

Final Environmental Assessment

City of Rio Rancho

Sportsplex Erosion Control

FEMA-4199-DR-NM / Project #29

Sandoval County, New Mexico

November 2017



U.S. Department of Homeland Security
Federal Emergency Management Agency
Region 6
800 North Loop 288
Denton, TX 76209

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List of Acronyms

| | |
|---------|---|
| APE | Area of Potential Effects |
| BMP | Best Management Practices |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| cfs | cubic feet per second |
| CWA | Clean Water Act |
| dBA | decibels on the A-weighted scale |
| DHSEM | New Mexico Department of Homeland Security and Emergency Management |
| DNL | Day-Night Average Sound Level |
| EA | Environmental Assessment |
| EO | Executive Order |
| ESA | Endangered Species Act |
| FEMA | Federal Emergency Management Agency |
| FPPA | Farmland Protection Policy Act |
| HMGP | Hazard Mitigation Grant Program |
| MBTA | Migratory Bird Treaty Act |
| NAAQS | National Ambient Air Quality Standards |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NMED | New Mexico Environment Department |
| NPDES | National Pollution Discharge Elimination System |
| NRCS | Natural Resources Conservation Service |
| NRHP | National Register of Historic Places |
| NWI | National Wetlands Inventory |
| OHWM | Ordinary High Water Mark |
| OSHA | Occupational Safety and Health Administration |
| SSCAFCA | Southern Sandoval County Arroyo Flood Control Authority |
| SHPO | State Historic Preservation Office |
| SWPPP | Storm Water Pollution Prevention Plan |
| USACE | United States Army Corps of Engineers |
| USDA | United States Department of Agriculture |
| USEPA | United States Environmental Protection Agency |
| USFWS | United States Fish and Wildlife Service |
| WOUS | Waters of the United States |
| WSEL | Water Surface Elevation |

1.0 Introduction

The nature of flood events in southern Sandoval County, New Mexico, which contains the City of Rio Rancho (Rio Rancho) is characterized by very intense, compact thunderstorms. These thunderstorms drop significant amounts of rainfall over a very short time, creating a surge of storm water that flows down the arroyos or drainage ditches toward the Rio Grande to the west of the city. As this area of New Mexico is semi-arid, the soils in southern Sandoval County are generally highly erodible. Runoff from intense storm events can rapidly erode large segments of arroyo bank, sometimes eroding up to 40 feet laterally in one storm event.

When Rio Rancho was first platted in the 1960s, there were very few locations where sufficient property was retained in the public domain for the conveyance of storm water. Consequently, residential and commercial lots have been impacted by the natural meander of the water course. In undeveloped portions of Rio Rancho, this does not present a hazard to structures or human health. However, in those developed areas of the city, there are instances where structures have been threatened or damaged by the meander of the arroyos.

Rio Rancho has submitted an application to the Federal Emergency Management Agency (FEMA) through the New Mexico Department of Homeland Security and Emergency Management (DHSEM) for a grant under FEMA's Hazard Mitigation Grant Program (HMGP). The Montoyas bank stabilization project is designed to mitigate any potential damage to one of those areas where existing public infrastructure and residential development are prone to damage by erosion of the banks of the arroyo from storm events. The proposed project consists of the installation of a scour wall at the invert of the arroyo to keep above grade channel improvements from being undermined, placement of shotcrete along the arroyo bank to prevent further erosion of the bank from future rain events, and minor channeling of storm water runoff above the shotcrete to prevent any erosion at the top of the structure.

This Environmental Assessment has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 Code of Federal Regulations Parts 1500-1508), and FEMA's procedures for implementing NEPA (FEMA Instruction 108-1-1). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. The purpose of this EA is to analyze the potential environmental impacts of the [proposed project]. FEMA will use the findings in this EA to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

2.0 Purpose and Need

The City of Rio Rancho (Rio Rancho) is the third largest city in New Mexico, located in Sandoval County, New Mexico, just north of the City of Albuquerque, with a population of approximately 90,000 people. When subjected to significant runoff

events, the southern bank of the Montoyas Arroyo in the city has a tremendous bank erosion potential. After a significant storm in 2006, the bank of the arroyo migrated significantly south toward existing development, threatening to erode further toward the developed property. As development of Rio Rancho continues, more impervious surface will be created west (upstream) of the threatened structures, amplifying runoff quantities and increasing the possibility of significant erosion by smaller and smaller storms.

This project is needed to provide permanent erosion protection and to provide adequate armoring of the bank with freeboard for the 100-year runoff event, which produces approximately 8,800 cubic feet per second (cfs). There is also a need to mitigate damage and/or failure of the existing Sports Complex adjacent to the Montoyas Arroyo, which has been seriously damaged in the past due to high runoff events, resulting in loss of maintenance access and usable public access.

The purpose of FEMA's HMGP program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

3.0 Alternatives

3.1 No Action Alternative

The No Action alternative would entail no construction of bank protection measures along this reach of the Montoyas Arroyo. Consequently, the development along this reach would remain prone to impacts from erosion.

3.2 Proposed Action Alternative

The proposed project is located along the south bank of the Montoyas Arroyo for approximately 1500 feet between Latitude: 35.257254; Longitude: -106.661082 and Latitude: 35.257287; Longitude: -106.655720. The project area consists mainly of vacant land owned by Rio Rancho adjacent to a Sports Complex, though some portions are owned by SSCAFCA. The proposed improvements will include the installation of a sloped shotcrete section that will extend up the Montoyas Arroyo side slope to an elevation sufficient to provide a minimum of 2 feet of freeboard above the 100-year water surface elevation and will extend below the channel invert approximately 7-feet for long-term scour protection. The scour wall at the invert of the arroyo will keep above grade channel improvements from being undermined. Minor channeling of storm water runoff above the shotcrete will be implemented to prevent any erosion at the top of the structure. The proposed construction will be scheduled outside of the normal monsoon season in this area.

