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June 1, 2020

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Santa Fe, NM 87501

Uploaded electronically to: https://cara.ecosystem-management.org/Public//CommentInput?Project=56975

RE: USDA Forest Service Northern New Mexico Riparian, Aquatic, and Wetland Restoration Project EA dated April 2020

Dear Mr. Hall,

On behalf of the New Mexico Environment Department (NMED), attached please find our comments on the USDA Forest Service Northern New Mexico Riparian, Aquatic, and Wetland Restoration Project EA dated April 2020.

Please do not hesitate to contact me to discuss further.

Sincerely,

Digitally signed by James Kenney
Date: 2020.06.01 16:06:41 -06'00'

James C. Kenney
Cabinet Secretary

Attachment (1)

cc: Courtney Kerster, Director of Federal Affairs, Office of Governor Michelle Lujan Grisham
Sarah Cottrell Propst, Secretary, Energy, Minerals and Natural Resources Department
Sandra Ely, Director, NMED Environment Protection Division
Rebecca Roose, Director, NMED Water Protection Division

Attachment

Introduction

NMED supports implementation of the proposed action and commends the US Forest Service for the steps taken to write the comprehensive Environmental Assessment (EA). The proposed action will increase stream miles and wetland/riparian acres treated per year on the national forests. This will reduce non-point source pollution thereby improving surface water quality. These implementation activities are especially important for headwaters areas on the Carson, Cibola and Santa Fe National forests that are sources of many New Mexico streams and rivers. The Surface Water Quality Bureau previously participated in the EA planning by attending a Project Category/Design Criteria workshop (April 23 and 24, 2019), and providing wetlands mapping and classification data (January 2020).

Comments

1. **Several restoration tools should be added into the EA.**

   Although the design toolbox approach is commendable, the EA seems to omit some important tools. For the Instream, Side-Channel, and Floodplain Projects category, pages 13 and B-32 list structure types for Erosion control structures, headcuts, and grade stabilization. SWQB recommends including additional structures on the list: one-rock dams, plug and pond structures, sod plugs, log mats, and rock/log rundowns. The structures are described in two SWQB publications available on our website (https://www.env.nm.gov/surface-water-quality/wetlands-technical-guides/) and are suitable for many areas covered under the EA:

   1) Zeedyk, B., Gadzia, T.E. and M. Walton. 2014. **Characterization and Restoration of Slope Wetlands in New Mexico: A Guide for Understanding Slope Wetlands, Causes of Degradation and Treatment Options**. New Mexico Environment Department, Surface Water Quality Bureau, Wetlands Program.

   2) Zeedyk, W.D. and S. Vrooman (2017). **The Plug and Pond Treatment: Restoring Sheetflow to High Elevation Slope Wetlands in New Mexico**. New Mexico Environment Department, Surface Water Quality Bureau Wetlands Program (NMED-SWQB).

   By not listing these structures that have been developed and used in New Mexico on the Carson, Cibola and Santa Fe National forests, the EA will be rendered less effective. In particular, hundreds of one-rock dams have been installed and are functioning effectively to capture sediment, raise the water table, and propagate riparian vegetation. One-rock dams are inexpensive and can easily be built by volunteers or contract labor. One-rock dams are different from check dams and should be explicitly listed in the EA.

   In addition, some of the structures listed in the two publications above will be applicable to the Groundwater dependent ecosystems: restoration of seeps and springs category, but this category in the EA does not have an associated list. Porous Road Fill is an additional structure/technique that should be considered for the road and trail erosion, relocation and decommissioning category, which would allow water to move under sections of roads instead of concentrating in an erosive manner.

2. **Prescribed burns should be coordinated with the Smoke Management Program and**

take reasonable measures must be taken ensure the desired objectives for air quality will be met, along with any issues associated with air quality monitoring.

This project spans across Rio Arriba, San Miguel, Harding, Union, Santa Fe, Mora, Taos, Colfax, Los Alamos, Bernalillo, Catron, Cibola, Lincoln, McKinley, Sandoval, Sierra, Socorro, Torrance, and Valencia Counties, New Mexico. The NMED Air Quality Bureau's comments are in relation to all the counties listed above except for Bernalillo County and tribal lands, where air quality is not under the jurisdiction of the NMED. The listed counties above that fall under AQB jurisdiction are currently in attainment with the New Mexico and National Ambient Air Quality Standards (NAAQS).

