

## **APPENDIX A**

### **Water Resources Technical Memorandum**



ENVIRONMENTAL CONSULTANTS

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## WATER RESOURCES TECHNICAL MEMORANDUM

**To:** Diendre Tarr  
Claunch-Pinto Soil and Water Conservation District  
106 South Hwy 55  
Mountainair, New Mexico 87036

**From:** Cody Stropki, Senior Project Manager, SWCA Environmental Consultants,  
Lili Perreault, Assistant Project Manager, SWCA Environmental Consultants

**Date:** July 22, 2022

**Re:** **Water Resources Technical Memorandum / SWCA Project No. 58692**

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### BACKGROUND

The Claunch-Pinto Soil and Water Conservation District (CPSWCD) has developed the CPSWCD Fuels Reduction Project (project) to reduce the threat of catastrophic wildfire, protect the lives and safety of citizens, create defensible space around residential areas and critical facilities, and promote ecosystem health. Specifically, the project would thin vegetation on approximately 298 acres of private lands in Torrance County, New Mexico. The project is designed to reduce the density of fuels, both standing and on the ground, prevent the potential spread of wildfire, create defensible space, and protect wildlife habitat across the project area.

SWCA Environmental Consultants (SWCA) conducted a pedestrian survey of the project area, investigating the potential presence of potential waters of the U.S. and special aquatic sites, including wetlands, on July 8, 2022. Potential waters of the U.S. are typically identified by the presence of an ordinary high-water mark, defined bed and bank, or the three mandatory U.S. Army Corps of Engineers (USACE) criteria: hydrophytic vegetation, hydric soils, and wetland hydrology.

The presence/absence of wetlands was investigated in the field using routine on-site delineation methods as detailed in the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (USACE 2010).

Wetlands provide flood control, recharge groundwater, stabilize stream flows, improve water quality, and provide habitat for wildlife. Executive Order (EO) 11990, Protection of Wetlands, requires federal agencies to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. Federal Emergency Management Agency (FEMA) regulations in 44 Code of Federal Regulations 9, Floodplain Management and Protection of Wetlands, set forth the policy, procedures, and responsibilities to implement and enforce EO 11990, which prohibits FEMA from funding construction in a wetland unless no practicable alternatives are available.

## **RESULTS**

Two previously mapped and unnamed National Hydrography Dataset (NHD) waterbodies and one NHD flowline were identified within the Aceves W site during a desktop review (Figure 1). However, during SWCA's field surveys, both waterbodies and the flowline lacked a channel, defined bed and bank, hydrophytic vegetation, and hydric soil indicative of a wetland (Figures 2 and 3) (U.S. Geological Survey 2022). Additionally, no new drainages or wetlands were identified during the pedestrian survey. Therefore, no waters of the U.S. have been field-verified within the project area.

## **SUMMARY**

No waters of the U.S., including wetlands, were observed or recorded within the project area. Therefore, there would be no impacts to wetland plants, soils, hydrologic function of wetlands, or water quantity downstream of the project area resulting from the Proposed Action.

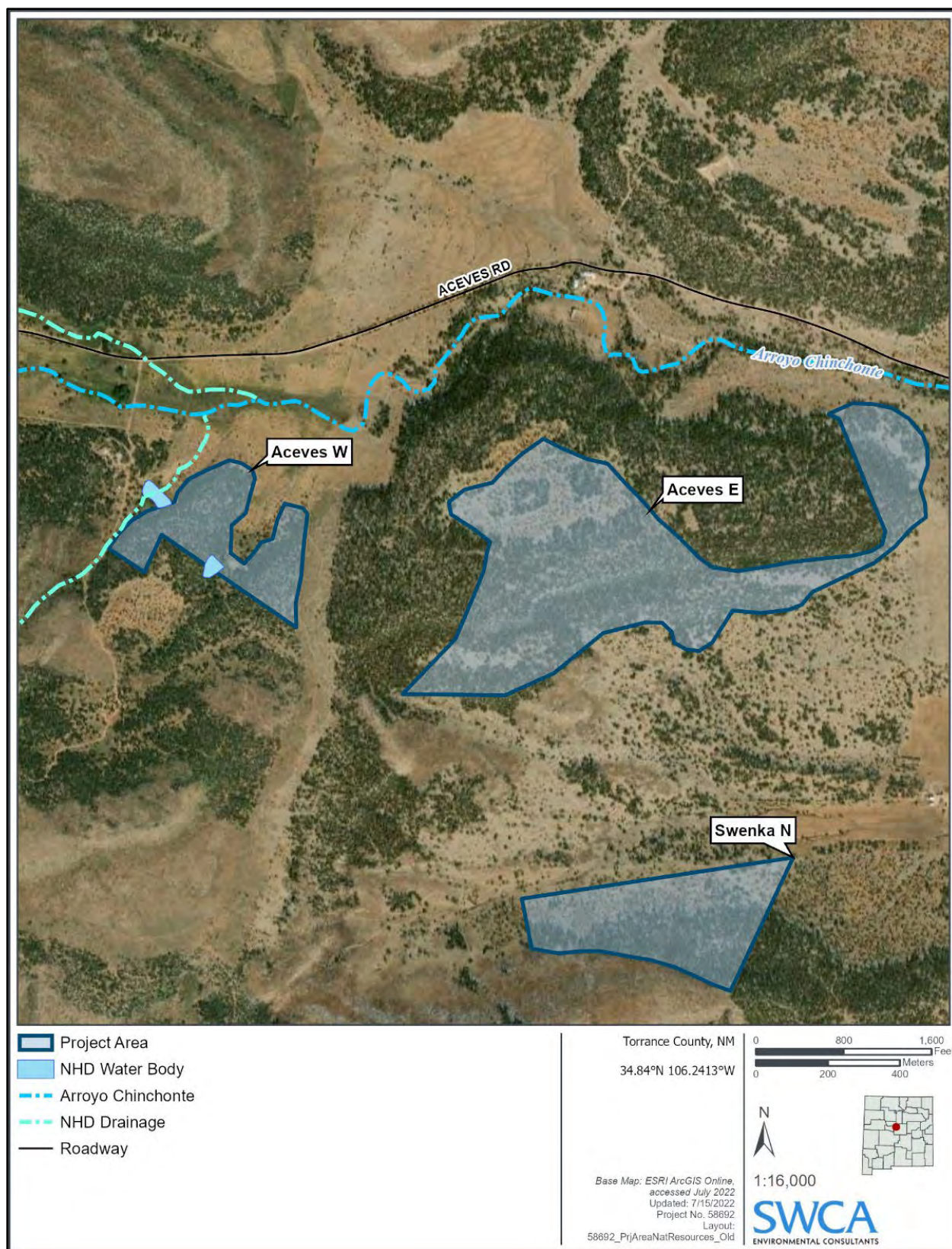


Figure 1. Surface waters within the proposed project area.





