UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT
Las Cruces District Office

ACTION TITLE
La Mesa Solar Interconnect Project, Environmental Assessment,
DOI-BLM-NM-L000-2022-0009-EA

FINDING OF NO SIGNIFICANT IMPACT

BACKGROUND

The Bureau of Land Management (BLM) Las Cruces District Office prepared an Environmental Assessment (EA) (DOI-BLM-NM-L000-2022-0009-EA) for a Proposed Action to address a Standard Form 299 Application for Transportation and Utility Systems and Facilities (SF-299) and associated Plan of Development (POD) for the construction, operation, and maintenance of the La Mesa Solar Interconnection Right-of-Way Project (or project) in Doña Ana County, New Mexico. The project would consist of a 4.7-mile-long 24-kilovolt overhead, three-phase distribution line within a permanent 50-foot-wide linear right-of-way (ROW) corridor, connecting the La Mesa Solar Facility to the existing Anthony Substation. Approximately 3.5 miles of the project would be new distribution line, and approximately 1.2 miles would be a rebuild of an existing distribution line. The project would disturb 32.4 acres total; approximately 14.9 acres are located on public land, of which 13.6 acres would be subject to permanent disturbance, with a project life of 30 years or more. The underlying need for the proposal would be met while accomplishing the goals, allowable uses, and management actions set out by the 1993 Mimbres Resource Management Plan (RMP), the Federal Land Policy and Management Act of 1976, and the Energy Policy Act of 2005.

The project area, as described in the attached EA [DOI-BLM-NM-L000-2022-0009-EA], is 4.7 miles in length and is located near the New Mexico–Texas state border. A No Action Alternative and a Proposed Action were analyzed in the EA.

This Finding of No Significant Impact (FONSI) has been prepared for the Proposed Action.

FINDING OF NO SIGNIFICANT IMPACT

Based on the EA (DOI-BLM-NM-L000-2022-0009-EA), which analyzes potential impacts from the project, and the criteria for considering the potentially affected area and degree of the effects of a specific action provided by the Council on Environmental Quality (CEQ) regulations at 40 Code of Federal Regulations (CFR) 1501.3 (1) and (2) i-iv, I have determined that granting the ROW, under the Proposed Action, does not constitute a major federal action that would have a significant effect on the quality of the human environment. Therefore, an environmental impact statement (EIS) is not required.

The Proposed Action, the La Mesa Solar Interconnection Right-of-Way Project, and its effects have been evaluated in a manner consistent with the CEQ regulations for determining the potentially affected area and

the degree of the effects. Per 40 CFR 1501.3 (1) and (2) i-iv, a determination of the degree of the effects of the action as used in the National Environmental Policy Act (NEPA) requires consideration of both the affected area and the degree of the effect. The affected area refers to the setting in which the action would occur (national, regional, or local) and its resources. Significance varies with the setting of the Proposed Action. The degree of the effect refers to the severity of the impact. The degree of the effect relates to four criteria outlined in 40 CFR 1501.3 (2) i-iv. This FONSI is based on the affected area and degree of the effects of the Proposed Action.

AFFECTED AREA

Under the Proposed Action, the BLM would approve the SF-299 and POD, and issue a grant for the entire project area (32.4 acres) consisting of a 50-foot-wide permanent ROW corridor. As disclosed in the EA, development of the Proposed Action would result in approximately 32.4 acres of surface disturbance during the 3- to 6-month construction period. Interim reclamation would occur after the construction activities are complete. The Proposed Action is designed to minimize impacts; POD Section 3.5 identifies the Environmental Protection Measures (EPMs; or project design features). These EPMs are also captured within their respective resources sections within Chapter 3 of the EA. The potential impacts associated with the development of the overhead distribution line as described in the POD are analyzed in Chapter 3 of the EA. The overhead distribution line development activity compliance is subject to the operator obtaining other federal, state, and local government approvals.

