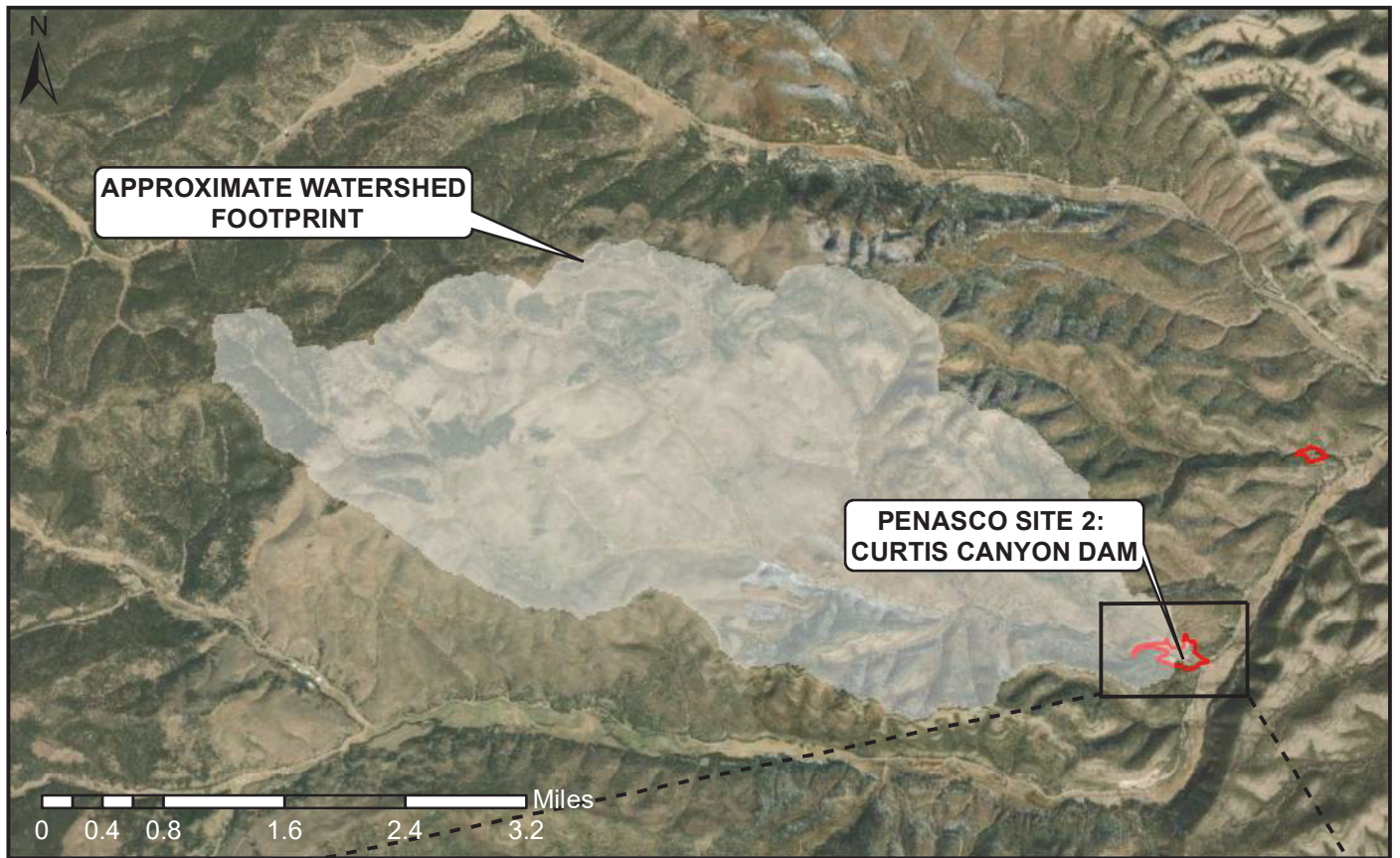
SITE VICINITY MAP

Figure 1

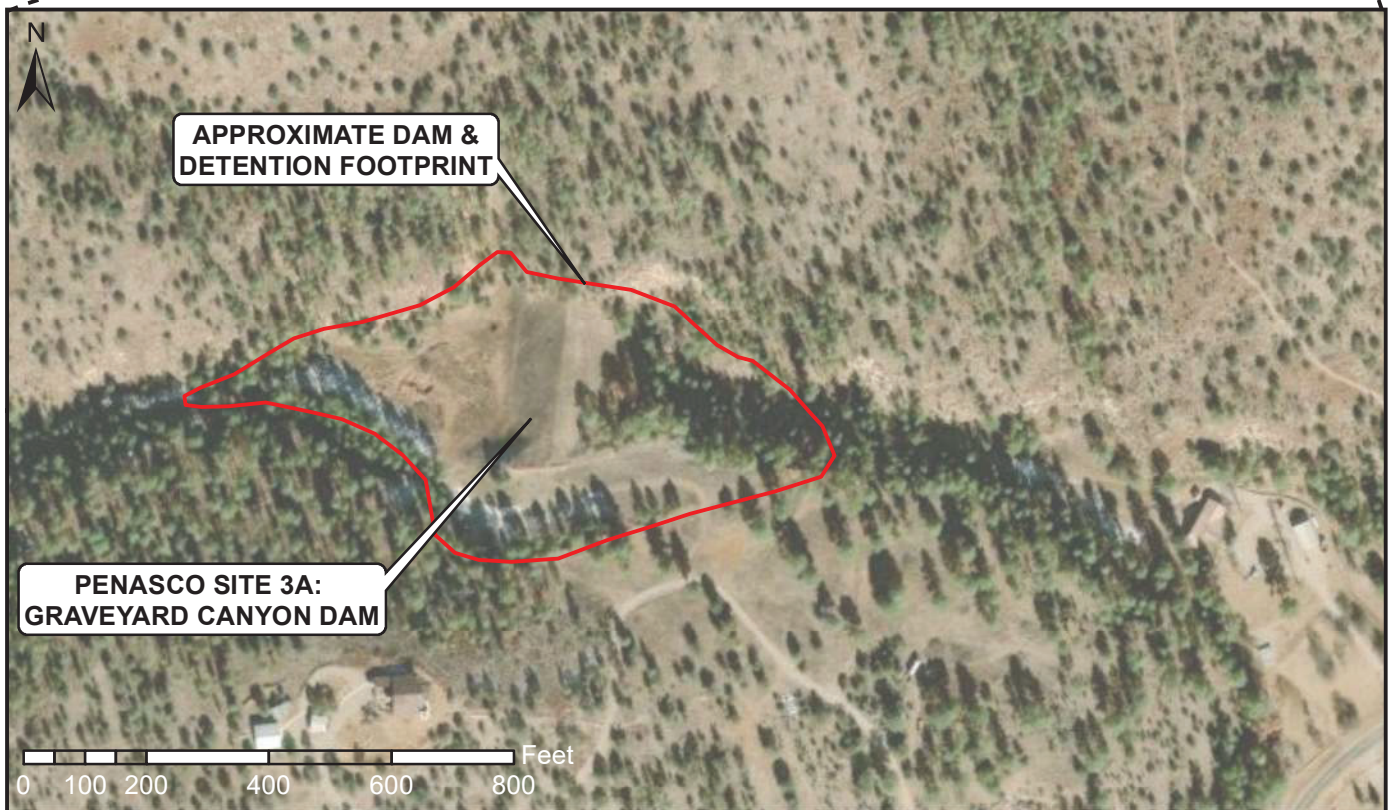
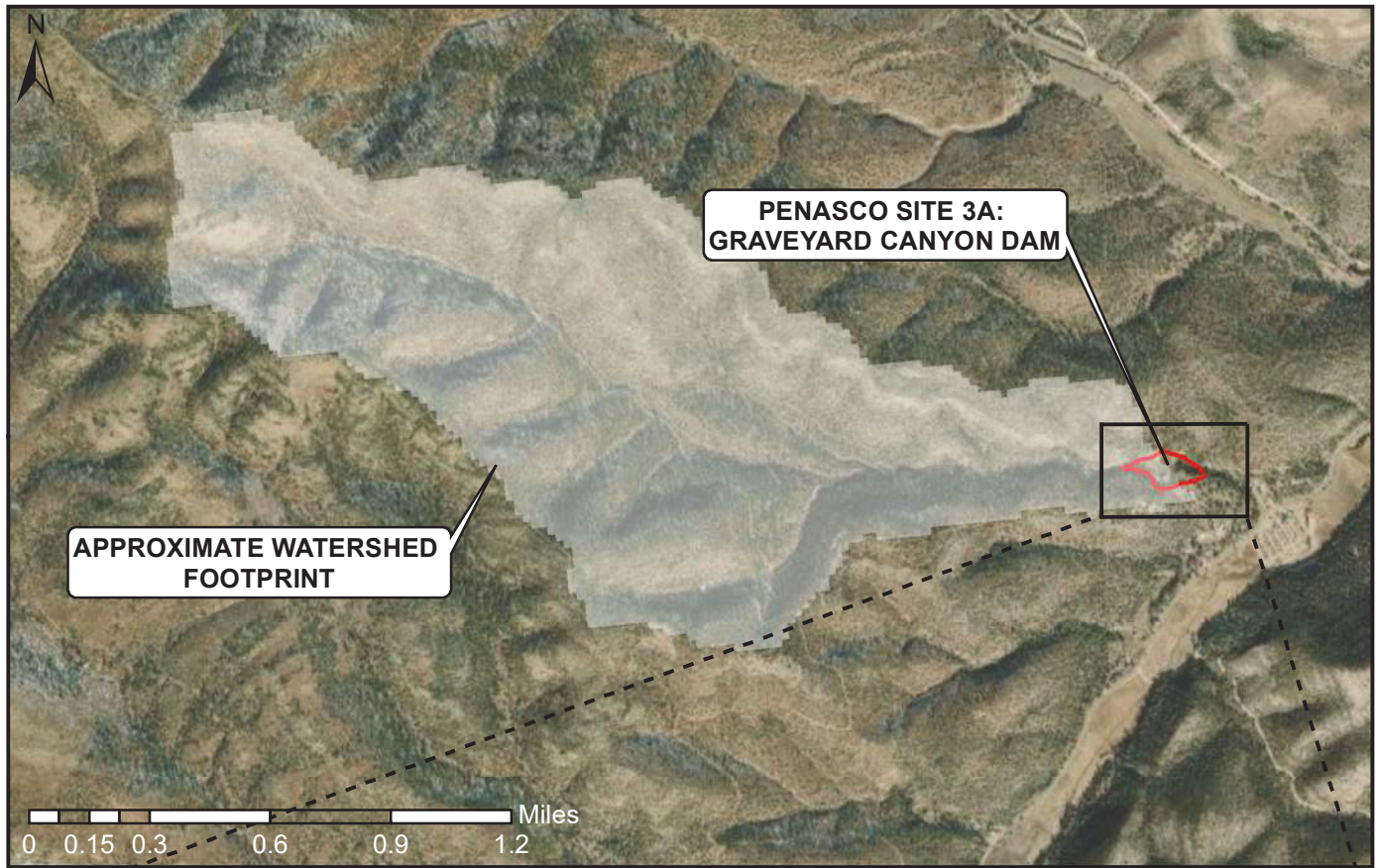














**Notice to Prepare a Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project in Otero County, New Mexico and to Announce a Public Scoping Meeting**

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS), in cooperation with the Otero Soil and Water Conservation District, as the project Sponsor, will be preparing a Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County, New Mexico. The Supplemental Watershed Plan-Environmental Assessment will be prepared and funded in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which provides for cooperation between the Federal Government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources. The project will identify and evaluate alternatives to bring the dams at Sites 1, 2, and 3A into compliance with current NRCS and State of New Mexico dam safety standards.

