UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

August 15, 2016

Mr. Ryan Flynn
Secretary
New Mexico Environment Department
P. O. Box 5469
Santa Fe, New Mexico 87502-5469

Dear Mr. Flynn:

Thank you for your submittal of the revised New Mexico Environment Department, Construction Programs Bureau, State Environmental Review Process (SERP) received July 26, 2016 in response to the Environmental Protection Agency's comments. We have reviewed the revised SERP and find that all of our comments and recommendations have been addressed satisfactorily. This document is approvable as submitted.

We appreciate your assistance, as well as that of your staff in the updating of the SERP. If you have any questions or comments, please contact me at (214) 665-7101, or have your staff contact Mrs. Claudia Hosch, Associate Director of the Assistance Programs Branch, at (214) 665-7110.

Sincerely,

for Cla Hosch

William K. Honker, P.E.
Director
Water Division

Enclosure

cc (w/encl): Jim Chiasson, P.E., NMED-CPB
Rhonda Holderman, NMED-CPB
Judi Kahl, NMED-CPB
Jennifer Prada, NMED-CPB

New Mexico Environment Department

Construction Programs Bureau

State Environmental Review Process (SERP)

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NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
STATE ENVIRONMENTAL REVIEW PROCESS

(Final July 2016)

PURPOSE

This procedure was developed by the New Mexico Environment Department (NMED); Construction Programs Bureau (CPB) to comply with the National Environmental Policy Act (NEPA) review requirements for federally capitalized Clean Water State Revolving Fund (CWSRF) loans and federally funded Special Appropriation Act Project or State and Tribal Assistance Grants (SAAP or STAG). The procedure is based on implementing the regulations for NEPA (40 Code of Federal Regulations [CFR] Parts 6, 25, 35, and 1500) as followed by the Environmental Protection Agency (EPA), and State regulations 20.7.7 NMAC. These regulations govern the NMED State Environmental Review Process (SERP). The SERP regulation can be found at: http://164.64.110.239/nmac/parts/title20/20.007.0007.htm.

IMPLEMENTATION

Environmental reviews will be conducted for all construction projects receiving assistance from the CWSRF loans and SAAP or STAG grants. The reviews could result in three possible actions. The CPB can (i) recommend granting or denying a Categorical Exclusion (CE) if the action falls into a defined category where little environmental impact is expected, or (ii) prepare a preliminary Environmental Assessment (EA) along with a proposed Finding of No Significant Impact (FONSI), or (iii) find that potential impacts might be significant and direct that an Environmental Impact Statement (EIS) be prepared. These processes are explained in more detail in Attachment 1 - the **NEPA REVIEW PROCESS SUMMARY**. The applicant will be required to prepare a Preliminary Engineering Report (PER) and Environmental Information Document (EID). The PER will be prepared in accordance with USDA RUS Bulletin 1780-2. The bulletin can be found on the NMED website at:

https://www.env.nm.gov/cpb/documents/PERRUSBulletin1780-2040413.pdf

CPB project managers will review the draft PER using the **PER EVALUATION CHECKLIST**. The EID will follow Attachment 3 – the **EID OUTLINE**. CPB project managers will review the draft EID using Attachment 4 - the **NEPA EID EVALUATION CHECKLIST**. The applicant will be required to hold properly noticed public meetings and hearings as appropriate. CPB project managers will, if possible, attend all public hearings. Attachment 5 – the **NEPA COORDINATION/CONSULTATION MAILING LIST** should be used to ensure all appropriate agencies are consulted. The CPB project managers shall review the project mailing list for completeness and assist in agency coordination/consultation.

CLEAN WATER STATE REVOLVING LOAN FUND

If a CE has not been requested, CPB will use the EID to prepare an Environmental Assessment (EA) on all CWSRF projects in accordance with the outline found in the Region 6 *Guidance for Preparing an Environmental Assessment* dated March 2004. CPB will prepare a Finding of No Significant Impact (FONSI) for CWSRF projects, if supported by the EA. CPB will distribute the FONSI as a preliminary finding to the project mailing list and have the funding recipient publish it in a newspaper of general circulation. A minimum of thirty (30) days will be allowed for comment before further action is taken. The FONSI and EA may be amended in response to any comments received and the FONSI republished. CPB will prepare a Final Determination

letter for the FONSI after the comment period has closed and all comments have been addressed. The letter will be distributed to the project mailing list.

If based on NMAC 20.7.7.19 it is determined by the responsible official that a project may cause any of the conditions described in that section then an Environmental Impact Statement (EIS) will be required. The steps required in preparing an EIS are described in NMAC 20.7.7.20.

