

Final Environmental Assessment

Rincon Baker St. Extension

Dona Ana County, New Mexico

FEMA-1659-DR-NM

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FEMA

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800 North Loop 288

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**Final Environmental Assessment
Rincon, NM Emergency Group Temporary Housing
Rincon, Dona Ana Co., NM
FEMA-1659-DR-NM**

A. Introduction

President Bush declared a major disaster for the State of New Mexico due to damages from a flood event and signed a disaster declaration (FEMA-1659-DR-NM) on August 30, 2006, authorizing the Department of Homeland Security's Federal Emergency Management Agency (FEMA) to provide federal assistance in designated areas of NM. FEMA proposes to administer this disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), PL 93-288, as amended. Section 408 of the Stafford Act authorizes FEMA's Individual Assistance Program to provide emergency temporary housing for disaster victims whose homes are uninhabitable or destroyed as a result of the declared event.

This Final Environmental Assessment (EA) has been prepared to address on-site regulatory issues and represents prudent efforts to fully document proposed actions and subsequent project related impacts. To the extent practical, adherence to and consideration of the requirements of the National Environmental Policy Act (NEPA) were used during the development of this document. The President's Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508); and FEMA's regulations implementing NEPA (44 CFR 10.9) provide additional guidance tiered to NEPA. The purpose of this EA is to analyze potential environmental impacts of the proposed emergency group temporary housing site at 2 adjacent tracts near Rincon, NM, as part of an expedited review process. FEMA will use the findings in this EA to determine whether potential project impacts warrant the preparation of a Notice of Intent (NOI) indicating the need to prepare an Environmental Impact Statement (EIS) or if a Finding of No Significant Impact (FONSI) can be issued for the proposed project.

B. Purpose and Need

As a result of the damages from severe storms and flooding an extraordinary demand for housing assistance in Dona Ana County exists. The purpose of this action is to fulfill FEMA's mandate under the Individual Assistance Program to expeditiously provide temporary housing for eligible disaster victims. To date, about 929 requests for federal assistance have been received for Dona Ana County. Of these requests, approximately 434 are from residents of the City of Hatch. At this time, approximately 91 applications for housing assistance have been received for the County. The number of applications for housing assistance specifically for City of Hatch is 50 at this time.

C. Environmental Review Process

In order to meet the urgent needs of disaster victims in need of temporary housing, FEMA has implemented an expedited environmental review process. The purpose of this document is to assist FEMA in fulfilling its environmental review responsibilities under NEPA and serve as a vehicle to document compliance under other applicable environmental laws. Laws and Executive Orders addressed through this EA include: the Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), Executive Order 12898 (Environmental Justice), and Farmland Protection Policy Act. Other resource areas or issues evaluated in this EA include noise, visual resources, traffic, socioeconomics, safety and security, air quality, and hazardous and toxic waste.

The scope of FEMA's environmental review includes evaluating project alternatives, characterizing the affected environment, identifying potential environmental impacts, and outlining ways to reduce or minimize adverse affects. This EA examines the site-specific environmental impacts associated with building a proposed FEMA group housing park.

This EA was prepared based on a cursory site evaluation, document research, and agency information. An electronic version of the EA was provided to interested agencies and the general public for comment. Comments were incorporated into the final EA. The public participation period was brief, as necessitated by the emergency circumstances. Agency coordination and consultation were deemed complete at the end of the public comment period and upon signing of the FONSI. FEMA believes that this process allowed for sufficient action analysis and met the goal of providing timely federal assistance to disaster victims.

D. Site Selection Process and Alternatives

NEPA requires investigation and evaluation of reasonable project alternatives as part of the project environmental review process. At a minimum, FEMA's NEPA implementing regulations require the No Action and Proposed Action alternatives be evaluated. Additional alternatives that meet the Purpose and Need of the project may also be considered. Any alternatives considered through impacts analysis must be evaluated at comparable levels of detail. Concurrent to the Proposed Action, federally assisted housing options, including minor home repairs, rental assistance and locating a travel trailer or mobile home on a private site or in an existing park, are being exhausted first for those requesting housing assistance in the impacted area. These options rapidly deplete with the demand, accordingly, a remaining alternative is to build an emergency group temporary housing site where the above options do not satisfy the demand.