NRCS and the Otero Soil and Water Conservation District will be holding a Public Scoping Meeting on **Tuesday, January 28<sup>th</sup>, 2025 at 6:30 PM** to provide more information about the project and to collect written public comments. Both in-person and virtual attendance options are available. Presentations will be given throughout the meeting to further describe the PL 83-566 Program, gather feedback from attendees, answer questions, and collect any written comments. Details on how to attend the Public Scoping Meeting can be found below:

**In-Person Public Scoping Meeting**

Mayhill Community Center  
15 Civic Center Drive  
Mayhill, NM 88339

**Virtual Public Scoping Meeting**

Link: <https://us02web.zoom.us/j/87934943843>

Meeting ID: 879 3494 3843

Phone #: 1-719-359-4580

Comments can be submitted in any one of the forms listed below. Comments can also be submitted even without attending the Public Scoping Meeting. However, all comments must be postmarked by **Thursday, February 27<sup>th</sup>, 2025**.

- Submit written comments at the in-person Public Scoping Meeting
- Mail written comments to:  
USDA NRCS-New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast, Suite 602  
Albuquerque, New Mexico 87109-3434
- Email your comments to: [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)

Additional information on the Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project can be found at the following link: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed> or by scanning the QR Code below.

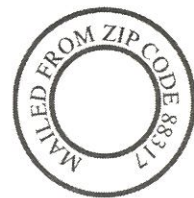




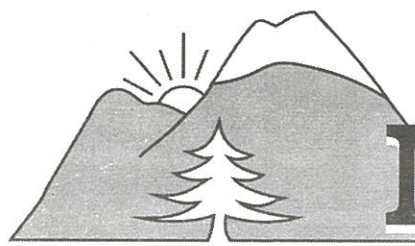
**Fire department offers tips for winter travel**  
*News, Page 5*

**Baby chick is rescued at Little J Ranch**  
*Forest, Page 18*

US-W January only  
K. Evans, Pinyon Environmental  
3222 S. Vance St. Suite 200  
Lakewood, CO 80227



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# Mountain Monthly

COVERING THE SOUTHERN SACRAMENTO MOUNTAINS

443rd Edition, January 2025

Cloudcroft, New Mexico

28 pages/50 cents



Photo by Lyn Canham

## Events coming in 2025

By Debra Spears

Cloudcroft Chamber of Commerce

As we say goodbye to 2024 and hello to 2025, the chamber board would like to thank our members for their support this year. And thank you to everyone in the Village that supports the chamber events. Our board worked hard this year on the events and attendance has been great.

Our thanks to the merchants in the Village for their support and to the Village Council.

The Christmas Market at the high school was well attended. As with each event, we learn how we can improve. We requested feedback from the vendors this year and their responses will be helpful to us in the future.

Events dates have been set

(see **Chamber**, Page 2)

## Winter days

Lyn Canham captured this photo of a deer family foraging on a winter day. While some snowfall remains in this image, the 2024-2025 winter snowfall season has gotten off to a slow start, with almost no precipitation recorded in December. Read more about Lyn's reflections on January in the mountains on Page 12-13.

## Trustees select Timothy King as new mayor

By Rachel Truex

Following the resignation of former mayor Craig Turner at a Special Council meeting on December 5, on December 17, the Governing Body appointed Trustee Timothy King as the new mayor pursuant to NM Stat § 3-11-2 (2023) "In case of the death, disability, resignation or change of residence, from the municipality, of the mayor, the governing body shall appoint by majority vote a qualified elector to fill the vacancy for the unexpired term of office." Mayor King will serve the remainder of the unexpired term. Consequently, a Trustee position is now vacant.

To fill this vacancy, the Governing Body conducted an online survey through the end of December to gather interest and qualifications

from potential candidates. According to NM Stat § 3-12-1, the mayor, with the advice and consent of the Governing Body, will appoint a qualified elector to serve until the next regular local election. The appointment is anticipated to occur during the Regular Meeting on January 21 at 6 p.m. in the Council Chambers at 201 Burro Ave.

### Audit report reveals significant deficiencies

The recently released audit report for the fiscal year ending June 30, 2023, highlighted several issues:

1. Late Audit Submission - Other Non-Compliance - The audit report for the fiscal year ended June 30, 2023 was not submitted by the New Mexico State Audit Rule deadline.
2. Payroll Tax and Reports - Other

(see **Village**, Page 4)

## Lincoln National Forest increases to 'moderate' fire danger rating

By Amanda Fry

Lincoln National Forest

The Lincoln National Forest has increased the fire danger rating to 'moderate' on all three districts.

The increase in fire danger rating came after analysis and indicators of moisture levels in the area, along with extended weather forecasts for the area and region.

When the fire danger is "moderate" it means that fires can start from most accidental causes, but the number of fire starts is usually pretty low. If a fire does start in an open, dry grassland, it will burn and spread quickly on windy days.

Most wood fires will spread slowly to moderately.

Ensure your campfires are completely dead-out and the ground in the campfire ring is cool to the touch to avoid an abandoned campfire reigniting.

Be mindful of current and developing winter weather conditions, and always be prepared for safe winter travel.



# Village

(continued from Page 1)

Non-Compliance - The Village did not file timely payroll reports to the IRS or State of New Mexico.

3. Bank Reconciliations - Significant Deficiency - Bank reconciliations had not been performed since January 2023.

4. Capital Assets - Significant Deficiency - The Village did not maintain a complete schedule of capital assets for fiscal year ending June 30, 2023.

5. Accounts Payable - Significant Deficiency - The Village did not enter payable invoices in a timely manner in its accounting system. The clerk was able to print checks without creating a record in the accounting system. There was a gap in check sequence without explanation.

6. Revenue - Significant Deficiency - Cash receipts not entered into accounting system since January 2023.

7. Segregation of Duties - Material Weakness - The Village Clerk was allowed to enter transactions, produce accounts payable checks, and perform reconciliations.

8. Accounting Records - Material Weakness - Files were deleted from online storage software and a significant number of items requested by the IPA [independent public accountant] were not available for review.

9. Board Meeting Minutes - Other Non-Compliance - The Village was not able to produce board meeting minutes through the audit issue date.

10. Employee Files - Other Non-Compliance - During testing, it was noted that of the five employees selected for testing, one was missing the Form W-4, and four were missing Form I-9.

11. Expenditures in excess of budget - Other Non-Compliance - In Fiscal year 2023, the Village experienced budget overages in one fund. The Village has not made any progress on this finding. The following fund exceeded budgeted expenditures: CDBG Project Fund, \$(121,208). The following funds exceeded budgeted transfers: General Fund \$(492,021) and Fire Fund \$(32,695).

The responsible personnel listed for addressing each of these eleven items is the Village Clerk.

The auditors will be at the January Regular Meeting to present the audit findings.

### Council Updates and Appointments

- New Village Attorney: Zach Cook was welcomed as the new Village Attorney, succeeding Jeff Rhodes, who retired after serving since 1971. The council honored Rhodes with a plaque for his service, and he spoke of his admiration and respect for all those who serve as municipal leaders.

- Public Works Updates: Kristopher Parks joined the team, and Aaron Foster’s probationary period was removed. Foster holds Water Level Four and Wastewater Level Two certifications.
- Police Department Hiring: Officer Michael Mackewich was officially hired. Mackewich retired from the Otero County Sheriff’s Office, where he served for 21 years.
- Village Clerk: Suzanne Peralta was appointed as Interim Clerk.
- Consulting Support for Financial Reconciliation: Karen Gutierrez of High Water Mark, LLC, presented a consulting proposal to help

the Village address its financial record keeping challenges. Gutierrez reassured the council of her expertise, citing success helping municipalities in similar situations. The council approved her contract pending negotiations on her hourly rate. Gutierrez is based in Tularosa, and planned to start assisting the Village immediately.

### Approved Measures and Resolutions

- Amendments to the Uniform Traffic Ordinance, including the penalty assessment program for traffic citations.
- Changes to First National Bank signatories and assignment of officers and agents for grant

agreements, removing former employee and agent access and updating as needed.

- A resolution adopting the Open Meetings Act, scheduling meetings on the third Tuesday of each month at 6 p.m. in the Council Chambers at 201 Burro Ave. Agenda item inclusion requests need to be submitted by noon on Wednesday the week before each meeting.
- A contract with Paywerx for payroll and tax compliance services for \$2,457 estimated annually.
- Approval of partial funding for a trailhead kiosk at Elevation Park, estimated at \$8,000.

## Notice to Prepare a Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project in Otero County, New Mexico and to Announce a Public Scoping Meeting

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS), in cooperation with the Otero Soil and Water Conservation District, as the project Sponsor, will be preparing a Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County, New Mexico. The Supplemental Watershed Plan-Environmental Assessment will be prepared and funded in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which provides for cooperation between the Federal Government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources. The project will identify and evaluate alternatives to bring the dams at Sites 1, 2, and 3A into compliance with current NRCS and State of New Mexico dam safety standards.

NRCS and the Otero Soil and Water Conservation District will be holding a Public Scoping Meeting on **Tuesday, January 28<sup>th</sup>, 2025 at 6:30 PM** to provide more information about the project and to collect written public comments. Both in-person and virtual attendance options are available. Presentations will be given throughout the meeting to further describe the PL 83-566 Program, gather feedback from attendees, answer questions, and collect any written comments. Details on how to attend the Public Scoping Meeting can be found below:

### In-Person Public Scoping Meeting

Mayhill Community Center  
15 Civic Center Drive  
Mayhill, NM 88339

### Virtual Public Scoping Meeting

Link: <https://us02web.zoom.us/j/87934943843>  
Meeting ID: 879 3494 3843  
Phone #: 1-719-359-4580

Comments can be submitted in any one of the forms listed below. Comments can also be submitted even without attending the Public Scoping Meeting. However, all comments must be postmarked by **Thursday, February 27<sup>th</sup>, 2025**.

- Submit written comments at the in-person Public Scoping Meeting
- Mail written comments to:  
USDA NRCS-New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast, Suite 602  
Albuquerque, New Mexico 87109-3434
- Email your comments to: [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)

Additional information on the Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project can be found at the following link: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed> or by scanning the QR Code below.



