**U. S. Department of Homeland Security**
FEMA Region 6
800 North Loop 288
Denton, TX 76209

FEMA

# FINDING OF NO SIGNIFICANT IMPACT
# SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
# LISBON CHANNEL BANK STABILIZATION PROJECT
# SANDOVAL COUNTY, NEW MEXICO
# HMGP-4529-0006-NM (1)

## BACKGROUND

In accordance with the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1, an Environmental Assessment (EA) has been prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). The purpose of this project is to provide flood and erosion protection adequate for the 100-year storm event at Southern Blvd. and the Lisbon Channel, thus preventing the arroyo from incising vertically and meandering laterally into existing and future infrastructure and development. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) has applied for Hazard Mitigation Grant Program (HMGP) funding, through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), under HMGP-4529-0006-NM. Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures, including flood mitigation. The purpose of HMGP 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.

Four alternatives, including the No Action Alternative, were considered to address the need for the proposed project. Two alternatives were evaluated in this EA, the No Action Alternative and the Proposed Action Alternative. Two additional alternatives were initially developed and considered: (1) Hard-lining the channel side slopes (banks) and extending bank protection below grade to scour depth and (2) Full concrete section for channel. These alternatives were dismissed from further consideration based on potential for failure and loss of ecosystem function with regard to infiltration of surface water into groundwater.

The No Action alternative would entail no channel stabilization measures along this reach of Lisbon channel. Consequently, erosion along the side slopes and deepening of the channel bottom would continue, and the channel would continue to migrate laterally and incise vertically. The flood and erosion threats to nearby commercial and to the east, and public infrastructure (recreational trail) to the west will continue. The threat to the crossing structure along Southern

Blvd. will also continue. The No Action Alternative would not meet the proposed project's purpose and need.

Under the Proposed Action alternative, SSCAFCA would stabilize the channel from Southern Blvd. downstream to the pedestrian bridge crossing the channel downstream, a distance of approximately 1,300 linear feet. The final design includes the construction of four grade control structures made of shotcrete, installation of rip-rap along the side slopes of the channel, and leaving the bottom of the channel unlined to promote infiltration of surface water into groundwater. The finished channel will have a relatively consistent trapezoidal-shape with a 20-foot depth, and side slopes varying from 2:1 to 3:1, depending on location, and a 20-foot-wide channel bottom. The channel top width will vary depending on location. Rip-rap will be placed from the channel bottom to two feet above the 100-year storm event water surface elevation to prevent lateral migration of the channel. Shotcrete drop structures (i.e grade control structures) will be constructed at approximately 200-foot intervals and will be placed perpendicular to the flow across the channel bottom prevent vertical channel incision. The balance of the channel will be left with a natural bottom. By leaving the bulk of the channel unlined (natural), the ecoservices function of infiltration into groundwater through the porous natural surface will be maintained. The Proposed Action alternative will protect adjacent infrastructure and development from lateral channel migration as well as protect against additional channel incision.

Additional work will include construction of a 12-foot-wide maintenance road along the top of the west bank (including access ramps to the channel bottom), addition of area drain pipes into the new channel section, and revegetating disturbed soils after project construction.

Construction would be scheduled outside the monsoon season (July through October). Upon completion of construction activities, exposed soils would be revegetated with native seed mix.

A public notice was posted in the local newspaper of record and on FEMA's website. The draft EA was made available for public comment at a local public building and on FEMA's website for 30 days. No comments were received from the public during the comment period.

## FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action as described in the EA will not significantly impact geology, wetlands, migratory birds, threatened or endangered species, groundwater, historic properties, minority and low-income populations, public services, utilities, or hazardous materials sites. During construction, short-term, minor impacts to soils, floodplain, air quality, water quality, wildlife habitat, noise, traffic, and minor safety risks for workers and nearby residents are anticipated. Long-term beneficial impacts to floodplain are expected from permanent flood protection. No long-term adverse impacts are anticipated. All adverse impacts require conditions to minimize and mitigate impacts to the proposed project site and surrounding areas.

CONDITIONS

The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize the receipt of federal funding.

1. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

3. SSCAFCA will be required to prepare a Storm Water Pollution Prevention Plan (SW3P) and obtain a National Pollutant Discharge Elimination System (NPDES) permit. Implementation of appropriate erosion and sediment control Best Management Practices (BMPs) would be required during construction. Upon completion of construction activities, unpaved portions of the proposed project area would be revegetated with native seed mix to permanently stabilize soils.

4. SSCAFCA and construction contractors are required to comply with local emissions standards and to implement dust control measures such as watering down construction areas when winds are high. Equipment running times must be minimized.

5. Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals will not be stored within the 100-year floodplain, and will have a secondary containment system capable of containing twice the volume of the product. Appropriate spill cleanup materials such as booms and absorbent pads will be available on-site at all times during construction.

6. All heavy equipment used in the project area will be pressure washed and/or steam cleaned before the start of the project and will be inspected daily for leaks. A written log of inspections and maintenance will be completed and maintained throughout the project period. Leaking equipment will not be used in or near surface water. Refuel equipment will be kept at least 100 feet from surface water.

7. Work in the stream channel will be limited to periods of no flow.

8. Temporary crossings will be restricted to a single location, will be perpendicular to the channel, and will be at a narrow point of the channel to minimize disturbance. Heavy equipment will be operated from the bank or work platforms and will not enter surface water. Heavy equipment will not be parked within the stream channel. Directional borehole (horizontal) drilling will be used instead of open-cut trenching for the placement of utility lines or other buried structures crossing the channel.

9. All asphalt, concrete, drilling fluids and muds, and other construction materials will be properly handled and contained to prevent releases to surface water. Poured concrete must be fully contained in mortar-tight forms and/or placed behind non-erodible cofferdams to prevent contact with surface or ground water. Appropriate measures will be used to prevent wastewater (i.e., from concrete batching, vehicle washdown, or aggregate processing) from entering the watercourse. No dumping of any waste materials will occur in or near watercourses.

10. Protective measures will be used to prevent blasted, ripped, or excavated soil or rock from entering surface water. Construction excavation dewatering discharges will be uncontaminated and will include all practicable erosion control measures and turbidity control techniques.

11. Work or the use of heavy equipment in wetlands will be avoided.

12. All areas adjacent to the watercourse that are disturbed as a result of the project, including temporary access roads, stockpiles, and staging areas, will be restored to pre-project elevations unless the change is part of the project design. Disturbed areas outside the channel that are not otherwise physically protected from erosion will be reseeded or planted with native vegetation. Stabilization measures including vegetation will be taken at the earliest practicable date, but by the end of the first full growing season following construction. Appropriate riparian and/or wetland species will be used in areas that support such vegetation. Plantings will be monitored and replaced for an overall survival rate of at least 50 percent by the end of the second growing season. SSCAFCA will ensure that, once established, native plants adapted to the site are able to thrive with no supplemental water or treatment.

13. SSCAFCA must coordinate with the local floodplain administrator to obtain required permits prior to initiating work. Coordination pertaining to these activities and applicant compliance with conditions should be retained as part of the project file in accordance with HMGP instructions.

14. For actions located in the floodplain and/or wetlands, the applicant must issue a final public notice per 44 CFR Part 9.12(e) at least 15 days prior to the start of work. The final notice shall include the following: (1) A statement of why the proposed action must be located in an area affecting or affected by a floodplain or a wetland; (2) A description of all significant facts considered in making this determination; (3) A list of the alternatives considered; (4) A statement indicating whether the action conforms to applicable state and local floodplain protection standards; (5) A statement indicating how the action affects or is affected by the floodplain and/or wetland, and how mitigation is to be achieved; (6) Identification of the responsible official or organization for implementation and monitoring of the proposed action, and from whom further information can be obtained; and (7) A map of the area or a statement that such map is available for public

inspection, including the location at which such map may be inspected and a telephone number to call for information

15. SSCAFCA would limit grading of wildlife burrows to the winter months and limit vegetation removal during the peak migratory bird-nesting period of April 15 through August 15 to the extent feasible to avoid take of individuals, nests, or eggs.

16. If in channel earthwork activities must occur during the migratory bird nesting season, SSCAFCA would employ a monitor qualified to conduct breeding-bird surveys to survey the area for nests prior to clearing/scraping. The monitor would determine the appropriate timing of surveys in advance of work activities. If an occupied nest is found, work within a buffer zone appropriate for the species would be delayed until the nest is vacated and juveniles have fledged. For work near an occupied nest, the monitor would prepare a report to document the species present and the rationale of buffer selection. SSCAFCA would submit this report to FEMA and any other approving agency for inclusion in project files.

17. Any trenching required for the project would be equipped with escape ramps or filled concurrently to avoid trapping small animals.

18. 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 the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. If unmarked graves or human remains are present on private or state land, compliance with the New Mexico Cultural Properties Act (Article 18, Section 6, Subsection 11.2 (18-6-11.2), NMSA 1978, also known as the Unmarked Burial Statute is required. NMDHSEM will require the applicant to stop work immediately in the vicinity of the discovery. NMDHSEM will immediately notify FEMA and law enforcement agencies of the discovery, which shall notify the Office of the Medical Investigator (OMI) and the SHPO. OMI shall evaluate the remains for medicolegal significance with minimal disturbance of the remains. OMI will terminate the discovery of any non-medicolegal human remains to the SHPO, who shall proceed pursuant to the Unmarked Burial Statute and its implementing regulations found at 4.10.11 NMAC. For any questions for human remains on state or private land, contact State Archeologist, Bob Estes, (505) 827-4225, Fax (505) 827-6338, bob.estes@state.nm.us.