The project conforms to the lands and realty program resource management guidance provided under the Mimbres RMP, approved in December 1993. The BLM recognizes utility corridors as an appropriate use of public land through its issuance of ROWs, leases, and permits to individuals, businesses, and government entities for the use of public land (BLM 1993:2–14). The Mimbres RMP provides management direction for the designation of ROW corridors, encouraging applicants to locate new facilities near existing sites or within existing ROW corridors. Most land actions within the Mimbres Resource Area are compatible, and overlapping ROWs are issued whenever possible (BLM 1993:2–14). The applicant's POD contains design features and site-specific consideration designed to conform to applicable statutes and regulations, including but not limited to the Endangered Species Act of 1973, Clean Air Act of 1990, Clean Water Act of 1987 CWA, Migratory Bird Treaty Act of 1918 (MBTA), Section 106 of the National Historic Preservation Act of 1966, and Section 368 of the Energy Policy Act of 2005. The POD is legally incorporated into the ROW grant via stipulation.

The proposed project is located in Doña Ana County, New Mexico, approximately adjacent to the town of Anthony, New Mexico, between the Franklin Mountains to the east and the Rio Grande to the west. The project area and surrounding landscape have been previously disturbed by cattle grazing, transmission corridors, a transportation station, minor littering, and lightly used two-track roads. Built elements include the Anthony Substation, existing distribution lines, Interstate 10, a New Mexico Port of Entry, and commercial structures. The proposed ROW would generally parallel Interstate 10. The nearest community centers and residences to the Proposed Action are located within the communities of Anthony and Berino, New Mexico, which are located at the south and north ends of the proposed project area, respectively.

The 4.7-mile-long project would include 2.2 miles of BLM-managed land and 2.5 miles of private land. The project area on BLM land is located within Visual Resource Management (VRM) Class IV. The VRM Class IV objective is to provide for management activities that require major modifications of the existing character of the landscape.

DEGREE OF EFFECTS

The following discussion is organized around the four criteria described at 40 CFR 1501.3(2)i-iv.

1. *Both short- and long-term effects.*

Both short- and long-term effects related to the Proposed Action are disclosed and analyzed in EA Chapter 3. Short-term effects are defined as those that cease after construction (4–6 months) or cease after interim reclamation; long-term effects are those associated with operation or that would otherwise extend beyond the short-term time period (for example, surface disturbance subject to final reclamation). Table 1 summarizes short- and long-term effects associated with the issues analyzed in detail (see EA Chapter 3), and the incremental contribution of the Proposed Action to cumulative impacts.

Table 1. Summary of Duration of Effects and Associated Significance Conclusions

Issue (EA Section)	Short-term Effects and Significance Conclusions	Long-term Effects and Significance Conclusions
Issue 1: How would the proposed project impact watershed hydrology, specifically the interactions among various watershed components and hydrologic response (rainfall-runoff and erosion relationships), as well as surface water quality? What is the potential for erosion to change because of the implementation of the proposed action? (EA Section 3.3)	**Surface Hydrology**: Less than 0.1 acre within four potentially jurisdictional waters of the U.S. (ephemeral drainages DR01, DR02, DR03, and DR04; see Figures B.5 and B.6 in Appendix B of the EA) would be temporarily impacted by construction activities, including vehicle traffic. No structures would be built within the drainages. Under Section 404 of the CWA, the U.S. Army Corps of Engineers can issue general permits to authorize activities that have minimal individual and cumulative adverse environmental effects. The temporary impacts to the surface water features within the proposed project area would be mitigated during reclamation by following Nationwide Permit 57 (Electric Utility Line and Telecommunications Activities), including regional conditions and State of New Mexico Water Quality Certification guidelines, which includes bank stabilization along the ephemeral drainages within the proposed project area.	**Surface Hydrology and Water Quality**: All affected surface water features within the proposed project area would be recontoured to preconstruction elevations after construction. The proponent will be required to submit a Pre-Construction Notification and Water Quality Certification to the U.S. Army Corps of Engineers and New Mexico Environment Department per the recent Section 401 – Water Quality Certification regulatory updates in New Mexico, thus adherence to NWP 57 will ensure general and regional conditions are properly met. With sufficient rainfall and proper seeding techniques, vegetation cover by faster-growing plants is expected within 2 years after construction. The growth of mature native plant communities could require decades to become fully reestablished (Monsen et al. 2004). Very small-scale, isolated surface disturbance impacts, resulting in accelerated erosion, soil compaction, and related reductions in the productivity of desirable vegetation, could result from maintenance traffic and incidental repairs.