**Radio Ad: (111 words)**

The United States Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Otero Soil and Water Conservation District, will be preparing a Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, and 3A Dam Rehabilitation Project in the Lincoln National Forest in Otero County. To share details on the project and collect public comments, a Public Scoping Meeting will be held on January 28, 2025 at the Mayhill Community Center at 6:30 p.m. A virtual option will be provided for those who cannot attend in person. For more information visit the Otero Soil and Water Conservation District website. Paid for by the Natural Resources Conservation Service.



**KANW**  
2020 COAL AVE SE  
ALBUQUERQUE, NM 87106  
(505) 242-7163

**KANW INVOICE**

Invoice ID: 25010017  
Invoice Date: 1/28/2025  
Account ID: 1070  
Order ID: 1070-001  
Account Rep: House Accounts

Amount Due: \$987.00  
Amount Paid: \_\_\_\_\_

UW - PINYON ENVIRONMENTAL INC.  
3222 S VANCE STREET, SUITE 200  
LAKEWOOD, CO 80227

Sponsor: UW - Pinyon Environmental Inc.  
UW - Pinyon Environmental Inc.

Date	Time	Length	Description	CopyID / ISCI Code	Cost
1/20/2025	07:49 AM	:60	Spot	DA1220	47.00
1/20/2025	05:22 PM	:60	Spot	DA1220	47.00
1/21/2025	07:50 AM	:60	Spot	DA1220	47.00
1/21/2025	05:21 PM	:60	Spot	DA1220	47.00
1/22/2025	07:19 AM	:60	Spot	DA1220	47.00
1/22/2025	05:21 PM	:60	Spot	DA1220	47.00
1/23/2025	07:19 AM	:60	Spot	DA1220	47.00
1/23/2025	05:21 PM	:60	Spot	DA1220	47.00
1/24/2025	07:19 AM	:60	Spot	DA1220	47.00
1/24/2025	05:58 PM	:60	Spot	DA1220	47.00
1/25/2025	07:51 AM	:60	Spot	DA1220	47.00
1/25/2025	05:39 PM	:60	Spot	DA1220	47.00
1/26/2025	07:21 AM	:60	Spot	DA1220	47.00
1/26/2025	12:51 PM	:60	Spot	DA1220	47.00
1/26/2025	05:18 PM	:60	Spot	DA1220	47.00
1/27/2025	07:19 AM	:60	Spot	DA1220	47.00
1/27/2025	12:51 PM	:60	Spot	DA1220	47.00
1/27/2025	05:21 PM	:60	Spot	DA1220	47.00
1/28/2025	07:19 AM	:60	Spot	DA1220	47.00
1/28/2025	12:51 PM	:60	Spot	DA1220	47.00
1/28/2025	05:58 PM	:60	Spot	DA1220	47.00

21 Total Items	Total Cost:	\$987.00
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Amount Due: **\$987.00**

## **Appendix B – Public Scoping Meeting Attendee List**







## **Appendix C – Public Scoping Meeting Notes**



## MEMORANDUM

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**Project 24116**

**TO: Merceidez Fabok – Natural Resources Conservation Service**

**FROM: Bob Huzjak, P.E. – RJH Consultants, Inc.**

**DATE: February 18, 2025**

**RE: Upper Rio Penasco Sites 1, 2, and 3A Supplemental Watershed Plan and Environmental Document Project – Public Scoping Meeting Notes**

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This memorandum presents a summary of items discussed during the Public Scoping Meeting held on January 28, 2025. The meeting was held from 6:30 PM to 8:00 PM at the Mayhill Community Center (15 Civic Center Dr. Mayhill, NM 88339) and virtually using Zoom meeting software. The Public scoping meeting is a requirement of the Supplemental Watershed Plan and Environmental Document for the Upper Rio Penasco Sites 1, 2, and 3A Dams (Project). The meeting was hosted by the Natural Resources Conservation Service (NRCS) and was supported by the Otero Soil and Water Conservation District (Otero SWCD) (Sponsor), U.S. Forest Service (USFS) and U.S. Army Corps of Engineers (cooperating agencies), RJH Consultants, Inc. (RJH), and Pinyon Environmental, Inc. (Pinyon). This memorandum is a summary of the meeting and is not intended to be a verbatim account of what transpired.

The following individuals conducted the presentation:

<b>NRCS</b>	<b>RJH</b>	<b>PINYON</b>
Merceidez Fabok	Robert Huzjak	Katie Evans

### **Purpose**

The purpose of this meeting was as follows:

- Provide an overview of the NRCS Watershed Program.
- Explain the Project background and dam components for the Upper Rio Penasco Sites 1, 2, and 3A.
- Present the current conditions of Upper Rio Penasco Sites 1, 2, and 3A Dams.
- Explain the Project purpose and need.
- Provide an overview of the Project scope and approach.
- Review the Project schedule.
- Discuss watershed resources that may be impacted by potential alternatives. Obtain feedback from attendees on the relative importance of various watershed resources.
- Obtain and document general feedback and concerns from attendees.

## **Attendance**

Meeting notifications and instructions to access the link to the Zoom meeting were distributed to local news sources including the newspaper, radio, social media, and posting fliers in public places, and mailed to neighboring and downstream landowners. Along with several agency members that stayed following the agency meeting, seventeen members of the public attended the meeting.

## **Presentation**

A PowerPoint slide deck was used to facilitate the meeting and share pertinent information with meeting attendees. The slides used in the meetings are provided in Attachment A. The following key notes from the presentation are sorted by slide topic and provide additional information or discussion items that are not already included on the slides in Attachment A.

## ***Logistics, Introduction, and Project Roles***

- The intent of this meeting is to provide information on the work that will be performed as part of this Project, what we currently know about the dams and Project, and to obtain feedback from the public on items and concerns that should be considered in the Project. This will allow us to more effectively evaluate alternatives including the social, economic, cultural, and environmental impacts.
- Meeting participants can turn on closed captions if desired. Questions can be asked by clicking the “raise hand” button. You will then be given an opportunity to speak. All of those in-person should speak using the wireless microphone so that those online can hear.
- NRCS is the Lead Federal Agency of the Project and conducts final review of Project documents and coordinates with public, tribes, and government agencies.
- Otero SWCD is the Project Sponsor and is responsible for permits, long term operation and maintenance, land right acquisition and utilities.
- RJH is the lead consultant on the Project, responsible for conducting field reconnaissance, reviewing and collecting background data, performing engineering analyses, developing and evaluating potential rehabilitation alternatives, and preparing final documents.
- Pinyon is a subconsultant to RJH and is responsible to provide technical expertise and perform work related to environmental, social, cultural, and economic resources and analyze resource data.
- At the time of this meeting, the USFS and USACE are cooperating agencies and they will review and provide input on Project documents. Other cooperating agencies can be added at any time during the Project.

## ***Background***

- The Project is located in southern New Mexico in Otero County.
- The Project includes three dams; one at each of the Sites. These dams are Site 1 – Bear Creek Dam, Site 2 – Curtis Canyon Dam, and Site 3A – Graveyard Canyon Dam. Each of these dams is on a tributary to the Rio Penasco.

- The primary dam components include:
  - An earthen embankment to retain the reservoir if water is present. The reservoirs are typically dry.
  - A principal spillway that includes concrete riser structure within the reservoir and a low-level conduit through the embankment. This is used to pass routine flows.
  - An earthen auxiliary spillway located in the right abutment (looking downstream). The purpose of the auxiliary spillway is to pass large flows that exceed the capacity of the principal spillway.
- The dams were constructed as a low hazard potential dam for the purposes of flood prevention and sediment retention. The dams were reclassified by the New Mexico Office of the State Engineer – Dam Safety Bureau (NMOSE-DSB) as high hazard potential due to development downstream of the dams. The higher hazard class does not mean that the existing dam is less safe. It just means that there are more severe consequences downstream if the dam was to fail and the dam needs to meet different criteria.
- Previous work identified that each dam does not meet current criteria:
  - The principal spillway capacity is not sufficient. The dams were only designed to provide protection up to a 25-year storm event. Most dams now are designed to protect up to a 100-to-500-year storm events. This means that in a storm event above about the 25-year event, water would flow through the auxiliary spillway.
  - The auxiliary spillway hydraulic capacity is not adequate to pass the design inflow required for a high hazard dam without overtopping the dam crest.
  - The crest widths do not meet all current dam safety criteria.
  - There are no embankment filters for drainage and seepage management systems.
  - There are anti-seepage collars constructed along the principal spillway conduit, which are no longer the state of practice.
- A key activity that will be performed as part of this Project is to identify the current conditions of the dam and to identify what parts of the dam do not meet current standards. This work is currently in progress.
- We do not know what alternatives will be identified to address any deficiencies, because the first step is to identify the current issues.
- The dams were designed to provide two primary benefits, flood protection for the 25-year storm event and sediment retention storage for 50-years of accumulated sediment. Accumulated sediment has been periodically removed from some of the reservoirs over the life of the dams.
- Dam breach inundation maps have been prepared for each of the dams. Inundation maps for the hydrologic breach were shared in this meeting. The hydrologic breach of any of the dams impacts up to 11 homes, two RV parks, and four outbuildings.

### ***Overview of NRCS Watershed Program and NEPA***

- The Watershed Rehabilitation Program (or Rehab Program) provides federal funding for projects to rehabilitate aging dams that were initially constructed by NRCS and are either nearing the end of their design life or no longer able to meet federal or state dam safety standards. Work in this program can include extending the useful

life of the structure, decommissioning the dam, repairing from a catastrophic event, upgrading the structure to meet change in watershed conditions, or general repair of structural components.

- The federal cost share for this Project is up to 65 percent of total eligible construction costs and the Sponsor is responsible for the remaining (35 percent) costs. NRCS pays 100 percent of the planning and design costs.
- The Project is currently in the Watershed Rehabilitation Planning phase, which includes identifying and evaluating alternatives, selecting a preferred alternative, and preparing the Supplemental Plan Environmental Document (Plan-ED). Phases are dependent on funding and funding has only been secured for this Planning phase. A design phase and a construction phase follow the current planning phase. The total Project timeline is likely to equal or exceed 10 years and can be periodically impacted by limited funding availability.
- All federal actions must satisfy the requirements of the National Environmental Policy Act (NEPA). The watershed Project plan will include a Supplemental Plan - Environmental Assessment (Plan-EA) to assess the environmental, social, cultural, and economic impacts of the alternatives and provide a framework and basis for decision-making.

### ***Project Purpose and Need***

- The Project purpose and need is important because it establishes the objectives that the Project was constructed to achieve. It also justifies the expected outcome of public expenditure and allows decisions to be defensible.
- The Project purpose is to maintain flood prevention and continue to retain and control watershed sedimentation.
- The Project is needed to address dam safety and performance deficiencies to improve public health and safety.

### ***Overview of Scope of Work***

The planning phase identifies deficiencies of the dams and what is needed to meet the purpose and need of the Project, which could include modifications to the dam, modifications to the downstream floodplain, combinations of these, or other alternatives. Once alternatives are identified and compared, the preferred alternative is identified and moves forward into design.

