

**NEW MEXICO STATE ENVIRONMENTAL REVIEW PROCESS FOR THE
TIER I DRINKING WATER STATE REVOLVING LOAN FUND**

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New Mexico State Environmental Review Process (SERP) for the Drinking Water State Revolving Loan Fund (DWSRLF)

1. Purpose

In 1997, the New Mexico Legislature enacted New Mexico's Drinking Water State Revolving Loan Fund Act (DWSRLF). The DWSRLF established the New Mexico Finance Authority (NMFA) as the administrator of the DWSRLF with cooperation and assistance from the New Mexico Environment Department (NMED). The DWSRLF provides low-cost financing for the construction and rehabilitation of drinking water facilities to protect drinking water quality and public health for water systems in New Mexico.

New Mexico's DWSRLF receives federal funding from the Environmental Protection Agency's (EPA's) Safe Drinking Water Act. Because a substantial portion of New Mexico's DWSRLF is funded with federal funds, all projects must comply with the National Environmental Policy Act (NEPA). The NMFA complies with NEPA requirements through the implementation of its State Environmental Review Process (SERP), which is described in the implementing requirements discussed in this document.

The NMFA's NEPA/SERP implementing requirements have been developed to comply with federal requirements set forth in:

- NEPA, [40 CFR 1500 to 1508](#)
- The EPA's Procedures for Implementing the NEPA, [40 CFR Part 6, Subparts A, B, and C](#)

2. Environmental Determinations

There are three basic NEPA environmental determinations which may apply to proposed projects to be implemented with financial assistance from the DWSRLF. They are listed in order of complexity and time required to complete each task. These determinations are defined in Section 9 of this document and include:

- **Categorical Exclusion (CE)/Statement of Findings (SOF)** – A proposed project may be “categorically excluded” from formal environmental review if it falls into a category of actions that do not individually or cumulatively have a significant effect on the human environment based on procedures adopted by the EPA. CEs apply to projects proposing only minor rehabilitation or functional replacement of existing facilities and must fit the criteria defined in Section 3 of these implementation regulations. Because these projects are categorically excluded, neither an EID/EA or an EIS are required. For these projects, and applicant must complete the CE checklist provided in Attachment A. An example of a completed checklist is available in Attachment B. The NMFA will review the CE Checklist to ensure that adequate documentation has been provided to determine that the project falls into the types of projects that are categorically excluded as described in Section 3. If the NMFA determines that the project does qualify to be categorically excluded, the NMFA will issue a SOF documenting that the project is categorically excluded.

- **Environmental Information Document (EID)/Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI)** – If NMFA determines that a CE does not apply to a proposed action, the agency will prepare an EA based upon an EID completed by the applicant. The EA determines whether or not a proposed project has the potential to cause significant environmental effects. Based on the EA, NMFA determines one of two outcomes: 1) if the proposed project *will not* have significant environmental impacts, NMFA will issue a FONSI, or 2) if the proposed project *will* have significant environmental impacts, NMFA will prepare an EIS
- **Environmental Impact Statement (EIS)/Record of Decision (ROD)** – If an applicant's proposed project does not meet the criteria for a CE and the information contained in the EID does not support issuing a FONSI, the project requires the preparation of an EIS. An EIS is required for projects where there are major direct and indirect impacts, environmentally sensitive areas (i.e., cultural resource areas, such as archaeological and historical sites, endangered or threatened species and their critical habitats, environmentally important natural resource areas such as floodplains, wetlands, important farmlands, aquifer recharge zones, etc.), and/or the project will have significant adverse social or environmental impacts. The ROD is a determination made by the NMFA following the preparation of an EIS.

The NMFA will provide guidance to applicants as to the appropriate level of environmental information required. For all of the determinations listed above, the NMFA will conduct an independent and interdisciplinary environmental review consistent with NEPA for all projects funded through the DWSRLF. This environmental review will further insure that the proposed project will comply with applicable local, state, and federal laws relating to the protection and enhancement of the environment.

3. Categorical Exclusions (CEs)

The text below provides the relevant EPA requirements for CEs for drinking water projects as described in [40 CFR Part 6.204](#). Text in Section 3.3 explains the process that the NMFA follows for documenting CEs. Attachments A and B contain a CE Checklist and a completed Example CE, respectively.

3.1. Categorical Exclusion Summary

A proposed project may be categorically excluded from detailed environmental analysis if the action fits into a category of actions that have been determined as not having a significant effect on the environment. The majority of projects funded by the NMFA fall within this category.

An applicant submits the documents listed below in Section 3.3 a. The NMFA reviews the documentation and may request additional information. Pursuant to [40 CFR Part 6, Subpart C](#), applicants are not required to prepare EIDs for actions that are being considered for a CE.

The NMFA's Responsible Official may request that an applicant submit sufficient information to enable them to determine whether a CE applies to the applicant's proposed action or whether an extraordinary circumstance applies, as listed in Section 3.4 below.

If the project qualifies for a CE, NMFA will create and publish a Statement of Findings (SOF), which completes the environmental review process, and allows approval of the loan and release of funds.

Documents Required: CE checklist including project description detailing all areas of potential ground disturbance, project area map, coordination with federal crosscutters, and preliminary desktop analysis for projects with new ground disturbance.

General Timeline: 30-90 days

Public Comment: CEs do not require a public comment period. If NMFA determines the proposed project qualifies for exclusion, the agency will publish a public notice of the SOF.

3.2. Categorical Exclusion Eligibility

A proposed action may be categorically excluded if the action fits within a category of actions that is eligible for exclusion and the proposed action does not involve any extraordinary circumstances.

- a. All actions eligible for a CE require the NMFA's Responsible Official to document a determination that a CE applies. The documentation must include: A brief description of the proposed action including a project map; a statement identifying the CE that applies to the action; and a statement explaining why no extraordinary circumstances apply to the proposed action. The NMFA's Responsible Official must make a copy of the determination document available to the public upon request. There are five types of projects under the EPA's NEPA implementing regulations under [40 CFR 6.204\(a\)\(1\)](#) that have the potential to be categorically excluded; however, there are two project types listed in 40 CFR [6.204\(a\)\(1\)\(ii\)](#) and [\(iv\)](#) that could apply to drinking water systems and these include:
 - i. Actions relating to existing drinking water systems that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the system to collect, treat, store, and distribute drinking water) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. This category does not include actions that involve new or relocated discharges to surface or ground water; will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water; will provide capacity to serve a population 30 percent greater than the existing population; are not supported by the state, or other regional growth plan or strategy; or directly or indirectly involve or relate to

- upgrading or extending infrastructure systems primarily for the purposes of future development.
- ii. Actions involving the re-issuance of a National Pollutant Discharge Elimination System (NPDES) permit for a new source providing the conclusions of the original NEPA document are still valid (including the appropriate mitigation), there will be no degradation of the receiving waters, and the permit conditions do not change or are more environmentally protective.
- b. The NMFA requests that applicants submit a CE checklist for all proposed actions that may qualify for exclusion, including actions listed in [40 CFR 6.204\(a\)\(2\)](#) as not requiring the Responsible Official to document a determination that a CE applies. The NMFA Responsible Official will document determinations for all applications. Five of the ten actions defined in [40 CFR 6.204\(a\)\(2\)](#) as qualifying for exclusion apply to drinking water systems and are listed below:
- i. Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility.
 - ii. Actions involving emergency preparedness planning and training activities.
 - iii. Actions involving the acquisition, transfer, lease, disposition, or closure of existing permanent structures, land, equipment, materials, or personal property provided that the property (1) is vacant or has been used solely for office functions; (2) has never been used for laboratory purposes by any party; (3) does not require site remediation; and (4) will be used in essentially the same manner such that the type and magnitude of the impacts will not change substantially. This category does not include activities related to construction and/or demolition of structures on the property.
 - iv. Actions providing technical advice to tribes; federal, state or local agencies; foreign governments; or public or private entities. Technical advice excludes any ground disturbing activities such as exploratory wells that may be part of the planning process.
 - v. Actions involving new source NPDES modifications that make only technical corrections to the NPDES permit (such as correcting typographical errors) that do not result in a change in environmental impacts or conditions.

3.3. Categorical Exclusion Process

- a. Applicants seeking a CE for their proposed projects will provide the NMFA with a completed CE Checklist and sufficient documentation to demonstrate compliance with the criteria as described in Sections 3.2 and 3.4. At a minimum, this will consist of:
 - i. A written project description, including the following elements:
 - A brief, complete description of the proposed project;
 - Geographical extent of planning area boundaries;
 - Description of all proposed construction activities;
 - Length, width, depth of ground disturbance (if any); and
 - Project costs, including a statement indicating that the project is cost effective
 - ii. A plan map or maps of the proposed project area showing:
 - Planning area boundaries;
 - Location of all ground disturbing areas; and
 - Any known environmentally sensitive areas.
 - iii. For projects with proposed new ground disturbance, a desktop analysis of the potential impacts of the project on the environment is required, including identification of sensitive natural and cultural areas in the vicinity. This review will consist of an analysis of at least the following resource categories, as specified in the CE Checklist (included in Attachment A):
 - A map of known wetlands and waterways in the project area.
 - A map of known floodplains in the project area.
 - A review of state and federally listed threatened and endangered species in the County and an analysis of potential suitable habitat in the project area.
 - Consultation by letter with the New Mexico State Historic Preservation Officer to determine whether a cultural resources survey is required. The letter will include the project description and map of the proposed new ground disturbance.
 - Consultation by letter or email with any other crosscutting agencies that may have jurisdiction in the project area (see CE Checklist in Attachment A).
 - iv. Initial planning and/or environmental documents such as master plans, Preliminary Engineering Reports (PERs), technical memoranda, and hydrology surveys.

