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

FEMA

FINDING OF NO SIGNIFICANT IMPACT
TIERED SITE-SPECIFIC ENVIRONMENTAL ASSESSMENT (SEA)
MORA-SAN MIGUEL ELECTRIC COOPERATIVE
HERMIT'S PEAK/CALF CANYON POST-FIRE DEBRIS REMOVAL PLAN
MORA/SAN MIGUEL COUNTY, NEW MEXICO
4652DRNM - PW00307 - GM737782

BACKGROUND

In accordance with the National Environmental Policy Act (NEPA) of 1969; the Federal Emergency Management Agency's (FEMA) Instruction 108-1-1 for implementing NEPA; and the President's Council on Environmental Quality NEPA implementing regulations at 40 CFR Parts 1500-1508; FEMA prepared a Tiered Site-Specific Environmental Assessment (SEA) to assess the environmental impacts that might result from the removal of wildfire hazardous fuels, composed of dead and down trees or woody material, along electric utility corridors operated and managed by Mora-San Miguel Electric Cooperative (MSMEC). MSMEC's Hermit's Peak/Calf Canyon (HPCC) Post-fire Debris Removal Project seeks funding through the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) under application number PA-06-NM-4652-PW-00307/GM-737782. FEMA's Public Assistance (PA) Program provides supplemental assistance to State, local, Territorial, or Tribal (SLTT) governments and certain types of private nonprofit (PNP) organizations in the form of disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly-owned facilities to better ensure that communities can quickly respond to and recover from major disasters or Presidentially declared emergencies. FEMA public assistance is authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 et seq.

This SEA was tiered from, and incorporates by reference, the findings of the Programmatic Environmental Assessment (PEA) for the State of New Mexico Watershed Resiliency and Post-Wildfire Treatment Projects, including the Finding of No Significant Impact (FONSI) for the PEA which was issued on October 4, 2022. FEMA found that all environmental areas of concern for the proposed project are accounted for in the PEA with the exception of impacts to geological and soil resources. This SEA informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a FONSI.

Two project alternatives were considered in the SEA: 1) No Action Alternative; and 2) Proposed Action Alternative— Conduct debris removal activities of hazardous fuels and down trees along MSMEC power lines within Mora County and San Miguel County, New Mexico.

Under the No Action Alternative, nothing would be done to address the enhanced risk of wildfire due to excessive hazardous fuel loads located within the project area. This alternative would contribute to an increased accumulation of dead and down material, increasing hazardous fuel loads which would intensify the severity of wildfires in the future. This could result in wildfires spreading swiftly and uncontrollably throughout the project area, causing damage and destruction to critical infrastructure and principal points of utility. The risk of wildfire would continue to threaten human health and public safety as well as essential utilities and services provided to local communities.

The Proposed Action Alternative would include conducting the removal of hazardous fuels and the implementation of erosion control measures along 176 miles of MSMEC power lines throughout San Miguel County and Mora County, New Mexico. The reduction of fuels would mitigate the impact of wildfires on power distribution systems, minimizing long-term damage to system infrastructure and disruptions in service while also reducing the spread and intensity of wildfires along the wildland-urban interface. The work would remove approximately 126,324 hazardous trees and woody debris, already down and damaged, that exist within the project area. Project activities would occur within approximately 6,400 acres and be limited to a maximum 300-foot-wide corridor along the MSMEC power lines, spanning private and non-federal lands within the HPCC burn scare. The project area includes a variety of soil types and ecosystems. Portions of the project are located within the 100-year floodplain special flood hazard area and wetlands. The proposed action alternative would have short-term, mostly minor but in some cases up to moderate effects to resources, primarily relating to disturbances from equipment access and removal activities. These effects would be limited by conformance with applicable permits and project conditions. FEMA anticipates that the proposed action alternative will have positive and long-term effects on geological and soil resources through a range of erosion mitigation actions.

A public notice was posted on the MSMEC website and the NMDHSEM website and the SEA was made available for a 15-day public comment period at the following locations: for Mora County - Mora-San Miguel Electric Cooperative, 501 State Highway 518, Mora, NM 87032, Las Vegas Utilities Department 1335 1st Street, Las Vegas, NM 87701 and San Miguel County Offices, 500 W. National, Las Vegas, NM 87701. No comments on the SEA were received from the public during the 15-day comment period.

CONDITIONS

Actions under this SEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determinations inapplicable for the project and could jeopardize the receipt of FEMA funding.

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

- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
- Sub-applicant must coordinate with the local floodplain administrator, obtain required permits prior to initiating work, and comply with any conditions of the permit to ensure harm to and from the floodplain is minimized. All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
- The applicant limits work activities to all of the following recommended best practices, compliance with the National Historic Preservation Act (NHPA) may be streamlined:
- All necessary permits for access points, staging areas, and study sites would be acquired prior to construction activity.

