



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Southwest Region  
Airports Division  
Louisiana/New Mexico Airports District Office

FAA ASW-640  
10101 Hillwood Parkway  
Fort Worth, Texas 76177

November 29, 2023

Amanda Brungart  
Airport Director  
Clovis Regional Airport (CVN)  
495 County Road 11.5  
Texico, New Mexico 88135

Dear Ms. Brungart:

Enclosed is a copy of the completed environmental Finding of No Significant Impact (FONSI) for the proposed construction of the new commercial passenger terminal at Clovis Regional Airport (CVN). The FONSI is attached to the Final Environmental Assessment to form the completed FONSI package.

If you intend to follow through with the project as planned, you are requested to announce the availability of the FONSI by way of legal notice or other suitable announcement. Please provide our office a copy of the notice after publication in at least one newspaper of general circulation for the project area.

Also attached to the Final EA is the Preparer's Certification and Federal signature, making it a Federal document. Please ensure that this page is included in the final EA with the FONSI attached when it is made available for public review.

Thank you for your cooperation in this matter. If you need any additional assistance, feel free to contact me.

Sincerely,

Darvin Messer  
Environmental Protection Specialist

Attachments:

CVN\_New Terminal Final EA\_FONSI\_Pkg 11.29.2023\_reduced.pdf

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION (FAA)**

**Finding of No Significant Impact (FONSI)**

Clovis Regional Airport (CVN)  
Clovis, NM

**Proposed Federal Action.**

The Proposed Action involves constructing a new terminal building which would incorporate improved access to an expanded check-in-area, an expanded holding area, a designated baggage claim area, and improved restrooms. ADA compliance would be achieved by utilizing terminal ramps, braille signage, and video displays, while energy and water use efficiency would be improved over the existing terminal through design features such as solar panels, light-emitting diode (LED) lighting, and rainwater management. The Proposed Action also includes new apron, connectors to Taxiway B, a vehicular parking lot, access road improvements, and sidewalks.

The following Federal actions would be taken to support the Proposed Action:

- FAA approval of the revised Airport Layout Plan with the proposed development.
- Federal funding for eligible components of the above development.

**Environmental Considerations.**

The Environmental Assessment (EA) providing background desktop and field-collected environmental information is attached to this FONSI. The EA was prepared pursuant to the provisions of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) regulations (40 C.F.R. Parts 1500-1508). Additionally, the EA meets the guidelines identified in FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *NEPA Implementing Instructions for Airport Actions*. No thresholds of significance were found to be exceeded in the EA. After review of the EA and other supporting documentation, the FAA determined that a FONSI was justified for the proposed airport improvements. Federal and state resource agencies were solicited for comments concerning the project. Determinations of concurrence were returned for 'No Historic Properties Affected' and 'No Effect' on threatened/endangered species. Due to the insignificant and/or absence of impacts to these and other environmental resource categories, public comment was not solicited per FAA Order 1050 2-5.3.

**Mitigation Measures.**

Analysis of information contained in the EA resulted in a determination by the FAA that mitigation measures are not required.

**Finding.**

I have carefully and thoroughly considered the facts contained in the attached EA. Based on that information, I find the proposed Federal action is consistent with existing national environmental policies and objectives of Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements. I also find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, the FAA will not prepare an EIS for this action.

Recommended:

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Darvin Messer, Environmental Protection Specialist  
Louisiana/New Mexico Airports District Office

Approved:

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Justin Barker, Manager  
Louisiana/New Mexico Airports District Office

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# ***FINAL ENVIRONMENTAL ASSESSMENT***

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## **NEW AIRPORT TERMINAL BUILDING AND AIRCRAFT PARKING RAMP**

Clovis Regional Airport  
Curry County, New Mexico

*Prepared for:*

***City of Clovis  
321 N. Connelly  
Clovis, New Mexico***

### **U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION**

As lead Federal Agency pursuant to the *National Environmental Policy Act of 1969*


*Prepared by:*

Coffman Associates, Inc.  
Scottsdale, Arizona

## **October 2023**

**This environmental assessment becomes a Federal document when evaluated, signed and dated by the responsible FAA Official.**

**ORVILLE DARVIN  
MESSER**

 Digitally signed by ORVILLE  
DARVIN MESSER  
Date: 2023.10.27 15:10:27 -05'00'

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**Responsible FAA Official**

October 27, 2023

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**Date**



## GENERAL INFORMATION ABOUT THIS DOCUMENT

**WHAT'S IN THIS DOCUMENT?** This document is a Final Environmental Assessment (EA), which has been completed under the *National Environmental Policy Act* (NEPA), for a Proposed Action at the Clovis Regional Airport. The Federal Aviation Administration (FAA) is the lead agency for the NEPA process. This document discloses the analysis and findings of the potential impacts of the Proposed Action and the No Action alternative.

**PROPOSED ACTION:** The Proposed Action is to replace the existing commercial passenger terminal, which is undersized for existing passenger service and future commercial service projections, with a larger, modernized terminal that will be more energy and water efficient as well as *Americans with Disabilities* (ADA) compliant. The current terminal building is beyond its useful life and does not meet current or projected passenger needs. The project will be located entirely on land owned by the City of Clovis in the western portion of the airport.

The proposed terminal building will overlook Taxiway B and Runway 12-30. The new terminal building will be 20,883 square feet (sf) and will include an expanded check-in-area, expanded holding area, a designated baggage claim area, and improved restrooms. The existing terminal building is 5,300 sf and will be repurposed.

In addition, the Proposed Action will consist of new aircraft apron (43,684 sf), connectors to Taxiway B, vehicular parking lot and access road improvements, landscaping, and sidewalks.

**WHAT SHOULD YOU DO?** Read the Final EA on the Proposed Action to understand the actions that the City of Clovis and the FAA intend to take relative to the Proposed Action.

Copies of the Final EA are available for review or download at: <http://cityofclovis.org/newsroom/> or at the following locations during normal business hours:

Clovis Regional Airport  
Administration Office  
495 County Road 11.5  
Texico, New Mexico

City of Clovis  
City Manager's Office  
321 N. Connelly Street  
Clovis, New Mexico

**WHAT HAPPENS AFTER THIS?** Following review of the Final EA, the FAA will issue a Finding of No Significant Impact (FONSI), a Record of Decision (ROD), or decide to prepare a federal Environmental Impact Statement.

**FINAL  
ENVIRONMENTAL ASSESSMENT**

**FOR NEW AIRPORT TERMINAL BUILDING  
AND AIRCRAFT PARKING RAMP**

**Clovis Regional Airport  
Curry County, New Mexico**

Prepared for:

City of Clovis

Prepared by:



October 2023

# Chapter One, Purpose and Need: Clovis Regional Airport Environmental Assessment

## 1.1 INTRODUCTION

The City of Clovis (city), New Mexico, is the owner and operator of Clovis Regional Airport (CVN), which is located six miles east of the City of Clovis, New Mexico (**Exhibit 1A**). The city seeks to replace the existing passenger terminal building. The current building is beyond its useful life and does not meet current or projected passenger needs. A new terminal building would be constructed, and the old terminal building would be repurposed for office or other administrative purposes. Use of federal grant funds to complete these improvements and approval of the updated Airport Layout Plan (ALP) constitute federal actions.

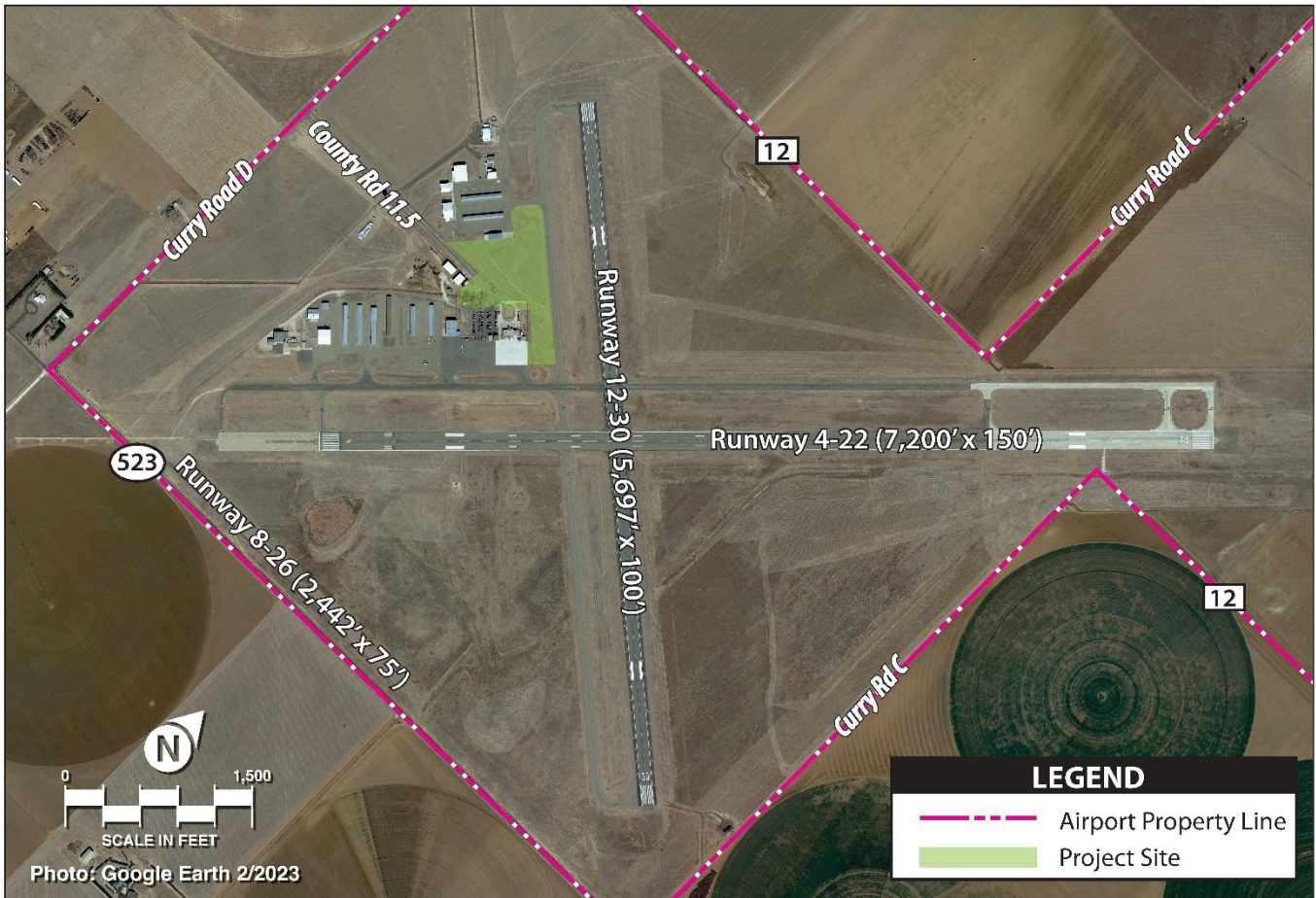
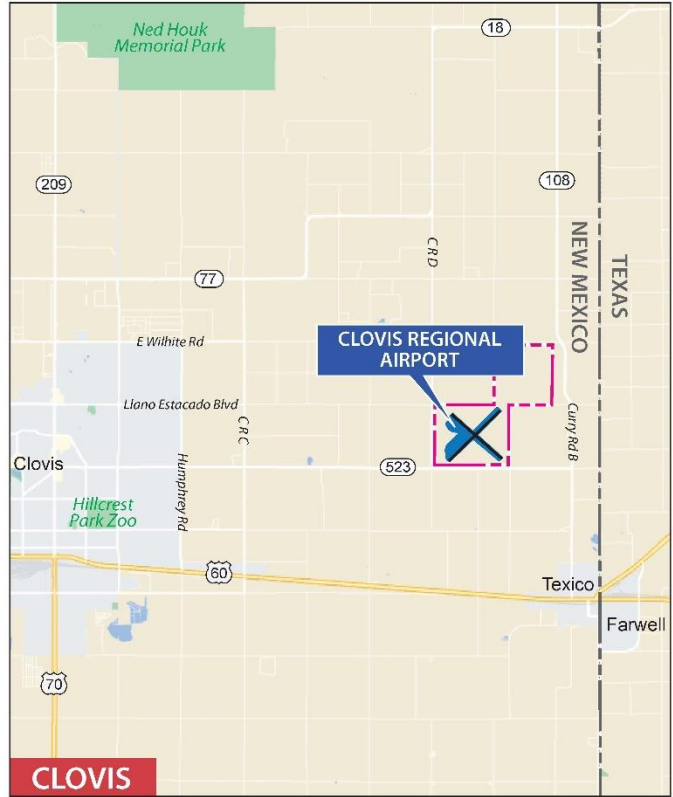
This Environmental Assessment (EA) has been prepared pursuant to the requirements of section 102(2)(c) of the *National Environmental Policy Act of 1969* (NEPA) (Title 42 United States Code [U.S.C.] sections 4321 et seq.), the implementing regulations for NEPA (i.e., the Council on Environmental Quality [CEQ] Regulations) (Title 40 Code of Federal Regulations [C.F.R.] sections 1500-1508), and section 509(b)(5) of the *Airport and Airway Improvement Act of 1982* (Public Law 97-248), as amended. This EA has also been prepared in accordance with Federal Aviation Administration (FAA) Order 1050.1F, *Environmental Impacts: Policies and Procedures* (2015) and FAA Order 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions* (2006). The FAA is the lead federal agency to ensure compliance with NEPA for airport development actions.

This chapter provides background information on the airport and project site; identifies the project's purpose and need; describes the proposed project; lists associated federal actions; discusses the timeframe for project implementation; and outlines the EA's format. Following publication of a Draft EA, an agency/public review and comment period will occur, subject to proper noticing requirements. The Final EA will include an appendix that documents the public involvement process and that contains all comments received during the Draft EA comment period. Written responses to substantive comments will also be provided.

## 1.2 BACKGROUND INFORMATION

### 1.2.1 Description of the Airport

Clovis Regional Airport (CVN) is owned, operated, and maintained by the City of Clovis in the State of New Mexico. Located on the east-central side of the state, the airport was constructed in 1959 and is primarily used for general aviation as well as commercial service. Originally known as "Clovis Municipal Airport," CVN serves as a connecting point to both Denver, Colorado, and Dallas-Fort Worth, Texas. In addition to providing convenient access to Cannon Air Force Base (AFB) for military and civilian personnel as part of the Department of Defense Travel System, the airport is used by Cannon AFB for parachute training exercises. The airport is also used for corporate business travel for industries in the area – including the local dairy industry – and for various aviation training exercises.



### Airside Facilities

Airside facilities generally include, but are not limited to, runways; taxiways; connecting taxiways; airfield lighting; and navigational aids. As depicted on **Exhibit 1B**, the existing runway configuration at Clovis Regional Airport includes three active runways: Runway 8-26, Runway 12-30, and Runway 4-22. Runway 8-26, which is the airport’s turf runway, is 2,442 feet (ft) long by 75 ft wide and is oriented east to west. Runway 12-30 measures 5,697 ft long by 100 ft wide and is oriented northwest to southeast. Runway 4-22 is 7,200 ft long by 150 ft wide and aligned northeast to southwest. **Table 1A** presents data specific to each runway.