In order to expedite the group housing site selection process, FEMA's contractors initially reviewed available aerial photos and maps, conducted site reconnaissance field surveys, and contacted state and local officials to identify potential sites. Factors considered in choosing a site included: demand for temporary housing in that area, site topography, property owner willingness, cost, past land use, if it is already planned for development, access to existing utilities, engineering feasibility, and environmental/cultural resource sensitivities. FEMA continues to evaluate alternative sites in Dona Ana Co. Although various alternatives have been and continue to be identified, the extraordinary amount of needed housing have limited this EA to analysis of one suitable site alternative at this time. The Rincon County tracts and adjacent property site was selected for further analysis because it meets specific site selection criteria.

Alternative 1- No Action Alternative

Under the No Action alternative, FEMA would not develop a group temporary housing site for this area. Displaced residents would continue to stay with relatives/friends, in hotels, or other temporary locations until they resolve their own long-term housing needs.

Alternative 2 – Develop Rincon Co. and adjacent tract with Pre-Fabricated Dwellings (Proposed Action)

The Proposed Action would provide group housing for eligible disaster victims displaced by a flood event in Hatch, NM. The proposed action, known as Rincon Baker Street Extension, is located at the end of Baker and Harlan Streets. FEMA contractors have been tasked with constructing a new manufactured home park (hereafter the “Park”) of approximately fifty (50) Manufactured Homes. The land would be leased by the General Service Administration. At this time, Park occupancy is expected to not exceed 18 months. New utilities would be installed, including connecting potable water and electrical service to existing infrastructure. The site construction will consist of 20 foot wide “chip and seal” asphalt roads, all unit pads will be leveled, compacted and attached to new utility connections. Sewer connections will be made through a gravity-feed system to the existing municipal system. Water lines will be installed underground at a depth to prevent freezing and will be connected to the existing municipal water system. Electrical service will also be buried and attached to existing commercial electrical supplies. All units will be leveled, blocked and secured in accordance with existing regulations. Storm water runoff detention ponds will be provided to mitigate for the proposed impervious cover and to protect the downstream property owners. When the temporary housing need has ended, FEMA expects that the trailers would be hauled from the site, to suitable locations elsewhere (to be determined on case-by-case basis). The Park site would then be seeded and restored to previous conditions, to the extent practicable, and/or used by the landowner in a manner consistent with county zoning classification.

The site consists of approximately 17 acres (i.e., 2 adjacent tracts of 3 and 14 acres) consisting of some previously graded areas and some typical desert landscape vegetation. For the purposes of this EA, both tracts were discussed as one tract due to project type and adjacency. Both sites, however, are described separately below.

Rincon County tracts

Description - These tracts are several undeveloped blocks adjacent to the City Fire Station comprising about 3 acres. Street rights of way are shown crossing between the tracts without improvements except for sewer. If the ROW is available for use or at least as the driveways to the units, then that additional land is available for units. About 25 units will fit on to this tract. The tracts are protected from upgrade properties by a ditch and berm. The tract is basically flat and graded.

Rincon I-25 tract

Description - This tract is immediately north of the county tracts, across the berm and ditch. It has significant frontage on I-25. Portions of the site have been graded while the rest is in a relatively natural state with mesquite dunes and scrub vegetation. The tract is about 14 acres and is adjacent to an arroyo on the west side. The tract falls gently from the interstate to the existing Rincon streets and houses. 75 to 100 units would fit onto this tract. Combined with the county tracts, 100 units would clearly be accommodated.

Alternative 3 – Other sites

Several other properties were reviewed as possible locations for this project. The following is a brief discussion of these sites and the reasons that the site was not chosen as the primary location. These sites would require further environmental evaluation and documentation to be used as an expansion or alternate location for this project.

Salem Ball Field Site – About a 9 acre tract in the Village of Salem that has been previously disturbed and graded; this site would accommodate about 50 trailers. Minimal environmental, cultural, access, drainage issues are likely to be encountered. Utility service to the site, particularly water supply is questionable and is the reason the site was not pursued further.

Rincon Grain Mill Site – This is a large flat site that could accommodate 100 units and is currently used as an alfalfa field. This site does not have significant environmental or cultural issues. The site was not pursued primarily because access to the site is across a railroad through a private drive which will limit the number of routes to the site and it is remote from other community services; wastewater service to the site does not exist.

Hatch Industrial Site – This is a large tract, currently undeveloped, several miles from Hatch in an area zoned for industrial development. The tract could accommodate 100 units and water and electrical services are available. The site was not pursued because of its remoteness to other community services and lack of wastewater service. Environmental and cultural resources were only minimally reviewed.

All properties reviewed under alternative 3 were eliminated from detailed analysis in the EA.