SPECIAL APPROPRIATIONS ACT PROJECT (SAAP) GRANTS AND STATE AND TRIBAL ASSISTANCE GRANTS (STAG)

For SAAP and STAG grants, NMED will conduct a detailed review by applying the review process as delineated in 40 CFR Part 6, Subpart B, based on the physical and environmental conditions within the project planning area provided by the grantee, or as described in the grantee's EID and the associated PER, and the anticipated environmental consequences associated with the construction of the proposed SAAP/STAG project. After reviewing the environmental documents and determining their adequacy and accuracy, NMED will take one of three actions: (i) make a recommendation for granting or denying a Categorical Exclusion (CE), or (ii) prepare a preliminary EA along with a proposed FONSI and forward them to EPA Region 6, or (iii) suggest the preparation of an Environmental Impact Statement (EIS). The documents prepared by NMED will be in both official hard copy and electronic format. EPA Region 6 will then conduct an independent review and finalize the preliminary EA, if applicable, and subsequently (i) grant or deny a CE, or (ii) prepare and issue a FONSI, or (iii) prepare and issue a Notice of Intent to prepare an original or supplemental EIS and Record of Decision (ROD).

DOCUMENTATION

To document the NEPA review process, CPB project managers shall prepare and maintain the applicable items on Attachment 2 - the **NEPA PROJECT FILE CHECKLIST** in the project files. Project files will be maintained in the CPB office until the project is complete, all final documents have been received, and the project is officially closed. Closed projects will be archived in accordance with CPB and EPA policy.

EXISTING ENVIRONMENTAL DOCUMENTS

Existing environmental documents may be used and referenced in the preparation of the EID and EA. However, information used in a previous assessment must be less than five years old, per 40 CFR 6.200(h), to still be pertinent. Previous assessments conducted by another agency can be incorporated by reference into the current assessment, but cannot substitute for a current assessment. CPB will determine whether to reaffirm, supplement, or reassess information that is more than five years old. All referenced materials must be included in the appendix of the EID maintained in the project file.

APPEALS

The issuance of the finalized FONSI/EA and the Final Determination letter are final agency actions subject to review as provided under the laws of New Mexico. Any appeal of a final agency action in this instance may be appealed to the district court pursuant to NMRA Rule 1-075.

ATTACHMENT 1

NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
NEPA REVIEW PROCESS SUMMARY

1) Applicant meets with the New Mexico Environment Department, Construction Programs Bureau (CPB) to review the Clean Water State Revolving Fund (CWSRF) loan application process. The applicant will present the scope and nature of the project. The environmental review process will be conducted in light of guidelines developed for the National Environmental Policy Act (NEPA). The CPB review can result in three possible actions: (i) recommend granting or denying a Categorical Exclusion (CE) if the action falls into a defined category where little environmental impact is expected, or (ii) prepare a preliminary Environmental Assessment (EA) along with a proposed Finding of No Significant Impact (FONSI), or (iii) find that potential impacts might be significant and direct that an Environmental Impact Statement (EIS) be prepared.

2) Applicant must prepare a preliminary engineering report (PER) in accordance with USDA RUS Bulletin 1780-2 or EPA Region 6 Facilities Plan Guidelines for wastewater projects or a technical memorandum and an Environmental Information Document (EID) for CPB review and approval. A generic EID Outline is attached (Attachment 3). The USDA RUS bulletin is available on the NMED CPB website at:

https://www.env.nm.gov/cpb/documents/PERRUSBulletin1780-2040413.pdf

If applicable to the complexity and scope of the project, the applicant may conduct a Public Scoping Meeting to identify issues of concern, identify a preliminary range of alternatives to be considered, identify potential cooperating agencies, and identify consultation requirements (see 40 CFR 6.203(c)(3)). A notice of the meeting will be mailed to all agencies on the consultation list and other stakeholders, posted as appropriate in the community, and published in a newspaper of general circulation forty-five days in advance of the meeting. The notice shall contain an agenda for the meeting and a description of the purpose (a sample notice is included as Attachment 8). A copy of the notice, certification of publication, and list of posting locations shall be provided to CPB. The applicant shall maintain and provide copies to CPB of a sign-in sheet with names and addresses of attendees to be used for future consultation and included in the project mailing list and provide minutes of the meeting.

3) If the proposed project is not complicated, such as minor rehabilitation, it may be eligible for a categorical exclusion (see 40 CFR Part 6.204) from a detailed environmental review. CPB will make a determination as to qualification based on information provided by the applicant. These instances are rare and the applicant should expect to complete a full environmental review.

4) The applicant shall actively pursue a consultation/coordination effort to identify all interested parties and obtain comments on the proposed project. The applicant must make a good faith effort to identify potential issues of interest and potentially interested parties. A Coordination Matrix is provided in Attachment 5 for the applicant to complete to help associate issues with interested parties. A copy of the completed matrix shall be provided to CPB for review and comment. Potentially interested parties will be added to the project mailing list. The applicant must comply with the consultation processes required by Section 106 of the National Historic Preservation Act (see 36 CFR Part 800), particularly the consultation with Indian tribes, and

Section 7 of the Endangered Species Act (see 50 CFR Part 402). Tribal contacts have been provided in the NEPA Coordination/Consultation Mailing List and a Coordination Tracking Table (included in Attachment 5) must be maintained to document when written notices were sent, when follow up telephone calls were made, and what comments were received. A sample comment/consultation letter (Attachment 6) and guidelines for a project summary (Attachment 7) are provided in this package. A draft letter and project summary sheet must be provided for CPB review and approval before it is distributed.