**TABLE 1A: Airside Facility Data**

Facility Data	Runway 8-26	Runway 12-30	Runway 4-22
<i>Runway Length</i>	2,442 ft	5,697 ft	7,200 ft
<i>Runway Width</i>	75 ft	100 ft	150 ft
<i>Runway Surface Material</i>	turf	asphalt	asphalt
<i>Runway Lighting</i>	–	MIRL	MIRL
<i>Runway Approach Aids</i>	–	REIL (12, 30); PVASI (PSIL) (30)	MALSR (4); PAPI (P4L) (4)
<i>Instrument Approach Procedures</i>	visual	visual	ILS (4)

Abbreviations for Table 1A are as follows:

- DME = Distance Measuring Equipment
- ILS = Instrument Landing System
- MALSR = Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights
- MIRL = Medium Intensity Runway Lighting
- PAPI = Precision Approach Path Indicator
- PVASI (PSIL) = Pulsating Visual Approach Slope Indicator
- REIL = Runway End Identifier Lights
- VASI = Visual Approach Slope Indicator

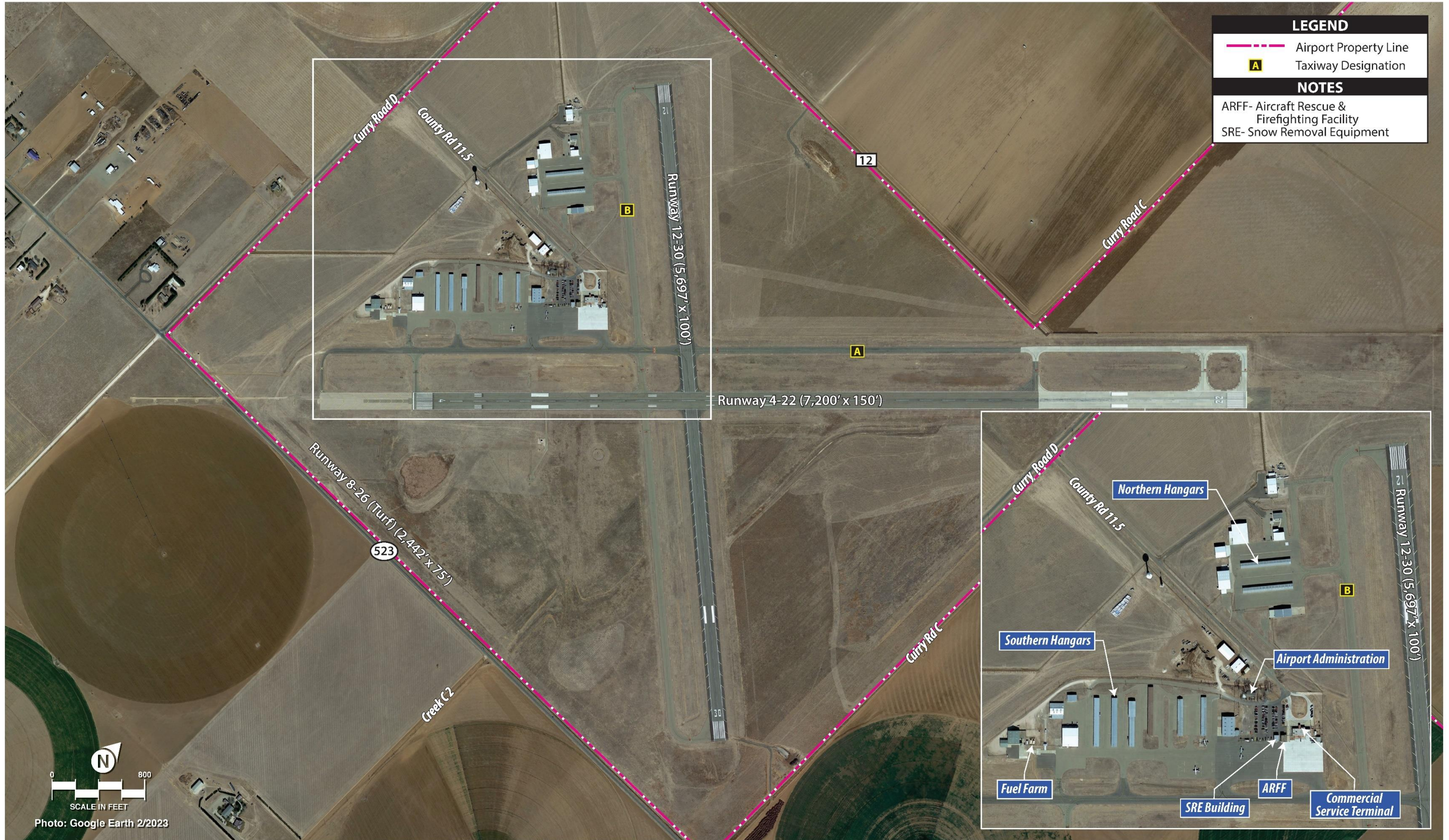
Source for Table 1A is the FAA website, Digital Chart Supplement, December 29, 2022 - February 23, 2023.

### Landside Facilities

Landside facilities are ground-based facilities that support aircraft and pilot/passenger handling functions. These facilities typically include a terminal building, fixed-base operators (FBOs), aircraft storage hangars, aircraft maintenance hangars, aircraft parking aprons, and support facilities such as fuel storage, automobile parking, utilities, and aircraft rescue and firefighting (ARFF). CVN is a non-towered airport.

The landside facilities at CVN are primarily located on the southwest quadrant of the airfield and include the commercial service terminal building, an ARFF building, a snow removal equipment building, a 24-hour fueling service, several FBOs, and hangars.







### 1.2.2 Current Activity Levels

According to the FAA's *Terminal Area Forecast (TAF)*, total annual operations at CVN dropped from almost 38,000 annual operations to roughly 15,000 during the COVID-19 pandemic; however, enplanements have grown steadily during that same time (60 percent from 2018 to 2021). Airport records show that CVN experienced more than 13,000 enplanements in 2022 (growing another 72 percent from 2021 to 2022) (**Table 1B**). Commercial service is provided by Denver Air Connection with flights to Denver and Dallas using 50-seat regional jets.

**TABLE 1B: Operational and Enplanement Activity**

Year	Annual Operations*	Annual Enplanements**
2018	37,909	4,750
2019	24,648	5,335
2020	24,648	2,643
2021	14,944	7,575
2022	10,397	13,028

Sources for Annual Operations are the FAA website, APO Terminal Area Forecast Detail Report, issued February 2023, and Coffman Associates, Inc., analysis 2023.

Sources for Annual Enplanements are the FAA website, Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports – Previous Years; the FAA 2021 Calendar Year Enplanements at All Commercial Service Airports, last updated September 16, 2022; and Coffman Associates, Inc. analysis, 2023.

### 1.2.3 Aviation Passenger Demand Forecasts

An updated aviation demand forecast was completed in tandem with the preparation of this EA. The updated forecast considers earlier passenger enplanement forecasts for the airport, as well as national trends, comparable commercial service airport markets, local characteristics of the travelling public, and other socioeconomic data that could affect future commercial passenger activity at the airport. After a review of the enplanement history of comparable airport markets that have previously experienced the introduction of regional jets, it was forecast that CVN could reasonably anticipate growing from 13,028 enplaned passengers in 2022 to 33,000 in 2042. (See Footnote 1)

Footnote 1: The enplanement forecast is outside the FAA's TAF range, which assumed 12,500 annual enplanements into the foreseeable future. This is partially due to the TAF reporting 490 fewer enplanements in the baseline year than what has been reported by the airport, as well as the TAF projections being flatlined throughout the next 20 years. Based upon growth previously experienced in comparable airport markets, there is potential for enplanement levels to follow a similar growth pattern at a slightly slower pace. The FAA allows for this differential because the TAF is not meant to replace forecasts developed locally. While the TAF can provide a point of reference for comparison, its purpose is much broader in defining FAA national workload measures. End of footnote 1.

As seats are filled, airlines can be expected to increase seat capacity by adding flights and using regional jets with more seats. The fleet mix forecast indicates that CVN would continue to be served by 50-seat regional jets through 2027 but could be served by 70-seat regional jets by 2032. The numbers of airlines, flights, and destinations are projected to grow over the next 20 years, with total operations forecast to grow 4.40 percent annually.

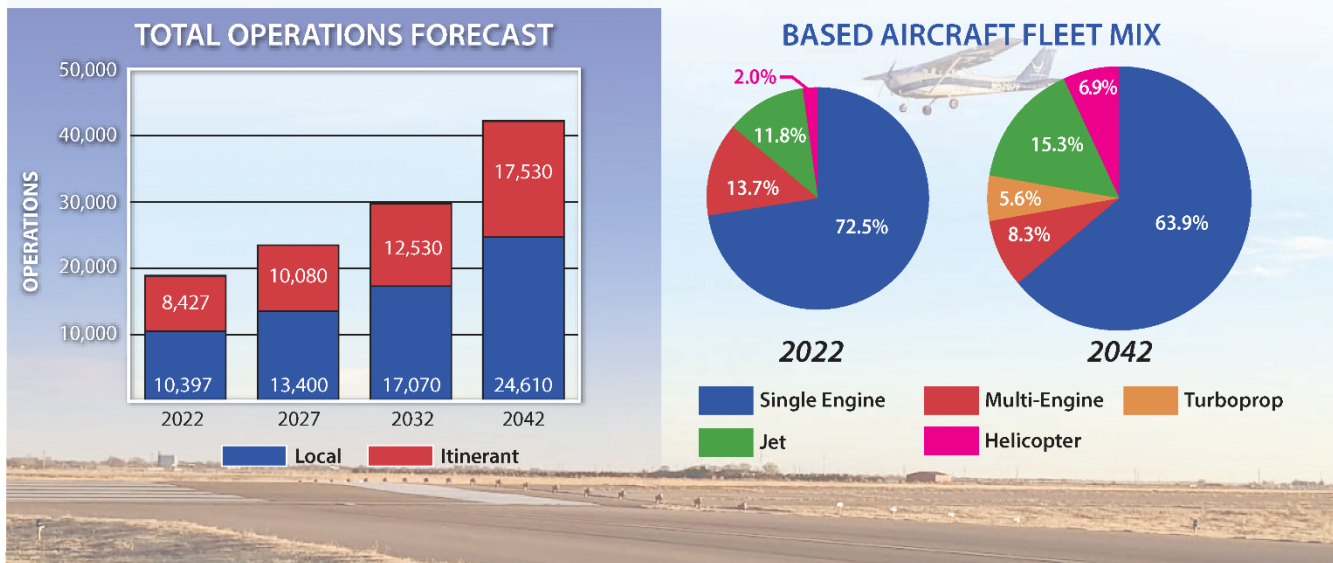
**Exhibit 1C** shows the forecast for scheduled airline fleet mix and operations over a 20-year period (2023-2042) (Coffman Associates, Inc. 2023). As passenger traffic increases, the boarding load factor (BLF) would increase. (See footnote 2)

Footnote 2: The boarding load factor is defined as the ratio of passengers boarding an aircraft and the seating capacity of the aircraft. End of footnote 2.



	BASE YEAR	FORECAST		
		2027	2032	2042
<b>ENPLANEMENTS</b>				
	13,028	22,000	26,000	33,000
<b>AIRCRAFT OPERATIONS</b>				
<i>Itinerant</i>				
Scheduled Airline	1,248	1,250	1,870	2,500
Other Air Taxi	198	230	300	460
General Aviation	6,795	8,390	10,160	14,370
Military	186	200	200	200
<b>Itinerant Subtotal</b>	<b>8,427</b>	<b>10,070</b>	<b>12,530</b>	<b>17,530</b>
<i>Local</i>				
General Aviation	1,970	3,330	4,540	7,080
Military	0	0	0	0
<b>Local Subtotal</b>	<b>1,970</b>	<b>3,330</b>	<b>4,540</b>	<b>7,080</b>
<b>Total Operations</b>	<b>10,397</b>	<b>13,400</b>	<b>17,070</b>	<b>24,610</b>
<b>PEAK CHARACTERISTICS</b>				
<i>Enplanements</i>				
Peak Month	1,364	2,200	2,600	3,300
Design Day	52	82	97	122
Design Hour	35	50	50	50
<i>Total Airport Operations</i>				
Annual Total	10,397	13,400	17,070	24,610
Peak Month	1,081	1,394	1,775	2,559
Design Day	35	45	57	83
Design Hour	12	12	19	28
<b>BASED AIRCRAFT FORECAST</b>				
Single-Engine Piston	37	39	41	46
Multi-Engine Piston	7	7	7	6
Turboprop	0	1	2	4
Jet	6	7	8	11
Helicopter	1	2	3	5
<b>Total</b>	<b>51</b>	<b>56</b>	<b>61</b>	<b>72</b>

\*Figures have been rounded



Source: Coffman Associates, Inc. 2023. Aviation Demand Forecasts Study for Clovis Regional Airport, City of Clovis, New Mexico, July.

Increasing enplanements would eventually increase the BLF to over 75 percent. In response, seat capacity would likely be increased by integrating a second flight to the more popular of the two destinations.

This is not anticipated within the next five years; however, over the 10-year period, the load factor could justify a second flight, possibly with a 30-seat jet. (The long-term forecast assumes some 50-seat aircraft would either be converted or replaced by 30-seat aircraft, which could make two flights to both destinations more likely.) A second flight to either destination could dip the load factor until traffic builds to fill the newly available seats. The most popular flights could still be served by a 50-seat aircraft, such as the Canadair Regional Jet (CRJ) 550. The high-range forecast assumes four daily flights, including at least one by a 65- to 70-seat aircraft.

### **1.3 PURPOSE AND NEED FOR THE PROPOSED ACTION**

#### **1.3.1 FAA Purpose and Need**

The FAA's purpose is to fulfill its statutory mission and ensure the safe and efficient use of navigable airspace in the United States (U.S.) pursuant to 49 U.S.C. section 47101 (a)(1). The FAA must ensure that the Proposed Action does not derogate the safety of aircraft and operations at the airport. The need for the Proposed Action is to ensure that the airport operates in the safest manner pursuant to 49 U.S.C. section 47101 (a)(1).

#### **1.3.1 Sponsor Purpose and Need**

CVN's existing passenger terminal building is undersized for current passenger service and future projections. The airport sponsor's purpose for the Proposed Action is to replace the existing terminal building – which was constructed in the 1950s and was last remodeled in 1999 – with a larger, modernized terminal that is also *Americans with Disabilities Act* (ADA)-compliant and is energy- and water-efficient. Based on existing passenger activity levels, post-pandemic growth in enplanements (2020 onwards), and continued use of the airport through the Department of Defense Travel System, the current terminal building no longer meets the needs of the city and the region.

The 2015 airport master plan identified a need for a new terminal if/when commercial air service was expanded. At the time of master plan preparation, Boutique Air operated three flights daily between CVN and Dallas-Fort Worth International Airport (DFW) using a nine-seat Pilatus PC-12 turboprop aircraft. (See footnote 3)

Footnote 3: Passenger screening by the Transportation Security Administration (TSA) was not required due to the small number of passengers and the fact that passengers aboard Boutique Air flights from CVN went through TSA screening if they continued to another destination by aircraft once arriving at DFW. End of footnote 3.

The average number of passengers on the Boutique Air flights from CVN was four passengers per flight (KSA, Inc. and CDM Smith, Inc. 2015: Appendix C, Section C3). New commercial air service occurred at CVN in 2020 when Denver Air Connection began offering flights daily to and from Denver, Colorado, and Dallas-Fort Worth, Texas, using a 50-seat Embraer Regional Jet (ERJ) instead of the nine-seat Pilatus. The existing terminal building was retrofitted with Transportation Security Administration (TSA) screening, which effectively divided the passenger lounge into two areas: a lounge with bathrooms and ticket counters and a sterile hold room. Neither side of the TSA screening equipment meets the existing need for

passenger comfort or offers adequate room for terminal amenities or services. The hold room is 384 square feet (sf) and has an occupancy of 25.6 (15 sf/person); the check-in area outside the sterile area is 598 sf and has an occupancy of 39.8.



*Check-in area at ticket counter outside sterile area*

The 2015 airport master plan included criteria for a new terminal building, in the event that commercial air service was expanded (KSA, Inc. and CDM Smith, Inc. 2015: Section 4.2.3). The new terminal building should be capable of accommodating:

- a) Mainline domestic carrier
- b) Regional jet service
- c) Passenger/baggage security screening
- d) Multiple daily flights to hub
- e) Up to 20,000 annual enplanements

Thus, additional terminal space is needed for enhanced passenger comfort (both in and out of the sterile area), for TSA screening and offices, and for rental car counters and other concessionaires. The building also needs to be sited in a manner that does not limit future expansion.

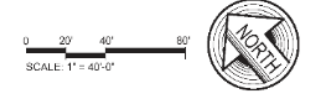
#### **1.4 DESCRIPTION OF THE PROPOSED ACTION**

The Proposed Action involves constructing a new terminal building with a gross area of 20,883 sf, which would incorporate improved access to an expanded check-in-area, an expanded holding area, a designated baggage claim area, and improved restrooms (**Exhibit 1D**). The existing terminal building is 5,300 sf and would be repurposed.