**Figure 2. View of NHD-mapped waterbody, facing west. Note the lack of a channel, defined bed and bank, hydrophytic vegetation, and hydric soil indicative of a wetland.**



**Figure 3. View of NHD-mapped waterbody, facing west. Note the lack of a channel, defined bed and bank, hydrophytic vegetation, and hydric soil indicative of a wetland.**





**Figure 4: View of NHD mapped flowline facing east, Note the lack of a channel, defined bed and bank, hydrophytic vegetation, and hydric soil indicative of a wetland.**

## LITERATURE CITED

- U.S. Army Corps of Engineers (USACE). 1987. *U.S. Army Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Vicksburg, Mississippi: U.S. Army Engineers Waterways Experiment Station Environmental Laboratory.
- . 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, Version 2.0*. ERDC/EL TR-10-3. Vicksburg, Mississippi: U.S. Army Engineer Research and Development Center.
- U.S. Geological Survey. 2022. National Hydrography Dataset. Available at: <http://nhd.usgs.gov/>. Accessed July 2022.

## **APPENDIX B**

### **Public Scoping Notice**



June 17, 2022  
First name Last name  
Organization  
Address line 1  
Address line 2  
City State Zip

**Re: Scoping Period for the Claunch-Pinto SWCD Wildfire – Hazardous Mitigation Project**

Dear Interested Party:

The Claunch-Pinto Soil and Water Conservation District (District) is proposing the Claunch-Pinto Wildfire – Hazardous Mitigation Project (project). This project is anticipated to use funding from the Federal Emergency Management Agency Hazard Mitigation Grant Program administered by the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM). The project is designed to reduce the density of fuels, both standing and on the ground, to prevent the potential spread of wildfire, create defensible space, and protect wildlife habitat across the project areas.

The proposed project would include vegetation thinning on approximately 298 acres of private lands to minimize fire hazard risk throughout the County and to protect the health and sustainability of the District's natural resources (see enclosed map). The vegetation thinning component of the project would include thinning of high-density pinyon-juniper woodland using chainsaws, pole saws, masticators, and a wood chipper to an average of 50—60 square feet basal area per acre. The project would reduce the hazardous fuels by removing ladder fuels, as well as large accumulations of dead, downed, and dry vegetative material. These fuels can connect the understory vegetation to the overstory, providing a pathway for surface fires to reach the tree canopy. Upon completion of the environmental compliance steps, the District plans to apply for Phase 2 funding through NMDHSEM to complete the project. Implementation could occur over a series of years depending on funding availability.

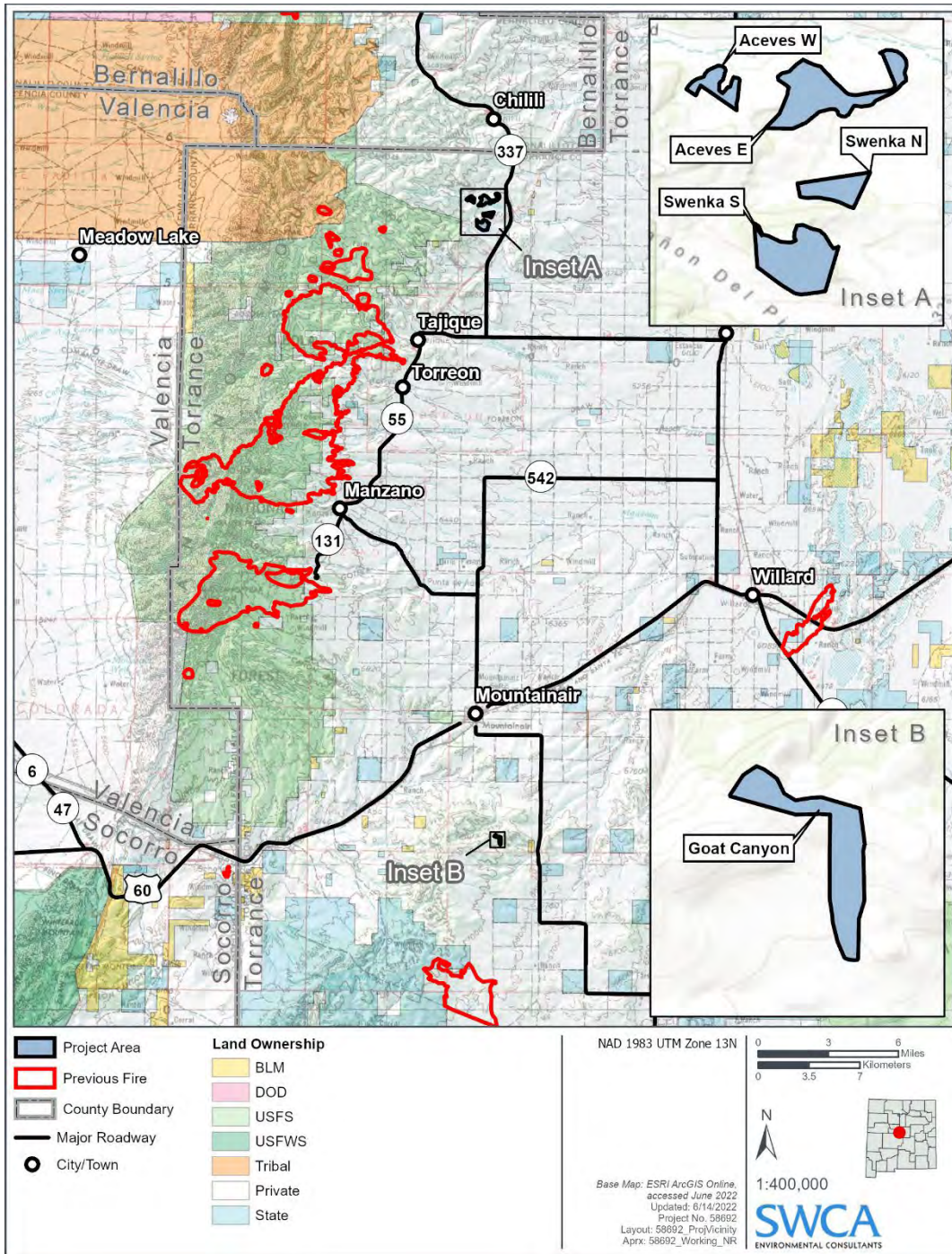
The purpose of this scoping letter is to initiate the National Environmental Policy Act (NEPA) process, to inform you about the proposed project, and to give you the opportunity to provide us with information regarding issues, problems, or opportunities regarding this project. We request any information you may have regarding the proposed project area or surrounding area, such as existing condition information, studies, Environmental Assessments, and Environmental Impact Statements. This information will help us determine the scope of issues to be discussed in the NEPA document for this proposed project. We respectfully request your input by July 8, 2022.

