



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

09 AUG 18 10 44 AM

August 6, 2009

Cons. # 22420-09-I-0066

Ms. Vicki D. Loucks
Biological Resource Program Manager
National Nuclear Security Administration
Los Alamos Site Office
Los Alamos, New Mexico 87544

Dear Ms. Loucks:

Thank you for your June 26, 2009, letter and amended Biological Assessment (BA) requesting informal consultation of the Potential Change in Project Effects of the Chemistry and Metallurgy Research Facility Replacement Project on Federally Listed Threatened and Endangered Species at Los Alamos National Laboratory (LANL), Los Alamos, New Mexico. According to the amended BA, LANL is proposing to construct a replacement for the Chemistry and Metallurgy Research Facility which includes new buildings, a 115-kV substation, and associated parking lots on the north and south sides of Pajarito Road. The amended BA describes a change in the proposed action which includes moving the underground utilities from the north side of Pajarito Road to the south by one road width to the edge of Two-Mile Canyon for 3,000 feet. The proposed electrical substation would also be moved as far south as possible while remaining on the mesa. Your letter requesting consultation for the proposed project and its effects on the threatened Mexican spotted owl (*Strix occidentalis lucida*) (MSO) was received by the Service on June 30, 2009. LANL has determined that the proposed project "may affect, is not likely to adversely affect" the MSO.

The following information about the proposed project was provided in the BA or was otherwise available to the Service:

- Surveys conducted to protocol through 2009 did not detect MSO in the project area.
- No cutting of trees larger than 8 inches diameter at chest height would take place in the canyon or on the canyon rim.
- Trees on the canyon rims would be retained to provide a screen for the canyon habitat.
- Seasonal MSO occupancy surveys will be completed in the project area.
- There are no protected activity centers (PACs) within the project area.
- All exposed soils would be re-vegetated with native seed mix as soon as construction is completed.
- All trees planted in association with construction would be native species for this elevation and forest type.

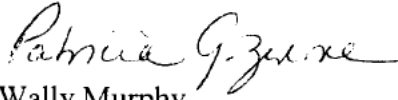
COR-EO-8.18.2009-128000

We find that your proposed action and associated activities would conform with the Mexican Spotted Owl Recovery Plan (U.S. Fish and Wildlife Service 1995) because MSO prey habitat would be retained or only temporarily impacted. For these reasons and the information listed above, the Service concurs with your determination that the proposed action “may affect, is not likely to adversely affect” the MSO.

This concludes consultation for the Chemistry and Metallurgy Research Facility Replacement Project. Please contact the Service if: (1) new information reveals effects of the agency action that may affect the species to an extent not considered in this consultation; (2) the agency action is subsequently modified in a manner that causes an effect to the species that was not considered by the proposed action, (3) MSO are detected within the project area, and (4) a new species is listed or critical habitat designated that may be affected by the proposed project.

We appreciate the thorough analyses provided in the BA and your efforts to protect endangered and threatened species. In future communications regarding this project, please refer to consultation # 22420-2009-I-0066. If we can be of further assistance, please contact Lynn Gemlo of my staff at [REDACTED].

Sincerely,

Acting for

Wally Murphy
Field Supervisor

cc:

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico
Director, New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division,
Santa Fe, New Mexico