CLOVIS TERMINAL SITE PLAN-OPTION 5.1 1  
Scale: 1" = 40'-0"



ADA compliance would be achieved by utilizing terminal ramps, braille signage, and video displays, while energy and water use efficiency would be improved over the existing terminal through design features such as solar panels, light-emitting diode (LED) lighting, and rainwater management.

The Proposed Action also includes new apron (43,684 sf), connectors to Taxiway B (17,314 sf), a vehicular parking lot (54,886 sf), access road improvements (13,210 sf), and sidewalks (10,773 sf). Overall, there would be a net increase in impervious surfaces of approximately 160,750 sf.

Utility improvements include the relocation of an existing septic system; electric, communication, and water line hookups to existing on-airport utilities; and stormwater drainage improvements. It is estimated that the depth of excavation for the building foundation and needed utility trenching and drainage improvements would be a maximum of 15 feet.

The project site is located entirely on land owned by the City of Clovis on the western portion of the airport property (**Exhibit 1A**). The proposed terminal would overlook Taxiway B and Runway 12-30, providing better access and visibility to aircrew providing commercial service to the terminal facility.

### 1.5 REQUESTED FEDERAL ACTIONS

The specific federal actions that are requested include:

- Unconditional approval of the portion of the ALP that depicts the Proposed Action pursuant to 49 U.S.C. sections 40103(b), 44718, and 47107(a)(16) and 14 C.F.R. part 77.
- FAA determination of the Proposed Action’s effects on the “safe and efficient use of navigable airspace.”
- Potential use of federal funds for planning and construction of the Proposed Action.

### 1.6 TIMEFRAME OF THE PROPOSED ACTION

All items discussed in Section 1.4 are expected to be constructed within the next three years (2024-2026), contingent on issuance of a federal decision document by the FAA in 2023. **Table 1C** outlines the anticipated development schedule.

**TABLE 1C | Schedule of Proposed Improvements**

<b>Project Component</b>	<b>Implementation</b>
<i>Environmental Assessment/Federal NEPA Decision</i>	2023
<i>Design</i>	2024*
<i>Construction</i>	2025-2026*

Notes for Table 1C: \* Contingent on issuance of a federal NEPA decision by the FAA in 2023. All dates are preliminary and contingent upon funding, environmental approvals, and actions by others.

## 1.7 EA DOCUMENT ORGANIZATION

This EA evaluates the Proposed Action by organizing the information as follows:

- **Chapter 1: Purpose and Need** – provides background information on the airport and the project site; the purpose and need for the Proposed Action; a brief description of the Proposed Action; requested federal actions; and the timeframe of the Proposed Action.
- **Chapter 2: Alternatives** – provides an overview of the identification and screening of alternatives considered as part of the environmental evaluation process.
- **Chapter 3: Affected Environment and Environmental Consequences and Mitigation** – describes the regulatory setting and existing environmental conditions within the Proposed Action study area. In addition, the chapter will discuss and compare the environmental impacts associated with the Proposed Action, the No Action alternative, and other alternatives considered for analysis (if any), as well as avoidance, minimization, or mitigation measures, where applicable.
- **Chapter 4: Coordination and Public Involvement** – discusses the coordination and public involvement associated with the EA process. This section also presents a list of federal, state, and local agencies and other interested parties that have been involved in the EA coordination efforts.
- **Chapter 5: List of Preparers**
- **Chapter 6: References**

The appendices contain a record of agency and public coordination activities (**Appendix A**) and other technical information.

# Chapter Two, Alternatives: Clovis Regional Airport Environmental Assessment

## 2.1 INTRODUCTION

The objective of this alternatives analysis is to identify reasonable alternatives that meet the purpose and need for the Proposed Project identified in Section 1.3. Once identified, each alternative is evaluated in terms of its ability to satisfy the purpose and need for the Proposed Project and other applicable criteria. Based on this evaluation, the alternatives that are considered reasonable and practicable (and, therefore, warranting further consideration) are determined. Any alternatives retained for further consideration are more closely evaluated in Chapter Three of this document.

CEQ regulations (40 C.F.R. 1502.14) regarding the treatment of alternatives to a proposed action have recently been revised and require that federal agencies perform the following tasks:

- a. Evaluate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination.
- b. Discuss each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.
- c. Include the no action alternative.
- d. Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- e. Include appropriate mitigation measures not already included in the proposed action or alternatives.
- f. Limit their consideration to a reasonable number of alternatives.

An alternative can be eliminated from further consideration when the alternative has been judged "not reasonable." (See Footnote 1)

Footnote 1: FAA Order 5050.4B, paragraph 706 (d)(7). End footnote 1.

Whether a proposed alternative is reasonable depends, in large part, upon the extent to which it meets the purpose and need for the proposed action. (See Footnote 2)

Footnote 2: FAA Order 1050.1F, paragraph 7-1.1[e]. End footnote 2.

An EA may "limit the range of alternatives to the proposed action and no action when there are no unresolved conflicts concerning alternative uses of available resources." (See Footnote 3)

Footnote 3: FAA Order 1050.1F, paragraph 6-2.1[d]; FAA Order 5050.4B, paragraph 706[d][5]. End footnote 3.

40 C.F.R. 1502.14(c) requires the evaluation of a "no action" alternative regardless of whether it meets the stated purpose and need or is reasonable to implement.

## **2.2 ALTERNATIVES SCREENING PROCESS**

The alternatives evaluation of the Proposed Project involves a two-step screening process. The first step addresses whether the alternatives are “reasonable.” An alternative is considered reasonable if it meets the purpose and need for the Proposed Project as identified in Section 1.3.

If an alternative is deemed reasonable, then the second step determines whether an alternative is “feasible.” The feasibility of an alternative is established by considering other important factors, such as logistical, technical, or cost considerations.

For purposes of defining alternatives screening criteria, the City of Clovis’s multi-faceted purpose and need, as discussed in Section 1.3, have been condensed into three main needs, as described below.

Step 1: Reasonable. The following criteria were considered in determining the reasonableness of the alternatives under consideration:

- 1. Would the alternative replace the outdated terminal building, ensure Americans with Disabilities Act (ADA) compliance, and improve energy and water efficiency?*
- 2. Would the alternative provide sufficient space for enhanced passenger comfort, TSA screening and offices, and rental car counters and other concessionaires?*
- 3. Would the alternative allow future expansion of the facility, if warranted?*

Step 2: Feasible. If an alternative is considered reasonable, it is then evaluated in terms of feasibility. The following criteria were considered to determine if proposed alternatives were feasible:

- 1. Would the alternative meet FAA standards for aircraft parking, access, and taxiway object free area (TOFA) standards for Taxiway B?*
- 2. Would the alternative minimize disruption to commercial operations during construction?*
- 3. Would the alternative be cost efficient when compared to the Proposed Action?*

## **2.3 ALTERNATIVES CONSIDERED**

### **2.3.1 No Action Alternative**

Under the No Action alternative, the airport would remain unchanged. The existing 5,300-sf terminal building, which was constructed in 1959 and renovated in 1999, would remain in service as the commercial terminal. This facility is not ADA compliant nor energy efficient, and it does not contain enough space to comfortably accommodate existing commercial passengers. The terminal’s main lounge area has been divided by TSA screening equipment, which effectively reduces the circulation of the building. The airport made this modification to meet the short-term requirements for TSA screening while a new, more appropriately sized terminal is built. The current TSA screening modifications to the existing building would not accommodate the long-term TSA, airline, or passenger requirements for expanded commercial air service (KSA, Inc. and CDM Smith, Inc. 2015: Appendix C: Terminal Building Assessment, p. C-13). Thus, the No Action alternative does not meet the purpose and need for the Proposed Project.



While the No Action alternative does not meet the purpose and need for the Proposed Project and is therefore not considered a “reasonable” alternative, in accordance with CEQ regulations under 40 C.F.R. 1502.14(c), it is further analyzed regarding its potential environmental impact in this EA. The No Action alternative serves as a baseline to compare the impacts of the Proposed Action. The No Action alternative would not result in future changes to the existing topography, drainage, or other environmental characteristics of the airport.

### 2.3.2 Proposed Action

The Proposed Action involves replacing the existing terminal with a new terminal building (20,000± sf), which would incorporate an expanded check-in area, an expanded holding area, a designated baggage claim area, improved restrooms, and improved ADA-accessible amenities. The building would be designed to improve energy and water use efficiency.

The Proposed Action meets both “reasonable” and “feasible” criteria and best satisfies the criteria contained in the screening process; therefore, it is carried forward for evaluation in Chapter Three of this EA and is the sponsor’s “preferred” alternative (**Table 2A**).

**TABLE 2A: Alternatives Evaluation Summary**  
**ALTERNATIVES DISMISSED FROM FURTHER CONSIDERATION.**  
**Step 1: Reasonable? If NO, then STOP. If YES, go to Step 2.**

Evaluation Criteria	No Action Alternative <sup>a</sup> (see notes)	Preferred Alternative (Proposed Action)	Expansion of Existing Terminal	Alternate Location on South Side of Runway 4-22	Alternate Location on East Side of Runway 4-22	Terminal at Cannon Air Force Base
<i>Would the alternative replace the outdated terminal building, ensure ADA compliance, and improve energy and water efficiency?</i>	NO	YES	NO	YES	YES	NO <sup>b</sup> (see notes)
<i>Would the alternative provide sufficient space for enhanced passenger comfort, TSA screening and offices, and rental car counters and other concessionaires?</i>	NO	YES	NO	YES	YES	NO <sup>b</sup> (see notes)
<i>Would the alternative allow future expansion of the facility, if warranted?</i>	NO	YES	NO	YES	YES	NO <sup>b</sup> (see notes)
<b>CONTINUE TO STEP 2?</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>

**TABLE 2A: Alternatives Evaluation Summary, continued**  
**ALTERNATIVES DISMISSED FROM FURTHER CONSIDERATION.**

**Step 2: Feasible? If YES for all three questions, retain for analysis in Chapter Three.**

Evaluation Criteria	No Action Alternative a (see notes)	Preferred Alternative (Proposed Action)	Expansion of Existing Terminal	Alternate Location on South Side of Runway 4-22	Alternate Location on East Side of Runway 4-22	Terminal at Cannon Air Force Base
<i>Would the alternative meet FAA standards for aircraft parking, access, and taxiway object free area (TOFA) standards for Taxiway B?</i>	Not applicable	YES	Not applicable	YES	YES	Not applicable
<i>Would the alternative minimize disruption to commercial operations during construction?</i>	Not applicable	YES	Not applicable	YES	YES	Not applicable
<i>Would the alternative be cost efficient when compared to the Proposed Action?</i>	Not applicable	YES	Not applicable	NO	NO	Not applicable
<b>RETAIN FOR ANALYSIS?</b>	Not applicable	YES	Not applicable	NO	NO	Not applicable

Notes for Table 2A:

- a. The existing condition as represented by the No Action alternative is retained to provide a comparison for the Proposed Project as required by 14 C.F.R. 1502.14(c).
- b. No assurances can be made that the purpose and need for the project would be met under this alternative as funding for development at Cannon AFB would be speculative and is not under the control of the FAA or the Airport Sponsor.

## **2.4 ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION**

### **2.4.1 Expand the Existing Terminal**

Expansion of the existing terminal would require the relocation of one or more of the existing land uses adjacent to the current building, which include an electric vault; ARFF building; snow removal equipment building; terminal apron; vehicular loop road; and parking. In addition, a temporary building (such as a modular building, tent, or “bubble” structure) would be necessary to allow commercial operations to continue during the construction.

Because of the space constraints around the existing terminal, as well as the major disruption to commercial operations that would occur while the building was being expanded, this alternative does not meet the feasibility criteria specified in Section 2.2; therefore, this alternative has been eliminated from further consideration.

## 2.4.2 Alternate Locations

### *On-Airport Alternative Locations*

Alternate locations for a terminal were considered as part of the airport master plan prepared in 2015, which included two possible areas (Alternatives 3 and 4) (**Exhibit 2A**). (Alternative 1 – the “No Action” option – is discussed in Section 2.3.1; Alternative 2 – expansion of the existing terminal building – is discussed in Section 2.4.1.)

Alternative 3 considered a new terminal building south of Runway 4-22. This area of the airport would provide adequate acreage, frontage, separation, and access to utilities. However, although the airport master plan concluded that Alternative 3 was preferred to Alternative 4, it states that using the south side of the airport for a new terminal could require the relocation of turf Runway 8-26. In addition, development of the roadway network would be required to provide direct vehicular access to the new terminal, and reconfiguration and development of taxiways would be needed. Because this alternate location would not be cost efficient when compared to the Proposed Action, it has been eliminated from consideration.

Alternative 4 is located near the eastern border of the airport and lacks access to utility connections. Significant utility/infrastructure would be required for terminal development in this area. Development of an eastern roadway network would also be required to provide direct vehicular access to the terminal, and additional taxiways would be needed. Because Alternative 4 would increase costs due to the need for extension of utilities and access to the east quadrant of the airport, it has also been eliminated from consideration.

### *Cannon Air Force Base*






In addition to constructing a terminal building at CVN, constructing a terminal building at Cannon AFB was considered in the airport master plan. Ultimately, the planning exercise, which included input and feedback from the advisory committee established for the task, recommended that if or when a new commercial airline passenger terminal was constructed, it should be built at CVN for the following reasons:

- a. Provides a better level of service through easier access at CVN.
- b. Fosters continued growth and development of CVN.
- c. Maintains city ownership in all aspects (airfield priorities, operations, etc.).
- d. Military Airport Program (MAP) funding for development at Cannon AFB would be speculative. Not only is this funding source competitive, but it is not under the control of the FAA or the Airport Sponsor.

## 2.5 PERMITS AND APPROVALS REQUIRED

Because the Proposed Action would grade over one acre of land, a Construction General Permit (CGP) under the National Pollutant Discharge Elimination System (NPDES) program would be required per the *Clean Water Act* (CWA). In New Mexico, NPDES permitting authority is administered by the U.S. Environmental Protection Agency (EPA) as part of its NPDES program.



LEGEND	
	Airport Property Line
	Building Restriction Line
	Lighted Windcone
	Segmented Circle
	Turf Runway and Taxiway

Sources: CDM Smith, Inc. 2015. *Airport Master Plan for Clovis Municipal Airport, City of Clovis, New Mexico*, September (Final draft).

Separate from the NEPA review process, and prior to development, the airport would be required to file an FAA 7460-1 Submittal (Notice of Proposed Construction or Alteration) for an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA).

## 2.6 LISTING OF FEDERAL LAWS AND REGULATIONS CONSIDERED

**Table 2B** includes a list of federal statutes, executive orders, regulations, and FAA and U.S. Department of Transportation (DOT) orders considered in the evaluation of alternatives and throughout the preparation of this EA.