- b. Once the NMFA receives the completed materials described above, the NMFA's Responsible Official will review the information and make a recommendation whether the proposed project meets the criteria for a CE, or does not meet the criteria for a CE. The Responsible Official may request additional information from the applicant to make this recommendation, if necessary.

If the project involves new ground disturbance in areas with potential of containing sensitive environmental or cultural resources, biological and/or cultural resource field surveys may be required. The NMFA's Responsible Official will determine the need for field surveys based on recommendations from its environmental consultant and applicable crosscutter consultation. If field surveys are required, the applicant may need to obtain the services of qualified biological and/or cultural resource specialists.

- c. Once the NMFA receives all relevant information from the applicant, the NMFA's Responsible Official will review the information and make a determination whether:
- The project meets the criteria for a CE; or
 - The project does not meet the criteria for a CE.
- d. If the project meets the criteria for a CE, the NMFA's Responsible Official will document their findings in a Statement of Findings (SOF). The SOF will contain a description of any measures that must be implemented by the applicant, if necessary. In instances where actions eligible for CE do not require the applicant to submit a CE Checklist (see Section 3.2, b), NMFA's Responsible Official will document an official determination to that effect.
- e. There is no formal public review period required for a CE; however, the NMFA follows the process listed below for public review of CEs:
- Publish a notice in an acceptable local newspaper of general circulation in the project area and the local Santa Fe newspaper (NMFA office location);
 - Submit a final signed copy of the SOF to the entity; and
 - Allow a 14-day public comment period before construction can begin.
- f. If the project does not meet the criteria for a CE, the NMFA's Responsible Official will document the determination in an SOF and will coordinate next steps with the applicant. In cases where a CE is not applicable, the applicant will need to prepare an EID.

3.4. Extraordinary Circumstances

- a. Extraordinary circumstances are those circumstances that cannot be mitigated by modifications to the proposed project. If extraordinary circumstances are present, the NMFA's Responsible Official will inform the applicant to produce a EID/ technical memorandum so the NMFA can prepare an EA or EIS.

- b. Extraordinary circumstances are listed in [40 CFR 1508.4](#) and paragraphs i through x below:
- i. The proposed action is known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.
 - ii. The proposed action is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or tribal communities.
 - iii. The proposed action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.
 - iv. The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, properties listed on, or eligible for listing on the National Register of Historic Places.
 - v. The proposed action is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.
 - vi. The proposed action is known or expected to cause significant adverse air quality effects.
 - vii. The proposed action is known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with tribe, state or local agency approved land use plans or federal land management plans.
 - viii. The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action.
 - ix. The proposed action is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.
 - x. The proposed action is known or expected to conflict with tribal, federal, state or local agency environmental resource-protection or land-use laws or regulations.

4. Environmental Impact Documents (EID), Environmental Assessments (EA), and a Finding of No Significant Impact (FONSI)

The text below in Sections 4.1 through 4.5 provides the relevant requirements for EIDs, EAs, and FONSI for drinking water projects as described in [40 CFR 6.205, 6.206](#), and public involvement requirements in [40 CFR 6.203](#). Text in Section 4.5 explains the process that the NMFA follows for documenting EAs and FONSI. EIDs are prepared by the applicant and required EID content is discussed in Attachments C and D. The NMFA's Responsible Official prepares the EA and FONSI, based on information provided in the EID. The EID checklist that the NMFA's environmental consultant will complete is contained in Attachment E.

4.1. EID, EA, FONSI Summary

If the NMFA's Responsible Official determines that a CE does not apply to a proposed project, the applicant must prepare an EID. The NMFA uses the information in the EID to prepare an EA. The EA determines whether or not the proposed action has the potential to cause significant effects to the environment. The FONSI is the final document prepared by the NMFA stating that the proposed action has no potential to cause significant environmental effects. Although not as common as CEs, the NMFA funds many projects that require the preparation of an EA.

The applicant completes the necessary environmental documentation (PER, technical memorandum, project-related surveys) with the required public notice/meeting. The applicant completes an EID (can be done simultaneously with the PER) with the required public notice/meeting. Once the EID solicitation is complete, the applicant submits the final version to the NMFA. The NMFA reviews the EID, and if deemed complete, produces a draft EA and FONSI. The NMFA's Responsible Official publishes the draft FONSI for a 30-day public comment period and submits the draft EA and FONSI to the required agency crosscutters and project stakeholders. NMFA collects the comments, responds to any substantive comments received, and finalizes the EA and FONSI. If the FONSI is still supported, the NMFA issues a Final Determination, concluding the environmental process.

Documents Required: Environmental planning documents, draft and final EID documents, including coordination letters and public meeting summary.

Timeline: 6 months to produce an EID with the required public comment period, 45-60 days for the EA and FONSI.

Public Comment: One public meeting; 30-day notice of meeting and concurrent review period for draft EID; 30-day review period for draft EA.

4.2. EID and EA Eligibility

An EA is required for a proposed action that may result in environmental impacts and the significance of the impacts is not known or not significant. An EA is not required if

the proposed action is categorically excluded, or if the NMFA's Responsible Official has decided the project requires an EIS ([40 CFR 1501.3](#)). Applicants prepare an EID that contains the information needed for the NMFA's Responsible Official to prepare an EA and FONSI. Drinking water projects that typically require the preparation of an EA include projects involving major system renovations, the construction of extensive new facilities, or large-scale research and development projects.

4.3. EID Requirements Information

As discussed previously, EIDs are prepared by the applicant and required EID content is discussed in Attachments C and D. The information contained in the EID must be sufficient for the NMFA's Responsible Official to prepare the EA and FONSI. The NMFA's EID requirements are consistent with requirements identified in [40 CFR 1508.9](#) and [40 CFR 6.205](#).

4.4. EID Review and Public Involvement Process

Once the applicant submits the EID to the NMFA for review, the NMFA's environmental consultant will conduct a review and provide comments to the applicant, as needed. Once the NMFA's Responsible Official determines that the EID is complete, the applicant must provide copies of the EID to all interested or affected tribes and federal, state, and local agencies and make copies of the EID available to the public for a 45-day review period prior to holding a public meeting.

Prior to submittal of the EID, the applicant will hold a public meeting. NMFA's Responsible Official will provide guidance to the applicant regarding the contents of the meeting notice. A notice of the public meeting shall be mailed to all agencies on the consultation list and other known interested members of the public. The public meeting notice will be posted in the community, as appropriate, and will be published in a newspaper of general circulation at least 30 days in advance of the meeting. The public notice shall contain an agenda for the meeting and a description of its purpose. The applicant shall provide the NMFA's Responsible Official with a copy of the notice, proof of publication, a mailing list of agencies and individuals who were sent the notice, and list of posting locations. The applicant shall maintain and provide the NMFA's Responsible Official with a copy of the meeting sign-in sheet with names and addresses of attendees, and a meeting summary that includes a listing the comments received and the action taken to address those comments. Documentation of the public meeting will be included in the final EID.

4.5. EA and FONSI process

a. NMFA Prepares an EA and FONSI

Once the EID has been circulated and a public meeting has been held, the NMFA's Responsible Official will prepare an EA. The NMFA's determination to issue a FONSI will be based upon the EID and EA, which will document that the potential environmental impacts from the project will not be significant or that they

may be mitigated without extraordinary measures. If significant impacts are identified, the NMFA Responsible Official can choose to abandon the proposed action or begin the process of preparing an EIS. The NMFA's Responsible Official will develop a draft EA and draft FONSI as described below:

i. EA Contents

Consistent with [40 CFR 1508.9](#), an EA must provide sufficient information and analysis to determine whether to prepare an EIS or to issue a FONSI, and may include analyses needed for other environmental determinations. The EA must focus on resources that might be impacted and any environmental issues that are of public concern. In accordance with [40 CFR 6.205](#), an EA must include a brief discussion of the following:

- The purpose and need for the proposed action.
- The alternatives considered, including the reasons why any alternatives were rejected or accepted. An EA must include the no action alternative as one of the alternatives considered.
- The affected environment, including baseline conditions that may be impacted by the proposed action and alternatives.
- The environmental impacts of the proposed action and alternatives, including any unresolved conflicts concerning alternative uses of available resources.
- Other applicable environmental laws and executive orders including:
 - A listing or summary of any coordination or consultation undertaken with any tribe, federal, state or local agency regarding compliance with applicable laws and executive orders.
 - Identification and description of any mitigation measures considered, including any mitigation measures that must be adopted to ensure the action will not have significant impacts.
 - Incorporation of documents by reference, if appropriate, including the EID for the proposed action.