5) Applicant shall complete a draft PER and EID. To the maximum extent possible, the PER/EID shall strive to mitigate concerns and impacts identified in the public meeting and consultation/coordination process. Mitigation measures shall be clearly identified in the EID. The draft PER and EID shall be submitted to CPB for review and comment.

6) Applicant shall conduct a Public Scoping Meeting, if deemed necessary, and at least one Public Hearing to review the draft PER/EID (see 40 CFR 25.5). A notice of the hearing will be mailed to all agencies on the consultation list and all parties on the project mailing list, posted as appropriate in the community and surrounding area, and published in a newspaper of general circulation forty-five days (may be reduced to no less than thirty days with CPB approval) in advance of the hearing. The notice shall contain an agenda for the hearing and a description of the purpose (a sample notice is included as Attachment 9). A copy of the notice, certified affidavit of publication, and list of posting locations shall be provided to CPB. The applicant shall maintain and provide copies to CPB of a sign-in sheet with names and addresses of attendees, provide a transcript of the hearing, and prepare a responsiveness summary (see Attachment 10) of the comments received and action taken to address those comments (see 40 CFR 25.8).

7) The applicant shall revise the PER/EID to incorporate comments from CPB, the consultation/coordination process, and the Public Hearing. The final PER/EID shall be submitted to CPB for review and approval.

8) Upon approval of the EID, CPB will prepare an Environmental Assessment based upon the information provided by the applicant.

9) If CPB determines, through the environmental assessment process, that the proposed CWSRF project will have no significant impacts, a preliminary Finding of No Significant Impact (FONSI) will be prepared, distributed to the project mailing list, and published in a newspaper of general circulation in the project area. The notice will state the intention to approve the PER/EID, outline the preliminary determination, and provide a minimum of 30 days for comment in agreement or disagreement with the finding. *(For SAAP/STAG projects, CPB will prepare a draft EA and FONSI for EPA Region 6. EPA will independently review, issue the NEPA documents, and make a determination as to the appropriate action.)* If a FONSI is not supported, an Environmental Impact Statement (EIS) must be prepared.

10) At the conclusion of the comment period, CPB will address all comments received in the final EA. If the FONSI is still supported, CPB will issue a notice of Final Determination regarding the FONSI and approval of the EA. The notice will be distributed to the project mailing list. If the FONSI cannot be supported, CPB will issue a notice that an EIS must be prepared.

11) Parties wishing to contest the final determination of CPB may appeal. The issuance of the finalized FONSI/EA and Final Determination letter are final agency actions subject to review as provided under the laws of New Mexico.

12) The CPB project managers will document the NEPA review process recording events, as applicable, on the NEPA Project File Checklist and maintain the record in the project files. Project files will be maintained in the CPB office until the project is complete, all final

documents have been received, and the project is officially closed. Closed projects will be archived in accordance with CPB and EPA policy.

ATTACHMENT 2

NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
NEPA PROJECT FILE CHECKLIST

Project Name: _____ Project Number: _____

Project Manager (PM): _____

DOCUMENT	DATE	PM
Notice of Public Scoping Meeting		
Affidavit of Publication of Meeting Notice		
List of Meeting Posting Locations		
Minutes of Public Scoping Meeting		
Attendance Sign-in Sheet for Public Scoping Meeting		
Public Meeting Responsiveness Summary		
Project Mailing List		
Draft PER/EID		
NMED comment letter on draft PER/EID		
Notice of Public Hearing		
Affidavit of Publication of Hearing Notice		
List of Hearing Posting Locations		
Transcript of the Public Hearing		
Attendance Sign-in Sheet for Public Hearing		
Public Hearing Responsiveness Summary		
Final Facility PER/EID		
NMED Environmental Assessment		
FNSI - NMED or EPA prepared		
Concurrence letter from SHPO for NHPA		
Concurrence letter from USFWS for ESA		
Affidavit of Publication of FNSI		
NMED Final Determination Letter		

ATTACHMENT 3

NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
ENVIRONMENTAL INFORMATION DOCUMENT (EID) OUTLINE

Table of Contents

1.0 PURPOSE AND NEED FOR PROJECT
- 1.1 Project Description
- 1.2 Purpose and Need for Project

2.0 ALTERNATIVES (include proposed action)
- 2.1 Alternative A - No Action
- 2.2 Alternative B - Preferred Action
- 2.3 (etc.)