**TABLE 2B: List of Applicable Federal Laws and Regulations**

<b>Federal Laws and Statutes</b>
<i>Airport and Airway Improvement Act of 1982</i> , as amended (P.L. 97-248; 43 CFR 2640)
<i>American Indian Religious Freedom Act of 1978</i> (42 U.S.C. §1996)
<i>Archaeological and Historic Data Preservation Act of 1974</i> (P.L. 93-291, 16 USC 469)
<i>Archaeological Resources Protection Act</i> (16 U.S.C. §§470aa-470mm)
<i>Aviation Safety and Capacity Expansion Act of 1990</i> (P.L. 101-508, as amended)
<i>Aviation Safety and Noise Abatement Act of 1979</i> (P.L. 96-193; 49 USC App. 2101)
<i>Bald and Golden Eagle Protection Act</i> (16 U.S.C. §668 et seq.)
<i>Civil Rights Act of 1964</i> , Title VI (42 U.S.C. §§2000d-2000d-7)
<i>Clean Air Act of 1977</i> (as amended) (42 USC 7409 et seq.)
<i>Comprehensive Environmental Response, Compensation, and Liability Act</i> (42 USC 9601; P.L. 96-510)
<i>Department of Transportation Act of 1966</i> , Section 4(f) (as amended by 49 U.S.C. §303, Policy on lands, wildlife and waterfowl refuges, and historic sites [P.L. 97-449])
<i>Endangered Species Act of 1973</i> (P.L. 85-624; 16 U.S.C. §§661, 664 note, 1008 note)
<i>FAA Reauthorization Act of 2018</i> (P.L. 115-254)
<i>Federal Water Pollution Control Act Amendments for 1972</i> , Section 404 (33 USC 1344; P.L. 92-500), as amended by the <i>Clean Water Act of 1977</i> (33 U.S.C. 1251; P.L. 95-217)
<i>Hazardous Materials Transportation Act</i> (42 U.S.C. §§5101-5128)
<i>Historic Sites Act of 1935</i> (16 U.S.C. §§461-467)
<i>Land and Conservation Fund Act of 1965</i> (16 U.S.C. §§4601-4 et seq.)
<i>Migratory Bird Treaty Act</i> (16 U.S.C. §703 et seq.)
<i>National Environmental Policy Act of 1969</i> (NEPA) (P.L. 91-190; 42 U.S.C. 4321 et seq.)
<i>National Historic Preservation Act of 1966</i> , Section 106 (55 U.S.C. 300101 et seq.)
<i>Native American Graves Protection and Repatriation Act of 1990</i> (25 U.S.C. §§3011-3013)
<i>Noise Control Act of 1972</i> (P.L. 92-574; 42 U.S.C. 4901)
<i>Pollution Prevention Act</i> (42 U.S.C. §§13101-13109)
<i>Resource Conservation and Recovery Act of 1976</i> (42 U.S.C. 6901, et seq.; P.L. 94-580, as amended by the <i>Solid Waste Disposal Act of 1980</i> [P.L. 96-482]; and the <i>1984 Hazardous and Solid Waste Amendments</i> [P.L. 98-616])
<i>U.S. Department of Transportation Act of 1966</i> , Section 4(f) (as amended by 49 U.S.C. §303, Policy on lands, wildlife and waterfowl refuges, and historic sites [P.L. 97-449])
14 C.F.R. Part 150, <i>Airport Noise Compatibility Planning</i>
36 C.F.R. Part 800 (39 FR 3365, January 25, 1974, and 51 FR 31115, September 2, 1986), <i>Protection of Historic Properties</i>
40 C.F.R. Parts 1500-1508, <i>Council on Environmental Quality, National Environmental Policy Act Implementing Regulations</i>

**TABLE 2B: List of Applicable Federal Laws and Regulations continued**

<b>Federal Orders</b>
Executive Order 11514, <i>Protection and Enhancement of Environmental Quality</i> (dated March 4, 1970)
Executive Order 11593, <i>Protection and Enhancement of the Cultural Environment</i> (dated May 13, 1971)
Executive Order 12898, <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i>
Executive Order 13045, <i>Protection of Children from Environmental Health Risks and Safety Risks</i> (62 FR 19883)
Executive Order 13112, <i>Invasive Species</i> (dated February 3, 1999)
Executive Order 13690, <i>Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input</i> (reinstated May 20, 2021)
Executive Order 14030, <i>Climate-Related Financial Risk</i> (dated May 20, 2021)
Executive Order 14057, <i>Catalyzing Clean Energy Industries and Jobs through Federal Sustainability</i> (dated December 8, 2021)
FAA Order 1050.1F, <i>Environmental Impacts: Policies and Procedures</i>
FAA Order 5050.4B, <i>National Environmental Policy Act Implementing Instructions for Airport Actions</i>

**Notes for Table 2B:**

C.F.R. = Code of Federal Regulations

CEQ = Council on Environmental Quality

FAA = Federal Aviation Administration

FR = Federal Register

P.L. = Public Law

U.S.C. = United States Code

# Chapter Three: Affected Environment and Environmental Consequences

## Clovis Regional Airport Environmental Assessment

### 3.1 INTRODUCTION

Federal Aviation Administration (FAA) Order 1050.1F, *Environmental Impacts: Policies and Procedures*, and Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, define the form and content of Environmental Assessments (EAs) for airport development actions. This EA uses the most current data available. The baseline year for identifying existing conditions in this chapter is generally 2023. Environmental impacts for this EA have been determined by comparing the anticipated environmental conditions within the project site and at the airport after development (Proposed Action) to the environmental conditions should no project be developed (No Action alternative).

Analysis under the *National Environmental Policy Act* (NEPA) includes the effects or impacts a project or alternative may have on the human environment (40 C.F.R. 1508.1). Effects or impacts to the human environment from a project or alternative are those actions which may be reasonably foreseeable and have a reasonably close causal relationship. Those effects could occur at the same time and place or could include effects that are later in time or are farther removed in distance from a project or alternative. Effects or impacts include those on the natural environment as well as aesthetic, historic, cultural, or socioeconomic consequences, and may have a beneficial or detrimental effect.

Where necessary, mitigation (or avoidance) measures are listed which would reduce or eliminate anticipated environmental impacts for each of the alternatives. Applicable special purpose laws and local programs and policies that protect environmental resources are also identified.

### 3.2 PROJECT SITE AND STUDY AREAS

The project site is comprised of approximately 15.1 acres and is defined as the area where potential environmental impacts resulting from the Proposed Action and No Action alternatives may occur. The project site is currently developed with roads; a vehicular parking lot; a temporary airport administration modular building; and drainage swales and culverts, as depicted on **Exhibit 3A**.

The project study area used to assess anticipated project effects within this EA is generally the airport property and land within one mile of the project site. However, some resource categories – such as air quality impacts – are broader in scope. For example, air quality impacts in this EA are discussed in the context of Curry County (county), while water quality impacts are discussed in the context of the watershed.

### 3.3 ENVIRONMENTAL RESOURCES NOT AFFECTED

Sections within this chapter are based on impact categories required to be addressed in FAA Order 1050.1F. **Table 3A** lists impact categories that are not discussed further as they do not occur within the project site or project study areas.

**TABLE 3A | Environmental Resources Not Present Within the Project Site or Project Study Area**

Environmental Impact Category	Rationale for No Further Discussion
<p><b>Air Quality</b></p>	<p>The project site is located within the airshed of the Clovis region of Curry County, New Mexico, which is in attainment for all federal criteria pollutants. Therefore, there are no State Implementation Plan requirements or specific control measures with respect to ambient air quality in the regional area. The area currently complies with federal and state health standards for air pollution levels, including particulates.</p> <p><i>Source: U.S. Environmental Protection Agency (EPA) website, Green Book, New Mexico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (data current as of July 31, 2023)</i></p>
<p><b>Climate</b></p>	<p>There are no federal standards for aviation-related greenhouse gas (GHG) emissions; however, it is well established that GHGs can affect climate. An increase in GHG emissions would occur during construction of the proposed improvements, but the increase would be temporary and localized to the project area.</p> <p>Furthermore, while the Proposed Action could indirectly contribute to operational GHG emissions related to aircraft and vehicular emissions, neither the City of Clovis nor Curry County have thresholds that address set goals and targets for GHG emissions. Similarly, the State of New Mexico does not have an adopted climate action or adaptation plan.</p> <p><i>Source: Georgetown Climate Center website, Preparing for Climate Change in New Mexico</i></p>
<p><b>Coastal Resources</b></p>	<p>There are no coastal resources located within the project site, the airport, or within the State of New Mexico.</p> <p><i>Source: Google Earth Pro Aerial Imagery</i></p>
<p><b>Department of Transportation Act, Section 4(f)</b></p>	<p>According to a cultural resources survey conducted for the proposed project site, no significant historic sites are known to occur within the project area, and there are no resources listed or eligible for the National Register of Historic Places (NRHP) within a one-mile buffer of the proposed project. There are also no public recreation areas or wildlife refuges located near the project area.</p> <p><i>Sources: SWCA Environmental Consultants, Inc. (SWCA) 2023a; Google Earth Pro Aerial Imagery</i></p>
<p><b>Farmlands</b></p>	<p>The airport’s soil is rated as “prime farmland if irrigated.” The project site is currently devoted to airfield pavement and associated FAA safety areas and is not irrigated. Additionally, the project area is surrounded by Taxiway B, hangars, and other airport facilities which prevent it from being conducive to farming.</p> <p><i>Source: U.S. Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) website, Web Soil Survey</i></p>



**TABLE 3A | Environmental Resources Not Present Within the Project Site or Project Study Area (continued)**

Environmental Impact Category	Rationale for No Further Discussion
<p><b>Land Use</b></p>	<p>The airport is within the jurisdiction of Curry County, which has no designated parcel-by-parcel zoning. (See Footnote 1)</p> <p>Footnote 1: In 1974, the City of Clovis established the Clovis Municipal Airport Zoning Ordinance (City Ordinance 1022) for the protection of the airport (i.e., to protect airport environments with height restrictions or similar incompatibilities). This ordinance was primarily based on the protection airport airspace surfaces that were accepted as the industry standard in the 1970s; therefore, the Clovis Municipal Zoning Ordinance may not accurately reflect the current standard of airport airspaces. The City of Clovis Comprehensive Plan was drafted to set policies for the city’s long-term growth, vision, and capital expenditures. According to that plan, the airport and surrounding parcels are planned as a Civic/Institutional future land use, defined as large public or private facilities and complexes. As a city-owned facility, the airport is an appropriate land use for this designation. However, although the airport is owned by the City of Clovis, it is not actually located within city limits, but in Curry County. A joint powers agreement has not been established to date. End of Footnote 1.</p> <p>The majority of land directly north, south, and west of the airport is also under the land use jurisdiction of Curry County. The land directly east of the airport borders the New Mexico/Texas state line. Land use in the areas surrounding the airport is almost entirely agricultural; however, there are scattered rural residential land uses that abut small portions of the airport property to the southwest along Curry Road D. Additionally, there is a parcel of land located two miles southeast of the airport, in the City of Texico, that contains single-family residential land uses. An industrial area is located to the northeast of the airport, near the approach for Runway 22.</p> <p>(See also discussion under Noise and Noise-Compatible Land Use.)</p> <p><i>Sources: KSA, Inc. and CDM Smith, Inc. 2015; Google Earth Pro Aerial Imagery</i></p>
<p><b>Noise and Noise-Compatible Land Use</b></p>	<p>The nearest noise-sensitive land uses within the vicinity of the airport are the scattered residential land uses along Curry Road D, near the end approach of Runway 4. Land surrounding the airport is generally compatible with airport operations. The primary land use surrounding the airport is agricultural,</p> <p>including a feed lot to the northeast and dairy to the northwest. Residential land uses abut small portions of the airport property to the southwest along Curry Road D, near the Runway 4 approach. There are no other noise-sensitive land uses near the airport.</p> <p><i>Sources: KSA, Inc. and CDM Smith, Inc. 2015; Google Earth Pro Aerial Imagery</i></p>

**TABLE 3A | Environmental Resources Not Present Within the Project Site or Project Study Area (continued)**

<b>Environmental Impact Subcategory: Socioeconomics</b>	<b>Rationale for No Further Discussion</b>
<b>Environmental Justice</b>	<p>There are no people living within 0.60 miles of the project site. The proposed project would be contained to airport property and would not have disproportionate impacts on disadvantaged populations.</p> <p><i>Sources: U.S. EPA website, EISCREEN – ACS Summary Report; Google Earth Pro Aerial Imagery</i></p>
<b>Children’s Environmental Health and Safety Risks</b>	<p>Based on the 2016-2020 American Community Survey (ACS) from the U.S. Census Bureau, approximately 163 people live within one mile of the project area, of which 38 people are 17 years of age or less. There are no people living within 0.60 miles of the project site. The nearest primary or secondary school is Texico High School, located two miles southeast from the project site.</p> <p><i>Source: U.S. EPA website, EISCREEN – ACS Summary Report</i></p>

**TABLE 3A | Environmental Resources Not Present Within the Project Site or Project Study Area (continued)**

<b>Environmental Impact Subcategory: Visual Effects</b>	<b>Rationale for No Further Discussion</b>
<b>Light Emissions &amp; Visual Resources / Visual Character</b>	<p>New airport lighting associated with the proposed terminal building and commercial ramp would be within the airport environment. Terminal building, roadway, and parking lot lights would be directed toward ground level. The project site is an undeveloped portion of the airport between the existing terminal building and hangars. There are no visually protected areas near or within the project site, and there are no national scenic byways near the airport.</p> <p><i>Source: New Mexico’s Scenic Byways website</i></p>

**TABLE 3A | Environmental Resources Not Present Within the Project Site or Project Study Area (continued)**

Environmental Impact Subcategory: Water Resources	Rationale for No Further Discussion
Wetlands	<p>Using data gathered from the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, as well as a field check of site conditions, the project site does not contain wetlands or other jurisdictional waters. The USDA-NRCS Hydric Soil Mapper designates the soil in the proposed project site as “not hydric.”</p> <p><i>Sources: SWCA 2023b; USFWS website, National Wetlands Inventory; USDA-NRCS website, Web Soil Survey</i></p>
Floodplains	<p>The airport is mapped by the Federal Emergency Management Agency (FEMA) as Zone X, an "an area of minimal flood hazard" (FIRM Panel 35009C0625D dated June 16, 2009). No 100-year or 500-year floodplains are identified for the project site.</p> <p><i>Source: FEMA website, Flood Map</i></p>
Groundwater	<p>No active groundwater wells are located within one mile of the project site.</p> <p>No sole source aquifers (SSAs) are located near the project site. The closest sole source aquifer is the Española Basin SSA, located approximately 175 miles northwest.</p> <p><i>Source: U.S. EPA website, Sole Source Aquifer Interactive Map</i></p>
Wild and Scenic Rivers	<p>The closest Wild and Scenic River to the airport is Pecos River, located 55 miles west of the airport.</p> <p>The Nationwide River Inventory (NRI) includes rivers or river segments that appear to meet the minimum requirements of a Wild and Scenic River but are not yet designated. The nearest NRI segment to the airport is Red River, located 86 miles northwest of the airport.</p> <p><i>Sources: National Park Service (NPS) website, Nationwide Rivers Inventory (NRI); National Wild and Scenic Rivers System website</i></p>

The remaining environmental impact categories are presented in the following sections in the order in which they are listed within Exhibit 4-1 of FAA Order 1050.1F.

### 3.4 BIOLOGICAL RESOURCES

#### 3.4.1 Regulatory Setting

The U.S. Fish and Wildlife Service (USFWS) is charged with overseeing the requirements of the federal *Endangered Species Act* (ESA), specifically Section 7, which sets forth requirements for a consultation to determine if a Proposed Action “may affect” a federally endangered or threatened species. If an agency determines that a Proposed Action “may affect” a federally protected species, then Section 7(a)(2) requires the agency to consult with USFWS to ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of any federally listed endangered or threatened species, or result in the destruction or adverse modification of critical habitat. If a species has been listed as a candidate species, Section 7(a)(4) states that each agency must confer with USFWS.

The *Migratory Bird Treaty Act* (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA is enforced by USFWS, and potential impacts to species protected under the MBTA are evaluated by USFWS in consultation with other federal agencies.

The *Bald and Golden Eagle Protection Act* (BGEPA) prohibits the taking (defined as an action to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb”) of bald and golden eagles, including their parts, nests, or eggs, without a permit. Thus, the BGEPA protects bald and golden eagles from unauthorized capture, purchase, or transportation of birds, their nests, or their eggs.

Executive Order (E.O.) 13312, *Invasive Species*, aims to prevent the introduction of invasive species because of a proposed action.

The *New Mexico Wildlife Conservation Act* (17-2-40.1 New Mexico Statutes Unannotated [NMSA] 1978) (WCA) authorizes the New Mexico Department of Game and Fish (NMDGF) to develop and manage recovery plans for species listed by the State of New Mexico as threatened or endangered.

### **3.4.2 Affected Environment**

Biotic resources are the various types of flora (plants) and fauna (animals), and the habitat supporting those species, located in a particular study area.