In addition, for the NMFA's purposes the EA shall include:

- The proposed project costs; and
- Any proposed conditions to the provision of financial assistance and the means provided for compliance monitoring.

ii. FONSI Contents

Consistent with [40 CFR 1508.13](#), the NMFA's Responsible Official will prepare a FONSI that includes:

- The EA, or in lieu of the EA, a summary that includes a brief description of the proposed action and alternatives considered, environmental factors considered, and project impacts;
- A brief description of the reasons why there are no significant impacts;
- Any commitments to mitigation that are essential to render the impacts of the proposed action not significant;
- The cost of the project;
- The date of issuance; and
- The signature of the NMFA's Responsible Official.

b. Draft EA and Draft FONSI Public Review

At least thirty (30) calendar days before making the decision on whether, and if so how, to proceed with a proposed action, the NMFA's Responsible Official must make the draft EA and draft FONSI available for public review and comment to interested tribes; federal, state and local agencies; and the affected public. The NMFA's Responsible Official will send out a public notice to all interested parties as identified through the EID process as described above in Section 4.4. In addition, the notice will be posted, as appropriate, in the community and will be published in a newspaper of general circulation for the project area and the NMFA.

c. Responding to Comments

The NMFA's Responsible Official will respond to any substantive comments received before making a decision on the proposed action.

A comment is deemed to be "substantive" by the NMFA's Responsible Official. In general, a substantive comment is one that provides new information about the proposed action or the analysis; identifies a different way to meet the project need; points out a specific flaw in the analysis; suggests alternative methods and the reasons they should be used; makes factual corrections; or identifies a different source of credible research which, if used in the analysis, could result in different effects.

The NMFA Responsible Official will provide a "reasonable and proportionate" response to all substantive comments, per Council on Environmental Quality guidance. Depending on the volume of comments, the NMFA Responsible Official may choose to organize responses by topic or by commenter. Comments and responses will be included in the final EA and FONSI and will be documented in the Final Determination. Comments that raise legal issues will be referred to legal counsel for review.

Responding to comments may involve presenting new information, but does not automatically require a supplemental EA. A supplemental EA may be required if:

- The new information or changed circumstances would result in significant environmental impacts that were not evaluated in the EA; or
- A response involves analyzing a wholly new alternative (not just a variation of an existing alternative).

If the NMFA Responsible Official determines a supplemental EA is required based on substantive comments, an additional 30-day public review process, as described in Section 4.5 b, will be required prior to making a decision on the proposed action and issuing a FONSI and Final Determination.

d. **Final Determination of FONSI**

After the 30-day public review period, the NMFA's Responsible Official will determine if any substantive comments were received and if they can be addressed in responses or if a supplemental EA is needed. If the NMFA Responsible Official determines a supplemental EA is not required, all substantive comments and responses will be included in the final EA and FONSI.

The NMFA's Responsible Official will prepare the Final EA and FONSI with no additional public comment period, and will publish a Final Determination of a FONSI. No action regarding approval of design documents will be taken by the NMFA for at least 30 days after the Final Determination is issued. After this 30-day wait-period, the NMFA may close on the loan and release appropriate funds.

5. **Environmental Impact Statements (EIS) and the Record of Decision (ROD)**

The text below provides the relevant requirements for EISs for drinking water projects in accordance with the EPA's NEPA implementing regulations found in [40 CFR 6.207, 6.208](#), and public involvement requirements in [6.203](#). Requirements of the NEPA are found in [40 CFR 1500 to 1508](#).

5.1. **EIS and ROD Summary**

The NMFA will prepare an EIS if a proposed action is determined to have a significant effect on the quality of the human environment. The regulatory requirements for an EIS are more detailed and rigorous than the requirements for an EA. The EIS process ends with the issuance of a ROD. The NMFA rarely funds projects that would require an EIS.

Documents Required: Notice of intent, draft EIS, public meetings/hearings, final EIS, and ROD.

Timeline 2-3 years

Public Comment: Multiple public meetings/hearings with 45-day notice; 45-day review period for draft EIS; 30-day appeal period for final EIS

5.2. EIS Eligibility

An EIS will be required when the NMFA's Responsible Official determines any of the following:

- The proposed project did not qualify for a CE or a FONSI.
- The proposed project will significantly affect the pattern and type of land use or growth and distribution of the population. This includes displacing a population or significantly altering the characteristics of existing residential areas.
- The effects of a proposed project's construction or operation will conflict with tribal, federal, state, or local laws or policies.
- The proposed action involves uncertain environmental effects or highly unique environmental risks that are likely to be significant.
- The proposed project may generate significant public controversy; or the water supply is proposed to be obtained from a surface or groundwater source where the characterization of quality and/or quantity is being challenged or for which the proposed withdrawal might adversely affect the quality or quantity of the source water.
- The proposed action is likely to significantly affect:
 - Cultural resource areas, such as national natural landmarks or properties listed on, or eligible for listing on the National Register of Historic Places.
 - Endangered or threatened species and their critical habitats.
 - Environmentally important natural resource areas, such as wetlands, floodplains, important farmlands, aquifer recharge zones, and fish and wildlife habitat.
 - Surface water reservoirs or navigation projects.
 - Other environmentally sensitive resource areas, such as National Parks (administered by the National Park Service) and state parks, National Wildlife Refuges (administered by U.S. Fish and Wildlife Service), National Forests (administered by the U.S. Forest Service), public lands, wild and scenic rivers, or National Wilderness Areas.
 - The environment through the release of radioactive, hazardous or toxic substances, or biota.
 - Local ambient air quality; local noise levels; surface and ground water quantity or quality; or fish, shellfish, wildlife, or their natural habitats.
 - In conjunction with other proposed projects by federal, state, local agencies or tribes is likely to produce significant cumulative impacts.

5.3. EIS Requirements Information

a. Summary of Requirements

Requirements for EISs are summarized below and are contained in [40 CFR 1502](#) and [40 CFR 6.207](#). In preparing an EIS, the NMFA's Responsible Official must determine if an applicant, other tribes, federal, state, or local agencies should be identified as cooperating agencies as described in [40 CFR 6.202](#). As described in [40 CFR 6.207](#), and EIS must:

- Adhere to CEQ regulations documented in [40 CFR 1500 through 1508](#).
- Analyze all reasonable alternatives and the no action alternative (which may be the same as denying the action).
- Describe the potentially affected environment including, as appropriate, the size and location of new and existing facilities, land requirements, operation and maintenance requirements, auxiliary structures such as pipelines or transmission lines, and construction schedules.
- Summarize any coordination or consultation undertaken with any tribe, federal state, or local agency, including copies or summaries of relevant correspondence.
- Summarize any public meetings held.
- Consider substantive comments received during the public participation process.
- Include the names and qualifications of the persons primarily responsible for preparing the EIS.

b. Standard EIS Format

Based on requirements described in [40 CFR 1502](#), the following standard format for EISs should be followed unless the NMFA determines that there is a compelling reason to do otherwise:

- i. **Cover sheet** – The cover sheet shall identify the applicant, the proposed project(s) and program(s) through which financial assistance is requested, and the date of publication.
- ii. **Summary** – An executive summary that includes the following:
 - A description of project purpose and need
 - A brief description of each alternative
 - A listing of each alternative's potential environmental impacts, mitigation measures, and any areas of controversy
 - Any major conclusions
 - Any issues to be resolved

- iii. **Table of contents**
- iv. **Purpose and need for action** – A complete and clear description of the purpose and need for the proposed project.
- v. **Alternatives including proposed action** – This section shall:
 - Rigorously explore and objectively evaluate all reasonable alternatives. For alternatives that were eliminated from detailed study, the reasons they were eliminated shall be briefly discussed.
 - Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
 - Include reasonable alternatives not within the jurisdiction of the lead agency.
 - Include the alternative of no action.
 - Identify the preferred alternative or alternatives, if one or more exists in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
 - Include appropriate mitigation measures not already included in the proposed action or alternatives.
 - In addition, this section shall include:
 - A description of the size and location of the facilities and pipelines, land requirements, operation and maintenance requirements' and construction schedules that are being proposed.
 - A description of the alternatives available including the following:
 - Providing financial assistance to the proposed project.
 - Requiring that the proposed project be modified prior to providing financial assistance to reduce adverse environmental impacts, or providing assistance with conditions requiring the implementation of mitigation measures.
 - Providing no financial assistance
 - A description of the alternatives available to other tribes, federal, state, and local agencies which may have the ability to issue or deny a permit, provide financial assistance, or otherwise effect or have an interest in any of the alternatives.
- vi. **Affected environment** – The EIS shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized,

consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues.