19. SSFACCA and its construction contractor must handle, manage, and dispose of excavated soil and debris, petroleum products, hazardous materials, and toxic waste in accordance with the requirements of governing local, state, and federal agencies.

20. To reduce noise impacts at receptors, construction should occur during weekdays and daylight hours. Exceptions to allow completion of an activity require notification to residents.

21. Appropriate safety practices such as the placement of signs and barriers would be implemented to discourage access to the Project Area. All construction activities would be performed by qualified personnel trained in the proper use of appropriate equipment, including all appropriate safety precautions. The construction contractor would be responsible for adhering to the New Mexico One Call Law to identify buried utilities.

## CONCLUSION

Based on the findings of the EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (FEMA Instruction 108-1-1) and the proposed project as described in the attached EA may proceed.

## APPROVAL AND ENDORSEMENT

_____

Dorothy Cook
Acting Regional Environmental Officer
FEMA Region 6

_____

Brianne Schmidtke
Hazard Mitigation Assistance Branch Chief
FEMA Region 6

Draft Environmental Assessment

# Southern Sandoval County Arroyo Flood Control Authority
# Lisbon Channel Bank Stabilization Project

## HMGP-4529-0006-NM (1)

Sandoval County, New Mexico
*March 2024*

**Federal Emergency Management Agency**
**Department of Homeland Security**
800 N. Loop 288
Denton, TX 76209

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**Appendix**

## List of Acronyms and Abbreviations

| | |
|---|---|
| APE | Area of Potential Effect |
| ARMS | Archaeological Records Management Section |
| BMP | best management practice |
| CEQ | Council on Environmental Quality |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR | Code of Federal Regulations |
| cfs | cubic feet per second |
| CWA | Clean Water Act |
| DBS&A | Daniel B. Stephens & Associates, Inc. |
| EA | environmental assessment |
| EIS | environmental impact statement |
| EO | executive order |
| EPA | U.S. Environmental Protection Agency |
| ESA | Endangered Species Act |
| FEMA | Federal Emergency Management Agency |
| FIRM | flood insurance rate map |
| FONSI | Finding of No Significant Impact |
| FPPA | Farmland Protection Policy Act |
| HUC | Hydrologic Unit Code |
| IO | isolated occurrence |
| IP | individual permit |
| IPaC | Information, Planning, and Conservation |
| LOMR | Letter of Map Revision |
| MBTA | Migratory Bird Treaty Act |
| NAAQS | National Ambient Air Quality Standards |
| NAD | North American Datum |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NMDGF | New Mexico Department of Game and Fish |

| | |
|---|---|
| NMDHSEM | New Mexico Department of Homeland Security and Emergency Management |
| NMED | New Mexico Environment Department |
| NPDES | National Pollutant Discharge Elimination System |
| NRCS | Natural Resources Conservation Service |
| OHWM | ordinary high water mark |
| OMI | Office of the Medical Investigator |
| OSHA | Occupational Safety and Health Administration |
| PDM | Pre-Disaster Mitigation Grant Program |
| RCRA | Resources Conservation and Recovery Act |
| SHPO | State Historic Preservation Office |
| SSCAFCA | Southern Sandoval County Arroyo Flood Control Authority |
| SWPPP | stormwater pollution prevention plan |
| TSCA | Toxic Substances Control Act |
| USACE | U.S. Army Corps of Engineers |
| USDA | U.S. Department of Agriculture |
| USFWS | U.S. Fish and Wildlife Service |

# 1. Introduction

Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) is proposing to improve channel stability in the Lisbon Channel (the channel) from Southern Blvd. downstream to the pedestrian bridge constructed across the channel in order to protect adjacent properties and infrastructure from failure due to streambank erosion and lateral channel migration. The project area is located in Rio Rancho, Sandoval County, New Mexico on the Los Griegos, New Mexico U.S. Geological Survey 7.5-minute quadrangle map (Appendix A).

Intense, short-lived thunderstorms are characteristic of the weather in southern Sandoval County, including the City of Rio Rancho. They drop significant amounts of rainfall in a very short time, creating a surge of stormwater that flows in the arroyos or drainage ditches downstream toward the Rio Grande. As this area of New Mexico is semiarid, the soils in southern Sandoval County are highly erodible. Runoff from storm events can rapidly result in local flooding and erode large segments of arroyo banks.

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 stormwater. Consequently, residential and commercial properties have been impacted by large flows and erosion of watercourses. In developed areas of the city, this can result in damage to structures and other property and can also pose a threat to the safety of local residents.

The project is being designed to provide erosion protection and reduce potential for damage to downstream areas where existing public infrastructure and commercial development occur. Such areas are prone to damage by high flows and bank erosion resulting from storm events.

## *1.1 Project Authority*

SSCAFCA is the local government sponsor of the proposed project. SSCAFCA is a statutorily created governmental entity chartered to manage large drainages (arroyos) in southern Sandoval County, New Mexico. As such, SSCAFCA has submitted an application to the Federal Emergency Management Agency (FEMA) through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) for a grant under FEMA's Hazard Mitigation Grant Program (HMGP). This program provides grants to states and local governments to implement long-term hazard mitigation measures. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality (CEQ) regulations to implement NEPA (40 Code of Federal Regulations [CFR] 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 Lisbon Channel Bank Stabilization 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).

## *1.2 Project Location*

The proposed project is located within and adjacent to the banks of the Lisbon Channel—a tributary to the Calabacillas Arroyo, both being ephemeral waters. The Calabacillas is a tributary to the Rio Grande that runs northwest to southeast through the Cities of Rio Rancho and Albuquerque, Sandoval and Bernalillo Counties, New Mexico. The proposed stabilization measures would be constructed as depicted on the

design layout (Appendix A) along approximately 1,300 linear feet of the channel south of Southern Blvd, in Rio Rancho, New Mexico. The approximate coordinates of the project are from (35.241500, -106.70402) to (35.238167, -106.702778) (North American Datum [NAD] 83).

No fill or export material is needed for the project.

## 2. Purpose and Need

Through HMGP, FEMA provides grants to states and local governments to implement long-term hazard mitigation measures. The HMGP grant is designed to assist states, U.S. territories, federally recognized tribes, and local communities in implementing a sustained pre-disaster natural hazard mitigation program. The goal of HMGP is to reduce overall risk to the population and structures from future hazard events, while also reducing reliance on federal funding in future disasters. HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The City of Rio Rancho is the third largest and one of the fastest expanding cities in New Mexico. As development of Rio Rancho continues, more impervious surface will be created upstream of the Project Area, amplifying runoff volume and increasing the potential for erosion by smaller and smaller storm events. Stormwater runoff has created a situation in the Lisbon Channel where the channel is incising vertically and meandering laterally, threatening existing development and infrastructure. As upland development continues, it is likely that the current condition will worsen threats to adjacent properties including existing publicly owned infrastructure and private development.

The purpose of this project is to provide flood and erosion protection adequate for the 100-year storm event, which produces flow rates of 1,440 cubic feet per second (cfs) at Southern Blvd. and the Lisbon Channel, thus preventing the arroyo from incising vertically and meandering laterally into existing and future infrastructure and development.

The Project Area is bounded by significant commercial development on the east bank of the channel, and a large tract of SSCAFCA-owned vacant land to the west that contains a recreational trail for usage by the public. By stabilizing the channel, the project will mitigate vertical incision and lateral channel migration in the Project Area, thereby protecting the adjacent commercial development from erosion impacting the foundations of existing buildings. In addition to development located adjacent to the channel, the proposed project will protect the existing recreational trail as well as protect Southern Blvd. from being impacted due to continuing channel incision and migration.

Failure to stabilize the channel banks could result in lateral channel migration into existing development and infrastructure, resulting in structural failure during storm events. Since the project's purpose is to protect adjacent infrastructure and development from lateral channel migration, and all stormwater flows in the Lisbon Channel watershed ultimately travel through this location to the Callabacillas Arroyo, then ultimately to the Rio Grande, no other location for this project is possible.

# 3. Alternatives

## *3.1 No Action Alternative*

The No Action alternative would entail no channel stabilization measures along this reach of the channel. Consequently, erosion along the side slopes and deepening of the channel bottom would continue, and the channel would continue to migrate laterally and incise vertically. The flood and erosion threats to nearby commercial and to the east, and public infrastructure (recreational trail) to the west will continue. The threat to the crossing structure along Southern Blvd. will also continue.

## *3.2 Proposed Action Alternative*

Under the Proposed Action alternative, SSCAFCA would stabilize the channel from Southern Blvd. downstream to the pedestrian bridge crossing the channel downstream, a distance of approximately 1,300 linear feet. The final design includes the construction of four grade control structures made of shotrcrete, installation of rip-rap along the side slopes of the channel, and leaving the bottom of the channel unlined to promote infiltration of surface water into groundwater. The finished channel will have a relatively consistent trapezoidal-shape with a 20-foot depth, and side slopes varying from 2:1 to 3:1, depending on location, and a 20-foot-wide channel bottom. The channel top width will vary depending on location. Rip-rap will be placed from the channel bottom to two feet above the 100-year storm event water surface elevation to prevent lateral migration of the channel. Shotcrete drop structures (aka grade control structures) will be constructed at approximately 200-foot intervals and will be placed perpendicular to the flow across the channel bottom prevent vertical channel incision. The balance of the channel will be left with a natural bottom. By leaving the bulk of the channel unlined (natural), the ecoservices function of infiltration into groundwater through the porous natural surface will be maintained. The proposed alternative will protect adjacent infrastructure and development from lateral channel migration as well as protect against additional channel incision.

