

EXECUTIVE ORDER 11988/11990
FLOODPLAIN MANAGEMENT/WETLANDS – CHECKLIST (44 CFR Part 9)

APPLICANT:	Mora San Miguel Electric Cooperative (MSMEC)
COUNTY/STATE:	Mora and San Miguel Counties/New Mexico
COORDINATES:	Erosion control measures spanning 176 miles across Mora and San Miquel Counties. <u>Temporary Debris Staging and Reduction Sites (TDSR) Locations:</u> <ul style="list-style-type: none">• Buena Vista (35.9127777778, -105.2513888889)• Ortiz (35.557359, -105.239016)
PROPOSED ACTION:	Work will involve application of erosion control measures following hazardous tree removal within rights-of-way (ROW). Trees will be either chopped and dropped for final disposal or taken to one of two TDSR sites for reduction/chipping. All excess chips would be transported via truck to commercial composting facilities throughout New Mexico. Erosion control will include use of structures such as water bars, berms, and repurposing mulch by broadcasting to stabilize soils in the project area.

STEP NO. 1	Determine whether the proposed action is located in the 100-year floodplain (500-year floodplain for critical actions) and/or wetland; (44 CFR §9.7).
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FLOODPLAIN

Portions of the project may be located within the 100-yr floodplain. The proposed project is for the installation of erosion control measures (use of water bars, berms, and broadcasting mulch) along electrical distribution system and ROW extending throughout Mora and San Miguel counties. Work may traverse through Flood Insurance Rate Map (FIRM) panels

3500430015B, 35047C0075D, 35047C0450D, 35047C0850D, and 35047C0475D dated August 1, 1987 and December 3, 2010.

Per FIRM panel 35047C0886D dated December 3, 2010, the Ortiz TDSR site is located outside the 100-year flood zone and the activity does not adversely affect floodplain values.

Per FIRM panel 3500430015B dated August 1, 1987, the Buena Vista TDSR site is located outside the 100-year flood zone and the activity does not adversely affect floodplain values.

Per 44 CFR part 9.5(c)(12) debris removal is exempt from floodplain management review.

WETLAND

A review of the National Wetland Inventory (NWI) online mapper, accessed on May 14, 2025, for the TDSR sites (Buena Vista: 35.9127777778, -105.2513888889; Ortiz: 35.557359, -105.239016) indicates that the areas are not located within nor do they affect a designated wetland.

Per 44 CFR part 9.5(c)(12) debris removal is exempt from wetland management review.

Portions of the project may be located within wetlands. The proposed project is for the installation of erosion control measures (use of water bars, berms, and broadcasting mulch) along electrical distribution system and ROW extending throughout Mora and San Miguel counties.

STEP NO. 2

Notify the public at the earliest possible time of the intent to carry out an action in a floodplain/wetland, and involve the affected and interested public in the decision-making process; (44 CFR §9.8)

Initial Disaster Public Notices were published on June 7, 2022 and October 14, 2022 on FEMA's website (<https://www.fema.gov/disaster-federal-register-notice/dr-4652-nm-ehp-public-notice-001>). A Public Notice for the Programmatic Environmental Assessment for The State of New Mexico Watershed Resiliency and Post-Wildfire Treatment Projects (NM PEA, FEMA 2022) from which the broader project analysis is tiered, was published on August 30, 2022 on FEMA's website (<https://www.fema.gov/disaster/4652/news-media>). The NM PEA Public

Notice was also published on August 29, 2022 by the New Mexico Historic Preservation Division on their Facebook page. The Draft SEA Public Notice was published on May 28, 2025.

STEP NO. 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain/wetland (including alternatives sites, actions and the "no action" option). (44 CFR §9.9)

The NM PEA, FEMA 2022 was prepared, and a Finding of No Significant Impact (FONSI) was issued on October 4, 2022, pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969. A Tiered Site-Specific Supplemental Environmental Assessment (SEA) was developed to assess possible environmental impacts for debris removal activities, staging, and erosion control measures proposed under FEMA PA-06-NM-4652-PW-00307/Grants Manager-737782 by MSMEC. Work proposed would exceed the acreage threshold for soils and geological resources outlined in the NM PEA. Floodplain and wetland thresholds would not be exceeded. The debris removal activities are exempt from floodplain and wetland management review (44 CFR part 9.5(c)(12)) and the TDSR sites are located outside the floodplain and wetland. Debris would not be staged, stored, or disposed of in the floodplain without obtaining a letter/permit from the state or local floodplain administrator prior to initiating work. Therefore, the only actions that will be reviewed further for floodplain management will be the erosion control measures.