- vii. **Environmental consequences** – This section must present the total impacts of each alternative in a manner that will facilitate comparison. The effects of the no action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives. The detail provided shall be commensurate with the complexity of the situation and the significance of the anticipated impacts. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section shall include discussions of:
- Direct effects and their significance;
 - Indirect effects and their significance;
 - Possible conflicts between the proposed action and the objectives of tribal, federal, regional, state, or local land use plans, policies and controls for the area concerned; and
 - Means to mitigate adverse environmental impacts.
- viii. **List of preparers** – The EIS shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the people who were primarily responsible for preparing the EIS.
- ix. **List of agencies, organizations, and persons to whom copies of the statement are sent**
- x. **Index**
- xi. **Appendices** (if any)

If a different format is used, it shall include i, ii, iii, viii, and ix and shall include the substance of iv, v, vi, vii, and xi in any appropriate format.

c. **Other Information for EISs**

- Agencies shall incorporate material into an EIS by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

- When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an EIS and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking:
 - If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the EIS.
 - If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the EIS: (1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.
- Consultants preparing EISs on behalf of the applicant will be required to execute a disclosure statement prepared by the NMFA's Responsible Official signifying they have no financial or other conflicting interest in the outcome of the project. When an EIS is prepared by contractors, either in the service of the applicant or the NMFA, the NMFA's Responsible Official will independently evaluate the EIS prior to issuance of the ROD and take responsibility for its scope and contents.

d. **Final EISs**

Typically, Final EISs contain all of the information listed above for EISs. In addition, Final EISs must contain a summary of all substantive comments received on the draft EIS, responses to substantive comments received on the draft EIS, and any changes to information provided in the draft EIS and the reason for the changes.

e. **Supplemental EISs**

As described in [40 CFR 1502.9](#), supplements to either draft or final EISs shall be prepared if:

- The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

- There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

A supplemental EIS may also be prepared in cases that the NMFA's Responsible Official determines that the purposes of NEPA will be furthered by doing so. Supplemental EISs shall be prepared and circulated in the same fashion as a draft or final EIS.

5.4. EIS public involvement

The following public participation requirements for EISs are the minimum allowable under [40 CFR 1506.6](#) and [40 CFR 6.203](#).

a. EIS Scoping

Upon making the determination that an EIS will be required, the NMFA's Responsible Official will publish a Notice of Intent (NOI) to prepare an EIS in the Federal Register as well as a local newspaper of general circulation within the area to be impacted by the proposed project and NMFAs general circulation paper. In addition, the NMFA's Responsible Official will send the NOI to any interested or affected tribes, federal, state, and local agencies. Publication of the NOI in the Federal Register begins the scoping process.

The scoping process for an EIS must be a minimum of thirty (30) days. As part of scoping, the applicant shall hold at least one public meeting. The location, date, and time of public scoping meeting/s should be contained in the NOI or by other appropriate means, such as additional notices in the Federal Register, news releases to the local media, or letters to affected parties. Public scoping meetings should be held at least fifteen (15) days after public notification.

As part of the scoping meeting, the meeting will include:

- Identifying the preliminary range of alternatives to be considered;
- Determining the significant issues and the scope of study for the EIS;
- Identifying potential cooperating agencies and determine the information or analysis that may be needed from cooperating agencies or other parties;
- Discussing the method for EIS preparation and the public participation strategy;
- Identifying consultation requirements; and
- Determining the relationship between the preparation of the EIS and the completion of the engineering feasibility report and any necessary arrangements for coordination of the preparation of both documents.

Following the scoping process, the NMFA's Responsible Official will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this scoping process, including a list of the significant issues identified, will be provided to the

applicant and other interested parties, and this information will be incorporated into the EIS.

b. Draft EIS

Once the draft EIS is published, a notice of availability of the draft EIS shall be provided to all tribes; federal, state, and local agencies; interested parties identified through project scoping; and the public. The NMFA's Responsible Official will publish in the Federal Register and a newspaper of general circulation in the project area and NMFA general circulation newspaper, a notice of availability. The NMFA's Responsible Official shall also send the notice of availability to interested parties identified through the scoping process. The notice of availability shall provide information regarding where people can review the draft EIS, the date for the draft EIS public meeting, and the date that comments on the draft EIS are due. The draft EIS shall have a 45-day public review period, and the EIS shall be available for at least 30 days prior to the draft EIS public meeting. Consistent with 40 CFR 6.209, the NMFA's Responsible Official may establish a longer public comment period for a draft EIS. If review periods are extended, the NMFA's Responsible Official must publish an extension in the Federal Register.

c. Final EIS

The final EIS will include all objections and suggestions made before and during the draft EIS review process, along with the issues of public concerns expressed by individuals or interested groups. The final EIS must include discussions of any such comments pertinent to the project or the EIS. All commenters will be identified. If a comment has led to a change in either the project or the EIS, the reason should be given. The Responsible Official will endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS.

A notice of availability of the final EIS shall be provided to all tribes; federal, state, and local agencies; and interested parties who commented on the draft EIS or received the draft EIS notice of availability. The NMFA's Responsible Official will publish the notice of availability in the Federal Register and a newspaper of general circulation in the project and NMFA's area. The notice of availability shall provide information regarding where people can review the final EIS and the date that the 30-day public review period ends. The final EIS shall have a 30-day public review period. Consistent with 40 CFR 6.209, the NMFA's Responsible Official may establish a longer public comment period for a draft EIS. If review periods are extended, the NMFA's Responsible Official must publish an extension in the Federal Register.

5.5. ROD Requirements

Except for projects utilizing pre-construction funding option, the NMFA's Responsible Official will prepare a concise public ROD following the comment period on the Final EIS

and will include the decision to approve the proposed action or to provide or deny financial assistance to the proposed project. The ROD will describe mitigation measures to be taken which will make the selected alternative environmentally acceptable. For projects utilizing the pre-construction funding option, the ROD shall be made prior to the NMFA's approval of the release of funds for design.

Consistent with [40 CFR 1505.2](#), the NMFA's Responsible Official will prepare a ROD that includes the following:

- A brief description of the proposed action and alternatives considered in the EIS, environmental factors considered, and project impacts;
- Any commitments to mitigation;
- An explanation if the environmentally preferred alternative was not selected;
- Responses to any substantive comments on the final EIS;
- The date of issuance; and
- The signature of the NMFA's Responsible Official.

As part of the development of the ROD, the NMFA's Responsible Official must:

- Ensure that the applicant that has committed to mitigation and has the authority and ability to fulfill the commitment; and
- Make the ROD available to the public by publishing in the Federal Register or on the NMFA website.

Once the ROD is issued, the NMFA's Responsible Official may proceed with the action subject to any mitigation measures described in the ROD. The NMFA's Responsible Official must ensure adequate monitoring of mitigation measures identified in the ROD. The ROD is the final documentation of the determination; there is no additional public comment period associated with the ROD.

The NMFA's Responsible Official may revise a ROD at any time provided the revision is supported by an EIS.

6. Environmental Review Requirements for Project Delays, Changes, and New Information

- 6.1. In accordance with [40 CFR 6200\(h\)](#), for all SERP determinations (CE/SOF, EID/EA/FONSIs, or EIS/RODs) that are **five years old or older**, and for which the subject action has not yet been implemented, the NMFA's Responsible Official must reevaluate the SERP determination. NMFA's Responsible Official will review proposed action, environmental conditions, and public views to determine whether to conduct a supplemental environmental review of the action and complete an appropriate SERP document or reaffirm the NMFA's original SERP determination.

In addition, if there has been substantial change in the proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, the NMFA's Responsible Official will determine whether to conduct a supplemental environmental review of the action and complete an appropriate environmental document or reaffirm the NMFA's original determination. Based upon the NMFA's review of the project, the NMFA's Responsible Official will do one of the following:

- a. Reaffirm the original environmental determination of a CE through the issuance of a Statement of Findings (SOF). If the CE no longer applies, an EID will be required and will follow the process outlined in Section 4.
- b. Reaffirm the original FONSI determination, by issuing a new FONSI. If the FONSI no longer applies, and EIS will be required and will follow the process outlined in Section 5.
- c. Issue a supplemental ROD, or revoke the ROD and issue a public notice that financial assistance will not be awarded.

7. Environmental Review Requirements for Adopting Other Environmental Documents

- 7.1. The NMFA's Responsible Official may adopt previous environmental determinations issued by the EPA and other federal agencies whose determinations are no older than five years of the date of the DWSRLF loan application and applicable under the environmental review requirements of this section. In so doing, the NMFA's Responsible Official will insure that all mitigation measures specified in the previous determinations are applied as conditions of the loan agreement and that such adoption will be consistent with the requirements of these rules. The NMFA's Responsible Official will adopt the previous determination by means of one of the following:
- a. A SOF when the proposed project and its previous determination are to be adopted without substantial modifications.

- b. A FONSI which will include explanations of the modifications to the proposed project, potential environmental impacts identified during an environmental review, and any mitigation measures proposed in addition to those included in the federal environmental determination that are to be enacted.
- c. A ROD summarizing the findings in the EIS and the basis for the decision and summary of identified mitigation and monitoring procedures.

7.2. The applicant or the NMFA's Responsible Official may combine environmental documents to reduce duplication and paperwork.

