

Appendix B.

Agency Correspondence

Justin S. Greene
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Camilla M. Bustamante
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

DATE: June 13, 2023
TO: James Hollen, NEPA Coordinator NMAML
FROM: Curt Temple, Public Works Projects Section Manager
SUBJECT: Approval of Environmental Report

I am writing to officially acknowledge the receipt and review of the environmental report submitted by New Mexico Abandoned Mine Land Program on 5/18/2023. After careful examination, I am pleased to inform you that your environmental report has been thoroughly evaluated and approved by our team at Santa Fe County Projects Division.

The level of detail provided demonstrates your commitment to ensuring environmental sustainability and compliance with applicable regulations and standards.

Upon review, we have determined that the report adequately addresses all pertinent aspects, including but not limited to environmental impact assessment, mitigation measures, and compliance with local, state, and federal regulations. Your findings and recommendations provide valuable insights that will assist in making informed decisions regarding environmental management and protection.

On behalf of Santa Fe County, I hereby grant approval for the submitted environmental report. The document is accepted as a comprehensive assessment of the environmental impacts associated with the Madrid projects, and we trust that the recommendations and measures outlined in the report will be implemented diligently.

Please feel free to contact us should you have any questions or require further assistance. We look forward to witnessing your continued commitment to environmental stewardship.

Once again, congratulations on a job well done, and thank you for your dedication to environmental preservation.

Murray, Leeland, EMNRD

From: Kellermueller, Ronald, DGF
Sent: Thursday, July 20, 2023 2:19 PM
To: Murray, Leeland, EMNRD
Cc: DGF-EEP-TG
Subject: RE: No Response Concurrence - Draft EA Madrid Stormwater and Erosion Control Project

Hi Leeland,

Thanks for arranging a site inspection today (20 July 2023) regarding the above referenced Madrid Stormwater and Erosion Control Project. Two fully feathered Cooper's Hawk nestlings were observed at the nest near the proposed project area, and an adult female was also observed near the nest site. The young fledglings are most likely capable of limited flight and have begun periodically branching away from the nest and should be fully fledged by the end of the month.

All migratory birds are protected against direct take under the federal Migratory Bird Treaty Act (16 U.S.C. Sections 703-712). In addition, hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected from take under New Mexico State Statutes (17-2-13 and 17-2-14 NMSA), unless permitted by the applicable regulatory agency. To minimize the likelihood of adverse impacts to migratory bird nests, eggs or nestlings during project construction activities, the Department recommends that ground disturbance and vegetation removal activities be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September; 1 January-15 July for golden eagle and great horned owl). If ground disturbing and clearing activities must be conducted during the breeding season, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory), and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be a minimum of 100 feet from songbird and raven nests, and 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk, golden eagle, peregrine falcon and prairie falcon nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel.

If you have any questions please do not hesitate to contact me. I will also be available for consultation regarding any concerns about potential impacts to wildlife and mitigation measures as the project moves forward.

Yours Truly, Ron

RON KELLERMUELLER

MINING AND ENERGY HABITAT SPECIALIST
ECOLOGICAL AND ENVIRONMENTAL PLANNING DIVISION
NEW MEXICO DEPARTMENT OF GAME AND FISH
1 WILDLIFE WAY
SANTA FE, NM 87507
(505) 270-6612
Ronald.Kellermueller@dgf.nm.gov

Conserving New Mexico's Wildlife for Future Generations

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

From: Duvuvuei, Erin, DGF <Erin.Duvuvuei@dgf.nm.gov>
Sent: Wednesday, July 19, 2023 3:47 PM
To: Kellermueller, Ronald, DGF <Ronald.Kellermueller@dgf.nm.gov>
Cc: Cline, Mason, DGF <Mason.Cline@dgf.nm.gov>
Subject: FW: No Response Concurrence - Draft EA Madrid Stormwater and Erosion Control Project

Hey Ron,

I completely forgot about following up with you after I sent this original request from EMNRD in mid-June; it looks like no comments were provided from the Department, & EMNRD are assuming concurrence (below). Were you/EEP aware of this project? Seems like it might be too late, but I wasn't sure if I should follow up with Leeland Murray at this point.