To analyze biological resources in and near the project area, SWCA Environmental Consultants (SWCA) conducted a natural resources field survey on April 18, 2023. As stated in the field survey report, the project site is located within the High Plains: Llano Estacado level IV, at an elevation of approximately 4,200 feet above mean sea level (amsl). The vegetative community within the project area is high plain grasslands. The dominant plant species is blue grama (*Bouteloua gracilis*). Vegetative cover within and near the project area is between 25 percent to 80 percent. However, the project area has been disturbed during the grading for existing airport facilities and is regularly maintained and mowed (**Appendix B**).

The USFWS’s Information for Planning and Consultation (IPaC) resource list describes species and habitat protected under the ESA within the vicinity of the airport (**Table 3B**). State special-status species protected under the *New Mexico Wildlife Conservation Act* (WCA) are also listed on **Table 3B**. As documented during the April 18, 2023, site evaluation, no federal or state special-status species were observed in the project area.

**TABLE 3B: Species Listed as Federal Candidate, Threatened, or Endangered and/or State Special-Status Species with Potential to Occur Within One Mile of the Project Area: Invertebrates**

Species Name (Scientific Name)	Federal (USFWS) ESA* or State (NM) WCA** Status (see notes)	Habitat and Range	Potential for Occurrence Within Project Area
<b>Monarch butterfly</b> <i>(Danaus plexippus)</i>	USFWS-C	A migratory species found in a variety of habitats; requires milkweed ( <i>Asclepias</i> spp.) for breeding. In New Mexico, peak migration occurs in April and subsides by mid-May. Breeding occurs within the state and reaches its peak by July. Southward migration back to Mexico begins in late August through September. The monarch butterfly is most abundant in southeast New Mexico.	<b>Unlikely to occur.</b> No suitable habitat (i.e., riparian habitat and milkweed vegetation) is present in the project area.

**TABLE 3B: Species Listed as Federal Candidate, Threatened, or Endangered and/or State Special-Status Species with Potential to Occur Within One Mile of the Project Area: Fish**

Species Name (Scientific Name)	Federal (USFWS) ESA* or State (NM) WCA** Status (see notes)	Habitat and Range	Potential for Occurrence Within Project Area
<b>Arkansas River shiner</b> <i>(Notropis girardi)</i>	USFWS-T	Found in the Canadian River downstream of Ute Reservoir and in the lowermost reaches of Revuelto Creek.	<b>Unlikely to occur.</b> No suitable habitat (i.e., reservoirs or creeks) is present in the project area.
<b>peppered chub</b> <i>(Macrhybopsis tetranema)</i>	USFWS-E	Inhabits low gradient, main channel streams. The preferred substrates in these habitats are ones of fine gravel or sand. In New Mexico, the species can be found only in the Canadian River downstream of Ute Dam.	<b>Unlikely to occur.</b> No suitable habitat (i.e., rivers or streams) is present in the project area.

**TABLE 3B: Species Listed as Federal Candidate, Threatened, or Endangered and/or State Special-Status Species with Potential to Occur Within One Mile of the Project Area: Birds**

Species Name (Scientific Name)	Federal (USFWS) ESA* or State (NM) WCA** Status (see notes)	Habitat and Range	Potential for Occurrence Within Project Area
<b>American peregrine falcon</b> <i>(Falco peregrinus anatum)</i>	NM-T	Can be found in New Mexico year-round. Nests in New Mexico are found on cliffs. During migration and winter months, the American peregrine falcon is associated with water and large wetlands.	<b>Unlikely to occur.</b> No suitable habitat (i.e., wetlands or cliff roosting habitat) is present in the project area.
<b>Baird's sparrow</b> <i>(Ammodramus bairdii)</i>	NM-T	Found in New Mexico during the winter months; has been observed on Otero Mesa and in the Animas Valley. In the southern portion of the state, Baird's sparrow may occur in other areas of suitable winter habitat. Prefers dense, extensive grasslands with open patches of ground and few shrubs. Baird's sparrows avoid heavily grazed areas.	<b>Unlikely to occur.</b> Grassland habitat is present in the project area. However, Baird's sparrows are not known to occur in this area of the state.
<b>bald eagle</b> <i>(Haliaeetus leucocephalus)</i>	NM-T	Occurs in New Mexico year-round. During migration and winter months, the bald eagle is primarily found along or near rivers and streams and in grasslands associated with large prairie dog ( <i>Cynomys</i> sp.) colonies. Breeding is primarily limited to areas in northern New Mexico and near lakes.	<b>Unlikely to occur.</b> No suitable habitat (i.e., water habitat or prairie dog colonies) is present in the project area.
<b>least tern</b> <i>(Sterna antillarum)</i>	NM-E	A migratory species which breeds near perennial water bodies (i.e., lakes, reservoirs, and rivers). In New Mexico, breeding is limited to the Pecos River Basin. Suitable habitat consists of sand flats along rivers and bare sandy shorelines.	<b>Unlikely to occur.</b> No suitable habitat (i.e., perennial water bodies) is present in the project area, which is also outside the species' known breeding range within the state.
<b>lesser prairie-chicken</b> <i>(Tympanuchus pallidicinctus)</i>	USFWS-E	Found in southeastern New Mexico, in shinnery oak or sand sagebrush ( <i>Artemisia filifolia</i> ) grasslands. Can also be found in shinnery oak-bluestem habitats that are dominated by sand bluestem ( <i>Andropogon hallii</i> ), little bluestem ( <i>Schizachyrium scoparium</i> ), sand dropseed ( <i>Sporobolus cryptandrus</i> ), three-awn ( <i>Aristida</i> sp.), and blue grama ( <i>Bouteloua gracilis</i> ).	<b>Unlikely to occur.</b> No suitable habitat (i.e., shinnery oak, sand sagebrush, or shinnery oak-bluestem habitat) is present in the project area.
<b>neotropic cormorant</b> <i>(Phalacrocorax brasilianus)</i>	NM-T	Associated with wetlands. Key requirements for suitable habitats include: deep water for diving, and elevated perches in trees, shrubs, and other structures for nesting, roosting, and drying plumage after feeding.	<b>Unlikely to occur.</b> No suitable habitat (i.e., large water bodies) is present in the project area.
<b>peregrine falcon</b> <i>(Falco peregrinus)</i>	NM-T	Lives in a variety of habitats, such as hot deserts, from sea level to high in the mountains. Typically does not build nests, but utilizes shallow dips in rocks, scrapes a depression in the soil on the ledge of a cliff, or uses the ledge of a building.	<b>Unlikely to occur.</b> No suitable habitat is present in the project area.

**TABLE 3B: Species Listed as Federal Candidate, Threatened, or Endangered and/or State Special-Status Species with Potential to Occur Within One Mile of the Project Area: Mammals**

Species Name (Scientific Name)	Federal (USFWS) ESA* or State (NM) WCA** Status (see notes)	Habitat and Range	Potential for Occurrence Within Project Area
least shrew ( <i>Cryptotis parvus</i> )	NM-T	In New Mexico, often observed in mesic grassland and wetland habitats characterized by dense grass cover, primarily along borders of streams or lakes. Most active at night.	<b>Unlikely to occur.</b> No suitable habitat (i.e., mesic grassland or wetland habitat) is present in the project area.

**TABLE 3B: Species Listed as Federal Candidate, Threatened, or Endangered and/or State Special-Status Species with Potential to Occur Within One Mile of the Project Area: Reptiles**

Species Name (Scientific Name)	Federal (USFWS) ESA* or State (NM) WCA** Status (see notes)	Habitat and Range	Potential for Occurrence Within Project Area
western ribbon snake ( <i>Thamnophis proximus</i> )	NM-E	Observed in sandy, slightly drier open areas in proximity to surface water sources.	<b>Unlikely to occur.</b> No suitable habitat (i.e., aquatic, such as streams and wetlands) is present in the project area.
common checkered whiptail ( <i>Aspidoscelis tesselata</i> )	NM-T	Typically found in semi-arid, rocky habitats near canyon lands or hilled regions.	<b>Unlikely to occur.</b> Although there is potential suitable habitat in the project area, this species has not been recorded in Curry County.

**Notes for Table 3B:**

\*Federal (USFWS) Endangered Species Act (ESA) status definitions:

- USFWS-C = Candidate
- USFWS-E = Endangered
- USFWS-T = Threatened

\*\*State (NM) Wildlife Conservation Act (WCA) status definitions:

- NM-E = Endangered
- NM-T = Threatened

**Sources**

- Biota Information System of New Mexico (BISON-M) website
- NatureServe website, NatureServe Explorer
- USFWS website, IPaC
- New Mexico Rare Plant Technical Council 1999
- NMDGF 2023

End of Notes for Table 3B.

None of the species listed above are likely to occur at the airport, as there are no suitable habitats within the project area for these species. There are also no federally designated critical habitats within the project site or at the airport.

Suitable habitat for migratory birds is present throughout the project area, including tree cholla (*Cylindropuntia imbricata*), American elm (*Ulmus americana*), and two-needle pinyon (*Pinus edulis*). The field biologist observed eight avian species and two active passerine nests. An active white-winged dove (*Zenaida asiatica*) nest was observed in an American elm and one active curve-billed thrasher (*Toxostoma curvirostre*) nest was found in a tree cholla. One egg was observed on the ground outside of a nest and was likely abandoned. One inactive burrow was observed; there were no signs of use by western burrowing owl (*Athene cunicularia*).

**Table 3C** lists other migratory birds that might be found in the project study area.

**TABLE 3C: Birds Protected Under the *Migratory Bird Treaty Act* with Potential to Occur in the Project Area**

Common Name	Scientific Name	Breeding Season
ferruginous hawk	<i>Buteo regalis</i>	March 15 to August 15
lesser yellowlegs	<i>Tringa flavipes</i>	(breeds elsewhere)
long-billed curlew	<i>Numenius americanus</i>	April 1 to July 31

Source for Table 3C: USFWS website, IPaC

### 3.4.3 Methodology

Federally listed species known to occur in Curry County were researched using the USFWS's IPaC database. Birds and their habitats protected by the MBTA and BGEPA were similarly researched and their presence or absence was documented.

The NMDGF also provided information on WCA-protected special-status animal species and state species of general conservation need (SGCN) or species of economic and recreational importance (SERI) that might occur within one mile of the airport (**Appendix A**).

To evaluate potential impacts to biological resources, a natural resources survey was then completed for the project site (SWCA 2023b) (**Appendix B**).

### 3.4.4 Thresholds of Significance

#### *FAA Order 1050.1F Significance Threshold*

USFWS (or the National Fisheries Service) determines if an action would be likely to jeopardize the continued existence of a federally listed threatened or endangered species, or if it would be likely to result in destruction or adverse modification of federally designated critical habitat.



The FAA has not established a significance threshold for non-listed species. However, per FAA Order 1050.1F, potential factors to consider are:

- A long-term or permanent loss of unlisted plant or wildlife species (i.e., extirpation of the species from a large project area – e.g., a new commercial service airport);
- Adverse impacts to special-status species (e.g., state species of concern, species proposed for listing, migratory birds, bald and golden eagles) or their habitats;
- Substantial loss, reduction, degradation, disturbance, or fragmentation of native species' habitats or their populations; or
- Adverse impacts to a species' reproductive success rates, natural mortality rates, non-natural mortality (e.g., road kills and hunting), or ability to sustain the minimum population levels required for population maintenance.

### **3.4.5 Comparison of the Proposed Action and the No Action Alternative**

#### *Proposed Action*

Temporary Construction and Operational Impacts. There are three species (Arkansas River shiner, peppered chub, and lesser prairie-chicken) protected under the ESA and eight species (American peregrine falcon, Baird's sparrow, bald eagle, common checkered whiptail, least tern, neotropical cormorant, least shrew, and western ribbon snake) listed on the NMDGF's Environmental Review Tool for the project environs. Additionally, the monarch butterfly has been listed as a potential candidate for protection under the ESA within this study area. However, suitable habitat to support these species is not present within the project area.

There is a potential for impacts to migratory birds protected under the MBTA if ground-clearing activities take place during the nesting season (March to August). The natural resources survey noted two active nests in the project area: one white-winged dove nest and one curve-billed thrasher nest. If construction occurs during migratory bird season, coordination with USFWS may be required.

No bald or golden eagles were observed during the field visit, nor does the project area contain suitable nesting habitat for these species. Thus, activities associated with the Proposed Action are not expected to impact bald or golden eagles.

Due to a lack of suitable habitat for species listed under the ESA, no impacts would occur, and Section 7 consultation under the ESA is not warranted. Similarly, no impacts to state-protected species would occur. Potential impacts to migratory birds can be avoided through standard best management practices (BMPs). (See Section 3.4.6 for avoidance measures.) No significant impacts to biological resources would result from the Proposed Action.

#### *No Action Alternative*

The No Action alternative would not involve ground disturbance; therefore, no impacts to biological resources would occur.

### 3.4.6 Mitigation (or Avoidance) Measures

No mitigation measures are needed. The following avoidance measures would be implemented to avoid or minimize potential impacts to migratory birds resulting from the Proposed Action:

- Complete initial grading of the ruderal vegetation in the project area between September and February – which is outside the typical migratory bird breeding season for the area – to the maximum extent possible. If the project schedule does not provide for late season initial grading of the ruderal vegetation, a pre-construction nest survey should be conducted by a qualified biologist no more than one week prior to any vegetation removal to determine the presence/absence of nesting birds within the vegetated area.
- If any active nests are observed, work activities shall be avoided within 100 feet of the active nest(s) until young birds have fledged and left the nest. The nest(s) shall be monitored weekly by a biologist who has experience with nesting birds to determine when the nest(s) become inactive. The buffer may be reduced, but not eliminated, during active nesting if deemed appropriate by the biologist. Readily visible exclusion zones shall be established in areas where nests must be avoided. Nests, eggs, or the young of birds covered by the MBTA shall not be moved or disturbed until the young have fledged.
- The project site shall also be surveyed for the presence of burrowing owls using NMDGF-accepted protocols. *Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation* (2007) include at least one survey between the appropriate time of year (March – July). Surveys should be restricted to the early morning and evening hours because above-ground activity is often higher during these times. A single survey on a proposed project site is adequate to determine the presence or absence of active burrows. If owls are not observed, all active burrows shall be inspected for indications of use (e.g., the presence of owl pellets, droppings, or feathers). If active burrows are found, a follow-up survey utilizing the methods described in the guidance shall be scheduled to confirm the presence or absence and number of owls on a project site. If burrowing owls are found at the project site, measures to avoid or mitigate negative impacts shall follow one of the general approaches provided in the guidelines (**Appendix B**).

## 3.5 HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION

### 3.5.1 Regulatory Setting

#### *Hazardous Materials*

Disturbing areas that contain hazardous materials or contaminants can cause significant impacts to soil, surface water, groundwater, air quality, and the organisms using these resources. Exposure to hazardous materials can cause health risks to humans. Four primary federal laws govern the handling and disposal of hazardous materials, chemicals, substances, and wastes. The two statutes of most importance to airport projects are the *Resource Conservation Recovery Act (RCRA)*, as amended by the *Federal Facilities Compliance Act of 1992*, and the *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*, as amended (also known as Superfund). The RCRA governs the generation, treatment, storage, and disposal of hazardous wastes. The CERCLA provides for the cleanup of any release of a hazardous substance that may endanger public health or the environment. These laws may extend to past and future landowners of properties containing these materials.

Locations identified as Superfund sites are listed on the National Priorities List (NPL). Deletion of sites from the NPL may occur once all response actions are complete and all cleanup goals have been achieved. Since the EPA is the lead agency that enforces federal regulations impacting public health as it relates to the environment, the EPA is responsible for processing deletions with concurrence from the appropriate state. A Partial Deletion site is a portion of an NPL site that has met the cleanup criteria. Rather than wait until the cleanup of an entire NPL site is completed, these areas are designated as Partial Deletion sites (U.S. EPA website, Superfund NPL Deletion and Guidance Policy).

Other federal laws related to hazardous materials include the *Hazardous Materials Transportation Act*, which regulates the handling and transport of hazardous materials and wastes, and the *Toxic Substances Control Act*, which regulates and controls the use of polychlorinated biphenyls (PCBs), as well as other chemicals or toxic substances in commercial use.