8. Application of Other Laws and Authorities

In addition to the requirements of state laws and regulations and those of the NEPA, the NMFA's Responsible Official must, as required by the initial guidance from EPA for the DWSRLF and the drinking water capitalization grant agreement, insure that each project proposed to receive DWSRLF financial assistance complies with the following federal laws and authorities respecting the human environment: the Archaeological and Historic Preservation Act of 1974, Pub. L. 86-523, as amended; Clean Air Act, Pub. L. 84-159, as amended; Coastal Barrier Resources Act, Pub. L. 97-348; Coastal Zone Management Act, Pub. L. 92-583, as amended; Endangered Species Act, Pub. L. 93-205, as amended; Environmental Justice, Executive Order 12898; Floodplain Management, Executive Order 11988 as amended by Executive Order 12148; Protection of Wetlands, Executive Order 11990; Farmland Protection Policy Act, Pub. L. 97-98; Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended; National Historic Preservation Act of 1966, Pub. L. 89-665, as amended; Safe Drinking Water Act, Pub. L. 93-523, as amended; Wild and Scenic Rivers Act, Pub. L. 90-542, as amended; Wilderness Act of 1964, Pub. L. 88-577. Because particular federal and/or state agencies are charged with the enforcement of or permitting under many of these laws and authorities, the NMFA's Responsible Official will provide guidance to applicants regarding agency contacts and will encourage proper coordination and project planning with the appropriate agencies (see Attachment C).

- 8.1. Because of their complexity and critical importance to the NMFA's Responsible Official's administration of the fund, the Responsible Official has adopted the following sections to effect proper compliance with the requirements of the DWSRLF:
 - a. The NMFA will not provide financial assistance from the DWSRLF for any project that is proposed to be constructed in a flood plain where the applicant's community is sanctioned by the Federal Emergency Management Agency (FEMA) in its administration of the National Flood Insurance Program, pursuant to the requirements of the Flood Disaster Protection Act of 1973, Public Law 93-734.
 - b. The NMFA may provide financial assistance from the fund for the distribution, storage, transportation or treatment of drinking water in a flood plain only when the proposed project will provide service to:
 - i. Areas of existing development in a flood plain.

- ii. Facilities such as marinas which, by their nature, must be located in flood plains.
 - iii. Areas of projected growth if an EID demonstrates that the proposed development will be consistent with FEMA's flood plain management criteria for flood prone areas ([44 CFR 60.3](#)) and will have no significant impacts on natural functions and values of flood plains; and
 - iv. Areas of projected growth if an EID or EIS demonstrates that there is no practicable alternative to such growth, that such growth will be consistent with the Flood plain management criteria cited in clause 9.1.2.3 of this subparagraph and that the benefits of such growth outweigh its costs to the natural functions and values of the effected flood plains or risks to human health and safety.
- 8.2. When regional systems are proposed, the NMFA will require the regional authority and member entities to demonstrate compliance with these laws and authorities respecting the human environment.
- 8.3. For the purposes of this subsection, the following definition will apply:
- a. Areas of existing development – All or part of the project planning area that, at the time of the Responsible Official's issuance of its environmental determination, is:
 - i. Occupied by existing structures or facilities
 - ii. Substantially surrounded by existing structures and facilities and which serves no significant independent natural flood plain function
 - iii. Characterized by substantial investment in public infrastructure (e.g., roads and utilities are available to individual users) but which is only partially occupied by structures or facilities
 - b. Floodplain or 100-year flood plain – Those lowland, relatively flat areas usually adjoining surface waters that have a one percent or greater chance of flooding in any given year. In determining these areas, the applicant will use flood insurance rate maps or flood hazard boundary maps approved by FEMA. Where these maps are unavailable, the applicant should produce its own map(s) delineating the 100-year flood plain and showing 100-year flood elevations. Such maps should be prepared in accordance with FEMA's Guidelines and Specifications.
 - c. Natural functions and values of the floodplain include:
 - Maintenance of water quality
 - Transport storage, and absorption of floodwaters
 - Groundwater recharge
 - Flow of debris

- Wildlife habitat
- Cultural and historical resource repository
- Agricultural resources
- Aesthetic resources

8.4. The Responsible Official will, as appropriate and consistent with the requirements of these rules, require assurances or include conditions to the provision of DWSRLF financial assistance to insure compliance with these rules.

9. Definitions

Many of the definitions provided below are stated in NEPA, [40 CFR 1500 to 1508](#) and [40 CFR Part 6, Subpart A](#).

- **Applicant** – Any individual, agency, or entity which has filed an application for loan assistance from the DWSRLF.
- **Categorical Exclusion (CE)** – A category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a federal agency in the implementation of NEPA regulations in [40 CFR 1507.3](#) and for which, therefore, neither an environmental assessment (EA) nor an Environmental Impact Statement (EIS) is required. An agency may decide in its procedures or otherwise, to prepare an EA for reasons stated in [40 CFR 1508.9](#) even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.
- **Cooperating agency** – Any federal agency other than a lead agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in [40 CFR 1501.6](#). A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency, become a cooperating agency.
- **Council on Environmental Quality (CEQ)** – The CEQ is a division of the Executive Office of the President that coordinates federal environmental efforts in the United States and works closely with agencies and other White House offices on the development of environmental and energy policies and initiatives.
- **Cumulative impact** – The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
- **Effects** as defined under NEPA include:

- a. Direct effects, which are caused by the action and occur at the same time and place.
- b. Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

- **Environmental assessment (EA)** – A concise public document for which a federal agency is responsible that serves to:
 - a. Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI).
 - b. Aid an agency's compliance with NEPA when an EIS is not necessary.
 - c. Facilitate preparation of an EIS when one is necessary.
 - d. Explain the need for the proposal, alternatives, environmental impacts, and a listing of agencies and persons consulted.
- **Environmental impact statement (EIS)** – A detailed written statement as required by [Section 102\(2\)\(C\) of the NEPA of 1969](#).
- **Environmental information document (EID)** – A written analysis prepared by an applicant that provides sufficient information for the Responsible Official to undertake an environmental review and prepare an EA and FONSI or an EIS and Record of Decision (ROD) for the proposed action.
- **Environmental review** – The process the NMFA uses to comply with NEPA including the development, supplementation, adoption, and revision of NEPA documents.
- **Finding of no significant impact (FONSI)** – A document briefly presenting the reasons why an action will not have a significant effect on the human environment and for which an EIS will not be prepared. It shall include the EA or a summary of it and shall note any other environmental documents related to it. If the EA is included, the finding need not repeat any of the discussion in the EA but may incorporate it by reference.
- **Loan** – A loan of funds by a written loan agreement from the DWSRLF.

- **Mitigation** includes:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action.
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - e. Compensating for the impact by replacing or providing substitute resources or environments.
- **National Pollutant Discharge Elimination System (NPDES)** – The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Project involving the re-issuance of a NPDES permit for a new source may qualify for categorical exclusion.
- **Notice of intent** – A notice that an EIS will be prepared and considered.
- **Responsible Official** – The Chief Executive Officer (CEO) of the NMFA or, at the CEO's discretion, the staff of the NMFA who is authorized to fulfill the requirements of this SERP process as required by NEPA.
- **Record of Decision (ROD)** – This document records a federal agency's decision on an EIS.
- **Significantly** – When used in NEPA documents, the word "significantly" requires the following considerations of both context and intensity:
 - a. **Context** – The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant.
 - b. **Intensity** – This refers to the severity of impact. More than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - i. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

- ii. The degree to which the proposed action affects public health or safety.
 - iii. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
 - iv. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
 - v. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 - vi. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 - vii. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
 - viii. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
 - ix. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
 - x. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.
- Substantive Comment – A comment is deemed to be “substantive” by the NMFA’s Responsible Official. In general, a substantive comment is one that provides new information about the proposed action or the analysis; identifies a different way to meet the project need; points out a specific flaw in the analysis; suggests alternative methods and the reasons they should be used; makes factual corrections; or identifies a different source of credible research which, if used in the analysis, could result in different effects.

ATTACHMENT A

Categorical Exclusion Checklist

And desk review tools

**DRINKING WATER STATE REVOLVING LOAN FUND
CATEGORICAL EXCLUSION CHECKLIST**

The purpose of this checklist is to provide the NMFA with the information necessary to determine whether the proposed project is eligible for a Categorical Exclusion (CE) under the DWSRLF State Environmental Review Process (SERP). CEs are identified categories of actions that do not individually, cumulatively over time, or in conjunction with other federal, state, local, or private actions have a significant effect on the quality of the human environment. If the proposed project is eligible for a CE, the water system benefits by not having to prepare more extensive environmental documentation as well as from time savings due to minimal public involvement. If the proposed project does not qualify for a CE, then an Environmental Information Document (EID) must be prepared.

