



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office
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March 9, 2005

Cons. # 2-22-03-I-0302

Ms. Elizabeth R. Withers
ESA Program Manager
National Nuclear Security Administration
Los Alamos Site Office
Los Alamos, New Mexico 87544

Dear Ms. Withers:

Thank you for your February 1, 2005, biological assessment (BA) of The Potential Effects of the Chemistry and Metallurgy Research Facility Replacement Project on Federally Listed Threatened, Endangered, and Sensitive Species Los Alamos National Laboratory, Los Alamos, New Mexico. The Los Alamos National Laboratory (LANL) proposes to construct replacement buildings for the Chemistry and Metallurgy Research (CMR) facility along Pajarito Road in the central portion of LANL. The proposed action would construct additional buildings and their associated parking lots north and south of the existing Pajarito Road. Your letter requesting consultation for the proposed project and its effects on the threatened Mexican spotted owl (owl) (*Strix occidentalis lucida*) and the bald eagle (*Haliaeetus leucocephalus*) was received by the U.S. Fish and Wildlife Service (Service) on February 2, 2005. The LANL has determined that proposed construction "may affect, is not likely to adversely affect" the owl and the bald eagle.

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

- Surveys conducted to protocol did not detect owls 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.
- No thinning of trees smaller than 8 inches diameter or ground clearing would take place in the canyons until the areas are surveyed.
- There are no protected activity centers (PACs) within the project area.
- Seasonal occupancy surveys for owls and bald eagles would be conducted before construction would commence.
- 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.
- Presence and absence for bald eagles would be monitored during construction in the fall and winter.

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- If a bald eagle were present within 0.25 mile of the project area in the morning before project activity begins, or arrives during breaks in project activity, the contactor would be required to suspend all activity until the bird left of its own volition; or an Ecology Group biologist, in consultation with the Service, determines that the potential for harassment is minimal.
- If bald eagles are consistently found in the immediate project area during the construction periods, the biologist would contact the Service to determine if formal consultation under the Endangered Species Act is required.

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 owl prey habitat would be retained or only temporarily impacted. We also find that potential effects to bald eagles would be minimal. 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 owl and the bald eagle.

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) owls or bald eagles 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 letter and the EA and your efforts to protect endangered and threatened species. In future communications regarding this project, please refer to consultation #2-22-03-I-0302. If we can be of further assistance, please contact Santiago R. Gonzales of my staff at (505) 761-4755.

Sincerely,

Susan MacMullin

Susan MacMullin
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