E. Affected Environment and Environmental Consequences

The following summarizes the results of the environmental review process for the Proposed Action. Potential environmental impacts that were found to be negligible are not evaluated further. When applicable, mitigation measures that would reduce potential adverse effects are incorporated in Park development and required as conditions for the project to proceed. Definitions of the impact intensity are described below:

Negligible: The resource area (e.g., geology) would not be affected, or changes would be either non-detectable or if detected, would have effects that would be slight and local. Impacts would be well below regulatory standards, as applicable.

Minor: Changes to the resource would be measurable, although the changes would be small and localized. Impacts would be within or below regulatory standards, as applicable. Mitigation measures would reduce any potential adverse effects.

Moderate: Changes to the resource would be measurable and have both localized and regional scale impacts. Impacts would be within or below regulatory standards, but historical conditions are being altered on a short-term basis. Mitigation measures would be necessary and the measures would reduce any potential adverse effects.

Major: Changes would be readily measurable and would have substantial consequences on a local and regional level. Impacts would exceed regulatory standards. Mitigation measures to offset the adverse effects would be required to reduce impacts, though long-term changes to the resource would be expected.

Alternative 1- No Action Alternative

The No Action alternative will not impact the existing environment, as no site preparation or construction would occur for temporary emergency housing purposes. This alternative would preclude the federal government from adequately addressing the urgency of providing temporary and transient emergency housing. Consequently, displaced disaster victims would have to remain in the temporary housing they have acquired through their own resources and possibly far from the original homes. The short and long term recovery of flood victims and their communities would be further compounded by fewer housing options. They would continue to suffer social and economic stresses related to the disaster recovery.

Alternative 2 – Develop Rincon Tracts with Pre-Fabricated Dwellings (Proposed Action)

The Proposed Action would provide group housing for eligible disaster victims displaced by a flood event in Hatch, NM. Disaster victims would be temporarily relocated to the site with an expected occupancy up to 18 months and may include up to 100 pre-fabricated dwellings. Table 1 discusses the affected environment and environmental consequences associated with this EA for both sites (i.e., Rincon County tracts and the I-25 tract).

Table 1. Affected Environment and Environmental Consequences Matrix for Rincon, NM, proposed sites.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Geology and Soils	X				Potential for localized increase in soil erosion during construction. (See water quality section F.) Potential for wind blown soils movement. Soils in this property are primarily of the Nickel-Badland Complex. No soils qualifying as prime or unique farmland soils occur within the area of the proposed action (Bulloch and Neher, 1980), thus no impacts to prime farmland is associated with the proposed project and the Farmland Policy Protection Act is not applicable.	National Pollutant Discharge Elimination System (NPDES) stormwater construction permit to be obtained by construction contractor.	Implement construction Best Management Practices (BMPs). Install silt fences/straw bales to reduce sedimentation. Area soils will be wetted during construction to minimize wind erosion. If fill is stored on site, the contractor would be required to cover it appropriately. Roads will require a binder to prevent dust.
Hydrology and Floodplains (Executive Order 11988)	X				Project area is located in Zone B, outside of the 100-year floodplain per the FEMA Flood Insurance Rate Map (FEMA, 1991; FIRM Map number 35013C0125E; panel 250)		