Upon completion of construction activities, the area will be revegetated with native seed mix. Appendix A provides an aerial map of the project area and photos depicting scour and erosion of the arroyo.

Since the erosion threat is a location-specific issue, no other locations for the proposed action were considered because an alternate location would not meet the specific purpose and need of this project.

It is estimated that the project lifespan will be at least 50 years. Rio Rancho will be responsible for the design, construction, construction oversight, and ongoing maintenance of the proposed improvements in perpetuity. Maintenance of this project will be evaluated on an annual basis and after every major storm event. Maintenance activities could include measures such as: backfilling scoured out areas along the side slope after major storm events, repairing shotcrete that is damaged by scour/debris during storm events, and monitoring upstream and downstream tie-in points of the bank protection to ensure erosion does not begin to compromise the structure. The proposed construction of shotcrete bank protection provides a more permanent solution to this problem when compared to a riprap side slope treatment.

3.3 Alternatives Considered and Dismissed

In addition to the proposed action, Rio Rancho considered other alternatives and improvements that were eliminated due to cost (both capital and maintenance) and maintainability. Therefore, these alternatives are not analyzed further in this EA.

Rio Rancho evaluated the use of dumped rip-rap bendway weirs as a potential alternative to the selected shotcrete-lined bank protection. However, product availability and cost were the main factors for discarding this alternative.

Rio Rancho also evaluated bendway weirs constructed of riprap filled gabions. The cost of using a coated gabion wire basket capable of withstanding a 50 year minimum life cycle also directed discarding this alternative for the shotcrete bank stabilization alternative.

In addition, due to the nature of the sandy soils in the area, it was determined that bendway weirs would be prone to undermining and would require continuous maintenance after storm events to ensure that the protection was intact.

4.0 Affected Environment and Potential Impacts

In the development of this EA, Rio Rancho utilized an environmental technical memorandum written by SWCA Environmental Consultants (SWCA) for the City of Rio Rancho for the proposed project. The document was completed on October 3, 2016. Reference will be made to this document throughout this section. The SWCA environmental technical memorandum is contained in Appendix B of this EA.

4.1 Physical Resources

The physical resources considered in this EA are soils and air quality. The proposed project does not have the potential to affect geology because construction activities will not be deep enough to affect bedrock; therefore, geological resources are not discussed further in this EA.

4.1.1 Soils

According to the Natural Resources Conservation Service (NRCS) Soil Survey of Sandoval County Area, New Mexico, two map units are present with the project area, and although they are essentially the same soil type, they have different slopes. Neither of these soil types are hydric soil inclusions. Detailed descriptions of each soil map unit are below.

Sheppard loamy fine sand, 3% to 8% slopes: This map unit is common in structural benches, dunes, alluvial fans, and stream terraces. This soil is somewhat excessively drained. A seasonal zone of water saturation is at 33 cm (13 inches) during May and June. The elevation range for the complex is 1,585 to 1,737 m (5,200 – 5,700 feet). The average annual precipitation is 20 to 25 cm (8 – 10 inches), the average annual air temperature is 12 to 13 degrees Celsius (53-55 degrees Fahrenheit), and the average frost-free period is 140 to 160 days. This soil does not meet hydric criteria.

Sheppard loamy fine sand, 8% to 15% slopes: This map unit is common in structural benches, dunes, alluvial fans, and stream terraces. This soil is somewhat excessively drained and the water table is more than 203 cm (80 inches). The elevation range for the complex is 1,585 to 1,737 m (5,200 – 5,700 feet). The average annual precipitation is 20 to 25 cm (8 – 10 inches), the average annual air temperature is 12 to 13 degrees Celsius (53 55 degrees Fahrenheit), and the average frost-free period is 140 to 160 days. This soil does not meet hydric criteria.

The Farmland Protection Policy Act (FPPA) states that federal agencies must “minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses...” The resources protected by the FPPA include prime and unique farmland. These lands are categorized by the NRCS based on underlying soil mapping units. Sheppard loamy fine sand is not classified a prime or unique farmland. (NRCS Web Soil Survey, 2014)

No Action Alternative:

No impacts on soils would occur during the no action alternative. The Montoyas Arroyo will continue to meander as storm events continue to erode banks of the arroyo, threatening development in the vicinity of the arroyo banks.

Proposed Action Alternative:

Minor short-term impacts on soils would occur during site preparation and construction of the proposed action alternative. Long-term, minor impacts will occur in the project area by the addition of shotcrete to provide a hardened surface to protect the arroyo embankment. Prime and unique farmlands are not present in the project area and therefore would not be impacted. Consultation with the NRCS is not required under the FPPA when prime farmland soils are not present. To minimize impacts of the proposed action on soils and sedimentation of the arroyo, Rio Rancho would prepare a storm water pollution prevention plan (SWPPP) and obtain a National Pollution Discharge Elimination System (NPDES) permit prior to construction. Implementation of appropriate erosion and sediment control best management practices (BMPs) would be required during construction. Upon completion of construction activities, the disturbed area not covered by shotcrete or other permanent structures will be revegetated with native seed mix.

4.1.2 Air Quality

The Environmental Protection Agency (USEPA) has established National Ambient Air Quality Standards (NAAQS) for criteria pollutants. The criteria pollutants include carbon monoxide, lead, nitrogen dioxide, particulate matter greater than 10 microns in diameter, particulate matter greater than 2.5 microns in diameter, ozone, and sulfur dioxide. Rio Rancho and Sandoval County are in attainment with the NAAQS for these criteria pollutants (USEPA, 2014).

