DRAFT

ENVIRONMENTAL ASSESSMENT

OF THE PROPOSED LAND ACQUISITION
FOR THE CONSTRUCTION AND OPERATION OF THE

ALBUQUERQUE NATIONAL CEMETERY

RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO

U.S. DEPARTMENT OF VETERANS AFFAIRS

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December 9, 2020

EXECUTIVE SUMMARY

This Environmental Assessment (EA) has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic impacts associated with the U.S. Department of Veterans Affairs' (VA's) proposed acquisition of approximately 340 acres of land near Albuquerque, New Mexico for the development and operation of a new National Cemetery. This EA includes the initial phase of cemetery development (approximately 40 to 60 acres). Supplemental NEPA analyses will be conducted for subsequent phases of cemetery development. This EA has been prepared as required in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code 4321 *et seq*.), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and *Environmental Effects of the Department of Veterans Affairs Actions* (38 CFR Part 26), and in accordance with *VA NEPA Interim Guidance for Projects* (2010).

Proposed Action

VA's Proposed Action is to acquire approximately 340 acres of land located south of U.S. Highway 550, at its junction with Old State Highway 44, in Rio Rancho, Sandoval County, New Mexico (Site) for the development and operation of a new National Cemetery. The new cemetery would provide burial facilities for Veterans and eligible family members in central New Mexico.

VA would acquire the land in 2021 and would begin the cemetery master planning and design approximately 6 months after acquisition. The master planning and design process is anticipated to require 2 years. VA would follow the National Cemetery Administration (NCA) *Facilities Design Guide* in the proposed National Cemetery design. The cemetery would include a gated entrance and perimeter fencing, an administration and public information building, an assembly area, a memorial wall, committal shelters, a loop road through the cemetery, casket gravesites, columbarium niches, and a maintenance building/facility. The cemetery would be developed in phases, with the first phase (approximately 40 to 60 acres) including the buildings and infrastructure needed to support the first 15 years of burial capacity. It is anticipated the first phase of cemetery development would be completed within 2 years of the completion of the cemetery design.

The proposed National Cemetery would be open to the public every day throughout the year. VA anticipates approximately 20 to 25 funeral processions per week at the cemetery, averaging approximately 20 cars per procession. VA estimates that the cemetery, once fully established, would receive approximately 1,000 visitors per week.

Purpose and Need

The purpose of the Proposed Action is to establish a new National Cemetery of sufficient size and capacity to serve the projected burial needs of Veterans in the central New Mexico area for at least the next 100 years.

The proposed new National Cemetery is needed to address the depletion of National Cemetery burial space in central New Mexico. The existing Santa Fe National Cemetery (SFNC), located at 501 North Guadalupe Street in Santa Fe, New Mexico, is the only National Cemetery in central New Mexico and is nearing its burial capacity; VA estimates that the existing burial space at the SFNC will be depleted in 10 years. The new cemetery would provide additional burial capacity, as well as improved cemetery access (reduced travel time), for central New Mexico Veterans and their families, the majority of whom live in the Albuquerque area.

One of the primary objectives of the VA burial program is to ensure that burial needs of Veterans and eligible family members are met. NCA further defines this objective on the assumption that the burial

needs of a Veteran are met if they have reasonable access to a burial option (whether for caskets, remains, or cremated remains, either in-ground or in a columbarium) in a National or State Veterans Cemetery within 75 miles of the Veteran's place of residence. The Proposed Action would provide VA additional capacity needed to meet its burial objectives for eligible Veterans in the central New Mexico area.

Alternatives

This EA examines in-depth two alternatives, the Proposed Action and the No Action Alternative, defined as follows:

- **Proposed Action:** VA proposes to acquire approximately 340 acres of unimproved land, located just south of where Old State Highway 44 meets U.S. Highway 550 in Rio Rancho, Sandoval County, New Mexico (Site) and to develop it into a new National Cemetery. The Site is the western portion of an approximately 586-acre parcel of land owned by the State of New Mexico. The majority of the Site is desert grassland and scrub land with a slight slope to the southwest. The northeastern portion of the Site contains the peak of a prominent hill (Loma Barbon) and an associated, scrub-covered ridge. From the ridge, the Site slopes moderately to the east and southeast. An abandoned segment of Old State Route 44 remains in the northeastern portion of the Site. Several unpaved roads/trails crisscross the Site. A seasonal pond associated with a normally dry tributary of Arroyo Venada is located in the southwestern portion of the Site. The majority of the Site would be developed with the proposed cemetery; however, the eastern and northern portions of the Site associated with Loma Barbon and natural drainage areas would likely remain undeveloped and incorporated into the cemetery design.
- **No Action Alternative:** Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families residing in central New Mexico would continue to use the SFNC until burial space is no longer available. Once SFNC reaches capacity, Veterans and their families would no longer be served by a National Cemetery in central New Mexico and would be required to travel a substantial distance for burial at a National Cemetery. The distribution of National Cemeteries throughout the region would be unbalanced and inadequate. The Site likely would remain undeveloped for the foreseeable future.

The Proposed Action effectively provides additional land necessary to meet the regional cemetery requirements of VA. The No Action Alternative would not enable VA to provide adequate cemetery facilities in central New Mexico, and thus, would not meet the purpose of or need for the Proposed Action. However, the No Action Alternative is assessed in this EA to provide a comparative baseline analysis, as required under the CEQ Regulations.

Affected Environment and Environmental Consequences

The affected environment of the Site and its immediate surroundings, or the region of influence of the Proposed Action, is discussed in Section 3 of this EA.

The two considered alternatives, the Proposed Action and the No Action Alternative, are evaluated in this EA to determine their potential direct or indirect impact(s) on the physical, environmental, cultural, and socioeconomic aspects of the Proposed Action's region of influence.

Technical areas evaluated in this EA include:

- *Aesthetics*
- *Air Quality*
- *Cultural Resources*
- *Geology, Topography, and Soils*
- *Hydrology and Water Quality*
- *Wildlife and Habitat*
- *Socioeconomics*
- *Community Services*
- *Solid Waste and Hazardous Materials*
- *Transportation and Parking*
- *Utilities*
- *Environmental Justice*

- *Noise*
- *Land Use*
- *Floodplains, Wetlands, and Coastal Zone Management*
- *Cumulative Impacts*
- *Potential for Generating Substantial Controversy*

Potential Effects of the Proposed Action

The Proposed Action would result in the impacts identified throughout Section 3 and summarized in the table below. These include potential short-term and/or long-term adverse impacts to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, solid waste and hazardous materials, transportation, and utilities. All of these potential impacts are less than significant and would be further reduced through careful implementation of the general best management practices (BMPs); management, minimization, avoidance, and mitigation measures; and compliance with regulatory requirements, as identified in Section 4.

An archaeological survey of the Site conducted on behalf of VA in 2020 identified seven archaeological sites recommended as eligible for listing on the National Register of Historic Places (NRHP) and three archaeological sites that were undetermined as to their NRHP eligibility at the Site and were recommended to be treated as eligible for listing on the NRHP. Eight of these ten archaeological sites are located in the northeastern corner or southernmost portions of the Site; only two of the archaeological sites are located within the central portion of the Site. Based on their locations, VA anticipates the cemetery would be designed to avoid the identified archaeological sites. Each archaeological site would remain undisturbed, with a buffer of undisturbed land between the site and the cemetery development. If the cemetery design cannot avoid one or more of the archaeological sites, VA would mitigate the adverse effects by negotiating either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) with the New Mexico State Land Office, New Mexico State Historic Preservation Office, the Advisory Council on Historic Preservation, federally recognized Native American Tribes, and other interested parties under Section 106 of the National Historic Preservation Act (NHPA). With these avoidance and/or NHPA mitigation measures, cultural resource impacts associated with the proposed cemetery development would be less than significant.

The Proposed Action would provide VA additional capacity to continue to provide National Cemetery burial benefits to the regional Veteran community, at a location closer to where they reside, a significant beneficial socioeconomic effect.

Potential Effects of the No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented. No beneficial impacts attributable to the Proposed Action would occur. Veterans and their families residing in northern New Mexico would continue to use the SFNC until space is no longer available. Once SFNC reaches capacity, Veterans and their families in the region would be required to travel much longer distances to the nearest National Cemetery for burial and subsequent visits, at increased cost and time.

Summary of Impact Analysis		
Resource Area	**Proposed Action**	**No Action**
Aesthetics	**Minor short-term and long-term, direct adverse impact**. Minor short-term direct adverse visual impacts during cemetery construction (heavy machinery, land disturbance, and dust). Minor long-term direct adverse aesthetic impacts as a result of the cemetery development. Cemetery would be designed in concert with the natural topography and features and would have low visual impact, generally consistent with surrounding land uses. Cemetery design would include unimproved buffers and/or berms along boundaries with adjacent residences.	No impact.
Air Quality	**Minor short-term and long-term, direct adverse and beneficial impacts.** Minor short-term direct adverse impact due to construction dust and particulate matter managed through BMPs. Minor local long-term direct adverse impacts due to vehicle emissions from visitors to the cemetery. Regional long-term reduction in vehicle emissions from visitors traveling to more distant cemeteries (beneficial impact).	Indirect long-term impacts associated with vehicular air emissions as Veterans travel greater distances to other National Cemeteries.
Cultural Resources	**Less-than-significant, short-term and long-term, direct adverse impact.** Less-than-significant, short-term and long-term direct adverse archaeological impacts. Seven prehistoric archaeological sites eligible for listing on the NRHP and three archaeological sites, potentially eligible for listing on the NRHP were identified at the Site. VA anticipates the cemetery design would avoid disturbance of these archaeological sites. If the archaeological sites cannot be avoided, VA would mitigate the adverse effects as required under the NHPA by negotiating a MOA or a PA with the NM SHPO, ACHP, Native American Tribes, and other consulting parties.	No impact.
Geology and Soils	**Minor short-term direct adverse impact**. Minor short-term direct adverse soil erosion and sediment impacts during cemetery construction managed through BMPs.	No impact.

Summary of Impact Analysis		
Resource Area	**Proposed Action**	**No Action**
Hydrology and Water Quality	**Minor short-term direct adverse impact**. Minor short-term direct adverse stormwater runoff impacts during cemetery construction managed through BMPs. Cemetery would be designed in concert with the current drainage patterns and would include on-site stormwater retention with no/negligible long-term water quality impact.	No impact.
Wildlife and Habitat	**Minor short-term direct adverse impact**. Minor short-term direct adverse impact during construction. Site provides potential nesting habitat, including prairie dog burrows, for burrowing owls (protected by the Migratory Bird Treaty Act) which are present in the Site area. Ground-disturbing construction would be conducted outside the burrowing owl nesting season or a burrowing owl survey would be conducted prior to construction.	No impact.
Noise	**Minor short-term and long-term, direct adverse impact.** Minor short-term direct adverse heavy equipment noise impacts during cemetery development controlled through construction BMPs. Negligible to minor long-term operational direct adverse noise impacts associated with occasional heavy equipment use and ceremonial rifle fire (approximately 4 to 5 times per day) during weekday business hours.	No impact.
Land Use	**Minor long-term direct adverse impact**. Minor long-term direct adverse impact as a result of the Site's conversion from undeveloped land into a cemetery. Cemetery would be generally consistent with surrounding land use (undeveloped and residential). City of Rio Rancho passed a resolution supporting the use of the Site for the cemetery.	No impact.
Floodplains, Wetlands, and Coastal Zone Management	**No impact.** No wetlands, floodplains, or coastal zones are located on the Site or surrounding properties.	No impact.

Summary of Impact Analysis		
Resource Area	**Proposed Action**	**No Action**
Socioeconomics	**Minor short-term and significant long-term beneficial impacts.** Minor short-term indirect beneficial impacts to local economy as a result of temporary construction jobs. Significant long-term direct beneficial impact as Proposed Action would provide a regionally proximate National Cemetery of sufficient size for central New Mexico area Veterans and their families.	Inadequate VA cemetery options – adverse direct, long-term impact to local Veterans.
Community Services	**No/negligible impact.** Proposed cemetery would put minimal additional load on the local police department and other community services.	No impact.
Solid and Hazardous Materials	**Minor short-term and long-term, direct adverse impact.** Potential minor short-term and long-term direct adverse impacts from petroleum/hazardous substance storage and handling during cemetery construction and operation managed through standard BMPs.	No impact.
Transportation and Parking	**Minor short-term and long-term, direct adverse transportation impacts.** Minor short-term direct adverse impacts associated with cemetery construction traffic on local roads. Minor long-term direct adverse traffic impacts during cemetery operation. Daily traffic associated with the proposed cemetery, once fully established (estimated 500 one-way vehicle trips/day) would be a less than 5 percent increase in traffic on US Highway 550. VA would work with the City of Rio Rancho and NMDOT to identify and implement improvement at the intersection of US Highway 550 and Old State Route 44, as necessary, to minimize operational traffic impacts. No parking impact; proposed cemetery would include adequate on-site parking.	No impact.

Summary of Impact Analysis		
Resource Area	**Proposed Action**	**No Action**
Utilities	**Minor long-term, direct adverse impact.** Negligible short-term local utility impacts; utilities needed by the cemetery already service the Site area, including a water main that crosses the Site. Minor long-term direct adverse utility impact associated with the use of municipal water for cemetery irrigation. VA would work with the City of Rio Rancho during the cemetery design to determine if the municipal water system has sufficient capacity to provide irrigation water for the cemetery without a substantial reduction in available water for other users or if an irrigation well is required. Drought tolerant species suited to central New Mexico would be planted to minimize irrigation needs.	No impact.
Environmental Justice	**No/negligible impact.** No short-term or long-term local environmental justice impacts; the Site is not located in an area with a larger than average low-income or high minority population. Regional low-income and minority Veterans and their families would benefit from the closer cemetery, a minor long-term beneficial impact.	No impact.

Cumulative Impacts

This EA also examines the potential cumulative effects of implementing each of the considered alternatives. This analysis finds that the Proposed Action, with the implementation of the BMPs; management, minimization, avoidance measures and mitigation measures; and regulatory compliance measures specified in this EA, would not result in significant adverse cumulative impacts to onsite or regional, natural or cultural resources, and would maintain or enhance the socioeconomic environment of the area through the long-term provision of required National Cemetery facilities for regional Veterans and their families. The No Action Alternative would not produce these potential beneficial socioeconomic gains.

Agency and Public Involvement

Agencies consulted for this EA include:

- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture Natural Resource Conservation Service
- New Mexico Environmental Department (various bureaus)
- New Mexico Department of Transportation
- New Mexico Department of Game and Fish
- New Mexico Energy, Minerals, and Natural Resources Department
- New Mexico State Historic Preservation Office (SHPO)

- Southern Sandoval County Arroyo Flood Control Authority
- Sandoval County (various departments)
- City of Rio Rancho (various departments)

Responses were received from U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers, New Mexico Environmental Department (various bureaus), New Mexico Department of Game and Fish, Southern Sandoval County Arroyo Flood Control Authority, and the City of Rio Rancho. Input provided by these agencies is summarized in Section 5. Agency information and comments have been incorporated into this EA, as and where appropriate. Copies of relevant correspondence can be found in Appendix B.

Eighteen federally recognized Native American Tribes were identified as having possible ancestral ties to the area of the Site. VA invited each of these Tribes to provide input regarding the Proposed Action. Tribal information and comments have been incorporated in this EA (Section 3.4). Tribal input is summarized in Section 6. Tribal correspondence is provided in Appendix C.

VA will publish and distribute the Draft EA for a 30-day public comment period as announced by a Notice of Availability (NOA) published in the Albuquerque Journal, a local newspaper of general circulation. A copy of the Draft EA will be made available for public review at a local public library and on the VA Office of Construction and Facilities Management Environmental Program website (https://www.cfm.va.gov/environmental/index.asp). VA will respond to provided comments regarding the Draft EA within the Final EA.

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ACRONYMS AND ABBREVIATIONS

AADT	annual average daily traffic
ACHP	Advisory Council on Historic Preservation
ADA	Americans with Disabilities Act of 1990
amsl	above mean sea level
BLM	U.S. Department of Interior Bureau of Land Management
CFR	code of federal regulations
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CZMP	Coastal Zone Management Program
CWA	Clean Water Act
E&S	Erosion and Sedimentation
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
IICEP	Interagency and Intergovernmental Coordination for Environmental Planning
LOS	Level of Service
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NMDGF	New Mexico Department of Game and Fish
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environmental Department
NMEMNRD	New Mexico Energy, Minerals, and Natural Resources Department
NM SHPO	New Mexico Historic Preservation Division/State Historic Preservation Office
NMSLO	New Mexico State Land Office
NOA	Notice of Availability
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
RCRA	Resource Conservation and Recovery Act
RRDS	Rio Rancho Development Services
RREDD	Rio Rancho Engineering Development Division
RREP	Rio Rancho Environmental Programs
RRMC	Rio Rancho Municipal Code
RRPRCS	Rio Rancho Parks, Recreation, and Community Services
RRSROWD	Rio Rancho Streets and Right-of-Way Division
RRUD	Rio Rancho Utilities Department

SCPWD	Sandoval County Public Works Department
SCPZ	Sandoval County Planning and Zoning
SSCAFCA	Southern Sandoval County Arroyo Flood Control Authority
SWPPP	Storm Water Pollution Prevention Plan
TTL	TTL Associates, Inc.
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VA	Department of Veterans Affairs

1.0 INTRODUCTION, INCLUDING PURPOSE OF AND NEED FOR THE ACTION

1.1 Introduction

This Environmental Assessment (EA) has been prepared as required in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code 4321 et seq.), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508), *Environmental Effects of the Department of Veterans Affairs Actions* (38 CFR Part 26), and *VA's NEPA Interim Guidance for Projects* (U.S. Department of Veterans Affairs 2010). Federal agencies are required to consider the environmental and related social and economic effects of their proposed actions. This EA is required to determine if VA's Proposed Action would have significant environmental impacts.

This EA has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with the Department of Veterans Affairs' (VA's) proposed acquisition of approximately 340 acres of land near Albuquerque, New Mexico for the development and operation of a new National Cemetery. This EA includes the initial phase of cemetery development (approximately 40 to 60 acres). Supplemental NEPA analyses will be conducted for subsequent phases of cemetery development.

1.2 Background

One of the primary objectives of the VA burial program is to ensure that burial needs of Veterans and eligible family members are met. The VA National Cemetery Administration (NCA) further defines this objective on the assumption that the burial needs of a Veteran are met if they have reasonable access to burial option (whether for caskets, remains or cremated remains, either in-ground or in a columbarium) in a National or VA-funded State Veterans Cemetery within 75 miles of the Veteran's place of residence.

Two existing National Cemeteries serve New Mexico, Santa Fe National Cemetery (60 miles northeast of Albuquerque) and Fort Bayard National Cemetery (230 miles southwest of Albuquerque), and one existing VA-funded State Veterans Cemetery serves New Mexico, Fort Stanton State Veterans Cemetery (180 miles southeast of Albuquerque). Two additional VA-funded New Mexico State Veterans Cemeteries are under construction, New Mexico State Veterans Cemetery – Gallup (140 miles west of Albuquerque) and Angel Fire State Veterans Cemetery (150 miles northeast of Albuquerque). Only Santa Fe National Cemetery (SFNC) is located within 75 miles of Albuquerque, the primary population center of New Mexico. The locations of the existing National Cemeteries and VA-funded State Veterans Cemeteries in New Mexico are shown on Figure 1-1.

The SFNC, located at 501 North Guadalupe Street in Santa Fe, New Mexico, is nearing its burial capacity; VA estimates that the existing burial space at the SFNC will be depleted in 10 years. VA initially sought to expand SFNC; however, land contiguous to the SFNC was not available for reasonable acquisition. As a result, VA concluded that a new National Cemetery near Albuquerque best suited the burial needs of central New Mexico Veterans and their families, the majority of whom live in the Albuquerque area.

VA intends to acquire approximately 340 acres of unimproved land located just south of where Old State Highway 44 meets U.S. Highway 550 in Rio Rancho, Sandoval County, New Mexico (Site) for the construction and operation of the proposed National Cemetery. The Site is the western portion of an approximately 586-acre parcel of land owned by the State of New Mexico. The Site location is depicted on Figure 1-2.