SWCA Environmental Consultants is developing the necessary environmental compliance documents and permits on behalf of the District. Please provide any written comments by July 8, 2022, to me at [cstropki@swca.com](mailto:cstropki@swca.com) or 3301-R Coors Blvd NW #208 Albuquerque, NM 87120. Dierdre L. Tarr, Claunch-Pinto Soil and Water Conservation District Office Manager, is the District's point of contact for this project. She can be contacted at [Dierdre.Tarr@nm.nacdnet.net](mailto:Dierdre.Tarr@nm.nacdnet.net) or via postal mail at PO Box 129, Mountainair, New Mexico 87036.

Sincerely,



Cody L. Stropki, Ph.D.  
Rockies Region Disaster and Resilience Director  
SWCA Environmental Consultants  
505.254.1115



## **APPENDIX C**

### **SHPO and Tribal Consultation Correspondence**





August 18, 2022

Jeff Pappas, PhD  
State Historic Preservation Officer  
Attention Bob Estes, Archaeologist  
Department of Cultural Affairs  
Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, New Mexico 87501

RE: Section 106 Review Consultation, HPD Log 117468, FEMA-HMGP-NM-5281-0001, Claunch-Pinto Soil and Water Conservation District Wildfire – Hazardous Mitigation Project (34.838473, -106.241525; 34.825924, -106.237243; and 34. 442835, -106. 221476)

Dear Dr. Pappas:

The Federal Emergency Management Agency (FEMA) through its 404 Hazard Mitigation Grant Program (HMGP) proposes to provide funding to the Claunch-Pinto Soil and Water Conservation District (CPSWCD) (Applicant) as authorized under Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§ 5121-5206, as amended), for fuel wood reduction on private land within Torrance County (Undertaking), in response to the New Mexico Ironworks Fire FEMA-FM-5281-NM, dated March 8, 2019. FEMA is initiating Section 106 review for the above referenced properties in accordance with the Programmatic Agreement among FEMA, the New Mexico State Historic Preservation Officer (SHPO), and the New Mexico Department of Homeland Security and Emergency Management (DHSEM), dated May 23, 2016, as amended (2016 Statewide PA).

Utilizing HMGP funding, the CPSWCD proposes to thin vegetation in order to reduce the density of fuels, both standing and on the ground; prevent the potential spread of wildfire; create defensible space around residential areas and critical facilities; protect the lives and safety of citizens, protect wildlife habitat across the project areas; and promote ecosystem health within the project areas. The proposed project area encompasses 298.69 acres of private lands referred to as the Aceves, Swenka, and Goat Canyon project areas. The Aceves and Swenka properties both contain two distinct areas of proposed thinning totaling 278.69 acres (112.78 hectares) within the Chilili Land Grant, approximately 3.2 miles (5.1 km) south of Chilili (approximate center points: 34.838473, -106.241525 and 34.825924, -106.237243 respectively). Goat Canyon consists of one 20-acre (8.09-hectare) area and is located approximately 5 miles (8 km) south of Mountainair (approximate center point: 34. 442835, -106. 221476). The project proposes thinning of trees and shrubs. Mechanical treatments would include tools and techniques that include thinning of trees with masticators and chainsaws and treating the slash with mechanized equipment such as chippers. Only handheld equipment will be used on the Aceves East and Aceves West proposed project areas. In general, slash material would be chipped in place using a

woodchipper, while ensuring that chips are no deeper than an average of 2 inches and no greater than 6 inches in any one spot. Larger diameter material would be hauled away from the project areas.

FEMA has determined that the Area of Potential Effect (APE) for the proposed Undertaking shall include the footprint of the project based on the scale and nature of the undertaking.

FEMA performed a cultural records search using the New Mexico Historic Preservation Division (HPD)'s New Mexico Cultural Resource Information System (NMCRIIS) and associated site files, photographs, and maps to identify historic properties and districts in the area. The APE for this Undertaking does not lie within any National Register of Historic Places (NRHP)-listed or NRHP-eligible districts according to the databases listed above. Research conducted on HPD's NMCRIIS system also revealed that there is one (1) known archaeological site within and adjacent to the APE. The site overlaps with the Aceves East APE and extends outside of the APE. See Table 1.

NMCRIIS Resource Number	Resource Type	NMCRIIS NRHP Eligibility
LA 194426	Archaeological Site	No Determination on File

**Table 1: Known Cultural Resources in or Adjacent to APE**

On nonconsecutive days from April 15 to June 10, 2022, SWCA Environmental Consultants (SWCA) conducted a Cultural Resources Investigation of the full APE, including archaeological survey of the full APE that had not previously been surveyed. SWCA submitted a report to HPD detailing the results of the Investigation (NMCRIIS Activity No. 150475). During SWCA's archaeological survey, they revisited one previously recorded site (LA 194426), identified, and recorded 16 newly discovered archaeological sites (LA 201082 to LA 201097), and documented 55 Isolated Occurrences (IOs). Of the 16 newly recorded archaeological sites, SWCA recommends five sites eligible for the National Register of Historic Places (NRHP), all of which are eligible under Criterion D (LA 201086, LA 201088 to LA 201090, and LA 201097). Of the six sites SWCA recommends eligible for the NRHP under Criterion D (LA 194426, LA 201086, LA 201088 to LA 201090, and LA 201097), five of these sites are located within the Aceves East or West project areas. The project already intends to only use handheld equipment on the Aceves project areas. Therefore, in regard to LA 194426, LA 201086, and LA 201088 to LA 201090, SWCA recommends no heavy machinery such as vehicles be used within the site boundary and that thinned vegetation be removed by hand outside of the site. LA 201097 is located in the Goat Canyon project area. SWCA recommends that vegetation within the site be removed using hand equipment only, with no use of heavy machinery within the site boundary. Thinned vegetation would be removed by hand and chipped outside of the site. SWCA recommends 11 sites not eligible for the NRHP (LA 201082 to LA 201085, LA 201087, LA 201091 to LA 201092, and LA 201093 to LA 201096). No further management was recommended by SWCA in regard to these sites. The IOs are not eligible for the NRHP and also require no further management. FEMA agrees with SWCA's site eligibility and management recommendations; determining that adherence to the management recommendations provided by SWCA would ensure that the proposed Undertaking would not adversely affect any cultural sites within the project APE.