However, 2018 certified ozone design values in Rio Arriba, Sandoval, and Valencia Counties are within 95% of the ozone NAAQS. Pursuant to State Statute 74-2-5.3.A. NMSA, NMED is required to develop a plan for ozone mitigation in areas for which design values exceed 95% of the standard. This will be accomplished through our Ozone Attainment Initiative (OAI that will include both voluntary and mandatory measures to reduce emissions of ozone precursors, nitrogen oxides and volatile organic compounds. All reasonable measures should be employed to reduce emissions of nitrogen oxides and volatile organic compounds associated with this project to avoid adverse impacts to air quality.

The environmental assessment, as proposed, includes the use of prescribed fires; the AQB administers the Smoke Management Program (SMP), partnering with federal and private land managers statewide to assure that fire remains a viable tool to achieve land management objectives while protecting New Mexico's air quality. The purpose of the SMP is to provide a clear and equitable regulatory basis for smoke management in New Mexico, while reducing impacts to local populations affected by smoke. Please be advised any government or nongovernment entity proposing to conduct prescribed fire activities within the jurisdiction of the AQB are subject to 20.2.65 NMAC SMOKE MANAGEMENT.

The AQB requests close coordination for any planned burns in advance of those burns and as required by regulation, to ensure the desired conditions and objectives for air quality will be met, along with any issues associated with air quality monitoring. This coordination also assists in the issuing of timely smoke alerts and responding to citizen complaints. Potential impacts of air emissions on nearby Class I areas should be evaluated. As a result, the effects on air quality from prescribed fire would be short term and localized near the prescribed fire area.

3. Construction activities must have air quality permits, if applicable, and reasonable measures must be taken to control emissions of ozone precursors, nitrogen oxides, volatile organic compounds, and fugitive dust.

Also, any construction activities associated with this project may cause temporary increases in dust and emissions from earthmoving, construction equipment, and other vehicles. Areas disturbed by these activities within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust. To ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed. Any asphalt, concrete, quarrying, crushing, and screening facilities that may be contracted in conjunction with any proposed projects in the management plan area must have current and proper air quality permits. Generators, light towers, and other stationary portable equipment powered by diesel, gasoline, or natural gas engines may require registration or an air

quality permit if the emissions of any criteria air pollutant will exceed 10 pounds per hour and 10 tons per year. If the proposed project includes this type of equipment, please contact the NMED Air Quality Bureau Permitting Section to determine if a permit is required. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

4. Best management practices must be employed to protect sources of drinking water supply.

New Mexico Environment Department Drinking Water Bureau (DWB) reviewed the U.S. Forest Service EA for riparian, aquatic, and wetland restoration projects in three national forests and one national grassland in New Mexico. A total of 265 regulated surface and groundwater public water systems (PWS) are located in or within one mile of these areas. DWB anticipates that some PWS will be found in the 100- and 15-foot buffer zones described in the EA, as well as the project areas occurring outside of these zones (e.g., road and trail erosion control, staging areas).

Alternative B (Proposed Action) is most beneficial to drinking water supplies because proposed activities include restoration of channel systems and floodplains to natural conditions, road and trail erosion control, and restoration of seeps and springs. These efforts should enhance both surface and groundwater quality by decreasing excess sedimentation resulting from various anthropogenic disturbances.

DWB encourages implementation of best management practices described in the Project and Activity-Design Criteria in order to minimize potentially adverse effects from staging areas (e.g., fuel spills), revised grazing management, and prescribed fire. Additionally, PWS managers should be notified when activities may impact drinking water infrastructure.

5. Report all spills as required by state law.

Implementation of the project may involve the use of heavy equipment leading to a possibility of contaminant releases associated with equipment malfunctions (e.g., fuel, hydraulic fluid, etc.). All parties involved in the project must be aware of notification requirements for accidental discharges as specified at 20.6.2.1203 NMAC, http://www.srca.nm.gov/parts/title20/20.006.0002.html .