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Wetlands (Executive Order 11990)	X				No wetlands were observed at the project site during the site reconnaissance. Digital data for USFWS National Wetland Inventory (NWI) maps was not available for the area. No impacts anticipated.		
Water Quality	X				Potential for localized increase in sedimentation during construction. Potential impact to water quality in downstream swales, ditches, and streams (e.g., turbidity, siltation, biological oxygen demand).	NPDES stormwater construction permits to be obtained by construction contractor.	Contractor to implement requirements of NPDES stormwater construction permit. Implement construction Best Management Practices, i.e., install silt fences, straw bales, etc. to reduce sedimentation. If fill is stored on site, the contractor would be required to cover it appropriately.
Air Quality	X				Negligible impact would be anticipated from vehicle exhaust emissions and increased dust during construction. AirData maintained by the U.S. EPA indicates that the proposed project area is not in a non-attainment area for the six criteria air pollutants as identified by the Clean Air Act of 1970.		No regulatory compliance would be warranted based on U.S. EPA requirements. However, area soils would be covered and/or wetted during construction to minimize dust and roadway surfaces will be stabilized.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Vegetation and Wildlife	X				<p>The project site is typical NM desert with natural shrub-scrub vegetation. No threatened or endangered species were identified to exist in this area. Dominant vegetation species identified on-site include creosote bush (<i>Larrea tridentate</i>), fourwing saltbush (<i>Atriplex canescens</i>), mesquite (<i>Prosopis glandulosa</i>), <i>Euphorbia</i> sp., and <i>Yucca</i> sp. Fauna observed during the site visit included desert cottontails (<i>Sylvilagus audobonii</i>), jackrabbits (<i>Lepus californicus</i>), and Clark's spiny lizard (<i>Sceloporus clarkii</i>).</p>		Once the temporary housing need has ended, the site would be seeded and restored to previous conditions to the extent practical and/or used by the landowner in a manner consistent with local zoning.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Threatened and Endangered Species (Endangered Species Act, Section 7)	X				No known threatened or endangered species or designated critical habitat occurs at the site. No effect to threatened or endangered species or their habitat is anticipated.	FEMA, under Section 7 of the ESA, has consulted with USFWS Ecological Services and FEMA determines that the temporary, emergency mobile home project will have “no effect” on listed/proposed species and/or designated/proposed critical habitat.	Based on the “no effect” determination of the site, no mitigation measures will be proposed.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Cultural Resources (National Historic Preservation Act, Section 106)		X			<p>There are no known historic properties eligible for listing on the National Register of Historic Places in the area of potential effect (APE). However based on site research, a determination for a reasonable potential for archaeological resources to be present exists. What may be found in this property is evidence of prehistoric lithic procurement activities.</p>	<p>A class III 100 percent Pedestrian Inspection was conducted with “negative findings” NMSHPO concurred with FEMA’s “no effect” on historic properties determination on October 17, 2006.</p> <p>Various tribal entities have been notified for a request for clearance. Correspondence is provided in Appendix B. Details concerning tribal consultations are provided in the Cultural Resources section of the EA.</p>	<p>The “negative findings” report will be reported through the use of the NMCRIS Investigations Abstract Form (NIAF).</p> <p>If unanticipated historic or cultural materials are discovered during construction, all construction activities shall immediately cease within 100 feet of the materials and FEMA and New Mexico State Historic Preservation Office must be notified. Work may not resume until their cultural affiliation and ultimate disposition are determined in consultation with the New Mexico State Historic Preservation Office, FEMA and other interested parties.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Socioeconomics		X			<p>Park occupancy is expected to be about 250 people (100 units x estimated 2.5 people per unit) maximum. It is expected the Park residents are currently displaced residents of Dona Ana Co. See Section F.</p> <p>Establishment of the temporary housing would facilitate families resuming lifestyle routines. Socioeconomic impacts are anticipated to resume as previous. Failure to establish housing may result in relocation of local residents that may result in adverse local economic impacts.</p>	<p>Coordination with County ongoing and project clearance anticipated pending approval of final site design.</p>	
Environmental Justice (Executive Order 12898)		X			<p>The proposed action is not expected to pose disproportionately high and adverse public health or environmental effects on minority and low-income populations. See Section F.</p>		

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Noise	X				<p>During the construction period residents immediately adjacent to the project site would experience an increase in noise levels. Due to the urgency of the situation, construction may occur on a 24-hour schedule until the Park is completed. Construction noise impacts would be short-term and limited to the duration of construction activities. The vehicles from Park occupants would also increase the level of vehicular noise in the area.</p>		<p>If necessary, the following noise reduction measures should be considered: (1) restricting the 24-hour schedule to the first two weeks of construction; (2) using a 7 a.m. to 7 p.m. Construction schedule; (3) completing construction closest to adjoining residents first; and (4) completing noisier activities during the day if a 24-hour schedule is used.</p>

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Safety and Security	X				Proposed site is adjacent to I-25 and inherent safety concerns (e.g., children venturing into or near ROW) would be anticipated.	Coordination with NMDOT may be required in the event that ROW protective or exclusion measures are warranted.	<p>The contractor would post appropriate signage and fencing to minimize potential adverse public safety concerns, including placing fencing around the site perimeter. As such, an 8-foot chain link fence will be erected along I-25; a 6-foot fence will be erected around the remainder of the property.</p> <p>Appropriate signage and barriers should be in place prior to construction activities in order to alert pedestrians and motorists of project activities and traffic pattern changes. The contractor would provide 24-hour security during construction and during the first period of occupancy.</p>
Hazardous Materials and Toxic Wastes	X				No hazardous environmental conditions were observed during fieldwork. A database review to identify potential contaminants or related issues in the area revealed no hazardous materials or other environmental concerns.		No mitigation is expected.

Resource Area	Impact Intensity				Impact Summary	Agency Coordination / Permits	Mitigation
	Negligible	Minor	Moderate	Major			
Traffic and Transportation	X				Traffic volumes on the local road network in the project area would increase during Park construction and occupancy. The existing infrastructure would be able to accommodate these increases without impacting local traffic.	Coordination with Dona Ana County and NMDOT as required.	No mitigation required.