3.0 AFFECTED ENVIRONMENT/ ENVIRONMENT CONSEQUENCES
- 3.1 Environmental Setting
- 3.2 Land Use
  - 3.2.1 General Land Use
  - 3.2.2 Growth and Population Trends
  - 3.2.3 Important Farmland
  - 3.2.4 Soils
  - 3.2.5 Formally Classified Lands
- 3.3 Floodplains
- 3.4 Wetlands
- 3.5 Water Resources
  - 3.5.1 Surface Water
  - 3.5.2 Ground Water
- 3.6 Coastal Resources
- 3.7 Air Quality
- 3.8 Biological Resources
  - 3.8.1 Vegetation
  - 3.8.2 Wildlife
  - 3.8.3 Threatened and Endangered Species
- 3.9 Archeological, Cultural, and Historic Resources
- 3.10 Socioeconomic/ Environmental Justice
- 3.11 Other Resources
  - 3.11.1 Public Health & Safety
  - 3.11.2 Energy
  - 3.11.3 Transportation
  - 3.11.4 Visual Impacts
  - 3.11.5 Noise
- 3.12 Cumulative Impacts

4.0 SUMMARY OF MITIGATION MEASURES
- 4.1 Physical Resources Measures
- 4.2 Biological Resource Measures
- 4.3 Threatened and Endangered Species Measures
- 4.4 Socioeconomic/Environmental Justice Measures
- 4.5 Archeological, Cultural, and Historic Resources Measures
- 4.6 Environmentally Sensitive Areas
- 4.7 Other Resources
- 4.8 Cumulative Impact Measures

5.0 CONSULTATION, COORDINATION, AND PUBLIC INVOLVEMENT
- 5.1 Agencies Consulted
- 5.2 Public Involvement
- 5.3 Responsiveness Summary

6.0 REFERENCES

ENVIRONMENTAL INFORMATION DOCUMENT
for
{Community}
***{County}*, New Mexico**

Project No. ~~~~

{Date}

{Brief Descriptive Project Title}

Total Estimated Project Cost: $ ~~~~ and list of agencies that may provide funding.

1.0 PURPOSE AND NEED FOR PROJECT

{Describe the conditions that create a need for the project and how the project will meet this need. Reference 40 CFR 6.205(e) (1) (i)}

1.1 Project Description.

{Summarize facility improvement and construction activities, include location and vicinity map}

1.2 Purpose and Need for Project.

{Establish the underlying purpose of the proposed project. This will be the basis for evaluating the reasonable and practical alternatives.}

2.0 ALTERNATIVES

{Describe in detail each alternative considered, even if eliminated. Reference 40 CFR 6.205(e) (1) (ii). The discussion should include engineering design alternatives, siting locations, and system capacities and should refer back to the PER for a full explanation of the alternatives and their evaluation.}

2.1 Alternative A - No Action.

{This is the baseline against which other alternatives are judged. Consequences of no action should be described.}

2.2 Alternative B - Preferred Action

2.3 (etc.)

3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

{Describe the existing environment as it relates to each topic in the project area. Reference 40 CFR 6.205(e) (1) (iii) and (iv) Discuss environmental consequences of the proposed action as they relate to the preferred alternative. The discussion should consider physical, legal, and institutional constrains; flow and waste reduction measures such as inflow/infiltration reduction and pretreatment; appropriate water conservation measures; alternative waste management techniques such as reuse, individual systems, and land application; appropriate energy reduction measures; improving effluent quality through operation and maintenance; construction phasing; multiple uses such as recreation and open space; alternative methods for managing sludge; environmental benefit; and capital and operating costs as they relate to this specific project. Only discuss those that are applicable.

Discuss the relationship between short-term benefits of this project and the long-term impact on preserving and enhancing the environmental resources, including commitment of any irreversible and irretrievable resources. The discussion should clearly state the reason(s) for rejecting any alternatives. The impacts and potential environmental consequences on the following topics should be discussed for the preferred alternative. Mitigation measures for any impacts identified should be detailed.}

3.1 Environmental Setting.

{Briefly summarize the setting for the project, including, but not limited to, such things as general location, geology, soil types, water resources, climate, history, population characteristics, and economy as appropriate.}

3.2 Land Use

3.2.1 General Land Use.

{This should include present zoning and use of the proposed project area, total land area required for the project, and homes and businesses that may be affected. Consider displacing population or altering the character of existing residential areas. See 40 CFR 6.204(b) (7)}

3.2.2 Growth and Population Trends

{This section should describe historic and expected population growth that could affect the project. The rationale and justification for the projections of growth should be clearly described and referenced.}

3.2.3 Important Farmland.

*{Consult with **NRCS** to determine if soils have been classified as prime farmlands, prime rangelands, or prime forest land. Discuss how the proposed project will affect these lands. See 40 CFR 6.204(b) (5)}*

3.2.4 Soils.

{Discuss soil types and how the proposed project will affect erosion and disturbance of the area.}

3.2.5 Formally Classified Lands.

{These lands include national parks, landmarks, historic sites, wilderness areas, wildlife refuges, wild and scenic rivers, grasslands, state parks, and Native American owned lands. Identify any of these lands that may exist in the project area and discuss the impacts from the proposed project. See 40 CFR 6.204(b) (5)}

3.3 Floodplains.

*{Consult with the **Federal Emergency Management Agency (FEMA)** local **floodplain administrator**, State Floodplain coordinator within the Office of Emergency Management, and FEMA floodplain panels to determine whether the project is within a floodplain and the potential impacts. See EO 11988}*

3.4 Wetlands.

*{Consult with the **U.S. Army Corps of Engineers** to determine if wetlands exist in the project area and what impacts the project will have on them. See EO 11990}*