Based on the information provided, FEMA has determined that there will be **No Adverse Effect to Historic Properties** as a result of the proposed Undertaking.

We respectfully request concurrence with this determination. Topographic maps showing the project vicinity and the project location, as prepared by the Applicant, are attached. Your prompt review of this project is greatly appreciated. Should you need additional information please contact Robert Scoggin, EHP Tribal Liaison at [Robert.w.scoggin@fema.dhs.gov](mailto:Robert.w.scoggin@fema.dhs.gov) or (202) 716-4139.

Sincerely,

*DWC for* Kevin Jaynes  
Regional Environmental Officer  
FEMA Region 6



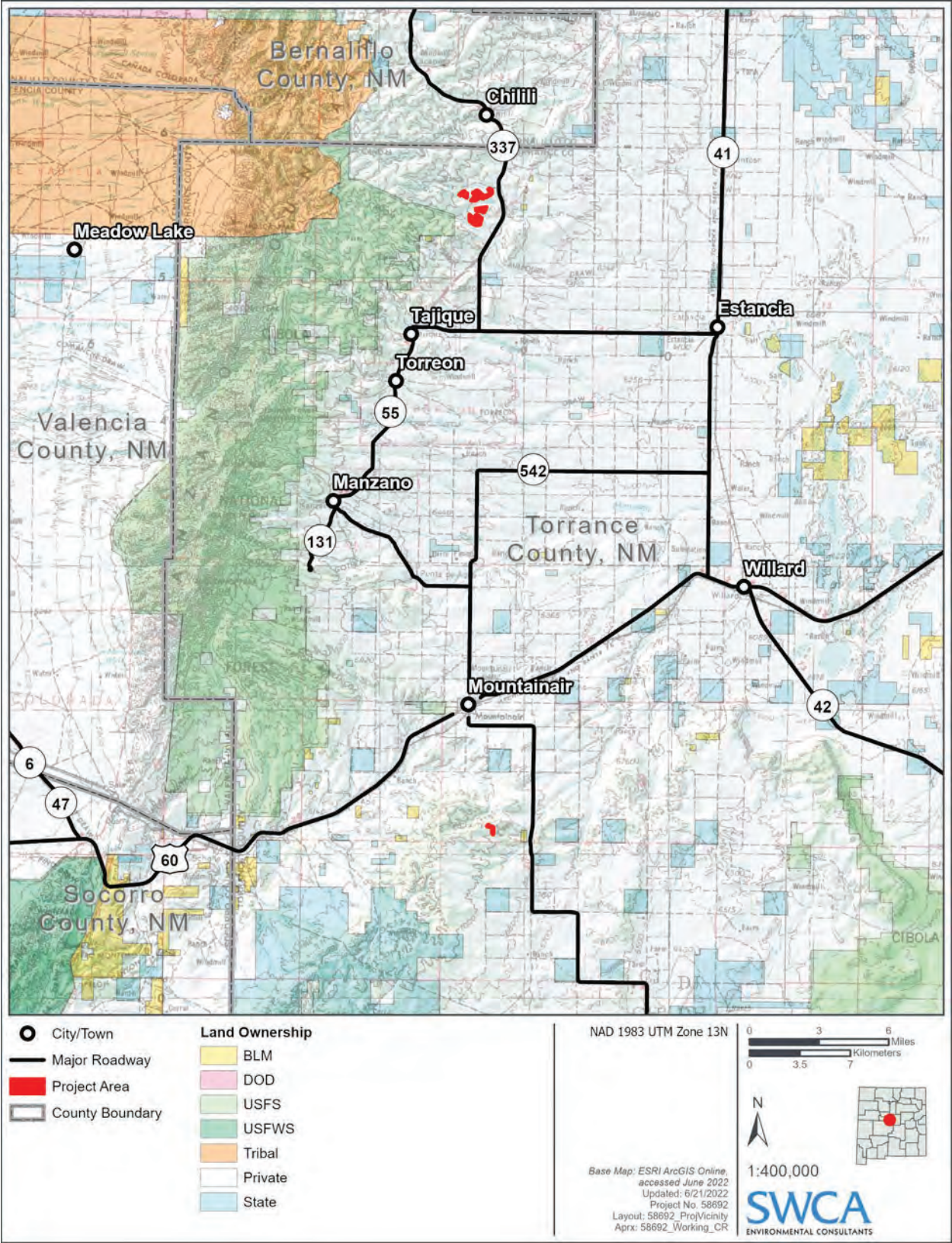


Figure 1. Project vicinity map.