Additional work will include construction of a 12-foot-wide maintenance road along the top of the west bank (including access ramps to the channel bottom), addition of area drainpipes into the new channel section, and revegetating disturbed soils after project construction.

Construction would be scheduled outside the monsoon season (July through October). Upon completion of construction activities, exposed soils would be revegetated with native seed mix.

## *3.2 Alternatives Considered and Dismissed*

In addition to the proposed action, SSCAFCA considered, and ultimately dismissed, the following two additional alternatives; these alternatives will be not analyzed further in this EA.

- *Alternative 1: Hard-lining the channel side slopes (banks) and extending bank protection below grade to scour depth*: This alternative provides an effective solution for the elimination of lateral erosion of the channel banks.

  In order to provide an effective and permanent solution to the lateral migration of the channel, stand-alone bank protection would need to be installed to a depth of approximately 6-feet below the streambed. Failure to construct bank protection with the appropriate level of scour protection could create a situation where the bank protection structure would be undermined during high-flow storm events, causing the bank protection to fail.

In addition to bank protection, grade control structures would need to be installed perpendicular to the direction of flow in order to stabilize the vertical profile of the channel. These grade control structures would also need to be designed to accommodate scour depths, requiring them to be built to a depth of approximately 8 feet below the existing streambed.

- *Alternative 2: Full concrete section for channel*: This alternative included providing for concrete lining of the entire channel. The primary benefit for this type of installation would be the relative permanence of the structure, reduced long-term maintenance, and increased construction costs. Installation of a full concrete section would provide for better hydraulic flow characteristics; however, this was not deemed as critically important by the design team.

  The major drawback for this type of construction would be the loss of ecosystem function with regard to infiltration of surface water into groundwater. With a fully-lined channel section, infiltration of surface water into groundwater would not occur. Due to the nature of the Rio Rancho area, SSCAFCA has always attempted to maintain this function whenever feasible.

# 4. Affected Environment and Potential Impacts

## *4.1 Physical Resources*

The physical resources considered in this EA are soils and air quality/climate. The Proposed Action does not have the potential to impact geology because construction activities would not be deep enough to affect bedrock; therefore, impacts to geological resources are not evaluated.

### *4.1.1 Soils*

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) soil survey of Sandoval County, New Mexico, soils within and above the channel are Grieta-Sheppard loamy fine sands, 2 to 9 percent slopes. The soils are loamy fine sand to seven inches, sandy clay loam to 21 inches, course clay loam beyond to 60 inches. They are common in ridges, plateaus, mesas, fan remnants, stream terraces and dunes (NRCS, 2023).

These three soils are moderately erodible and are well suited to mechanical site preparation. These soils range from somewhat to very limited for commercial structures based on slopes and flooding, and somewhat limited (slope) to not limited for local roads.

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on unnecessary and irreversible conversion of farmland to nonagricultural uses. For the purpose of FPPA, farmland definition includes prime farmland, unique farmland, and land of statewide or local importance; it is important to note that these definitions include land such as forestland, pastureland, or other land that is not in current production. Grieta-Sheppard loamy fine sands are not classified as prime farmland or farmland of statewide importance (NRCS, 2023).

- ***No Action Alternative:*** The No Action alternative would result in continued erosion of soils in the Project Area and sedimentation of downstream surface waters.

- ***Proposed Action Alternative:*** Approximately 2.0 acres of native soil would be permanently impacted as a result of the proposed action. Parts of the channel bottom and banks will be reconfigured and hardened. A 12-foot-wide maintenance access road would be constructed along the top of the west bank.

Prime farmland would not be impacted because none exist in the Project Area.

To minimize impacts to soils, SSCAFCA would prepare a stormwater 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, exposed soils would be revegetated with native seed mix.

### *4.1.2 Air Quality*

The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for the following criteria pollutants: carbon monoxide, lead, nitrogen dioxide, particulate matter greater than 10 microns (µm) in diameter, particulate matter greater than 2.5 µm in diameter, ozone, and sulfur dioxide (U.S. EPA, 2019). Rio Rancho and Sandoval County are in attainment with the NAAQS for these criteria pollutants (U.S. EPA, 2019).

- ***No Action Alternative:*** This alternative would not impact air quality.

- ***Proposed Action Alternative:*** The Proposed Action would be expected to result in minor, temporary, and localized impacts to air quality during construction due to the use of fuel-burning equipment and potential for fugitive dust. The project would not affect the attainment status for Rio Rancho or Sandoval County.

  Construction contractors would be required to comply with local emissions standards and to implement dust control measures such as watering down construction areas when winds are high. Equipment running times should be minimized.

## ***4.2 Water Resources***

Resources addressed in this section are surface water, groundwater, water quality, wetlands, and floodplains.

### *4.2.1 Surface Water, Groundwater, and Water Quality*

The Clean Water Act (CWA), as amended, provides the authority to establish water quality standards, control discharges, develop waste treatment management plans and practices, prevent or minimize the loss of wetlands, and regulate other issues concerning water quality. The United States Army Corps of Engineers (USACE) is the regulatory authority for the discharge of dredged or fill material into waters of the U.S. pursuant to Section 404 of the CWA.

The Project Area is located in and around the channel, an ephemeral waterway. This waterway conveys stormwater and flows only in response to precipitation inputs. It is a tributary of the Rio Grande, a traditional navigable water and water of the U.S., located approximately 4.6 miles southeast of the Project Area. Due to the recent Supreme Court decision, *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023), ephemeral channels are no longer considered jurisdictional waters with respect to Section 404 of the Clean Water Act. Additionally, prior to the Sackett v. EPA Supreme Court decision, SSCAFCA had obtained a non-jurisdictional determination from the USACE with regard to Section 404 of the CWA (Appendix B).

Depth to groundwater within the project area is expected to exceed 6 feet (NRCS, 2023). No sole-source aquifers are designated within Sandoval County

- ***No Action Alternative:*** Under the No Action alternative, bank erosion would continue at the site. During large storm events, the aggraded areas would be expected to result in a large amount of sediment being carried to the Rio Grande during a short period, which could reduce water quality and restrict flows or cover existing wetland or riparian habitats.

- ***Proposed Action Alternative:*** The Proposed Action will require the discharge of fill material below the plane of the ordinary high-water mark (OHWM), along approximately 1,300 linear feet of the channel Appendix A to create the new trapezoidal channel. Fill would be placed to create a consistent channel width and provide bedding for the shotcrete bank stabilization. Riprap fill will also be placed below the OHWM to prevent channel incision and stabilize the streambed. The majority of construction activities will be scheduled between October 15 and June 15, which is outside of the normal regional monsoon season.

  The Proposed Action will not require permitting under Sections 401 (water quality certification) and 404 (discharge of dredge or fill into waters of the U.S.) of the CWA.

  During project construction, minor, short-term impacts to surface waters and surface water quality may occur due to the transport of sediment from disturbed soils by stormwater runoff. However, the proposed project site is located immediately upstream of a stormwater detention facility, which would minimize the likelihood of sediment being transported from the site to the Rio Grande. To minimize impacts of the Proposed Action to soils and sedimentation of the channel, SSCAFCA would prepare a SWPPP and obtain NPDES permit coverage prior to construction. Implementation of appropriate erosion and sediment control BMPs would be required during construction. Upon completion of construction activities, unpaved parts of the Project Area would be revegetated with native seed mix, which would further reduce sedimentation of waterways.

  To mitigate impacts to surface waters and water quality, BMPs will be implemented as part of the project for compliance with the required conditions of the permit(s). Conditions will be met as required by Clean Water Act (CWA) Sections 301, 302, 303, 306, and 307, and will include the following:

  - Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals will not be stored within the 100-year floodplain and will have a secondary containment system capable of containing twice the volume of the product. Appropriate spill cleanup materials such as booms and absorbent pads will be available on-site at all times during construction.
  - All heavy equipment used in the project area will be pressure washed and/or steam cleaned before the start of the project and will be inspected daily for leaks. A written log of inspections and maintenance will be completed and maintained throughout the project period. Leaking equipment will not be used in or near surface water. Refuel equipment will be kept at least 100 feet from surface water.
  - Work in the stream channel will be limited to periods of no flow.
  - Temporary crossings will be restricted to a single location, will be perpendicular to the channel, and will be at a narrow point of the channel to minimize disturbance. Heavy equipment will be operated from the bank or work platforms and will not enter surface water. Heavy equipment will not be parked within the stream channel. Directional borehole (horizontal)

drilling will be used instead of open-cut trenching for the placement of utility lines or other buried structures crossing the channel.