Thanks,
Erin

Erin Duvuvuei
Please note my new email address: Erin.Duvuvuei@dgf.nm.gov
Nongame Avian Biologist
New Mexico Department of Game & Fish
One Wildlife Way
Santa Fe, NM 87507

Conserving New Mexico's Wildlife for Future Generations

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

From: Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>
Sent: Wednesday, July 19, 2023 3:39 PM
To: Cline, Mason, DGF <Mason.Cline@dgf.nm.gov>; Duvuvuei, Erin, DGF <Erin.Duvuvuei@dgf.nm.gov>
Cc: Hollen, James, EMNRD <james.hollen@emnrd.nm.gov>; Moiola, Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>; Maestas, Yeny, EMNRD <Yeny.Maestas@emnrd.nm.gov>
Subject: No Response Concurrence - Draft EA Madrid Stormwater and Erosion Control Project

July 19, 2023

Via email: mason.cline@dgf.nm.gov

Mason Cline, Bird Program Manager
New Mexico Department of Game and Fish
One Wildlife Way
Santa Fe, NM 87507

Dear Mr. Mason,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, is writing to confirm that no response nor comments have been received by the New Mexico Department of Game and Fish (NMDGF) during the 30-day comment period. This comment period was to provide agencies the opportunity to comment prior to publishing the draft EA for public comment. This no response will be assumed to be concurrence.

Please contact me at (505) 629-9677 or via email at: leeland.murray@emnrd.nm.gov if you have any further questions regarding this project.

Regards,

Leeland Murray
Project Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
Cell: 505-629-9677

Cc via email:

Erin Duvuvuei, Nongame Avian Biologist, NMDGF erin.duvuvuei@dgf.nm.gov
James Hollen, NEPA Coordinator, AML james.hollen@emnrd.nm.gov
Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov
Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov

From: Murray, Leeland, EMNRD

Sent: Tuesday, June 13, 2023 2:07 PM

To: Cline, Mason, DGF <Mason.Cline@dgf.nm.gov>; Duvuvuei, Erin, DGF <Erin.Duvuvuei@dgf.nm.gov>

Cc: Hollen, James, EMNRD <James.Hollen@emnrd.nm.gov>; Moiola, Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>;
Maestas, Yeny, EMNRD <Yeny.Maestas@emnrd.nm.gov>

Subject: Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

June 13, 2023

Via email: mason.cline@dgf.nm.gov

Mason Cline, Bird Program Manager
New Mexico Department of Game and Fish
One Wildlife Way
Santa Fe, NM 87507

Dear Mr. Mason,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, in cooperation with the US Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff, flooding and erosion across coal mining gob throughout the Town of Madrid while also working to limit disturbance to other resources on adjacent county, federal and private lands.

Since the 1980's, the OSMRE and AML have addressed public safety concerns associated with the open abandoned mine adits and shafts along the margins of the townsite as well as a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events. As a federally funded program this proposed AML project constitutes an undertaking subject to review under NEPA. Under the Proposed Action, the OSMRE would approve a Federal Grant for use by the state of New Mexico in implementing the Proposed Action.

AML has previously consulted on the Madrid project with USFWS in 2019, specifically as the project relates to the active Cooper Hawk nest within the project APE. The Proposed Action's activities are not anticipated to impact any nesting raptors within the area. Though the Cooper's Hawk nest was documented in 2019, our program has not performed yearly raptor checks since. Based on the analysis in the draft EA and the supporting documentation, the AML Program

finds that remediation activities in the Madrid Stormwater and Erosion Control Project will not have significant effects on the quality of the human or natural environment. Proposed construction within the arroyo is estimated to start Spring 2024.