#### ***Phase 1: Goals, Objectives, Purpose, and Need***

- We are collecting data to perform analyses. Subsurface investigations were mostly completed in December 2024 to January 2025.
- Topography data has been collected in the dam and reservoir area. Sediment capacity will be evaluated and confirmed.
- Hydrologic and hydraulic modeling for the performance of the existing dams will be performed.
- Public/agency participation in scoping is starting with this meeting.
- It may be necessary to modify the Purpose and Need Statement depending on the comments we get from the agency scoping meeting and this public scoping meeting. All alternatives must meet the purpose and need.



*Phase 2: Inventory and Analyze Resources*

- Environmental resources includes wetlands and threatened and endangered species.
- Cultural resources include archeological and architectural evaluations.
- Economic and social impacts will be evaluated during the alternatives phase.
- Resources and their associated impacts will be identified through field investigations and desktop studies.

*Phase 3: Alternatives Formulation*

- After we identify the dam deficiencies, we will develop alternatives to address these deficiencies. The different alternative categories are summarized below:
  - No-Action/No Federal Investment Alternative: considers what happens if the NRCS does not provide funding for Project. Generally, this means that the risk continues to be present. This alternative is used to evaluate other alternatives against.
  - Decommission Alternative: removal of dam and put the stream back to the original conditions. This would remove the flood protection provided by the dam and the sediment collection benefits provided by the dam and could include another form of flood protection.
  - Structural Alternative: modifications to the dam. There will likely be multiple alternatives and to modify the dam that will meet NRCS and NMOSE-DSB dam safety criteria.
  - Non-structural Alternative: changes to downstream floodplain that reduces the impacts such as relocating structures, widening the floodplain, etc.
- The team will estimate costs and evaluate impacts to resources for the alternatives identified.
- Sponsors, with some input from the NRCS, select the preferred alternative to move forward with the Project. There will be another public meeting to present the alternatives, costs, and impacts, and to solicit input on the preferred alternative.

*Phase 4: Prepare Supplemental Plan-Environmental Assessment*

- The Supplemental Plan-EA is a comprehensive report at the end of the planning phase that contains existing conditions, technical evaluations, engineering, social impacts, environmental impacts, costs, etc. This document provides the NRCS and the Sponsor data they need to decide how to advance the Project and documents selection of the preferred alternative.

***Opportunities for Public Input***

- There will be three formal opportunities for public input, including this meeting today. Two of these opportunities are meetings and one is an open comment period for the Draft Supplemental Plan-EA Document.
- The questions and comments received during this public meeting are summarized as follows:
  - Could recreation in the area be increased by including a permanent pool in the reservoirs? Recreation is not part of the originally authorized purpose of the

dams. Dams evaluated through the rehabilitation program are limited on what purposes can be added. A permanent pool would also decrease the storage volume available for flood conditions.

- Could a permanent pool be added for fire-fighting purposes? This will be considered in the alternatives formulations.
- Are historical rain events considered when developing the inflow hydrology? Yes, RJH will use both historical data and theoretical estimates in evaluating inflow hydrology.

#### *RJH Closing Comments*

- Public participation is voluntary but is a critical component of a successful project. Comments and feedback will ensure that the Project meets the needs and priorities of agencies, tribes, stakeholders, and the local community.
- Concerns and comments are due by February 27, 2025 but are also welcome after this. Please submit them so we can get them to the Project team. The earlier comments are provided during the Project the more efficient it is to address them.
- Submit comments and resource scoping comment forms via email to [merceidez.fabok@usda.gov](mailto:merceidez.fabok@usda.gov), or by mail to USDA NRCS New Mexico, Att: Merceidez Fabok, 100 Sun Ave. Northeast, Suite 602, Albuquerque, NM 87109-3434.
- Scoping comments received before and after the meeting will be provided in a separate deliverable.

**Attachments:** Attachment A – Meeting Slides

# Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project

Public Scoping Meeting  
January 28, 2025, 6:30-8:00 PM



Mayhill Community Center  
15 Civic Center Dr.  
Mayhill, NM 88339



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## Meeting Agenda

1. Logistics and Introduction
2. Project Location and Background
3. NRCS Watershed Rehabilitation Program and NEPA Process
4. What Will the Supplemental Watershed Plan-EA include?
5. Purpose and Need
6. Overview of Scope of Work
7. Agency/Public Input and Comments
8. Discussion

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## Meeting Logistics

- Instructions to **Meeting Attendees**
- Instructions to **Online Attendees**
  - Muted and unable to speak.
  - Chat function is enabled and being monitored.
  - Add name, address, and email/phone number to the meeting chat.



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## Introductions

### Lead Federal Agency

USDA Natural Resources  
Conservation Service (NRCS)



- Elias Gnann, P.E. | *State Conservation Engineer*
- Merceidez Fabok | *Watershed Program Manager*

### Consultant Lead

RJH Consultants, Inc.



- Robert Huzjak, P.E. | *Project Manager*
- Ezra Stockton, P.E. | *Project Engineer*

### Environmental Consultant

Pinyon Environmental, Inc.



- Katie Evans, PMP | *Project Manager*

### Project Sponsor

Otero Soil and Water Conservation  
District



- Vicky Milne | *District Manager*
- Bob Nichols | *Chairman*
- Jeff Rabon | *Supervisor*

### Cooperating Agencies

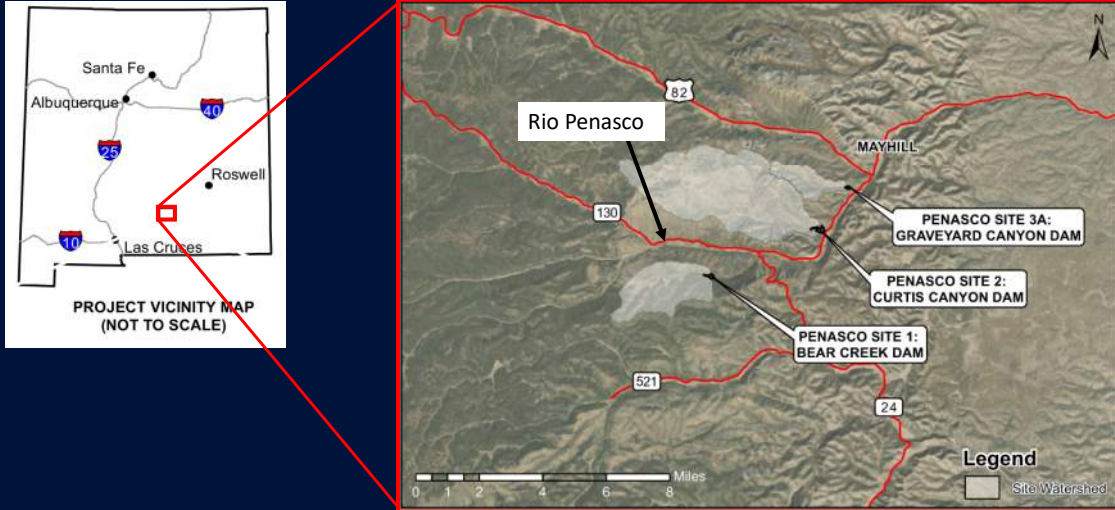
- U.S. Army Corps of Engineers  
Justin Riggs
- U.S. Forest Service – Lincoln National Forest  
Amanda Ginithan and Titus Braboy



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## Project Location



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## Project Location



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## Dam Components

- Riser Structure
- Principal Spillway
- Auxiliary Spillway
- Dam (Embankment) Crest



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## Background

- Dams constructed between 1959 and 1960 for the purpose of flood protection.
- Dams originally built as low hazard potential but are now rated as **high hazard potential**.
- 2023 condition assessment found that the dams **do not meet** current design and safety standards with the following deficiencies:
  - Inadequate principal and/or auxiliary spillways
  - Insufficient embankment crest width
  - No embankment filters for drainage and seepage management
  - Other deficiencies may still be identified

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## Dam Breach Inundation – Curtis Canyon



### Impacted Structures

- 11 homes
- 2 RV Parks (92 Sites)
- 3 Outbuildings

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## Dam Breach Inundation – Graveyard Canyon



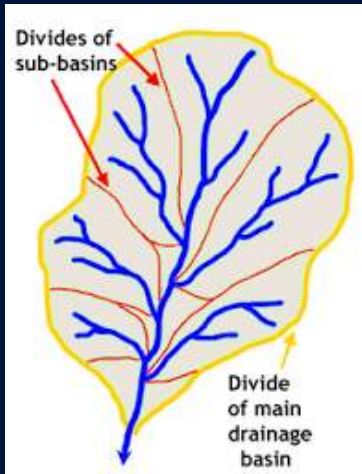
### Impacted Structures

- 5 homes
- 2 RV Parks (92 Sites)
- 3 Outbuildings

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## What is a watershed?

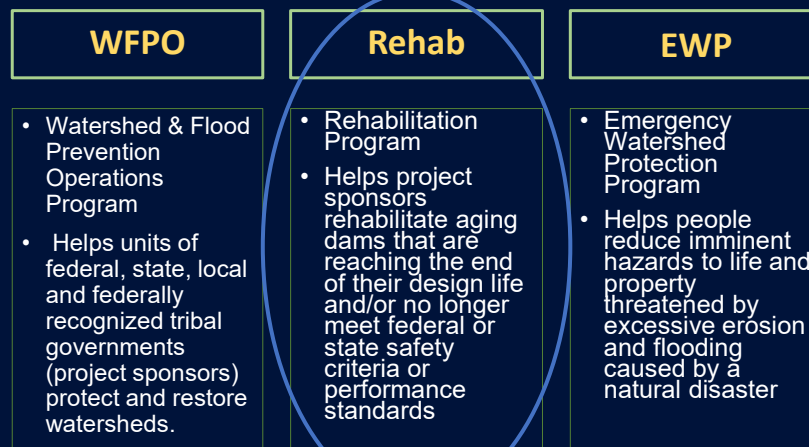


- **Watershed** = the land that drains to one stream, lake, or river; includes surface water and underlying groundwater
- **Hydrologic Unit Codes** - Used nationwide to describe drainage areas labelled with a series of numbers
- Different numbers represent different scales
  - The smaller the number the LARGER the area
  - HUC-12 drainage basin will represent a smaller area than a HUC-8 drainage basin

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## The “NRCS Watershed Umbrella”



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## Program Requirements

### Rehab Program work may include any of the following:

- Protecting the integrity of the dam or extending the useful life of the dam beyond the original evaluated life expectancy.
- Repairing damage to the dam from a catastrophic event.
- Repairing structural components that are deteriorating at an abnormal rate.
- Upgrading the structural works of improvement to meet changed land use conditions in the watershed served by the structural works of improvement or changed safety criteria applicable to the structural measure.
- Decommissioning (removing) the structure and stabilizing the site, if requested by the sponsoring local organization (SLO).