- All asphalt, concrete, drilling fluids and muds, and other construction materials will be properly handled and contained to prevent releases to surface water. Poured concrete must be fully contained in mortar-tight forms and/or placed behind non-erodible cofferdams to prevent contact with surface or ground water. Appropriate measures will be used to prevent wastewater (i.e., from concrete batching, vehicle washdown, or aggregate processing) from entering the watercourse. No dumping of any waste materials will occur in or near watercourses.
- Protective measures will be used to prevent blasted, ripped, or excavated soil or rock from entering surface water. Construction excavation dewatering discharges will be uncontaminated and will include all practicable erosion control measures and turbidity control techniques.
- Work or the use of heavy equipment in wetlands will be avoided.
- All areas adjacent to the watercourse that are disturbed as a result of the project, including temporary access roads, stockpiles, and staging areas, will be restored to pre-project elevations unless the change is part of the project design. Disturbed areas outside the channel that are not otherwise physically protected from erosion will be reseeded or planted with native vegetation. Stabilization measures including vegetation will be taken at the earliest practicable date, but by the end of the first full growing season following construction. Appropriate riparian and/or wetland species will be used in areas that support such vegetation. Plantings will be monitored and replaced for an overall survival rate of at least 50 percent by the end of the second growing season. SSCAFCA will ensure that, once established, native plants adapted to the site are able to thrive with no supplemental water or treatment.

### *4.2.2 Wetlands*

Executive Order (EO) 11990 (Protection of Wetlands) requires federal agencies to avoid, to the extent possible, adverse impacts to wetlands. Wetlands are transitional areas located between terrestrial and aquatic systems that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation that is typically adapted for life in saturated soil conditions. Wetlands are defined by three essential characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology (USACE, 1987).

The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory identifies no wetlands within the Project Area (Appendix B). No hydric soils are identified on soil maps of the Project Area (NRCS, 2023). No wetlands were identified in the Project Area during field surveys.

- ***No Action Alternative:*** The No Action alternative would not impact wetlands.

  ***Proposed Action Alternative:*** The Proposed Action would not impact wetlands, as none are present within or immediately adjacent to the Project Area. No wetlands downstream of the Project Area would be expected to receive discharge from project activities.

### *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. The Project Area is located within Zone AE, a special flood hazard area subject to inundation by

the 1 percent chance flood per Flood Insurance Rate Map (FIRM) panel 35043C2102D, dated 03/18/2008, within which no base flood elevations have been determined (FEMA, 2008) (Appendix D).

As part of the design for this project, a hydrologic analysis was completed based on SSCAFCA's existing watershed management plan for Lisbon Channel. The Proposed Action would take place within Zone AE, an area of 100-year flooding. The Proposed Action would reduce the footprint of that floodplain. Any FEMA FIRM revisions would come after the project is constructed in the form of a Letter of Map Revision (LOMR).

- ***No Action Alternative:*** The No Action alternative would result in no reduction of the current flood potential and would not alter the floodplain.

- ***Proposed Action Alternative:*** The Proposed Action would alter the topography of a mapped flood hazard area in order to reduce the potential for streambank erosion in the project area. SSCAFCA must coordinate with the local floodplain administrator and obtain required permits prior to initiating work. In compliance with FEMA regulations implementing EO 11988, 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 (Section 4.2.4).

*4.2.4 8-Step Floodplain Review*

- **Step 1** is to determine whether the Project Area is located in the 100-year floodplain. The Project Area is located in the 100-year floodplain with a Zone AE designation, per Flood Insurance Rate Map (FIRM) panel 35043C2102D, dated 03/18/2008. (FEMA, 2008) (Appendix D). Zone AE indicates an area with a 1 percent annual chance of flooding where base flood elevations have not been determined.

- **Step 2** is to notify and involve the public in the decision-making process. This step will be incorporated into the notice of availability for this EA.

- **Step 3** is to identify and evaluate practicable alternatives to locating the Proposed Action in the floodplain, including alternative sites and actions outside of the floodplain.

  The purpose of the Proposed Action is to reduce the potential for streambank erosion within and downstream of the Project Area. SSCAFCA identified three alternatives to the Proposed Action, including no action. The other action alternatives that were considered proposed hard-lining channel side slopes (banks) and extending bank protection below grade to scour depth and fully lining the channel. That alternative provides an effective solution for the elimination of lateral erosion of the channel banks. However, due to the scour depth required to ensure stability of the bank protection, the installation of this bank protection would not provide additional protection for the increased cost. This alternative would have also been located within the floodplain. Fully lining the channel was considered as well. However, the expense of fully lining the channel as well as the loss of the infiltrative capacity of the channel were seen as non-desirable by the design team.

  Because the threat of streambank erosion is location-specific, no other locations outside of the floodplain were considered because an alternate location would not meet the specific purpose and need of this project. The relocation of vulnerable structures was not considered due to the nature of the vulnerable facilities (e.g., roadways, businesses) and the relative cost of relocating these types of facilities.

- **Step 4** is to identify impacts associated with occupancy and modification of the floodplain and support of floodplain development that could result from pursuing the Proposed Action. Per 44 CFR 9.10, FEMA should consider whether the Proposed Action will result in an increase in the useful life of any structure or facility in question, maintain the investment at risk and exposure of lives to the flood hazard, or forego an opportunity to restore the natural and beneficial values served by floodplains or wetlands. FEMA should specifically consider and evaluate (1) impacts associated with modification of floodplains, (2) additional impacts that may occur when certain types of actions may support subsequent actions that have additional impacts of their own, (3) adverse impacts of the Proposed Action on lives and property and on natural and beneficial floodplain values, and (4) three categories of factors: flood hazard-related factors, natural values-related factors, and factors relevant to a proposed action's effects on the survival and quality of wetlands.

  – Per 44 CFR, natural values-related factors include (1) water resource values (natural moderation of floods, water quality maintenance, and ground water recharge), (2) living resource values (fish and wildlife and biological productivity), (3) cultural resource values (archaeological and historic sites, and open space recreation and green belts), and (4) agricultural, aquacultural, and forestry resource values.

  – Factors relevant to a Proposed Action's effects on the survival and quality of wetlands include (1) public health, safety, and welfare, including water supply, quality, recharge and discharge, (2) pollution, (3) flood and storm hazards, (4) sediment and erosion, (5) maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources, and (6) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

  The Proposed Action alternative will not result in an increased base discharge and is intended to reduce the flood hazard potential to surrounding structures and infrastructure. The project is not expected to encourage development within the floodplain. The Proposed Action will not change land use or result in a reduction to societal and recreational benefits provided by the floodplain at this location. Open space and recreational uses in the parks will not be impacted by the Proposed Action.

  The floodplain provides the following functions: flood storage and conveyance, filtration of nutrients and impurities from runoff, reduction of flood velocities, reduction of flood peaks, moderation of water temperature, reduction of sedimentation, and reduction of frequency and duration of low surface flows. These functions are expected to remain intact after implementation of the Proposed Action. By selecting the preferred alternative, this reach of the channel will continue to infiltrate surface water into groundwater.

  As discussed in Section 4.2.1, there could be minor short-term impacts to surface water quality during project construction.

  As discussed in Section 4.3.1, FEMA has determined that the project will result in no effect to threatened and endangered species and will not adversely modify or otherwise affect critical habitat. The Proposed Action would have negligible impacts to native species and their habitats and population levels of native species would not be affected.

  Floodplains also provide migration, breeding, nesting and feeding habitat. These floodplain values would not be significantly adversely impacted by the Proposed Action. There is the potential for adverse impacts to migratory bird species that may be present at the time of site clearing and

grubbing activities. In addition, wildlife habitat would be reduced in the immediate project area (Section 4.3.2).

As discussed in Section 4.4, the site has been surveyed for archaeological resources. No archaeological resources of any type were recorded. Thus, the Proposed Action will not impact archaeological resources.

- **Step 5** is to minimize the potential adverse impacts identified under Step 4 and restore and preserve the natural and beneficial values served by floodplains. All of the impacts discussed above are considered insignificant or beneficial to the floodplain. The Proposed Action to reduce streambank erosion contributes to the conservation of natural and beneficial floodplain values. Short-term water quality impacts will be mitigated by the implementation of BMPs (Section 4.2.1). Impacts to migratory bird species will be minimized by seasonal restrictions such that work is conducted outside of nesting season or by the deployment of a biological monitor if work must take place during nesting season (see Section 4.5.3). No archaeological resources are at risk of being impacted (Section 4.4). If archaeological resources are discovered during construction, the contractor will be required to stop work and contact SSCAFCA, who will in turn contact NMDHSEM, FEMA, and/or the State Historic Preservation Office for guidance. For any work in the floodplain, SSCAFCA will be required to coordinate with the local floodplain administrator and obtain any required permits prior to initiating work.

- **Step 6** is to determine whether the Proposed Action is practicable and to reevaluate alternatives. Per the discussion above, the Proposed Action alternative is the only practicable alternative.

- **Step 7** requires that the public be provided with an explanation of any final decision that the floodplain is the only practicable alternative. In accordance with 44 CFR 9.12, SSCAFCA must prepare and provide a final public notice 15 days prior to the start of any erosion control activities in the floodplain. Documentation of the final public notice is to be forwarded to FEMA for inclusion in the permanent project files.

- **Step 8** is the review of the implementation and post-implementation phases of the Proposed Action to ensure that the requirements stated in 44 CFR 9.11 are fully implemented. The proposed project will be conducted in accordance with applicable floodplain development requirements.

## *4.3 Biological Resources*

### *4.3.1 Threatened and Endangered Species and Critical Habitat*

The Endangered Species Act (ESA) of 1973, as amended, requires federal agencies to determine the effects of their proposed actions on threatened and endangered species and their designated critical habitats. A survey for biological resources conducted on October 12, 2021, documented existing conditions in the Project Area. The New Mexico Department of Game and Fish (NMDGF) Biota Information System of New Mexico (BISON-M) was queried for state-listed threatened and endangered wildlife species in Sandoval County. The New Mexico state endangered plant species list was queried for records of occurrence of special-status plant species that may potentially occur in the area. A list of federally listed species for the project area was obtained from the USFWS via the Information, Planning, and Conservation tool (IPaC) in 2021 and again in 2024. Portions of these reports are available in Appendix C.