Rio Rancho experiences a dry climate with low precipitation and low humidity. Based on 1981 - 2010 climate records, average annual precipitation is 12.26 inches. Precipitation occurs only 51 days of the year, on average. More than six inches of precipitation is received during the monsoon season from July through October. The average annual temperature is 55.7 °F. The temperatures range from an average monthly maximum of 78.1 °F in July to an average monthly minimum of 34.3 °F in January (National Climatic Data Center, 2012).

No Action Alternative:

No short or long term impacts will be created from a No Action Alternative. However, short term impacts on air quality will continue to occur during any type of restoration activities in the project area after storm events.

Proposed Action Alternative:

The project will not affect the attainment status for Rio Rancho or Sandoval County. Minor, short-term impacts on air quality would occur during the construction period due to the use of fuel-burning equipment. Construction contractors would be required to implement dust control BMPs such as watering down construction areas when necessary. Fuel-

burning equipment running times will be kept to a minimum and engines would be properly maintained. No emissions will be generated at levels that would require a permit from New Mexico Environment Department (NMED) Air Quality Bureau.

4.2 Water Resources

4.2.1 Surface Water Quality

Surface water includes lakes, streams, springs, rivers, seas, and oceans. The project area contains a single ephemeral surface water feature, the Montoyas Arroyo, an intermittent tributary to the Rio Grande. The project is approximately 4 miles west of the Rio Grande.

Sections 303(d) and 305(b) of the Clean Water Act (CWA) require all states to identify and characterize waters that do not meet, or are not expected to meet, water quality standards. The most recent 303(d) and 305(b) report issued by the New Mexico Environment Department (NMED) lists the Rio Grande-Albuquerque (non-pueblo Alameda Bridge to HWY 550 Bridge) as impaired for e-coli. The Montoyas Arroyo is not listed in the 303(d) and 305(b) report (NMED, 2012).

No Action Alternative:

Under the no action alternative, nothing would be done to prevent erosion of the arroyo banks. The existing Sports Complex adjacent to the Montoyas Arroyo would likely continue to be damaged due to high runoff events. There would be no change in impacts to surface water quality.

Proposed Action Alternative:

The project area includes approximately 1 acre of disturbance below the Ordinary High Water Mark (OHWM), along approximately 1500 linear feet of the south bank of the arroyo. The Montoyas Arroyo would be directly affected by in-channel work for construction of a scour wall and bank protection. The scour wall and bank protection will help maintain the horizontal alignment of the southern bank of the Montoyas Arroyo during flood events. The proposed action construction will be scheduled outside of the normal monsoon season in this area.

Minor, short-term impacts on surface waters may occur due to transport of sediment from disturbed soils by storm water runoff during construction. Sediment transport off of the site during rainfall events would be the primary concern for water quality issues within the Montoyas Arroyo.

To minimize impacts of the proposed action on soils and sedimentation of the arroyo, Rio Rancho would prepare a storm water pollution prevention plan (SWPPP) and obtain a National Pollution Discharge

Elimination System (NPDES) permit prior to construction. Implementation of appropriate erosion and sediment control best management practices (BMPs) would be required during construction. Upon completion of construction activities, the disturbed area not covered by shotcrete or other permanent structures will be revegetated with native seed mix, which will further reduce sedimentation of waterways.

4.2.2 Waters of the United States Including Wetlands

The Clean Water Act (CWA), as amended in 1977, established the basic framework for regulating discharges of pollutants to the Waters of the United States (WOUS).

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into WOUS, including wetlands, pursuant to Section 404 of the CWA. Executive Order (EO) 11990 (Protection of Wetlands) requires federal agencies to avoid, to the extent possible, adverse impacts to wetlands. Wetlands are delineated based on an area meeting three criteria: hydric soils, hydrophilic vegetation, and hydrologic indicators. The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), USGS National Map Viewer, and the USDA/NRCS online Web Soil Survey maps of the project area were reviewed as well as a field survey conducted to determine the existence or absence of wetlands in the project area.

None of the national inventories identified any wetlands within the project area.

The field survey identified one atypical wetland within the project vicinity, approximately 800 feet southwest of the proposed project area. This man-induced wetland is a result of modification of the arroyo to accommodate surface water runoff from nearby residential neighborhoods. Surface runoff flows into a drainage system that empties via culverts into the arroyo. All three wetland criteria were met; however, the area is very sparsely vegetated with only five plants occurring in the immediate vicinity of the wetland. Of those five, only two were identified as obligate. Although this wetland may qualify as an atypical situation (Wetland Training Institute, Inc. 1995), the area was determined to be a 0.038-acre wetland. An additional area downstream from the atypical wetland was also sampled, but failed to meet at least one of the three wetland criteria to be considered a wetland.

No Action Alternative:

Under the No Action Alternative, nothing will be done to protect the banks of the Montoyas Arroyo from meandering. No impacts to wetlands will be created under the No Action Alternative due to construction related activities.

Proposed Action Alternative:

Due to the nature and location of the work, Rio Rancho, in working with the USACE, has determined that a 404 permit will be required for the performance of this work. The proposed project will be verified under Nationwide Permit 13 for bank stabilization.

Rio Rancho is responsible for coordinating with and obtaining any required Section 404 Permit(s) from the United States Army Corps of Engineers (USACE) prior to initiating work. The applicant shall comply with all conditions of the required permit. All coordination pertaining to these activities should be retained as part of the project file.

The proposed project will not impact the atypical wetland as it is geographically separated from the proposed project area. Rio Rancho must ensure that best management practices are implemented to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the Clean Water Act and Executive Order 11990.