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## Rehab Program Cost Share

### 65% Federal / 35% Sponsor

- Specific rate established in the statute
- Cost share revolves around the total eligible project cost, not to exceed 100% of the actual construction cost
  - Project cost includes items like construction, in-kind services (planning, engineering, project administration), required replacement in-kind, required decent/safe/sanitary facilities, etc.

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# Rehab Program Steps

## 1. Dam Assessment

- Typically funded by NRCS, and completed by NRCS or Contractor
- Duration to complete is approx. 12 months

## 2. Rehab Planning

- Normally fully funded by NRCS
- Multiple options for who completes / creates the Watershed Plan
  - Federal Contract
  - Local-Led Agreement
- Duration to complete is approx. 18-24 months (+ or -)

## 3. Rehab Design

- Normally fully funded by NRCS
- Multiple options for who completes the design(s)
- Duration is approx. 1-2 years

## 4. Rehab Construction

- Funded at 65% Federal / 35% Sponsor for total construction costs
- Duration ranges from 2 years to 5 years due to:
  - Acquisition of easements and or land rights
  - Permits

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# Link to NRCS WFPO Program Web Page:



<https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed>

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## National Environmental Policy Act (NEPA) Process

- NEPA ensures that federal actions comply with federal, state, and local laws and regulations and that federal agencies **consider the environment in decision-making**
- NRCS funding or approval of a watershed project plan is a **federal action** subject to NEPA
- An EA will be part of the watershed plan to assess the **environmental, social, and economic impacts** of the identified alternatives

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## What will the Watershed Plan-EA include?



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## Purpose and Need

### Purpose

- Maintain flood protection
- Reduce sediment deposition

### Need

- Address dam safety and performance deficiencies
- Improve public safety

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## Scope of Work

### Project Planning Phases

- **Phase 1:** Goals, Objectives, Purpose and Need
- **Phase 2:** Inventory and Analyze Resources
- **Phase 3:** Alternatives Formulation
- **Phase 4:** Prepare Final Plan-Environmental Document

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## Phase 1: Goals, Objectives, Purpose and Need

- **Compile and Review Existing Data**
- **Collect Additional Data**
  - Subsurface investigation - complete
  - Topographic Survey - complete
  - Sediment Survey – in progress
  - Flooding Evaluations – in progress
  - Public Participation – in progress
- **Define Purpose and Need**



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## Phase 2: Inventory and Analyze Resources

- **Inventory Resources**
  - Environmental
  - Economic
  - Cultural
  - Social
- **Analyze Identified Resources**
  - Field Investigations
  - Local Research
  - Desktop Analysis
  - Evaluate Potential Impacts



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## Environmental Resources

- Desktop analyses will provide a baseline to inform alternatives development and publicly available data will be reviewed to identify:
  - Soil types
  - Historic and current land use
  - Water resources and wetlands
  - Floodplains
  - Fish and wildlife
  - Federally and state-listed threatened or endangered species
  - Vegetation and invasive species
  - Riparian and natural areas

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## Social and Economic Resources

- **Social resources** to be identified with publicly available sources include:
  - Population, income, poverty data
  - Public health and safety concerns
  - Transportation networks and conditions
  - Population centers
- **Economic conditions** will be identified using:
  - Demographic economic drivers
  - Land use and property values
  - Number and characteristics of structures at risk in the 500-year floodplain
  - Historical information on how floods have impacted communities in study area

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## Cultural Resources

- Desktop survey/literature review will identify:
  - Location of any previous archaeological surveys or previously recorded archaeological sites within or around the study area
  - Sites listed on the National Register of Historic Places
  - Sites listed on the State Register of Cultural Properties

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## Phase 3: Alternatives Formulation

- **Identify and formulate reasonable alternatives**
  - Evaluate impacts to resources
  - Cost Estimates
  - No-action
  - Decommission
  - Structural
  - Non-structural
- **Identify the preferred alternative**

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## Phase 4: Prepare Plan-Environmental Assessment

- Compile **collected data** for existing structures
- Identify and **evaluate alternatives**
- Identify and evaluate **impacts of alternatives**
- Select **preferred alternative** with public input



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## Agency and Public Input

- Three scheduled opportunities for public and agency input:
  - **Initial Public/Agency Scoping Meeting - today**
    - Provided: Project introduction
    - Requested: Input on objectives, alternatives, and prioritization
  - **Alternatives Meeting**
    - Provided: Report on how input was incorporated and presentation of alternatives
    - Requested: Input on selected alternative
  - **Plan-Environmental Assessment Review**
    - Provided: Draft Plan-Environmental Assessment
    - Requested: Comments on the Plan-Environmental Assessment

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## Public Input on Resources

### Public Involvement

What resource opportunities/impacts are of particular importance?

Are there any other known opportunities or impacted resources?

General concerns or comments?

### Resource List

- Wetlands
- Critical Habitat
- Floodplains
- Recreation
- Cultural Resources
- T&E Species
- Fish and Wildlife
- Forests
- Invasive Species
- Land Use
- Migratory Birds
- Natural areas
- Parklands
- Prime and Unique Farmland
- Riparian Areas
- Public Health and Safety
- Regional Water Resource Plans
- Scenic Beauty
- Scientific Resources
- Soil Resources
- Water Quality
- Water Resources
- Wild and Scenic Rivers
- Waters of the US
- Social Issues
- *Other...*

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## Public Input: How to Submit Comments?

- Submit your comments on the project by February 27, 2025
- There are three ways to comment:

### Comment Card

Submit a written  
Comment at today's  
meeting



### Mail

USDA NRCS New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast,  
Suite 602  
Albuquerque, NM 87109-  
3434



### Email

[Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)



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## Discussion on Possible Benefits & Considerations

- Possible benefits and other considerations while developing alternatives
  - Increased flood protection
  - Permanent pool?
- Landowner considerations
- Other considerations?

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## Open Discussion/Questions



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## Next Steps

- **Initial Public/Agency Scoping Meeting (Today)**
  - Public comments due to NRCS by February 27, 2025
- **Alternatives Development**
  - Consider information from Public and Agency meetings
  - Refine purpose and need as appropriate
  - Develop alternatives and evaluate impacts
  - Identify preferred alternative
  - Next public meeting (alternatives presentation and solicit input )

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## Schedule

Evaluate existing conditions	Spring 2025
Identify and evaluate alternatives	Spring and Summer 2025
Alternatives Meeting	Summer 2025
Public review of draft documents	Winter 2025
Public review of final documents	Spring 2026
Planning completion	Spring 2026

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# Closing Comments

## Final Thoughts

- Planning phase of a bigger project.
- Schedules and timelines are targets, not rigid.
- The participation of public and agencies is voluntary **BUT CRITICAL TO A SUCCESSFUL PROJECT.**
- The project is intended to reflect the values and opinions of the local agencies and community whenever possible.
- Project webpage: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed>



Contact Merceidez Fabok with the NRCS:

- **Email:** [merceidez.fabok@usda.gov](mailto:merceidez.fabok@usda.gov)
- **Mail:** USDA NRCS New Mexico, Att: Merceidez Fabok  
100 Sun Ave. Northeast, Suite 602, Albuquerque, NM 87109-3434

Comments/Questions are due to NRCS by: **Thursday February 27, 2025**

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## **Appendix D – Agency Scoping Meeting Attendee List**

# Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project

## Agency Scoping Meeting - Record of Attendance

Attendee Name	Address	Email	Phone
Merceidez Fabok	100 Sun Ave Northeast Suite #602, Albuquerque, NM 87109	Merceidez.fabok@usda.gov	505-761-4421
Elias Gnann	100 Sun Ave Northeast Suite #602, Albuquerque, NM 87109	elias.gnann@usda.gov	505-761-4490
Bob Nichols	224 Cottonwood Canyon Road, La Luz, NM 88337	bnichols26@msn.com	575-430-7953
Jeff Rabon	10 Piedra Road, Alamogordo, NM 88310	jeffrabon@mesaverdeinc.com	575-430-6171
Mark Cadwallader	P.O. Box 321, High Rolls - Mountain Park, NM 88325	mcadwallader@netmdc.com	575-491-2427
Rowan Krump	3469 Los Palomas Road, Alamogordo, NM, 88310	haley.krump@usda.gov	307-757-0223
Amanda Ginithan	3469 Las Palomas Road, Alamogordo, NM, 88310	amanda.ginithan@usda.gov	575-921-4456
Chad Novack	4 Las Palomas Road, Alamogordo, NM, 88310	chad.novack@usda.gov	229-237-3100
Vickie Marquardt	1101 N New York Ave, Alamogordo, NM, 88310	vmarquardt@co.otero.nm.us	575-430-4961
Matthew Clark	1101 N New York Ave, Alamogordo, NM, 88310	mclark@co.otero.nm.us	575-439-2612
Robert Huzjak	9800 Mount Pyramid Ct # 330, Englewood, CO 80112	rhuzjak@rjh-consultants.com	303-225-4611
Ezra Stockton	9800 Mount Pyramid Ct # 330, Englewood, CO 80112	estockton@rjh-consultants.com	303-225-4611
Jack Marchetti		jack.marchetti@dgf.nm.gov	
Keysha Fontain		keysha.fontaine@usda.gov	

## **Appendix E – Agency Scoping Meeting Notes**



## MEMORANDUM

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**Project 24116**

**TO: Merceidez Fabok – Natural Resources Conservation Service**

**FROM: Bob Huzjak, P.E. – RJH Consultants, Inc.**

**DATE: February 18, 2025**

**RE: Upper Rio Penasco Sites 1, 2, and 3A Supplemental Watershed Plan and Environmental Document Project – Agency/Tribal Scoping Meeting Notes**

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This memorandum presents a summary of items discussed during the Agency/Tribal Scoping Meeting held on January 28, 2025. The meeting was held from 3:00 PM to 4:30 PM at the Mayhill Community Center (15 Civic Center Dr. Mayhill, NM 88339) and virtually using Zoom meeting software. The Agency/Tribal scoping meeting is a requirement of the Supplemental Watershed Plan and Environmental Document for the Upper Rio Penasco Sites 1, 2, and 3A Dams (Project). The meeting was hosted by the Natural Resources Conservation Service (NRCS) and was supported by the Otero Soil and Water Conservation District (Otero SWCD) (Sponsor), U.S. Forest Service (USFS) and U.S. Army Corps of Engineers (cooperating agencies), RJH Consultants, Inc. (RJH), and Pinyon Environmental, Inc. (Pinyon). This memorandum is a summary of the meeting and is not intended to be a verbatim account of what transpired.

The following individuals conducted the presentation:

<b>NRCS</b>	<b>RJH</b>	<b>PINYON</b>
Merceidez Fabok	Robert Huzjak	Katie Evans

### **Purpose**

The purpose of this meeting was as follows:

- Provide an overview of the NRCS Watershed Program.
- Explain the Project background and dam components for the Upper Rio Penasco Sites 1, 2, and 3A.
- Present the current conditions of Upper Rio Penasco Sites 1, 2, and 3A Dams.
- Explain the Project purpose and need.
- Provide an overview of the Project scope and approach.
- Review the Project schedule.
- Discuss watershed resources that may be impacted by potential alternatives. Obtain feedback from attendees on the relative importance of various watershed resources.
- Obtain and document general feedback and concerns from attendees.



