



January 14, 2022

*Via electronic transmission*

Michiko Martin, Regional Forester  
USDA Region 3 Southwestern Region  
333 Broadway Blvd. SE  
Albuquerque, NM 87102

**RE: Mountain Capital Partners Objection to the December 2021 Draft Decision Notice for the Camp May Water Pipeline Project Environmental Assessment**

Dear Reviewing Officer:

Mountain Capital Partners (MCP) respectfully submits this objection to the December 2021 Draft Decision Notice (Draft DN), Environmental Assessment (EA), and Finding of No Significant Impact for the Camp May Water Pipeline Project (the "Project"). The Project is located in the Española Ranger District of the Santa Fe National Forest, and the responsible official is Debbie Cress, Forest Supervisor of the Santa Fe National Forest.

MCP appreciates the Forest Service's thorough and thoughtful work on the Project. MCP supports the proposed decision to approve the proposed action and is submitting this objection to request that the Forest Service clarify certain points in the Final Decision Notice (Final DN) and EA. MCP requests a meeting with the Reviewing Officer to discuss and resolve these issues.

MCP seeks to resolve this objection, and any issues raised by any other objectors, in a collaborative way. MCP requests an objection resolution meeting with the Reviewing Officer pursuant to 36 C.F.R. § 218.11, and requests the opportunity to participate in meetings held with other objectors.

**I. Information Required by 36 C.F.R. §§ 218.8(d)**

MCP has standing to submit this objection pursuant to 36 C.F.R. § 218.5(a). MCP participated in the planning process, including by submitting written comments on the Draft EA in a letter dated June 16, 2020. MCP timely submits this objection within 45 days of the publication of





the legal notice in the Albuquerque Journal on December 2, 2021. MCP provides the following information pursuant to 36 C.F.R. § 218.8:

Objector's Name and Address (36 C.F.R. § 218.8(d)(1):

James H. Coleman Jr.  
President  
2615 Main Ave., Ste D  
Durango, CO 81301

Name of the Proposed Project, Responsible Official, and Location (36 C.F.R. § 218.8(d)(4):

Name of Proposed Project: Camp May Water Pipeline Project

Responsible Official: Debbie Cress, Forest Supervisor

Location: Espanola Ranger District, Santa Fe National Forest.

The issues raised in this objection are based on MCP's prior written comments on the Draft EA (36 C.F.R. § 218.8(d)(6)).

**II. The Forest Service should clarify the Mexican Spotted Owl Project Design Criteria**

Our comment letter on the Draft EA supported the determination of “may affect, but is not likely to adversely affect” the Mexican spotted owl and we acknowledged the Project Design Criteria (PDC) presented in the Draft EA intended to reduce impacts to this species.

MCP requests that the Forest Service add additional detail to the Mexican spotted owl PDC to clarify where along the pipeline alignment as well as when the PDC applies by adding the following language to Table 3 (Project Design Criteria) on Page 14 of the Final EA (changed text in underlined italics):

“To minimize disturbance to the Mexican spotted owl:

1. Much of the project area has been impacted by wildfire and suitable habitat for Mexican spotted owl is minimal. One season of USFWS protocol surveys will be conducted (i.e., four surveys spaced five days apart within at least 0.5 mile of the project corridor) between March and April to verify whether a breeding pair of





owls is present; should no breeding pair be detected, construction could occur July of that year through February of the following year for portions of the alignment within 0.5 mile of the protected activity center, and immediately following USFWS protocol surveys for portions of the alignment beyond 0.5 mile of the protected activity center. If owls are detected, implementation would not be allowed within 0.25 miles of the protected activity center until after September 1 through February of the following year.

2. If possible, schedule work in the fall and outside of the breeding season of March 1 through August 31.
3. Tree and shrub removal that occurs on DOE/NNSA lands will occur outside of the breeding season.
4. If the breeding season cannot be avoided, avoid activities within 0.25 mile of nest cores during the breeding season or within 0.25 mile of protected activity center (PAC) if nest core is unknown, unless USFWS protocol surveys determine breeding owls are not present. This may also be applied to designated critical habitat or recovery habitat that have not been surveyed.
5. Activities may occur at any time including during the breeding season and within the protected activity center, and within 165 feet of the protected activity century boundary, if noise disturbance does not exceed 69 dBA consistently or for an extended period of time as defined in the 2012 Mexican Spotted Owl Recovery Plan, First Revision.
6. Should Mexican spotted owl breeding be detected, Los Alamos County shall work with SFNF personnel to establish a protected activity center of nest cores.”

### **III. The Forest Service should clarify the Jemez Mountains salamander Project Design Criteria**

Our comment letter on the Draft EA also recognized and supported the Forest Service’s analysis of impacts to the Jemez Mountains salamander, as well as the PDC. MCP requests that the Final EA be modified to clarify that all PDC for Jemez Mountains salamander only apply for the portions of the project within Jemez Mountains salamander designated critical habitat, and not those portions of the alignment outside of designated critical habitat.





**IV. The Final DN should clearly state the rationale for what additional public comment and outreach processes would be necessary for any additional residential or commercial development**

The Draft DN on Page 3 and Final EA on Page A-1 reference a Lands and Access memorandum available in the project file. This memorandum provides rationale as to why the Project would not directly result in the development of commercial and/or residential properties and that such development would require additional public comment or outreach processes. As stated in our Draft EA comment letter, MCP agrees with these findings; however, MCP requests that this rationale be explicitly stated in the Final DN.

**V. The Final DN should address water availability to Los Alamos residents**

Our comment letter on the Draft EA supported the EA's findings that the Project would have minimal impacts to the water available to the residents of Los Alamos County. The Final EA should be modified to specifically state this finding.

MCP appreciates the efforts of the Forest Service in preparing the detailed analysis in the Draft and Final EA and the thorough and thoughtful Draft DN. Thank you for considering this objection. MCP requests and looks forward to an objection resolution meeting with the Reviewing Officer, and requests the opportunity to participate in objection resolution meetings held with other objectors.

Sincerely,

James H. Coleman Jr.  
President  
Mountain Capital Partners