4.2.3 Floodplains

EO 11988 (Floodplain Management) requires federal agencies to avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. FEMA uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program. Consistent with EO 11988, FIRMs were examined during the preparation of this EA. The project area is within Zone A of the 100-year floodplain (FEMA 2008, Map Number 35043C1893D and 35043C1894D, See Appendix D).

In preparation for this project, a Hydrology and Hydraulics Report was prepared by Bohannon-Huston Inc. evaluating impacts to the floodplain from the proposed project. Where water surface information could be compared to existing FEMA data (LOMR 09-06-0561P effective 5/26/2009) the proposed water surface elevation is lower than the existing FEMA data. This report was prepared by a licensed Professional Engineer in the State of New Mexico, reviewed and approved by the City of Rio Rancho.

The findings of this report were:

- Although the modeled floodplain boundary extends outside of the published FEMA Zone A floodplain in some locations (due to underlying topography used in different models), Water Surface Elevation Level (WSEL) effects are wholly contained within the public right of way for drainage, and increases do not extend onto privately owned right of way.

- Increases in WSEL are minimal and will not impact adjacent, upstream or downstream property owners.
- FEMA Zone A designation does not report WSELs. WSEL information presented in the report is only pre- and post-project comparisons and is not meant to be an exact comparison with the FEMA model.

The above mentioned report was approved by the City of Rio Rancho and no remapping requirements were identified.

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion, changing the floodplain and continuing to threaten additional structures as the erosion continues.

Proposed Action Alternative:

In compliance with FEMA regulations implementing Executive Order 11988, Floodplain Management, FEMA is required to carry out the 8-step decision-making process for actions that are proposed in the floodplain per 44 CFR §9.6 (see Appendix D). The proposed erosion control project will be conducted in accordance with applicable floodplain development requirements and adverse impacts to the floodplain are not anticipated.

4.3 Biological Resources

4.3.1 Threatened and Endangered Species and Critical Habitat

The Endangered Species Act (ESA) of 1973 requires Federal agencies to determine the effects of their proposed actions on threatened and endangered species of fish, wildlife, and plants and their habitats, and to take steps to conserve and protect these species.

On September 28, 2016, SWCA personnel conducted a biological survey of the project area. The biological survey was conducted on-foot and consisted of a visual assessment of the arroyo and arroyo banks, including a buffer zone extending 5 m (16 feet) outside of the project boundaries. The biological survey was conducted to assess the potential for occurrence of special status species or sensitive habitats on and directly adjacent to the project area in compliance with the ESA. Existing conditions in the project area were documented with photographs and a description of current land use and dominant plant species.

The list of species federally listed as endangered, threatened, candidate, or proposed in Sandoval County was compiled using the USFWS on-line Information, Planning, and Conservation System (IPaC):

Table 1: Sandoval County, New Mexico Endangered Species

| Common Name | Scientific Name | Federal Status |
|---|-----------------------------------|----------------|
| Jemez Mountains salamander | <i>Plethodon neomexicanus</i> | E |
| Mexican Spotted owl | <i>Strix occidentalis lucida</i> | T |
| Southwestern Willow flycatcher | <i>Empidonax traillii extimus</i> | E |
| Yellow-Billed Cuckoo | <i>Coccyzus americanus</i> | P - T |
| Rio Grande Silvery minnow | <i>Hybognathus amarus</i> | E |
| New Mexico meadow jumping mouse | <i>Zapus hudsonius leteus</i> | E |
| Source: USFWS 2014; C= Candidate, E= Endangered, T= Threatened, P= Proposed | | |

The Jemez Mountains salamander is restricted to the Jemez Mountains in northern Sandoval County and is predominantly found in mixed-conifer forest at elevations between 2,200 m and 2,900 m (7,220 – 9,510 feet) and is not present at the proposed project location. This species is unlikely to occur. There are no habitats in the project area similar to those in which this species occurs and the project area is distant from the species' known distribution (i.e. Jemez Mountains). The project is located below the elevation range of this species. Critical habitat has been designated for this species, but none exists within or in close proximity to the proposed project area.

The Mexican spotted owl found in mature mountain forests and woodlands and steep, shady, wooded canyons. This species is unlikely to occur in the project area. The project area does not contain mountain forests or steep, shady, wooded canyons. There is no riparian vegetation in the project area. Critical habitat has been designated for this species, but none exists within or in close proximity to the proposed project area.

The Southwestern Willow flycatcher is found in dense riparian habitats along streams, rivers, and other wetlands where cottonwood, willow, box elder, salt cedar, Russian olive, buttonbush and arrow weed are present. This species is unlikely to occur in the project area. There are no wetlands or dense riparian vegetation associations in the project area. Critical habitat has been designated for this species, but none exists within or in close proximity to the proposed project area.

The Yellow-Billed cuckoo is found in riparian woodland vegetation (cottonwood, willow, or salt cedar) at elevations below 2,012 m (6,600 feet). This species is unlikely to occur in the project area. There is no riparian woodland vegetation in the project area. Critical habitat has been proposed for the Yellow-Billed cuckoo and there is a proposed critical habitat unit approximately 4 miles from the project area along the Rio Grande River.

The Rio Grande Silvery minnow is found only within an approximate 252-km (157 mile) reach of the Middle Rio Grande in central New Mexico extending from Cochiti Dam in Sandoval County downstream to

Socorro County. This species is unlikely to occur in the proposed project area as there are no streams or rivers in the proposed project area. The Rio Grande is not located within or adjacent to the project area. Critical habitat has been designated for the Rio Grande Silvery minnow. A critical habitat unit is located approximately 4 miles from the proposed project area to the southwest of the Village of Corrales.