## **Attendance**

Meeting notifications and instructions to access the link to the Zoom meeting were distributed to interested agencies and nearby Tribes prior to the meeting. Fourteen members of local, state, and federal agencies attended the meeting. Representatives from the following agencies and affiliations were in attendance:

- Natural Resources Conservation Service (NRCS)
- Otero Soil and Water Conservation District (Otero SWCD)
- U.S. Forest Service – Lincoln National Forest (USFS)
- Otero County Emergency Services
- Otero County Commission
- State of New Mexico Department of Game and Fish (NMDGF)
- U.S. Bureau of Reclamation (USBR)

## **Presentation**

A PowerPoint slide deck was used to facilitate the meeting and share pertinent information with meeting attendees. The slides used in the meetings are provided in Attachment A. The following key notes from the presentation are sorted by slide topic and provide additional information or discussion items that are not already included on the slides in Attachment A.

## ***Logistics, Introduction, and Project Roles***

- The intent of this meeting is to provide information on the work that will be performed as part of this Project, what we currently know about the dams and Project, and to obtain feedback from the stakeholders and agencies on items and concerns that should be considered in the Project. This will allow us to more effectively evaluate alternatives including the social, economic, cultural, and environmental impacts.
- Meeting participants can turn on closed captions if desired. Questions can be asked by clicking the “raise hand” button. You will then be given an opportunity to speak. All of those in-person should speak using the wireless microphone so that those online can hear.
- NRCS is the Lead Federal Agency of the Project and conducts final review of Project documents and coordinates with public, tribes, and government agencies.
- Otero SWCD is the Project Sponsor and is responsible for permits, long term operation and maintenance, land right acquisition and utilities.
- RJH is the lead consultant on the Project, responsible for conducting field reconnaissance, reviewing and collecting background data, performing engineering analyses, developing and evaluating potential rehabilitation alternatives, and preparing final documents.
- Pinyon is a subconsultant to RJH and is responsible to provide technical expertise and perform work related to environmental, social, cultural, and economic resources and analyze resource data.

- At the time of this meeting, the USFS and USACE are cooperating agencies and they will review and provide input on Project documents. Other cooperating agencies can be added at any time during the Project.

## **Background**

- The Project is located in southern New Mexico in Otero County.
- The Project includes three dams: one at each of the Sites. These dams are Site 1 – Bear Creek Dam, Site 2 – Curtis Canyon Dam, and Site 3A – Graveyard Canyon Dam. Each of these dams is on a tributary to the Rio Penasco.
- The primary dam components include:
  - An earthen embankment to retain the reservoir if water is present. The reservoirs are typically dry.
  - A principal spillway that includes concrete riser structure within the reservoir and a low-level conduit through the embankment. This is used to pass routine flows.
  - An earthen auxiliary spillway located in the right abutment (looking downstream). The purpose of the auxiliary spillway is to pass large flows that exceed the capacity of the principal spillway.
- The dams were constructed as a low hazard potential dam for the purposes of flood prevention and sediment retention. The dams were reclassified by the New Mexico Office of the State Engineer – Dam Safety Bureau (NMOSE-DSB) as high hazard potential due to development downstream of the dams. The higher hazard class does not mean that the existing dam is less safe. It just means that there are more severe consequences downstream if the dam was to fail and the dam needs to meet different criteria.
- Previous work identified that each dam does not meet current criteria:
  - The principal spillway capacity is not sufficient. The dams were only designed to provide protection up to a 25-year storm event. Most dams now are designed to protect up to a 100-to-500-year storm events. This means that in a storm event above about the 25-year event, water would flow through the auxiliary spillway.
  - The auxiliary spillway hydraulic capacity is not adequate to pass the design inflow required for a high hazard dam without overtopping the dam crest.
  - The crest widths do not meet all current dam safety criteria.
  - There are no embankment filters for drainage and seepage management systems.
  - There are anti-seepage collars constructed along the principal spillway conduit, which are no longer the state of practice.
- A key activity that will be performed as part of this Project is to identify the current conditions of the dam and to identify what parts of the dam do not meet current standards. This work is currently in progress.
- We do not know what alternatives will be identified to address any deficiencies, because the first step is to identify the current issues.
- The dams were designed to provide two primary benefits, flood protection for the 25-year storm event and sediment retention storage for 50-years of accumulated sediment. Accumulated sediment has been periodically removed from some of the reservoirs over the life of the dams.

- Dam breach inundation maps have been prepared for each of the dams. Inundation maps for the hydrologic breach were shared in this meeting. The hydrologic breach of any of the dams impacts up to 11 homes, two RV parks, and four outbuildings.

### ***Overview of NRCS Watershed Program and NEPA***

- The Watershed Rehabilitation Program (or Rehab Program) provides federal funding for projects to rehabilitate aging dams that were initially constructed by NRCS and are either nearing the end of their design life or no longer able to meet federal or state dam safety standards. Work in this program can include extending the useful life of the structure, decommissioning the dam, repairing from a catastrophic event, upgrading the structure to meet change in watershed conditions, or general repair of structural components.
- The federal cost share for this Project is up to 65 percent of total eligible construction costs and the Sponsor is responsible for the remaining (35 percent) costs. NRCS pays 100 percent of the planning and design costs.
- The Project is currently in the Watershed Rehabilitation Planning phase, which includes identifying and evaluating alternatives, selecting a preferred alternative, and preparing the Supplemental Plan Environmental Document (Plan-ED). Phases are dependent on funding and funding has only been secured for this Planning phase. A design phase and a construction phase follow the current planning phase. The total Project timeline is likely to equal or exceed 10 years and can be periodically impacted by limited funding availability.
- All federal actions must satisfy the requirements of the National Environmental Policy Act (NEPA). The watershed Project plan will include a Supplemental Plan - Environmental Assessment (Plan-EA) to assess the environmental, social, cultural, and economic impacts of the alternatives and provide a framework and basis for decision-making.

### ***Project Purpose and Need***

- The Project purpose and need is important because it establishes the objectives that the Project was constructed to achieve. It also justifies the expected outcome of public expenditure and allows decisions to be defensible.
- The Project purpose is to maintain flood prevention and continue to retain and control watershed sedimentation.
- The Project is needed to address dam safety and performance deficiencies to improve public health and safety.

### ***Overview of Scope of Work***

The planning phase identifies deficiencies of the dams and what is needed to meet the purpose and need of the Project, which could include modifications to the dam, modifications to the downstream floodplain, combinations of these, or other alternatives. Once alternatives are identified and compared, the preferred alternative is identified and moves forward into design.

#### ***Phase 1: Goals, Objectives, Purpose, and Need***

- We are collecting data to perform analyses. Subsurface investigations were mostly completed in December 2024 to January 2025.

- Topography data has been collected in the dam and reservoir area. Sediment capacity will be evaluated and confirmed.
- Hydrologic and hydraulic modeling for the performance of the existing dams will be performed.
- Public/agency participation in scoping is starting with this meeting.
- It may be necessary to modify the Purpose and Need Statement depending on the comments we get from this agency scoping meetings and public scoping meetings. All alternatives must meet the purpose and need.

*Phase 2: Inventory and Analyze Resources*

- Environmental resources includes wetlands and threatened and endangered species.
- Cultural resources include archeological and architectural evaluations.
- Economic and social impacts will be evaluated during the alternatives phase.
- Resources and their associated impacts will be identified through field investigations and desktop studies.

*Phase 3: Alternatives Formulation*

- After we identify the dam deficiencies, we will develop alternatives to address these deficiencies. The different alternative categories are summarized below.
  - No-Action/No Federal Investment Alternative: considers what happens if the NRCS does not provide funding for Project. Generally, this means that the risk continues to be present. This alternative is used to evaluate other alternatives against.
  - Decommission Alternative: removal of dam and put the stream back to the original conditions. This would remove the flood protection provided by the dam and the sediment collection benefits provided by the dam and could include another form of flood protection.
  - Structural Alternative: modifications to the dam. There will likely be multiple alternatives and to modify the dam that will meet NRCS and NMOSE-DSB dam safety criteria.
  - Non-structural Alternative: changes to downstream floodplain that reduces the impacts such as relocating structures, widening the floodplain, etc.
- The team will estimate costs and evaluate impacts to resources for the alternatives identified.
- Sponsors, with some input from the NRCS, select the preferred alternative to move forward with the Project. There will be another agency meeting to present the alternatives, costs, and impacts, and to solicit input on the preferred alternative.

*Phase 4: Prepare Supplemental Plan-Environmental Assessment*

- The Supplemental Plan-EA is a comprehensive report at the end of the planning phase that contains: existing conditions, technical evaluations, engineering, social impacts, environmental impacts, costs, etc. This document provides the NRCS and the Sponsor data they need to decide how to advance the Project and documents selection of the preferred alternative.

### ***Opportunities for Agency Input***

- There will be three formal opportunities for agency input, including this meeting today. Two of these opportunities are meetings and one is an open comment period for the Draft Supplemental Plan-EA Document.
- The questions and comments received during this agency meeting are summarized as follows:
  - Otero SWCD said that coordination will be required as the dams are both on private and public land. RJH has reviewed the special use permits with USFS and has been working with the landowners. Both the landowners and the USFS (as cooperating agency) will be kept updated as the Project progresses. Otero SWCD will provide the most current information on easements.
  - Otero SWCD stated that the Project could include evaluating upstream measures to reduce debris flow into the basins. RJH understands from Otero SWCD and the USFS, that clearing debris from the ports on the principal spillway riser has been an issue in the past and continues to be a concern and that, at least at Curtis Canyon Dam, sediment traps have been installed in the past. Otero SWCD also has removed sediment at Graveyard and Curtis Canyon Dams. There may be additional records of the volumes of sediment removed other than what has been provided to RJH to date.
  - The USFS asked for shapefiles of Project boundaries. RJH will provide this; however, the Project boundary will not be fully defined until the alternatives have been identified. For now, the shapefiles include the boundary of the dam footprint and reservoir basin.
  - Otero SWCD is concerned about the downstream development. Can any of the data from this Project be shared with the Federal Emergency Management Administration (FEMA) to update the flood mapping? NRCS stated that data from this Project can be shared with FEMA. However, FEMA has criteria that they use to develop flood maps and it is up to FEMA how and when they update flood maps. RJH stated that the work being done for this phase of the Project is not intended to meet FEMA mapping requirements, because that is not needed for a Plan-EA project
  - The NMDGF has an environmental review tool at nmert.org. They suggested that this tool be consulted to identify species of greatest conservation need at the Project location. NMDGF also suggested use of the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) website for state listed endangered plants: <https://www.emnrd.nm.gov/sfd/rare-plants/state-rare-plant-list/>. Erica Roe is a good contact for information on this website.
  - NMDGF asked about sediment and tree removal. These are possibilities but the alternatives have not been identified yet.
  - Otero SWCD asked if riprap or gabion baskets could be installed to protect the auxiliary spillways from erosion. The need for and types of erosion protection will be evaluated as part of the auxiliary spillway erodibility evaluations and structural alternative.
  - Otero SWCD asked if an early warning system could be implemented to reduce risk. RJH will consider this but based on the flash nature of the storms in this area, such a system may not appreciably reduce risk.



