



**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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Kevin Jaynes  
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