A draft Environmental Assessment (EA) has been completed and is available for your review via the following link:

[https://\[REDACTED\]](https://[REDACTED])

AML requests that you review the draft EA and provide any comments you may have before July 7, 2023.

Please contact me at (505) 629-9677 or via email at: leeland.murray@emnrd.nm.gov with any problems accessing the documents, questions or comments you may have regarding the project or this request.

Sincerely,

Leeland Murray
Project Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
Cell: 505-629-9677

Cc via email:

Erin Duvuvuei, Nongame Avian Biologist, NMDGF erin.duvuvuei@dgf.nm.gov
James Hollen, NEPA Coordinator, AML james.hollen@emnrd.nm.gov
Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov
Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov

Murray, Leeland, EMNRD

From: Murray, Leeland, EMNRD
Sent: Thursday, June 22, 2023 9:14 AM
To: Botkin, Trent, DOT
Cc: Brasher, Paul, DOT; Moiola, Lloyd, EMNRD; Maestas, Yeny, EMNRD; Hollen, James, EMNRD
Subject: No Response Concurrence - Draft EA Madrid Stormwater and Erosion Control Project

June 22, 2023

Via email: trent.botkin@dot.nm.gov

Trent Botkin, Manager
Environmental Bureau
NM Department of Transportation (NMDOT)
P.O. Box 1149
1120 Cerillos Rd., Room 205
Santa Fe, NM 87504-1149

Dear Mr. Botkin,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, is writing to confirm that no response nor comments have been received by the New Mexico Department of Transportation (NMDOT) during the 30-day comment period. This comment period was to provide agencies the opportunity to comment prior to publishing the draft EA for public comment. This no response will be assumed to be concurrence.

Please contact me at (505) 629-9677 or via email at: leeland.murray@emnrd.nm.gov if you have any further questions regarding this project.

Regards,

Leeland Murray
Project Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
Cell: 505-629-9677

Cc via email:

Paul Brasher, District 5 Engineer, NMDOT paul.brasher@dot.nm.gov
Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov
Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov
James Hollen, NEPA Coordinator, AML james.hollen@emnrd.nm.gov

From: Hollen, James, EMNRD <james.hollen@emnrd.nm.gov>

Sent: Thursday, May 18, 2023 7:34 AM

To: Botkin, Trent, DOT <Trent.Botkin@dot.nm.gov>

Cc: Brasher, Paul, DOT <Paul.Brasher@dot.nm.gov>; Herrera, Marcos G, DOT <marcos.herrera@dot.nm.gov>; Moiola,

Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>; Maestas, Yeny, EMNRD <Yeny.Maestas@emnrd.nm.gov>; Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>

Subject: Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

May 18, 2023

Via email: trent.botkin@dot.nm.gov

Trent Botkin, Manager
Environmental Bureau
NM Department of Transportation (NMDOT)
P.O. Box 1149
1120 Cerillos Rd., Room 205
Santa Fe, NM 87504-1149

Dear Mr. Botkin,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, in cooperation with the US Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff, flooding and erosion across coal mining gob throughout the Town of Madrid while also working to limit disturbance to other resources on adjacent county, federal and private lands.

Since the 1980's, the OSMRE and AML have addressed public safety concerns associated with the open abandoned mine adits and shafts along the margins of the townsite as well as a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events. As a federally funded program this proposed AML project constitutes an undertaking subject to review under NEPA. Under the Proposed Action, the OSMRE would approve a Federal Grant for use by the state of New Mexico in implementing the Proposed Action.

AML has previously consulted on the Madrid project with Paul Brasher, NMDOT District 5 Engineer, and Marcos Herrera, NMDOT Utility Agent, specifically as the project relates to utility locating and geotechnical drilling activity within the NMDOT Right of Way along NM Highway 14. The Proposed Action's activity is not anticipated to develop any conflict with NMDOT rights-of-way, permits, or leases. Based on the analysis in the draft EA and the supporting documentation, the AML Program finds that remediation activities in the Madrid Stormwater and Erosion Control Project will not have significant effects on the quality of the human or natural environment.