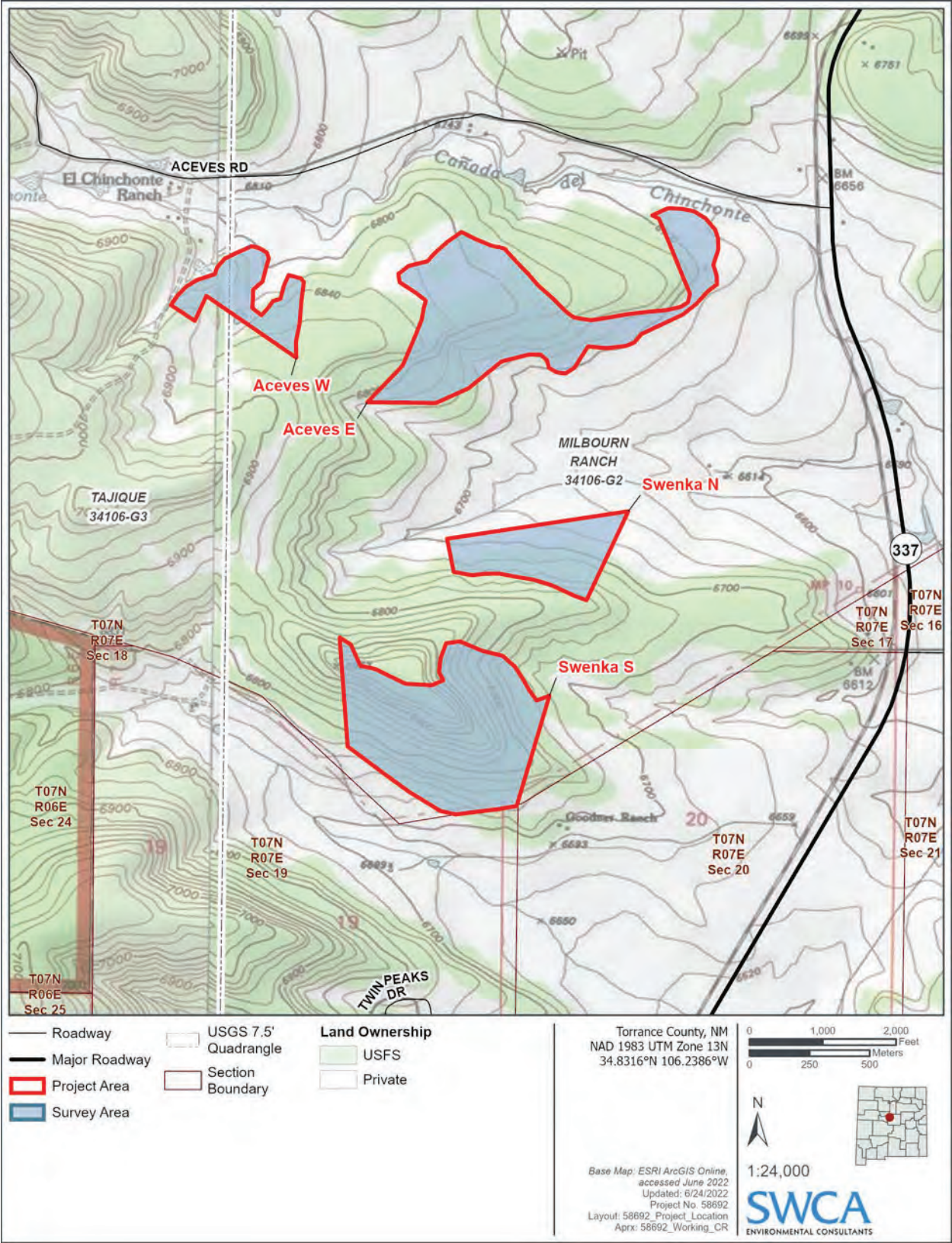


Figure 2. Project location map, 1 of 2.



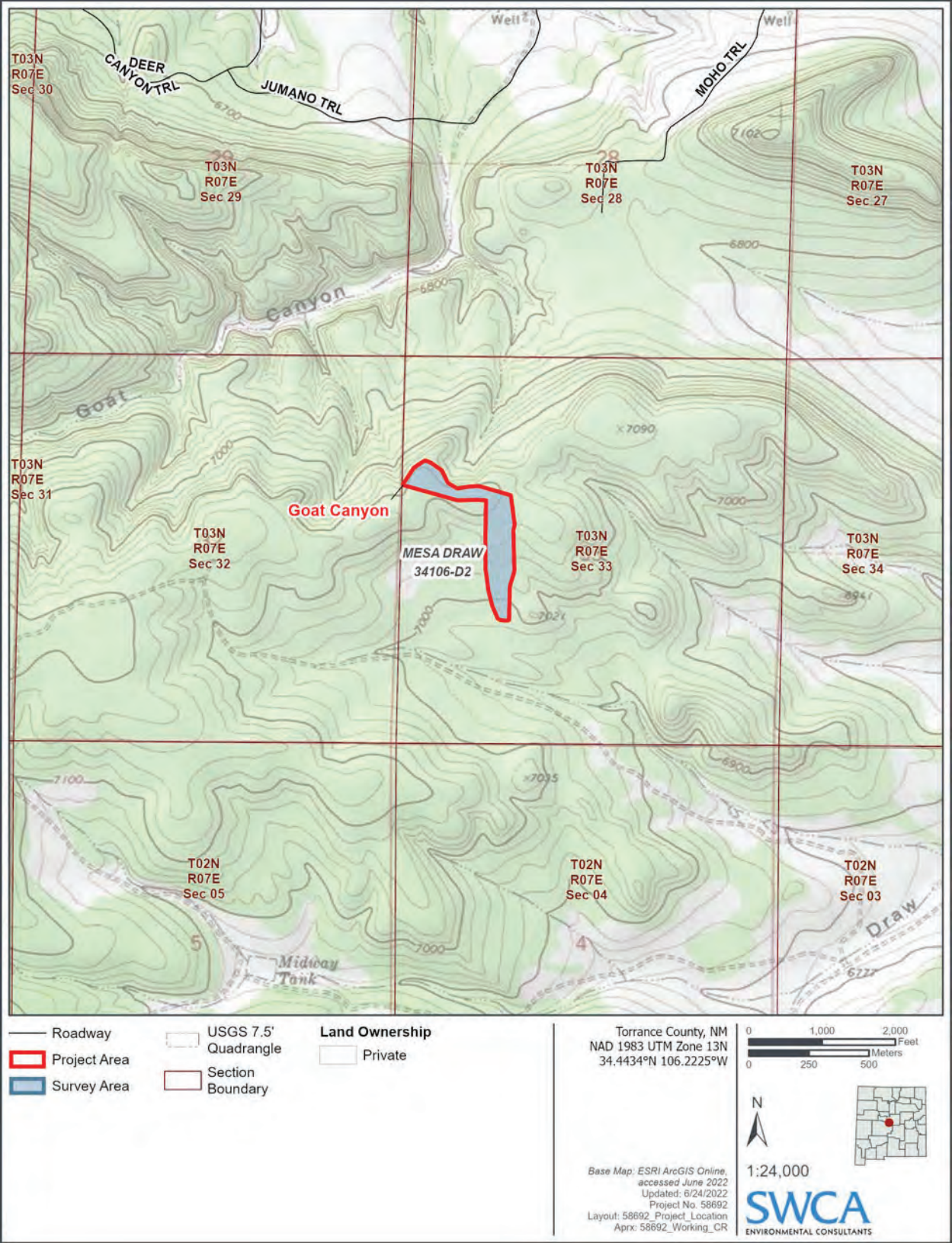


Figure 3. Project location map, 2 of 2.





Michelle Lujan-Grisham  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

August 29, 2022

Robert Scoggin  
U.S. Department of Homeland Security  
Federal Emergency Management Agency  
800 N Loop 288  
Denton, Texas 76209

Re: Section 106 Review Consultation Claunch PinHazardous Fuels Mitigation Project (HPD log 117812)

Dear Mr. Moyer:

I want to thank FEMA for consulting with the New Mexico State Historic Preservation Officer (SHPO) concerning the hazardous fuels mitigation project in Torrance County, New Mexico (HPD log 116727). I have completed a review of the report entitled *Class III Cultural Resources Investigation for the Claunch Pinto Soil and Water Conservation District Fuels Reduction Project In Torrance County, New Mexico* (NMCRI 150475), which identifies and evaluates National Register of Historic Places (NRHP) eligibilities for properties in the undertaking's area of potential effects (APE). This letter provides SHPOs' review comments on the properties identified, the National Register of Historic Places (NHPA) determinations of eligibility, and FEMAs' finding of effects.