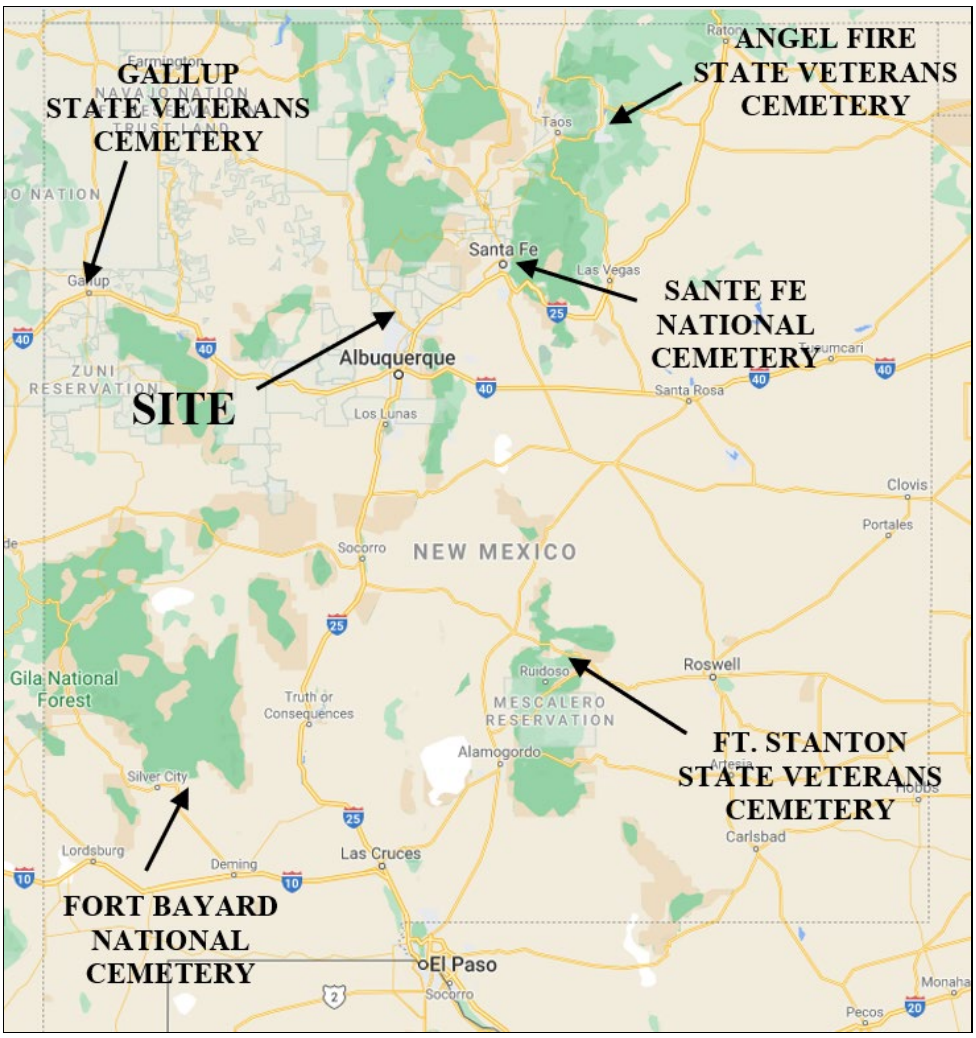

Figure 1-1 Locations of National Cemeteries and State Veterans Cemeteries in New Mexico

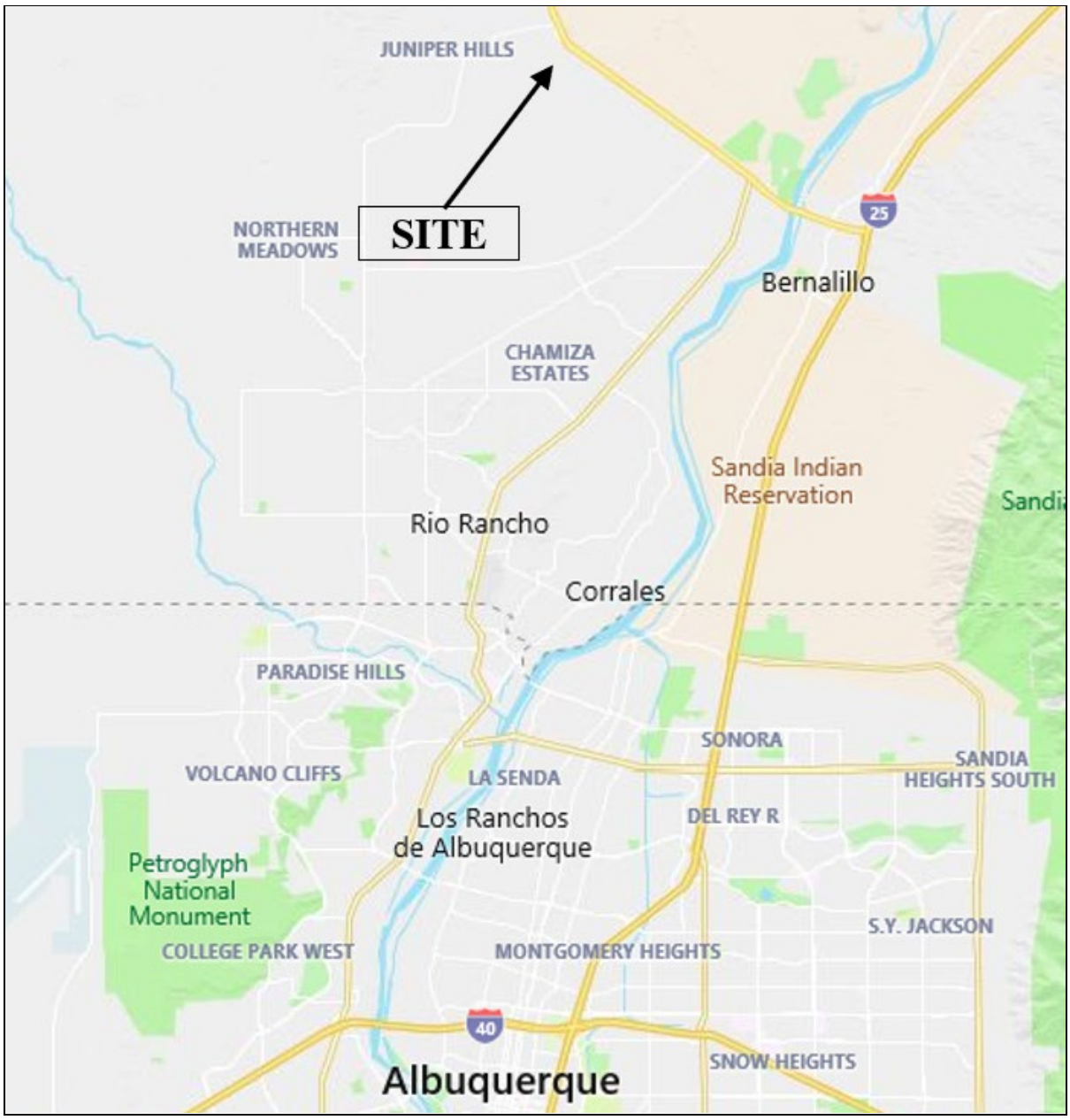

Figure 1-2 Vicinity Location Map

1.3 Purpose and Need

The purpose of the Proposed Action is to establish a new National Cemetery of sufficient size and capacity to serve the projected burial needs of Veterans in the central New Mexico area for at least the next 100 years.

The proposed new National Cemetery is needed to address the depletion of National Cemetery burial space in central New Mexico. The SFNC is the only National Cemetery in central New Mexico and is nearing its burial capacity; VA estimates that the existing burial space at the SFNC will be depleted in 10 years. The new cemetery would provide additional burial capacity, as well as improved cemetery access (reduced travel time) for central New Mexico Veterans and their families, the majority of whom live in

the Albuquerque area. The Proposed Action would provide VA additional capacity needed to meet its burial objectives for eligible Veterans in the central New Mexico area.

1.4 Decision-Making

This EA has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with VA's proposed acquisition of approximately 340 acres of land, located just south of where Old State Highway 44 meets U.S. Highway 550 in Rio Rancho, Sandoval County, New Mexico, for the development and operation of a new National Cemetery. This EA includes the initial phase of cemetery development (approximately 40 to 60 acres). Supplemental NEPA analyses will be conducted for subsequent phases of cemetery development.

VA, as a federal agency, is required to incorporate environmental considerations into their decision-making process for the actions they propose to undertake. This is done in accordance with the regulations identified in Section 1.1.

Ultimately, VA will decide, in part based on the analysis presented in this EA and after having taken potential physical, environmental, cultural, and socioeconomic effects into account, whether VA should implement the Proposed Action, and, as appropriate, carry out management, avoidance, and mitigation (if necessary) measures to reduce effects to the environment.

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

2.1 Introduction

This Section provides information regarding the Proposed Action and its alternatives, including those that VA initially considered, but eliminated, and the reasons for eliminating them. The screening criteria and process developed and applied by VA to hone the number of reasonable alternatives are described, providing the reader with an understanding of VA's rationale in ultimately analyzing the Proposed Action Alternative and the No Action Alternative in this EA.

2.2 Proposed Action

VA's Proposed Action is to acquire approximately 340 acres of land located south of U.S. Highway 550, at its junction with Old State Highway 44, in Rio Rancho, Sandoval County, New Mexico (Site) for the development and operation of a new National Cemetery. The new cemetery would provide burial facilities for Veterans and eligible family members in central New Mexico.

The proposed National Cemetery would be open to the public every day throughout the year. VA anticipates approximately 20 to 25 funeral processions per week at the cemetery, averaging approximately 20 cars per procession. VA estimates that the cemetery, once fully established, would receive approximately 1,000 visitors per week.

VA would acquire the land in 2021 and would begin the cemetery master planning and design approximately 6 months year after acquisition. The master planning and design process is anticipated to require 2 years. VA would follow the NCA *Facilities Design Guide* in the proposed National Cemetery design. The cemetery would be developed in phases, with the first phase including the buildings and infrastructure needed to support the first 15 years of burial capacity. It is anticipated the first phase of cemetery development would be completed within 2 years of the completion of the cemetery design.

It is anticipated that the proposed cemetery would generally include the following components:

- A gated entrance designed to provide a sense of a National Shrine or ceremonial place. The entrance road would be a divided boulevard with masonry or stone walls at the entrance, indicating the name of the cemetery.
- An Administration and Public Information Building in the vicinity of the cemetery entrance. This building would be architecturally consistent with the cemetery design and would be a small building designed to serve as office space for approximately six staff members. The structure would include appropriate storage, administration space, public information lobby, and public restroom facilities, as well as adjacent parking for staff and visitors. All facilities would be American with Disabilities Act (ADA) compliant.
- Near the Administration and Public Information Building would be three separate parallel lanes that split off from the main entrance road, used for staging funeral cortege processions. These lanes would be designed to hold at least 30 vehicles each. Beyond this would be an approximately 28-foot wide road that would wind throughout the cemetery in harmony with the natural grade and environmental features of the land. This road would loop back around the property to maintain a complete, simple traffic pattern around the cemetery. All of the onsite roads would have a speed limit of 15 miles per hour (mph).
- Two permanent committal shelters would be constructed for ceremonies (there are no grave-side ceremonies at National Cemeteries). These shelters would be designed and located where there are scenic views, maximum weather protection, and minimal potential for noise disruption.

- An assembly area would be centrally located at a visible, high elevation, and would include a flagpole bearing the US flag. Non-burial ceremonies would occur at the assembly area. The ideal location would present a natural amphitheater setting.
- A Memorial Wall area with markers for those Veterans not physically able to be at the cemetery (i.e., missing in action, buried at sea, etc.) is proposed.
- A Prisoner of War/Missing in Action (POW/MIA) flagpole would be located along with a Memorial Walkway feature in an aesthetically pleasing area of the site to accommodate donated monuments from veterans organizations.
- A maintenance facility is proposed and would be located in an area out of general public view, while still being convenient for maintenance staff. A secondary entrance to this maintenance facility from local surrounding public roads would be developed, if possible.
- The National Cemetery would be developed in phases. The initial phase would include the construction of the cemetery roads, entrance, Administration and Public Information Building, committal shelters, and maintenance facility. Each subsequent phase would develop enough gravesites and columbarium niches as needed to accommodate approximately 15 years of burial demand. Cremation sites, casket gravesites, and columbarium would be developed in each subsequent phase. The size of each phase, and the total number of phases, is currently unknown. However, excluding the initial phase that builds much of the cemetery infrastructure and support buildings, each phase is estimated to include approximately 25 acres.
- Environmentally constrained areas, such as culturally sensitive areas, and areas that are otherwise difficult to develop (e.g., steeper slopes and erosional features) would be left undeveloped and remain as scenic locations at the cemetery. The utilized portions of the site would be developed to within 20 feet of the site boundaries.
- The standard for NCA design is to achieve on-site cut-and-fill soil balance as much as practical. Proposed development would primarily be located in relatively level areas, following natural contours to the extent possible. Areas may be minimally leveled to develop a consistent grade with each phase. Development would include the installation of grave sites, which would consist of gravel base, drainage piping, and pre-placed concrete vault/crypt system. Approximately 20-22 inches of soil would be placed on top of each vault/crypt. This design would provide the most space-efficient option. Each grave site would be marked with a small, upright marble headstone.
- Utilities, including potable and irrigation water, sewer, electric, and other supporting infrastructure would be extended to and throughout the site, as required.

Prior to construction, VA would obtain all applicable federal, state, and local permits for the proposed cemetery development from appropriate government authorities. VA would avoid any significant on-site environmental resources through sensitive site design, including avoidance of significant cultural and natural resources. Figure 2-1 provides an example National Cemetery design for reference.

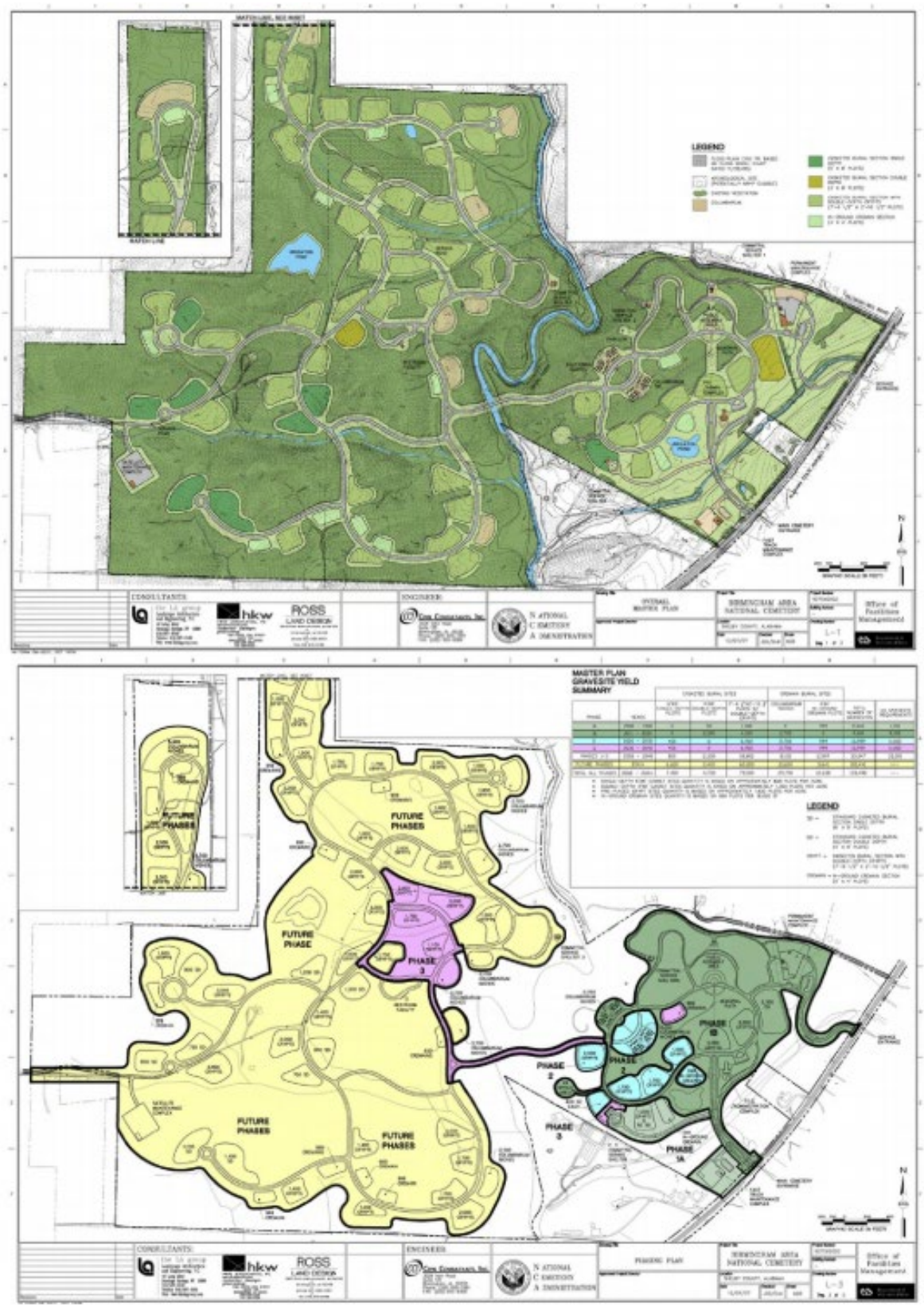

Figure 2-1 Representative (Example Only) National Cemetery Design Layout

2.3 Alternatives Development

The NEPA, CEQ Regulations, and 38 CFR Part 26 require reasonable alternatives to be explored and objectively evaluated. Alternatives that are eliminated from detailed study must be identified along with a brief discussion of the reasons for eliminating them. For purposes of analysis, an alternative was considered "reasonable" only if it would enable VA to accomplish the primary mission of providing a suitable cemetery site that meets the purpose of and need for the Proposed Action, including availability at a price consistent with the fair market value based on an independent appraisal, or donation. "Unreasonable" alternatives would not enable VA to meet the purpose of and need for the Proposed Action.

VA initially considered the expansion of SFNC; however, land contiguous to the SFNC was not available for reasonable acquisition. As a result, VA concluded that a new National Cemetery near Albuquerque, best suited their purpose and need to fully serve the burial needs of central New Mexico area Veterans, the majority of whom live in the Albuquerque area.

After identifying a need for a new National Cemetery in the Albuquerque area, VA advertised its need for an appropriate site for the proposed cemetery. In 2017, VA published a Solicitation for Federal Business Opportunity (FBO), seeking offers for at least 200 acres of land suitable for cemetery development, located within a 15-mile radius of the Albuquerque. VA received several responses (i.e., offering of sites) to this solicitation. Through a comprehensive screening process, VA narrowed the number of viable sites based on analyses of site-specific attributes, including: topography and natural aesthetics, soil/geology, environmental issues, site configuration, availability of utilities, existing structures and obstructions, site adjacencies, aesthetic quality and zoning, and accessibility.

Through this analysis, VA identified two suitable sites in 2017 that best met the screening criteria. These sites include approximately 225 acres of land located at the northwest corner of Northwest Loop Road and U.S. Highway 550 in the City of Rio Rancho, Sandoval County; and approximately 230 acres of land located at the southwest corner of Shooting Range Road and Altrisco Vista Boulevard in the Bernalillo County. In 2017, VA initiated due diligence activities and the completion of a NEPA EA for the acquisition of one of these two sites for the proposed National Cemetery. However, based on the findings of the due diligence investigations, both prospective sites were either later eliminated from consideration and/or were withdrawn by their respective offerors.

In 2019, VA published a second Solicitation for FBO, seeking offers for at least 200 acres of land suitable for cemetery development, located within an 8-mile radius of the intersection of Interstate 25 and State Highway 556, northeast of Albuquerque toward Santa Fe. VA received several responses to this solicitation. Through a comprehensive screening process, similar to that used in 2017, VA identified one site, an approximately 340-acre property located south of U.S. Highway 550 at its junction with Old State Route 44 in Rio Rancho, Sandoval County, that best met all of the established screening criteria. The 340-acre Site is the property currently being considered for the proposed cemetery.

2.4 Alternatives Evaluated in this EA

This EA examines in-depth two alternatives, the Proposed Action and the No Action Alternative, defined as follows:

2.4.1 Proposed Action

VA proposes to acquire approximately 340 acres of unimproved land, located just south of where Old State Highway 44 meets U.S. Highway 550 in Rio Rancho, Sandoval County, New Mexico (Site) and to develop it into a new National Cemetery. The Site is the western portion of an approximately 586-acre parcel of land owned by the State of New Mexico. The majority of the Site is desert grassland and scrub

land with a slight slope to the southwest. The northeastern portion of the Site contains the peak of a prominent hill (Loma Barbon) and an associated, scrub-covered ridge. From the ridge, the Site slopes moderately to the east and southeast. An abandoned segment of Old State Route 44 remains in the northeastern portion of the Site. Several unpaved roads/trails crisscross the Site. A seasonal pond associated with a normally dry tributary of Arroyo Venada is located in the southwestern portion of the Site. The majority of the Site would be developed with the proposed cemetery; however, the eastern and northern portions of the Site associated with Loma Barbon and natural drainage areas would likely remain undeveloped and incorporated into the cemetery design. The Proposed Action would be implemented as described in Section 2.2.

The Proposed Action effectively provides additional land necessary to meet the regional cemetery requirements of VA. The Site location and features are depicted on Figures 2-2 and 2-3.