GEOLOGICAL AND SOIL RESOURCES

To avoid and minimize impacts to geological and soil resources, the applicant shall:

- Broadcast chipped and mulched material to a maximum depth of 3 inches above grade to minimize soil erosion, encourage restoration of soil structure, protect exposed/bare soil areas and control invasive species.
- All heavy equipment, transport trucks, vehicles, or equipment should be cleaned of mud and debris prior to mobilization.
- Designate/mark ingress and egress routes for each site. The number and size of entry and exit points for heavy equipment to move into and out of the site should be kept to the minimum needed for conducting operations, while also minimizing soil disturbance.
- Implement Best Management Practices (BMPs) outlined in New Mexico Administrative Code (NMAC) 19.20.4.9 for erosion management
- Minimize the number and size of landings. Landings will be accessible to roads, located on 2 to 5 percent slopes, and will include measures to prevent or minimize discharges directly into a watercourse to within permitting requirements.
- Leave the downed, woody debris in the form of branches and limbs on site for a sufficient time to allow for the natural regeneration of tree seedlings and for soil development as appropriate.
- Cover bare soil with erosion control materials, i.e. slash, erosion control mats, or mulch.
- The applicant must manage all vegetative debris, including staging and disposal, according to established U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) and state agency guidelines and regulations.
- Identify and enforce Streamside Management Areas (SMA) as defined in NMAC 19.20.4.9.
- Monitor for invasive plant species that may colonize burned areas. Known noxious or invasive weed populations will be flagged and avoided during project activities.
- Decontaminate for invasive species on vehicles and equipment before entering the project area and when moving to a new project site if needed.

WATER RESOURCES

To avoid and minimize impacts to water resources, the applicant shall:

- Applicant must coordinate with the local floodplain administrator, obtain required permits prior to initiating work, and comply with any conditions of the permit to ensure harm to and from the floodplain is minimized. All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
- The applicant is responsible for coordinating with and obtaining any required Section 404 Permit(s) from the United States Army Corps of Engineers (USACE) and/or any Section 401/402 Permit(s) from the State prior to initiating work. The applicant must comply with all conditions of the required permit(s). All coordination pertaining to these activities should be retained as part of the project file in accordance with the respective grant program instructions.
- Obtain/maintain a signed Temporary Debris Staging and Reduction (TDSR) Permit from New Mexico Environmental Department (NMED) for all TDSR sites.
- Landings will not occur in sensitive riparian areas or wetlands.

CULTURAL RESOURCES

To avoid and minimize effects to historic properties under NHPA and cultural resources, the applicant shall:

- Flush cut trees or grind stumps to grade level without disturbing the ground surface.
- Not remove root balls and if needed, tip into nesting holes where possible following a flush cut tree removal.
- Use Erosion control mats in proximity to any identified historic properties.
- Leave root balls or stumps in place and take every precaution to ensure they remain in place if loosening or chaining of hydrophobic soils is necessary.
- Not place landings at locations that have known cultural resources
- Minimize ground disturbance to within 4-6 inches of the current ground surface, and to previously disturbed areas.
- Limit all access routes to cutting areas, debris removal access routes, and staging of equipment to improved structures, driveways, and/or previously disturbed rights-of-way (ROW).
- Obtain permits for TDSR Sites from the State Historic Preservation Officer (SHPO) prior to initiating work.
- If human remains or associated funerary objects are found, work must cease immediately in the vicinity of the remains pursuant to state law. Secure the area to protect the remains from further disturbance and contact FEMA and the local law enforcement agency (sheriff's office or city police) with jurisdiction over the area. Law enforcement will contact the Office of the Medical Investigator (OMI). If the OMI determines that the remains are without medicolegal significance, the OMI will terminate jurisdiction to

SHPO. FEMA will, in coordination with the Tribes and with the assistance of a professional archaeologist, determine if the remains can be left in place and protected or if they need to be excavated by an archaeologist holding a permit to excavate unmarked human burials. The Native American Graves and Repatriation Act (NAGPRA) does not apply to private property.

- In the event that archaeological deposits (soils, features, artifacts, or other remnants of human activity) are uncovered, or if archaeological deposits are found in tree root balls during the project, 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 resource. MSMEC shall inform NMDHSEM immediately, will secure all archaeological findings and restrict access to the area. NMDHSEM shall notify FEMA and FEMA will consult with SHPO, THPO and or Tribes with Ancestral Interest representatives as needed. Work in sensitive areas cannot resume until consultations have concluded or until an archaeologist permitted to conduct archaeological survey in the State of New Mexico determines the extent of the discovery.