The 2024 IPaC report listed a total of seven federal threatened, endangered, or candidate species with the potential to occur in the Project Area. None of these listed species have designated critical habitat within

the Project Area, and on the basis of existing conditions documented during the biological survey, there is also no suitable habitat for them (Appendix C). None of the state-listed wildlife species or state endangered plants was found to have the potential to occur in the Project Area, again on the basis of habitat associations and existing conditions.

- ***No Action Alternative:*** This alternative would result in no effect to federal listed species and would not be expected to impact state-listed or otherwise protected species.

- ***Proposed Action Alternative:*** FEMA has made the determination that the Proposed Action would result in no effect to federally listed species because no listed species occur within the Project Area, and none would be directly or indirectly impacted by the project. No critical habitat is present in the Project Area. Therefore, FEMA has determined that the Proposed Action would have no effect to designated critical habitat.

### *4.3.2 Wildlife*

The Migratory Bird Treaty Act (MBTA) protects migratory birds and their parts (including eggs, nests, and feathers) from take. Nearly all native North American bird species are protected by the MBTA. Mourning doves (*Zenaida macroura*) were the most commonly observed species of birds. Other birds documented either by sight or sound in the project area included American crow (*Corvus brachyrhynchos*) and house sparrow (*Passer domesticus*). No occupied bird nests were observed in the Project Area at the time of the biological survey. A research-grade sighting of a nesting burrowing owl within the channel banks near the pedestrian bridge was documented on May 25, 2008. The area of sighting was searched for any sign of nests. While no active nests were observed, two natural cavities were observed in a section of channel wall in the area of the 2008 documented sighting. The cavities did not appear to have been used recently, as the holes appeared clean with no nesting material or other evidence such as owl pellets, prey remains, or whitewash in or near the cavities. No other nests or potential burrowing owl cavities were observed within the channel.

Desert cottontail rabbits and black-tailed jack rabbits were observed, along with rodent tracks. Evidence of domestic dogs was observed within the channel; coyote (*Canis latrans*) tracks were observed within the area above the channel.

- ***No Action Alternative:*** No impact to wildlife would be expected under the No Action alternative.

- ***Proposed Action Alternative:*** The direct impacts (permanent and temporary) of the Proposed Action to wildlife would result from vegetation removal, ground disturbance, and temporary noise impacts during project construction. Unoccupied nests observed within the channel walls would be destroyed during construction of the new channel. Vegetation removal would reduce habitat for birds that use adjacent trees and brush for foraging and nesting. Birds and other wildlife that use channel wall cavities as dens or nest sites would need to relocate to adjacent upstream areas, which were observed to have similar habitat features.

  The following measures would be required to avoid or reduce potential impacts to wildlife:

  – SSCAFCA would limit grading of burrows to the winter months and limit vegetation removal during the peak migratory bird-nesting period of April 15 through August 15 to the extent feasible to avoid take of individuals, nests, or eggs.

- If in channel earthwork activities must occur during the nesting season, SSCAFCA would employ a monitor qualified to conduct breeding-bird surveys to survey the area for nests prior to clearing/scraping. The monitor would determine the appropriate timing of surveys in advance of work activities.

- If an occupied nest is found, work within a buffer zone appropriate for the species would be delayed until the nest is vacated and juveniles have fledged.

- For work near an occupied nest, the monitor would prepare a report to document the species present and the rationale of buffer selection. SSCAFCA would submit this report to FEMA and any other approving agency for inclusion in project files.

- Any trenching required for the project would be equipped with escape ramps or filled concurrently to avoid trapping small animals.

### *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 and local governments, and other consulting parties.

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 that are listed in or eligible for listing in the National Register of Historic Properties.

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.

SSCAFCA retained the services of qualified professional archaeologists from Okun Consulting Solutions (Okun) to conduct a cultural resources survey of the APE in October 2021. Because the scope of work for the proposed drainage improvements primarily involves activities that will occur at or below grade, FEMA has determined that the APE is congruent with the limits of construction, including the areas of direct excavation or modification and areas used for the staging and operation of equipment.

A cultural records file search in the Archaeological Records Management Section (ARMS) of the New Mexico State Historic Preservation Division through the New Mexico State Historic Preservation Office (SHPO) was conducted for previously recorded archaeological sites and surveys. The survey of the site, conducted on foot on October 11, 2021, led to the discovery of no archaeological sites, historic buildings, linear resources, historic districts, isolated occurrences (IOs), or other cultural resources of any kind (Okun, 2021). A prior survey in 2017 that intersected of the current APE also failed to identify cultural resources. The lack of archaeological sites is likely due to the erosional setting and lack of intact terrain. The channel bottom is eroded far beneath the depth of archaeological deposits, and materials in the channel —if present—would not be in situ. Cultural deposits, strata, or lenses were not observed in the channel cuts, and artifacts are absent from intact areas along the channel banks, suggesting that this stretch of the channel

may not have been used by prehistoric groups. A total of 6 previous cultural resource inventories have also been completed within 500 meters (1,640 feet) of the current Project Area. Of these, 1 intersects with the current Project Area, although it intersects with only a small part of the APE. They similarly failed to reveal the presence of any cultural resources in the Project Area (Okun, 2021).

- ***No Action Alternative:*** The No Action alternative would not be expected to impact cultural resources.

- ***Proposed Action Alternative:*** In the absence of findings during surveys of the project area, the Proposed Action alternative is not expected to have any impacts on cultural resources.

  In the event that archaeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered during construction, the project shall be halted and SSCAFCA shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archaeological findings will be secured and access to the sensitive area restricted. If unmarked graves or human remains are present on private or state land, compliance with the New Mexico Cultural Properties Act (Article 18, Section 6, Subsection 11.2 (18-6-11.2), NMSA 1978, also known as the Unmarked Burial Statute, is required. NMDHSEM will require the applicant to stop work immediately in the vicinity of the discovery. NMDHSEM will immediately notify FEMA, and law enforcement agencies of the discovery, which shall notify the Office of the Medical Investigator (OMI) and the SHPO. OMI shall evaluate the remains for medicolegal significance with minimal disturbance of the remains. OMI shall terminate the discovery of any non-medicolegal human remains to the SHPO, who shall proceed pursuant to the Unmarked Burial Statute and its implementing regulations found at 4.10.11 NMAC.

  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 concurred with this determination in a letter dated January 9, 2024. FEMA consulted with the following federally recognized tribes on January 16, 2024: Comanche Nation, Hopi Tribe, Jicarilla Apache Nation, Kiowa Tribe of Oklahoma, Navajo Nation, Ohkay Owingeh, Pueblo of Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Sandia, Pueblo of San Felipe, Pueblo of San Ildefonso, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Santo Domingo, Pueblo of Tesuque, and Pueblo of Zia. The Comanche Nation responded on January 18, 2024, to indicate that no properties that may contain prehistoric or historic archaeological materials were identified. The Pueblo of Sandia responded on January 16, 2024, to indicate no objection to the project. The Pueblo of Laguna responded on February 2, 2024, requesting to review the cultural resources survey performed in 2021. FEMA sent a copy of the cultural resources survey to the Pueblo of Laguna on February 22, 2024, and was given 30 days to respond and/or identify possible historic properties effected by this Project. The Pueblo of Laguna did not provide further comments within 30 days or declined to comment.

## *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 that 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.

To analyze socioeconomic and environmental justice, conditions, economic, and year 2021 census data were compared from New Mexico, Sandoval County, and Rio Rancho (Tables 1 and 2) Economic data available from the 2013 to 2017 5-year American Community Survey (U.S. Census Bureau, 2019) were used. The median household income estimate for Rio Rancho was above those of the county and the state. The reported poverty rate of all people for Rio Rancho was lower than those of the county and state. The percent unemployed for Rio Rancho was lower than the county and state estimates.

**Table 1. Comparative Economic Data**

| Communities | New Mexico | Sandoval County | Rio Rancho |
|---|---|---|---|
| Median household income | $54,020 | $68,947 | $70,615 |
| All people below poverty level | 17.6% | 10.3% | 7.08% |
| Percent unemployed | 3.8% | 3.6% | 3.7% |

Source: U.S. Census Bureau (2022 estimate) and U.S. BLS (2023)

**Table 2. Comparative Population Characteristics**

| Population | New Mexico | Sandoval County | Rio Rancho |
|---|---|---|---|
| Population, 2010 census | 2,113,344 | 153,501 | 108,082 |
| *Racial Characteristics (2022 census estimates)* [a] | | | |
| White alone, percent | 81.1% | 77.6% | 67.0% |
| Black or African American alone, percent | 2.7% | 2.9% | 2.9% |
| American Indian & Alaska Native alone, percent | 11.2% | 14.1% | 3.5% |
| Asian alone, percent | 2.0% | 2.0% | 2.0% |
| Hawaiian/Pacific Islander alone, percent | 0.2% | 0.2% | 0.3% |
| Two or more Races, percent | 2.8% | 3.3% | 16.7% |
| Hispanic or Latino, percent | 50.2% | 41.4% | 43.4% |
| White alone, not Hispanic or Latino, percent | 35.7% | 40.9% | 45.8% |

Source: U.S. Census Bureau (2022 estimates)

[a] Racial categories do not total 100% because Hispanic may be of any race, so also are included in applicable race categories

- ***No Action Alternative:*** The No Action alternative would not be expected to result in disproportionate adverse impacts to minority or low-income populations.