2.4.2 No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families residing in central New Mexico would continue to use the SFNC until burial space is no longer available. Once SFNC reaches capacity, Veterans and their families would no longer be served by a National Cemetery in central New Mexico and would be required to travel a substantial distance for burial at a National Cemetery. The distribution of National Cemeteries throughout the region would be unbalanced and inadequate. The Site likely would remain undeveloped for the foreseeable future.

The No Action Alternative would not enable VA to provide adequate cemetery facilities in central New Mexico, and thus, would not meet the purpose of or need for the Proposed Action. However, the No Action Alternative was retained to provide a comparative baseline against which to analyze the effects of the Proposed Action, as required under the CEQ Regulations.

2.5 Alternatives Eliminated from Further Consideration

As described in Section 2.3.1, VA initially considered the expansion of SFNC; however, land contiguous to the SFNC was not available for reasonable acquisition. As a result, this alternative was eliminated from further consideration.

VA considered other offered sites in the Albuquerque area for acquisition and development of the proposed new National Cemetery. However, as discussed in Section 2.3, based on site screening evaluations and/or the findings of due diligence investigations, the remaining sites were eliminated from further consideration.

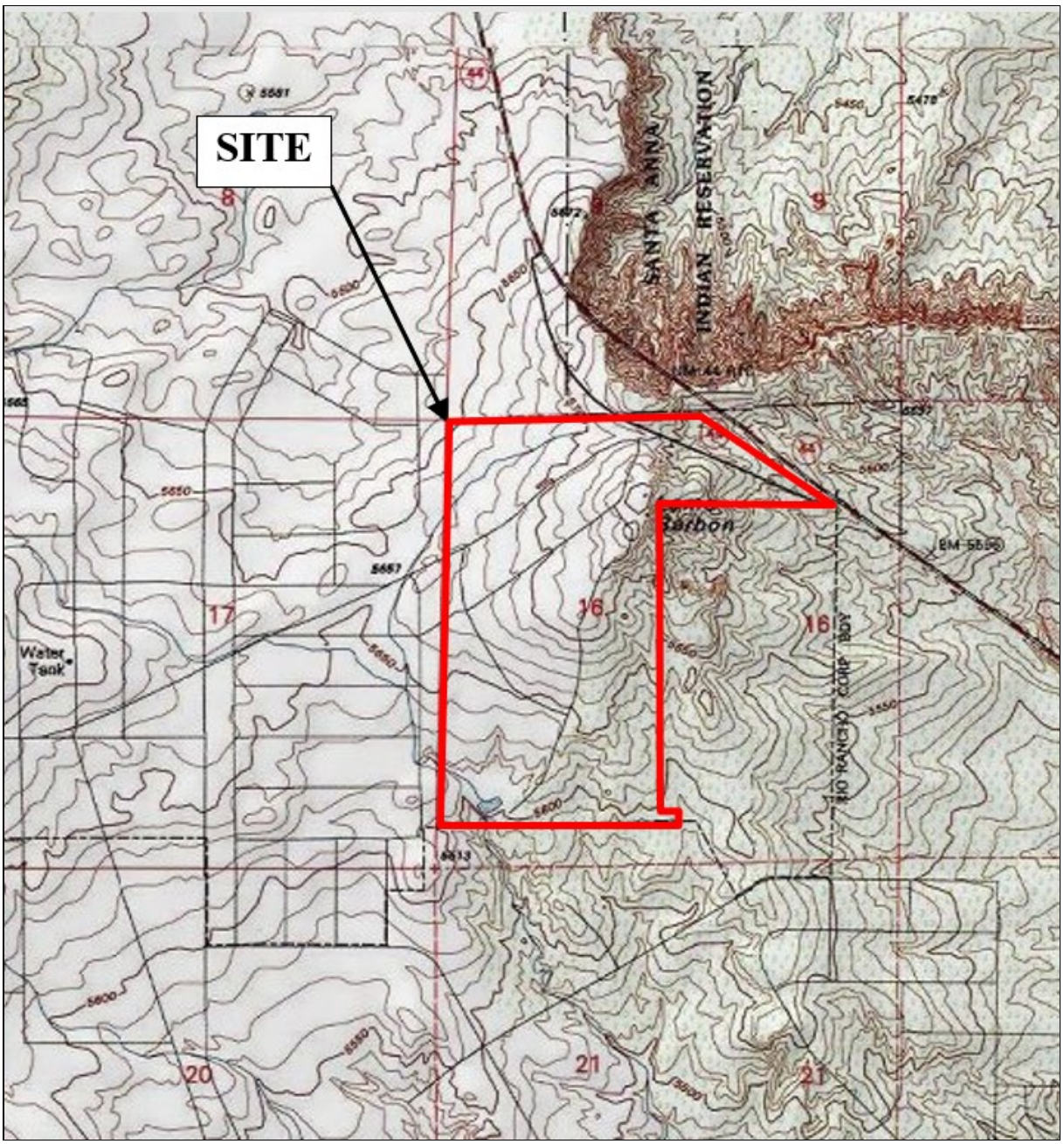

Figure 2-2 Topographic Location Map

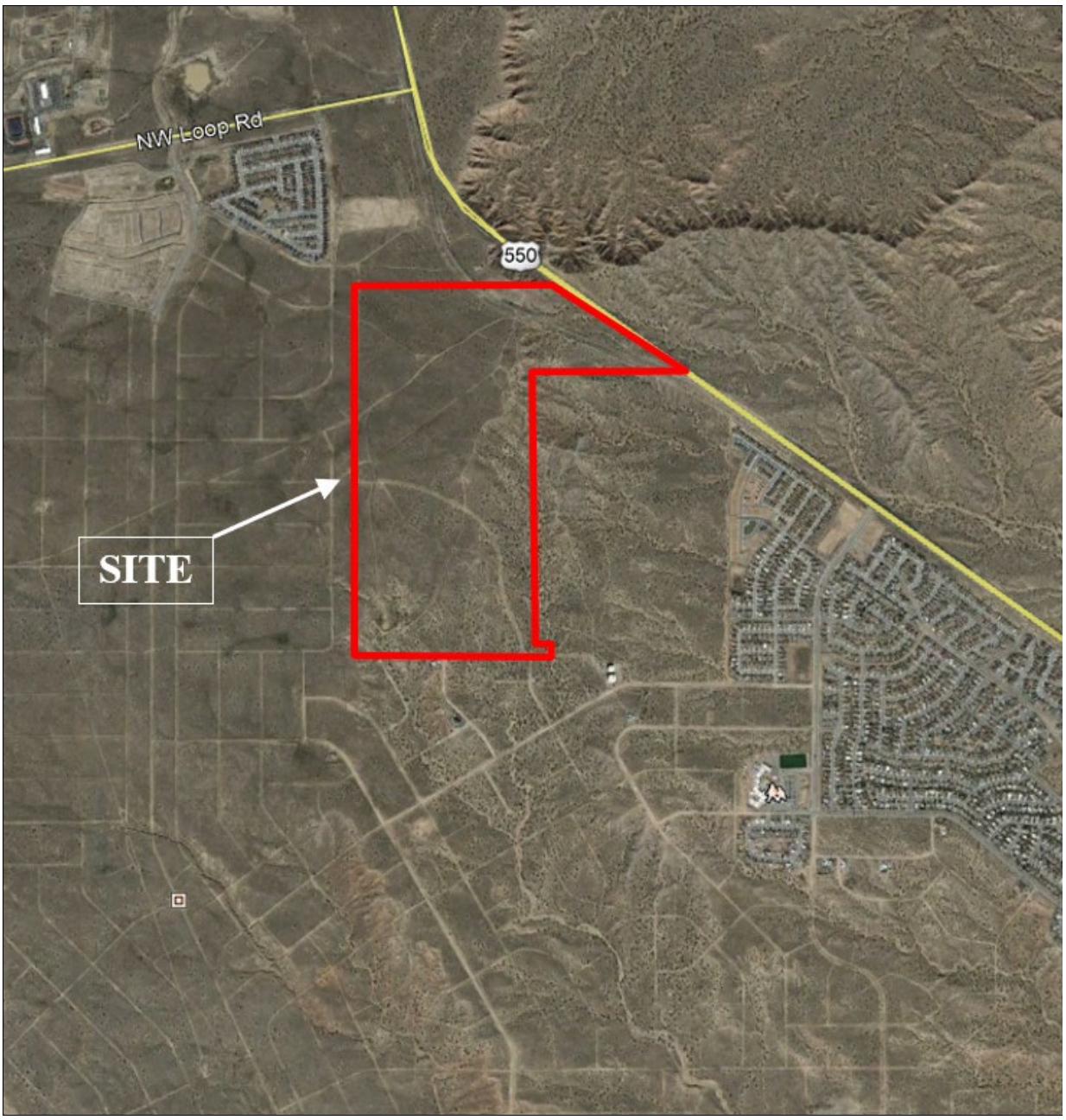

Figure 2-3 Site Aerial Location Map

3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

3.1 Introduction

This Section describes the baseline (existing) physical, environmental, cultural, and socioeconomic conditions of the proposed 340-acre National Cemetery Site (see Figures 2-2 and 2-3) and its general vicinity (i.e., the Proposed Action's region of influence), with emphasis on those resources potentially affected by the Proposed Action. Appendix D contains photographs of the Site and the surrounding area. Under each resource area (Sections 3.3 through 3.17), the potential direct and indirect effects of the Proposed Action and the No Action Alternative are identified. Potential cumulative impacts are discussed in Section 3.18.

Resource areas considered in this EA are as follows:

- *Aesthetics*
- *Air Quality*
- *Cultural and Historic Resources*
- *Geology and Soils*
- *Hydrology and Water Quality*
- *Wildlife and Habitat*
- *Noise*
- *Land Use*
- *Floodplains, Wetlands, and Coastal Zone Management*
- *Socioeconomics*
- *Community Services*
- *Solid Waste and Hazardous Materials*
- *Traffic, Transportation, and Parking*
- *Utilities*
- *Environmental Justice*
- *Cumulative Impacts*
- *Potential for Generating Substantial Controversy*

3.2 Criteria for Analysis of Impacts

Each alternative was evaluated for its potential impacts on physical, biological, and socioeconomic resources in accordance with the CEQ regulations at 40 CFR 1508.8. The specific criteria for evaluating the potential environmental impacts of the Proposed Action and the No Action Alternative are described in the following sections. The significance of an action is also measured in terms of its context and intensity. The potential environmental impacts are described in terms of duration, whether they are direct or indirect, the magnitude of the impact, and whether they are adverse or beneficial, as summarized in the following paragraphs:

Short-term or long-term: In general, **short-term** impacts are those that would occur only with respect to a particular time-lined activity, for a finite period, or only during the time required for construction or installation activities. **Long-term** impacts are those that are more likely to be persistent and chronic.

Direct or indirect: A **direct** impact is caused by an action and occurs around the same time at or near the location of the action. An **indirect** impact is caused by an action and might occur later in time or be farther removed in distance but still be a reasonably foreseeable outcome of the action.

Less than significant (negligible, minor, moderate), or significant: These relative terms are used to characterize the magnitude or intensity of an impact. **Negligible** impacts are generally those that might be perceptible but are at the lower level of detection. A **minor** impact is slight, but detectable. A **moderate** impact is readily apparent. **Significant** impacts are those that, in their context and due to their magnitude (severity), have the potential to meet the thresholds for significance set forth in the CEQ regulations (40 CFR 1508.27) and, thus, warrant heightened attention and examination for potential means for mitigation to fulfill the policies set forth in NEPA.

Adverse or beneficial: An **adverse** impact is one having unfavorable or undesirable outcomes on the man-made or natural environment. A **beneficial** impact is one having positive outcomes on the man-made or natural environment.

3.3 Aesthetics

The Site is situated in a rural area of mostly unimproved and residential land, approximately 8.5 miles north-northeast of the center of Rio Rancho, in the southeastern portion of Sandoval County (Figure 1-2). The Site is mostly desert grassland and scrub land with a relatively flat surface and a slight slope to the southwest. The northeastern portion of the Site includes the peak of a prominent hill (Loma Barbon) and an associated scrub-covered ridge. The Site features are shown on Figure 3-1.

The area north of the Site contains unimproved scrub land and U.S. Highway 550. The area northeast of the Site across U.S. Highway 550 is unimproved scrub land. The area east of the Site is the remainder of the 586-acre parent parcel that includes the Site and consists of unimproved scrub land with a jagged surface, resulting from intermittent drainage channels and erosion. A residential neighborhood is located farther east, approximately 2,500 feet from the Site. The area south of the Site is mostly unimproved scrub land with three residences located adjacent and approximately 300 feet and 800 feet south of the Site. The area west of the Site is unimproved scrub land. A residential neighborhood is located approximately 700 feet northwest of the Site.

3.3.1 Effects of the Proposed Action

After VA's acquisition, the Site would remain in its current configuration until such a time that the cemetery design process is complete and construction is ready to begin (approximately 3 years). VA's acquisition of the site and initial continuation of the Site as unimproved land would result in no aesthetic impacts.

Development and operation of the National Cemetery on the Site would produce visual changes, including the installation of the cemetery road, perimeter fencing, two or three small single-story structures, parking areas, maintained grassy burial areas, columbarium walls, and committal shelters. VA would design and develop the cemetery in concert with the Site's topography and features, with no major grading. It is anticipated the majority of the Site would be developed, in phases, for the cemetery, but the more steeply sloping areas in the eastern portion of the Site, associated with Loma Barbon, would remain undeveloped land.

The cemetery would be designed to comply, to the extent practicable, with the Rio Rancho Municipal Code (RRMC).

Given the low visual impact of the cemetery development, which would be designed in concert with the existing topography and landscape, and would be generally consistent with the surrounding land uses, no significant aesthetics impacts would occur. The cemetery design would include unimproved buffers and/or berms along boundaries with adjacent residences.

3.3.2 Effects of the No Action Alternative

Under the No Action Alternative, no development or changes to the Site by VA would occur. The Site would likely remain as unimproved land for the foreseeable future with no aesthetic impacts.

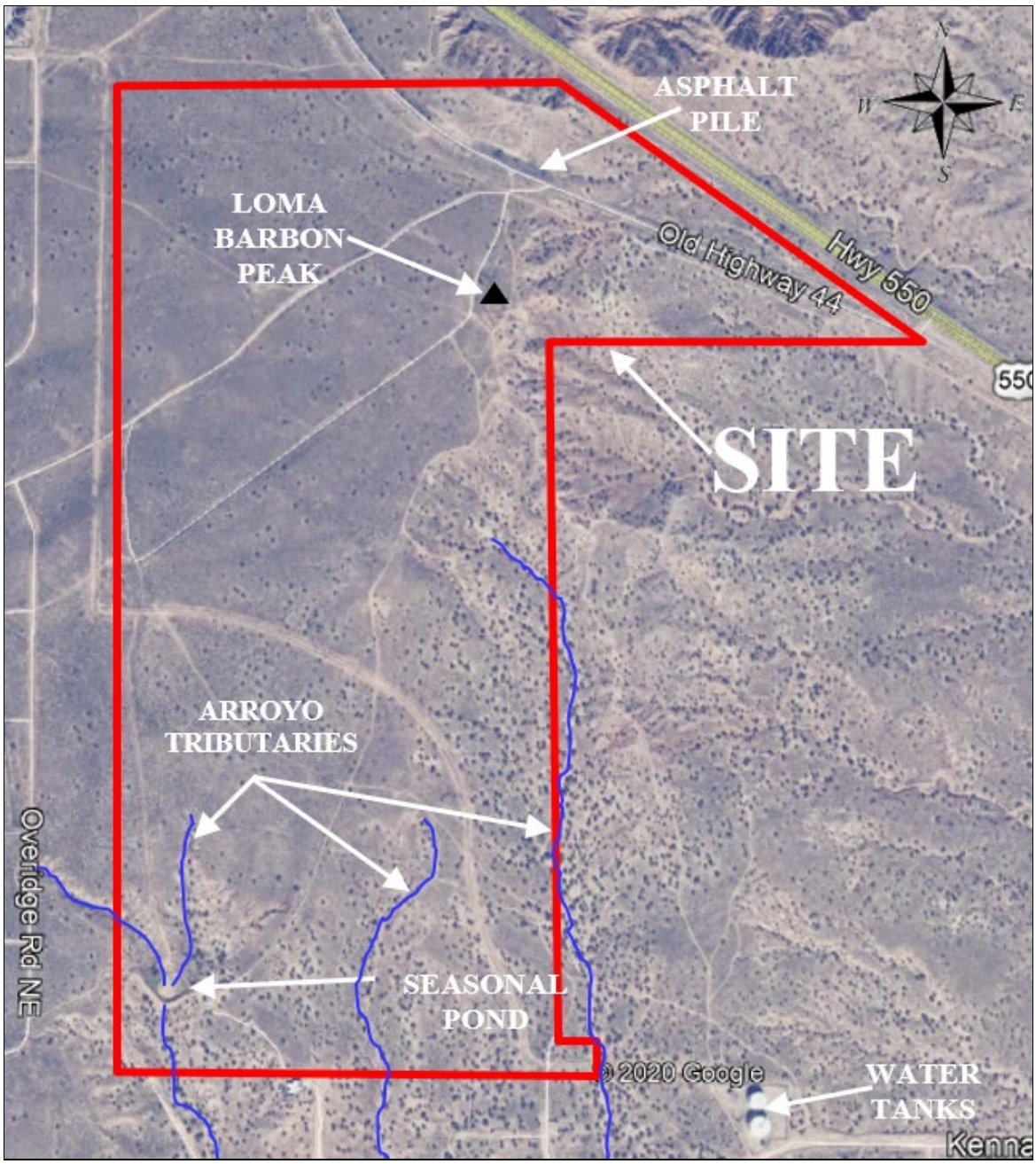

Figure 3-1 Site and Vicinity Map

3.4 Air Quality

3.4.1 Ambient Air Quality

The ambient air quality in an area can be characterized in terms of whether or not it complies with the primary and secondary National Ambient Air Quality Standards (NAAQS). The Clean Air Act, as amended (CAA and CAAA) requires the U.S. Environmental Protection Agency (USEPA) to set NAAQS for pollutants considered harmful to public health and the environment. NAAQS are provided for the

principal pollutants, called “criteria pollutants”, which include carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur dioxide.

Areas are designated by the USEPA as “attainment”, “non-attainment”, “maintenance”, or “unclassified” with respect to the NAAQS. Regions in compliance with the standards are designated as “attainment” areas. In areas where the applicable NAAQS are not being met, a “non-attainment” status is designated. Areas that have been classified as "non-attainment", but are now in compliance can be re-designated "maintenance" status if the state completes an air quality planning process for the area.

The USEPA Green Book (September 2020) and the New Mexico Environmental Department (NMED) Air Quality Bureau (AQB) indicated that Sandoval County is currently designated as a full-attainment area for both NAAQS and New Mexico Air Quality Standards. NMED AQB stated the Proposed Action would have no significant negative impacts on ambient air quality.

3.4.2 State and Local Regulations

The NMED AQB implements programs for strategic planning to ensure all air quality standards are met and maintained, issuing air quality construction and operating permits, and enforcing air quality regulations and permit conditions, and has jurisdiction over all of New Mexico.

The City of Rio Rancho and Sandoval County do not maintain air quality ordinances.

The NMED AQB stated that: the potential exists for temporary increases in dust and emissions associated with earth moving, construction equipment, and other vehicles; areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust; local air quality regulations must be followed; all asphalt, concrete, quarrying, crushing, and screening facilities contracted in conjunction with the Proposed Action must have current and proper air quality permits (Minor Construction Permit); and equipment powered by diesel, gasoline, or natural gas engines may require registration and/or an air quality permit if the emissions of any criteria air pollutant exceeds 10 pounds per hour and 10 tons per year.

3.4.3 Sensitive Receptors

With the exception of the residential neighborhood located approximately 700 feet northwest of the Site and three residences located adjacent and approximately 300 feet and 800 feet south of the Site, there are no sensitive air quality receptors within 1,000 feet of the Site.

3.4.4 Effects of the Proposed Action

VA’s acquisition of the Site and the initial continuation of the Site as unimproved land would have no air quality impacts.

Air emissions generated from the proposed cemetery would be expected to have less-than-significant, direct and indirect, short-term and long-term adverse impacts to the existing air quality environment around the Site. Short-term increased air emission levels would occur as a result of the initial cemetery development and during each subsequent phase of cemetery expansion. Long-term emissions would occur during the operation of the cemetery as a result of visitor vehicle emissions.

Construction activities would be performed in accordance with federal and state air quality requirements. Construction-related emissions are generally short-term, but may still have adverse impacts on air quality, primarily due to the production of dust. Dust can result from a variety of activities, including excavation, grading, and vehicle travel on paved and unpaved surfaces. Dust from construction can lead to adverse health effects and nuisance concerns, such as reduced visibility on nearby roadways. The amount of dust

is dependent on the intensity of the activity, soil type and conditions, wind speed, and dust suppression activities used. Implementing dust control measures (BMPs) greatly reduces dust emissions from construction. Construction-related emissions also include the exhaust from the operation of construction equipment, including diesel particulate matter. The use of newer construction equipment with emissions controls and minimizing the time that the equipment is idling (BMPs) reduce construction equipment exhaust emissions. Implementation of BMPs, discussed in Section 4, would minimize these anticipated less-than-significant adverse, short-term, construction-related, air quality impacts.