Please answer each item in the following tables carefully and accurately to the best of your knowledge. The criteria in the tables have been established by the DWSRLF State Environmental Review Process (SERP) and the National Environmental Policy Act of 1969 (NEPA). Consider obtaining the assistance of a professional consultant to assist with the completion of certain items. Please attach any maps or surveys that show the location of all construction areas, the planning area boundary, and any known environmentally sensitive areas in the vicinity of the proposed project. In addition, include any information that help to describe the proposed project or its perceived environmental effects.

See basis for determination and documentation related to the CE on pg. 22.

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Table 1. General Categories of Projects That Qualify for a CE

<p>The proposed project is directed toward minor upgrading or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as a treatment system that collects, treats, stores, and distributes drinking water) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. (Examples include replacement of existing distribution lines within the same rights-of-way or easements; rehabilitation of existing equipment and structures; and the construction of structures on existing sites.)</p>	<p>_____ Yes</p> <p>_____ No</p>

If the answer to Table 1 is NO, then **STOP. The Project does not qualify for a CE and an EID must be prepared.** Please contact the NMFA or refer to the DWSRLF SERP regarding preparation of an EID.

If the answer to Table 1 is YES, then proceed to Table 2A.

[Remainder of Page Intentionally Blank]

Table 2A. Criteria for Funding

The following items are not likely to require direct consultation with a federal agency or with an environmental professional.

		Comments / Documentation
1. The project will include expenditures for monitoring, operations, and/or maintenance expenditures.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. The project will provide capacity for a population at least 30% greater than the existing population.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. The construction of facilities will be cost-ineffective.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. The project is needed mainly for fire flow.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. The project will entail a reservoir, dam, or rehabilitation of dams or reservoirs.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. The project will entail the purchase of water rights.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. The system lacks the adequate technical, managerial, and financial capability to administer the project.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. The system is currently in significant noncompliance.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If ALL of the answers to the items in Table 2A are NO, then proceed to Table 3.

If ANY of the answers to the items in Table 2A are YES, then proceed to Table 2B.

Table 2B. Exception Criteria for Table 2A

		Comments / Documentation
(1) The project will ensure compliance with current regulations; or (2) water rights are owned by a system that is being purchased through consolidation; or (3) the reservoir will be part of the treatment process and is located on the property where the treatment facility is located.	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	

If the answer to Table 2B is NO, then **STOP. The Project does not qualify for a CE and an EID must be prepared.** Please contact the NMFA or refer to the DWSRLF SERP regarding preparation of an EID.

If the answer to Table 2B is YES, then the project may be qualified for a CE. Please contact the NMFA.

[Remainder of Page Intentionally Blank]

Table 3. Criteria That Prevent Granting a CE

The following items are likely to require direct consultation with a federal agency or an environmental professional.

		Basis for Determination and Documentation ²
1. The proposed action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other federal, state, local, tribal, or private actions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. The proposed action is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. The proposed action will adversely affect federal- or state-listed threatened and endangered species or their habitat.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. The proposed action is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, wild and scenic rivers, and significant fish or wildlife habitat	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. The proposed action is known or expected to cause significant adverse air quality effects.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. The proposed action is known or expected to have a significant effect on the pattern and type of land use or growth and distribution of population.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8. The proposed action is known or expected to cause significant public controversy about the potential environmental impact of the proposed action.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

		Basis for Determination and Documentation ²
9. The proposed action is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10. The proposed action is known or expected to conflict with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If ALL of the answers to the items in Table 3 are NO, then the project is eligible for a CE.

If ANY of the answers to the items in Table 3 are YES, then **STOP. The Project does not qualify for a CE and an EID must be prepared.** Please contact the NMFA or refer to the DWSRLF SERP regarding preparation of an EID.

Basis for Determination and Documentation

The basis for determination and documentation information must be traceable and establish the factual data to support the response to each item. Types of information to be included under the “Basis for Determination and Documentation” column are:

1. **FIELD OBSERVATION** (abbreviated as **FIELD**) A site visit that does not usually involve any testing or measurements. Field observation is an important method for initial screening of the issues, but for some of the categories it may be inadequate for final evaluation. Support documentation should include the date of the site visit and the name of who visited.
2. **PERSONAL CONTACT** (abbreviated as **CONTACT**) Personal contacts are useful when the individual contacted is an accepted authority on the subject(s) and the interview is documented. Supporting documentation should include the name, organization, and title of person contacted and the date of the conversation. Copies of written site inspection reports and determination by regulatory agencies on applicability of regulations and permit requirements should be attached.
3. **PRINTED MATERIALS** (abbreviated as **PRINTED**) Printed materials may include comprehensive land use plans, maps, statistical surveys, and studies. Internet resources may also be applicable. Information must be current (i.e., not so old that changing conditions make the information irrelevant) and must represent accepted methodologies. Citation for the material should include enough information so that an outside reviewer can locate the specific reference.
4. **EXPERIENCE OF ENVIRONMENTAL CONSULTANT OR CONSULTING ENGINEER** (abbreviated as **EXPERIENCE**) The professional judgment of a professional consultant who

completes the CE Checklist can be useful provided that the consultant's expertise is relevant to the proposed project. The consultant may have previous knowledge from familiarity with the area or may have sufficient professional experience to make judgments about a specific factor. Provide the consultant's name, qualification(s), organization, and title.

5. SPECIAL STUDY (abbreviated as STUDY) This is a study conducted for an individual factor and should be performed by a qualified person using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. For example, biological and cultural resource studies/investigations need to be conducted by qualified individuals.

**DRINKING WATER STATE REVOLVING LOAN FUND
CATEGORICAL EXCLUSION REQUEST**

Water System Name: _____ Water System ID No. _____

Project Description – Provide a brief project description here. (A detailed description should be included in the Preliminary Engineering Report, if applicable.)

Authorized Water System
Representative:

Signature

Print Name

Print Title

Date

NMFA Use Only

Reviewed by:

Review Date:

Approved:

Denied:

ENVIRONMENTAL REVIEW

The procedure used to review EIDs was developed by the NMFA to comply with the DWSRLF State Environmental Review Process (SERP) for DWSRLF projects. Below is brief outline of the environmental review process. More detail can be found in Appendix A.

The NMFA conducts a detailed review of an EID based on:

- (1) the physical and environmental conditions within the project planning area as described in the applicant's EID and PER and
- (2) the anticipated environmental impacts associated with the construction of the proposed project.

After reviewing the EID and determining its adequacy and accuracy, the NMFA takes one of the following three actions:

- (1) makes a recommendation to grant a CE; or
- (2) prepares a preliminary Environmental Assessment (EA) along with a proposed FONSI, or
- (3) suggests the preparation of an EIS.

If the NMFA has prepared a preliminary EA along with a proposed FONSI, it will conduct an independent review and subsequently finalize the EA and:

- (1) finalize and issue a FONSI; or
- (2) prepare and issue a Notice of Intent to prepare an EIS and Record of Decision (ROD).

Desk Review Tools to assist with the CE checklist

This attachment includes an example of a completed CE. Applicants should use this as a guide in preparing CEs and supporting documentation. A list of websites where you can find the information needed to prepare the CE is provided below:

Endangered Species

<https://ecos.fws.gov/ipac/>

Wetlands

<https://www.fws.gov/wetlands/data/mapper.HTML>

Floodplains

<https://msc.fema.gov/portal>

Air Quality/Attainment and Non-Attainment Areas

https://www.env.nm.gov/aqb/modeling/na_map.html

ATTACHMENT B

Cross-Cutters and Tribal Notification List

ATTACHMENT B

Cross-Cutters and Tribal Notification List

NEW MEXICO FINANCE AUTHORITY
SERP CONSULTATION MAILING LIST

Consultation with public agencies and other stakeholders is required. The EID will not be considered complete without written responses from all applicable cross-cutting agencies. The attached November 5, 2013 memo from USEPA Headquarters states that if the State SRF staff performs an internal analysis and determines that the project has no potential impact on a related federal cross-cutting authority, then it is not necessary to consult with the agency responsible for that cross-cutter. Only the cross-cutters who will be directly affected are required to be notified.

The following list is provided as a starting point for the coordination process, but should not be considered complete. Local officials and other interest groups should be identified and included in the project mailing list as developed in the Coordination Matrix.

1. *Contact the Historic Preservation Division to determine whether the proposed project will affect any cultural, archeological, or historic resources, including properties listed on the National Register of Historic Places. They are also responsible for Section 106 Consultation and can assist with identification of tribes that have an interest in the project area. A county-by-county working list of the appropriate tribal contacts is contained on their website at:*

<http://www.nmhistoricpreservation.org/outreach/native-american-consultations.html>.

They will require the information outlined in the Project Summary Sheet to complete their review which is elaborated on their website at:

<http://www.nmhistoricpreservation.org/programs/review-compliance/section-106.html>.