3.5 Water Resources

3.5.1 Surface Water.

*{Consult with **NMED Surface Water Quality and/or Drinking Water Bureaus** to determine stream standards, consider both quality and quantity and any applicable impacts to Drinking Water sources.}*

3.5.2 Ground Water.

*{Consult with **NMED Groundwater Quality and/or Drinking Water Bureaus** and State Engineer Office and address both quantity and quality issues.}*

3.6 Coastal Resources.

{See 40 CFR 6.204(b) (5). Acknowledge that coastal resources were addressed in the review, but do not apply in New Mexico}

3.7 Air Quality.

*{See 40 CFR 6.204(b) (6). Consult with the **NMED Air Quality Bureau**. Determine if any population projections have been prepared for the project area as part of the State Implementation Plan and, if so, include those projections. Evaluate direct and indirect emissions and their impact on air quality. For projects located in an air nonattainment or maintenance area, provide necessary air emissions data to allow EPA to make a general conformity determination under 40 CFR Part 93 for consistency with the New Mexico Air State Implementation Plan.}*

3.8 Biological Resources

3.8.1 Vegetation.

{Describe vegetation in the proposed project area and potential effects. Discuss requirements for clearing, short and long term effects, and any future maintenance practices.}

3.8.2 Wildlife.

{Describe fish and wildlife resources in the project area. Discuss short and long term impacts. See 40 CFR 6.204(b) (5)}

3.8.3 Threatened and Endangered Species.

*{Consult with **U.S. Fish & Wildlife Service and State Game & Fish** to identify listed species in the proposed project area. Discuss not only direct impacts on the species, but also impacts on critical habitat. Coordinate with Fish & Wildlife to obtain a no impact letter or to develop mitigation measures. See 40 CFR 6.204(b) (3) and 50 CFR 402}*

3.9 Archeological, Cultural, and Historic Resources.

*{Consult with the **State Historic Preservation Officer** to identify registered site within the proposed project area. Conduct field studies as required. Coordinate with SHPO to obtain a no impact letter or to develop mitigation measures. See 36 CFR 800 and 40 CFR 6.204(b) (4)}*

3.10 Socioeconomic/ Environmental Justice

3.10.1 Socioeconomic Issues.

{Describe present socioeconomic conditions and how the proposed project may impact them. Include cost of connection and user fees and relate to income levels in the project area and potential impacts. Impacts could be beneficial or adverse.}

3.10.2 Environmental Justice. See EO 12898 and 40CFR6.204(b)(2)

To generate the necessary EJ maps to support the Environmental Justice assessment, the use of EJSCREEN or the most recent EJ mapping tool available through the Environmental Protection Agency is necessary. It can be found at http://ejscreen.epa.gov/mapper Instructions for the EJSCREEN can be found at http://www2.epa.gov/ejscreen

Send in with CE or EA/FNSI request

3.11 Other Resources

3.11.1 Public Health and Safety.

{Describe any existing permits and the compliance status and discuss safety issues such as traffic control.}

3.11.2 Energy.

{As appropriate, consider energy consumption and any special needs.}

3.11.3 Transportation.

{As appropriate, consider effects of proposed project on transportation facilities such as highways, railroads, and airports.}

3.11.4 Visual Impacts.

{As appropriate, consider effects on visual and aesthetic resources such as scenic vistas and skylines. Mitigation measures could include landscaping and architectural designs.}

3.11.5 Noise.

{As appropriate, consider construction and operation of the proposed project on noise sensitive areas.}

3.12 Cumulative Impacts.

{Discuss any irreversible or irretrievable commitments of resources to the proposed project. Identify whether the proposed project can induce growth and have secondary impacts such as increased water demand or increased generation of wastewater and the consequences. Are there impacts that result from the interaction of this project with other past, present, or future activities in the area?}

4.0 SUMMARY OF MITIGATION MEASURES

{List and describe all mitigation measures identified in Section3, how they will reduce the impact to less than significant level, and how they will be implemented, include both structural and nonstructural measures. See 40 CRF 6.205(e) (3)}

4.1 Physical Resources Measures.

{Includes land, water, and air resources}

4.2 Biological Resource Measures

4.3 Threatened and Endangered Species Measures

4.4 Socioeconomic/Environmental Justice Measures

4.5 Archeological, Cultural, and Historic Resources Measures

4.6 Environmentally Sensitive Areas

{Includes farmlands, classified lands, floodplains, and wetlands.}

4.7 Other Resources

4.8 Cumulative Impact Measures

5.0 CONSULTATION, COORDINATION, AND PUBLIC INVOLVEMENT

5.1 Agencies Consulted

{List all agencies consulted and include example of letter(s) used. Include all responses in an Appendix. Include a log that documents when letters were sent, responses received, and follow-up contact made. Written responses must be received from all applicable cross cutting agencies. Comments indicating a significant impact must be addressed in Section 3 with mitigation measures summarized in Section 4.