During operation of the cemetery, there would be vehicular emissions associated with Site visits by Veterans and their families. A minor long-term increase in local vehicle miles (and associated emissions) is anticipated, as visitors would travel to the Site (approximately 500 one-way vehicle trips per day). However, overall vehicle emissions would decrease because regional Veterans and their families would not be required to travel greater distances to other National Cemeteries and State Veterans Cemeteries. Vehicle air emissions associated with the operation of the cemetery would be minor.

3.4.5 Effects of the No Action Alternative

Under the No Action Alternative, no air quality impacts associated with VA's Proposed Action would result. The additional driving required by area Veterans and their families to visit more distant National and State Cemeteries, which would contribute to increased regional air emissions, would be a less-than-significant long-term adverse impact under the No Action Alternative. The Site would likely remain unimproved land with no direct air quality impacts.

3.5 Cultural and Historic Resources

The Site has been mostly unimproved desert grassland and scrub land since at least 1888. The Site was intermittently used as pastureland many years ago. Old State Route 44 crossed the northeastern portion of the Site from at least 1949 to the early 1970s, when U.S. Highway 550 was constructed. An abandoned segment of Old State Route 44 remains in the northeastern portion of the Site. Several unpaved roads/trails crisscross the Site. A seasonal pond associated with an intermittent tributary of Arroyo Venada has been located in the southwestern portion of the Site since at least 1949. The pond appears to be the result of the construction of an earthen berm dam across the tributary, and was likely used for watering livestock. A small structure (probable barn) and fencing were located in the northwestern portion of the Site in 1949. The structure appeared abandoned (with just a foundation remaining) from at least 1952 to the early 1970s, when it was removed from the Site.

Row 10 Historic Preservation Solutions (Row 10) conducted an Initial Cultural Resources Impact Prediction (ICRIP) for the 586-acre parcel that includes the Site on behalf of VA in January 2020. The ICRIP included a records and literature search of New Mexico Department of Cultural Affairs, Historic Preservation Division (NM State Historic Preservation Office or SHPO) files and National Register of Historic Places (NRHP) data, and a limited pedestrian survey of the Site by an architectural historian. No buildings are present at the Site and all buildings located on the surrounding properties have been constructed in the past 30 years. No NRHP-listed or eligible historic buildings or districts were identified at the Site or within the immediate Site area.

The ICRIP indicated archaeological surveys had been conducted in the Site area, including the northeastern portion of the Site along U.S. Highway 550 and along a utility easement in the northern and northwestern portions of the Site. No previous archaeological surveys were identified for the remainder of the Site. The previous archaeological surveys identified five archaeological sites in the northeastern portion of the Site that had not been evaluated for NRHP eligibility and nine additional archaeological sites in the immediate vicinity of the Site, of which one was found to be eligible for listing on the NRHP.

The ICRIP concluded that the Proposed Action would not have any impact on historical structures or historic districts but could potentially impact archaeological resources and recommended an archaeological investigation of the Site.

On behalf of VA, Okun Consulting Solutions (OCS) conducted a Cultural Resources Survey (CRS) for the Site in June through October 2020. The CRS included a review of the New Mexico Cultural Resource Information System (NMCRIS) database, a 100-percent Class III pedestrian field survey of the Site by a team of archaeologists, laboratory analysis, and archaeological resources documentation. The NMCRIS database review identified six previously located archaeological sites on the Site, none of which had been evaluated as to their eligibility for listing on the NRHP.

As part of the pedestrian survey, OCS attempted to relocate the six previously identified archaeological sites on the Site, finding five of the six sites, all located close to one another in the northeastern portion of the Site. OCS noted that the sixth archaeological site could not be relocated and concluded that it was likely incorrectly mapped in the NMCRIS. OCS also identified six new archaeological sites during the pedestrian survey that were not previously identified, including three sites in the central portion of the Site and three sites located within the southernmost portion of the Site. In addition to the six new archaeological sites, OCS identified 61 isolated occurrences scattered throughout the Site, all of which were determined to not be eligible for listing on the NRHP.

OCS recommended that seven of the eleven archaeological sites identified at the Site (located in the northeastern, central and southernmost portions of the Site) as eligible for listing on the NRHP and concluded that three of the four remaining archaeological sites were undetermined as to their eligibility for listing on the NRHP due to inaccessibility and/or disturbance, but should be treated as eligible for listing. OCS stated that the archaeological resources on the Site area add to the growing body of research that demonstrates intensive use of the northern part of Albuquerque's West Mesa during prehistoric times. OCS recommended that all eligible or potentially eligible (e.g., undetermined) archaeological sites be avoided by ground-disturbing activities associated with the Proposed Action to the extent possible. OCS stated that if the archaeological sites cannot be avoided and Proposed Action activities within these sites are determined to be adverse, a data recovery plan should be developed and implemented to mitigate adverse effects to each archaeological resource.

3.5.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would have no cultural resources impacts.

The CRS identified seven archaeological sites recommended as eligible for listing on the NRHP and three archaeological sites that were undetermined as to their NRHP eligibility, but were recommended to be treated as NRHP-eligible, at the Site. Eight of these ten archaeological sites are located in the northeastern corner or southernmost portions of the Site; only two of the archaeological sites are located within the central portion of the Site. Based on their locations, VA anticipates the cemetery would be designed to avoid the identified archaeological sites. Each archaeological site would remain undisturbed, with a buffer of undisturbed land between the sites and the cemetery development. If the cemetery design cannot avoid one or more of the archaeological sites, VA would mitigate the adverse effects, as required under the National Historic Preservation Act (NHPA). With these avoidance and/or NHPA mitigation measures, cultural resource impacts associated with the proposed cemetery development would be less than significant.

On October 8 and 9, 2020, VA initiated NHPA Section 106 consultation with the New Mexico State Land Office, NM SHPO, the Advisory Council on Historic Preservation (ACHP), the Historical Society of New Mexico, the City of Rio Rancho, and 18 federally recognized Native American Tribes with geographic or cultural affiliation with the Site area (listed in Appendix C). The Section 106 consultation letters included

a description of VA's proposed undertaking (Proposed Action), definition of the area of potential effect (APE), identification of historic properties (the results of the ICRIP and CRS), and finding of effects on historic properties. The Section 106 consultation letters stated that if adverse effects to the NHRP-eligible archaeological sites at the Site cannot be avoided, VA would resolve the adverse effects by negotiating and implementing either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) under the NHPA.

The NM SHPO responded to VA's initiation of consultation on October 20, 2020. The NM SHPO concurred with VA's NRHP-eligibility recommendations, but deferred to the NM State Land Office, who has authority for the Site. NM SHPO also concurred that a MOA for addressing adverse effects would be appropriate if the archaeological sites cannot be avoided. NM SHPO recommended that all NRHP-eligible and undetermined sites be mitigated, even if some could be avoided, to prevent indirect impacts (such as erosion and inadvertent trespass) and to eliminate the need for future Section 106 consultation if VA's future development plans change.

The NM State Land Office (SLO) responded to VA's initiation of consultation on November 12, 2020. The NM SLO concurred with VA's identification of historic properties and NRHP-eligibility recommendations, pending the completion of Section 106 consultation with interested Native American Tribes. NM SLO stated data recovery (pursuant to a MOA) would likely be an appropriate means to mitigate adverse effects to archaeological sites that cannot be avoided, but indicated Tribal input must be considered in making this determination.

On October 23, 2020, the ACHP responded with a request for information regarding input provided by the other Section 106 consultation parties and the public. ACHP indicated they would make a decision on whether to participate in the Section 106 consultation upon receipt of this additional information.

The Pueblo of Tesuque requested to be a participant in VA's Section 106 consultation and recommended that a pueblo representative be on-site during cemetery construction. No other Native American Tribes responded to VA's Section 106 consultation initiation letters within 30 days. Consequently, resent the Section 106 consultation initiation letters to the Native American Tribes via email on November 11, 2020 and by certified mail on November 14, 2020. As of the date of this EA, no additional Native American Tribal responses have been received by VA.

3.5.2 Effects of the No Action Alternative

Under the No Action Alternative, no cultural resources impacts by VA would occur. The Site would likely remain unimproved land and no cultural resources impacts would occur.

3.6 Geology and Soils

A review of the Loma Machete and Bernalillo, New Mexico United States Geological Survey (USGS) Topographic Quadrangles (both dated 1990) indicates that there is a peak of a prominent hill (Loma Barbon) in the northeastern portion of the Site with an elevation of approximately 5,760 feet above mean sea level (amsl). A ridge extends from the peak to the north and southeast. From the peak, the land surface slopes down moderately to the east and southeast, and more gently to the west, south and southwest. Elevations range from the peak of Loma Barbon (5,760 feet amsl) to approximately 5,650 feet amsl in the western portion of the Site and to approximately 5,570 feet amsl in the southern portion of the Site (Figure 2-2).

A Tapestry of Time and Terrain, published by the USGS and dated 2000, indicated that Sandoval County is located in the Mexican Highlands physiographic section of the Basin and Range physiographic province of the Intermontane Plateaus physiographic region in New Mexico. Specifically, Sandoval County is located in the Albuquerque basin (Middle Rio Grande basin) of the Rio Grande rift, a north-

trending continental rift zone (a central linear downfaulted depression) with middle-Miocene to early Pliocene Santé Fe group alluvial sediment deposits (USGS 2000). The Site is located on the northern end of the Albuquerque West Mesa. The Geologic Map of the Albuquerque–Rio Rancho Metropolitan Area and Vicinity, published by the New Mexico Bureau of Geology & Mineral Resources (NMBGMR) and dated 2008, indicates the Site area is underlain predominantly by sandstone, conglomerate, and minor mudstone up to a depth of 1,800 feet.

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey indicated that the Site contains three soil types identified as Grieta fine sandy loam, 1 to 4 percent slopes (northwestern portion), Grieta-Sheppard loamy fine sands, 2 to 9 percent slopes (north-central and central), and Sheppard loamy fine sand, 8 to 15 percent slopes (eastern and southern portions). These fine sandy loam soils are characterized as well-drained and somewhat excessively drained with a moderately high to very high permeability. Refer to Figure 3-2.

TTL Associates, Inc. (TTL) completed a geotechnical subsurface investigation of the Site in July 2020. The geotechnical investigation found the Site consists of predominantly silty sand with varying amounts of gravel and clayey sand to at least 15 feet below ground surface (bgs), the maximum extent investigated. No bedrock was encountered in the geotechnical soil borings.

The Geologic Map of the Albuquerque–Rio Rancho Metropolitan Area and Vicinity (NMBGMR 2008) indicated that the Site vicinity is not underlain by materials conducive to karst conditions. The USGS National Map internet application indicated that the Site is underlain by four mapped, unnamed fault lines less than 1.6 million years old (USGS 2020). However, the NMBGMR indicated that the nearest known recent history or active faults to the Site are the East Paradise fault zone located approximately six miles southwest of the Site, the Hubbell Springs and Rincon fault zones located at least nine miles southeast of the Site, and the Jemez-San Ysidro fault zone located approximately ten miles west of the Site. Refer to Figure 3-3.

3.6.1 Prime and Unique Farmland Soils

Prime and Unique Farmlands are regulated in accordance with the Farmland Protection Policy Act (FPPA) to ensure preservation of agricultural lands that are of statewide or local importance. Soils designated as prime farmland are capable of producing high yields of various crops when managed using modern farming methods. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Unique farmlands are also capable of sustaining high crop yields and have special combinations of favorable soil and climate characteristics that support specific high-value foods or crops.

The USDA NRCS Web Soil Survey indicated that none of the Site soils are considered prime farmland soils.

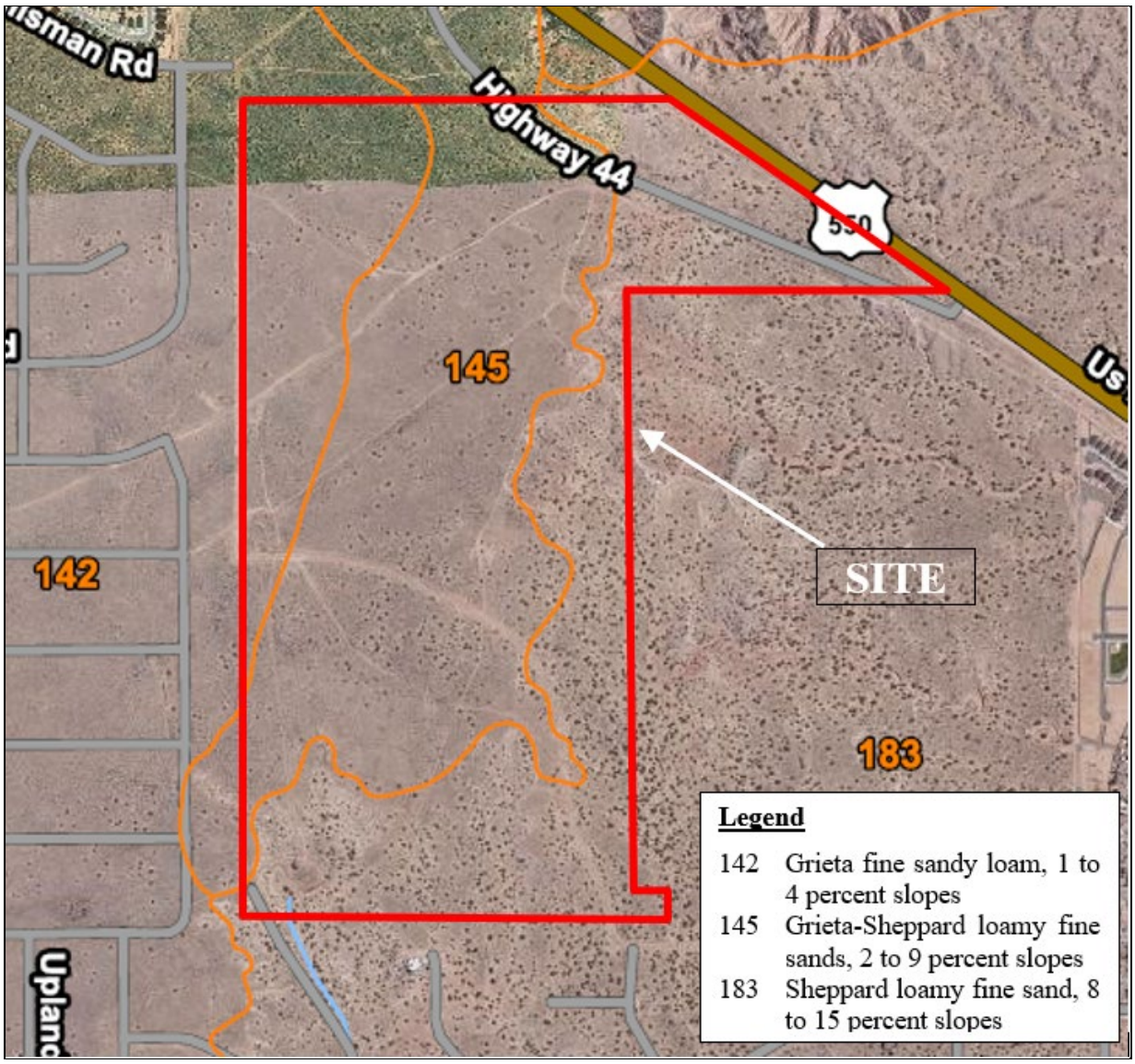

Figure 3-2 Soils Map

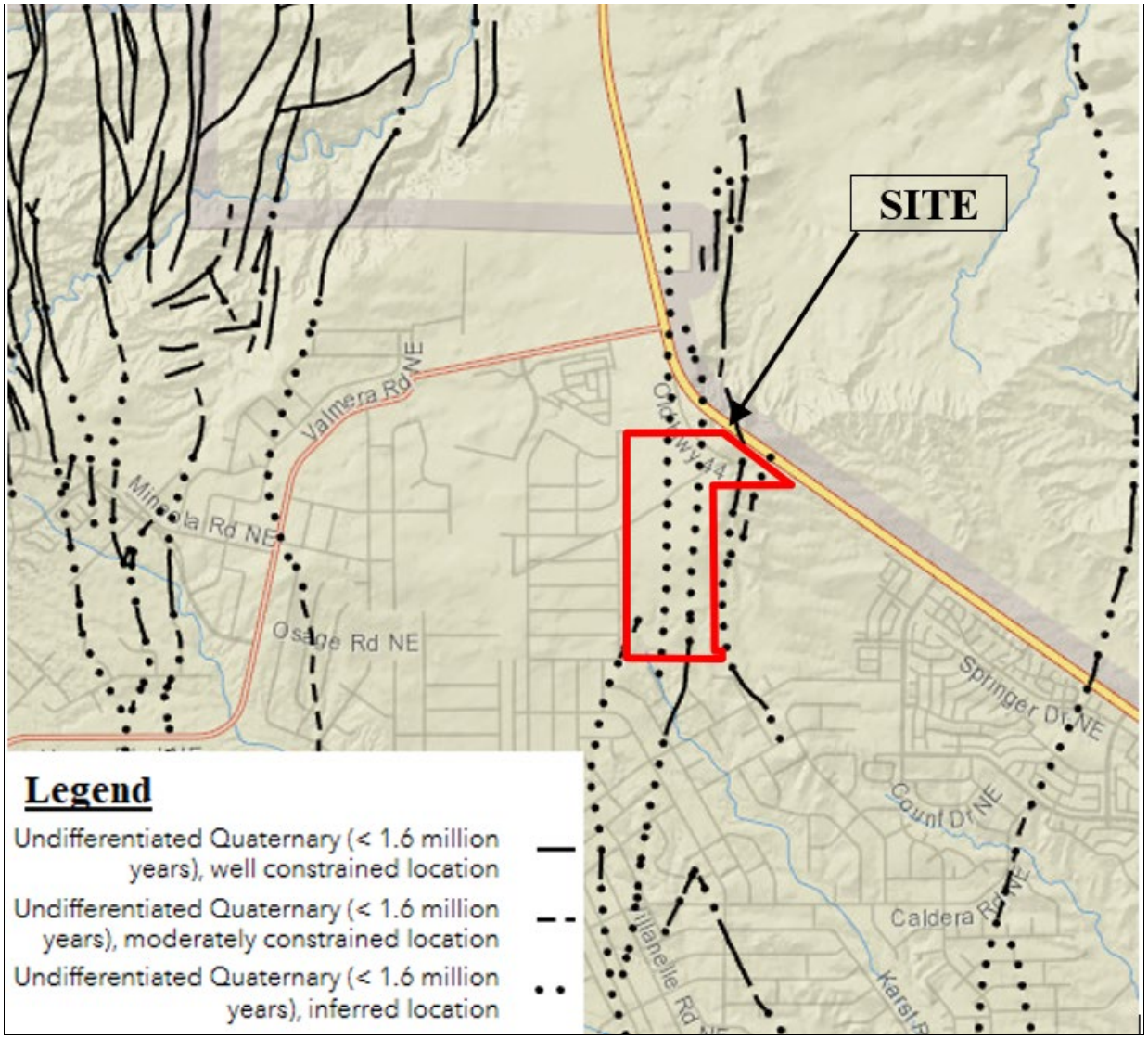

Figure 3-3 Fault Lines Map

3.6.2 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would result in no geology and soils impacts.

The proposed cemetery development at the Site would have less-than-significant geology and soils effects. No major changes to topography or drainage are expected at the Site due to the development of the cemetery. The cemetery would be designed in concert with the natural topography and current drainage patterns. No significant cutting or filling is anticipated.

Less-than-significant impacts to geology would be anticipated. Minor fault lines are located in the vicinity of Site; however, no active faults are located within six miles of the Site; as such, no significant impacts associated with seismic hazards are identified. No significant impacts to mineral resources are anticipated, as the proposed cemetery would not involve the commercial extraction of mineral resources, nor affect mineral resources considered important on a local, state, national, or global basis.

During construction of the cemetery, less-than-significant, direct and indirect, short-term soil erosion and sedimentation (E&S) impacts could occur as roads, parking areas, buildings, grave sites, and other cemetery improvements are constructed. Cemetery construction activities would remove the current vegetative cover, disturb the soil surface, and compact the soil. The soil would then be susceptible to erosion by wind and surface runoff. Exposure of the soils during construction has the potential to result in increased in offsite discharges of sediment-laden runoff. However, such potential adverse E&S effects would be prevented through utilization of appropriate BMPs as described in Section 4 and adherence to the terms of approved NMED Surface Water Quality Bureau (SWQB) National Pollutant Discharge Elimination System (NPDES) Construction General Permit, including the development and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP), and the prevention of increased pre and post-construction sediment yield and flow velocity. Permit standards would be adhered to during all construction activities.