The New Mexico meadow jumping mouse nests in dry soil but utilizes moist, streamside, dense riparian/wetland vegetation up to an elevation of about 2,438 m (8,000 feet). It prefers microhabitats of patches or stringers of tall dense sedges on moist soil along the edge of permanent water. The species is unlikely to occur in the proposed project area. The project area is highly disturbed and in a fairly urbanized setting; there is no riparian vegetation for forage or potential shelters for this species in the project area. There is no permanent water in the project area. Critical habitat has been proposed for this species, but none exists within or in close proximity to the proposed project area.

The Los Montoyas Arroyo Biological Evaluation is contained in Appendix B of this EA.

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. Habitat for all species will continue to be altered via the natural erosion processes, which are now being influenced by increased runoff quantities and velocities from impermeable surfaces due to upstream development.

Proposed Action Alternative:

FEMA has made the determination that the proposed action will have no effect on federally threatened, endangered, or proposed species because the species and their habitats are not located in the project area and the project will not otherwise impact species outside of the immediate project area. Critical habitat is not present in the project area and critical habitat in proximity to the Montoyas Arroyo stabilization project will not be impacted. Therefore, FEMA has determined that the proposed action will not adversely modify designated or proposed critical habitat.

4.3.2 Common Wildlife Species

In addition to the listed species discussed in the previous section, the proposed action has the potential to impact common wildlife species and their habitats. The project area may provide habitat for a number of migratory bird species, which are protected by the Migratory Bird Treaty Act (MBTA). The MBTA decrees that all migratory birds and their parts (including eggs, nests, and feathers) are fully protected and that taking,

killing, or possessing migratory birds is unlawful. Nearly all native North American bird species are protected by the MBTA.

The project area is in an urbanized setting at an approximate elevation of 5,400 feet above mean sea level. “The project area is located in the Albuquerque Basin ecoregion of the Chihuahuan Desert Scrub biotic community (Griffith et al. 2006) consisting primarily of sand sagebrush (*Artemisia filifolia*) and fourwing saltbush (*Atriplex canescens*). The latter was the dominant shrub growing along the arroyo bank. Other plant species observed during the survey included broom snakeweed (*Gutierrezia sarothrae*), Russian thistle (*Salsola tragus*), coyote willow (*Salix exigua*), rabbitbrush (*Chrysothamnus sp.*), and aster (*Aster sp.*). Wildlife observed within the project area included rock squirrel (*Citellus variegatus*), eastern fence lizard (*Sceloporus undulatus*), house finch (*Carpodacus mexicanus*), and common raven (*Corvus corax*).” (SWCA 2016)

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. Habitat for all species will continue to be altered via the natural erosion processes, which are now being influenced by increased runoff from impermeable surfaces due to upstream development.

Proposed Action Alternative:

Less than 1.0 acre of high desert vegetation (shrub brush and grasses) will be removed for construction of the proposed project. Upon completion of construction activities, disturbed areas not covered by shotcrete or other permanent structures will be revegetated with native seed mix.

Portions of the work would be conducted during the breeding season for migratory birds and would comply with the conditions below to avoid potential impacts on migratory birds. Potential impacts likely would be temporary and have little effect on local populations. Therefore, significant adverse impacts from the proposed action on the various common species documented within the project area would not be expected.

The proposed action construction will be scheduled outside of the normal monsoon season in this area. The following mitigation measures would be required to avoid and/reduce potential impacts on migratory birds. Rio Rancho will limit vegetation removal during the peak migratory bird nesting period of April through August as much as possible to avoid destruction of individuals, nests, or eggs. If vegetation removal activities must occur during the nesting season, Rio Rancho will deploy a qualified biological monitor with experience conducting breeding bird surveys to

survey the vegetation management area for nests prior to conducting work. The biologist will determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed work. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination, and submit that report to FEMA for inclusion in project files.

4.4 Cultural Resources

The National Historic Preservation Act (NHPA) of 1966, (PL 89-665; 16 USC 470 et seq.) as amended, outlines federal policy to protect historic properties and promote historic preservation in cooperation with the States, Tribal Governments, local governments, and other consulting parties. The NHPA established the National Register of Historic Places (NRHP) and designated the State Historic Preservation Office (SHPO) as the entity responsible for administering State-level programs. The NHPA also created the Advisory Council on Historic Preservation, the federal agency responsible for overseeing Section 106 of the NHPA process and its implementing regulations (36 CFR 800) and providing commentary on federal activities, programs, and policies that affect historic properties.

Section 106 of the NHPA outlines the procedures for federal agencies to follow to take into account the effect of their actions on historic properties. The Section 106 process applies to a federal undertaking that has the potential to affect historic properties, defined in the NHPA as those properties (archaeological sites, standing structures, or other historic resources) that are listed in or eligible for listing in the NRHP. Although buildings and archaeological sites are most readily recognizable as historic properties, a diverse range of resources are listed in the NRHP, including roads, landscapes, and vehicles. Under Section 106, federal agencies are responsible for identifying historic properties within the Area of Potential Effects (APE) for an undertaking, assessing the effects of the undertaking on those historic properties, if present, and considering ways to avoid, minimize, and mitigate any adverse effects of its undertaking on historic properties; it is the primary regulatory framework that is used in the NEPA process to determine impacts on cultural resources. The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist.

On September 22, 2016, SWCA Environmental Consultants (SWCA) was retained to complete an intensive cultural resources survey of the proposed project area. No historic properties or Native American religious sites were identified within the APE as a result of the survey (SWCA, 2016).

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. No cultural resources will have the potential to be impacted from heavy equipment or other project related activities.

Proposed Action Alternative:

The APE for the proposed action includes the arroyo streambed and its northern and southern banks. The work will extend up to approximately 100 feet from the southern bank. The SWCA survey indicated that the ground surface in the surveyed area was highly disturbed by foot and all-terrain vehicle traffic. Much of the project area consists of an active arroyo channel where cultural deposits would not be expected. No cultural resources were located within the project area as a result of the survey.

