

FINDING OF NO SIGNIFICANT IMPACT

Natural Resources Restoration Plan and Environmental Assessment for the AT&SF (Clovis) New Mexico Superfund Site, Clovis, New Mexico

The U.S. Fish and Wildlife Service (Service) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for restoration planning and implementation for the Natural Resources Damage Assessment and Restoration (NRDAR) case at the Clovis Superfund Site (Site). The Service, along with the New Mexico Office of Natural Resources Trustee (ONRT), have selected an alternative to restore, rehabilitate, replace, or acquire natural resources and their services equivalent to natural resources injured or lost as a result of releases of hazardous substances from the Site.

The Service and ONRT prepared a Restoration Plan and Environmental Assessment (RP/EA) to evaluate the alternatives and to address responsibilities under NEPA. The public and other interested parties have participated in the review and the evaluation of alternatives and concluded that the preferred alternative should be the Curry County Playa Restoration Project.

The Service has analyzed a number of alternatives for this project, including the following: 1) the No Action alternative 2) the Preferred Alternative, which focuses on the restoration and protection of playas and their habitats within Curry County through long term restricted use agreements with private landowners; and 3) the Wetland Habitat Restoration at Bottomless Lakes State Park Alternative which would restore approximately 43 acres of wetland habitat at Bottomless Lakes State Park near Roswell, New Mexico.

The preferred alternative is to restore and protect playa lakes in Curry County, NM through long term restricted use agreements with private landowners. The playa lakes of Curry County present a unique opportunity to offer conservation alternatives to private landowners which focus on improving resources for wildlife and protecting water quality rather than strictly utilizing playas as a source of forage production for livestock. Active playa management is essential for restoring and sustaining populations of many wildlife species and associated playa plant species as well. The primary objective of the Curry County Playa Restoration Project is to protect playas as well as the buffer recharge zone and upland rangeland acres by offering incentives in the form of long-term (minimum of 10 years) conservation or rental agreements to private landowners. As part of the requirement for participation in the Curry County Playa Restoration Projects program, livestock would be excluded from the playa for at least three years or possibly the life of the agreement. Cost share assistance to restrict use by cattle to protect sensitive playas would be offered to landowners. The Curry County Playa Project would be structured much like the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) and would be managed by the Central Curry Soil and Water Conservation District (SWCD). As with all conservation programs, the Service and ONRT anticipate that landowners will be educated with regard to their role in the realm of environmental stewardship, in particular playa lakes, and will realize and visually see the positive effects of protecting these sensitive areas and will continue to do so in perpetuity following the expiration of rental agreements.

The environmental consequences of our preferred alternative are anticipated to be very minor. Implementation of the proposed action may result in minimal short-term impacts to habitat due to physical manipulation needed to restore and enhance playa lakes. However, in the

long-term, this action will protect and improve the quality of natural resources, specifically playa lakes, the habitat surrounding playa lakes and the flora and fauna species associated with playa lake ecosystems. Additionally, the protection and conservation of playas would guarantee the continuing infiltration of water to the Ogallala Aquifer and, likewise, the restoration of compromised playas would increase infiltration of water and would therefore further benefit the Ogallala Aquifer. Construction activities may result in minor, unavoidable impacts such as increased noise, emissions, and dust from construction vehicles. These impacts are considered to be short-term and incidental and pose no significant impacts to the public and/or the environment either individually or cumulatively. Any short-term impacts will be limited in magnitude and extent and will be more than offset by the environmental benefits of these projects.

The public was involved and notified throughout the scoping process and identification of alternatives. An open house was held in Clovis, New Mexico on October 25, 2006 after the initial draft RP/EA was released. Discussions at this meeting, as well as comment letters received by the Trustee Council, prompted the Trustees to reevaluate the draft RP/EA and consider other potential projects in addition to the preferred alternative. As a result, a Revised Draft RP/EA was written and sent out for public comment in March 2007 with the Curry County Plata Restoration Project identified as the preferred alternative. No dissenting comments were received and the RP/EA was finalized on April 17, 2007.

It is my determination that the preferred alternative Curry County Playa Restoration Project, does not constitute a major Federal action having a significant impact on the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). Significance is determined by analyzing the context and intensity of a proposed action (40 CFR 1508.27).

Context refers to the setting of the proposed action and includes consideration of the affected region, affected interests, and locality (40 CFR 1508.27[a]). The context of both short- and long-term effects of proposed action would be small.

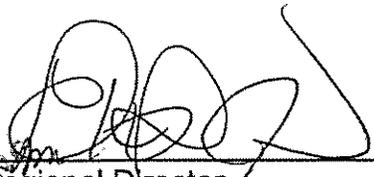
Intensity refers to the severity of an impact and is evaluated by considering ten factors (40 CFR 1508.27[b]). The intensity of potential impacts that may result from the restoration and protection of playa lakes in Curry County is low.

- The potential impacts may be both beneficial and adverse, but minor.
- The project will not have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988.
- There would be no effects to public health or safety from implementing the preferred alternative, and the proposed project would not affect unique characteristics of the geographic area.
- Potential impacts from implementing the preferred alternative on the quality of the environment are unlikely to be highly controversial and do not involve any uncertain, unique, or unknown risks.
- The restoration and protection of playa lakes in Curry County does not set a precedent

for future actions with significant effects and would not result in significant cumulative impacts.

- There are no known or anticipated endangered, threatened or candidate species or designated critical habitat within the project area.
- Significant cultural, historical, economic or scientific resources are not likely be affected by the restoration and protection of playa lakes in Curry County.
- The restoration and protection of playa lakes in Curry County will not violate any federal, state, or local laws or requirements imposed for the protection of the environment.

Therefore, it is my determination that an environmental impact statement is not required. An environmental assessment has been prepared in support of this finding and is available upon request from Laila Lienesch, Regional Office Ecological Services, P.O. Box 1306, Albuquerque, NM 87103 and at <http://www.fws.gov/ifw2es/Library/>.



Regional Director
Southwest Region
U.S. Fish and Wildlife Service

5-11-07
Date