F. Additional Impact Analysis

Environmental Resources

Site Assessments

On 27 September 2006, PBS&J ecological and cultural resource staff, and civil engineering staff performed site assessments at 5 potential sites within the area of interest. Each site was assessed for the presence of potential habitat of protected species, waters of the U.S., hazardous materials, and floodplains.

Literature Review

To assess potential ecological or environmental constraints within the area of interest (i.e., areas within Dona Ana County near Hatch, NM), a variety of literature and data were solicited prior to the site assessments that primarily included a county list of federally protected species that may potentially occur within the areas of interest (US Fish and Wildlife Service [USFWS], 2006), previously recorded occurrences of such species within the area (New Mexico Natural Heritage Program, 2006), locations of 100-year floodplains within the area (FEMA, 2006), US Geological Survey (USGS) 7.5-minute topographical quadrangle maps (USGS, 1996; 1959), and Dona Ana County Soils Map (Soil Conservation Service, 1980).

Threatened and Endangered Species

The Endangered Species Act (ESA) provides protection for plants or animals that are federally listed as threatened or endangered. The ESA prohibits taking a species directly and extends to protection of habitat considered critical to its continued existence. The program for federally listed terrestrial species potentially affected by inland projects is administered by the U.S. Fish and Wildlife Service (USFWS). The USFWS reviews assessments of potential effects to federally listed threatened or endangered species and makes determinations regarding whether a species would be affected. If a listed species is potentially affected by a project, the USFWS and FEMA must enter into formal or informal coordination to avoid and/or minimize potential effects and to ensure compliance with the ESA. USFWS lists 7 federally protected species that may potentially occur within Dona Ana County. The following table provides a brief summary of these species and their federal status. Pertinent life history information for each species follows.

Table 2. Federally listed species potentially occurring within Dona Ana County, NM.

Common Name	Scientific Name	Federal Status*
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	LE
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	C
Interior least tern	<i>Sterna antillarum</i>	LE
Northern alplomado falcon	<i>Falco femoralis septentrionalis</i>	LE
Rio Grande silvery minnow	<i>Hybognathus amarus</i>	LE
Mexican spotted owl	<i>Strix occidentalis lucida</i>	LT
Sneed pincushion cactus	<i>Escobaria sneedii var. sneedii</i>	LE

*LE = federally listed as endangered, LT = federally listed as threatened, C = candidate for listing (USFWS, 2006)

Southwestern willow flycatcher.—This avian species is generally considered a riparian habitat specialist and can occur at elevations ranging from sea level to 8000 ft. It requires at least 30 ft width of riparian habitat, presence of water or saturated soils, and thick vegetation from ground level up to 14 meters in height (usually comprised of a monotypic plant community consisting of Russian olive, saltcedar, cottonwood, alder, or buttonbush; Finch et al., 2000). Due to the absence of suitable habitat on the proposed project site and the current level of disturbance, it is not likely that the southwestern willow flycatcher would be affected by the proposed action.

Western yellow-billed cuckoo.— Like the willow flycatcher, this species is a riparian habitat specialist and historically occupied floodplain riparian forests below 1,500 ft. It may be more habitat specific than the willow flycatcher (which will use non-native species as habitat); though they will occupy a variety of marginal habitats, particularly at the edges of their range, Western yellow-billed cuckoos are highly associated with relatively expansive stands of mature cottonwood-willow forests (Laymond et al., 1990; USFWS, 1985). Due to the absence of suitable habitat on the proposed project site and the current level of disturbance, it is not likely that the western yellow-billed cuckoo would be affected by the proposed action.

Interior least tern.—The smallest of tern family, this bird was historically associated with sandbars, islands, and deltas of major rivers (e.g., Colorado (in Texas), Red, Rio Grande, Arkansas, Missouri, Ohio and Mississippi River systems) during the breeding season (USFWS, 1990). They winter in South and Central America in riverine habitats similar to its breeding habitat. With the manipulation of river hydrology (i.e., damming, water diversions, channelization, etc.), the nesting habitat (e.g., sandbars and islands) are scarce. Thus, least terns have acclimated to using similar habitats such as gravel pits,

coal mines, roof tops, and other areas consisting of large areas of bare ground typically associated with disturbances (Kasner and Slack 2002). The absence of suitable interior least tern habitat on the project site would result in no effects to this species as a result of implementation of the proposed action.