- ***Proposed Action Alternative:*** The Proposed Action is not expected to result in disproportionate adverse impacts to minority or low-income populations. The purpose of the project is to reduce the risk of bank erosion to community development, as well as recreational infrastructure in the Project Area. Long-term beneficial impacts would occur in the preservation of existing businesses from erosion due to flooding. Temporary jobs may also be created during construction.

### *4.5.2 Hazardous Materials*

If present in the environment, hazardous substances are a serious concern because of health and safety risks for the public and construction workers, as well as potential cleanup liability. Section 101(10) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) takes a wide interpretation of hazardous substances to include all of the following:

- Substances designated under CWA Sections 307(a) and 311(b)(4)
- Hazardous air pollutants listed under Section 112 of the Clean Air Act
- Resource Conservation and Recovery Act (RCRA) hazardous wastes
- Chemical mixtures for which the EPA has taken action under Section 7 of the Toxic Substances Control Act (TSCA)

A CERCLA release to the environment includes any method that would allow a hazardous substance to enter environmental media (air, water, soil, or geologic material) that is not contained within a building or facility. Federal and state environmental databases were reviewed for known hazardous materials sites near the Project Area. No Superfund Enterprise Management System National Priority List (NPL) or brownfield sites occur within the vicinity of the Project Area. Several reporting facilities in USEPA's Environmental Dataset Gateway are present within less than 1 mile of the Project Area, in association with the busy commercial intersection of Northern Boulevard and NM 528.

- ***No Action Alternative:*** Under the No Action alternative, the existing condition would not change.

- ***Proposed Action Alternative:*** The Proposed Action would create no new sources of hazardous materials. Contaminants are not expected to be encountered at the project site during construction as no contaminated media is known to occur in the project area. If contaminated soil or water is encountered during excavation, actions will be taken immediately to protect workers and residents from exposure. The work will 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 with the requirements of governing local, state, and federal agencies.

### *4.5.3 Noise*

Noise is generally defined as unwanted sound. Sound is most commonly measured in levels of noise called decibels on the A-weighted scale (dBA), which is the scale most similar to the range of sounds that the human ear can hear. Noise-sensitive receptors (residences) are present within the vicinity of the Project Area.

During construction, noise levels would be higher than normal at and immediately adjacent to the Project Area due to the operation or movement of equipment. Construction-related noise is expected to be a temporary impact, ending when construction is completed. During construction or storing and moving equipment to and from work areas, noise levels could increase substantially, but only temporarily.

- ***No Action Alternative:*** The No Action alternative would result in no additional noise impacts.

- ***Proposed Action Alternative:*** To reduce noise impacts at receptors, construction would typically occur during weekdays and daylight hours except when, with notification to residents, construction activities may extend beyond daylight hours to allow completion of an activity. Construction equipment would typically not operate between the hours of 10:00 p.m. and 7:00 a.m.

### *4.5.4 Traffic*

The Project Area is bounded at its northern end by Southern Blvd. and bounded on the west side by a recreational trail.

- ***No Action Alternative:*** Under the No Action alternative, no direct impact to area roads would occur, but Southern Blvd. would be more likely to become eroded or otherwise impacted by high flows. A recreational trail is also subject to impact in the No Action alternative.

- ***Proposed Action Alternative:*** Short-term, minor increases in the volume of construction traffic at access points to the construction site may occur. No road closures are likely to be needed resulting from construction activities. A traffic control plan and use of appropriate safety signs will be required of the contractor.

### *4.5.5 Public Service and Utilities*

No public or private utilizes are located in the project area.

- ***No Action Alternative:*** Under the No Action alternative, no impact to utilities would occur.

- ***Proposed Action Alternative****:* Prior to construction, SSCAFCA would require the contractor to contact New Mexico One Call (state law requirement), however, there are no known utilities in the project area.

  No interruption to public service or utilities is anticipated during construction activities. In the event of damage to a utility, the contractor would be required to contact the utility owner to report the utility strike. If necessary, a report detailing utility damage would be submitted by the contractor. If a sewer line is struck and compromised, the contractor would be required to contain and take corrective measures prior to proceeding with construction.

### *4.5.6 Public Health and Safety*

The U.S. Department of Labor Occupational Safety and Health Administration (OSHA), as directed under the Occupational Safety and Health Act of 1970 (29CFR 1910), as amended, defines safety standards for workers and requires workplaces to be kept free of serious recognized hazards. 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. Development on the east side above the channel is light commercial facilities with buildings and storage yards, paved and unpaved. The land above the channel on the west contains open, undeveloped lots of native vegetation and a recreational trail. Maggie Cordova Elementary School is located within 1 mile of the Project Area but is separated from it by open space.

- ***No Action Alternative:*** The No Action alternative would not result in any construction-related safety impacts but could reduce public safety as a result of not implementing flood control measures at the site.

- ***Proposed Action Alternative:*** During construction, OSHA standards would be followed to protect worker and public health and safety. Risk could occur if residents, particularly children, wander onto the construction site and gain access to operating machinery or on-site materials. To minimize these risks to local residents and the public, appropriate safety practices such as the placement of signs and barriers would be implemented to discourage access to the Project Area. All construction activities would be performed by qualified personnel trained in the proper use of appropriate equipment, including all appropriate safety precautions. The construction contractor would be responsible for adhering to the New Mexico One Call Law to identify buried utilities.

## *4.6 Summary*

Table 3 summarizes potential environmental impacts associated with implementing the proposed action and mitigation measures to offset those impacts.

**Table 3. Environmental Impacts and Mitigation Measures**

| Affected Environment | Impacts | Mitigation |
|---|---|---|
| Soils | 2.0 acres of soil impacts including the addition of impermeable and rock surfacing to protect the channel embankment. Prime farmland will not ne converted. | SSCAFCA will prepare a SWPPP and obtain an NPDES permit prior to construction. Implementation of appropriate erosion and sediment control BMPs would be required. |
| Air Quality | Minor, temporary air quality impacts (fugitive dust, exhaust) during construction. No impact to climate. | Contractors will be required to implement dust control BMPs when necessary. Equipment running times will be limited and emissions standards followed. |
| Surface Water/ Groundwater/ Water Quality | Minor, temporary transport of sediment from disturbed soils by stormwater runoff. | SSCAFCA will prepare SWPPP and NPDES permit. |
| Wetlands | No effect. | None. |
| Floodplains | No adverse impacts. Project would provide permanent flood protection to residents and roadway users. | SSCAFCA will coordinate with the local floodplain administrator during final design and obtain and comply with permits prior to construction. |
| Threatened and Endangered Species and Critical Habitat | No effect. | None. |
| Wildlife | Approximately 2.0 acres of moderate quality habitat for small animals impacted. Most impacts temporary, though loss of natural cavities along banks would result in removal of nesting habitat for swallows and/or owls. No take of migratory birds expected with restrictions. | SSCAFCA will limit vegetation removal and scraping between April through August as much as possible. If activities must occur during the nesting season, SSCAFCA will deploy a qualified biological monitor. |
| Cultural Resources | No impacts to cultural resources are anticipated. | If archaeological deposits are uncovered during construction, SSCAFCA will stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds and inform NMDHSEM, FEMA, and SHPO. |
| Environmental Justice | No disproportionate adverse effect to minority or low-income populations would occur. | None. |

| Affected Environment | Impacts | Mitigation |
|---|---|---|
| Hazardous Materials | No hazardous materials or discharge of waste is expected. | If contaminated materials are discovered during construction activities, work will cease until 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 with 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 due to construction traffic. | Contractor will prepare a traffic control plan and post appropriate signs. |
| Public Service and Utilities | No interruption to public service or utilities is anticipated. | SSCFCA will require the contractor to contact New Mexico One Call to locate utilities and protect utilities from damage.<br>In the event of damage, the contractor will contact the utility owner and, if required, the New Mexico Environment Department. |
| Public Health and Safety | Minor safety risks during construction for workers and nearby residents. | SSCAFCA will ensure OSHA safety standards are followed by the contractor and safety signs/ barriers are placed at access points to prohibit public access. The construction contractor would be responsible for adhering to the New Mexico One Call law. |

## 5. 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)." In accordance with NEPA and to the extent practical, this EA considered the combined effect of the Proposed Action and other actions occurring or proposed in the vicinity of the Project Area.

In 2017, SSCAFCA completed construction of the Black Arroyo Wildlife Park Trail immediately west of the Project Area. This project provides recreational amenities and channel safety (bridge crossings of channel).

Immediately west of the Project Area is a tract of vacant land held by SSCAFCA. SSCAFCA will be retaining this land as open space/drainage, part of the Black Arroyo Wildlife Park

Other local construction projects and the proposed project will impact soils, may temporarily impact local air quality by increasing dust and criteria pollutants during construction, and could impact water quality from sedimentation during construction as well as ongoing urban inputs to surface flows. No other cumulative effects are expected.

## 6. Agency Coordination, Public Involvement, and Permits

FEMA is the lead federal agency for conducting the NEPA compliance process for the proposed project. It is the goal of the lead agency to expedite the preparation and review of NEPA documents, as well as 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.

SSCAFCA conducted a coordination meeting with the USACE to identify the level of effort required for CWA Section 404 permitting.