Two alternatives were considered under the SEA, the No Action Alternative and Proposed Action Alternative.

Under the No Action Alternative, measures would not be taken to address the soil stabilization following debris removal. Implementation of the No Action Alternative would increase the risk of wildfire, which could have short-term significant impacts to water quality and long-term impacts to floodplain characteristics through erosion and increased debris flow, heightening the frequency and intensity of flooding events.

The Proposed Action Alternative would remove hazardous tree/vegetative debris along 176 miles of MSMEC power lines (4,356-acre project area) and ROW. This work is largely exempt or occurring outside the floodplain and wetland. However, the work would also include the installation of erosion control and soil stabilization measures such as the use of water bars, berms, and broadcasting mulch. This work is subject to review

under 44 CFR §9 given that some work would likely occur within or impact the floodplain and wetland due to the extent of project area. The erosion control measures are considered best management practices (BMP) in NM to avoid negative impacts to floodplain and wetland resource areas. There are no practicable alternatives outside the floodplain and wetland or any alternatives that would avoid impacts, given the impacts are positive in nature.

STEP NO. 4

Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains/wetlands and the potential direct and indirect support of floodplain/wetlands development that could result from the proposed action; (44 CFR §9.10)

There are no negative direct or indirect impacts as a result of the erosion control measures. There will be long-term and short-term limited positive impacts resulting from erosion control measures which limit the quantity of sediment being eroded from and leaving the debris removal sites. The work would improve hydrology/hydraulics within the floodplain and enhance water infiltration by restricting sedimentation in floodplains and wetlands; thereby restoring and/or preserving the natural and beneficial values served by floodplains/wetlands.

The work would avoid long and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands. The work would result in an increase to the useful life of MSMEC utilities.

The proposed action would be in compliance with the NFIP (see 44 CFR Part 59 seq.) and state BMPs. The work would not increase the risk of flood loss, base discharge, or flood hazard potential to other properties or structures. The work would also not induce future growth and development in floodplains or wetlands or result in the discharge of pollutants into those areas.

STEP NO. 5

Minimize the potential adverse impacts and support to or within floodplains/wetlands to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains/wetlands; (44 CFR §9.11)

The project includes mitigation measures consisting of installation of erosion and sediment control measures. These measures are intended to restore and preserve the natural and beneficial values of the floodplain and wetland.

The applicant would be required to 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. Prior to initiating work in a given area, the applicant would be required to identify wetlands and implement BMPs to prevent erosion and sedimentation to surrounding, nearby or adjacent wetlands. This includes equipment storage and staging of construction to prevent erosion and sedimentation to ensure that wetlands are not adversely impacted per the Clean Water Act and Executive Order 11990.

STEP NO. 6

Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain/wetlands values and second, if alternatives preliminarily rejected at Step 3 are practicable in light of the information gained in Steps 4 and 5. (44 CFR §9.9)

The action would remain practicable given the benefits to the floodplain and wetland which avoid flood risk and would not disrupt the natural values of the floodplain and wetland.

The No Action Alternative would have cascading negative impacts to the natural values and services provided by the floodplain and wetland. No action would also increase the risk of flood loss to nearby properties and infrastructure due to potential for slope failure, increased debris flows, and reduced/obstructed capacity for flow. The minimization of harm to or within the floodplain and wetlands would be achieved using all practicable means and therefore, the actions occurring within the floodplain and wetland align with the purpose and intent of the requirements outlined under the executive orders (EO) 11988 and 11990.

STEP NO. 7

Prepare and provide the public with a finding and public explanation of any final decision that the floodplain/wetland is the only practicable alternative; and (44 CFR §9.12)

The Individual Public Notice for the SEA will serve as the Final Public Notice for EO 11988/11990.

STEP NO. 8

Review the implementation and post - implementation phases of the proposed action to ensure that the requirements stated in Section 9.11 are fully implemented. Oversight responsibility shall be integrated into existing processes. (44 CFR §9.11)

The applicant will be required to adhere to all conditions of the federal grant which would include specific requirements for work within floodplains and wetlands. The grant would be conditioned for additional pre and post-implementation reviews and project monitoring to oversee compliance EO 11988/11990. 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 could jeopardize federal funds.