No long-term E&S impacts would be anticipated due to the nature of the Proposed Action. There would be limited impervious surfaces associated with the cemetery development and long-term soil erosion impacts would be managed by maintaining appropriately designed stormwater management features associated with the proposed cemetery.

3.6.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to soils, topography, or geology by VA would occur. The Site would likely remain unimproved land and no soils, topography, or geology impacts would occur.

3.7 Hydrology and Water Quality

3.7.1 Surface Waters

The Site is located in the Middle Rio Grande watershed. No permanent surface waters are located on the Site or the adjacent properties; however, the southern portion of the Site includes two normally dry tributaries of Arroyo La Venada (see Figure 3-4). The arroyo tributaries identified on the Site discharge into the primary channel of Arroyo La Venada, located approximately 1.65 miles south of the Site. In turn, Arroyo La Venada flows generally east and discharges into the Rio Grande approximately four miles southeast of the Site. The western-most arroyo tributary (southwestern portion of the Site) has been dammed with an earthen berm to form a seasonal pond since at least the 1940s and appears to have formerly been used for watering livestock.

The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Mapper identified the western-most arroyo tributary as a riverine system, and depicted the tributary as extending off-site to the west and back onto the northwestern portion of the Site (see Figure 3-5). The portion of the arroyo tributary that is located on the northwestern portion during the Site is smaller and less evident but is identifiable on aerial photographs. The NMED OpenEnviroMap internet application did not identify any surface water features on the Site.

The U.S. Army Corps of Engineers (USACE) indicated that arroyos fall under the ephemeral feature exclusion under the Navigable Waters Protection Rule (NWPR) and are not considered jurisdictional Waters of the United States (WOTUS). Additional information regarding wetlands and WOTUS is provided in Section 3.11.

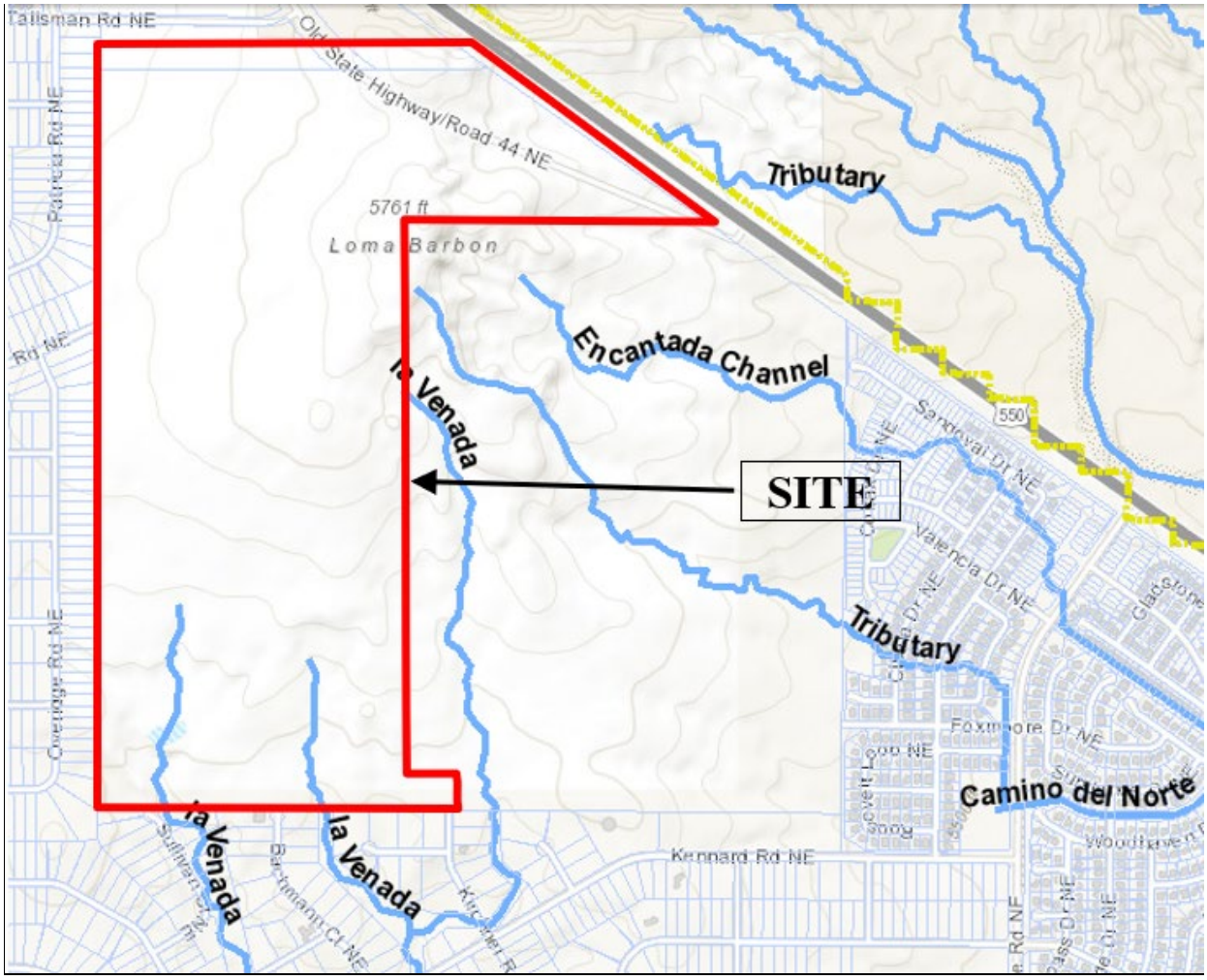

Figure 3-4 Arroyos Map

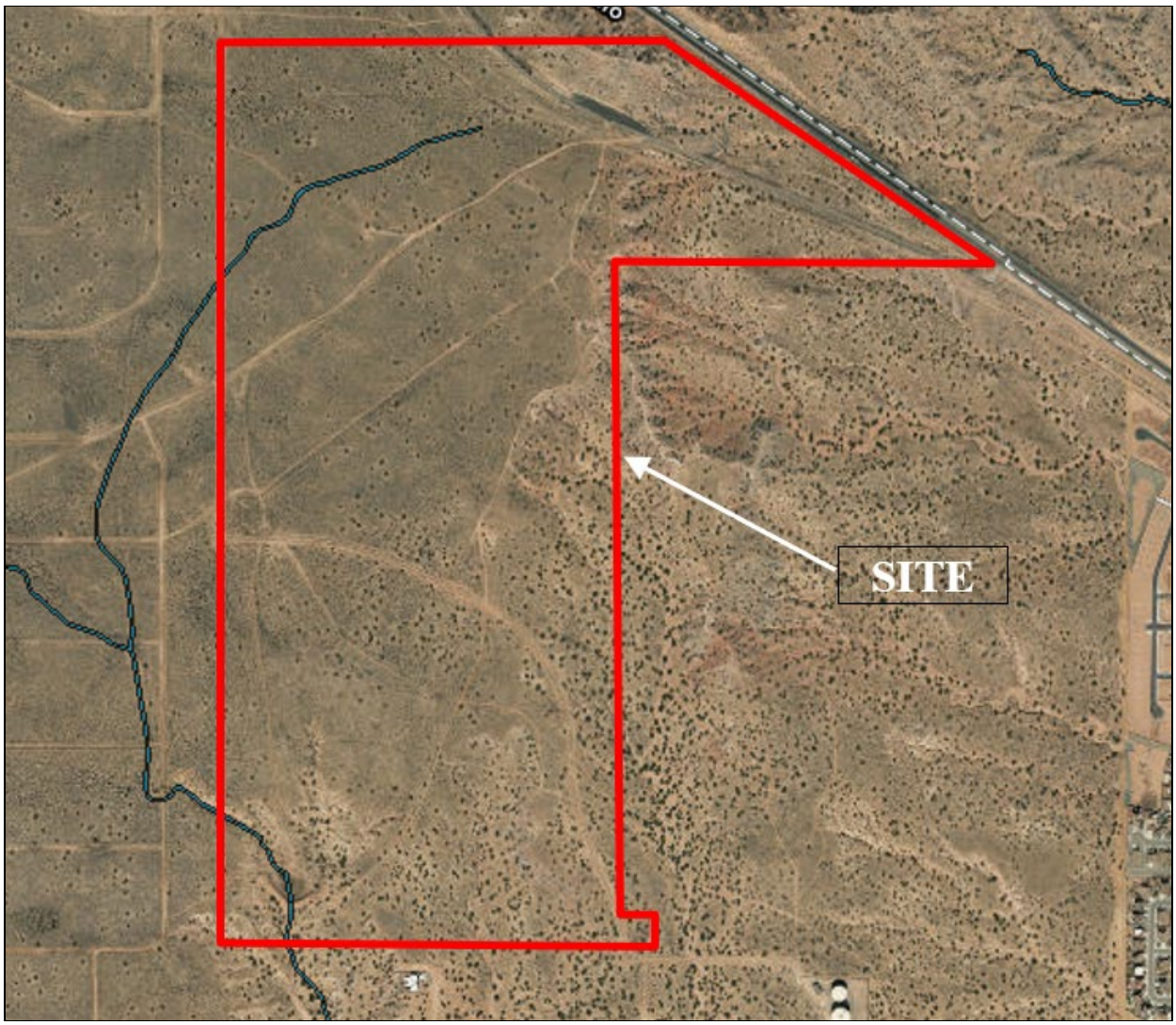

Figure 3-5 National Wetlands Inventory Map

3.7.2 Groundwater

The Groundwater Atlas of the United States indicated that the Site is underlain by the Rio Grande aquifer system, which consists of a network of hydraulically interconnected aquifers in basin-fill deposits located along the Rio Grande Valley and nearby valleys.

The geotechnical investigation at the Site indicated that groundwater was not encountered within 15 feet of the ground surface.

The NMED Drinking Water Bureau (DWB) stated that there are no regulated public groundwater wells within one mile of the Site nor any regulated public surface water intakes within 10 miles downgradient of the Site; as such, the Proposed Action is unlikely to have a significant impact on any existing regulated water system. NMED DWB also stated that development of a water supply system at the Site would require approval from NMED DWB.

Rio Rancho Environmental Programs (RREP) stated that the Site is located over the Santa Fe Group aquifer and that a City of Rio Rancho drinking water production well and reservoirs (e.g., aboveground storage tanks) are located approximately 1,000 feet southeast of the Site. RREP also noted that there are

two residences with private water wells located south of the Site. RREP stated that there are limited groundwater resources in the Site vicinity and that groundwater in the area contains naturally occurring arsenic and potentially other contaminants.

3.7.3 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would result in no surface water or groundwater impacts.

Surface water impacts associated with the cemetery development (associated with soil erosion and sedimentation) would be less than significant. The cemetery would be designed in concert with the natural topography and current drainage patterns. VA would implement BMPs described in Section 4 to control construction-related impacts of soil erosion and sedimentation and would provide onsite stormwater management following the development of the cemetery.

Based on the geotechnical investigation, groundwater is greater than 15 feet bgs at the Site and would not be encountered or adversely impacted during cemetery construction activities.

No significant long-term groundwater impacts are anticipated as a result of the Proposed Action. Based on standard modern burial practices, it is unlikely that toxic embalming fluid or other decomposition byproducts would be released into the soil and/or groundwater. The standard NCA design incorporates (for full casket burials) sub-surface concrete crypts, an entire section of which would be installed during site construction, above the water table. Using this technique, the caskets are not buried directly in the soil, but are rather set in a pre-placed concrete crypt (established turf and soil temporarily removed, crypt lid removed, casket placed, followed by the reverse process to complete). In addition, modern embalming fluids are markedly less toxic as the primary active ingredients are no longer arsenic based. Modern embalming fluids are commonly biodegradable. Additionally, as selection of either cremains interment or columbaria placement increase, and green burials increase, the potential for soil or groundwater contamination commensurately decreases as no embalming fluids are used.

During the cemetery design, VA would coordinate with the City of Rio Rancho to determine if the municipal water system has sufficient capacity to meet the irrigation needs of the cemetery. If the municipal water system does not have the capacity, VA would install an on-site irrigation water well. NCA's modern cemetery development practices include the use of native grasses and drought tolerant vegetation species, to the extent possible, thereby reducing the need for irrigation. Consequently, the proposed cemetery would have a less-than-significant impact on groundwater resources in the Site area.

Under the No Action Alternative, no impacts to hydrology or water quality by VA would occur. The Site would likely remain unimproved land with no hydrology or water quality impacts.

3.8 Wildlife and Habitat

The majority of the Site has a relatively flat surface and can be characterized as desert grassland dominated by grasses interspersed with small juniper trees/bushes and cholla and some sagebrush. The northeastern portion of the Site (around and east of Loma Barton) and the easternmost and southernmost portions of the Site have a more sloping, erosional, dunal terrain and can be characterized as desert scrubland. Vegetation in these areas is dominated by sand sage and small juniper tree/bushes with cholla, prickly-pear cactus, yucca and other shrubs. Vegetative communities on the Site and surrounding area support wildlife species associated with rural Sandoval County.

3.8.1 Threatened and Endangered Species

As part of the preparation of this EA, the USFWS and various state natural resources agencies were contacted to identify the potential for the presence of state or federally listed species on or in the vicinity of the Site.

USFWS provided their Guidance for Completing Project Reviews for instructions on obtaining official species lists and completing consultations under the Endangered Species Act, if needed. USFWS stated that additional consultation with USFWS is not required if VA determines that the Proposed Action would have "no effect" on federally listed protected species or designated critical habitat.

The USFWS Information for Planning and Conservation (IPaC) official species list generated for the Site identified four federally listed endangered species and two federally listed threatened species for the vicinity of the Site. No critical habitats for protected species were identified on or adjacent to the Site. The IPaC report for the Site is provided in Appendix E. Table 3-1 provides a summary of the federally protected species listed in the IPaC report, their habitat requirements, and the potential presence of their required habitat at the Site.

Table 3-1 Federally Listed Species in the Vicinity of the Site

Species	Status	Habitat	Potential Habitat Present at the Site
Mammals			
New Mexico Meadow Jumping Mouse	Endangered	Riparian communities along rivers and streams, springs and wetlands, or canals and ditches that contain persistent emergent herbaceous wetlands or scrub-shrub riparian areas with an understory of primarily forbs and sedges and flowing water that provides saturated soils throughout the active season.	No
Birds			
Mexican Spotted Owl	Threatened	Old-growth or mature forests that possess complex structural components (uneven aged stands, high canopy closure, multi-storied levels, high tree density).	No
Southwestern Willow Flycatcher	Endangered	Dense riparian habitats with microclimatic conditions dictated by saturated soils, standing water, or nearby streams, pools, or cienega wetlands.	No
Yellow-billed Cuckoo	Threatened	Wooded habitat with dense cover and water nearby, including woodlands with low, scrubby, vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes.	No

Species	Status	Habitat	Potential Habitat Present at the Site
Amphibians			
Jemez Mountains Salamander	Endangered	Mixed-conifer forest, consisting primarily of Douglas fir, blue spruce, Engelman spruce, white fir, limber pine, ponderosa pine, rocky mountain maple, and aspen.	No
Fishes			
Rio Grande Silvery Minnow	Endangered	Pools and backwaters of low-gradient creeks and small to large rivers.	No

The Site and adjacent properties do not contain the habitat required by the federally listed species identified for the Site vicinity. None of these species are likely to be present at the Site.

The IPaC report identified six bird species protected under the Migratory Bird Treaty Act (MBTA) that may be present in the Site area during various times of the year. Based on habitat information obtained from the NatureServe Explorer internet application, only one of these species (burrowing owl) could potentially be present on the Site during its breeding season. Prairie dog burrows, which could be used by nesting owls, were observed in the western portion of the Site. For the remaining migratory bird species, there is little to no suitable habitat at the Site.

The New Mexico Department of Game and Fish (NMDGF) provided a list of special status plant and animal species that may be located within one mile of the Site. Several animal Species of Greatest Conservation Need and Species of Economic and Recreational Importance were listed; however, no federally listed species or state listed protected species (under the Wildlife Conservation Act) were identified for the Site area. One New Mexico Rare Plant Conservation Strategy Species was listed as potentially being present in the Site area. NMDGF stated that no further consultation with NMDGF is required (for state-listed protected species).

NMDGF indicated burrowing owls are known to be present near the Site and requested that a preliminary survey be conducted between April and September (during the burrowing owl nesting season) prior to conducting ground disturbing activities. NMDGF indicated if burrowing owls are identified, NMDGF or USFWS should be contacted for recommendations regarding owl relocation or avoidance of impacts. In addition, NMDGF stated that the Site is located near an important bat area and provided recommendations to minimize disturbance to roosting bats.

The RREP stated that burrowing owls may be present on the Site.

3.8.2 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would result in no wildlife and habitat impacts.

The cemetery development would have no effect on listed protected species or their critical habitats. No federally or state-listed protected species were identified at the Site. The Site does not provide suitable habitat for federally or state-listed protected species that may be present in the area.

Burrowing owls, protected under the MBTA, may be present at the Site vicinity during its nesting season. It is anticipated that ground disturbing activities associated with the cemetery development would be conducted outside of the burrowing owl nesting season (April through September). If ground disturbing activities cannot be conducted outside of the nesting season, a qualified biologist would survey the Site

for active nests in accordance with NMDGF's burrowing owl survey protocols. NMDGF and/or USFWS would be contacted for recommendations regarding owl relocation or avoidance of impacts if nesting owls are identified. Active nests would not be disturbed.

In addition, recommended NMDGF guidelines to minimize disturbance to roosting bats would be followed.

With the implementation of these management measures, wildlife and habitat impacts associated with the Proposed Action would be less than significant.

3.8.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to vegetation or wildlife habitat by VA would occur. The Site would likely remain unimproved with no biological resources impacts.

3.9 Noise

The existing noise environment at and around the Site is relatively quiet with minor noise associated with vehicle traffic on US Highway 550, located along the northeastern Site boundary. No other notable noise-generating sources are present in the immediate vicinity of the Site. As such, the Site's noise environment can be characterized as that typical of a partially developed, mostly rural area.

3.9.1 Sensitive Receptors

Sensitive noise receptors in the vicinity of the Site include the residential neighborhood located approximately 700 feet northwest of the Site and three residences located adjacent and approximately 300 feet and 800 feet south of the Site. No other sensitive noise receptors, such as residential areas or schools, are located within 0.25-mile of the Site.

3.9.2 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would result in no noise impacts.

The Proposed Action would have short-term impacts to the existing noise environment during the cemetery construction activities. Noise generating sources during construction activities would be associated primarily with standard construction equipment and construction equipment transportation. These increased noise levels could directly affect the neighboring area.

Construction activities generate noise by their very nature and are highly variable, depending on the type, number, and operating schedules of equipment. Construction projects are usually executed in stages, each having its own combination of equipment and noise characteristics and magnitudes. Construction activities are expected to be typical of other similar construction projects and would include mobilization, site preparation, excavation, placing foundations, pre-placed crypt installation, utility development, heavy equipment movement, and paving roadways and parking areas.

The most prevalent noise source at typical construction sites is the internal combustion engine. General construction equipment using engines includes, but is not limited to: heavy, medium, and light equipment such as excavators; roller compactors; front-end loaders; bulldozers; graders; backhoes; dump trucks; water trucks; concrete trucks; pump trucks; utility trucks; and lube, oil, and fuel trucks.

Peak noise levels vary at a given location based on line of sight, topography, vegetation, and atmospheric conditions. In addition, peak noise levels would be variable and intermittent because each piece of

equipment would only be operated when needed. However, peak construction noise levels would be considerably higher than existing noise levels. Relatively high peak noise levels in the range of 93 to 108 dBA (decibels, A-weighted scale) would occur on the active construction site, decreasing with distance from the construction areas. Table 3-2 presents peak noise levels that could be expected from a range of construction equipment during proposed construction activities.

Generally speaking, peak noise levels within 50 feet of active construction areas and material transportation routes would most likely be considered “striking” or “very loud”, comparable to peak crowd noise at an indoor sports arena. At approximately 200 feet, peak noise levels would be loud - approximately comparable to a garbage disposal or vacuum cleaner at 10 feet. At 0.25 mile, construction noise levels would generally be quiet enough so as to be considered insignificant, although transient noise levels may be noticeable at times.

Combined peak noise levels, or worst-case noise levels when several loud pieces of equipment are used in a small area at the same time as described in Table 2, are expected to occur rarely, if ever, during the project. However, under these circumstances, peak noise levels could exceed 90 dBA within 200 feet of the construction area, depending on equipment being used.

Although noise levels would be quite loud in the immediate area, the intermittent nature of peak construction noise levels would not create the steady noise level conditions for an extended duration that could lead to hearing damage. Construction workers would follow standard Federal Occupational Safety and Health Administration (OSHA) requirements to prevent hearing damage.