The list must include the following:

- *New Mexico Office of Cultural Affairs, State Historic Preservation Office*
- *Applicable Tribal Contacts*
- *U.S. Department of Interior - National Park Service, Intermountain Region*
- *U.S. Department of Interior - Fish and Wildlife Service, New Mexico Ecological Services Field Office*
- *New Mexico Department of Game and Fish, Conservation Services Division*
- *New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division*
- *U.S. Army Corps of Engineers - Albuquerque District, Regulatory Branch*
- *U.S. Department of Agriculture - Natural Resources Conservation Service, New Mexico State Office*
- *New Mexico Environment Department, Environmental Impact Review Coordinator*
  - *New Mexico Environment Department, Surface Water Quality Bureau*
  - *New Mexico Environment Department, Ground Water Quality Bureau*
  - *New Mexico Environment Department, Drinking Water Bureau*
  - *New Mexico Environment Department, Air Quality Bureau (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.)*
- *U.S. Environment Protection Agency, Region VI, Air Planning Section (Consultation is only required for projects located in air non-attainment or maintenance areas.)*
- *U.S. Environment Protection Agency, Source Water Protection Branch/Groundwater Section (Must be consulted for projects located over a sole source aquifer.)*
- *New Mexico Office of the State Engineer*
- *New Mexico Department of Transportation*
- *Federal Emergency Management Agency, Region VI*
- *Local Flood Plain Administrator*

Additionally the following contacts may be necessary:

- *New Mexico Environment Department, Solid Waste Bureau*
- *Local officials such as city and county governments*
- *Irrigation District (such as MRGCD, EBID, etc.)*
- *Any other Local Special Interest Groups or Neighborhood Associations*
- *Sierra Club, Forest Guardians, and other environmental groups*
- *United States EPA Office of Environmental Justice, Tribal and International Affairs*

5.2 Public Involvement

{Include public notice, meeting minutes, project mailing list, and transcripts as an appendix}

5.3 Responsiveness Summary

{Summarize comments received from the public involvement process and describe the modifications to the PER/EID to accommodate the comments. See 40 CFR 25.8}

6.0 REFERENCES

{List all reference used in preparation of the document. When sources are quoted or referred to, they should be properly annotated in the document.}

ALL REFERENCES WILL BE AVAILABLE FOR REVIEW IN THE COMMUNITIES OFFICES.

ATTACHMENT 4

NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
NEPA 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		
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?		

ITEM	Y, N, N/A	COMMENT
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?		
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?		
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?		
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?		
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		

ITEM	Y, N, N/A	COMMENT
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		
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 –		

ATTACHMENT 5

NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
NEPA COORDINATION/CONSULTATION MAILING LIST

Consultation and coordination with public agencies and other stakeholders is **required**. The EID will not be considered complete without documentation of such coordination. As outlined in the November 5, 2013 memo from USEPA Headquarters (included in Attachment 5 after the contact mailing list), if the State SRF staff performs an internal analysis and conclusively determines that the proposed 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. This analysis must written by the project manager and be saved in the project file with the other NEPA documents. Written responses must be received from all applicable cross cutting agencies. 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.

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:*

1. 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/

*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

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.*

2. 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/

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

3. 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/

4. 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

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:

5. 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

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:

6. 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/

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:

7. 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

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:

a. 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/

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:

b. cc: Chief
   New Mexico Environment Department
   Ground Water Quality Bureau
   P.O. Box 5469
   Santa Fe, NM 87502-5469
   phone 505-827-2900 fax 505-827-2965
   https://www.env.nm.gov/gwb/

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:

c. cc: Chief
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469
phone 877-654-8720
https://www.env.nm.gov/dwb/index.htm

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:

d. 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/

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.

e. 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/

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:

8. 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

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:

9. 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/

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

10. 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

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

11. 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

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

12. 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

The Environmental Protection Agency has over-sight responsibilities for the CWSRF 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.

13. 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:

14. Local Flood Plain Administrator **must** be contacted and comments recorded.
15. Local officials such as city and county governments
16. Irrigation District (such as MRGCD, EBID, etc.)
17. Any other Local Special Interest Groups or Neighborhood Associations
18. 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.santodomingotribe.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.navajo-nsn.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://fortsillapache-nsn.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.sancarlosapache.com/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/

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 5, 2013

OFFICE OF WATER

MEMORANDUM

SUBJECT: Procedures for Implementing Environmental Federal Cross-Cutting Authorities in the Clean Water and Drinking Water State Revolving Fund Programs

FROM: George Ames, Chief
Clean Water State Revolving Fund Program

Charles Job, Chief
Infrastructure Branch

TO: SRF Regional Coordinators
Region 1-X

This memorandum clarifies procedures for applying federal environmental cross-cutting authorities to projects and activities receiving assistance under the Clean Water and Drinking Water State Revolving Funds. Federal environmental cross-cutting authorities are the requirements of certain federal laws and Executive Orders that apply where projects and activities receive federal financial assistance. In the SRF programs, the requirements of federal environmental cross-cutting authorities apply to projects and activities in an amount equal to the federal capitalization grant. See 40 CFR Parts 35.3140 and 35.3575.

