

FEMA
FINDING OF NO SIGNIFICANT IMPACT
The State of New Mexico Watershed Resiliency and Post-Wildfire Treatment Projects

BACKGROUND

The Federal Emergency Management Agency (FEMA) makes federal assistance available to state, local, tribal, and territorial governments and certain private nonprofit entities under the Public Assistance and Hazard Mitigation Assistance Programs. These non-Federal entities are the recipients and subrecipients of FEMA's grant programs. FEMA's grant programs foster the protection of health, safety, and welfare of citizens, assist communities in recovering from damages caused by disasters and reduce future losses resulting from natural disasters. Public Assistance grants are used to repair or restore disaster-damaged facilities or make other site improvements and may include mitigation measures along with repair in accordance with Section 406 of the Stafford Act. Hazard Mitigation Assistance encompasses several pre-disaster grant programs that support action that reduces or eliminates long-term risk to people and property from future disasters.

FEMA is required during decision making to evaluate and consider the environmental consequences of its federal actions, in accordance with The National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality regulations implementing NEPA; the Department of Homeland Security (DHS) Directive 023-01, Revision 01 and DHS Instruction 023-01-001-01, Revision 01; and FEMA Directive 108-1 and FEMA Instruction 108-1-1. The purpose of the Programmatic Environmental Assessment (PEA) was to provide the basis for decisions to approve a broad range of actions related to watershed resiliency and post-wildfire treatments in the State of New Mexico (NM), that can be applied to subsequent tiered reviews. The PEA also includes a discussion of the Federal decision-making process, agency coordination, and public participation in determining whether to revise the PEA, withdraw the PEA, prepare this Finding of No Significant Impact (FONSI), or initiate an Environmental Impact Statement. This PEA facilitates compliance with NEPA for a range of proposed actions that promote watershed resiliency and post-wildfire actions in NM, regardless of FEMA funding source.

If a future project is consistent with the scope and effects described in the PEA, then FEMA will prepare a Record of Environmental of Consideration (REC). The REC will refer to the PEA in its analysis, address site-specific conditions, evaluate effects relating to other project elements, list any mitigation measures, and document compliance with applicable environmental and historic preservation laws. FEMA will prepare an Environmental Assessment tiered from the PEA if a future project is consistent with the scope described in the PEA, but creates effects not described herein; creates effects greater in magnitude, extent, or duration than described herein; or requires mitigation measures to minimize effects that have not been described in the PEA.

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PROJECT DESCRIPTION

FEMA evaluated two scenarios in the PEA; a no action alternative as a benchmark, and the proposed action alternative, a range of collectively evaluated potential actions that improve watershed functioning and reduce the risk of loss of life, protect infrastructure, and increase resiliency to future wildfires in NM. Under the no action alternative, FEMA would continue to rely on the allowances provided in the FEMA and DHS categorical exclusions (CATEX) categories to evaluate watershed resiliency and post-wildfire treatment projects. The range of potential actions collectively identified as the proposed action alternative broadly includes: vegetative thinning, hazardous tree removal, and noxious weed abatement; restoration and reforestation of fire-adapted vegetation types; restoration of riparian areas; post-wildfire hillslope stabilization treatments; post-wildfire channel treatments; post-wildfire road, culvert, and trail flow diversion treatments; post-wildfire ash, sediment, and debris removal and infrastructure repairs; structure demolition, relocation, or alteration; and hydraulic capacity improvements and protection of water infrastructure. The spatial and temporal scope for the PEA includes a total project footprint not to exceed 500 acres per project and are initiated within a five year period. For the purposes of FEMA environmental compliance review, project initiation begins when the Office of Environmental Compliance and Historic Preservation has received the project for review.

SUMMARY OF POTENTIAL EFFECTS

Section 6.0 of the PEA includes a summary of effects to resource areas evaluated under the PEA. The proposed action alternative has short-term, mostly minor but in some cases up to moderate effects to resources, primarily relating to construction disturbances for post-wildfire treatments. Moderate effects are measurable locally or regionally, positive, or negative, and where negative, effects would be limited with conformance with applicable permits and project conditions, discussed in Section 7.0 of the PEA. FEMA anticipates that the proposed action alternative will have positive and long-term effects on watersheds in NM, based on a potential for increased resiliency of watersheds to mitigate the primary effects of wildfire and secondary effects experienced during monsoon rains, such as flooding, erosion, and debris flows. Permit and project conditions are included in Section 7.0 of the PEA and include measured such as using erosion and sedimentation controls, and re-seeding using native species.

PERMITS & PROJECT CONDITIONS

A summary of permits and project conditions are discussed in Section 7.0 of the PEA. FEMA's grant subrecipients are responsible for obtaining all applicable Federal, state, and local permits and other authorizations and adhering to permit conditions for project implementation prior to construction. Subrecipients are responsible for providing copies of permits to the recipients and FEMA prior to project closeout and should do so upon obtaining them. Any substantive change

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to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA, other laws, and Executive Orders. The subrecipients must not exceed the thresholds described in Section 10 of the PEA during project implementation without notifying FEMA in advance.