At the state level, the New Mexico Environmental Department (NMED) Hazardous Waste Bureau implements federal and state hazardous waste management laws. The goals of the *Hazardous Waste Act*, as prescribed by NMSA 74-4-1 through 74-4-14, are to “ensure the maintenance of the quality of the state’s environment; to confer optimum public health, safety, comfort, and economic and social well-being of its inhabitants; and to protect the proper utilization of lands.” The NMSA administers state and federal regulations regarding underground and aboveground storage tanks.

#### *Solid Waste*

The U.S. EPA also regulates household, industrial, and manufacturing solid waste under the RCRA. The RCRA’s goals are to protect public health and the environment from the hazards of solid waste disposal; to conserve energy and natural resources through recycling and recovery efforts; to reduce or eliminate waste; and to clean up waste that may have spilled, leaked, or been improperly disposed. Under RCRA Subtitle D, states are encouraged to develop comprehensive plans to manage non-hazardous industrial solid and municipal waste. Subtitle D also establishes criteria for municipal solid waste landfills and prohibits the open dumping of solid waste.

New Mexico has implemented federal Subtitle D standards and has established state regulations for solid waste management, outlined in Ch. 20.9.2 to 20.9.10 of the *New Mexico Administrative Code* (NMAC). This code contains only one airport-specific rule, which states that the FAA and the affected airport must be notified if a solid waste facility is to be located within six miles of the airport.

State regulations are enforced through the NMED. The NMED Waste Management Bureau promotes and works to ensure solid waste management practices that enhance and protect public health as well as New Mexico’s air, land, and water. The Solid Waste Bureau regulates solid waste facilities and operations; conducts outreach and promotes education to provide regulated facilities with knowledge necessary to operate compliant operations; issues permits; and takes enforcement action to regulate permits.

## *Pollution Prevention*

Section 402 of the *Clean Water Act* (CWA) created the National Pollutant Discharge Elimination System (NPDES) program to authorize point source discharges of pollutants to waters of the U.S. consistent with the CWA. In terms of water pollution, a point source is a single discharge source, such as a pipe coming from a wastewater treatment plant. However, the *Water Quality Control Act of 1987* amended the CWA to include regulation of certain discharges of pollutants in stormwater runoff under the NPDES program. Federal regulations (40 CFR 122.26) require certain industrial facility owners and/or operators to obtain stormwater discharge permits. The specific types of facilities that need coverage are dependent upon the facility's Standard Industrial Classification Code. In New Mexico, NPDES permitting authority is administered by the EPA as part of its NPDES program (NMED website, NPDES Permits and Inspections).

Individual construction projects that have a potential for one acre or more of ground disturbance are required to obtain NPDES coverage under the EPA's General Stormwater Permit. Permit conditions typically related to the use of the NPDES General Stormwater Permit include BMPs to reduce erosion and sedimentation through the implementation of a construction-specific stormwater pollution prevention plan (SWPPP). The construction SWPPP is a project-specific document that primarily deals with reducing pollutant sources associated with erosion and sediment transfer and chemicals used at construction sites.

### **3.5.2 Affected Environment**

A review of the EPA's EJSCREEN website indicates that there are no Superfund or brownfield sites within one mile of the project site. Onsite airport facilities that could handle hazardous materials include an aircraft rescue and firefighting (ARFF) facility (0.03 miles from the project site), a fixed-base operator (FBO) which provides a 24-hour fueling service (0.30 miles from the project site), and hangars (City of Clovis website, Clovis Regional Airport). The closest hangar to the proposed project site is a corporate hangar that abuts the project area on the north side of the proposed short-term and accessible parking lot.

Solid waste disposal in the City of Clovis is available at the Clovis Regional Landfill, which is operated by the city's Department of Public Works. The Clovis Regional Landfill handles and buries all solid waste from the eastern New Mexico region and is located five miles southwest of the airport (City of Clovis website, Landfill).

The airport has a SWPPP in place pursuant to the NPDES Stormwater Program as outlined in Section 402 of the CWA. The SWPPP contains a list of spill prevention and response procedures which address potential pollution sources.

### **3.5.3 Methodology**

For preparation of this EA, federal and state online databases related to the presence and/or cleanup of hazardous materials – as well as available information on known airport hazardous or formerly hazardous conditions – have been accessed as they relate to the project study area. The potential for the Proposed Action to create or result in increased risk of exposing surrounding populations or the environment to hazardous materials was assessed in light of the following: (1) the existing regulatory

environment for the handling, storage, and disposal of hazardous materials and waste; and (2) the types of hazardous waste, if any, that would be associated with the Proposed Action. (See Footnote 2)

Footnote 2: Hazardous materials are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment if improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled or released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. End of Footnote 2.

Potential solid waste impacts and methods for pollution prevention are addressed qualitatively in the following analysis.

#### **3.5.4 Thresholds of Significance**

The FAA has not established a significance threshold for this impact category. However, per FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1, consideration should be given to the Proposed Action's potential to:

- Violate applicable federal, state, tribal, or local laws or regulations regarding hazardous materials and/or solid waste management;
- Involve a contaminated site (including but not limited to a site listed on the National Priorities List [NPL]). Contaminated sites may encompass relatively large areas. However, not all the grounds within the boundaries of a contaminated site are contaminated, which leaves space for siting a facility on non-contaminated land within the boundaries of a contaminated site. An Environmental Impact Statement (EIS) is not necessarily required. Paragraph 6-2.3a of this Order (i.e., Order 1050.1F) allows for mitigating impacts below significant levels (e.g., modifying an action to site it on non-contaminated grounds within a contaminated site). Therefore, if appropriately mitigated, actions within the boundaries of a contaminated site would not have significant impacts;
- Produce an appreciably different quantity or type of hazardous waste;
- Generate an appreciably different quantity or type of solid waste or use a different method of disposal, and/or would exceed local capacity; or
- Adversely affect human health and environment.

#### **3.5.5 Comparison of the Proposed Action and the No Action Alternative**

##### *Proposed Action*

Construction Impacts. Construction activities would require the use of hazardous substances, such as fossil fuels for machinery and equipment. Use of hazardous substances during construction of the new terminal building could result in the exposure of persons and/or the environment to an adverse environmental impact due to the accidental release of a hazardous material. However, standard BMPs to reduce the risk would be required to avoid significant impacts. For example, all construction activity

would be subject to existing permit procedures for the handling, transporting, and disposal of such materials. See avoidance measures in Section 3.5.6 which would apply in case of an accidental spill.

During construction, debris and incidental trash would be created. The project contractors would be responsible for hauling off all construction debris and disposing of it properly at a local landfill or recycle and transfer station that accepts construction waste. No uncommon construction debris is anticipated.

As described in Section 3.5.1, the contractor would be responsible for obtaining NPDES coverage through the EPA under a Construction General Permit. Permit conditions typically include BMPs to reduce erosion and sedimentation through implementation of a construction SWPPP (refer to Section 3.9.6). BMPs specified in FAA Advisory Circular (AC) 150/5370-10H, Item C-102, *Standard Specifications for Construction of Airports*, would also be required.

Operational Impacts. Use of hazardous substances during operation (such as aircraft fuel, oil and grease, heavy metals, propylene glycol, and ethylene glycol for aircraft fueling, defueling, and parking) could result in the exposure of persons and/or the environment to an adverse impact due to the accidental release of hazardous material. However, the use or storage of hazardous materials and the disposal of hazardous wastes would be subject to all applicable federal, state, and local requirements. Both the NMED and the EPA regulate the various aspects of hazardous materials handling, storage, and disposal.

No long-term operational impacts resulting from the Proposed Action related to solid waste are anticipated. The Proposed Action would comply with both federal and state regulations regarding waste treatment and/or disposal.

The airport maintains and enforces a SWPPP. Outlined in the airport's SWPPP are a list of potential pollutants and spill prevention and response procedures for potential leaks, spills, and other releases. The airport's SWPPP would be updated to include the newly developed areas. No significant impacts related to pollution prevention would occur. Existing regulations are in place to prevent indirect impacts related to pollution from occurring off the project site.

#### *No Action Alternative*

No impacts related to the use, transport, or disposal of hazardous materials resources, solid waste disposal, or pollutant prevention practices would occur due to the No Action alternative. No changes to the existing airport environment and operating procedures would occur.

### **3.5.6 Mitigation (or Avoidance) Measures**

No mitigation measures related to hazardous materials, solid waste disposal, or pollution prevention are required for the Proposed Action.

The airport would ensure the contractor would employ the following BMPs:

- Appropriate spill prevention and cleanup kits shall be readily available onsite and accidental spills shall be promptly cleaned up. The contractor shall follow standard hazardous materials containment procedures and other BMPs should an inadvertent spill occur.

- During construction, if previously unknown contaminants are discovered or a spill occurs, work shall be halted, and the airport administration, FAA, National Response Center, and NMED shall be notified, where applicable.
- Temporary measures to control water pollution, soil erosion, and siltation through berms, fiber mats, gravels, mulchers, slope drains, and other erosion control methods would be used during ground disturbing activities.

### **3.6 HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL, AND CULTURAL RESOURCES**

#### **3.6.1 Regulatory Setting**

Determination of a project's environmental impact to historic and cultural resources is made under guidance in the *National Historic Preservation Act of 1966* (NHPA), as amended, the *Archaeological and Historic Preservation Act of 1974*, the *Archaeological Resources Protection Act*, and the *Native American Graves Protection and Repatriation Act of 1990*. Section 106 of the NHPA requires federal agencies to consider the effects of their undertaking (or action) on properties listed in or eligible for listing in the National Register of Historic Places (NRHP). In addition, the *Antiquities Act of 1906*, the *Historic Sites Act of 1935*, and the *American Indian Religious Freedom Act of 1978* also protect historical, architectural, archaeological, and cultural resources. Impacts may occur when the proposed undertaking causes an adverse effect on a property that has been identified (or is unearthed during construction) as having historical, architectural, archaeological, or cultural significance. Determining adverse effects on historic resources is based on criteria established in 36 C.F.R. 800 of the Advisory Council on Historic Preservation regulations.

Historic and cultural resources are also protected by NMAC 4.10.15, which outlines procedures and standards to conduct and identify cultural and historic resources in the State of New Mexico.

#### **3.6.2 Affected Environment**

The project site is characterized by open, rocky soil and desert vegetation of scrubland and grasslands. The project site is heavily disturbed as a result of grading for existing airport facilities and is regularly maintained. In addition to this, portions of the project site are partially paved over with a parking lot.







The closest building of historic age to the project site is the existing terminal building. This building was constructed around 1958, but has gone through two significant renovations, one in 1999 and another in 2001. Other extant buildings of historic age include an aircraft rescue and firefighting (ARFF) building (1975) and several hangars in the southern hangar area constructed in the late 1960s and early 1970s (**Exhibit 3A**).

#### **3.6.3 Methodology**

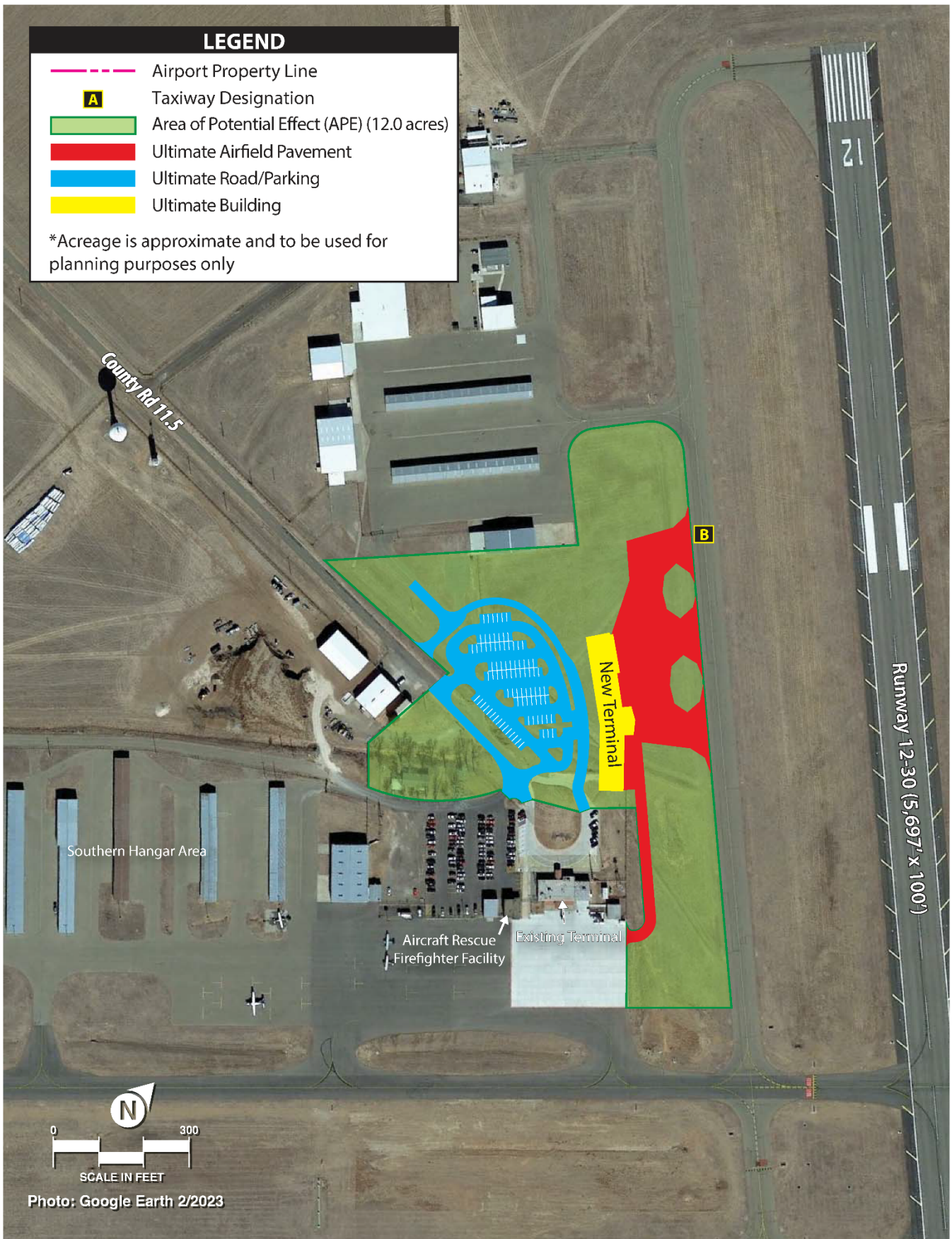
The Area of Potential Effect (APE) for the proposed undertaking is 12.0 acres and is shown earlier in this chapter (**Exhibit 3A**). The APE represents the area of disturbance for the proposed improvements and ensures that no construction activity would occur within 100 feet of any historic-age buildings (45 years or older).



**LEGEND**

-  Airport Property Line
-  Taxiway Designation
-  Area of Potential Effect (APE) (12.0 acres)
-  Ultimate Airfield Pavement
-  Ultimate Road/Parking
-  Ultimate Building

\*Acreage is approximate and to be used for planning purposes only





All accessible ground within the direct APE was evaluated through a pedestrian survey conducted in April 2023, consistent with NMAC 4.10.15. The survey effort also included a record and literature search of the surrounding area within 1,000 meters (0.62 miles) of the APE. After completion of the survey, which evaluated a total area of 15.17 acres and included the proposed project's 12.0-acre APE, an Investigation Abstract Form was submitted to the New Mexico Cultural Resource Information System (NMCRIS) of the New Mexico Historic Preservation Division. The New Mexico State Historic Preservation Office (SHPO) will use the survey's NMCRIS Investigation Abstract Form to evaluate the project's effects on historic resources.

### **3.6.4 Thresholds of Significance**

The FAA has not established a significance threshold for this impact category; however, a factor to consider is if the Project would result in a finding of "adverse effect" through the Section 106 process. An adverse effect finding does not automatically trigger preparation of an EIS (i.e., a significant impact).

### **3.6.5 Comparison of the Proposed Action and the No Action Alternative**

#### *Proposed Action*

Construction and Operation Impacts. The Proposed Action would be contained to existing airport property, which is heavily disturbed and partially paved over as a parking lot. Excavation off the paved areas of the project site would require grading and ground disturbance to a depth of approximately three feet. No archaeological sites, historic cultural properties (buildings, structures, or objects), or isolated occurrences were identified as part of the cultural resources survey of the APE, and no further management is recommended.