The requirements of the federal environmental cross-cutting authorities have been further explained in EPA's handbook entitled "Cross-Cutting Federal Authorities: A Handbook on their Application in the Clean Water and Drinking Water State Revolving Fund Programs." Recent questions from EPA Regions indicate that Regions are unsure how the information in the Crosscutter Handbook relates to their review of State SRF program compliance during the Annual Review. Specifically, they have asked whether the records that are reviewed should reflect that each federal agency responsible for administering a cross-cutting authority has been consulted regarding all proposed SRF projects, and whether this consultation must include a response letter from the cross-cutter agency.

As explained further, records do not necessarily need to show that each federal agency responsible for administering a cross-cutting authority has been consulted on the particular project. Specifically, if State SRF staff perform an internal analysis and **conclusively determine that the proposed project has no potential impact related to a federal cross-cutting authority**, then it is not necessary to consult with the agency responsible for that cross-cutter. Because the cross-cutter federal agencies throughout the country may have different preferences depending on geographic area, Regional Coordinators should encourage State SRF programs, as a best practice, to discuss with their cross-cutter federal agency contacts whether the agencies wish to receive notice of all SRF projects, including those with no potential impact. It is important to note that all SRF project files (for projects equaling the amount of the capitalization grant) should contain evidence that the State SRF staff performed an internal analysis considering potential impacts to protected resources addressed by the relevant federal environmental

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cross-cutting authorities. Documentation may include a reference in the State's Environmental Assessment, SERP decision document, memo to the file, or other format as determined by the State. This documentation should also occur for projects not subject to the State Environmental Review Process (such as nonpoint source and estuary projects), if included in the group of projects equal to the capitalization grant, and for DWSRF set-aside projects that are subject to a SERP.

This memorandum is intended to supplement the cross-cutter handbook by clarifying EPA's expectations for compliance with the federal environmental cross-cutting authorities. Any questions about the process outlined in this memo should be directed to Sheila Platt, CWSRF Team Lead, at (202) 564-0686 or to Peter Shanaghan, DWSRF Team Lead, at (202) 564-3848.

cc: Joanne Hogan, OGC
Aimee Hessert, OFA

COORDINATION MATRIX*
ASSOCIATION OF ISSUES AND INTERESTED PARTIES

ISSUES/ PARTIES	1	2	3	4	5	6	7	8
1								
2								
3								
4								
5								

EXAMPLE

ISSUES/ PARTIES	Increased Traffic	Well water Depletion	Water Quality	Induced Growth	Air Quality	Project Cost		
Big City			X			X		
Happy Valley			X		X			
Farmers Association	X	X		X				
Down Wind Homes Assoc					X			
Sierra Club		X	X	X	X			

* This matrix is used to identify issues of concern and potentially interested parties and then to develop appropriate means of communicating and soliciting comments from the parties identified. The use of a single public meeting or a letter of notification may not be the best vehicle for making contact and obtaining comments or concerns. The applicant shall work with CPB to develop a public outreach program that best accomplishes these purposes.

{PROJECT TITLE AND NUMBER}

AGENCY COORDINATION TRACKING TABLE -- PAGE OF

AGENCY/PARTY	PHONE NUMBER	DATE SENT	DATE REC'D	DATE FOLLOW-UP	COMMENTS

ATTACHMENT 6

{SAMPLE REQUEST FOR COMMENT/CONSULTATION LETTER}*{Date}*

{Contact Addressee}

{Address}

RE: *{Project Name and identifying CWSRF number}*

The *{community}* has requested *{received}* funding for a *{project and funding type}*. We are gathering information for an environmental review of the referenced project. The project is described in the attached project summary sheet and the location is depicted on the attached location map. *{Provide detailed description such that reviewer will understand scope and nature of project and the nature of the comment you expect from them – Guideline for Project Summary Sheet}*

{Insert for Tribal consultation letters: This letter initiates the consultation process to determine whether the proposed project has the potential to disturb areas considered important or culturally significant. Culturally significant areas might include traditional plant use areas, traditional mineral areas, shrines or important geologic formations, archeological sites, or any areas deemed culturally significant to the Tribe. We would appreciate your determination whether there are religious or cultural ties to the project area. We also need to know if you have any concerns regarding any potential impacts that may result from the proposed project.}

{Insert for NMED Air Quality Bureau: Please inform us if any population projections have been prepared for this area as part of the State Implementation Plan and, if so, please provide those projections. Your evaluation of direct and indirect emissions and their impact on air quality would be appreciated.}

The review process requires coordination with pertinent agencies and interested parties. Your review and comment on the proposed project is an important element in the overall review.

To provide verbal comments or for more information, please contact *{name and telephone number}*.

{Name and signature}{Title}

ACKNOWLEDGEMENT:

As a representative for the referenced organization, the undersigned acknowledges receipt of this request for comment, and having reviewed the attached project summary and additional information, if provided, □has the attached comments or , or, □ has no comments.