Issue (EA Section)	Short-term Effects and Significance Conclusions	Long-term Effects and Significance Conclusions
	In addition to the design features captured within EA Section 2.3, the following mitigation was determined to adequately minimize impacts to surface water features, including potential impacts from soil erosion: *The Holder would avoid any direct disturbance from the proposed service road within the northern surface water feature, DR-04 (Figure B.5 of the EA). The distribution line would be accessed from the north and south of this arroyo feature during construction and maintenance activities. The service road would be constructed with a setback of approximately 10 feet from each bank associated with the arroyo. The only passage through the specified arroyo would be with all-terrain vehicle (ATV) used to pull the conductor wire between structures. ATVs would be prohibited from entering the drainage feature when water is present within the drainage.* **Water Quality:** The potential to impact water quality primarily lies with the indirect impacts that could occur due to stormwater runoff from construction activities into downstream aquatic resources. Soils in the project area have a low runoff potential. Some soil loss would result from wind and water erosion until erosion control measures begin to take effect. Soil impacts may occur if revegetation is not successful or if adverse weather conditions (mainly heavy rainstorms) occur during construction or before reclamation and erosion control measures are implemented. Although indirect impacts from stormwater movement of contaminants or sediment due to ground disturbance could be a possibility, the project design features detailed in Section 2.3 of the EA would likely limit impacts to soil erodibility and potential sediment erosion contribution within the watershed from the Proposed Action.	

Issue (EA Section)	Short-term Effects and Significance Conclusions	Long-term Effects and Significance Conclusions
Issue 2: How would the proposed project affect sand prickly-pear (*Opuntia arenaria*) individuals and potential habitat? (EA Section 3.4)	The sand prickly-pear individual that was observed during the 2022 biological survey was a single observation, and no established population was identified. Per the design feature in Section 2.3.5, any identified special-status plant species, including the sand prickly-pear, would be avoided to the greatest extent possible. Where avoidance is not feasible, transplanting of individuals would occur (BLM 2022). All special-status plant observations would be provided to the BLM Authorized Officer. The proposed project would result in surface disturbance affecting 32.4 acres of potential habitat for this species. Based on the lack of an established population within the project area and the design feature for avoidance or transplanting, this short-term disturbance is not likely to contribute toward a federal listing or loss of viability of this species.	The proposed project would result in 13.5 acres of long-term disturbance within potential habitat for this species. Based on the lack of a larger population and the design feature for avoidance or transplanting, this long-term disturbance is not likely to contribute toward a federal listing or loss of viability of this species. The design features captured within Section 2.3 of the EA would minimize potential impacts to special-status plant species, including the sand prickly-pear and associated habitat. No additional mitigation measures are necessary.