No visual/atmospheric effects are expected as the proposed work is in line with the expansion of the airport and surrounding property through the years since its construction; therefore, the project will not affect any potential historic properties near or adjacent to the project area, and especially to the proposed vertical construction (i.e., the new terminal).

The FAA has made a finding of "No Historic Properties Affected" for the Proposed Action. The SHPO concurred with the FAA determination of "No Historic Properties Affected," on September 12, 2023, completing the NHPA Section 106 consultation process (**Appendix C**).

The Proposed Action would not have a significant effect on historical, architectural, archeological, or cultural resources; however, impacts to unknown cultural resources or unanticipated discovery of human remains are always a possibility. This EA includes avoidance/minimization measures in case of an unanticipated discovery of resources (Section 3.6.6).

#### *No Action Alternative*

Because no ground disturbance or change in airport use would result from the No Action alternative, no impacts to historic properties or other cultural resources would occur.

### **3.6.6 Mitigation (or Avoidance) Measures**

No mitigation measures related to historic, architectural, archaeological, or cultural resources are required for the Proposed Action. Per the NHPA, a standard avoidance/minimization measure must be followed if previously unknown cultural materials are encountered, as listed below:

- Consistent with 36 C.F.R. 800.13(b)(3) regarding the protection of historic properties, if previously undocumented cultural resources are encountered during construction of the Proposed Action, all work (including routine maintenance activity) shall cease immediately at that location and FAA and the SHPO shall be notified as soon as possible to determine the appropriate course of action.

## **3.7 NATURAL RESOURCES AND ENERGY SUPPLY**

### **3.7.1 Regulatory Setting**

Three primary federal laws govern the conservation of natural resources and energy supply. The two federal laws that are relevant to the proposed terminal project are the *Energy Independence and Security Act* and Executive Order (E.O.) 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*. The *Energy Independence and Security Act* requires federal agencies to take action to move forward toward greater energy independence and security through increasing the energy efficiency of buildings. E.O. 14057 – more commonly referred to as the “Federal Sustainability Plan” – sets out a range of goals to aid in reducing U.S. GHG emissions by 65 percent from 2008 federal operation levels by 2030. For competitive airport projects, such as terminal projects, improving energy efficiency is one of the program considerations.

In addition, the City of Clovis has adopted the 2015 International Codes and the 2014 National Electric Code to ensure that new buildings are constructed in an energy-efficient manner.

### **3.7.2 Affected Environment**

The City of Clovis provides water and electrical services to the airport.

### **3.7.3 Methodology**

Energy requirements associated with airport projects generally fall into two categories: (1) those that relate to changed demands for stationary facilities (i.e., airfield lighting and terminal building heating); and (2) those that involve the movement of air and ground vehicles (i.e., fuel consumption). The use of natural resources and energy supplies have been evaluated using both the federal and City of Clovis established policies and ordinances regarding utility connections and the use of water and energy efficiency in building methods.

In addition to fuel, the use of natural resources includes construction materials, water, and manpower. Because the Proposed Action is anticipated to have minimal impacts on natural resources and energy supply, impacts are addressed qualitatively.

### **3.7.4 Thresholds of Significance**

The FAA has not established a significance threshold for the Natural Resources and Energy Supply impact category (FAA Order 1050.1F, Exhibit 4-1). However, a factor to consider is if the Proposed Action would have the potential to cause demand to exceed available or future supplies of these resources.

### **3.7.5 Comparison of the Proposed Action and the No Action Alternative**

#### *Proposed Action*

**Construction Impacts.** There is no need for unusual materials or natural resources in short supply for construction of the Proposed Action. Non-potable water would be used to control construction dust and would be provided using portable water tanks or water trucks supplied by the contractor. Fossil fuel for construction and employee vehicles would be available from private vendors within the City of Clovis. There would not be significant impacts in fossil fuel usage during the construction of the new terminal building. No adverse effects on local energy or water supplies would occur.

**Operation Impacts.** Once the Proposed Action is implemented, energy and water would be obtained from local utility providers and distributors under the prevailing market conditions. The existing terminal would be repurposed for other uses. The new terminal building would be a larger, modernized terminal that would be energy- and water-efficient. No unusual demands for energy, water, or other natural resources are expected as the Proposed Action would relocate existing aviation activity (i.e., commercial passenger service) to a new area on the airport. No adverse effects on local energy or water supplies would occur. "Will serve" letters would be obtained from the utility providers prior to occupancy.

#### *No Action Alternative*

No impacts related to water demand, energy demand, or other consumable natural resources used at the airport would result from the No Action alternative. No changes to the existing airport environment and/or operating procedures would occur.

### **3.7.6 Mitigation (or Avoidance) Measures**

Because no significant impacts to natural resources and energy supply would occur, no mitigation or avoidance measures are necessary.

## **3.8 SOCIOECONOMICS**

### **3.8.1 Regulatory Setting**

Consideration of socioeconomics in the context of NEPA, and as defined in FAA Order 1050.1F, focuses on characteristics of the human environment, such as population, housing, employment, and public services, including surface transportation and traffic. Related federal regulations include the *Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970*, which contains provisions that must be followed if people or businesses will be displaced.

### 3.8.2 Affected Environment

#### *Socioeconomics – Economic Activity and Income, Employment, and Population and Housing*

Owned and operated by the City of Clovis, the airport is recognized as an important economic asset to the city and supports many aviation-related businesses and facilities. As part of the *New Mexico Airport System Plan* (NMAASP), a full economic benefits analysis for airports within New Mexico was conducted. Under this analysis, specific revenue-generating activities at airports include fuel sales, car rental, fixed base operators, and industrial parks managed by or adjacent to airports.

**Table 3D** shows the 2017 economic impacts of the airport as estimated in this study. Employment, payroll, and output include annual average capital improvement expenditures of \$1.4 million. Based on the NMAASP study, the airport provides around 114 direct or indirect jobs and \$4.1 million in payroll (direct and secondary). Output, which refers to a quantity of goods or services produced by the airport, was \$12.4 million in direct and indirect goods and services (Coffman Associates, Inc., Molzen Corbin, and L. McPheters, PhD 2017: Appendix A-2).

**TABLE 3D: Total Economic Impacts at Clovis Regional Airport, 2017. Direct Economic Impact**

Source	Employment	Payroll	Output
<b>On-Airport Activity</b>	58	\$2,472,000	\$6,497,000
Commercial Service Visitors	5	109,000	399,000
General Aviation Visitors	22	544,000	1,830,000
<b>Direct Impact</b>	<b>85</b>	<b>\$3,125,000</b>	<b>\$8,726,000</b>

**TABLE 3D: Total Economic Impacts at Clovis Regional Airport, 2017; Secondary Economic Impact**

Source	Employment	Payroll	Output
<b>On-Airport Activity</b>	22	\$782,000	\$2,907,000
Commercial Service Visitors	2	38,000	141,000
General Aviation Visitors	5	181,000	670,000
<b>Secondary Impact</b>	<b>29</b>	<b>\$1,001,000</b>	<b>\$3,718,000</b>

**TABLE 3D: Total Economic Impacts at Clovis Regional Airport, 2017; Total Economic Impacts**

Source	Employment	Payroll	Output
<b>On-Airport Activity</b>	80	\$325,400	\$9,404,000
Commercial Service Visitors	7	147,000	540,000
General Aviation Visitors	27	724,000	2,500,000
<b>TOTAL IMPACT:</b>	<b>114</b>	<b>\$4,125,000</b>	<b>\$12,444,000</b>

Source: *Coffman Associates, Inc., Molzen Corbin, and L. McPheters, PhD 2017: Table A3.*

The City of Clovis has a long aviation and defense history connected with Cannon Air Force Base (AFB). According to the *City of Clovis Comprehensive Plan*, the amount of military spending in the area is increasing, and as a result, investing in aviation could impact the rest of Clovis’s economy and provide employment opportunities for discharged Cannon AFB service members (City of Clovis 2018: p. 62).

This increase in military spending further influences the fluctuating demand for housing as there are many military families living in and around Clovis. According to the latest annual report from Curry County's Assessor Records, there have been 110 new residential housing permits issued through the City of Clovis compared to 93 from the previous year, which resulted in an 18 percent increase for overall residential permits in 2022. This number is anticipated to increase for the 2023 tax year (Curry County New Mexico Assessor's Office website).

There are no businesses, housing, or populations located or residing within the project site itself, which is partly vacant and partly developed with a parking lot.

#### *Socioeconomics – Public Services and Social Conditions*

The City of Clovis provides the following public services to the Clovis Regional Airport:

- Water
- Solid waste disposal

No wastewater service is necessary. The airport terminal uses a septic system which would be resized and relocated as part of this project (see Exhibit 1D, Section 1.4). In addition, the airport has its own ARFF facility and airport security offices. There are emergency medical clinics and a hospital (Plains Regional Medical Center) within the City of Clovis. The closest emergency medical facility is Emergency Medical Services III at 2421 E. 21<sup>st</sup> Street, five miles west of the airport. There are no social/educational services – such as libraries, schools, parks, or churches – located near the airport.

The project area is interior to the airport and can be accessed by County Road 11.5. The road ends at the airport and, thus, receives only intermittent vehicular traffic. Regional access to the airport is by State Route 523 along the southern boundary of the airport and State Route 108 along the eastern boundary of the airport. In 2022, the New Mexico Department of Transportation (NMDOT) reported 1,968 traffic counts along State Route 523 and 2,373 traffic counts along State Route 108 (NMDOT website, Transportation Data Management System).

#### **3.8.3 Methodology**

The following analysis considers the location of the Proposed Action within the context of the larger Clovis area and addresses potential effects to the region in terms of economic growth, housing or business displacements, and demand for additional public services, such as roads, emergency services, and utilities. Utilizing information from the *New Mexico Airport System Plan Update (2017)*, a qualitative analysis was conducted to address potential economic benefits to the City of Clovis from the presence of Clovis Regional Airport.

A review of aerial photography and census data was conducted to determine the potential for impacts to nearby households, businesses, medical facilities, and/or public social/educational services. Traffic impacts were addressed through data sets retrieved from NMDOT. Coordination with the Curry County Roads Department also occurred through the EA scoping process (**Appendix A**).

### 3.8.4 Thresholds of Significance

The FAA has not established a significance threshold for this impact category. However, factors to consider are if the Proposed Action would have the potential to:

- Induce substantial economic growth in the area, either directly or indirectly (e.g., through establishing projects in an undeveloped area);
- Disrupt or divide the physical arrangement of an established community;
- Cause extensive relocation when sufficient replacement housing is unavailable;
- Cause extensive relocation of community businesses that would cause severe economic hardship for affected communities;
- Disrupt local traffic patterns and substantially reduce the levels of service of roads serving an airport and its surrounding communities;
- Produce a substantial change in the community tax base.

### 3.8.5 Comparison of the Proposed Action and the No Action Alternative

#### *Proposed Action*

Construction and Operation Impacts. The purpose of the Proposed Action is to allow the airport to better meet the needs of the traveling public. The existing terminal building was not set up for sterile/non-sterile areas and has limited space in its hold room. While the airport may experience additional growth in enplanements and operations in the future, the primary goal of the Proposed Action is to accommodate existing demand. Thus, the Proposed Action would not induce economic growth for which the city and airport have not planned. However, to the extent that expanded commercial activity occurs over the next 10 to 20 years, the airport would have additional direct and indirect economic effects on the region and the state in terms of employment, payroll, and output (**Table 3D**). This is considered a benefit of the Proposed Action.

The Proposed Action would not substantially alter the use of public services such as water supply. As discussed in Section 3.7.5, no adverse effects on local water supplies would occur. “Will serve” letters would be obtained from the water provider prior to occupancy. An on-airport septic system used for wastewater from the existing terminal would be resized and relocated as part of this project to accommodate any new demand. In addition, water/wastewater efficiency measures would be implemented through low flow toilets and rainwater management.

Enplanements at the airport have increased over the past five years, with 4,750 enplanements in 2018 and 13,028 enplanements in 2022 (Section 1.2.2, Table 1B). According to a 2023 aviation demand forecast study for the airport, at the high end of the forecast, enplanements could almost double over the next 20 years (Coffman Associates, Inc. 2023) (Section 1.2.3, Exhibit 1C). Based upon these enplanement numbers, a noticeable increase in traffic to and from the airport is anticipated. Curry Road D, which acts as an access road to the airport, will be monitored by the Curry County Road Department and repaved as necessary. No significant impacts to traffic levels of service are expected to occur.

Social conditions consider how the Proposed Action would impact factors such as community cohesion, religious institution, or the disruption or division of the local community. The Proposed Action is not anticipated to impact social conditions. Since the Proposed Action would be constructed entirely within the airport boundaries, it would not disrupt or divide the physical arrangement of an established community. No housing or business relocations would occur because of the project.

#### *No Action Alternative*

No socioeconomic impacts would occur if the No Action alternative is implemented. The airport would continue operating as it is today, although future development of the project study area would not be precluded from occurring at another time.

### **3.8.6 Mitigation (or Avoidance) Measures**

As the impacts of the Proposed Action are not significant for Socioeconomics, no mitigation or avoidance measures are required.

## **3.9 WATER RESOURCES – SURFACE WATERS**

There are no wetlands (or other jurisdictional waters), mapped 100-year or 500-year floodplains, groundwater concerns, designated wild and scenic river segments, or other NRI river features in proximity to the project site. Therefore, these categories of water resources are not discussed further. (See Section 3.3, Table 3A of this chapter.)

### **3.9.1 Regulatory Setting**

The *Clean Water Act* (CWA) provides the authority to establish water quality standards, control discharges, develop waste treatment management plans and practices, and regulate other issues concerning water quality. Water quality concerns related to airport development most often involve the potential for surface runoff and soil erosion, as well as the storage and handling of fuel, petroleum products, solvents, etc. Additionally, Congress has mandated the NPDES under the CWA. Permits and certain procedures are required to prevent contamination of water bodies from stormwater runoff.

As discussed previously in Section 3.5.1, NPDES permitting authority in New Mexico is administered by the EPA as part of its NPDES program. Individual construction projects that have a potential for one acre or more of ground disturbance are required to obtain NPDES coverage under the state's General Stormwater Permit. Permit conditions related to the use of the NPDES General Stormwater Permit typically include BMPs to reduce erosion and sedimentation through the implementation of a construction-specific SWPPP.

### **3.9.2 Affected Environment**

The project site is located within the City of Texico watershed. There are no impaired water bodies located downstream within the watershed (U.S. EPA website, EJSCREEN). Furthermore, Clovis is in a closed basin and does not discharge to an established river, stream, or arroyo. Any flows that leave the airport area flow to a large playa lake near Texico, New Mexico, that is in farmland; however, due to the

flat terrain, permeable soil type, and grass cover, runoff from storm events at the airport and locations in proximity to the airport is reduced to a minimum. Similarly, the proposed project would discharge to this playa lake.

The project area does not contain potentially jurisdictional surface water features, including non-wetland water features, streams, or wetlands (SWCA 2023b); therefore, coordination and permitting would not be required from the U.S. Army Corps of Engineers.

### **3.9.3 Methodology**

Federal and state regulations and regulatory programs for evaluating water quality impacts have been reviewed. The proposed methods for handling and conveying stormwater runoff from the project are described and the change in impervious surfaces within the project study area have been identified.

### **3.9.4 Thresholds of Significance**

#### *FAA Order 1050.1F Significance Threshold*

The action would:

- Exceed water quality standards established by federal, state, local, and tribal agencies; or
- Contaminate public drinking water supply such that public health may adversely affected.

Other factors to consider are if the Proposed Action would have the potential to:

- Adversely affect natural and beneficial water resource values to a degree that substantially diminishes or destroys such values;
- Adversely affect surface waters such that the beneficial uses and values of such water are appreciably diminished or can no longer be maintained and such impairment cannot be avoided or satisfactory mitigated; or
- Present difficulties based on water quality impacts when obtaining a permit or authorization.