Northern Aplomado falcon.— This avian species inhabits the desert grasslands and coastal prairies of Texas, New Mexico and Arizona, particularly savanna and open woodland, and sometimes in very barren areas; grassy plains and valleys with scattered mesquite, yucca, and cactus. Additionally, the falcon is a transcontinental migrant, occupying savannahs and desert grasslands of Latin America, and most of South America from sea level to 3000 ft in the Andes. Pesticides, poaching, brush encroachment, and agricultural development are considered the main reasons for population decline (USFWS 1990). The proposed project site may provide habitat suitable for use by the northern aplomado falcon. However, its occurrence would most likely be limited to transient observations as it passes through the area. Thus, the proposed action is not expected to result in any adverse effects to the northern aplomado falcon.

Rio Grande silvery minnow.—This fish is associated with streams of variable flow and depth within the Rio Grande River Basin in Texas and New Mexico (USFWS, 1999). No habitat for this species occurs within the project site and no effects are anticipated as a result of implementation of the proposed action. Potential indirect effects may include sedimentation from the project site that would impact the Rio Grande River. However, on-site mitigation measures are expected to minimize or eliminate effects of sedimentation.

Snead pincushion cactus.—This cactus requires grasslands or shrublands on limestone outcrops and rocky slopes within the Chihuahuan Desert. It is known to occur in southern New Mexico and El Paso County, Texas (TPWD, 2006). Habitat for this species does occur on the proposed project site. However, the disturbed nature of the area and the lack of documented occurrences of the snead pincushion cactus should result in no effects to this species as a result of implementation of the proposed action.

Mexican spotted owl.— Spotted owls nest and roost primarily in closed-canopy montane forests or rocky canyons. They nest in these areas on cliff ledges, in stick nests built by other birds, on debris platforms in trees, and in tree cavities. In some portions of northern New Mexico, most nests are in caves or on cliff ledges in rocky canyons; trees can also be used as nesting substrate. Mature or old-growth stands with complex structure, are typically uneven-aged, multistoried, and have high canopy closure are typical of habitat (USFWS, 2006). No habitat for this species occurs on the proposed project site. Therefore, no impacts to the Mexican spotted owl are anticipated as a result of implementation of the proposed action.

Waters of the U. S.

The areas of interest were tentatively reviewed pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. A jurisdictional determination was not performed; only a brief site assessment locating potential wetlands or waters of the U.S. was executed during the September 27 site visit. Section 10 of the Rivers and Harbors Act of 1899 requires that a Department of the Army (DA) permit be obtained for certain structures or work in or effecting navigable waters of the United

States (US), prior to conducting the work (33 USC 403). Section 404 of the Clean Water Act requires that a permit be obtained for the placement or discharge of dredged and/or fill material into waters of the US, including wetlands, prior to conducting the work (33 USC 1344). For regulatory purposes, the US Army Corps of Engineers (USACE) defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. USFWS National Wetland Inventory Maps were not used; digital data for the region was unavailable.

Hazardous Materials

A cursory site assessment for hazardous materials was conducted for the project area and potential issues were observed. A database inventory from Environmental Data Resources, Inc. (EDR) was requested as part of initial due diligence required to complete a Phase I Environmental Site Assessment (ESA) for the subject property. Results of the report revealed no hazardous environmental concerns in the area. No issues or constraints pertaining to hazardous materials are anticipated as a result of the proposed action. The EDR report represents only the historical research aspect of a ESA and does not meet all the formal requirements of a complete Phase I analysis. Results of the report are included in Appendix C.

Floodplains and Hydrology

FEMA Flood Rate Insurance Maps (FEMA, 2006) were reviewed and a site assessment was performed to evaluate potential areas of interest for the presence of severe flooding potential.

Environmental Resources

Threatened and Endangered Species

The Rincon County Tracts did not support any potential habitat for federally listed species. The entire tract was graded, scarified, and disturbed. Dominant vegetation for the site consisted of species common to disturbed sites in the area and included puncturevine (*Tribulus terrestris*) and awnless bush sunflower (*Simsia calva*). The I-25 Tract cursory site assessment revealed a shrub-scrub plant community with dominant species including creosote bush (*Larrea tridentate*), fourwing saltbush (*Atriplex canescens*), mesquite (*Prosopis glandulosa*), *Euphorbia* sp., and *Yucca* sp.

This site does not support potential habitat for federally listed species. FEMA has conducted informal consultation under Section 7 of the Endangered Species Act with the NM Ecological Services Field Office (USFWS) in Albuquerque, NM, on the threatened and endangered species in the counties affected by the disaster. Based on the results of this coordination and an evaluation of the site, FEMA has determined that the proposed project will have “no effect” on the listed threatened and endangered species for Dona Ana County, NM. No threatened or endangered species, or their habitats, will be adversely affected due to the proposed action.