SSCAFCA will notify 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 will be made available for public review at a physical location in the project area and on FEMA's website (https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa-repository). FEMA will conduct a 30-day public comment period commencing on the initial date of publication of the public notice. FEMA will consider and respond to all public comments in the final EA. If no substantive comments are received, the draft EA will become final and a FONSI will be issued for the project.

As part of the development of this EA, the following sources were contacted by SSCAFCA or FEMA, or consulted using web services:

- U.S. Census Bureau American Factfinder, American Community Survey
- U.S. Department of Agriculture, Natural Resource Conservation Service
- U.S. Department of Homeland Security Federal Emergency Management Agency
- U.S. Department of Labor Occupational Safety and Health Administration
- U.S. Environmental Protection Agency Enviromapper
- U.S. Environmental Protection Agency Envirofacts
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers, Regulatory Division
- Comanche Nation
- Hopi Tribe
- Jicarilla Apache Nation
- Kiowa Tribe of Oklahoma
- Navajo Nation
- Ohkay Owingeh
- Pueblo of Cochiti
- Pueblo of Isleta
- Pueblo of Jemez
- Pueblo of Laguna
- Pueblo of Sandia
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Pueblo of Santa Ana
- Pueblo of Santa Clara
- Pueblo of Santo Domingo
- Pueblo of Tesuque
- Pueblo of Zia
- New Mexico Department of Game and Fish

- New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division
- New Mexico Environment Department, Air Quality Bureau
- New Mexico Environment Department, Surface Water Bureau
- New Mexico State Historic Preservation Officer
- City of Rio Rancho

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

## 7. List of Preparers

Document Preparer and Contributors:

- Jean-Luc Cartron (Biological Evaluation)
  Project Manager and Senior Biologist, Daniel B. Stephens & Associates, Inc. (DBS&A)

- Julie Kutz, (Biological Evaluation)
  Biologist, DBS&A

- Adam Okun (Cultural Resources Survey)
  Principal Investigator, Okun Consulting Solutions

- Dave Gatterman, P.E. (this document)
  Executive Engineer, SSCAFCA

Document Reviewers:

- Dorothy Cook
  Acting Regional Environmental Officer, FEMA Region 6

- Subha Pandey
  Environmental Protection Specialist, FEMA Region 6

- Angela McComb
  Historic Preservation Specialist, FEMA Region 6

## References


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U.S. Census Bureau. 2023. Quick Facts. <https://www.census.gov/quickfacts/fact/table/NM/PST045222>.

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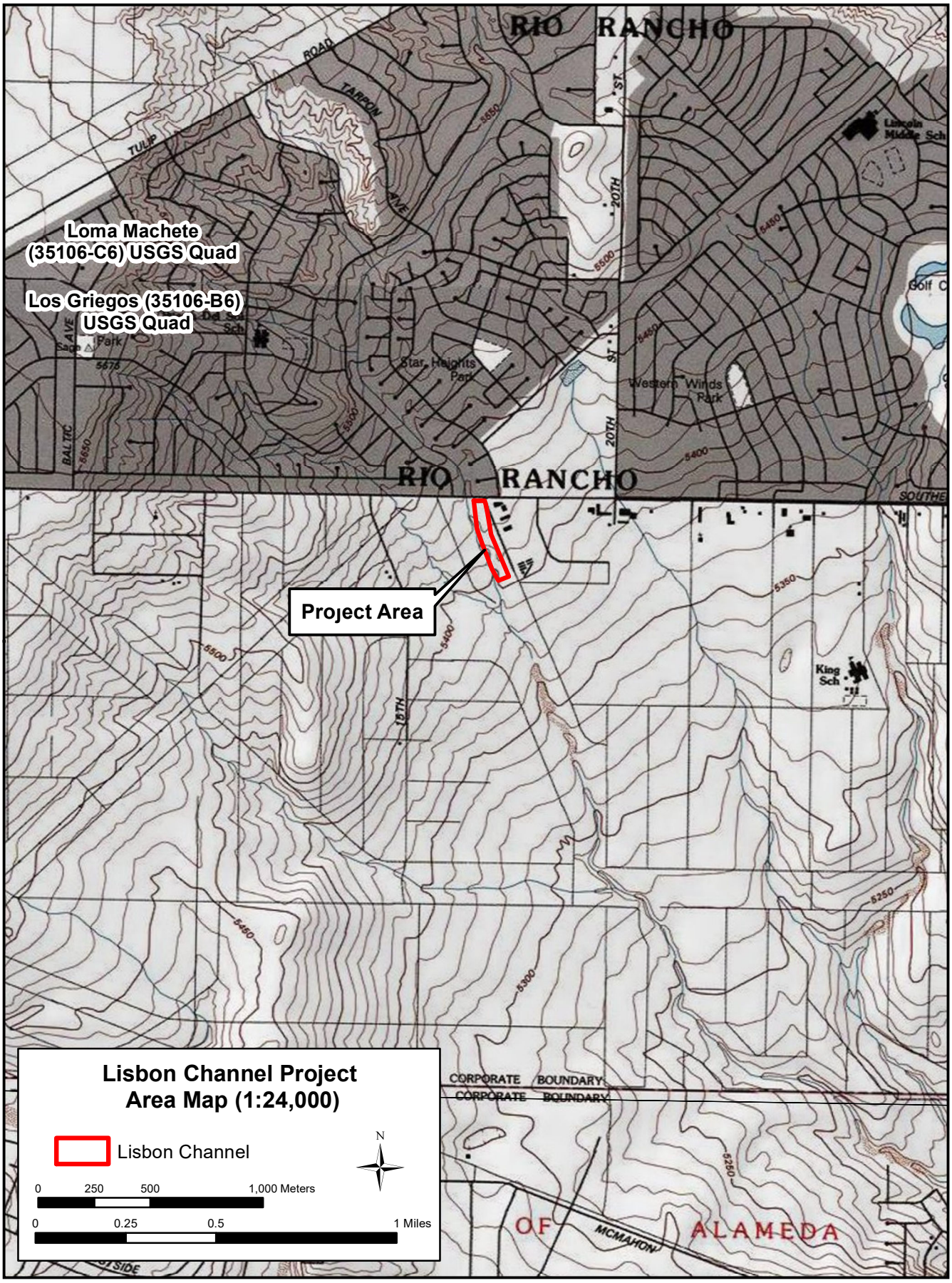

RIO RANCHO
Loma Machete (35106-C6) USGS Quad
Los Griegos (35106-B6) USGS Quad
Project Area
Lisbon Channel Project Area Map (1:24,000)
Lisbon Channel
N
0 250 500 1,000 Meters
0 0.25 0.5 1 Miles
CORPORATE BOUNDARY
CORPORATE BOUNDARY
OF ALAMEDA
MCMAHON
TULIP
TARPON
ROAD
AVE
20TH
ST
BALTIC
Star Heights Park
Western Winds Park
King Sch
Lincoln Middle Sch
Golf C
SOUTHE
5650
5500
5450
5400
5350
5300
5250


A1 CONSTRUCTION FENCE PLAN

SCALE: 1" = 80'

## GENERAL SHEET NOTES

## KEYNOTES

1. INSTALL TEMPORARY ORANGE CONSTRUCTION SAFETY FENCE AROUND PERIMETER OF PROJECT SITE.

## LEGEND

ORANGE CONSTRUCTION SAFETY FENCE (SEE IMAGE BELOW)

FIG. 1: EXAMPLE OF ORANGE SAFETY FENCE. (ACTUAL APPROVED PRODUCT USED MAY BE DIFFERENT)

WILSON & COMPANY
4401 MASTHEAD ST. NE. SUITE 150
ALBUQUERQUE, NM 87109
PHONE: 505-348-4000
FAX: 505-348-4072
www.wilsonco.com

JAMES E. LOPEZ — NEW MEXICO — 24897 — LICENSED PROFESSIONAL ENGINEER
08/03/2021

LISBON CHANNEL
SOUTHERN BLVD O BLACK
ARROYO PEDESTRIAN
BRIDGE

7/16/2021 M:\MSD\20-600-041-00\2_Disciplines_SHEETS\2_Sheets - civil\2060041-EC01.dwg

**DEPARTMENT OF THE ARMY**
**CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT**
**4101 JEFFERSON PLAZA NE**
**ALBUQUERQUE, NM 87109**

October 26, 2020

Regulatory Division

SUBJECT: No Permit Required – Action Number (No.) SPA-2020-00205, Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) Bank Stabilization Project in the Black Arroyo (Location 1); Request for an Approved Jurisdictional Determination (AJD)

David Gatterman
SSCAFCA
1041 Commercial Drive SE
Rio Rancho, NM 87124

Dear Mr. Gatterman:

This letter responds to your request for a determination of Department of the Army (DA) permitting requirements for your proposed bank stabilization project located within the Black Arroyo (Location 1) at approximately latitude 35.243768°, longitude -106.706462°, in Sandoval County, New Mexico. On August 8, 2020 SSCAFCA requested that the U.S. Army Corps of Engineers (Corps) process an AJD for the proposed project site. We have assigned Action No. SPA-2020-00205 to your request. Please reference this number in all future correspondence concerning the site.