Areas that could be most affected by noise from construction include those closest to the construction footprint, including nearby residences. Indoor noise levels would be expected to be 15-25 decibels lower than outdoor levels. In addition, construction noise impacts would be temporary and would be minimized through BMPs outlined in Section 4.

Indirect impacts include noise from workers commuting and material transport. Area traffic volumes and noise levels would increase slightly as construction employees commute to and from work at the project area, and delivery and service vehicles (including trucks of various sizes) transit to and from the Site. Because trucks are present during most phases of construction and leave and enter the Site via local thoroughfares, truck noises tend to impact more people over a wider area. For this Proposed Action, persons in the area near the Site would experience temporary increases in traffic noise during day-time hours. These effects are not considered significant because they would be temporary and similar to existing traffic noise levels in the area.

Table 3-2 Peak Noise Levels Expected from Typical Construction Equipment

Source	Peak Noise Level (dBA, attenuated)							
	Distance from Source (feet)							
	0	**50**	**100**	**200**	**400**	**1,000**	**1,700**	**2,500**
Heavy truck	95	84-89	78-93	72-77	66-71	58-63	54-59	50-55
Dump truck	108	88	82	76	70	62	58	54
Concrete mixer	108	85	79	73	67	59	55	51
Jack-hammer	108	88	82	76	70	62	58	54
Scraper	93	80-89	74-82	68-77	60-71	54-63	50-59	46-55
Bulldozer	107	87-102	81-96	75-90	69-84	61-76	57-72	53-68
Generator	96	76	70	64	58	50	46	42
Crane	104	75-88	69-82	63-76	55-70	49-62	45-48	41-54
Loader	104	73-86	67-80	61-74	55-68	47-60	43-56	39-52
Grader	108	88-91	82-85	76-79	70-73	62-65	58-61	54-57
Pile driver	105	95	89	83	77	69	65	61
Forklift	100	95	89	83	77	69	65	61
Combined Peak Noise Level (Bulldozer, Jackhammer, Scraper)								
Combined Peak Noise Level	**Distance from Source**							
	50 feet	**100 feet**	**200 feet**	**¼ mile**	**½ mile**			
	103	97	91	74	68			
Source: (Tipler 1976)								

Proposed operational activities at the cemetery would include vehicle traffic to and from the Site, use of powered equipment for grave site preparation, maintenance, and upkeep, and periodic (during day-time hours) ceremonial rifle discharges. Estimated ceremonial rifle salute noise levels at varying distances based on US Army estimates are provided in Table 3-3. The cemetery operational activities would not produce excessive noise and would not produce a significant adverse noise impact on surrounding land uses. The facility would be a relatively quiet cemetery.

Table 3-3 Estimated M-16 Rifle Blank Noise Levels at Varying Distances

Distance (meters)	A-Weighted Exposure Level (dBA)	A-Weighted Maximum Level (dBA)
50	67	76
100	61	70
200	54	63
400	40	49
800	32	41
1,600	22	31

3.9.3 Effects of the No Action Alternative

Under the No Action Alternative, the noise environment surrounding the Site would not be altered by activities of VA. The Site would likely remain unimproved land with no noise impacts.

3.10 Land Use

The Site is unimproved desert grassland and scrub land and, other than intermittent use for pastureland many years ago, has been unused since at least 1888. Old State Route 44 crossed the northeastern portion of the site from at least 1949 to the early 1970s when U.S. Highway 550 was constructed. An abandoned segment of Old State Route 44 remains in the northeastern portion of the site. Several unpaved roads/trails crisscross the Site.

The area north of the Site contains unimproved scrub land and U.S. Highway 550. The area east of the Site consists of unimproved scrub land with a jagged surface, resulting from intermittent drainage channels and erosion. A residential neighborhood is located farther east, approximately 2,500 feet from the Site. The area south of the Site is mostly unimproved scrub land with three residences located adjacent and approximately 300 feet and 800 feet south of the Site. The area west of the Site is unimproved scrub land. A residential neighborhood is located approximately 700 feet northwest of the Site.

The Rio Rancho Development Service Department Engineering Division (RRED) indicated that the Site was part of a Joint Planning Agreement between the City of Rio Rancho and the New Mexico State Land Office in 2002 and had been zoned for a mixed-use community development as part of the Loma Barbon Master Plan. The RRED also stated that they are not aware of the reasons that the previous proposed mixed-use development on the Site was not completed.

The Rio Rancho Planning and Zoning Division (RRPZD) Zoning Map indicates the Site is currently zoned Estate Residential (E-1), Single-Family Residential (R-1, R-4, and R-5), Special Use (SU), Mixed Use Activity Center (MU-A), Retail Commercial (C-1), Light Industrial (M-1), Parks/Recreation (PR), and Open Space/Recreation (OS). Current site zoning designation are reflective of the 2002 Loma Barbon Master Plan. Cemeteries are a permitted use under the Special Use (SU) district only, which represents small portions of the central, southeastern, and northeastern portions of the Site. Current site zoning is shown on Figure 3-6.

The neighboring properties to the north are zoned R-1 and SU. The neighboring properties to the north and northeast across US 550 are owned by the Santa Ana Pueblo and are not zoned. The neighboring property to the east (part of the 586-acre parcel and also part of the 2002 Loma Barbon Master Plan) is zoned R-1, R-4, E-1, C-1, OS, SU, and PR. The neighboring properties to the south are zoned R-1. The neighboring properties to the west are zoned Transitional Zoning (TZ). Zoning designations for the surrounding properties are also shown on Figure 3-6.

3.10.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would result in no land use impacts.

The City of Rio Rancho Zoning Regulations do not include cemeteries as a permitted use for most of the Site's zoning designations. However, the proposed cemetery would be generally consistent with the low impact development of the area and generally compatible with surrounding land uses. The City of Rio Rancho passed a resolution in April 2020 supporting the Site as the location for the proposed National Cemetery. In addition, as a federal agency, VA is not subject to local zoning regulations. Land use impacts would be less than significant.

3.10.2 Effects of the No Action Alternative

Under the No Action Alternative, no land use impacts due to VA's Proposed Action would occur. The Site would likely remain unimproved land with no land use impacts.

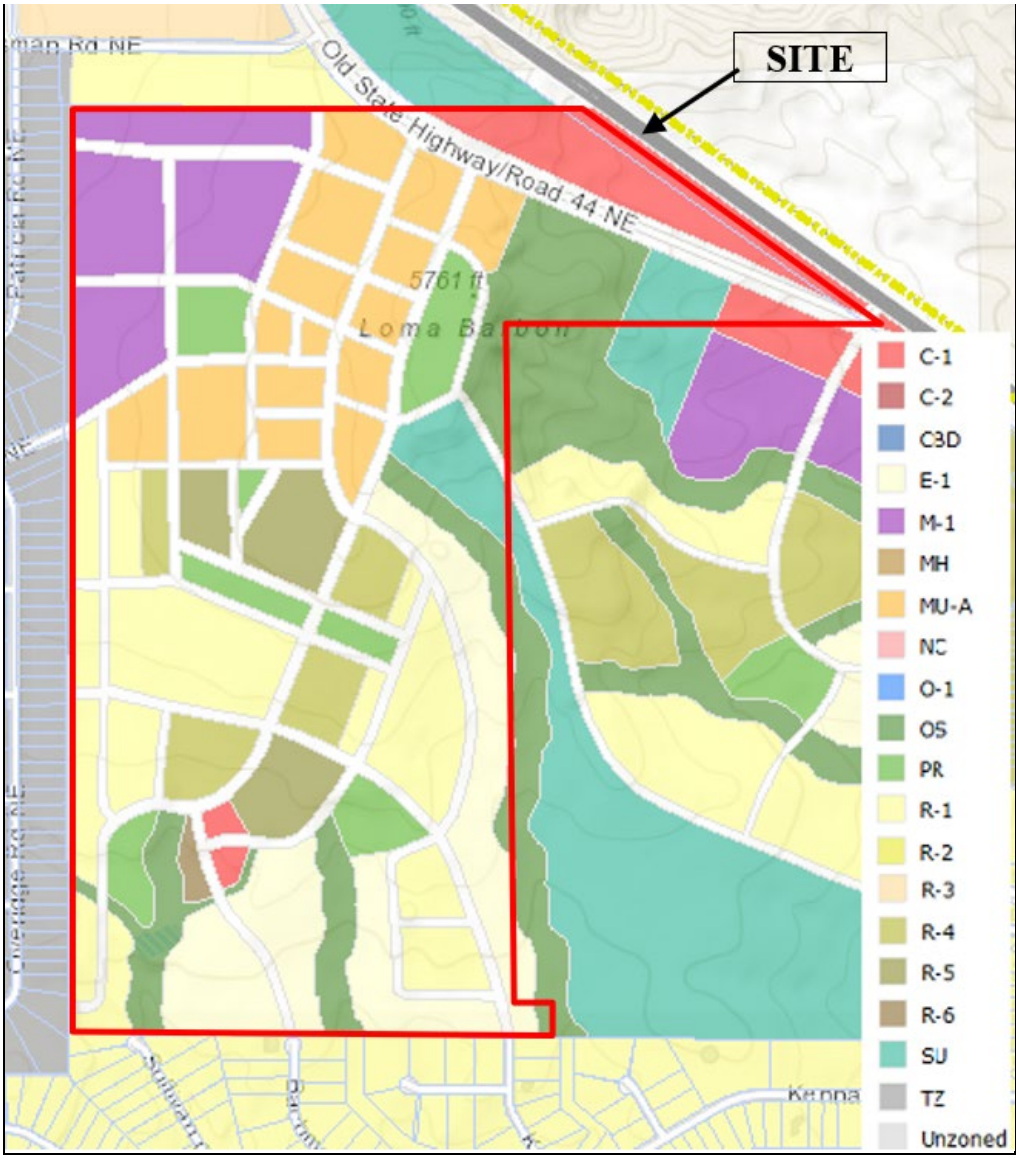

Figure 3-6 Zoning Map

3.11 Wetlands, Floodplains, and Coastal Zone Management

3.11.1 Wetlands

This section discusses wetlands at or near the Site and surface waters (streams) as they pertain to wetlands. Additional information regarding surface waters is provided in Section 3.7.

No permanent, surface waters or wetlands are located on the Site or the adjacent properties. The southern portion of the Site includes two normally dry tributaries of Arroyo La Venada (see Figure 3-4). The western-most arroyo tributary (southwestern portion of the Site) has been dammed with an earthen berm since at least the 1940s to form a seasonal pond that appears to have formerly been used for watering livestock.

The USFWS NWI Mapper identified the western-most arroyo tributary as a riverine system, and depicted the tributary as extending off-site to the west and back onto the northwestern portion of the Site (see Figure 3-5). The portion of the arroyo tributary that is located on the northwestern portion during the Site is smaller and less evident but is identifiable on aerial photographs.

In October 2020, USACE stated that ephemeral features, such as the arroyos at the Site, are now excluded under the NWPR and are no longer considered WOTUS. USACE stated that no approved jurisdictional determination (AJD) or permit is currently required for work in ephemeral streams.

3.11.2 Floodplains

Available Federal Emergency Management Agency (FEMA) floodplain mapping (FIRM Map Number 35043C2106D, dated March 18, 2008) indicated that the Site is not located in the 100-year or 500-year floodplain (Zone X). Areas adjacent to the Site are also not included in the 100-year or 500-year floodplain.

3.11.3 Coastal Zone

The Coastal Zone Management Act (CZMA) was promulgated to control nonpoint pollution sources that affect coastal water quality. The CZMA of 1990, as amended (16 USC 1451 *et seq.*) encourages states to preserve, protect, develop, and where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. The National Oceanic and Atmospheric Association (NOAA) indicated that Sandoval County is not located within a designated coastal zone (NOAA 2018).

3.11.4 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would not result in impacts to wetlands, floodplains or coastal zones.

Based on the ephemeral nature of the arroyo tributaries that are present at the Site, the development of the cemetery at the Site would not result in direct or indirect impacts to protected wetlands or WOTUS, as newly defined. The cemetery development would not impact floodplains or coastal zones.

3.11.5 Effects of the No Action Alternative

The No Action Alternative would result in no wetlands, floodplains, or coastal zones impacts.

3.12 Socioeconomics

The following subsections identify and describe the socioeconomic environment of the City of Rio Rancho, Sandoval County, and the State of New Mexico. Presented data provide an understanding of the socioeconomic factors that have developed the area. Socioeconomic areas of discussion include the local demographics of the area, regional and local economy, local housing, and local recreation activities. Data used in preparing this section were collected from the 2010 Census of Population and Housing (US Census Bureau 2010), subsequent US Census Bureau data, and the US Department of Commerce Bureau of Economic Analysis.

3.12.1 Demographics

The City of Rio Rancho's estimated population in 2019 was 99,178 residents. Sandoval County's estimated population in 2019 was 146,748 residents. The estimated population total for the State of New Mexico in 2019 was 2,096,829 residents (Table 3-4). Age distribution and high school graduation rates

are generally similar for the City of Rio Rancho, Sandoval County, and the State of New Mexico. Minority populations for the City of Rio Rancho are lower than that of Sandoval County and the State of New Mexico as a whole. Minority population rates specific to the Site area are discussed in Section 3.16 (Environmental Justice).

Table 3-4 Demographic Data for Rio Rancho, Sandoval County, and New Mexico

Area	All Individuals (2019 Estimate)	Population Under 18 Age Years (2019 Estimate)	Population Over 65 Age Years (2018 Estimate)	Minority (2019 Estimate)	High School Graduates (2018 Estimate)	Veterans (2018 Estimate)
New Mexico	2,096,829	22.7%	18.0%	63.2%	85.3%	148,264
Sandoval County	146,748	22.8%	18.5%	57.5%	89.7%	11,347
Rio Rancho	99,178	24.7%	14.6%	50.1%	92.8%	8,700
Source: US Census Bureau, 2010 Census; American Community Survey, Profile of General Demographic Characteristics, 2014-2018 (US Census Bureau 2020).						

3.12.2 Income

The City of Rio Rancho and Sandoval County have higher median household incomes and lower populations below the poverty line than the State of New Mexico as a whole (Table 3-5). Household incomes specific to the Site area are discussed in Section 3.16.

Table 3-5 Regional Income for Rio Rancho, Sandoval County, and New Mexico

Area	Number of Households	Median Household Income	Population Below Poverty Level	Unemployment Rate
New Mexico	775,651	$ 48,059	19.5%	2.9% (March 2020)
Sandoval County	50,340	$ 59,420	12.6%	5.9% (January 2020)
Rio Rancho	34,078	$ 63,014	10.8%	5.8% (September 2019)
Source: US Census Bureau, 2010 Census; American Community Survey, Profile of General Demographic Characteristics, 2014-2018. (U.S. Census Bureau 2020) and U.S. Bureau of Labor Statistics, Unemployment rate in States and Local Areas (U.S. Bureau of Labor Statistics 2020)				

3.12.3 Commuting Patterns

Residents of the City of Rio Rancho and Sandoval County are largely dependent on personal automobiles for transportation to and from work. Public transportation is available in the Rio Rancho area through Rio Metro; however, no Rio Metro bus stops are currently located in the immediate Site vicinity. The average commuting time in the City of Rio Rancho and Sandoval County was approximately 22 to 28 minutes in 2018.

3.12.4 Protection of Children

Because children may suffer disproportionately from environmental health risks and safety risks, EO 13045, *Protection of Children From Environmental Health Risks and Safety Risks*, was introduced in 1997 to prioritize the identification and assessment of environmental health risks and safety risks that may affect children and to ensure that Federal agencies' policies, programs, activities, and standards address

environmental risks and safety risks to children. This section identifies the distribution of children and locations where numbers of children may be proportionately high (for example, schools, childcare centers, and family housing) in areas potentially affected by the Proposed Action.

Children are not regularly present at the Site, which is unimproved land and contains no formal recreation areas. Children may be present in the residential neighborhood located approximately 700 feet northwest of the Site and at the sparsely scattered residences properties located south of the Site. No schools, childcare centers, or recreational areas are located within 0.25-mile of the Site.

3.12.5 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would have no socioeconomic impact.

The proposed cemetery development on the Site is anticipated to result in minor short-term, beneficial socioeconomic impacts to local employment and personal income by providing temporary construction jobs. However, due to the short-term, finite nature of this construction project, no long-term impacts to the construction labor force are anticipated. The Proposed Action would indirectly benefit the local economy through the spending of business and personal income generated from the construction and operation of the proposed facility, although these impacts would be minor. The Proposed Action would result in long-term significant beneficial socioeconomic impacts by providing a new, regionally proximate National Cemetery of sufficient size to U.S. Veterans and their families.

No adverse health or safety risks to children are anticipated to result from construction or operation of the cemetery at the Site. Children would only be present at the Site as visitors. Construction areas would be secured to prevent unauthorized access by children from nearby areas. The construction contractor would limit and control construction dust and noise as discussed in Section 4, thereby minimizing adverse effects to children in the area.

3.12.6 Effects of the No Action Alternative

Under the No Action Alternative, the Site would likely continue to be unimproved land, with no socioeconomic change to the Site area. No short-term or long-term socioeconomic benefit to the Site area due to VA's action would occur.

Most importantly, the No Action Alternative would not enable VA to provide adequate regional burial sites commensurate with the long-term need for these services once the SFNC reaches its capacity, resulting in a significant adverse, long-term, impact to U.S. Veterans and their families. U.S. Veterans and their families residing in central New Mexico would have to travel much longer distances (approximately 140 miles) to the nearest National or State Veterans Cemetery for interment and subsequent visits, at increased cost and time. In addition, interment in a distance cemetery would reduce the ability for subsequent visits by Veteran families.

3.13 Community Services

The Site is located within the Rio Rancho Public School District. Vista Grande Elementary School is located approximately 3,500 feet southeast of the Site. There are no other schools located within one mile of the Site.

The Rio Rancho Police Department provides police protection to the Site and its vicinity. The Rio Rancho Fire and Rescue Department provides fire protection and emergency medical services to the Site and its vicinity.

The Rio Rancho Department of Public Works Streets and Right-of-Way Division and New Mexico Department of Transportation (NMDOT) provide local road and bridge maintenance services in the Site vicinity.

There are no major medical facilities located within four miles of the Site.

Public transportation for the Rio Rancho area is provided by the Rio Metro Regional Transit District (Rio Metro). The Site is located in the Rio Metro coverage area (Bus Route 204); however, no public transportation stops are currently available to the immediate Site vicinity from Rio Metro. Rio Metro Dial-a-Ride also provides public transportation to the Site vicinity by appointment only.

There are no developed recreational facilities in the immediate vicinity of the Site.

3.13.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would not result in impacts to community services.

The development of the cemetery on the Site would have minimal community service impacts. No significant additional load is expected to be placed on the fire or police departments as the result of the Proposed Action. Use of other public or community services as a result of the proposed cemetery would be minor. The Proposed Action is expected to have a negligible impact on local public services.

3.13.2 Effects of the No Action Alternative

Under the No Action Alternative, the Site would likely remain unimproved with no community services impacts.

3.14 Solid Waste and Hazardous Materials

Hazardous and toxic materials or substances are generally defined as materials or substances that pose a risk (through either physical or chemical reactions) to human health or the environment.

TTL conducted a Phase I Environmental Site Assessment (Phase I ESA) of the Site on behalf of VA in April 2020. The Phase I ESA included a site visit, interviews with persons knowledgeable about the Site, a review of historic information, and review of local, state, and federal regulatory information for the Site and surrounding area. The Site is unimproved desert grassland and scrub land and, other than intermittent use for pasture land many years ago, has been unused since at least 1888. Old State Route 44 crossed the northeastern portion of the site from at least 1949 to the early 1970s when U.S. Highway 550 was constructed. An abandoned segment of Old State Route 44 remains in the northeastern portion of the Site.

The Phase I ESA identified no significant hazardous substance or petroleum handling or storage at the Site, with the exception of a large pile of crushed asphalt placed on to the Site by NMDOT (discussed below). In addition, a review of reasonably ascertainable public documents did not identify evidence of known or reported environmental impacts related to petroleum or hazardous materials in the vicinity of the Site that were considered likely to impact the Site.

The Phase I ESA identified a large pile of crushed asphalt in the northern portion of the Site, along the abandoned segment of Old State Route 44. The specific source of the crushed asphalt is unknown. Based on aerial photographs, it appears the crushed asphalt pile was placed on the Site in approximately 2015 and was likely planned to be used for a road construction project that did not occur. In November 2020,

NMDOT removed the crushed asphalt pile from the Site. Soil samples will be collected from the area of the pile to confirm that the asphalt pile has not significantly impacted the Site soil.

3.14.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would not result in impacts solid waste and hazardous materials impacts.

The Proposed Action could result in short-term, less-than-significant impacts due to the increased presence and use of petroleum products and hazardous materials during construction of the cemetery. During construction, a small increase in construction vehicle traffic would increase the possibility of a release of vehicle operating fluids (such as oil, diesel, gasoline, and antifreeze) and maintenance materials. As such, a less-than-significant, short-term adverse impact is possible. Implementation of standard construction BMPs (Section 4) would serve to ensure this impact is further minimized.