The SHPO concurs that LA 201086, LA 201088, LA 201089, LA 201090 and LA 201097 are eligible for listing in the NRHP.

THE SHPO concurs that LA 201082, LA 201083, LA 201093, LA 201094 are not eligible for listing in the National Register of Historic Places

The SHPO does not concur that LA 201084, LA 201085, LA 201087, LA 201091, LA 201092, LA 201095, and LA 201096 are not eligible for the NRHP. It is our opinion that the each of these sites need archaeological test excavations to determine if subsurface cultural deposits are present.

Table 1 summarizes the consultant's recommendations for properties identified and evaluated in the report and the SHPOs' review comments.

Table 1. Summary Determinations of Eligibility

Property	Eligibility		SHPO comments
	Consultant	SHPO	
LA194426	eligible	eligible	
LA201082	not eligible	not eligible	
LA201083	not eligible	not eligible	
LA201084	not eligible	undetermined	Test excavations needed
LA201085	not eligible	undetermined	Test excavations needed
LA201086	eligible	eligible	hand clearing
LA201087	not eligible	undetermined	Test excavations needed
LA201088	eligible	eligible	
LA201089	eligible	eligible	
LA201090	eligible	eligible	
LA201091	not eligible	undetermined	Test excavations needed
LA201092	not eligible	undetermined	Test excavations needed
LA201093	not eligible	not eligible	
LA201094	not eligible	not eligible	
LA201095	not eligible	undetermined	Test excavations needed
LA201096	not eligible	undetermined	Test excavations needed
LA201097	eligible	eligible	

The SHPO concurs with the recommended treatments for the for the NRHP eligible sites. Rather than conducting more archaeological work at the undetermined sites, we recommend that the include hand clearing and that qualified archaeologists place of temporary barriers around the sites to prevent mechanical mulchers from encroaching the site boundaries.

If these treatments are acceptable to FEMA, please respond as soon as possible so we can advance the consultation. We look forward to working with FEMA to advance this important project. If you have any questions, please contact me at 505-819-7609 or bob.estes@state.nm.us

Sincerely,



John R. (Bob) Estes Ph.D.  
HPD Staff Historic Preservation Specialist

From: [Moyer, Robert](#)  
To: [Estes, Bob, DCA](#)  
Cc: [Cook, Dorothy](#); [Scoggin, Robert](#)  
Subject: RE: Claunch Pinto fuel reduction HPD log 117812  
Date: Tuesday, August 30, 2022 12:59:34 PM  
Attachments: [image001.png](#)

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Hi Bob,

FEMA notes that SHPO does not agree with FEMA's determination of eligibility for sites LA 201084, LA 201085, LA 201087, LA 201091, LA 201092, LA 201095, and LA 201096. FEMA and its Applicant accept SHPO's recommended treatment measure for these sites, that fuel reduction be limited to hand cutting, and that a qualified archaeologist place temporary barriers around the sites to prevent mulchers from damaging the sites. FEMA will include this treatment measure as a project condition for the Applicant, and the Applicant's receipt of FEMA grant funding for the Undertaking will be contingent on meeting the project condition.

Please let me know if you have any questions or concerns regarding this issue.

Thanks,  
Robert

Robert Moyer  
Historic Preservation Specialist | Environmental and Historic Preservation | Mitigation – Region 6  
Mobile: (940) 231-5741  
[robert.moyer@fema.dhs.gov](mailto:robert.moyer@fema.dhs.gov)

Federal Emergency Management Agency  
[fema.gov](https://www.fema.gov)



**FEMA**

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**From:** Estes, Bob, DCA <Bob.Estes@state.nm.us>  
**Sent:** Monday, August 29, 2022 6:41 PM  
**To:** Scoggin, Robert <robert.w.scoggin@fema.dhs.gov>; [scoggin@fema.dhs.gov](mailto:scoggin@fema.dhs.gov)  
**Cc:** Ensey, Michelle, DCA <michelle.ensey@state.nm.us>  
**Subject:** Claunch Pinto fuel reduction HPD log 117812

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

Afternoon Robert,



Please find attached to this email SHPOs' review comments for the report entitled *Class III Cultural Resources Investigation for the Claunch Pinto Soil and Water Conservation District Fuels Reduction Project In Torrance County, New Mexico* (NMCRI 150475) for the the Aceves, Swenka, and Goat Canyon fuel reduction projects . Please note that we did not concur with the determinations of not eligible for seven of the archaeological sites evaluated in the report.

Rather than conduct additional work at these sites, we recommend that fuel reduction be limited to hand cutting, and that a qualified archaeologist place temporary barriers around the sites to prevent mechanical mulchers from damaging the sites.

Please respond to our recommendation as soon as possible to avoid delays to project implementation. If you have any questions or comments, please feel free to call me directly at 505-819-7609 or email me.

Regards,

Bob Estes Ph.D.  
NM HPD Historic Preservation Specialist/Archaeology  
407 Galisteo St., Suite 236  
Santa Fe, NM 87501  
505-827-4225



August 23, 2022

RE: Section 106 Review Consultation, FEMA-HMGP-NM-5281-0001 CPSWCD Wildfire Hazardous Mitigation, Claunh Pinto Soil and Water Conservation District, Torrance County, New Mexico  
(34.838473, -106.241525)

To: Representatives of Federally recognized Tribes with Interest in this Project Area

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the New Mexico Ironworks Fire FEMA FMAG-5281-NM, dated March 8, 2019. FEMA is initiating Section 106 review for the above referenced project based on your Tribe's ancestral interest in the project area.

Utilizing HMGP funding, the CPSWCD proposes to thin vegetation in order to reduce the density of fuels, both standing and on the ground prevent the potential spread of wildfire create defensible space around residential areas and critical facilities protect the lives and safety of citizens, protect wildlife habitat across the project areas and promote ecosystem health within the project areas.

The proposed project area encompasses 298.69 acres of private lands referred to as the Aceves, Swenka, and Goat Canyon project areas and proposes the thinning of trees and shrubs through the use of both mechanical and handheld equipment within these areas. Mechanical treatments would include tools and techniques that include thinning of trees with masticators and chainsaws and treating the slash with mechanized equipment such as chippers. Only handheld equipment will be used on the Aceves East and Aceves West proposed project areas. In general, slash material would be chipped in place using a woodchipper, while ensuring that chips are no deeper than an average of 2 inches and no greater than 6 inches in any one spot. Larger diameter material would be hauled away from the project areas.