Waters of the U. S.

On the Rincon County Tracts, one small drainage is located on the perimeter of the site but it exhibited no discernable ordinary high water mark. No waters of the US, including

wetlands, were observed on the site. On the I-25 Tract no waters of the US, including wetlands, were observed on the site. A large arroyo is adjacent to this tract on the western boundary and is potentially jurisdictional; however, all construction will be located approximately 500 ft away from this arroyo. No potentially jurisdictional waters will be affected as a result of the proposed action.

Hazardous Materials

Cursory pedestrian surveys on the Rincon County Tracts and the the I-25 Tract did not reveal any potential hazardous materials. A data request for records of other potential hazardous environmental constraints (i.e., locations of water, oil, and gas wells, pipelines, etc.) from EDR revealed no hazardous environmental concerns in the area. No issues or constraints pertaining to hazardous materials are anticipated as a result of the proposed action.

Floodplains and Hydrology

The Rincon County Tracts is not situated within a 100-year floodplain; however, this tract is immediately adjacent to the 100-year floodplain. A large arroyo is located approximately 1,000 ft away on an adjacent tract which exhibits a FEMA-designated 100-yr floodplain (FEMA, 1991; FIRM Map number 35013C0125E; panel 250). The I-25 Tract is situated outside and above the 100-year floodplain; however, the large arroyo adjacent to this tract does exhibit a FEMA-designated 100-year floodplain. All proposed construction will take place outside of the arroyo and its floodplain.

Cultural Resources

Description and Impacts

The property is located on the northern perimeter of the village of Rincon, approximately a quarter of a mile north of the Rincon Arroyo, which drains into the Rio Grande approximately a mile to the south. The southern portion of this property appears to have been leveled and residences and the Community Center abut the property. A series of small fenced raised plots are located in the middle of the southern portion of the property, being utilized to grow various vegetables. Gravel appears to have been brought in to surface much of the southern portion of the property. Late 20th century and contemporary trash is intermixed with the gravel. A small arroyo has been bermed on the west side of the property. The northern portion of the property appears to have been very minimally impacted other than by erosion. It consists of moderately undulating ridges with erosion gullies.

Archaeological Potential

Soils in the southern portion of the property are primarily Pajarito soils – deep, well-drained alluvial soils modified by wind. These soils have some potential to contain buried archaeological sites. Given the degree of disturbance noted above, the likelihood of finding undisturbed buried archaeological sites on this property is low. Surficial sites have certainly been impacted. Soils in the northern portion of the property are primarily of the Nickel-Badland Complex. Nickel soils are deep, having formed in deep, very gravelly alluvium. Badland consists of barren areas of weathered siltstone, mudstone, and sandstone with a high susceptibility to water erosion. These soils are not conducive to settlement and are unlikely to harbor significant buried archaeological sites. Surficial sites may have been impacted by erosional forces.

Results of Pedestrian Field Survey

On October 11, 2006, David Greenwald from Four Corners Research conducted an archaeological survey of two tracts of the proposed project area. The survey was a Class III 100 percent pedestrian inspection. The survey did not identify any archaeological resources that represent sites and no discoveries meet NRHP eligibility criteria. No further investigations are warranted at this location. Based on the “negative findings” of this inspection, FEMA made a “no effect” on historic properties determination. On October 17, the NMSHPO concurred with that recommendation. A report summarizing these findings will be submitted to the appropriate agencies by October 20, 2006.

Tribal Consultation

Seven Native American tribes were consulted with beginning October 4, 2006, as to whether or not they have issues or concerns relating to the development of the Rincon County tracts. Various correspondence and consultations (e.g., clearance letters, responses, and e-mails) are provided in Appendix B. These tribes consist of the Comanche, the Fort Sill Apache, the Pueblo of Isleta, the Mescalero Apache, the Navajo, the White Mountain Apache Tribe of the Fort Apache Reservation, and the Ysleta del Sur Pueblo of Texas.

As of October 11, 2006, responses have been received from two tribes. The White Mountain Apache Tribe has commented that the proposed project “poses no threat to the White Mountain Apache Tribe’s Traditional Cultural Properties and/or important religious cultural places in the APE”. The Ysleta Del Sur Pueblo has commented “While we believe that these projects at the above referenced sites will not adversely affect traditional, religious or culturally significant sites of our Pueblo and have no opposition to it, we would like to request consultation should any discovery made at these sites be determined to fall under NAGPRA guidelines.”