*RJH Closing Comments*

- Agency participation is voluntary but is a critical component of a successful project. Comments and feedback will ensure that the Project meets the needs and priorities of agencies, tribes, stakeholders, and the local community.
- Concerns and comments are due by February 27, 2025 but are also welcome after this. Please submit them so we can get them to the Project team. The earlier comments are provided during the Project the more efficient it is to address them.
- Submit comments and resource scoping comment forms via email to [merceidez.fabok@usda.gov](mailto:merceidez.fabok@usda.gov), or by mail to USDA NRCS New Mexico, Att: Merceidez Fabok, 100 Sun Ave. Northeast, Suite 602, Albuquerque, NM 87109-3434.
- Scoping comments received before and after the meeting will be provided in a separate deliverable.

**Attachments:** Attachment A – Meeting Slides

# Supplemental Watershed Plan-Environmental Assessment for the Upper Rio Penasco Sites 1, 2, & 3A Dam Rehabilitation Project

Agency/Tribal Scoping Meeting  
January 28, 2025, 3:00-4:30 PM



Mayhill Community Center  
15 Civic Center Dr.  
Mayhill, NM 88339



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## Meeting Agenda

1. Logistics and Introduction
2. Project Location and Background
3. NRCS Watershed Rehabilitation Program and NEPA Process
4. What Will the Supplemental Watershed Plan-EA include?
5. Purpose and Need
6. Overview of Scope of Work
7. Agency/Public Input and Comments
8. Discussion

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## Meeting Logistics

- Instructions to **Meeting Attendees**
- Instructions to **Online Attendees**
  - Muted and unable to speak.
  - Chat function is enabled and being monitored.
  - Add name, address, and email/phone number to the meeting chat.



3

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## Introductions

### Lead Federal Agency

USDA Natural Resources  
Conservation Service (NRCS)



- Elias Gnann, P.E. | *State Conservation Engineer*
- Merceidez Fabok | *Watershed Program Manager*

### Consultant Lead

RJH Consultants, Inc.



- Robert Huzjak, P.E. | *Project Manager*
- Ezra Stockton, P.E. | *Project Engineer*

### Environmental Consultant

Pinyon Environmental, Inc.



- Katie Evans, PMP | *Project Manager*

### Project Sponsor

Otero Soil and Water Conservation  
District



- Vicky Milne | *District Manager*
- Bob Nichols | *Chairman*
- Jeff Rabon | *Supervisor*

### Cooperating Agencies

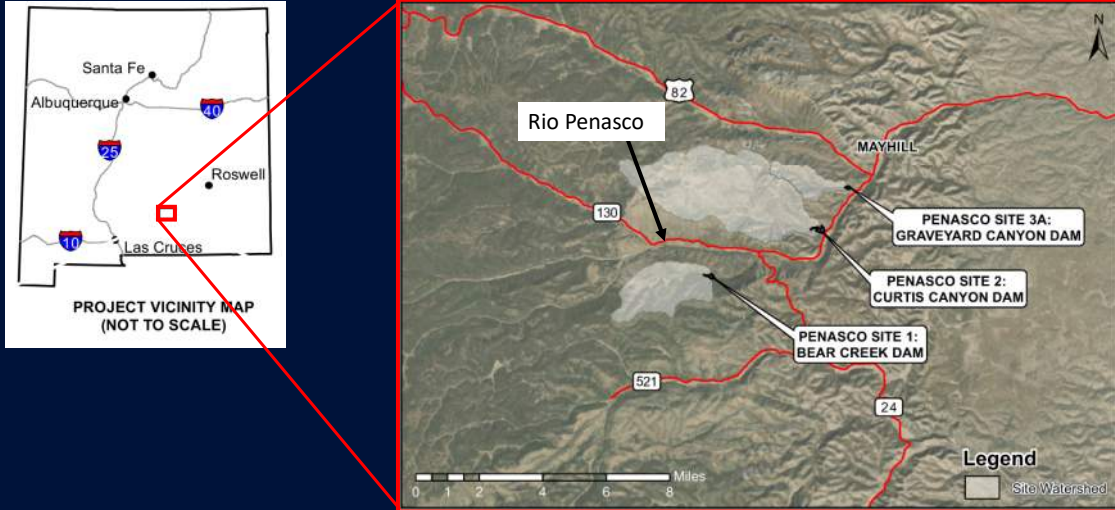
- U.S. Army Corps of Engineers  
Justin Riggs
- U.S. Forest Service – Lincoln National Forest  
Amanda Ginithan and Titus Braboy



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## Project Location



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## Project Location



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## Dam Components

- Riser Structure
- Principal Spillway
- Auxiliary Spillway
- Dam (Embankment) Crest



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## Background

- Dams constructed between 1959 and 1960 for the purpose of flood protection.
- Dams originally built as low hazard potential but are now rated as **high hazard potential**.
- 2023 condition assessment found that the dams **do not meet** current design and safety standards with the following deficiencies:
  - Inadequate principal and/or auxiliary spillways
  - Insufficient embankment crest width
  - No embankment filters for drainage and seepage management
  - Other deficiencies may still be identified

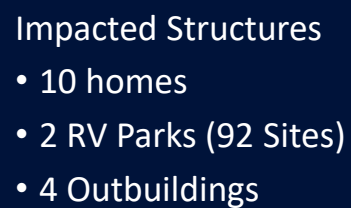
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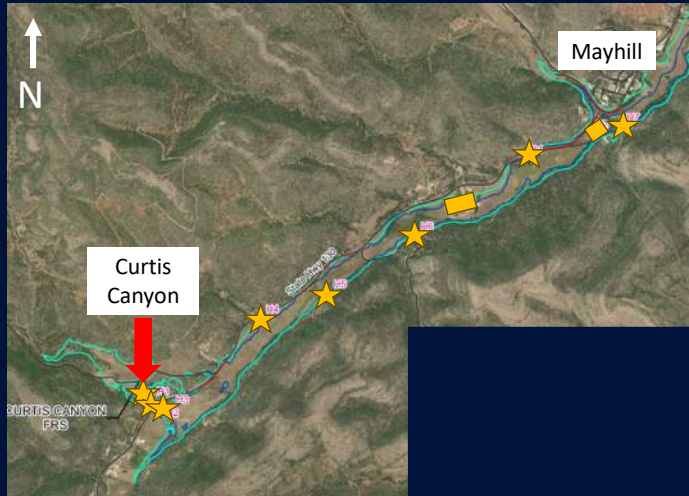
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# Dam Breach Inundation – Bear Creek



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## Dam Breach Inundation – Curtis Canyon



### Impacted Structures

- 11 homes
- 2 RV Parks (92 Sites)
- 3 Outbuildings

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## Dam Breach Inundation – Graveyard Canyon



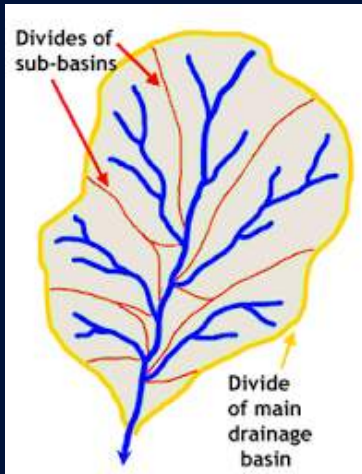
### Impacted Structures

- 5 homes
- 2 RV Parks (92 Sites)
- 3 Outbuildings

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## What is a watershed?

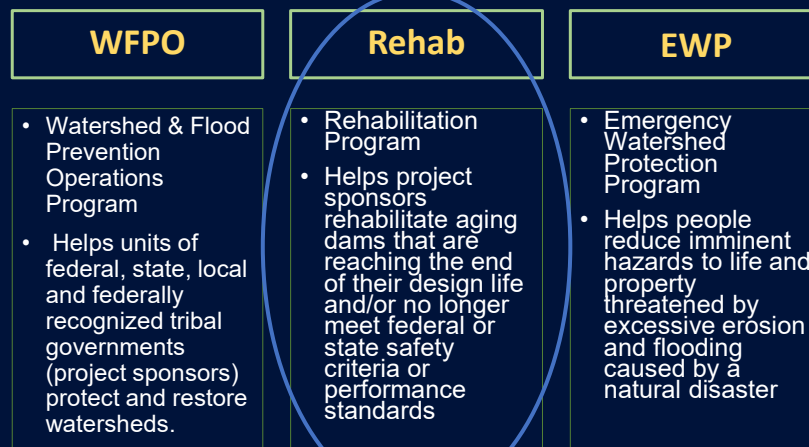


- **Watershed** = the land that drains to one stream, lake, or river; includes surface water and underlying groundwater
- **Hydrologic Unit Codes** - Used nationwide to describe drainage areas labelled with a series of numbers
- Different numbers represent different scales
  - The smaller the number the LARGER the area
  - HUC-12 drainage basin will represent a smaller area than a HUC-8 drainage basin

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## The “NRCS Watershed Umbrella”



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## Program Requirements

### Rehab Program work may include any of the following:

- Protecting the integrity of the dam or extending the useful life of the dam beyond the original evaluated life expectancy.
- Repairing damage to the dam from a catastrophic event.
- Repairing structural components that are deteriorating at an abnormal rate.
- Upgrading the structural works of improvement to meet changed land use conditions in the watershed served by the structural works of improvement or changed safety criteria applicable to the structural measure.
- Decommissioning (removing) the structure and stabilizing the site, if requested by the sponsoring local organization (SLO).

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## Rehab Program Cost Share

### 65% Federal / 35% Sponsor

- Specific rate established in the statute
- Cost share revolves around the total eligible project cost, not to exceed 100% of the actual construction cost
  - Project cost includes items like construction, in-kind services (planning, engineering, project administration), required replacement in-kind, required decent/safe/sanitary facilities, etc.

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# Rehab Program Steps

## 1. Dam Assessment

- Typically funded by NRCS, and completed by NRCS or Contractor
- Duration to complete is approx. 12 months

## 2. Rehab Planning

- Normally fully funded by NRCS
- Multiple options for who completes / creates the Watershed Plan
  - Federal Contract
  - Local-Led Agreement
- Duration to complete is approx. 18-24 months (+ or -)

## 3. Rehab Design

- Normally fully funded by NRCS
- Multiple options for who completes the design(s)
- Duration is approx. 1-2 years

## 4. Rehab Construction

- Funded at 65% Federal / 35% Sponsor for total construction costs
- Duration ranges from 2 years to 5 years due to:
  - Acquisition of easements and or land rights
  - Permits

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# Link to NRCS WFPO Program Web Page:



<https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed>

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## National Environmental Policy Act (NEPA) Process

- NEPA ensures that federal actions comply with federal, state, and local laws and regulations and that federal agencies **consider the environment in decision-making**
- NRCS funding or approval of a watershed project plan is a **federal action** subject to NEPA
- An EA will be part of the watershed plan to assess the **environmental, social, and economic impacts** of the identified alternatives

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## What will the Watershed Plan-EA include?