FEMA has determined that the Area of Potential Effect (APE) for the proposed Undertaking shall include 298.69 acres of private lands referred to as the Aceves, Swenka, and Goat Canyon properties. The Aceves and Swenka properties both contain two distinct areas of proposed thinning totaling 278.69 acres (112.78 hectares) within the Chilili Land Grant, approximately 3.2 miles (5.1 km) south of Chilili (approximate center points: 34.838473, -106.241525 and 34.825924, -106.237243 respectively). Goat Canyon consists of one 20-acre (8.09-hectare) area and is located approximately 5 miles (8 km) south of Mountainair (approximate center point: 34. 442835, -106. 221476).

We are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed Undertaking. Any comments you may have on FEMA's findings and recommendations should also be provided.

FEMA performed a cultural records search using the New Mexico Historic Preservation Division (HPD)'s New Mexico Cultural Resource Information System (NMCRIS) and associated site files, photographs, and maps to identify historic properties and districts in the area. The APE for this Undertaking does not lie within any National Register of Historic Places (NRHP)-listed or NRHP-eligible districts according to the databases listed above. Research conducted on HPD's NMCRIS system also revealed that there is one (1) known archaeological site within and adjacent to the APE. The site overlaps with the Aceves East APE and extends outside of the APE. See below table.

NMCRIS Resource Number	Resource Type	NMCRIS NRHP Eligibility
LA 194426	Archaeological Site	No Determination on File

On nonconsecutive days from April 15 to June 10, 2022, SWCA Environmental Consultants (SWCA) conducted a Cultural Resources Investigation of the full APE, including archaeological survey of the full APE that had not previously been surveyed. SWCA submitted a report to HPD detailing the results of the Investigation (NMCRIS Activity No. 150475).

During SWCA's archaeological survey, they revisited one previously recorded site (LA 194426), identified, and recorded 16 newly discovered archaeological sites (LA 201082 to LA 201097), and documented 55 Isolated Occurrences (IOs). Of the 16 newly recorded archaeological sites, SWCA recommends five sites eligible for the National Register of Historic Places (NRHP), all of which are eligible under Criterion D (LA 201086, LA 201088 to LA 201090, and LA 201097). Of the six sites SWCA recommends eligible for the NRHP under Criterion D (LA 194426, LA 201086, LA 201088 to LA 201090, and LA 201097), five of these sites are located within the Aceves East or West project areas. The project already intends to only use handheld equipment on the Aceves project areas. Therefore, in regard to LA 194426, LA 201086, and LA 201088 to LA 201090, SWCA recommends no heavy machinery such as vehicles be used within the site boundary and that thinned vegetation be removed by hand outside of the site. LA 201097 is located in the Goat Canyon project area. SWCA recommends that vegetation within the site be removed using hand equipment only, with no use of heavy machinery within the site boundary. Thinned vegetation would be removed by hand and chipped outside of the site. SWCA recommends 11 sites not eligible for the NRHP (LA 201082 to LA 201085, LA 201087, LA 201091 to LA 201092, and LA 201093 to LA 201096). No further management was recommended by SWCA in regard to these sites. The IOs are not eligible for the NRHP and also require no further management.

Based on the available information gathered to date through this review process, FEMA concurs with SWCA's site eligibility and management recommendations determining that adherence to the management recommendations provided by SWCA will result in the determination that there will be **No Adverse Effect to Historic Properties** as a result of the Undertaking.

Please provide your comments within 30 days of receipt of this letter. If you concur with FEMA's determination, please sign below. If you notify us that your review identifies cultural properties within the APE, or project work discloses the presence of archeological deposits, FEMA will contact your Tribe to continue consultation.

Topographic maps showing the project vicinity and the project location, as prepared by the Applicant, are attached. our prompt review of this project is greatly appreciated. Should you need additional information please contact Robert Scoggin, EHP Tribal Liaison at [Robert.w.scoggin@fema.dhs.gov](mailto:Robert.w.scoggin@fema.dhs.gov) (202) 716-4139.

Sincerely,

evin Jaynes  
Regional Environmental Officer  
FEMA Region 6

Concurrence by:

Date:

Tribe



## **APPENDIX D**

### **Draft EA Public Notice**

**Federal Emergency Management Agency  
PUBLIC NOTICE**

Notice of Availability of the Draft Environmental Assessment for the Claunch-Pinto Soil and Water Conservation District Fuels Reduction Project, New Mexico, HMGP-DR-5821-0001-NM

Interested persons are hereby notified that the Claunch-Pinto Soil and Water Conservation District (CPSWCD) has applied to the Federal Emergency Management Agency (FEMA), through the New Mexico Department of Homeland Security and Emergency Management, for Hazard Mitigation Grant Program (HMGP) funding under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA's Hazard Mitigation Grant Program 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.

FEMA proposes to provide funding to CPSWCD to conduct mechanical vegetation thinning on approximately 298 acres of private lands within in Torrance County, New Mexico to reduce wildfire hazard around and adjacent to population centers, including residential neighborhoods and local infrastructure. Thinning prescriptions would be designed in accordance with existing fuel loading, topographic constraints, and the use of the Stand Density Index (SDI), to mimic the New Mexico State Forest Division desired forest fuel load conditions and forest treatment standards. The timing of treatments will be dependent on area-specific considerations and seasonal wildlife restrictions.

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 Claunch Pinto Soil and Water Conservation district administrative office, 1206 South highway 55, Mountainair, New Mexico 87036, Monday-Friday, 9am-5pm). An electronic version of the draft EA can be requested from Subha Pandey, FEMA Region 6, at [subha.pandey@fema.dhs.gov](mailto: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 end 30 days from the initial notice publication date **on October ~28, 2022.** Written comments on the draft EA can be mailed, emailed, or faxed to Subha Pandey, Environmental Protection Specialist, FEMA Region 6, FEMA Region 6, 800 N Loop 288, Denton, TX 76209; Email: [subha.pandey@fema.dhs.gov](mailto: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.