Unanticipated Discoveries

If unanticipated historic or cultural materials are discovered during construction, all construction activities shall immediately cease within 100 feet of the materials and FEMA and New Mexico State Historic Preservation Office must be notified. Work may not resume until their cultural affiliation and ultimate disposition are determined in consultation with the New Mexico State Historic Preservation Office, FEMA and other interested parties.

Socioeconomics

The project site is located in the 87940 zip code of Dona Ana County, New Mexico. According to the 2000 Census, zip code 87940 had 338 residents, and 145 housing units. The median household income was estimated at about \$ 18,929 (based on 2000 dollars) (Census 2000). The primary employment sectors were Agriculture, forestry, fishing and hunting, and mining (24.5%), Construction (24.5%), Retail trade (14.3%), Educational, health and social services (14.3%), Wholesale trade (10.2%) According to the 2000 census, about 40.2% percent of the zip code’s civilian labor force is unemployed (Census 2005).

With the establishment of the Park, up to approximately 250 residents would be temporarily relocating to the Rincon area (50 units x estimated 2.5 people per unit), although some of these potential residents may be residents of the area currently displaced from their homes. The local community is aware of this action and would experience an increase in the need for public services, such as schools, fire and police services, child care, and medical services. However, the demand for public and commercial services is not expected to be greater than the previous demand and potential impacts would be minimal.

G. Cumulative Impacts

Cumulative impacts are defined as environmental effects that are greater in magnitude, extent, or duration than the direct and indirect effects of the proposed FEMA-associated action when combined with the effects of other current and future actions, regardless of the proponent. No cumulative impacts would be expected if the No-Action alternative was implemented. Given the Proposed Action is temporary in nature; no long-term cumulative affects are anticipated.

H. Public Involvement:

Public involvement is being performed in compliance with NEPA, FEMA's regulations implementing NEPA at 44 CFR 10.9(c), and Executive Orders 12898, 11988, and 11990. A Public Notice was published in the Las Cruces Sun Newspapers beginning on October 13, 2006. Due to the emergency nature of this action, the public comment period was brief – October 13-16, 2006. Written comments on the Draft EA could be faxed to FEMA's Area Field Office in Las Cruces, New Mexico (505) 523-2124; or sent via email to NMEA@fema.gov. Verbal comments were accepted at (505) 523-2288 and TTY for hearing or speech impaired at 800-462-7585; between 8:00 A.M. and 5:00 P.M. The Draft EA was available to be viewed and downloaded from FEMA's website at <http://www.fema.gov/ehp/docs.shtm>. The Draft EA was also available for public review at the Hatch Public Library 503 E. Hall Street, Hatch, NM 87937, and the FEMA Disaster Recovery Center (DRC) located at 133 Franklin Street, Hatch, NM 87937. The DRC hours are 9:00Am to 6:00 PM. Monday through Friday.

Individual Assistance (IA) personnel passed out copies of the Legal Notice (fliers) at the Rincon Post Office, Salem Post Office, Hatch Post Office, Disaster Recovery Center (DRC), and the local library and community center. In the Las Cruces DRC Community Relations and IA personnel passed out the fliers at each post office in Las Cruces and Dona Ana. Five documents were placed at each location with contact information if additional copies were needed.

No substantive comments were received during the public comment period. Two comments were received on the telephone comment line and both were calls requesting the park be placed in Salem. The Salem area was reviewed for suitable sites, but none were found. A Notice of Availability (NOA) of the Final EA and FONSI will be placed in the Las Cruces Sun Newspaper on October 18, 2006.

I. Conclusion

This EA was written to evaluate the potential impacts to the environment from the No Action and Proposed Action alternatives. The EA has also addressed the compliance requirements of the National Historic Preservation Act, Endangered Species Act, Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), and other related environmental statutes along with considering issues such as hazardous and toxic wastes, infrastructure, and socioeconomics. Based on fieldwork, proposed action scope of work and mitigation measures, research, and consultations; the findings of this EA indicate that an EIS is not required. A Finding of No Significant Impact has been prepared and is attached in Appendix F.

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APPENDIX A

***General Project Site Location and
Schematic Design of Proposed Site***

APPENDIX B

Agency Consultations and Correspondence

APPENDIX C

Environmental Data Resources, Inc. Preliminary Map Report

APPENDIX D

Legal Notice (English and Spanish Versions)

APPENDIX E

Cultural Resources Survey Report

APPENDIX F

Finding of No Significant Impact