A draft Environmental Assessment (EA) has been completed and is available for your review via the following link:



AML requests that you review the draft EA and provide any comments you may have before June 16, 2023.

Please contact me at (505) 231-8332 or via email at: james.hollen@emnrd.nm.gov with any problems accessing the documents, questions or comments you may have regarding the project or this request.

Sincerely,

James Hollen <> NEPA Coordinator
New Mexico Abandoned Mine Land Program
Energy, Minerals & Natural Resources Department <> Mining & Minerals Division
[1220 South St. Francis Drive <> Santa Fe, NM 87505](#)
Cell: 505-231-8332 <> Email: james.hollen@emnrd.nm.gov

Web: www.emnrd.nm.gov

Cc via email:

Paul Brasher, District 5 Engineer, NMDOT paul.brasher@dot.nm.gov

Marcos Herrera, Utility Permit Agent, NMDOT marcos.herrera@dot.nm.gov

Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov

Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov

Leeland Murray, Project Manager, AML leeland.murray@emnrd.nm.gov

Murray, Leeland, EMNRD

From: Murray, Leeland, EMNRD
Sent: Thursday, June 22, 2023 9:18 AM
To: kelly.allen@usace.army.mil
Cc: winston.s.zack@usace.army.mil; Forrest.Luna@usace.army.mil; Moiola, Lloyd, EMNRD; Maestas, Yeny, EMNRD; Hollen, James, EMNRD
Subject: No Response Concurrence - Draft EA Madrid Stormwater and Erosion Control Project

June 22, 2023

Via email: kelly.allen@usace.army.mil

Kelly Allen, Regulatory Division Chief
Albuquerque Division
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Dear Ms. Allen,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, is writing to confirm that no response nor comments have been received by the U.S. Army Corps of Engineers Albuquerque Division during the 30-day comment period. This comment period was to provide agencies the opportunity to comment prior to publishing the draft EA for public comment. This no response will be assumed to be concurrence.

Please contact me at (505) 629-9677 or via email at: leeland.murray@emnrd.nm.gov if you have any further questions regarding this project.

Regards,

Leeland Murray
Project Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department
8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
Cell: 505-629-9677

Cc via email:

Winston Zack, Albuquerque Division and SPD Regulatory Archaeologist, USACE winston.s.zack@usace.army.mil
Forrest Luna, Regulatory Specialist, Albuquerque Division USACE forrest.luna@usace.army.mil
Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov
Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov
James Hollen, NEPA Coordinator, AML james.hollen@emnrd.nm.gov

From: Hollen, James, EMNRD <james.hollen@emnrd.nm.gov>
Sent: Thursday, May 18, 2023 7:34 AM
To: kelly.allen@usace.army.mil

Cc: Forrest.Luna@usace.army.mil; winston.s.zack@usace.army.mil; Moiola, Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>; Maestas, Yeny, EMNRD <Yeny.Maestas@emnrd.nm.gov>; Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>
Subject: Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

May 18, 2023

Via email: Kelly.allen@usace.army.mil

Kelly Allen, Regulatory Division Chief
Albuquerque Division
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Hello Kelly,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, in cooperation with the US Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff, flooding and erosion across coal mining gob throughout the Town of Madrid while also working to limit disturbance to other resources on adjacent county, federal and private lands.

Since the 1980's, the OSMRE and AML have addressed public safety concerns associated with the open abandoned mine adits and shafts along the margins of the townsite as well as a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events. As a federally funded program this proposed AML project constitutes an undertaking subject to review under NEPA. Under the Proposed Action, the OSMRE would approve a Federal Grant for use by the state of New Mexico in implementing the Proposed Action.