## **APPENDIX E**

### **Draft FONSI**



**FEMA**

**FINDING OF NO SIGNIFICANT IMPACT  
CLAUNCH-PINTO SOIL AND WATER CONSERVATION DISTRICT  
FUELS REDUCTION PROJECT  
TORRANCE COUNTY, NEW MEXICO  
HMGP-5281-0001-NM**

**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 the proposed project is to reduce the density of wildfire hazard fuels on private lands in Torrance County, New Mexico, to prevent the potential spread of wildfire, create defensible space around residential areas and critical facilities, protect the lives and safety of citizens, protect wildlife habitat across the project area, and promote ecosystem health. This EA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The Claunch-Pinto Soil and Water Conservation District (CPSWCD) has applied for Hazard Mitigation Grant Program (HMGP) funding through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) under HMGP-5281-0001-NM. Through HMGP, FEMA provides grants to states, territories, Indian tribal governments, and local governments to implement long-term hazard mitigation measures. 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, as amended (Public Law 93-288).

Two project alternatives were considered in this EA: 1) No Action; and 2) Vegetation thinning on approximately 298 acres of private lands in Torrance County, New Mexico (Proposed Action). Under the No Action Alternative, FEMA would not provide funding to reduce wildfire fuel loads in the target area identified in Torrance County's Community Wildfire Protection Plan. Population centers, schools, and nearby structures would continue to be at risk from catastrophic fire events. This alternative would not meet the project purpose and need or the purpose of the HMGP.

The Proposed Action will reduce wildfire fuels within the project area by selectively thinning 298 acres of private lands in Torrance County. The fuels reduction will mitigate the effects of a wildfire moving across the wildland-urban interface into developed areas. The Proposed Action would include mechanical thinning of trees and shrubs at multiple locations. Mechanical treatments would include tools and techniques that include thinning of trees with masticators,



chainsaws, and treating the slash with mechanized equipment such as chippers. In general, slash material would be chipped in place using a woodchipper and ensuring that chips are no deeper than an average of 2 inches and no greater than 6 inches in any one spot. The larger diameter material would be hauled away from the project area. All project areas would be accessed by existing roads; no new roads would be built. All treatments would be conducted on private lands and implemented by private contractors. The timing of treatments would be dependent on area-specific considerations and seasonal wildlife restrictions. Treatments would begin once the environmental analysis process is completed and immediately upon receiving the grant and notification to proceed from FEMA. Treatments are expected to be completed within 1 year, once approval is granted and project implementation begins. After implementing the project, vegetation maintenance in the project areas would be ongoing to maintain desired conditions and to mitigate the wildfire hazard.

A public notice was posted in the local newspaper and on FEMA's website. The draft EA was made available for public comment at a public facility for a 30-day public comment period. 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 impact geology, wetlands and waters of the U.S., floodplains, threatened and endangered species, critical habitat, historic properties and cultural resources, low income and minority populations, or traffic. During vegetation management activities, there are anticipated short-term adverse impacts to soils, air quality, water quality, vegetation, wildlife, visual resources, noise, and public health and safety. Long-term beneficial impacts to soils, wildlife, and public health and safety are expected as a result of the Proposed Action. 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. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other laws and Executive Orders.
2. 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.

### **Soils, Water, and Vegetation Resources**

1. Off-road use of wheeled equipment will occur only during times when soils are dry to minimize soil compaction, soil displacement, and rutting and erosion.
2. To mitigate impacts from soil compaction, off-road use of wheeled equipment will be restricted to using one path in and out of each project area.
3. No chipped materials will be dispersed into water bodies, and no trees will be felled into water bodies.
4. Fuels will not be stored within ephemeral drainages, wetlands, or other water bodies in the project area. Refueling equipment will not be allowed within 100 feet of drainages, wetlands, or other water bodies in the project area.
5. The contractor and their personnel will be briefed, and a responsible party will sign off on local environmental considerations specific to the proposed project tasks.
6. Vehicles and equipment will be cleaned of soil and debris capable of transporting weed seed prior to beginning work in each treatment area to prevent the spread of noxious weeds.
7. The accumulation of chipped materials will be limited to an average maximum of 2 inches deep and no greater than 4 inches deep in any one spot and spread evenly throughout the treatment area. This will allow for grasses and other ground vegetation to grow up through the shredded woody mulch and help retain ground moisture.

### **Air Resources**

1. Vehicle speed on levee roads will be limited to 15 mph, which will also minimize dust.
2. In order to mitigate impacts, all machinery and vehicles used in project implementation will be properly maintained and stored to limit the amount of greenhouse gases that are emitted.

### **Wildlife Resources**

1. In compliance with the MBTA and Bald and Gold Eagle Protection Act, cutting or removing vegetation, including snags, will occur outside of the migratory bird breeding season (March 1–August 31). If vegetation removal cannot avoid the bird breeding season, nesting surveys will be completed prior to project implementation to identify any occupied nests and establish avoidance buffers until the young have fledged.
2. No burning of piles of removed vegetation will be conducted.

### **Cultural and Historic Resources**

1. For cultural resource sites LA194426, LA 201086, LA 201088, LA 201089, LA 201090, LA 201097, LA 201084, LA 201085, LA 201087, LA 201091, LA 201092 LA 201095, and LA 201096 the boundaries of the site will be subjected to hand and mechanical treatments only, with no use of heavy equipment. Vegetation will be removed by hand and chipped outside the site boundary. Temporary barriers will also be placed at these sites to prevent heavy equipment from entering.
2. In the event that archaeological 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 archaeological findings will be secured and access to the sensitive area will be 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), New Mexico Statutes Annotated 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. CPSWCD will immediately notify FEMA and law enforcement agencies of the discovery, which shall notify the Office of the Medical Investigator (OMI) and the State Historic Preservation Office (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 SHPO, who shall proceed pursuant to the Unmarked Burial Statute and its implementing regulations found at 4.10.11 New Mexico Administrative Code. For any questions regarding human remains on state or private land, contact State Archaeologist Bob Estes, (505) 827-4225, Fax (505) 827-6338, bob.estes@state.nm.us.

### **Public Health and Safety**

1. Personnel and public safety will be the highest priority when implementing thinning activities.
2. To minimize potential occupational safety and health risks, construction workers and equipment operators are required to wear appropriate personal protective equipment and to be properly trained for the work being performed.
3. Transport of personnel and equipment will use existing roads.
4. All waste material associated with the project must be disposed of properly and not placed in identified floodway or wetland areas or in habitat for species listed in the ESA.
5. Unusable equipment, debris and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, applicant shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies.
6. To minimize noise disturbance impacts, implementation activities will be limited to occur between the hours of 7 a.m. to 6 p.m., and all equipment and machinery used will meet all applicable local, state, and federal noise control regulations.

### **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

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Regional Environmental Officer  
FEMA Region 6

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Brianne Schmidtke  
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FEMA Region 6