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## Purpose and Need

### Purpose

- Maintain flood protection
- Reduce sediment deposition

### Need

- Address dam safety and performance deficiencies
- Improve public safety

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## Scope of Work

### Project Planning Phases

- **Phase 1:** Goals, Objectives, Purpose and Need
- **Phase 2:** Inventory and Analyze Resources
- **Phase 3:** Alternatives Formulation
- **Phase 4:** Prepare Final Plan-Environmental Document

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## Phase 1: Goals, Objectives, Purpose and Need

- **Compile and Review Existing Data**
- **Collect Additional Data**
  - Subsurface investigation - complete
  - Topographic Survey - complete
  - Sediment Survey – in progress
  - Flooding Evaluations – in progress
  - Public Participation – in progress
- **Define Purpose and Need**



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## Phase 2: Inventory and Analyze Resources

- **Inventory Resources**
  - Environmental
  - Economic
  - Cultural
  - Social
- **Analyze Identified Resources**
  - Field Investigations
  - Local Research
  - Desktop Analysis
  - Evaluate Potential Impacts



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## Environmental Resources

- Desktop analyses will provide a baseline to inform alternatives development and publicly available data will be reviewed to identify:
  - Soil types
  - Historic and current land use
  - Water resources and wetlands
  - Floodplains
  - Fish and wildlife
  - Federally and state-listed threatened or endangered species
  - Vegetation and invasive species
  - Riparian and natural areas

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## Social and Economic Resources

- **Social resources** to be identified with publicly available sources include:
  - Population, income, poverty data
  - Public health and safety concerns
  - Transportation networks and conditions
  - Population centers
- **Economic conditions** will be identified using:
  - Demographic economic drivers
  - Land use and property values
  - Number and characteristics of structures at risk in the 500-year floodplain
  - Historical information on how floods have impacted communities in study area

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## Cultural Resources

- Desktop survey/literature review will identify:
  - Location of any previous archaeological surveys or previously recorded archaeological sites within or around the study area
  - Sites listed on the National Register of Historic Places
  - Sites listed on the State Register of Cultural Properties

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## Phase 3: Alternatives Formulation

- **Identify and formulate reasonable alternatives**
  - Evaluate impacts to resources
  - Cost Estimates
  - No-action
  - Decommission
  - Structural
  - Non-structural
- **Identify the preferred alternative**

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## Phase 4: Prepare Plan-Environmental Assessment

- Compile **collected data** for existing structures
- Identify and **evaluate alternatives**
- Identify and evaluate **impacts of alternatives**
- Select **preferred alternative** with public input



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## Agency and Public Input

- Three scheduled opportunities for public and agency input:
  - **Initial Public/Agency Scoping Meeting - today**
    - Provided: Project introduction
    - Requested: Input on objectives, alternatives, and prioritization
  - **Alternatives Meeting**
    - Provided: Report on how input was incorporated and presentation of alternatives
    - Requested: Input on selected alternative
  - **Plan-Environmental Assessment Review**
    - Provided: Draft Plan-Environmental Assessment
    - Requested: Comments on the Plan-Environmental Assessment

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## Public Input on Resources

### Public Involvement

What resource opportunities/impacts are of particular importance?

Are there any other known opportunities or impacted resources?

General concerns or comments?

### Resource List

- Wetlands
- Critical Habitat
- Floodplains
- Recreation
- Cultural Resources
- T&E Species
- Fish and Wildlife
- Forests
- Invasive Species
- Land Use
- Migratory Birds
- Natural areas
- Parklands
- Prime and Unique Farmland
- Riparian Areas
- Public Health and Safety
- Regional Water Resource Plans
- Scenic Beauty
- Scientific Resources
- Soil Resources
- Water Quality
- Water Resources
- Wild and Scenic Rivers
- Waters of the US
- Social Issues
- *Other...*

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## Public Input: How to Submit Comments?

- Submit your comments on the project by February 27, 2025
- There are three ways to comment:

### Comment Card

Submit a written  
Comment at today's  
meeting



### Mail

USDA NRCS New Mexico  
Attn: Merceidez Fabok  
100 Sun Avenue Northeast,  
Suite 602  
Albuquerque, NM 87109-  
3434



### Email

[Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov)



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## Discussion on Possible Benefits & Considerations

- Possible benefits and other considerations while developing alternatives
  - Increased flood protection
  - Permanent pool?
- Landowner considerations
- Other considerations?

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## Open Discussion/Questions



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## Next Steps

- **Initial Public/Agency Scoping Meeting (Today)**
  - Public comments due to NRCS by February 27, 2025
- **Alternatives Development**
  - Consider information from Public and Agency meetings
  - Refine purpose and need as appropriate
  - Develop alternatives and evaluate impacts
  - Identify preferred alternative
  - Next public meeting (alternatives presentation and solicit input )

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## Schedule

Evaluate existing conditions	Spring 2025
Identify and evaluate alternatives	Spring and Summer 2025
Alternatives Meeting	Summer 2025
Public review of draft documents	Winter 2025
Public review of final documents	Spring 2026
Planning completion	Spring 2026

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# Closing Comments

## Final Thoughts

- Planning phase of a bigger project.
- Schedules and timelines are targets, not rigid.
- The participation of public and agencies is voluntary **BUT CRITICAL TO A SUCCESSFUL PROJECT.**
- The project is intended to reflect the values and opinions of the local agencies and community whenever possible.
- Project webpage: <https://www.nrcs.usda.gov/programs-initiatives/watershed-and-flood-prevention-operations-wfpo-program/new-mexico/watershed>



Contact Merceidez Fabok with the NRCS:

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- **Mail:** USDA NRCS New Mexico, Att: Merceidez Fabok  
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Comments/Questions are due to NRCS by: **Thursday February 27, 2025**

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## **Appendix F – Compiled Scoping Comments**

# Supplemental Watershed Plan-EA for Upper Rio Penasco - Scoping Comments

Comment No.	Commenter	Public or Agency?	Comment Method	Comment	Response
Public					
1	<div></div>	Public	Email	Commenter inquired as to whether property owners would need to financially support the project and expressed concern of impacts to water supply. Commenter recommended studying the area along HWY 82 as this is where, in their experience, excessive water flow and the biggest threats occur.	NRCS responded to this comment on February 5, 2025, via email.
2		Public	In-person meeting	A resource form was completed and the Commenter indicated that forests, land use, public health and safety, regional water resource plans, soil resources, water quality, water resources, and Waters of the U.S. are all very important resources in relation to the project. They stated that their residence is in a critical location, and they believe that "safety and property precede scenery". They also indicated concern about impacts on future fires if the dams are breached, which could cause "major problems".	No response required. Comments are summarized in the Scoping Report.
3		Public	Postal mail	A resource form was completed and mailed: Commenter's home is located below the dam and Rio Penasco runs through their property. Commenter noted Floodplains, Land Use, Regional Water Resource Plans, Water Quality, Water Resources, and Wild and Scenic Rivers as Very Important on the form.	No response required. Comments are summarized in the Scoping Report.
4		Public	Email	A resource form was completed and emailed: Commenter indicated there is an increased need for flood control after forest fires.	NRCS acknowledged receipt of this comment on January 30, 2025, via email. Comments are summarized in the Scoping Report.
5		Public	Postal mail	A resource form was completed at the public meeting held on January 28, 2025: Commenter feels the dam is a generally a good use of public land and notes recreational camping occurs at the spillway. Commenter has concern for two RV parks in lowlands/potential floodplains and invasive species like thistle which may occur as a result of construction activities. Commenter values the dam's ability to control floods and potential to provide a water reservoir for use against fires. Current issues of erosion, sedimentation, and litter/pollution should be addressed.	No response required. Comments are summarized in the Scoping Report.
Agency or Tribal Office					
6	Charles Cook	FEMA Region 6 Mitigation Division	Email	The FEMA Region 6 Mitigation Division requests that the Community Floodplain Administrator be contacted for the review and possible permit requirements for the project and that the project should comply with Executive Orders 11988 and 11990.	No response required. Comments are summarized in the Scoping Report.
7	Jack Marchetti	NMDGF	Email	Commenter completed a resource form with support from their agency: Commenter provided detailed information on known critical habitats, threatened and endangered species, invasive species, migratory birds, crucial habitat, and riparian areas in and near the project area. Several resources, data sources, and tools were recommended to support the full analysis of these resources. Recommendations were also made for construction phasing and best management practices to mitigate negative impacts.	NRCS acknowledged receipt of this comment on January 30, 2025, via email. Comments are summarized in the Scoping Report.
8	Mark Ataha	White Mountain Apache THPO	Email	A resource form was not completed. The project will have a "No Adverse Effect" on the Tribe's cultural heritage resources.	No response required. Comments are summarized in the Scoping Report.
9	Nancy Torres	Ysleta del Sur Pueblo THPO	Email	A resource form was not completed. Project will not adversely affect Tribe's traditional, religious or culturally significant sites. The Tribe would like to be consulted if human remains or artifacts unearthed during the project are determined to fall under NAGPRA guidelines. Pueblo's cultural Affiliation Position Paper and Consultation Policy are available upon request.	NRCS responded to this comment on February 11, 2025.
10	Richard Reycraft	SHPO	Email	A resource form was not completed. Dams have not been documented for eligibility for the National Register for Historic Places (NRHP). Modifications to the dam and any ground disturbances will require a cultural survey and Section 106 consultation. USFS should be consulted.	NRCS responded to this comment on December 30, 2025, via email.
11	Theodore E. Villicana	Comanche Nation THPO	Email	A resource form was not completed. No properties within the project area have been identified that may potentially contain prehistoric or historic archeological materials significant to the Comanche Nation.	No response required. Comments are summarized in the Scoping Report.
12	Tim Ludwick	USFWS	Email	The entirety of Penasco Site 1 overlaps with the Bear Lake Protected Activity Center (PAC) and there is a slight overlap with Mexican Spotted Owl (MSO) critical habitat (CH) along the southern edge. Penasco Site 2 could be used as foraging/dispersal habitat and is located approximately 0.3 miles north and 2.3 miles east of MSO CH. Penasco Site 3A could be used as foraging/dispersal habitat and is located approximately 1.2 miles south of MSO CH that contains multiple PACs. Without complete project details, it is likely that take is only a potential at Penasco Site 1: Bear Creek Dam, particularly if work is done during the breeding season.	No response required. Comments are summarized in the Scoping Report.