Signature: _____ Date: _____

Name: _____ Title: _____

ATTACHMENT 7

GUIDELINES FOR PROJECT SUMMARY SHEET
(To be included with request for comment/consultation letter)

At a minimum the project summary sheet should include the information listed below. Items include information required by the State Historic Preservation Division for Section 106 consultation. The objective is to provide sufficient information to the reviewer such that environmental consequences of the proposed project can be completely evaluated.

1. Detailed description of the proposed project, including related activities to be carried out in conjunction with the project and the land status of real property in the area of effect. This description should explain the scope of work. Preliminary drawings or plans of the project design on USGS and/or other appropriate map should be included. It should provide the setting to determine the potential impacts on air quality, floodplains, wetlands, biologic, and cultural resources at a minimum.

2. Descriptions of the size of the project area, terrain, and present land uses of the project and adjacent land. Current photographs of the land to be used for the proposed project are helpful, particularly of any potential historic structures. Any additional information on kind and degree of prior or existing surface disturbance should also be included.

3. A portion of the USGS 7.5' quadrangle map **must** be attached with the project area clearly marked on it. The name of the quadrangle and the township, range, and section of the project area **must** be included with the map or displayed on it. A legible photocopy is acceptable.

4. Include a written description of the proposed boundaries of the project's *Area of Potential Effects* (APE). This should also be marked on the map if the APE does not coincide with the project area. For example, effects may extend beyond the area of ground disturbance.

5. A detailed description of efforts that are being made or on-going to identify and evaluate properties (including historic structures and archaeological sites) in the APE that are listed on or eligible to the National Register of Historic Places and the NM State Register of Cultural Properties. Results from these efforts must be provided to the State Historic Preservation Division (SHPO) before a determination of effect can be made. Any archaeological sites, historic buildings, or other cultural resources identified in the general area must be noted.

6. A description of efforts to identify whether Native American tribes that may be culturally affiliated with traditional cultural properties or other kinds of sites within the APE have any concerns related to the proposed undertaking. (*SHPO can assist with this.*)

7. Identification of all funding sources: federal, state, state trust, private, local, or combination.

8. Description of any cultural or biological studies that have been completed, their results, and recommendations.

ATTACHMENT 8

SAMPLE NOTICE OF PUBLIC MEETING

{COMMUNITY NAME}

{DESCRIPTIVE PROJECT NAME}

{PROJECT NUMBER}

Date: *{At least 45 days after notice is published}*

Time: *{Should be scheduled to maximize public participation}*

Place: *{Should be conveniently located}*

Agenda: *{From Time A to Time B - presentation of project background and purpose}*

{From Time C to Time D - presentation of alternatives identified to date and process to follow}

{From Time E to Time F - public question and answer and comments}

Purpose: The *{Community}* has applied for funding from the Clean Water State Revolving Fund (CWSRF) loan program to *{describe project}*. The purpose of this public meeting is to provide notice of the proposed project, identify issues of concern, identify a preliminary range of alternatives to be considered, identify potential cooperating agencies and other stakeholders, and enlist public participation in development of the project plan.

For more information contact: *{Name, address, telephone number}*

NOTICE TO PERSONS WITH DISABILITIES: If special assistance is required to participate in this public meeting, please contact the person above at least three days prior to the meeting so arrangements can be made. *{Add as appropriate}*

ATTACHMENT 9

SAMPLE NOTICE OF PUBLIC HEARING

{COMMUNITY NAME}

{DESCRIPTIVE PROJECT NAME}

{PROJECT NUMBER}

Date: *{At least 45 days after notice is published}*

Time: *{Should be scheduled to maximize public participation}*

Place: *{Should be conveniently located}*

Agenda: *{From Time A to Time B - review project background and purpose}*

{From Time C to Time D - summary of preliminary engineering report/ environment information document}

{From Time E to Time F - public question and answer and comments}

Purpose: The *{Community}* has *{applied for/been granted/etc.}* funding from the *{Clean Water State Revolving Fund Loan/State and Tribal Assistance Grant/etc.}* program to *{describe project including: timetable in which a decision will be reached, the issues under consideration, any alternative courses of action or tentative determinations made}.*

The purpose of this public hearing is to present applicable laws and/regulations, to review the draft preliminary engineering report and environmental information document, seek public comment, identify issues of concern, present the range of alternatives considered, and enlist public participation in development of the project plan.

Contact: For copies of available documents or for more information contact: *{Name, address, and telephone number}*

NOTICE TO PERSONS WITH DISABILITIES: If special assistance is required to participate in this public meeting, please contact the person above at least three days prior to the meeting so arrangements can be made. *{Add as appropriate}*

ATTACHMENT 10

RESPONSIVENESS SUMMARY

IN THE MATTER OF THE PUBLIC HEARING REGARDING:

(Describe the Project subject to the hearing)

Summary of Public Comments:

(Provide a general summary of the comments received at the hearing)

Specific Public Comment[1]	Agency Response[2]	Modifications in response to public comment[3]
1)		
2)		
3)		
4)		
5)		
6)		
7)		
8)		

1 List each specific, significant public comment.
2 Provide a response to comment.
3 Explain what changes were made in the project or environmental document in response to the comment or why the comment was rejected.