No significant adverse long-term impacts during operation of the cemetery are anticipated; long-term operational solid wastes and hazardous materials would be managed in accordance with applicable federal and state laws.

The development and operation of the cemetery at the Site would not result in a substantial increase in the generation of solid or hazardous substances or wastes, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use due to hazardous waste, materials, or site remediation. As noted in Section 3.7.3, based on standard modern burial practices and VA's cemetery design guidance, it is unlikely that embalming fluid would be released into the soil or groundwater.

3.14.2 Effects of the No Action Alternative

Under the No Action Alternative, no actions by VA would occur. The Site would likely remain unused. No solid waste and hazardous materials use, or effects would be anticipated.

3.15 Transportation and Parking

Traffic in the Site area is regulated by the City of Rio Rancho Department of Public Works and NMDOT. Local roads are maintained by the City of Rio Rancho Department of Public Works Streets and ROW Division.

US Highway 550, a generally northwest-southeast oriented, four-lane, divided highway is located along the northeastern Site boundary. In addition, an abandoned segment of Old State Route 44 is located in the northeastern portion of the Site. US Highway 550 provides primary access to the Site area. US Highway 550 intersects with Interstate 25 approximately six miles southeast of the Site.

Old State Route 44 and US Highway 550 intersect near the northeastern corner of the Site. The intersection is unsignalized and receives little use; however, there is a dedicated left-hand turn lane on northwest-bound US Highway 550 at the intersection. Old State Route 44 and US Highway 550 also intersect approximately 1,500 feet north of the Site (northwest of the other intersection). This second intersection is unsignalized with no available turns from/onto northwest-bound US Highway 550 (median is present at the intersection).

Average daily traffic data from 2018 were obtained from Mid-Region Council of Governments (MRCOG) for US Highway 550. US Highway 550 has an annual average daily traffic (AADT) volume of

10,400 vehicles and is estimated to operate at a Level of Service[1] (LOS) rating of C or better. Local roadway characteristics are shown in Table 3-6.

Table 3-6 Area Roadways

Type	Route	Direction	Road Width (feet)	Lanes	Average Daily Traffic (vehicles)	Estimated Level of Service
Highway	US 550	Northwest -Southeast	100	4	10,400	C or better
Traffic Volume Data: MRCOG, 2018 Other Data Source: TTL Site Reconnaissance, March 2020						

3.15.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would not result in traffic, transportation, or parking impacts.

Construction traffic associated with the cemetery development, consisting of trucks, workers' personal vehicles, and construction equipment, would temporarily increase traffic volumes in the local area, but would not likely cause long delays. Thus, only less than significant, short-term adverse impacts would be anticipated.

During operation, public roadways in the vicinity of the cemetery would experience additional traffic as a result of the cemetery. The primary entrance to the proposed cemetery would likely be located on the abandoned segment of Old State Route 44 from US Highway 550, with secondary access point(s) to be determined during the cemetery design.

The proposed cemetery would be open to the public every day throughout the year. VA anticipates approximately 4 to 5 funeral processions per weekday at the cemetery, averaging approximately 20 cars per procession. The cemetery would initially experience a small amount of visitors. As the cemetery is developed and utilized, the number of visitors would increase. VA estimates that the cemetery, once fully established, would receive approximately 1,000 visitors per week. Based on the anticipated burial and visitation rates, VA estimates that the proposed cemetery would generate about 250 round trip vehicle trips (500 one-way vehicle trips) per day.

Based on the estimated burial and visitation rates, cemetery operational traffic would not produce a significant adverse impact to local traffic conditions as defined at 38 CFR 26(2)(ii). This regulation defines a significant traffic impact as "an increase in average daily traffic volume of at least 20 percent on access roads to the Site or the major roadway network." Estimated cemetery operational traffic (500 one-way vehicle trips per day) would result in a minor increase in traffic on U.S. Highway 550 (less than 5 percent). However, improvements to the intersection(s) of US Highway 550 and Old State Route 44 would likely be necessary. VA would work with NMDOT and the City of Rio Rancho during the cemetery design to identify and implement roadway and intersection improvements, such as turn lanes and intersection signalization, if necessary.

[1] **Level of Service** – LOS represents a set of qualitative descriptions of a transportation system's performance. The Federal Highway Administration Highway Capacity Manual defines levels of service for intersections and highway segments, with ratings that range from A (best) to F (worst). Generally, a LOS of D or higher is considered acceptable by transportation planning agencies.

No parking impacts are anticipated. The cemetery would be designed and constructed to accommodate all cemetery parking needs on-site.

3.15.2 Effects of the No Action Alternative

Under the No Action Alternative, the Site would remain unimproved land with no traffic or parking impacts.

3.16 Utilities

Basic utilities (potable water, sanitary sewer, electricity, and natural gas) are available to the Site vicinity. Utility providers to the Site were identified as follows:

- **The City of Rio Rancho** supplies potable water to the Site vicinity. A City of Rio Rancho drinking water production well and reservoirs (e.g., aboveground storage tanks) are located approximately 1,000 feet southeast of the Site. RREP stated that a 16-inch diameter drinking water line crosses the south-central and west-central portions of the Site through a 30-foot wide easement. RREP also noted that there are two private water wells associated with residences south of the Site.

- **The City of Rio Rancho** supplies sanitary sewer service to the Site vicinity. The RREP stated that additional sanitary sewer lines have been proposed for the Site vicinity.

- **PNM** supplies the electrical service to the Site vicinity. Overhead electrical lines are located within the northern portion of the Site along Old State Route 44.

- **New Mexico Gas Company** supplies the natural gas service to the Site vicinity.

- **AT&T** provides telecommunication services to the Site vicinity.

3.16.1 Effects of the Proposed Action

VA's acquisition of the Site and the initial continuation of the Site as unimproved land would not result in utility impacts.

The proposed cemetery would require electricity, potable water, sanitary sewer, telecommunication, and (possibly) natural gas services for the Administration and Public Information Building and cemetery maintenance building(s). The use of these utilities would be minor. VA would coordinate with the local utility providers during the cemetery design to determine the connection requirements.

The primary utility need for the proposed cemetery is irrigation water to maintain the landscaped areas of the cemetery. VA's practice is to minimize the use of irrigation water. Low-moisture tolerant species suited to New Mexico would be used to minimize irrigation needs. During the cemetery design, VA would coordinate with the City of Rio Rancho to determine if the municipal water system has sufficient capacity to meet the irrigation needs of the cemetery without substantially reducing the water available for other users. If the municipal water system does not have the capacity to support irrigation of the cemetery, VA would install an on-site irrigation water well.

VA would acquire the necessary permits for the installation of an on-site irrigation well and/or on-site septic system, if determined necessary during the cemetery design.

Utility impacts would be less than significant.

3.16.2 Effects of the No Action Alternative

Under the No Action Alternative, no utility impacts by VA would occur. No utility use at the Site would likely occur.

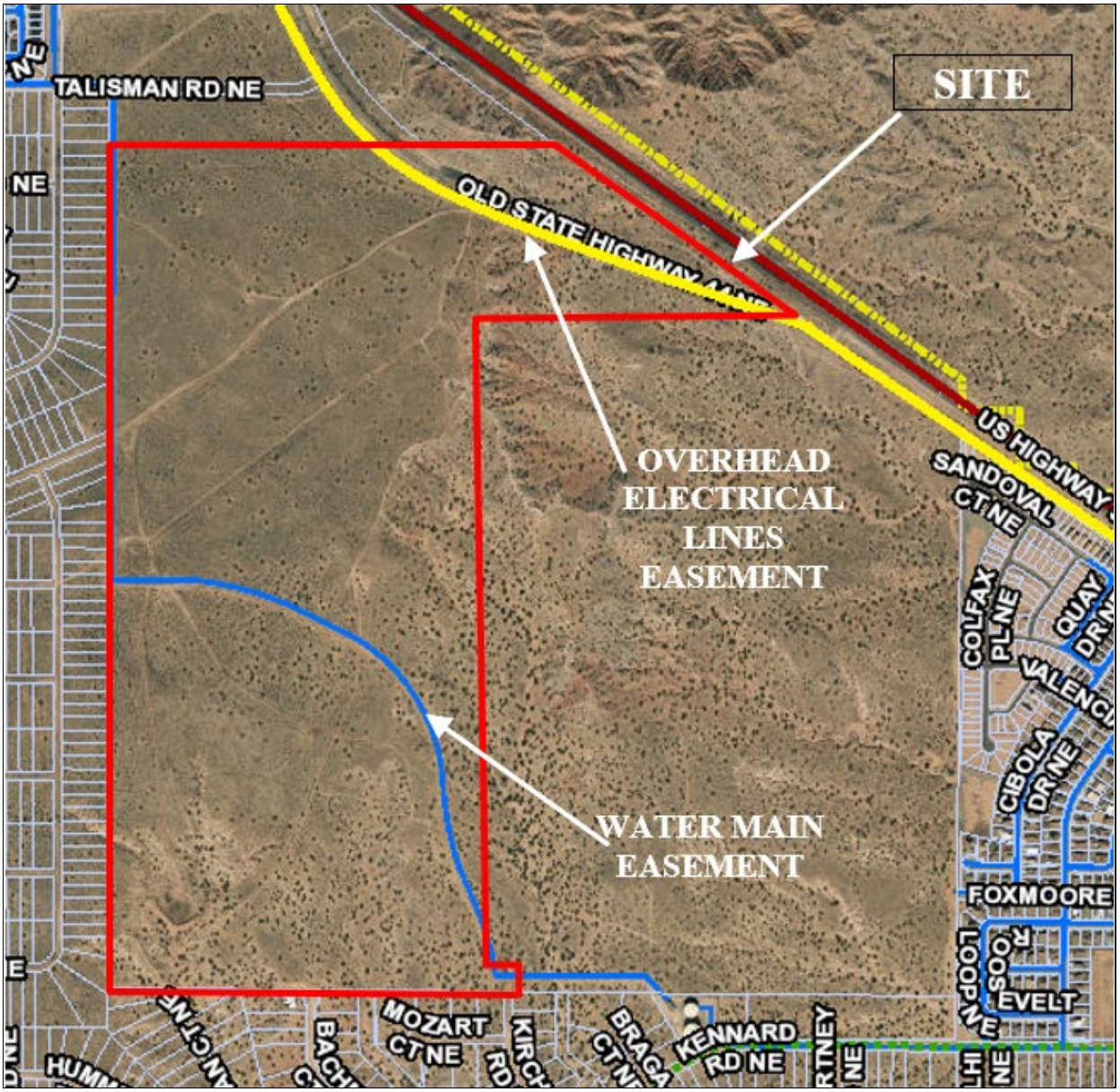

Figure 3-7 Utility Easements Map

3.17 Environmental Justice

In 1994, EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued to focus attention of Federal agencies on human health and environmental conditions in minority and low-income communities and to ensure that disproportionately

high and adverse human health or environmental effects on these communities are identified and addressed.

The USEPA-developed EJSCREEN (an environmental justice mapping and screening internet application) indicates the Site vicinity includes a lower minority population (53 percent) than the State of New Mexico as a whole (62 percent) and a lower low-income population (25 percent) than the State of New Mexico (42 percent).

3.17.1 Effects of the Proposed Action

The Proposed Action would not have adverse environmental justice effects. The Site is not located in an area with elevated low-income or minority populations and the Proposed Action would have only minor impacts on the residents in the area. During construction, effects on nearby residential land uses, such as through noise and dust, would be limited and controlled through BMPs described in Section 4.

3.17.2 Effects of the No Action Alternative

Under the No Action Alternative, no development by VA would occur at the Site, the Site would likely remain unimproved, and there would be no direct environmental justice effects. However, VA would not secure land necessary to meet its long-term cemetery needs for the region. The absence of a National Cemetery in central New Mexico after the SFNC reaches its capacity would have a disproportionate effect on low-income Veterans and their families in the region, who are less able to afford travel to a more distant National Cemetery.

3.18 Cumulative Impacts

The CEQ Regulations define cumulative impacts as those which "result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions," (40 CFR 1508.7). Cumulative impact analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken before, during, or after the Proposed Action in the same geographic area.

3.18.1 Effects of the Proposed Action

The Site is situated in a rural area of mostly unimproved and residential land, approximately 8.5 miles north-northeast of the center of Rio Rancho. The area north of the Site contains unimproved scrub land and U.S. Highway 550. The area across U.S. Highway 550 is unimproved scrub land owned by the Santa Ana Pueblo. The area east of the Site is the remainder of the Site's 586-acre parent parcel and consists of unimproved scrub land with a jagged surface, resulting from intermittent drainage channels and erosion. A residential neighborhood is located farther east, approximately 2,500 feet from the Site. The area south of the Site is mostly unimproved scrub land with sparsely scattered residences. The area west of the Site is unimproved scrub land. A residential neighborhood is located approximately 700 feet northwest of the Site.

Notable recent development in the Site area includes the residential subdivisions east and northwest of the Site. The Enchanted Hills subdivision located approximately 2,500 feet east of the Site is a densely spaced residential development that began in the early 2000s and is nearly fully built-out. The Rio Rancho Hawksite subdivision located approximately 700 feet northwest of the Site is also a densely spaced residential development. The first phase of this development began in 2006 and was built-out by 2019. A second phase of development, west of the first phase, began in 2019.

The areas south and west of the Site have been subdivided for residential development and have contained a network of unpaved roads since the 1970s; however, other than a few scattered houses south of the Site, these areas have remained undeveloped. Development in these areas appears likely to continue at a slow pace. The land adjacent to the east of the Site is not likely to be developed in the near future, given its jagged topography and the availability of other undeveloped land in the Site area. The Santa Ana Pueblo land north of the Site is likely to remain undeveloped.

The Proposed Action would result in the impacts to the Site area identified in Sections 3.3 through 3.17. These include potential adverse impacts to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, solid waste and hazardous materials, transportation, and utilities. All of these potential impacts are less than significant and would be further reduced through careful coordination and implementation of general BMPs; management, minimization, avoidance and mitigation measures; and compliance with regulatory requirements, as identified in Section 4. Given the nature of the Proposed Action and the other recent and potential future development in the area surrounding the Site, no significant cumulative adverse effects to any of these resource areas are anticipated. Other potential development in the Site area would be subject to zoning requirements and site plan approval by the City of Rio Rancho, which would serve to maintain and control regional potentially cumulative impacts.

No significant adverse cumulative impacts to the environment, induced by the Proposed Action, are anticipated within the region. Coordination between VA, federal and state agencies, Sandoval County, Rio Rancho and community representatives would serve to manage and control cumulative effects within the region, including managing regional transportation increases with adequate infrastructure. Implementation of local land use and resource management plans would serve to control the extent of environmental impacts, and continued planning would ensure future socioeconomic conditions maintain the quality of life the area's residents currently enjoy. Implementation of effective resource management plans and programs should minimize or eliminate any potential cumulative degradation of the natural ecosystem, cultural or human environment within the region of influence of the Proposed Action.

3.18.2 Effects of the No Action Alternative

Under the No Action Alternative, no cumulative impacts are anticipated, as the Site would likely remain unimproved land.

3.19 Potential for Generating Substantial Public Controversy

As discussed in Section 4, VA has solicited input from various federal, state, and local government agencies regarding the Proposed Action. Several of these agencies have provided input; none of the input has identified opposition or controversy related to the Proposed Action. VA will publish and distribute the Draft EA for a 30-day public comment period. Public comments will be considered and addressed in the Final EA.

4.0 MANAGEMENT, MINIMIZATION, AND MITIGATION MEASURES

This section summarizes the management, minimization, and avoidance measures, and mitigation measures (if necessary), that are proposed to minimize and maintain potential adverse effects of the Proposed Action at acceptable, less-than-significant levels.

Per established protocols, procedures, and requirements, VA and its contractors would implement BMPs and would satisfy all applicable regulatory requirements in association with the design, construction, and operation of the proposed National Cemetery at the Site. These "management measures" are described in this EA and are included as components of the Proposed Action. "Management measures" are defined as routine BMPs and/or regulatory compliance measures that are regularly implemented as part of proposed activities, as appropriate, across New Mexico. In general, implementation of such management measures would maintain impacts at acceptable levels for all resource areas analyzed. These are different from "mitigation measures," which are defined as project-specific requirements, not routinely implemented as part of development projects, necessary to reduce identified potentially significant adverse environmental impacts to less-than-significant levels.

The routine BMPs, and management, minimization, avoidance and mitigation measures summarized in Table 4-1 would be included by VA in the Proposed Action to minimize and maintain adverse effects at less-than-significant levels.

Table 4-1 Management, Minimization, Avoidance, and Mitigation Measures Incorporated into the Proposed Action

Technical Resource Area	Measure
Aesthetics	Develop the cemetery in concert with the Site's natural topography. Maintain some natural areas.
	Use natural buffers and/or berms between the developed portions of the cemetery and adjacent residential properties.
	Comply, to the extent practicable, with the development standards of the Rio Rancho Municipal Code (RRMC) during the cemetery design.
Air Quality	Use appropriate dust suppression methods (such as the use of water, dust palliative, covers, suspension of earth moving in high wind conditions) during onsite construction activities.
	Stabilize disturbed areas through re-vegetation or mulching if the areas would be inactive for several weeks or longer. Specific requirements would be identified with the Stormwater Pollution Prevention Plan.
	Implement measures to reduce diesel particulate matter emissions from construction equipment, such as reducing idling time and using newer equipment with emissions controls.
	Comply with the applicable NMED AQB regulations.

Technical Resource Area	Measure
Cultural and Historic Resources	Design cemetery to avoid the ten identified National Register of Historic Places (NRHP)-eligible or potentially eligible archaeological sites. Maintain a buffer of undisturbed land between each of these archaeological sites and the cemetery development. If the cemetery design cannot avoid one or more of the archaeological sites, mitigate the adverse effects by negotiating either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) with the New Mexico State Land Office, New Mexico State Historic Preservation Office (NM SHPO), the Advisory Council on Historic Preservation, federally recognized Native American Tribes, and other interested parties under Section 106 of the National Historic Preservation Act (NHPA).
	Should potentially historic or culturally significant items be discovered during project construction, the construction contractor would immediately cease work until VA, a qualified archaeologist, NM SHPO, Tribes and other consulting parties are contacted to properly identify and appropriately treat discovered items in accordance with applicable state and federal laws.
Geology, Topography, and Soils	Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the NMED Surface Water Quality Bureau (SWQB) National Pollutant Discharge Elimination System (NPDES) permitting process. Implement effective controls per a site-specific Stormwater Pollution Prevention Plan (SWPPP). The NPDES permit would require stormwater runoff and erosion management using BMPs, such as earth berms, vegetative buffers and filter strips, and spill prevention and management techniques. The construction contractor would implement the sedimentation and erosion control measures specified in the NPDES permit and the SWPPP to protect surface water quality.
Hydrology and Water Quality	Control soil erosion and sedimentation impacts during construction by complying with the NPDES permit and the SWPPP.
	Maintain the two existing arroyo tributaries in southern portion of the Site.
	Design improvements in accordance with the requirements of Energy Independence and Security Act Section 438 with respect to stormwater runoff quantity and characteristics.
	Ensure the cemetery design includes sufficient on-site stormwater management so as not to adversely affect the water quantity/quality in receiving waters and/or offsite areas.
	Use native, low-moisture tolerant species to the extent practicable to reduce the need for irrigation.

Technical Resource Area	Measure
Wildlife and Habitat	Conduct ground-disturbing construction activities associated with the cemetery development outside of the burrowing owl nesting season (April through September). If ground-disturbing activities cannot be conducted outside of the nesting season, a qualified biologist would survey the Site for active nests in accordance with New Mexico Department of Game and Fish (NMDGF) burrowing owl survey protocols. Contact NMDGF and/or USFWS for recommendations for owl relocation or avoidance if nesting owls are identified.
	Follow NMDGF guidelines to minimize disturbance to roosting bats.
	Native species should be used to the extent practicable when re-vegetating land disturbed by construction to avoid the potential introduction of non-native or invasive species.
Noise	Limit, to the extent possible, construction and associated heavy truck traffic to occur between 7:00 a.m. and 6:00 p.m. on Monday through Friday, or during normal, weekday, work hours.
	Locate stationary operating equipment as far away from sensitive receptors as possible.
	Shut down noise-generating heavy equipment when it is not needed.
	Maintain equipment per manufacturer's recommendations to minimize noise generation.
	Encourage construction personnel to operate equipment in the quietest manner practicable (such as speed restrictions, retarder brake restrictions, and engine speed restrictions).
Land Use	Comply, to the extent practicable, with the development standards of the RRMC during the cemetery design.
Wetlands, Floodplains, and Coastal Zone Management	None required.
Socioeconomics	Secure construction areas to prevent unauthorized access by children from nearby residential areas.
Community Services	None required.
Solid Waste and Hazardous Materials	Comply with applicable federal and state laws governing the use, generation, storage, transportation, and disposal of solid waste and hazardous materials.