Based on information gathered through this review process, FEMA has made a determination of No Historic Properties Affected as a result of the proposed undertaking. The New Mexico SHPO issued their concurrence with this determination on May 1, 2017 (See Appendix C). FEMA also consulted with sixteen federally recognized tribes that had potential interest in the project area: Pueblo of Cochiti, Comanche Nation, Pueblo of Isleta, Pueblo of Jemez, Jicarilla Apache Nation, Pueblo of Laguna, Navajo Nation, Ohkay Owingeh, Pueblo of San Felipe, Pueblo of San Ildefonso, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Santo Domingo, Pueblo of Tesuque, and Pueblo of Zia. At the time of this draft EA, FEMA had not received a response from any of the tribes.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains are uncovered, the project shall be halted and Rio Rancho shall stop all work immediately in the vicinity of the discovery and take all reasonable measure to avoid or minimize harm to the finds. The applicant will inform FEMA immediately and FEMA will consult with the SHPO. Work on sensitive areas shall not resume until consultation is completed and until FEMA determines that the appropriate measures have been taken to ensure complete project compliance with the NHPA and its implementing regulations.

4.5 Socioeconomic Resources

4.5.1 Environmental Justice

EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) mandates agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Socioeconomic and demographic data were reviewed for the project area to determine if a disproportionate number of minority or low-income persons have the potential to be adversely affected by the proposed project.

Table 2: City of Rio Rancho Demographics

| | City of Rio Rancho |
|---------------------------------|---------------------------|
| Total Population (2016) | 96,028 |
| Annual Median household income | \$60,893 |
| % persons in poverty | 11.4% |
| % minority population | 46.2% |
| % Hispanic (may be of any race) | 36.7% |
| % of population over 65 (2012) | 10.8% |

The following table shows specific racial composition of the City of Rio Rancho. The City of Rio Rancho has a higher median household income and a lower percentage of low-income populations than Sandoval County and the State of New Mexico. The dominant ethnicity for the City of Rio Rancho is white (53.8% of the population).

Table 3: City of Rio Rancho racial composition

| | City of Rio Rancho |
|---|---------------------------|
| % White | 53.8% |
| % Hispanic or Latino | 36.7% |
| % Black or African American | 2.9% |
| % American Indian or Native Alaskan | 3.2% |
| % Asian | 1.9% |
| % Native Hawaiian or Other Pacific Islander | 0.2% |
| % two or more races | 4.7% |

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, changing the course of storm water by virtue of altering the geography of the area via erosion. No Environmental Justice issues will occur from heavy equipment or other project related activities.

Proposed Action Alternative:

Disproportional adverse impacts to minority or low income populations are not anticipated. The purpose of the project is to reduce the risk of floods and scouring on development and other public infrastructure in the project area. Long-term beneficial impacts would occur in the preservation of existing development from erosion due to flooding. Temporary jobs may also be created during construction.

4.5.2 Hazardous Materials

Hazardous substances are defined as any solid, liquid, contained gaseous, or semisolid waste, or any combination of wastes that pose a substantial present or potential hazard to human health and the environment. Hazardous substances are primarily generated by industries, hospitals, research facilities, and the government. Improper management and disposal of hazardous substances can lead to pollution of groundwater or other drinking water supplies, and the contamination of surface water, ground water, and soil. The primary federal regulations for the management and disposal of hazardous substances are the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act. The EPA Enviromapper was reviewed and showed no known sources of hazardous materials in or adjacent to the project area (EPA 2017).

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. No potential for Hazardous Materials issues will occur from heavy equipment or other project related activities.

Proposed Action Alternative:

The proposed project will create no new sources of hazardous materials. Contaminants are not expected to be encountered at the project site during construction. If contaminated materials are discovered during construction activities, the work must cease until the appropriate procedures can be implemented and permits obtained. The construction contractor shall handle, manage, and dispose of excavated soil and debris, petroleum products, hazardous materials, and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and Federal agencies.

4.5.3 Noise

Noise is generally defined as unwanted sound. Sound is most commonly measured in decibels on the A-weighted scale (dBA), which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. EPA guidelines and those of many other federal agencies, state that outdoor sound levels in excess of 55 dBA DNL are “normally unacceptable” for noise-sensitive land uses such as residences, schools, or hospitals. The project area is bounded on the north by a residential neighborhood and on the south by the Rio Rancho Sports

Complex. Typical noises coming from a residential setting include vehicles, dogs, and human voices.

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. No potential noise issues will occur from heavy equipment or other project related activities. Periodic noise issues will occur during any remedial activities that may occur in response to an erosion event.

Proposed Action Alternative:

The proposed project will have a short-term minor increase in noise due to the operation of heavy construction equipment. To mitigate these temporary noise impacts, construction activities will take place during normal business hours and equipment and machinery used at the proposed project site should meet all local, state and federal noise regulations.

4.5.4 Traffic

There are no streets within the immediate project area, though the project is adjacent to various residential streets to the north. The only potential impact on traffic will be heavy equipment and trucks turning off of High Resort Blvd. through the Sports Complex to access the site.

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, changing the course of storm water by virtue of altering the geography of the area via erosion. No traffic impacts will occur from heavy equipment or other project related activities. If allowed to fester, erosion in the area could continue to threaten the Sports Complex.

Proposed Action Alternative:

Short-term, minor increases in the volume of construction traffic at access points to the construction site. No temporary road closures are anticipated from construction activities. Appropriate signage at construction entrances as required to local, state and federal regulations.

4.5.5 Public Service and Utilities

There is currently one abandoned sewer line that runs through the project site.