PROTECTED SPECIES AND HABITAT

To minimize or avoid effects to protected species and habitat, the applicant shall:

- Clean all heavy equipment, transport trucks, and vehicles of mud and debris prior to mobilization.
- If vegetation reduction activities must occur during migratory nesting seasons, the applicant will deploy a qualified biological monitor with experience conducting breeding bird surveys to survey the vegetation management area for nests prior to conducting work. The biologist will determine the appropriate timing of surveys in advance of work activities. If an occupied migratory bird nest is found, work within a buffer zone around the nest will be postponed until the nest is vacated and juveniles have fledged. The biological monitor will determine an appropriate buffering radius based on species present, real-time site conditions, and proposed vegetation management methodology and equipment. For work near an occupied nest, the biological monitor would prepare a report documenting the migratory species present and the rationale for the buffer radius determination and submit that report to FEMA for inclusion in project files.
- Advise all project-related staff (including contractors) on the appropriate implementation of BMPs.
- Define the boundaries of areas containing suitable habitat within the action area.
- Halt any and all activities in an area where it is determined that a potential unauthorized incidental “take” of any species may occur.
- Inspect work areas where suitable habitat or designated critical habitat (DCH) is present to ensure compliance with all BMPs for the duration of the proposed action. In addition, monitor action areas, as appropriate, at the beginning and end of each day for compliance with BMPs.
- Notify FEMA, U.S. Fish and Wildlife Service (USFWS), and New Mexico Department of Cultural Affairs (NMDCA) of any noncompliance with any BMP.

Mexican Spotted Owl

- Avoid work in project areas that overlap designated critical habitat (DCH) for the Mexican Spotted Owl (MSO) between March 1 and August 31.
- Not exceed the ambient noise level for machine noise in the project area within a half mile noise buffer of MSO DCH during MSO nesting season.
- Minimize impacts to terrestrial habitats by using existing roads and cleared staging areas.
- Not conduct low aerial flights over suitable recovery habitats or protected activity centers (PACs) in the project area during MSO nesting season.
- Not use drones (UAS) in or near PACs in the project area during MSO nesting season.

Southwestern Willow Flycatcher.

- Avoid removal of vegetation, particularly dense cottonwood, willow and tamarisk vegetation, in areas with saturated soils or standing water (e.g., streams, rivers, pools, acequias, etc.) for work conducted between August 31 and April 1.
- If identified vegetation must be removed in areas of suitable habitat, native understory plantings will be done where nonnative plants are removed under gallery forest cottonwood trees. Where possible, cottonwoods will be established to provide structural diversity to planting patches
- If construction activities will occur during the flycatcher breeding season, protocol surveys are required to ensure no flycatchers are nesting in the proposed project area that could be impacted by noise disturbance. Should an active nest be found within 0.25 mile of the proposed project area, construction would cease until the nest is no longer active. If an active nest is observed during work activities, the USFWS biologist shall be contacted immediately. Employ a “no treatment zone” within a 1/4 mi buffer of occupied territories for flycatchers. The 1/4 mi buffer area will be well marked for work crews prior to the commencement of work by flagging/taping and these materials must be promptly removed once work is complete.
- Equipment operation will take place in previously cleared areas or where vegetation is particularly sparse and unsuitable for flycatchers and all efforts would be made to minimize damage to native riparian vegetation.
- No native vegetation will be removed in suitable habitat areas.

New Mexico Meadow Jumping Mouse

- Avoid removal of vegetation in areas with saturated soils or standing water (e.g., streams, rivers, pools, acequias, etc.) for work conducted between October and late May.
- Avoid any controlled burning within waterway adjacent wet meadows, where feasible.
- Not create slash piles in waterway adjacent meadows.
- Avoid impacts to streamside herbaceous vegetation composed of sedges and forbs that averages at least 24 inches in height within 100 meters of a waterway.
- Perform stream work between October thru late May during the inactive season for the New Mexico Meadow Jumping Mouse (NMMJM).

- In-stream actions should avoid or minimize to the degree possible travel through the adjacent wet meadow or riparian woody/herbaceous vegetation to access the stream project area.
- When working within suitable NMMJM habitat (i.e., riparian areas along waterways with tall herbaceous vegetation and/or scrub and herbaceous vegetative cover, up to 360 feet from the edges of waterways), workers will minimize ground disturbance by carefully walking through riparian and streamside vegetation, minimizing footsteps to avoid crushing vegetation and day nests used by mice. Where suitable NMMJM habitat is present, no heavy machinery will be operated within 66 feet of the stream edge.

CONCLUSIONS

Based on the findings of the SEA, coordination with the appropriate agencies, 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 SEA may proceed.

APPROVAL AND ENDORSEMENT

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