Issue (EA Section)	Short-term Effects and Significance Conclusions	Long-term Effects and Significance Conclusions
Issue 3: How would the development of the Proposed Action impact environmental justice communities? (EA Section 3.5)	Environmental justice communities are present within the analysis area. The communities of concern include Hispanic populations for Doña Ana County, which comprise 68.3% of the county population, exceeding the 50% threshold for a minority population in the analysis area (Headwaters Economics 2022). The populations of both individuals and families in poverty for Doña Ana County are greater than those of the state of New Mexico and therefore are also considered communities of concern. During construction, the project would likely result in a temporary increase in traffic on public roads in the vicinity of the project area. This traffic would include travel by eight to 11 employees, assuming one construction crew, or 16 to 22 employees, assuming two construction crews, including linemen and supervisors. Construction would result in a temporary increase in ambient noise levels during daytime hours when residential land uses are typically less sensitive to noise intrusion. Design features captured within Section 2.3 of the EA would minimize potential impacts resulting from traffic and noise, and no additional mitigation measures are necessary. Given the analysis in Section 3.5.2.1 of the EA and applicable design features, while there are communities of concern present within the analysis area, these communities would not be disproportionately and adversely impacted by activities resulting from the Proposed Action.	The project area consists largely of undeveloped land in and around the communities of Anthony and Berino. Operations of the proposed project would not change the nature or character of the landscape as discussed in Table 1.2 of the EA, as the vast majority of the rural landscape would remain unaltered and the project would be consistent with previous development. Because permanent personnel on-site postconstruction would be minimal (approximately two to three employees), the Proposed Action would likely have a negligible impact to traffic on local roads, as well as infrastructure, utilities, and public services, during operations. Electromagnetic fields (EMFs) from the proposed distribution line would be far below all reference levels for EMFs, and the proposed distribution line would be within the city of Anthony, New Mexico, 0.4 mile from Berino, New Mexico, and 500 feet from the closest residence. No EMF-related impact to communities of concern would occur under the Proposed Action (Homeland Infrastructure Foundation-Level Database 2021; International Commission on Non-Ionizing Radiation Protection 1998; National Institute of Environmental Health Sciences 2020) (see EA **Error! Reference source not found.**). The Proposed Action would be designed and constructed to maintain public safety in accordance with all applicable regulations. All new electrical facilities would be constructed, operated, and maintained in accordance with Occupational Safety and Health Administration regulations and established protocols for emergency preparedness and response. Project design would incorporate clearance requirements and industry safety design standards as established by the National Electrical Safety Code, as well as industry guidelines and standards published by the Institute of Electrical and Electronics Engineers (IEEE) for electrical facilities.

2. *Both beneficial and adverse effects.*

Potentially beneficial and adverse impacts related to the Proposed Action are disclosed and analyzed in EA Chapter 3. The potential for adverse impacts to the resources examined in Table 1.2 of the EA would be minimized with application of project design features, adherence to the MBTA guidelines, and clearance requirements and industry safety design standards as established by the National Electrical Safety Code, as well as industry guidelines and standards published by the IEEE for electrical facilities.

Table 2. Summary of Issues Analyzed in Detail

Issue (EA Section)	Summary of Issues Analyzed (further discussed in EA Chapter 3) and Significance Conclusions
Issue 1: How would the proposed project impact watershed hydrology, specifically the interactions among various watershed components and hydrologic response (rainfall-runoff and erosion relationships), as well as surface water quality? What is the potential for erosion to change because of the implementation of the proposed action? (EA Section 3.3)	The potential to impact water resources primarily lies with the indirect impacts that could occur due to stormwater runoff and associated erosion from construction activities into downstream aquatic resources. Although indirect impacts from stormwater movement of contaminants or sediment due to ground disturbance could be a possibility, the project design features detailed in Section 2.3 (which include implementation of a stormwater pollution prevention plan) would likely limit movement of contaminants or sediment and limit indirect impacts. Very small-scale, isolated surface disturbance impacts, resulting in accelerated erosion, soil compaction, and related reductions in the productivity of desirable vegetation, could result from maintenance traffic and incidental repairs. Impacts related to excavation and topsoil handling are not likely to occur. However, if they do occur, they would be limited to small areas where certain distribution line maintenance activities occur. Project design features and mitigation measures detailed in Section 2.3 and Section 3.3.4, respectively, would minimize the above-mentioned impacts to soil erodibility and potential sediment erosion contribution within the watershed from the Proposed Action. The cumulative effect of the project related to drainage crossings would be minimal compared with crossings associated with past and present actions. Any impacts to water quality in drainages would be remediated and would be temporary in nature. In addition, the soils in the project area are not prone to runoff, and therefore, disturbance of these soils is not expected to contribute to erosion. Thus, the cumulative effect of the project on watershed hydrology and surface water quality is expected to be minimal.
Issue 2: How would the proposed project affect sand prickly-pear (*Opuntia arenaria*) individuals and potential habitat? (EA Section 3.4)	The sand prickly-pear individual that was observed during the 2022 biological survey was a single observation, and no established population was identified. Per the design feature listed in Section 2.3.5, any identified special-status plant species, including the sand prickly-pear, would be avoided to the greatest extent possible. Where avoidance is not feasible, transplanting of individuals would occur (BLM 2022). All special-status plant observations would be provided to the BLM Authorized Officer. Habitat and seed bank removal would be avoided and mitigated during construction, but reductions in sand prickly-pear suitable habitat (up to 32 acres) could be long term. Based on the lack of a larger population and the design feature for avoidance or transplanting, the project is not likely to contribute toward a federal listing or loss of viability of this species. Impacts to suitable habitat from reasonably foreseeable environmental trends and planned actions would be similar in nature to those of the proposed project, including loss of habitat and reduced productivity due to fugitive dust. Construction and maintenance of the distribution line would incrementally contribute to future disturbance of suitable habitat; however, the contribution of the project to these impacts would be within a limited area that does not contain an established population.