Prior to construction, the construction contractor will be required to contact the State One-Call utility spotting service to identify the location of all existing utilities in the project area.

In the event of damage, the construction contractor must contact the utility owner and, if required, the New Mexico Environment Department (NMED).

No Action Alternative:

Under the no action alternative, nothing would be done to prevent erosion of the arroyo banks. No interruption to public service and utilities would occur.

Proposed Action Alternative:

Construction contractor shall contact New Mexico One-Call to ensure proper location of utilities prior to commencing construction activities and protect any utilities located within the project area from damage.

No interruption to public service and utilities is anticipated during construction activities. In the event of damage to a utility, the contractor will be required to contact the utility owner, and, if applicable, the NMED, to report the utility strike and, if necessary, report quantities of sewage spilled. If an active sewer line is struck and compromised, the contractor will be required to contain and take corrective measures prior to proceeding with construction operations.

4.5.6 Public Health and Safety

EO 13045 (Protection of Children) requires federal agencies to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children. Safety and security issues considered in this EA include the health and safety of area residents and the public at-large, and the protection of personnel involved in the activities related to the proposed construction of the project. The project area consists of vacant land (owned by SSCAFCA) adjacent to a residential neighborhood and Sports Complex. Access to SSCAFCA-owned land is restricted. There is no publicly available space and activities are restricted to private uses.

No Action Alternative:

Under the No Action Alternative, the Montoyas Arroyo will continue to meander, altering the floodplain by changing the course of storm water by virtue of altering the geography of the area via erosion. No potential public issues will occur from heavy equipment or other project related activities. If the project is not completed, a potential public safety issue with regard to deterioration of the Sport Complex field areas is possible.

Proposed Action Alternative:

The primary safety concern with regard to the proposed project will be construction activities that present safety risk to those performing the activities. Risk could occur if residents wander onto the construction site

and gain access to operating machinery or onsite materials. To minimize these risks to local residents and the public, appropriate safety BMPs such as signage and barriers will be placed at potential access points to the project area. All construction activities will be performed by qualified personnel trained in the proper use of appropriate equipment, including all appropriate safety precautions. All activities will be conducted in a safe manner in accordance with standards specified in the Occupational Safety and Health Administration (OSHA) regulations. The construction contractor will be responsible for adhering to the New Mexico One-Call Law, which promotes public safety, environmental protection and the integrity of underground utilities.

4.6 Summary

The following table summarizes the potential impacts of the proposed project and conditions or mitigation measures to offset those impacts.

Table 4: Summary Table

| Environment | Impacts | Mitigation |
|-----------------------------|---|---|
| Soils | Minor short-term impacts on soils would occur during site preparation and construction. Long-term, minor impacts will occur in the project area by the addition of shotcrete to provide a hardened surface to protect the arroyo embankment. No impacts to prime farmlands would occur. | Rio Rancho will prepare a SWPPP and obtain an NPDES permit prior to construction. Implementation of appropriate erosion and sediment control BMPs will be required during construction. |
| Air Quality | Minor, short-term impacts on air quality would occur during the construction period. | Construction contractors will be required to implement dust control BMPs such as watering down construction areas when necessary. Fuel-burning equipment running times will be kept to a minimum and engines will be properly maintained. |
| Surface Water Quality | Minor, short-term impacts on offsite surface waters may occur due to transport of sediment from disturbed soils by storm water runoff during construction. | Rio Rancho will prepare a SWPPP and obtain an NPDES permit prior to construction. Appropriate BMPs, such as installing silt fences and revegetating bare soils will be implemented. |
| Waters of the United States | Minor, short-term impacts on off-site surface water may | Rio Rancho is responsible for coordinating with and obtaining any |

| Environment | Impacts | Mitigation |
|--|--|---|
| Including Wetlands | occur due to transport of sediment from disturbed soils by storm water runoff during construction. Wetlands will not be impacted. | required Section 404 Permit(s) from the United States Army Corps of Engineers (USACE) and/or any Section 401/402 Permit(s) from the State prior to initiating work. The applicant must comply with all conditions of the required permit(s). All coordination pertaining to these activities should be documented and copies forwarded to the State and FEMA as part of the permanent project files. |
| Floodplains | No adverse impacts on floodplains are anticipated. Construction of the erosion control facility will provide permanent protection to residents from flood waters. | Rio Rancho must coordinate with the local floodplain administrator and obtain required permits prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files. |
| Threatened and Endangered Species and Critical Habitat | No impacts on federally or state protected species are anticipated. | None. |
| Common Wildlife Species | Less than 1.0 acre of high desert will be removed. No adverse effects to migratory birds are anticipated. Impacts to common wildlife would be temporary and have little effect on local populations. | Upon completion of construction activities, the area will be revegetated with native seed mix. Rio Rancho will limit vegetation removal during the peak migratory bird nesting period of April through August as much as possible to avoid destruction of individuals, nests, or eggs. If vegetation removal activities must occur during the nesting season, Rio Rancho will deploy a qualified biological monitor with experience conducting breeding bird surveys to survey the vegetation management area for nests prior to conducting work. The biologist will |

| Environment | Impacts | Mitigation |
|-----------------------|---|--|
| | | <p>determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed work. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination, and submit that report to FEMA for inclusion in project files.</p> |
| Cultural Resources | No impacts on cultural resources are anticipated. | <p>In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains are uncovered, the project shall be halted and Rio Rancho shall stop all work immediately in the vicinity of the discovery and take all reasonable measure to avoid or minimize harm to the finds. The applicant will inform FEMA immediately and FEMA will consult with the SHPO. Work on sensitive areas shall not resume until consultation is completed and until FEMA determines that the appropriate measures have been taken to ensure complete project compliance with the NHPA and its implementing regulations.</p> |
| Environmental Justice | No disproportionately high or adverse effect on minority or low-income populations is anticipated. All populations would benefit from the proposed project. | None. |