A letter of no impact or required mitigation measures must be included in the EID:

Attn: Division Director
New Mexico Historic Preservation Division -
Department of Cultural Affairs
407 Galisteo Street, Suite 236
Santa Fe, NM 87501
phone 505-827-6320, fax 505-872-6338
<http://www.nmhistoricpreservation.org/>

2. *Contact the Natural Resource Office of the National Park Service to determine the existence and location of areas designated as national natural landmarks (<http://www.nature.nps.gov/nnl/state.cfm?State=NM>), wilderness areas (<http://www.wilderness.net/NWPS/stateView?state=NM>) and wild and scenic rivers (<http://www.rivers.gov/new-mexico.php>) that must be addressed as part of the environmental review. Also contact the Natural Resource Office to coordinate data recovery and preservation activities when the proposed project may cause irreparable loss or destruction of significant scientific, prehistoric, historic, or archeological data.*

Guideline NPS-28 outlines the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation:

U.S. Department of Interior - National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80225
phone 303-969-2500

email IMRextrev@nps.gov – please send all correspondence by email

3. *Contact the Fish and Wildlife Service to obtain an opinion of the proposed projects impact on fish and wildlife and on threatened and endangered species per Section 7 of the Endangered Species Act. A letter of no impact or required mitigations from the USFWS measures must be included in the EID. If the agency makes a “no effect” determination, then consultation is not necessary. If CPB determines that there may be an effect to species or habitat, then informal consultation is required, as is a concurrence letter from USFWS. If there are significant adverse effects from a project, then a Biological Opinion is required from the USFWS resulting from Section 7 formal consultation.*

U.S. Department of Interior - Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Rd NE
Albuquerque, NM 87113-1001
phone 505-346-2525, fax 505-346-2542
<http://www.fws.gov/southwest/es/NewMexico/>

4. *The New Mexico Game and Fish Department and the New Mexico Energy, Minerals and Natural Resources Department, Forestry Division should also be contacted to determine if any State listed species will be affected.*

New Mexico Department of Game and Fish
Conservation Services Division
P.O. Box 25112
Santa Fe, NM 87504
phone 505-476-8000
<http://www.wildlife.state.nm.us/conservation/wildlife-species-information/>

New Mexico Energy, Minerals, and Natural Resources Department
Forestry Division
1220 S. St. Francis Drive – PO Box 1948
Santa Fe, NM 87505-1948
phone 505-476-3325 fax 505-476-3330
<http://www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html>

5. *The Corps of Engineers must be consulted regarding wetlands determination and floodplain management. They are responsible for issuing 404 permits for any work in the waterways:*

U.S. Army Corps of Engineers - Albuquerque District
Regulatory Branch
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
phone 505-342-3374, fax 505-344-1461
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>

6. *The Natural Resources Conservation Service should be consulted to determine whether prime farmlands exist in the project area and may be adversely affected. The Conservation Service uses Form AD-1006 (10-83), Farmland Conversion Impact Rating, as a tool for considering impacts to prime farmland. They also publish a Prime Farmland Survey that lists prime farmland by county according to soil type:*

State Conservationist
U.S. Department of Agriculture - Natural Resources Conservation Service
New Mexico State Office
6200 Jefferson NE
Albuquerque, NM 87109-3734
phone 800-410-2067 fax 855-538-6003
<http://www.nrcs.usda.gov/wps/portal/nrcs/site/nm/home/>

7. *The New Mexico Environment Department Environmental Impact Review Coordinator should be contacted for all projects in New Mexico. All other NMED Bureaus contacted should be done so by courtesy copy (cc) to the Bureau of the letter to the Coordinator:*

Environmental Impact Review Coordinator
New Mexico Environment Department– Office of General Counsel
P.O. Box 5469
Santa Fe, NM 87502-5469
phone 505-827-2855

8. *The Surface Water Quality Bureau (SWQB) should be contacted to regard any discharges to surface water, including non-point source and temporary discharges such as dewatering operations and erosion control requiring a Storm Water Pollution Prevention Plan (SWPPP) when five (5) or more acres will be disturbed. The SWQB must concur with Corps of Engineer 404 permits and certify that water quality will not be adversely affected. They also evaluate plans for land application of sewage sludge to determine compliance with EPA Part 503 regulations and for compliance with Section 208 Planning:*

cc: Chief
New Mexico Environment Department
Surface Water Quality Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
phone 505-827-0187 fax 505-827-0160
<https://www.env.nm.gov/swqb/>

9. *The Ground Water Quality Bureau (GWQB) should be consulted whenever waste discharges might affect ground water quality. They are responsible for issuing permits (Discharge Permits) for facilities that discharge to the ground water:*

cc: Chief
New Mexico Environment Department
Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
phone 505-827-2900
<https://www.env.nm.gov/gwb/>

10. *The Drinking Water Bureau (DWB) should be consulted whenever community water systems are involved in the project. They are responsible for reviewing and approving all modifications to a community water supply system:*

cc: Chief
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
phone (505) 476-8625 fax 505-827-2965
https://www.env.nm.gov/drinking_water/

11. *The Solid Waste Bureau (SWB) should be consulted whenever solid waste facilities are involved in the project. They are responsible for ensuring that solid waste is managed in such a way as to minimize impact on the environment and public health:*

cc: Chief
New Mexico Environment Department
Solid Waste Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
phone 505-827-0197 fax 505-827-2902
<https://www.env.nm.gov/swb/>

12. *The Air Quality Bureau is responsible for determining compliance with the State Air Quality Implementation Plan (SIP) and will review the proposed project for changes in air quality. Of particular concern is consistency of population projections in the SIP and the PER: Projects located in air non-attainment or maintenance areas require Federal general conformity determination. Appropriate air emissions information will be required for EPA to perform the determination.*

cc: Chief
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez
Suite #1
Santa Fe, NM 87505-1816
phone 505-476-4300 fax 505-476-4375
<https://www.env.nm.gov/aqb/>

13. *The EPA Air Planning Section is responsible for reviewing and approving a “general conformity applicability analysis” and determining regulation requirements. Consultation is only required for projects located in air non-attainment or maintenance areas:*

Air Planning Section (6PD-L)
Multimedia Planning and Permitting Division
EPA Region 6
1445 Ross Avenue, Suite 700
Dallas, TX 75202-2733
phone 214-665-2200

14. *The Office of the State Engineer is responsible for administering all water rights within the State of New Mexico. Land application of wastewater may affect return flow credits and the State Engineer should be consulted. The Engineer also reviews dam design and construction:*

State Engineer
New Mexico Office of the State Engineer
PO Box 25102
Santa Fe, NM 87504-5102
phone 505-827-6091 fax 505-827-3806
<http://www.ose.state.nm.us/>

15. *The NMSHTD must review and approve projects that could impact state highways or require permits for construction within their right-of-way:*

New Mexico Department of Transportation
Environmental Design Bureau
P.O. Box 1149
Santa Fe, NM 87504-1149
phone 505-827-5100 fax 505-827-5469
http://dot.state.nm.us/en/Program_Management.html#EDS

16. *The Federal Emergency Management Agency (FEMA) should be contacted to determine if projects are located within floodplains:*

Federal Emergency Management Agency
Region VI
FRC 800 N. Loop 288
Denton, TX 76209-3698
phone 940-898-5399
<https://www.fema.gov/region-vi-arkansas-louisiana-new-mexico-oklahoma-texas>

17. *The Environmental Protection Agency, Source Water Protection Branch must be contacted for projects located over a sole source aquifer:*

U.S. Environment Protection Agency Region 6
Source Water Protection Branch/Groundwater Section (6WQ-SG)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
phone 214-665-2200

18. *The Environmental Protection Agency has over-sight responsibilities for the DWSRF loan program and final approval of environmental reviews. They may not need to be consulted but must be included in the mailing list for NEPA decision documents.*

U.S. Environment Protection Agency Region 6
Office of Planning and Coordination
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
phone 214-665-2200

Other Local (Project Specific) Contacts:

19. Local Flood Plain Administrator **must** be contacted and comments recorded.
20. Local officials such as city and county governments
21. Irrigation District (such as MRGCD, EBID, etc.)
22. Any other Local Special Interest Groups or Neighborhood Associations
23. Sierra Club, Forest Guardians, and other environmental groups

The National Historic Preservation Act requires notification of American Indian tribes that may have occupied or have historical ties to the project area. The New Mexico Historic Preservation Division maintains a county-by-county working list for determining which Native American Indian tribes want to be consulted for proposed projects in various geographic parts of New Mexico and contact information for pueblos and reservations are available for download from the New Mexico Historic Preservation Division Native American Consultations website at: <http://www.nmhistoricpreservation.org/outreach/native-american-consultations.html>

Tribal Contacts

1. Pueblo of Acoma
PO Box 309
Acoma, NM 87034
505-552-6604
<http://www.puebloofacoma.org>
2. Pueblo of Cochiti
PO Box 70
Cochiti Pueblo, NM
87072
505-465-2244
<http://www.pueblodecochiti.org/>
3. Pueblo of Isleta
PO Box 1270
Isleta Pueblo, NM 87022
505-869-3111
<http://www.isletapueblo.com/>
4. Pueblo of Jemez
PO Box 100
Jemez Pueblo, NM
87024
575-834-7359
<http://www.jemezpueblo.org/>
5. Pueblo of Laguna
PO Box 194
Laguna Pueblo, NM
87026
505-552-6654
<http://www.lagunapueblo-nsn.gov/>
6. Pueblo of San Felipe
PO Box 4339
San Felipe, NM 87001
505-867-3381
7. Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, NM
87004
505-867-3301
<http://www.santaana-nsn.gov/>
8. Pueblo of Santo Domingo
PO Box 99
Santo Domingo Pueblo,
NM 87052
505-465-2214
<http://www.santodomingo-tribe.com/>
9. Pueblo of Sandia
481 Sandia Loop
Bernalillo, NM 87004
505-867-3317
<http://www.sandiapueblo.nsn.us/>