Issue (EA Section)	Summary of Issues Analyzed (further discussed in EA Chapter 3) and Significance Conclusions
Issue 3: How would the development of the Proposed Action impact environmental justice communities? (EA Section 3.5)	Environmental justice communities are present within the analysis area. The communities of concern include Hispanic populations for Doña Ana County, which comprise 68.3% of the county population, exceeding the 50% threshold for a minority population in the analysis area (Headwaters Economics 2022). The populations of both individuals and families in poverty for Doña Ana County are greater than those of the state of New Mexico and therefore are also considered communities of concern. With a nominal temporary increase in population and traffic in the analysis area during construction activities and a negligible increase in population and traffic in the analysis area during operations, the Proposed Action would result in a negligible impact to infrastructure, utilities, and public services in the analysis area. Construction would result in a temporary increase in ambient noise levels during daytime hours when residential land uses are typically less sensitive to noise intrusion. The project as proposed is consistent with other infrastructure in the immediate vicinity including existing transmission infrastructure and would not change the nature or character of the landscape. With consideration of EMF levels (far below reference levels) and distance from the line (the proposed distribution line would be 500 feet from the closest residence at any point along the line), no EMF-related impact to any potential communities of concern would occur under the Proposed Action Incremental impacts to communities of concern from past, present, and reasonably foreseeable future actions include visual impacts from pole structures, temporary population increase, and EMFs. The contribution of the Proposed Action to these impacts would generally be limited to short-term increases in noise and traffic levels during construction. Long-term visual impacts would not change the nature or character of the landscape.

3. ***Effects on public health and safety.***

In the EA, public health and safety–related effects are described in Table 1.2 (air quality, risk of fire, and EMFs). The Proposed Action is designed to minimize public health and safety effects. However, any potential impacts to health and safety as a result of the Proposed Action are not definite or unavoidable. Construction of the Proposed Action may contribute to public health and safety–related risks, including occasional fire starts, spills of hazardous materials, hydrocarbons, traffic congestion and collisions from commercial vehicles and heavy use, or increased levels of fugitive dust. EA Table 1.2 explains that the Proposed Action would not result in an exceedance of any air quality–related standard or an impact to public health and safety.

The Proposed Action would be designed and constructed to maintain public safety in accordance with all applicable regulations. All new electrical facilities would be constructed, operated, and maintained in accordance with Occupational Safety and Health Administration regulations and established protocols for emergency preparedness and response. Project design would incorporate clearance requirements and industry safety design standards as established by the National Electrical Safety Code, as well as industry guidelines and standards published by the IEEE for electrical facilities. Additionally, applicable measures for electric substation fire protection would also be implemented as part of project design and would follow the IEEE Guide for Substation Fire Protection (IEEE Std. 979-2012). These mitigation measures would prohibit the spread of surface fire and assist in containment if a fire were to occur (see EA Section 2.3.11).