AML has previously consulted on the Madrid project with others of your staff from the USACE Albuquerque District, including Forrest Luna, and Winston Zack, specifically as the project relates to the project's cultural resources avoidance within the project area, in addition to the County's participation as a signatory party in concurrence with the Memorandum of Agreement in place among the participating agencies and other stakeholders in the project. The Proposed Action's activity is anticipated to be regulated by the USACE NWP 37 process also currently underway. Based on the analysis in the draft EA and the supporting documentation, the AML Program finds that remediation activities in the Madrid Stormwater and Erosion Control Project will not have significant effects on the quality of the human or natural environment.

A draft Environmental Assessment (EA) has been completed and is available for your review via the following link:

<https://fs.emnrd.state.nm.us/> [REDACTED]

AML requests that you review the draft EA and provide any comments you may have before June 16, 2023.

Please contact me at (505) 231-8332 or via email at: james.hollen@emnrd.nm.gov with any problems accessing the documents, questions or comments you may have regarding the project or this request.

Sincerely,

James Hollen <> NEPA Coordinator
New Mexico Abandoned Mine Land Program
Energy, Minerals & Natural Resources Department <> Mining & Minerals Division

[1220 South St. Francis Drive <> Santa Fe, NM 87505](#)

Cell: 505-231-8332 <> Email: james.hollen@emnrd.nm.gov

Web: www.emnrd.nm.gov

Cc via email:

Winston Zack, Albuquerque Division and SPD Regulatory Archaeologist, USACE winston.s.zack@usace.army.mil

Forrest Luna, Regulatory Specialist, Albuquerque Division USACE forrest.luna@usace.army.mil

Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov

Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov

Leeland Murray, Project Manager, AML leeland.murray@emnrd.nm.gov

Murray, Leeland, EMNRD

From: Hayes, Charles (Chuck) <charles_hayes@fws.gov>
Sent: Thursday, August 31, 2023 4:45 PM
To: Murray, Leeland, EMNRD
Subject: Re: [EXTERNAL] Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

Hi Leeland,

I wanted to confirm that we (Ecological Services) reviewed the EA, and identified no comments or concerns to pass on. We also provided a copy of this information to our Migratory Birds biologists and did not get any additional response. Based on that, I think you can consider our response to have no additional recommendations.

Thanks for checking in on this, and sorry for the delay in getting back to you.

Chuck

~~~~~

Chuck Hayes  
(he/him/his)  
Branch Supervisor, Collaborative Conservation Services  
New Mexico Ecological Services Field Office  
U.S. Fish and Wildlife Service  
2105 Osuna Rd NE  
Albuquerque, NM 87113  
charles\_hayes@fws.gov  
505-761-4754  
cell 505-480-4821

~~~~~

Working with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.

Notice: Please direct any electronic (email) requests for reviews of projects within New Mexico to nmesfo@fws.gov.

From: Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>
Sent: Friday, August 25, 2023 1:33 PM
To: Hayes, Charles (Chuck) <charles_hayes@fws.gov>
Cc: NMESFO, FW2 <nmesfo@fws.gov>
Subject: RE: [EXTERNAL] Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

Hi Chuck,

Just wanted to check in and see if USFWS wanted to provide any response for the Madrid project? If not, we are find incorporating the prior "no response" email in our EA.

Thanks!

Leeland Murray

From: Hayes, Charles (Chuck) <charles_hayes@fws.gov>
Sent: Monday, July 17, 2023 3:45 PM
To: Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>
Cc: NMESFO, FW2 <nmesfo@fws.gov>
Subject: Re: [EXTERNAL] Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

Hi Leeland,

I just wanted to confirm that I received your message, and was able to access the materials regarding the draft EA. I am also copying the message to nmesfo@fws.gov, which is our main address for submitting and cataloging projects to be reviewed.