The subrecipients must also adhere to project-specific conditions as documented in the REC during project implementation. FEMA expects the following conditions are applicable to all project scopes of work covered by the PEA. Failure to comply with grant conditions may jeopardize Federal funds:

1. The subrecipients are responsible for completing state and local environmental and land use reviews in accordance with federal, state, and local regulations.
2. The subrecipients may be required to obtain an air permit based on the size and duration of construction projects or operation of supplemental power generation. Best Management Practices applicable to minimizing effects to air quality shall be incorporated, including limiting vehicle idling, utilizing fugitive dust suppression techniques, such as those outlined in the New Mexico Administrative Code for fugitive dust control.
3. The actions covered by the PEA may require authorization from the United States Army Corps of Engineers prior to conducting work. The subrecipients are responsible for obtaining all necessary federal permits and complying with all conditions of the permit including but not limited to notification and signature requirements to insure validation of permits.
4. The subrecipients may be required to obtain National Pollution Discharge Elimination System permits prior to construction, if applicable to the project.
5. Subrecipients must comply with any requirements and avoidance measures pursuant to Section 7 of the Endangered Species Act. If protected species are observed during construction, activities that could result in harm or disturbance must stop immediately and the subrecipient must notify the recipient and FEMA. The United States Fish and Wildlife Service may require FEMA to conduct additional consultation. Subrecipients must minimize the introduction or spread of invasive species, including decontamination procedures on vehicles and equipment, and using weed-free products.
6. The subrecipients must follow the conditions resulting from consultation with the NM State Historic Preservation Office (SHPO) and Tribal Nations, where appropriate. If unexpected archaeological resources are encountered during construction, the subrecipient must stop work and notify the recipient and FEMA. FEMA will determine what additional consultation with the SHPO, and the Tribal Nations are required, and what additional conditions or avoidance measures may apply.

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7. The subrecipient must follow the conditions and requirements of the New Mexico Department of Transportation (NMDOT) or federal agency with respect to appropriate seed selection revegetation zones and temporary road closures permits and requirements, where project sites intersect with NMDOT jurisdiction.
8. The subrecipients must follow all permit conditions and manufacture guidelines applicable to the handling and application of any hazardous substances used in connection with actions evaluated in the PEA.
9. The subrecipients must incorporate all health and safety conditions applicable to minimizing effects to health and safety in site-specific health and safety plan.

PUBLIC INVOLVEMENT

The PEA was made available for agency and public review and comment for a period of 30 days, concluding on September 29, 2022. The public Notice of Availability for review of the PEA was published by FEMA in the Albuquerque Journal and Santa Fe New Mexican, on August 29, 2022. The PEA and Spanish translation of the public notice were also available on the following platforms:

- FEMA’s NEPA Repository at: <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/nepa/programmatic-environmental-20> and in Spanish at, <https://www.fema.gov/es/emergency-managers/practitioners/environmental-historic/nepa/programmatic-environmental-20>
- The FEMA website for the New Mexico Wildfires and Straight-line Winds DR-4652-NM, under the News and Media page at: <https://www.fema.gov/disaster/4652/news-media>
- The FEMA Region 6 Twitter feed at: <https://twitter.com/FEMARegion6>
- The FEMA Region 6 Facebook page at: <https://www.facebook.com/femaregion6/>

The PEA reflects the evaluation and assessment of the federal government, the decision maker for the federal actions, taking into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public was invited to submit written comments by email or by mail. Comments on the PEA could be emailed to FEMA-R6-EHP@fema.dhs.gov noted with the subject line, “New Mexico PEA 2022”, or mailed to FEMA Region 6, 800 North Loop 288, Denton, Texas 76209 Attn: Environmental Planning and Historic Preservation - REO.

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FINDINGS

FEMA did not receive any comments from the public on the PEA during the 30-day comment period. FEMA did receive comments on the PEA from two agency partners, the New Mexico Environment Department, Surface Water Quality Bureau, and the United States Agriculture Department, Farm Service Agency. The comments received from the two agencies were posed to clarify the PEA text and did not result in FEMA making substantive changes to the PEA.

Therefore, in accordance with NEPA and the FEMA Directive and Instruction, FEMA has determined that the evaluated actions will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the actions as described in the PEA may proceed. This FONSI serves as the final public notice for the PEA.

APPROVED AND ENDORSEMENT:

**KEVIN R
JAYNES**

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Kevin Jaynes
Environmental Officer
FEMA Region 6

**BRIANNE M
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Brianne Schmidtke
Hazard Mitigation Assistance Branch Chief
FEMA Region 6

**DONALD J
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Donald Simko
Public Assistance Branch Chief
FEMA Region 6

Programmatic Environmental Assessment for The State of New Mexico Watershed Resiliency and Post-Wildfire Treatment Projects

October 2022



FEMA

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