| Environment | Impacts | Mitigation |
|------------------------------|---|---|
| Hazardous Materials | No hazardous materials or waste impacts are anticipated. | If contaminated materials are discovered during construction activities, the work must cease until the appropriate procedures can be implemented and permits obtained. The construction contractor shall handle, manage, and dispose of excavated soil and debris, petroleum products, hazardous materials, and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. |
| Noise | Short-term impacts on noise levels would occur in the project area during the construction period. | Construction would take place during normal business hours and equipment would meet all local, state, and federal noise regulations. |
| Traffic | Short-term, minor increases in the volume of construction traffic at access points to the construction site. No temporary road closures are anticipated from construction activities. | Appropriate signage at construction entrances as required to local, state and federal regulations. |
| Public Service and Utilities | No interruption to public service and utilities is anticipated during construction activities. | Construction contractor shall contact New Mexico One-Call to ensure proper location of utilities prior to commencing construction activities and protect any utilities located within the project area from damage. In the event of damage, construction contractor shall contact the utility owner and, if required, the New Mexico Environment Department. |
| Public Health and Safety | Minor, short-term safety risks would occur during construction for those performing the activities and the general public, including children living in adjacent residencies. | Appropriate signage and barriers would be placed at access points to the project to prohibit public access to the project area. All construction activities would be performed by qualified personnel in accordance with OSHA regulations. The construction contractor would be responsible for adhering to the New Mexico One-Call law. |

5.0 Cumulative Impacts

According to CEQ regulations, cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” Another FEMA HMGP project was funded and constructed in close proximity to the proposed action. Under that project, the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) installed a sloped shotcrete section on the south bank of the Montoyas Arroyo for approximately 850 feet between Broadmoor Boulevard (Latitude: 35.26002; Longitude: -106.67241) and Loma Vista Boulevard (Latitude: 35.26010; Longitude: -106.66951). The City has not conducted any work in this area associated with any FEMA Public Assistance grants. In accordance with NEPA and to the extent practical, this EA considered the combined effect of the proposed action and this action that occurred in the vicinity of the project area.

Other local construction projects and the proposed project may have a cumulative temporary impact on local air quality by increasing criteria pollutants during construction activities and on water quality from sedimentation during construction. No other cumulative effects are anticipated.

6.0 Public Involvement and Permits

FEMA is the lead federal agency for conducting the NEPA compliance process for the proposed Montoyas Arroyo Bank Stabilization project. It is the goal of the lead agency to expedite the preparation and review of NEPA documents and to be responsive to the needs of the community and the purpose and need of the proposed action while meeting the intent of NEPA and complying with all NEPA provisions.

Rio Rancho will have several meetings with the local neighborhood association adjacent to the project site. Additionally, Rio Rancho will conduct coordination meetings with the USACE with regard to the Section 404 permit that will be required for the project.

Rio Rancho notified the public of the availability of the draft EA through the publication of a public notice in the local newspaper of record. The draft EA was made available for public review at the Loma Colorado Main Library and on FEMA’s web site (www.fema.gov). FEMA conducted a 30-day public comment period commencing on October 23, 2017. Minor comments were received from SSCAFCA regarding land ownership in the project area and the size of the City of Rio Rancho. Corrections were made in the Final EA and FEMA determined it was not necessary to conduct additional public review based on these revisions. A FONSI will be issued for the project.

7.0 Agency Coordination

As part of the development of this EA, the following agencies were contacted or consulted.

On April 21, 2017 FEMA contacted the following with no response after 30 days.

- Pueblo of Cochiti
- Comanche Nation
- Hopi Tribe
- Pueblo of Isleta

- Pueblo of Jemez
- Jicarilla Apache Nation
- Kiowa Indian Tribe of Oklahoma
- Pueblo of Laguna
- Navajo Nation
- Pueblo of Ohkay Owingeh
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Pueblo of Sandia
- Pueblo of Santa Clara
- Pueblo of Santo Domingo
- Pueblo of Santa Ana
- Pueblo of Tesuque
- Pueblo of Zia

FEMA also contacted New Mexico State Historic Preservation Office with a “No Historic Properties Affected” response. (Appendix C)

In accordance with applicable local, state, and federal regulations, Rio Rancho, or its contractor, would be responsible for acquiring any necessary permits prior to commencing construction at the project area.

8.0 References

- Federal Emergency Management Agency (FEMA), *Flood Insurance Rate Map, Sandoval County, New Mexico and incorporated areas, Map Number 35043C1893D, and, Map Number 35043C184D*, Revised March 18, 2008.
- New Mexico Environment Department (NMED), 2012, *State of New Mexico Clean Water Act 303(d)/305(b) Integrated Report*.
- SWCA Environmental Consultants (SWCA), *Technical Memorandum, Biological Evaluation for the Proposed Bank Stabilization of 1,500 feet of the Los Montoyas Arroyo in Sandoval County, New Mexico/SWCA Project No. 40526*, October 3, 2016.
- SWCA Environmental Consultants (SWCA), *NMCRIS Investigation Abstract Form (NIAF), A Cultural Resources Survey of the Arroyo de los Montoyas for the Sports Complex Erosion Control Project in Sandoval County, New Mexico*, September 27, 2016.
- U.S. Census Bureau, 2016.
<https://www.census.gov/quickfacts/fact/table/rioranchocitynewmexico,US/PST045216>, accessed August 17, 2017.

9.0 List of Preparers

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10.0 Appendices

Appendix A – Aerial Map and Photos

Appendix B – SWCA Technical Memorandum

Appendix C – SHPO Letter