I notice that you have "no effect" determinations for the ESA listed species, and therefore no formal section 7 concurrence is required from us. Therefore, would you need any comments from us on other species or resources in a formal written (i.e., signed) correspondence, or would an email response to your message below meet your needs?

Thanks for the opportunity to review this project, and don't hesitate to contact me any point if you have questions, etc.

Chuck

~~~~~

Chuck Hayes  
(he/him/his)  
Branch Supervisor, Collaborative Conservation Services  
New Mexico Ecological Services Field Office  
U.S. Fish and Wildlife Service  
2105 Osuna Rd NE  
Albuquerque, NM 87113  
[charles\\_hayes@fws.gov](mailto:charles_hayes@fws.gov)  
505-761-4754  
cell 505-480-4821

~~~~~

Working with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.

Notice: Please direct any electronic (email) requests for reviews of projects within New Mexico to nmesfo@fws.gov.

From: Murray, Leeland, EMNRD <leeland.murray@emnrd.nm.gov>
Sent: Friday, July 14, 2023 7:27 AM
To: Hayes, Charles (Chuck) <charles_hayes@fws.gov>
Cc: Hollen, James, EMNRD <james.hollen@emnrd.nm.gov>; Moiola, Lloyd, EMNRD <lloyd.moiola@emnrd.nm.gov>; Maestas, Yeny, EMNRD <Yeny.Maestas@emnrd.nm.gov>
Subject: [EXTERNAL] Requests Review and Comment - Draft EA Madrid Stormwater and Erosion Control Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

June 14, 2023

Via email: charles_hayes@fws.gov

Chuck Hayes
New Mexico Ecological Services Field Office
U.S. Fish and Wildlife Service
2105 Osuna Rd NE
Albuquerque, NM 87113

Dear Mr. Hayes,

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Abandoned Mine Land (AML) Program, in cooperation with the US Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), is planning to address long-term threats to life and properties due to stormwater runoff, flooding and erosion across coal mining gob throughout the Town of Madrid while also working to limit disturbance to other resources on adjacent county, federal and private lands.

Since the 1980's, the OSMRE and AML have addressed public safety concerns associated with the open abandoned mine adits and shafts along the margins of the townsite as well as a variety of drainage issues resulting in flooding and emergency situations, most notably after storm events. As a federally funded program this proposed AML project constitutes an undertaking subject to review under NEPA. Under the Proposed Action, the OSMRE would approve a Federal Grant for use by the state of New Mexico in implementing the Proposed Action.

AML Program previously reach out informally on the Madrid project with USFWS in 2019, specifically as the project relates to the active Cooper Hawk nest within the project APE. The Proposed Action's activities are not anticipated to impact any nesting raptors within the area. First documented in 2019, the Cooper's Hawk nest is near an active walking trail and road and during surveys this summer was documented active. Based on our draft EA and the proposed construction, the AML Program finds that remediation activities in the Madrid Stormwater and Erosion Control Project will not have significant effects on the quality of the human or natural environment. Proposed construction within the arroyo is estimated to start Fall 2024.

A draft Environmental Assessment (EA) has been completed and is available for your review via the following link:

<https://fs.emnrd.state.nm.us> [REDACTED]

AML requests that you review the draft EA and provide any comments you may have August 15, 2023.

Please contact me at (505) 629-9677 or via email at: leeland.murray@emnrd.nm.gov with any problems accessing the documents, questions or comments you may have regarding the project or this request.

Sincerely,

Leeland Murray
Project Manager
New Mexico Abandoned Mine Land Program
Energy, Minerals and Natural Resources Department

8801 Horizon Blvd. NE, Suite 260
Albuquerque, NM 87113
Cell: 505-629-9677

Cc via email:

James Hollen, NEPA Coordinator, AML james.hollen@emnrd.nm.gov

Lloyd Moiola, Environmental Manager, AML lloyd.moiola@emnrd.nm.gov

Yeny Maestas, Project Manager, AML yeny.maestas@emnrd.nm.gov