Traffic increases due to the Proposed Action would be minimal. During construction, the project would likely result in a temporary increase in traffic on public roads in the vicinity of the project area. This traffic would include travel by the eight to 11 employees, assuming one construction crew, or 16 to 22 employees,

assuming two construction crews, needed for the project. Because permanent personnel on-site postconstruction would be minimal (approximately two or three employees), the Proposed Action would likely have a negligible impact to traffic on local roads during operations.

There is currently no regulatory framework or established limits on EMFs in Arizona or New Mexico. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) reference levels for electric field strength are 8.3 kilovolts per meter (kV/m) for occupational exposure and 4.2 kV/m for general public exposure (ICNIRP 1998). ICNIRP reference levels for magnetic flux density are 4,167 milligauss (mG) for occupational exposure and 833 mG for general public exposure (ICNIRP 1998). The proposed 24-kV distribution line would be contained within a 50-foot-wide ROW, with the nearest sensitive receptor at approximately 500 feet from the edge of the ROW. The National Institute of Environmental Health Sciences (2002) estimates that electric field and mean magnetic field levels for a 115-kV transmission line would be 1 kV/m and 29.7 mG, respectively, directly under the line. These values would dissipate to 0.003 kV/m and 0.2 mG at 300 feet. Scientific review panels have consistently concluded that neither electric fields nor magnetic fields are known or likely to cause any adverse health effect at the long-term, low-exposure levels found in the environment.

4. ***Effects that would violate federal, state, tribal, or local law protecting the environment.***

None of the effects associated with the Proposed Action would violate any federal, state, tribal, or local law protecting the environment. Federal, state, tribal and local entities and the general public were given the opportunity to participate in the environmental analysis process during an external public scoping period from January 31 to March 1, 2022.

National Historic Preservation Act

A Class I records review of previously recorded cultural resources was conducted, and a pedestrian Class III cultural resource inventory was conducted (December 14–16, 2021, and January 3, 2022) for the entire project area. One previously recorded historic property (HCPI 42972) and two newly discovered archaeological sites (LA 200113 and LA 200114) were recorded. Only one of the resources recorded was recommended eligible for the National Register of Historic Places, and this site is not within the proposed project area and thus would not be impacted by the Proposed Action.

All cultural resources identified in the surveyed area are either not eligible for the National Register of Historic Places or would be avoided by the Proposed Action. The Proposed Action would not impact any eligible or potentially eligible resources, and thus no further management is recommended in accordance with BLM's cultural resource management guidelines and in compliance with the National Historic Preservation Act.

The proposed project would have no adverse effect on historic properties protected under the National Historic Preservation Act. Therefore, no consultation between the BLM and New Mexico State Historic Preservation Office has occurred.

Endangered Species Act

The proposed action would be in compliance with the Endangered Species Act (see EA Table 1.2). The analysis in the EA indicates that no potential habitat is present within the proposed project area for federally listed threatened or endangered species and there are no U.S. Fish and Wildlife Service–designated critical habitats within the project area or its vicinity.

CONCLUSION

Therefore, on the basis of the information contained in the EA (DOI-BLM-NM-L000-2022-0009-EA) and all other information available to me at this time, it is my determination that:

- The degree of the effects of the Proposed Action do not rise to the level of significance requiring preparation of an EIS. (See criteria 1–4 explained in detail.)
- The Proposed Action is in conformance with the 1993 Mimbres RMP. Therefore, preparation of an EIS is not necessary.

WILLIAM CHILDRESS Digitally signed by WILLIAM CHILDRESS Date: 2022.12.21 09:17:37 -07'00' 12/21/2022

Authorized Officer: William Childress **Date**
District Manager