Technical Resource Area	Measure
Transportation and Parking	Coordinate with the Rio Rancho Department of Public Works and New Mexico Department of Transportation (NMDOT), as applicable, during the cemetery design to identify and implement roadway improvements in the vicinity of the Site, if necessary.
	Ensure cemetery construction activities do not adversely affect traffic flow on local roadways; construction would be timed to avoid peak travel hours.
	Ensure debris and/or soil is not deposited on local roadways during the construction activities.
Utilities	Contact the utility providers to determine the connection/extension requirements and implement the necessary requirements.
	Obtain permits for the installation of an on-site irrigation well and/or septic system, if necessary and applicable.
	Plant low moisture tolerant species suited to central New Mexico to minimize irrigation needs.
	Develop a site design that avoids impacts to the existing overhead electrical lines in the northern portion along Old State Route 44 and the 30-foot wide waterline easement in the central and southern portions of the Site.
Environmental Justice	None required.

5.0 PUBLIC PARTICIPATION

VA invites public participation in decision-making on new proposals through the NEPA process. Public participation with respect to decision-making on the Proposed Action is guided by 38 CFR Part 26, VA's regulations for implementing NEPA. Additional guidance is provided in *VA's NEPA Interim Guidance for Projects* (U.S. Department of Veterans Affairs 2010). Consideration of the views and information of all interested persons promotes open communication and enables better decision-making. Members of the public with a potential interest in the Proposed Action are encouraged to participate. A record of the public involvement associated with this EA is provided in Appendix F.

VA will publish and distribute the Draft EA for a 30-day public comment period, as announced by a Notice of Availability published in the Albuquerque Journal, a local newspaper of general circulation. A copy of the Draft EA will be made available for public review at a local public library and on the VA Office of Construction and Facilities Management Environmental Program website (https://www.cfm.va.gov/environmental/index.asp). VA will respond to provided comments regarding the Draft EA within the Final EA.

6.0 AGENCIES AND PERSONS CONSULTED

6.1 Agency Coordination

Agencies consulted for this EA include:

- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture Natural Resource Conservation Service
- New Mexico Environmental Department (various bureaus)
- New Mexico Department of Transportation
- New Mexico Department of Game and Fish
- New Mexico Energy, Minerals, and Natural Resources Department
- Southern Sandoval County Arroyo Flood Control Authority
- Sandoval County (various departments)
- City of Rio Rancho (various departments)

VA initiated the agency scoping process for the Proposed Action in February 2020, which included site-specific agency scoping letters. VA received responses from the following agencies: USFWS, USACE, NMED (various bureaus), NMDGF, SSCAFCA, and the City of Rio Rancho. Input provided by these agencies is addressed in the appropriate resource sub-sections of Section 3. Written correspondence from the agencies is provided in Appendix B. The following summarizes that input, which VA used to focus this EA's analysis:

- **USFWS** provided their Guidance for Completing Project Reviews for instructions on obtaining official species lists and completing consultations under the Endangered Species Act, if needed. USFWS stated that additional consultation with USFWS is not required if VA determines that the Proposed Action would have "no effect" on federally listed protected species or designated critical habitat.
- **USACE** initially responded in March 2020, at which time they indicated, based on satellite imagery, ephemeral streams may be present at the Site, but that a site visit would be required to determine if there are potential WOTUS at the Site. USACE noted in March 2020 that ephemeral streams were considered WOTUS; however, USACE and USEPA would soon be issuing a new definition of WOTUS that may exclude ephemeral streams. In October 2020, USACE was contacted for an update. USACE responded that ephemeral features, such as the arroyos at the Site, are now excluded under the NWPR and are no longer considered WOTUS. USACE stated that no AJD or permit is currently required for work in ephemeral streams; however, there may be a benefit to requesting an AJD if there are plans to construct roads or any other feature that would cross an ephemeral feature within the next 5 years (the length of time that a AJD is valid).
- **NMED** provided a comprehensive response from various NMED Bureaus. The NMED comments are as follows:
    - **Air Quality Bureau (AQB)** stated that Sandoval County is currently in attainment for all New Mexico and NAAQS. AQB further stated that: the potential exists for temporary increases in dust and emissions associated with earth moving, construction equipment, and other vehicles; areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust; local air quality regulations must be followed; all asphalt, concrete, quarrying, crushing, and screening facilities

contracted in conjunction with the Proposed Action must have current and proper air quality permits; and equipment powered by diesel, gasoline, or natural gas engines may require registration and/or an air quality permit if the emissions of any criteria air pollutant exceeds 10 pounds per hour and 10 tons per year. AQB concluded the Proposed Action would have no significant negative impacts on ambient air quality.

- **Drinking Water Bureau (DWB)** stated that there are no regulated public groundwater wells within one mile of the Site nor any regulated public surface water intakes within 10 miles downgradient of the Site; as such, the Proposed Action is unlikely to have a significant impact on any existing regulated water system. DWB also stated that development of a water supply system at the Site would require approval from DWB.
- **Ground Water Quality Bureau (GWQB)** stated that a Ground Water Discharge Waste permit approved by the GWQB would be required if onsite wastewater systems exceed 5,000 gallons per day. GWQB stated that no GWQB permit is required if wastewater is delivered off-site to an existing municipal or regional wastewater treatment system. GWQB stated that the use of heavy equipment could result in contaminant releases associated with equipment malfunctions and advised that all site personnel be aware of the notification requirements for accidental discharges as specified in the New Mexico Administrative Code.
- **Surface Water Quality Bureau (SWQB)** stated that the Proposed Action may require NPDES CGP coverage for stormwater discharges during construction, which would include the development and implementation of a site-specific SWPPP, and permanent stabilization measures and stormwater measures be implemented post-construction to minimize pollutants in stormwater runoff from entering regulated surface waters. SWQB noted New Mexico requires permittees to ensure there is no increase in sediment yield and flow velocity, prior to discharging stormwater. SWQB requires that NPDES coverage be extended to both the property owner and general contractor in control of day to day operations. SWQB also stated that any direct or indirect impact to WOTUS requires a permit from the USACE.

The following additional NMED Bureaus reviewed the scoping letter for Proposed Action and had no comments:

- Construction Programs Bureau
- Department of Energy Oversight Bureau
- Environmental Health Bureau
- Hazardous Waste Bureau
- Petroleum Storage Tank Bureau
- Radiation Control Bureau
- Solid Waste Bureau

- **NMDGF** provided a list of special status plant and animal species that may be located within one mile of the Site. Several animal Species of Greatest Conservation Need and Species of Economic and Recreational Importance were listed; however, no federally listed species or state listed protected species (under the Wildlife Conservation Act) were identified for the Site area. One New Mexico Rare Plant Conservation Strategy Species was listed as potentially being present in the Site area. NMDGF stated that no further consultation with NMDGF is required. However, NMDGF stated that burrowing owls are known to be present near the Site and requested that a preliminary survey be conducted between April and September (during the burrowing owl breeding season) prior to conducting ground disturbing activities. If burrowing owls are identified, NMDGF or USFWS should be contacted for recommendations regarding relocation or avoidance of impacts. In addition, NMDGF stated that the Site is located near an important bat area and provided recommendations to minimize disturbance to roosting bats.

- **Rio Rancho Development Service Department Engineering Division (RRED)** indicated that they have no records of any oil and/or hazardous materials uses/spills/disposal/waste concerns at the Site or records of environmental or public health issues at the Site. RRED provided the 2002 Loma Barbon Master Plan for the Site (a previously proposed mixed-use development) and stated that they are not aware of the reasons that the development was not completed.
- **Rio Rancho Environmental Programs (RREP)** provided the following information/comments:
  - The Site is located over the Santa Fe Group aquifer.
  - A City of Rio Rancho drinking water production well and reservoirs are located southwest of the Site (approximately 1,000 feet from the Site).
  - A 16-inch drinking water line crosses the south-central and west-central portions of the Site.
  - Additional sanitary sewer lines have been proposed for the Site vicinity.
  - Two private water wells are located on residential properties just south of the Site.
  - Burrowing owls may be present the Site.
  - There are limited groundwater resources in the Site vicinity and the groundwater contains naturally occurring arsenic and potentially other contaminants.
  - There are potential air quality concerns associated with blowing dust.
  - There are no known parks, nature preserves, conservation areas, special wildlife issues, soils/geologic concerns, traffic, noise, or socioeconomic information or concerns.
- **Southern Sandoval County Arroyo Flood Control Authority** stated that they do not have any pertinent information pertaining to the Site or Proposed Action.

6.2 National Historic Preservation Act Section 106 Consultation

On October 8, 2020, VA initiated NHPA Section 106 consultation with the NM State Land Office, NM SHPO, ACHP, the Historical Society of New Mexico, the City of Rio Rancho, and federally recognized Native American Tribes with geographic or cultural affiliation with the Site area. The Section 106 consultation letters included a description of VA's proposed undertaking (Proposed Action), definition of the area of potential effects (APE), identification of historic properties (the results of the ICRIP and CRS), and VA's finding of effects on historic properties.

The CRS identified seven archaeological sites recommended as eligible for listing on the NRHP and three archaeological sites that were undetermined as to their NRHP eligibility at the Site. Eight of these ten archaeological sites are located in the northeastern corner or southernmost portions of the Site; only two of the archaeological sites are located within the central portion of the Site. Based on their locations, VA anticipates the cemetery would be designed to avoid the identified archaeological sites. If the cemetery design cannot avoid one or more of the archaeological sites, VA would mitigate the adverse effects, as required under the NHPA. The Section 106 consultation letters stated that if adverse effects to the NHRP-eligible archaeological sites at the Site cannot be avoided, VA would resolve the adverse effects by negotiating and implementing either a MOA or a PA under the NHPA.

The NM SHPO responded to VA's initiation of consultation on October 20, 2020. The NM SHPO concurred with VA's NRHP-eligibility recommendations, but deferred to the NM SLO, who has authority for the Site. NM SHPO also concurred that a MOA for addressing adverse effects would be appropriate if the archaeological sites cannot be avoided. NM SHPO recommended that all NRHP-eligible and undetermined sites be mitigated, even if some could be avoided, to prevent indirect impacts (such as erosion and inadvertent trespass) and to eliminate the need for future Section 106 consultation if VA's future development plans change.

The NM State Land Office (SLO) responded to VA's initiation of consultation on November 12, 2020. The NM SLO concurred with VA's identification of historic properties and NRHP-eligibility recommendations, pending the completion of Section 106 consultation with interested Native American Tribes. NM SLO stated data recovery (pursuant to a MOA) would likely be an appropriate means to mitigate adverse effects to archaeological sites that cannot be avoided, but indicated Tribal input must be considered in making this determination.

On October 23, 2020, the ACHP responded with a request for information regarding input provided by the other Section 106 consultation parties and the public. ACHP indicated they would make a decision on whether to participate in the Section 106 consultation upon receipt of this additional information.

ACHP responded with a request for information regarding input provided by the other Section 106 consultation parties and the public. ACHP indicated they would make a decision on whether to participate in the Section 106 consultation upon receipt of this additional information.

The City of Rio Rancho requested to be kept informed of the Section 106 consultation and expressed strong support for the project.

Written Section 106 correspondence with NM SHPO, the NM SLO, ACHP, and other consulting parties is provided in Appendix C.

6.3 Native American Consultation

VA initiated consultation with 18 federally recognized Native American Tribes as part of this NEPA process, in accordance with 36 CFR 800.2 and Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000. These Tribes, identified as having possible geographic or cultural affiliation with the Site area, were invited by VA to participate in the Section 106 process on October 8, 2020. Tribes consulted include:

- The Ohkay Owingeh
- The Pueblo of Santa Clara
- The Jicarilla Apache Nation
- The Apache Tribe of Oklahoma
- The Comanche Nation of Oklahoma
- The Pueblo of San Ildefonso
- The Pueblo of Tesuque
- The Pueblo of Cochiti
- The Pueblo of San Felipe
- The Pueblo of Santa Ana
- The Pueblo of Sandia
- The Pueblo of Zia
- The Hopi Tribe
- The Pueblo of Jemez
- The Pueblo of Isleta
- The Pueblo of Laguna
- The Navajo Nation
- The Pueblo of Santo Domingo (Kewa Pueblo)

The Pueblo of Tesuque requested to be a participant in VA's Section 106 consultation and recommended that a pueblo representative be on-site during cemetery construction. No other Native American Tribes

responded to VA's Section 106 consultation initiation letters within 30 days. Consequently, resent the Section 106 consultation initiation letters to the Native American Tribes via email on November 11, 2020 and by certified mail on November 14, 2020. As of the date of this EA, no additional Native American Tribal responses have been received by VA.

Written Section 106 correspondence with Tribes is provided in Appendix C.

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8.0 REFERENCES

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National Wetlands Inventory: https://www.fws.gov/wetlands/Data/mapper.html

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US Environmental Protection Agency: https://www.epa.gov

US Fish and Wildlife Service: https://www.fws.gov

US Geological Survey: https://store.usgs.gov/map-locator

Various mapping tools: www.maps.google.com, www.google.earth.com, etc.

9.0 GLOSSARY

100-Year Flood – A flood event of such magnitude that it occurs, on average, every 100 years; this equates to a one percent chance of it occurring in a given year.

Aesthetics – Pertaining to the quality of human perception of natural beauty.

Ambient - The environment as it exists around people, plants, and structures.

Ambient Air Quality Standards - Those standards established under the Clean Air Act to protect health and welfare.

Aquifer - An underground geological formation containing usable amounts of groundwater which can supply wells and springs.

Asbestos - Incombustible, chemical-resistant, fibrous mineral forms of impure magnesium silicate used for fireproofing, electrical insulation, building materials, brake linings, and chemical filters. Asbestos is a carcinogenic substance.

Attainment Area - Region that meets the National Ambient Air Quality Standard (NAAQS) for a criteria pollutant under the Clean Air Act.

Bedrock - The solid rock that underlies all soil, sand, clay, gravel and loose material on the earth's surface.

Best Management Practices (BMPs) - Methods, measures, or practices to prevent or reduce the contributions of pollutants to U.S. waters. Best management practices may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions (AR 200-1).

Commercial land use – Land use that includes private and public businesses (retail, wholesale, etc.), institutions (schools, churches, etc.), health services (hospitals, clinics, etc.), and military buildings and installations.

Contaminants - Any physical, chemical, biological, or radiological substances that have an adverse effect on air, water, or soil.

Council on Environmental Quality (CEQ) - An Executive Office of the President composed of three members appointed by the President, subject to approval by the Senate. Each member shall be exceptionally qualified to analyze and interpret environmental trends, and to appraise programs and activities of the federal government. Members are to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Criteria Pollutants - The Clean Air Act of 1970 required the USEPA to set air quality standards for common and widespread pollutants in order to protect human health and welfare. There are six "criteria pollutants": ozone (O_3), carbon monoxide (CO), sulfur dioxide (SO_2), lead (Pb), nitrogen dioxide (NO_2), and particulate matter.

Cultural Resources - The physical evidence of our Nation's heritage. Included are: archaeological sites; historic buildings, structures, and districts; and localities with social significance to the human community.

Cumulative Impact - The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Decibel (dB) - A unit of measurement of sound pressure level.

Direct Impact - A direct impact is caused by a Proposed Action and occurs at the same time and place.

Emission - A release of a pollutant.

Endangered Species - Any species which is in danger of extinction throughout all or a significant portion of its range.

Environmental Assessment (EA) - An EA is a publication that provides sufficient evidence and analyses to show whether a proposed system will adversely affect the environment or be environmentally controversial.

Erosion - The wearing away of the land surface by detachment and movement of soil and rock fragments through the action of moving water and other geological agents.

Agricultural land - Cropland, pastures, meadows, and planted woodland.

Fauna - Animal life, especially the animal characteristics of a region, period, or special environment.

Flora - Vegetation; plant life characteristic of a region, period, or special environment.

Floodplain - The relatively flat area or lowlands adjoining a river, stream, ocean, lake, or other body of water that is susceptible to being inundated by floodwaters.

Fugitive Dust - Particles light enough to be suspended in air, but not captured by a filtering system. For this document, this refers to particles put in the air by moving vehicles and air movement over disturbed soils at construction sites.

Geology - Science which deals with the physical history of the earth, the rocks of which it is composed, and physical changes in the earth.

Groundwater - Water found below the ground surface. Groundwater may be geologic in origin and as pristine as it was when it was entrapped by the surrounding rock or it may be subject to daily or seasonal effects depending on the local hydrologic cycle. Groundwater may be pumped from wells and used for drinking water, irrigation, and other purposes. It is recharged by precipitation or irrigation water soaking into the ground. Thus, any contaminant in precipitation or irrigation water may be carried into groundwater.

Hazardous Substance - Hazardous materials are defined within several laws and regulations to have certain meanings. For this document, a hazardous material is any one of the following:

Any substance designated pursuant to section 311 (b)(2)(A) of the Clean Water Act.

Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Any hazardous substance as defined under the Resource Conservation and Recovery Act (RCRA).

Any toxic pollutant listed under TSCA.

Any hazardous air pollutant listed under Section 112 of the Clean Air Act.

Any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to Subsection 7 of TSCA.

The term does not include: 1) Petroleum, including crude oil or any thereof, which is not otherwise specifically listed or designated as a hazardous substance in a above. 2) Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). A list of hazardous substances is found in 40 CFR 302.4.

Hazardous Waste - A solid waste which, when improperly treated, stored, transported, or disposed of, poses a substantial hazard to human health or the environment. Hazardous wastes are identified in 40 CFR 261.3 or applicable foreign law, rule, or regulation.

Hazardous Waste Storage - As defined in 40 CFR 260.10, ". . . the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere".

Hydric Soil - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic (oxygen-lacking) conditions that favor the growth and regeneration of hydrophytic vegetation. A wetland indicator.

Indirect Impact - An indirect impact is caused by a Proposed Action that occurs later in time or farther removed in distance but is still reasonably foreseeable. Indirect impacts may include induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural and social systems. For example, referring to the possible direct impacts described above, the clearing of trees for new development may have an indirect impact on area wildlife by decreasing available habitat.

Industrial Land Use – Land uses of a relatively higher intensity that are generally not compatible with residential development. Examples include light and heavy manufacturing, mining, and chemical refining.

Isolated Wetland – Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, but do not have a direct connection to the Waters of the U.S.

Jurisdictional Wetland – Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, and have a direct connection to the Waters of the U.S. These wetlands are regulated by the USACE.

Listed Species - Any plant or animal designated by a state or the federal government as threatened, endangered, special concern, or candidate species.

Mitigation - Measures taken to reduce adverse impacts on the environment.

Mobile Sources - Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for energy sources.

Monitoring - A process of inspecting and recording the progress of mitigation measures implemented.

National Ambient Air Quality Standards (NAAQS) - Nationwide standards set up by the USEPA for widespread air pollutants, as required by Section 109 of the Clean Air Act. Currently, six pollutants are regulated by primary and secondary NAAQS: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.

National Environmental Policy Act (NEPA) - U.S. statute that requires all federal agencies to consider the potential effects of major federal actions on the human and natural environment.

Non-attainment Area - An area that has been designated by the EPA or the appropriate State air quality agency as exceeding one or more national or state ambient air quality standards.

Parcel - A plot of land, usually a division of a larger area.

Particulates or Particulate Matter - Fine liquid or solid particles such as dust, smoke, mist, fumes, or smog found in air.

Physiographic Region - A portion of the Earth's surface with a basically common topography and common morphology.

Pollutant - A substance introduced into the environment that adversely affects the usefulness of a resource.

Potable Water - Water which is suitable for drinking.

Prime Agricultural land - A special category of highly productive cropland that is recognized and described by the U.S. Department of Agriculture's Natural Resource Conservation Service and receives special protection under the Surface Mining Law.

Remediation - A long-term action that reduces or eliminates a threat to the environment.

Riparian Areas - Areas adjacent to rivers and streams that have a high density, diversity, and productivity of plant and animal species relative to nearby uplands.

Sensitive Receptors - Include, but are not limited to, asthmatics, children, and the elderly, as well as specific facilities, such as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, and childcare centers.

Significant Impact - According to 40 CFR 1508.27, "significance" as used in NEPA requires consideration of both context and intensity.

Context. The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

Soil - The mixture of altered mineral and organic material at the earth's surface that supports plant life.

Solid Waste - Any discarded material that is not excluded by section 261.4(a) or that is not excluded by variance granted under sections 260.30 and 260.31.

Threatened species - Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Topography - The relief features or surface configuration of an area.

Toxic Substance - A harmful substance which includes elements, compounds, mixtures, and materials of complex composition.

Waters of the United States - Include the following: Territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters.

Watershed - The region draining into a particular stream, river, or entire river system.

Wetlands - Areas that are regularly saturated by surface or groundwater and, thus, are characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include swamps, bogs, fens, marshes, and estuaries.

Wildlife Habitat - Set of living communities in which a wildlife population lives.