10. Pueblo of Zia
135 Capitol Square Dr
Zia Pueblo, NM 87053-6013
505-867-3304
http://zia.com/home/zia_info.html
11. Pueblo of Zuni
PO Box 339
Zuni, NM 87327
505-782-7022
<http://www.ashiwi.org/>
12. Pueblo of Nambe
Route 1, Box 117-BB
Santa Fe, NM 87506
505-455-2036
<http://nambepueblo.org/>
13. Pueblo of Picuris
P.O. Box 127
Penasco, NM 87553
575-587-2519
14. Pueblo of Pojoaque
78 Cities of Gold Road
Santa Fe, NM 87506
505-455-3334
<http://pojoaque.org/>
15. Pueblo of San Ildefonso
02 Tunyo Po
Santa Fe, NM 87506
505-455-2273
<http://www.sanipueblo.org/>
16. Ohkay Owingeh (Pueblo of San Juan)
PO Box 1099
San Juan Pueblo, NM 87566
505-852-4400
17. Pueblo of Santa Clara
PO Box 580
Espanola, NM 87532
505-753-7330
18. Pueblo of Taos
PO Box 1846 Taos, NM 87571
575-758-9593
<http://taospueblo.com/>
19. Pueblo of Tesuque
Route 42, Box 360-T
Santa Fe, NM 87506
505-955-7732
20. Jicarilla Apache Nation
PO Box 507
Dulce, NM 87528
575-759-3242
<http://hrjicarilla.com/index.php/page/home>
21. Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340
575-464-4494
<http://mescaleroapachetribe.com/>
22. Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515
928-871-7000
<http://www.navajonsn.gov/>
23. The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039
928-734-3000
<http://www.hopi-nsn.gov/>
24. Ramah Navajo Chapter
Route 2, Box 13
Ramah, NM 87321
505-775-7130
<http://ramahnavajo.org/>
25. Southern Ute Tribe
P.O. Box 737
Ignacio, CO 81137
970-563-0100
<https://www.southernute-nsn.gov/>

26. Ute Mountain Ute Tribe
P.O. Box JJ
Towaoc, CO 81334-0248
970-565-3751
<http://www.utemountainute.com/>
27. Apache Tribe of Oklahoma
P.O. Box 1220
Anadarko, OK 73005
405-247-9493
<http://www.apachetribe.org/>
28. Fort Sill Apache Tribe of Oklahoma
Route 2, Box 121
Apache, OK 73006
580-588-2298
<http://fortsillapachensn.gov/>
29. Ysleta del Sur Pueblo
P119 S. Old Pueblo Road
Ysleta del Sur Pueblo, TX 79917
915-859-8053
<http://www.ysletadelsurpueblo.org/>
30. Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502
580-492-3240
<http://www.comanchenation.com/>
31. Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015
580-654-1729
<https://www.kiowatribe.org/>
32. Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058
918-762-3621
<http://www.pawneenation.org/>
33. San Carlos Apache Tribe
P.O. Box 0
San Carlos, AZ 85550
928-475-2361
<http://www.sancarlosapachecom/home.htm>
34. White Mountain Apache Tribe
P.O. Box 700
Whiteriver, AZ 85941
928-338-4346
<http://www.wmat.nsn.us/>
35. Wichita & Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005
405-247-2425
<http://www.wichitatribe.com/>

ATTACHMENT C

Environment Information Document Outline

ATTACHMENT C

Environment Information Document Outline

New Mexico Finance Authority Drinking Water Revolving Loan Fund
Environmental Information Document (EID) Outline

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ATTACHMENT D

Environment Information Document Review Checklist

ATTACHMENT D

SERP EID EVALUATION CHECKLIST

Project Name: _____ Project Number: _____

Project Manager (PM): _____

(Y = yes, N = no, N/A = not applicable)

ITEM	Y, N, N/A	COMMENT
1.0 PURPOSE AND NEED FOR PROJECT		
1.1 Is the proposed action clearly described in sufficient detail so the potential impacts can be identified?		
1.1 As appropriate, is the project description written broadly enough to encompass future modifications?		
1.2 Does the statement of purpose clearly define the need for the project?		
1.2 Is the statement of purpose written so that it does not inappropriately narrow the range of reasonable alternatives?		
2.0 ALTERNATIVES		
2.0 Does the EID address an appropriate range of reasonable alternatives?		
2.0 If there are alternatives that appear obvious or have been identified by the public, but are not analyzed, does the EID explain why they were excluded from consideration?		
2.1 Does the EID include the "NO ACTION" alternative described in sufficient detail so that its scope is clear and the potential impacts can be identified?		
2.1 If appropriate, does the NO ACTION alternative discuss legal ramifications of no action		
2-- If appropriate, does the EID discussion of alternatives include: Physical/legal and institutional constraints? Any other comments regarding alternatives?		

ITEM	Y, N, N/A	COMMENT
Does the PER adequately state the reason(s) for ranking and rejecting alternatives? Does the PER contain an adequate analysis of each alternative performed to clearly describe benefits and impacts?		
3.0 AFFECTED ENVIRONMENT/ ENVIRONMENTAL CONSEQUENCES		
3.1 Environmental Setting - Overall, is the affected environment adequately described?		
3.2 Land Use – Does the EID address general land use, population projections, important farm and range lands, soils, and formally classified lands such as national parks and wild and scenic rivers? Are mitigation measures described as needed?		
3.3 Floodplains – Does the EID document coordination with the floodplain administrator and identify whether the proposed project is within a floodplain? Are mitigation measures described as needed?		
3.4 Wetlands – Does the EID document coordination with the U.S. Army Corps of Engineers to determine if wetlands exist in the proposed project area? Are mitigation measures described as needed?		
3.5 Water Resources - including NPDES permits, DP's, 404 permits, etc. Does the EID document consultation with NMED DWB, GWQB, & SWQB's and SEO for surface and ground water quality and quantity? Are mitigation measures described as needed?		
3.6 Coastal Resources		

ITEM	Y, N, N/A	COMMENT
<p>3.7 Air Quality – Does the EID document coordination with NMED AQB regarding ambient air quality standards compliance and population projections for the State Implementation Plan? Are emissions data for projects located in an air nonattainment or maintenance area included? Are mitigation measures described as needed?</p>		
<p>3.8 Biological Resources – Does the EID adequately describe existing vegetation and wildlife? Does the EID document coordination with U.S. Fish & Wildlife and State Game & Fish to identify listed species in the proposed project area? Does the EID document a no impact finding from Fish & Wildlife or appropriate mitigation measures?</p>		
<p>3.9 Archeological, Cultural, and Historic Resources – Does the EID document coordination with SHPO? Does the EID document consultation and follow up with Indian tribes? Have required field studies been completed? Does the EID document a no impact finding from SHPO or appropriate mitigation measures?</p>		
<p>3.10 Socioeconomic/ Environmental Justice – Does the EID adequately describe socioeconomic conditions. Does the EID document adequately analyze the environmental justice factors? Are mitigation measures needed and if so are they described?</p>		
<p>3.11 Other Resources – including public health & safety, energy, transportation, visual impacts, and noise. Does the EID adequately address these issues? Are mitigation measures described as needed?</p>		

ITEM	Y, N, N/A	COMMENT
3.12 Cumulative Impacts – Does EID adequately address secondary and cumulative impacts? Are mitigation measures described as needed?		
4.0 SUMMARY OF MITIGATION MEASURES		
4.1 Are mitigation measures specifically listed for : Physical resources		
4.2 Biological Resources		
4.3 Threatened & Endangered Species		
4.4 Socioeconomic/ Environmental Justice		
4.5 Archeological, Cultural, and Historic Resources		
4.6 Environmentally Sensitive Areas		
4.7 Other Resources		
4.8 Cumulative Impacts		
5.0 CONSULTATION, COORDINATION, & PUBLIC INVOLVEMENT		
5.1 Are the agencies contacted for consultation clearly identified, including Tribal where appropriate?		
5.1 Is a sample consultation letter or other notice included along with a mailing list?		
5.1 Are responses included from all agencies contacted?		
5.1 Does the EID contain a contact log documenting when letters were sent, responses received, and follow-up contacts made?		
5.2 Are the minutes and/or transcripts of public meetings and hearing included?		
5.3 Does the EID include a Responsiveness Summary for all public hearings?		
OVERALL CONSIDERATIONS		

ITEM	Y, N, N/A	COMMENT
Is the EID easy to follow, technical terms defined, logical transitions, etc.?		
Are consistent references and terms used throughout the document?		
Are the references complete and adequate for the document?		
Other –		