Based on the information provided by SSCAFCA and obtained by the Corps, we have determined that a DA permit is not required since the project would not result in the discharge of dredged/fill material into waters of the United States. This decision is based on the requested AJD, which determined that there are no waters of the United States within the review area (attached). The basis for the AJD is that the project site is located within an ephemeral stream channel, which is excluded from regulation under the Navigable Waters Protection Rule (i.e. Exclusion (b)(3) Ephemeral feature - including an ephemeral stream, swale, gully, rill, or pool). A copy of this AJD is also available at http://www.spa.usace.army.mil/reg/JD. The AJD is valid for five years unless new information warrants revision of the determination before the expiration date.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work."

You may accept or appeal this AJD or provide new information in accordance with the attached Notification of Administration Appeal Options and Process and Request for Appeal (NAAOP-RFA). If you elect to appeal this AJD, you must complete Section II of the form and return it to the Army Engineer Division, South Pacific, CESPD-PDS-O, Attn: Tom Cavanaugh, Administrative Appeal Review Officer, P.O. Box 36023, 450 Golden Gate Ave, San Francisco, CA 94102 within 60 days of the date of this notice. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

It should be noted that it is incumbent upon you to remain informed of any changes in regulations and policies as they relate to your project. If your plans change such that waters of the U.S. could be impacted by the proposed project, please contact our office for a re-evaluation of permitting requirements.

If you have any questions concerning our regulatory program, please contact Forrest Luna at (505) 342-3678 or by e-mail at Forrest.Luna@usace.army.mil.

At your convenience, please complete a Customer Service Survey on-line available at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

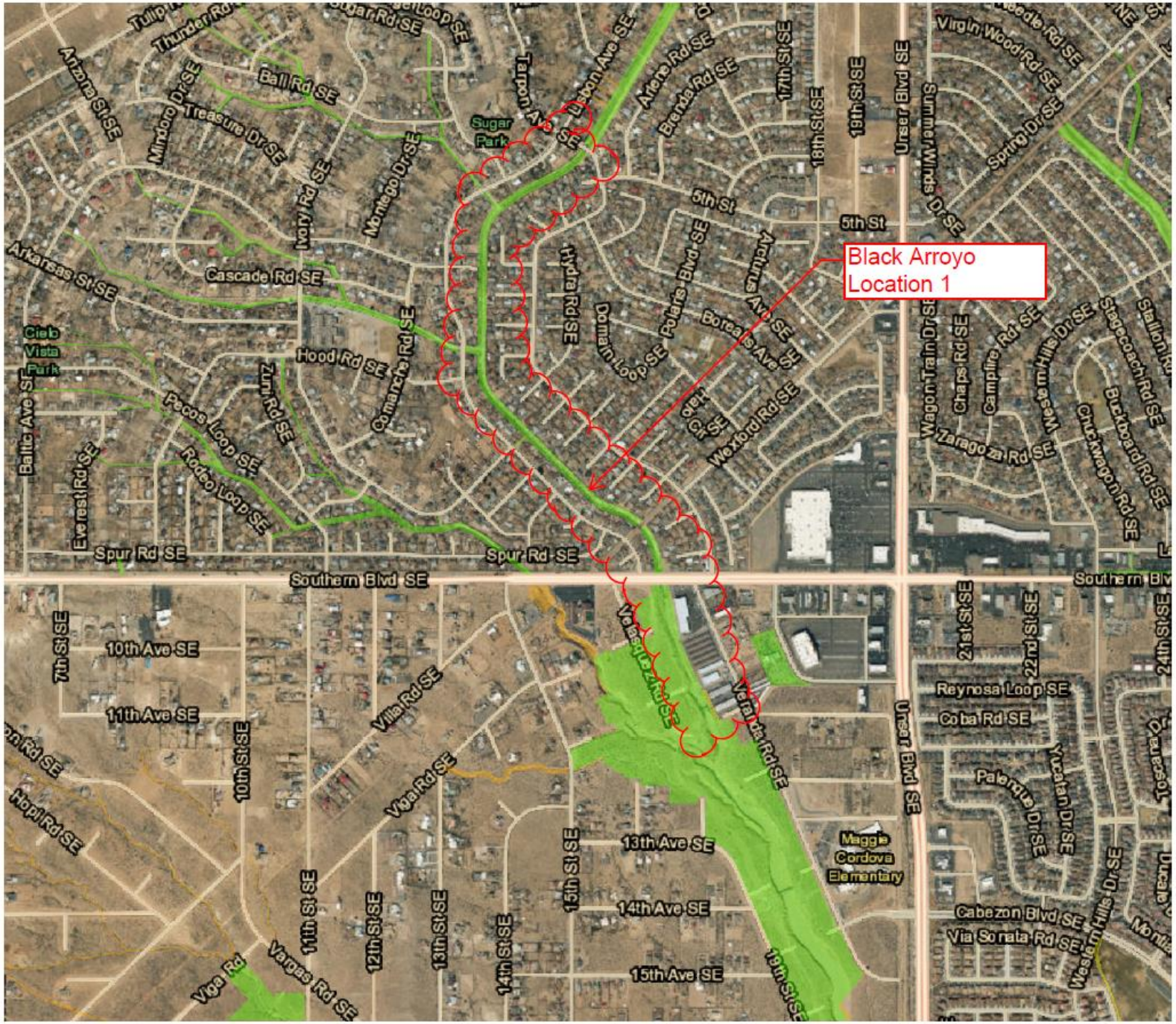
Chris Parrish

Chris M. Parrish
*Chief, New Mexico/Texas Branch*
Regulatory Division

Enclosure(s)

1. AJD Form
2. Appeal Form

# Black Arroyo Location 1




Southern Sandoval County Arroyo Flood Control Authority

- Acquired, Fee Simple
- Acquired, Easement
- Other, <Null>
- Planned Acquisition, <Null>
- SSCAFCA boundary

1 inch = 1500 feet

0 875 1,750 ft

Date: 8/6/2020

# National Flood Hazard Layer FIRMette

FEMA

106°42'29"W 35°14'32"N


106°41'51"W 35°14'3"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

*Basemap Imagery Source: USGS National Map 2023*

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS**
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

**GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/22/2024 at 10:53 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**FEMA PUBLIC NOTICE OF AVAILABILITY**
**SSCAFCA Lisbon Channel Bank Stabilization Project**
**Sandoval COUNTY, TEXAS**
**HMGP-4529-NM-0006 (1)**

Interested persons are hereby notified that Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) has applied to the Federal Emergency Management Agency (FEMA), through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), for Hazard Mitigation Grant Program (HMGP), under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA's HMGP provides grants to states and local governments to implement long-term hazard mitigation measures that 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. This notice also serves as FEMA's initial notice in compliance with Executive Order 11988 for Floodplain Management (44 CFR Part 9).

FEMA proposes to provide funding to SSCAFCA to provide flood and erosion protection adequate for the 100-year storm event at Southern Boulevard and the Lisbon Channel. SSCAFCA would stabilize the channel from Southern Blvd. downstream to the pedestrian bridge crossing the channel downstream, a distance of approximately 1,300 linear feet. The final design includes the construction of four grade control structures made of shotcrete, installation of rip-rap along the side slopes of the channel, and leaving the bottom of the channel unlined to promote infiltration of surface water into groundwater. The finished channel will have a relatively consistent trapezoidal-shape with a 20-foot depth, and side slopes varying from 2:1 to 3:1, depending on location, and a 20 foot-wide channel bottom. The channel top width will vary depending on location. Rip-rap will be placed from the channel bottom to two feet above the 100-year storm event water surface elevation to prevent lateral migration of the channel. Shotcrete drop structures (aka grade control structures) will be constructed at approximately 200-foot intervals and will be placed perpendicular to the flow across the channel bottom prevent vertical channel incision. The balance of the channel will be left with a natural bottom. By leaving the bulk of the channel unlined (natural), the ecoservices function of infiltration into groundwater through the porous natural surface will be maintained. The proposed project will protect adjacent infrastructure and development from lateral channel migration as well as protect against additional channel incision. Additional work will include construction of a 12-foot-wide maintenance road along the top of the west bank (including access ramps to the channel bottom), addition of area drain pipes into the new channel section, and revegetating disturbed soils after project construction.

A draft Environmental Assessment (EA) has been prepared to assess the potential impacts of the proposed action and alternatives on the human and natural environment in accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Parts 1500 – 1508), FEMA's Instruction 108-1-1 for implementing NEPA, the National Historic Preservation Act, Executive Order 11988, Executive Order 11990, and 44 CFR Part 9. The draft EA evaluates alternatives that provide for compliance with applicable environmental laws. The alternatives evaluated include (1) No Action; (2) the Proposed Action described above.

The draft EA is available for review and comment at the SSCAFCA Office, 1041 Commercial Dr SE, Rio Rancho, NM 87124 from 8:00 a.m. to 5:00 p.m. Monday-Friday. An electronic version of the draft EA can also be requested from Subha Pandey, FEMA Region 6, at subha.pandey@fema.dhs.gov, or viewed on FEMA's website at https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa-repository

The comment period will begin on February X, 2024, and end 30 days later by close of business March X, 2024. Written comments on the draft EA can be mailed or emailed to Subha Pandey, Environmental Protection Specialist, FEMA Region 6, 800 N Loop 288, Denton, TX 76209, subha.pandey@fema.dhs.gov. If no substantive comments are received, the draft EA will become final and a Finding of No Significant Impact (FONSI) will be issued for the project. Substantive comments will be addressed as appropriate in the final documents.

All other questions regarding disaster assistance should be directed to FEMA's Helpline at 1-800-621-3362 or visit www.DisasterAssistance.gov.