### **3.9.5 Comparison of the Proposed Action and the No Action Alternative**

#### *Proposed Action*

Construction Impacts. Construction of the project would disturb up to 15.1 acres. During and immediately after construction activities, erosion and sedimentation can cause a degradation of water quality due to stormwater runoff. However, a Construction General Permit requires the preparation of a SWPPP that contains specific BMPs to control the discharge of pollutants – including sediment – into the local surface water drainages. Specific BMPs may include, but are not limited to, berms, silt fencing, fiber mats or rolls, mulches, slope drains, and other erosion control methods. All exposed slopes should be hydro-seeded or provided with other landscape cover.



The contractor for the Proposed Action would obtain an NPDES Construction General Permit from the EPA before construction activities commence. A Notice of Intent would be submitted to the EPA in conjunction with the preparation and implementation of a project specific SWPPP. Contractors for the Proposed Action would be required to comply with all applicable regulations and permit conditions. Due to the NPDES permit requirements and the ongoing implementation of the airport's BMPs and overall SWPPP, potential surface water impairment from construction activities of the Project would be less than significant.

Operation Impacts. The Proposed Action would increase the amounts of impervious surfaces and, thus, increase stormwater runoff from the project study area. Once constructed, the airport would be required to update its operational SWPPP to incorporate the new stormwater improvements and impervious areas. Due to the continued implementation of the airport's SWPPP and operational NPDES permit, no significant impacts related to surface waters would result.

#### *No Action Alternative*

No impacts related to surface water quantities or quality at the airport would occur due to the No Action alternative. No changes to the existing airport environment or operating procedures would occur.

#### **3.9.6 Mitigation (or Avoidance) Measures**

No mitigation measures are needed for potential impacts to surface water quality. The following avoidance measures would be required as part of the Construction General Permit and operational SWPPP for the Proposed Action:

- To minimize temporary water quality impacts, BMPs shall be employed by the contractor and could include temporary measures to control water pollution, soil erosion, and siltation through berms, fiber mats, gravels, mulches, slope drains, and other erosion control methods. In addition to BMPs to minimize adverse effects during construction, the contractor shall prepare a SWPPP for all construction actions involving one or more acres of ground disturbance, in compliance with the *Clean Water Act*.
- To address operation water quality impacts, the airport's overall SWPPP shall be updated to incorporate the new impervious surfaces constructed due to the Proposed Action.

#### **3.10 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS**

FAA Order 5050.4B states that an EA should include background information of past, present, and reasonably foreseeable future actions as part of a cumulative analysis. Recent changes to the Council on Environmental Quality (CEQ) regulations for implementing NEPA clarified that effects to the human environment shall consider reasonably foreseeable future projects that have a "close causal relationship to the proposed action and alternatives." Thus, cumulative impact analysis considers connected actions (i.e., similar actions or projects having a similar geography or timing) together with impacts related to the proposed airport project. For this analysis, past, present, and reasonably foreseeable future actions within the airport boundaries that could contribute to physical changes – and, thus, incremental disturbance of the airport environment – were selected.

The following projects are reasonably foreseeable future projects that could have cumulative impacts in connection with the Proposed Action due to their proximity to the proposed project site:

- 2025 – Rehabilitation of Taxiway B and apron pavement
- 2025 – Extension of Taxiway B to the northwest
- 2026 – Construction of ARFF Building
- 2026 – Construction of new hangars/replacement of existing hangars

### *Cumulative Impacts*

**Biological Resources.** Although the airport contains habitat for migratory birds and their nests, most of the disturbance areas for the listed cumulative projects are on or near paved areas within the runway environment. The Proposed Action itself could have impacts on migratory birds or their nests. Therefore, to avoid impacts, construction is recommended to occur outside of the migratory bird season or be subject to a pre-construction bird and nest survey and construction buffers, if appropriate. No significant impacts to migratory birds in conjunction with other cumulative projects would result.

**Hazardous Materials, Solid Waste, and Pollution Prevention.** Hazardous and solid wastes would be generated by the Proposed Action, as well as by other airport proposed actions during the construction phase. The federal, state, and local governments have established policies and programs that require the proper disposal and handling of hazardous materials and waste products. Due to mandatory compliance with existing programs and regulations, incremental impacts related to hazardous materials, solid waste, and pollution prevention occurring due to cumulative projects in conjunction with the Proposed Action would not occur. All future cumulative projects would be required by NMED to comply with the conditions of all applicable permit(s).

**Historical, Architectural, Archaeological, and Cultural Resources.** The Proposed Action, in conjunction with other cumulative projects, would be contained to the airport property. There are no identified historic or cultural resources identified within airport property and, thus, no impacts are anticipated from the Proposed Action in conjunction with other cumulative projects.

**Natural Resources and Energy Supply.** The Proposed Action, in conjunction with other cumulative projects, would utilize natural resources and energy during both construction and operation. During the construction phase, no thresholds of significance would be exceeded (i.e., natural resources and energy usage is not expected to exceed available natural resources or energy supplies). The new terminal building would be designed to implement water- and energy-efficient measures once operational and is not expected to exceed available natural resources or energy supplies. Thus, no significant adverse impacts to natural resources and energy supplies would result from the Proposed Action in conjunction with other cumulative projects.

**Socioeconomics.** The Proposed Action, in conjunction with other cumulative projects, would aid in the upkeep and maintenance of the airport. As discussed in Section 3.7.2, the airport contributes to regional employment and economic activity and, thus, may positively influence the socioeconomic sector. No significant adverse impacts to socioeconomic factors would result from the Proposed Action in conjunction with other cumulative projects.

Water Resources (Surface Waters). The Proposed Action, as well as other cumulative projects, would manage stormwater runoff in accordance with required NPDES permits and other state and local stormwater regulations. No significant impacts to surface water would result from incremental impacts of the Project in conjunction with other cumulative projects. The airport's SWPPP would be updated to reflect the new impervious surfaces.

*No Action Alternative*

No new impacts would occur with the implementation of the No Action alternative in conjunction with other cumulative projects, as this alternative would not result in any physical change at the airport.

## Chapter Four, Coordination And Public Involvement: Clovis Regional Airport Environmental Assessment

### 4.1 AGENCY AND PUBLIC SCOPING PROCESS

Prior to the onset of this Environmental Assessment (EA), letters were sent to resource agencies and local jurisdictions seeking input regarding potential environmental resources which could be impacted by the Proposed Action. A list of the agencies contacted, a copy of the information sent, and the responses received are included in this EA in **Appendix A**.

Responses to the scoping materials were received from the following agencies:

- Curry County Road Department – asked to be notified if a large increase in traffic could occur so that funds could be secured to improve Curry Road D, if needed.
- New Mexico Department of Game and Fish (NMDGF) – provided an Environmental Review Tool report for the project area. Recommendations included a preliminary burrowing owl survey using NMDGF’s burrowing owl protocol and avoiding occupied prairie dog colonies.

*(NOTE: No evidence of burrowing owls or occupied prairie dog colonies was identified during the biological survey conducted for the Proposed Action [Appendix B].)*

- New Mexico Environment Department (NMED) – provided comments regarding best practices related to air quality, ground water quality, petroleum tanks, and drinking water.

### 4.2 FINAL ENVIRONMENTAL ASSESSMENT’S AVAILABILITY FOR REVIEW

Copies of the Final EA are available for public review or download at: <http://cityofclovis.org/newsroom/> or at the following locations during normal business hours:

Clovis Regional Airport  
Administration Office  
495 County Road 11.5  
Texico, New Mexico

Or at:

City of Clovis  
City Manager’s Office  
321 N. Connelly Street  
Clovis, New Mexico

Following its review of the Final EA, the FAA will issue a Finding of No Significant Impact (FONSI), a Record of Decision (ROD), or decide to prepare a federal Environmental Impact Statement.

## Chapter Five, List of Preparers: Clovis Regional Airport Environmental Assessment

Persons responsible for preparation of this Environmental Assessment (EA) document and significant supporting background analysis and materials are listed below.

Federal Aviation Administration (FAA) Reviewer”

NAME	EXPERTISE	PROFESSIONAL EXPERIENCE
<i>Orville (Darvin) Messer</i>	<ul style="list-style-type: none"> <li>• NEPA review (32 years)</li> <li>• Project Management</li> </ul>	B.S. Physics/Mathematics. Manages complex, multi-disciplined environmental studies under the <i>National Environmental Policy Act (NEPA)</i> .

EA Preparers with Coffman Associates, Inc.

NAME	EXPERTISE	PROFESSIONAL EXPERIENCE
<i>Alyson Hulet</i>	<ul style="list-style-type: none"> <li>• Land Use Planning</li> <li>• Environmental Analysis and Documentation</li> </ul>	B.S. Urban Planning with emphasis in Sustainable Development; B.A. Sustainability.
<i>Judi Krauss, ACIP</i>	<ul style="list-style-type: none"> <li>• Project Management</li> <li>• Land Use Planning</li> <li>• Environmental Analysis and Documentation</li> </ul>	M.A. Economics, with emphasis in Natural Resource Economics; B.A. Environmental Studies. Transportation and land use planning, socioeconomic studies, and environmental analysis/documentation. Experienced in managing complex, multi-disciplined environmental studies under the <i>National Environmental Policy Act (NEPA)</i> .
<i>Kory Lewis</i>	<ul style="list-style-type: none"> <li>• Noise Modeling and Assessment</li> <li>• Land Use Planning</li> <li>• Environmental Analysis and Documentation</li> <li>• Air Quality and Greenhouse Gas Emission Analysis</li> </ul>	Master of Urban Planning; B.A. Geography. Experienced in land use management, air quality and noise assessment, preparation of environmental documentation for airport projects, and air quality, noise, and visual impact computer modeling.

EA Preparers with SWCA Environmental Consultants

NAME	EXPERTISE	PROFESSIONAL EXPERIENCE
<i>Lili Perreault, PhD</i>	<ul style="list-style-type: none"> <li>• Project Management</li> <li>• Natural and Biological Resources</li> <li>• Environmental Analysis and Documentation</li> </ul>	PhD, Forestry and Environmental Resources; M.S. Biology; B.S. Environmental Sciences. Experienced in managing complex, multi-disciplined environmental studies under the <i>National Environmental Policy Act (NEPA)</i> .
<i>Craig Ford</i>	<ul style="list-style-type: none"> <li>• Natural and Biological Resources</li> <li>• Environmental Analysis and Documentation</li> </ul>	B.S. Biology. Experienced in preparation of environmental documentation, including biological resources reports.

## Chapter Six, REFERENCES: Clovis Regional Airport Environmental Assessment

Biota Information System of New Mexico (BISON-M) website, BISON-M homepage <https://bison-m.org/>, accessed April 2023.

City of Clovis 2018. *City of Clovis Comprehensive Plan*, page 62.

City of Clovis website, Clovis Regional Airport <https://www.cityofclovis.org/write/departments/clovis-regional-airport/>

City of Clovis website, Landfill <https://www.cityofclovis.org/landfill/#page-content>

Coffman Associates, Inc., Molzen Corbin, and L. McPheters, PhD 2017. *New Mexico Airport System Plan Update*, November.

Coffman Associates, Inc. 2023. *Aviation Demand Forecasts Study for Clovis Regional Airport, City of Clovis, New Mexico*, July.

Curry County New Mexico Assessor's Office website. 2022 Annual Report <https://www.currycounty.org/elected-officials/assessor-s-office>

Federal Aviation Administration (FAA) 2022. FAA CY 2021 Enplanements at all Commercial Service Airports, last updated September 16 [https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger/previous\\_years](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/previous_years)

FAA website, APO Terminal Area Forecast Detail Report, issued February 2023 <https://taf.faa.gov/Home/RunReport>

FAA website, Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports – Previous Year [https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger/cy21\\_commercial\\_service\\_enplanements](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/cy21_commercial_service_enplanements)

Federal Emergency Management Agency (FEMA) website, Flood Map <https://msc.fema.gov/portal/home>, accessed February 2023.

Georgetown Climate Center, Preparing for Climate Change in New Mexico website. <https://www.georgetownclimate.org/adaptation/state-information/new-mexico/overview.html>

Google Earth Pro Aerial Imagery, accessed February 2023.

KSA, Inc. and CDM Smith, Inc. 2015. *Clovis Municipal Airport, Airport Master Plan*. Appendix C, Terminal Building Assessment, Section C3 Demand for Commercial Passenger at CVN and Appendix H: Terminal Options Evaluation, September (Draft Final).

National Park Service (NPS) website, Nationwide Rivers Inventory  
<https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm>, accessed February 2023.

National Wild and Scenic Rivers System website  
<https://nps.maps.arcgis.com/apps/MapJournal/index.html?appid=ba6debd907c7431ea765071e9502d5ac#>, accessed February 2023.

NatureServe website, NatureServe explorer <https://www.natureserve.org/>, accessed April 2023.

New Mexico Department of Game and Fish 2023. Environmental Review Report (Project ID: NMERT-2658) for an Environmental Assessment for a Proposed Terminal Replacement Project at the Clovis Regional Airport, Clovis, Curry County, New Mexico, July.

New Mexico Department of Transportation website, Transportation Data Management System  
<https://nmdot.public.ms2soft.com/tcds/tsearch.asp?loc=Nmdot>, accessed July 2023.

New Mexico Environment Department website, NPDES Permits and Inspections  
<https://www.env.nm.gov/surface-water-quality/npdes-permits>, accessed February 2023.

New Mexico Rare Plant Technical Council 1999. New Mexico rare plants (updated January 2023).  
<https://nmrareplants.unm.edu/rarelist.php>., accessed April 2023.

New Mexico's Scenic Byways website [https://www.newmexico.org/places-to-visit/scenic-byways/?gclid=EAlaIqobChMI6-rbg82-wIVcSStBh1xnwR4EAAYASAAEgJMtvD\\_BwE](https://www.newmexico.org/places-to-visit/scenic-byways/?gclid=EAlaIqobChMI6-rbg82-wIVcSStBh1xnwR4EAAYASAAEgJMtvD_BwE), accessed February 2023.

SWCA Environmental Consultants, Inc. (SWCA) 2023a. NMCRIS Investigation Abstract Form (NIAF), NMCRIS Activity No. 152840, April 28; revised and resubmitted on September 5, 2023.

SWCA 2023b. Technical Memorandum RE: Natural Resources Survey Results for the Clovis Regional Airport Project, Curry County, New Mexico, May 17.

U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) website, Web Soil Survey, accessed February 2023.

U.S. EPA website, EJSCREEN - ACS Summary Report. <https://ejscreen.epa.gov/mapper/>, accessed February 2023.

U.S. EPA website, *Green Book*, New Mexico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (data current as of July 31, 2023)  
[https://www3.epa.gov/airquality/greenbook/anayo\\_nm.html](https://www3.epa.gov/airquality/greenbook/anayo_nm.html), accessed August 2023.

U.S. EPA website, Sole Source Aquifer Interactive Map  
<https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>, accessed February 2023.

U.S. EPA website, Superfund: NPL Deletion Guidance and Policy  
<https://www.epa.gov/superfund/superfund-npl-deletion-guidance-and-policy>, accessed August 2023.

U.S. Fish and Wildlife Service website, Information for Planning and Consulting (IPaC)  
<https://ipac.ecosphere.fws.gov/>, accessed April 2023.

U.S. Fish and Wildlife Service website, National Wetlands Inventory  
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>, accessed February 2023.



## **APPENDIX A: AGENCY COORDINATION LIST, Clovis Regional Airport – Terminal Relocation Environmental Assessment**

The following agencies were provided with a scoping packet containing information on the Environmental Assessment and soliciting input regarding the Proposed Action. The scoping packet and all responses received are included within this appendix.

### **FEDERAL CONTACTS**

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Responses to the scoping materials were received from the following agencies, and are included in this appendix following the scoping letters and attachments:

- Curry County Road Department – asked to be notified if a large increase in traffic could occur so they can secure the funds to improve Curry Road D, if needed.
- New Mexico Game and Fish Department – provided an Environmental Review Tool report for the project area. Recommendations included a preliminary burrowing owl survey using the Department’s burrowing owl protocol and avoiding occupied prairie dog colonies (NOTE: No evidence of burrowing owls or occupied prairie dog colonies were identified during the biological survey conducted for the Proposed Action.
- New Mexico Environment Department (NMED) – provided comments regarding best practices related to air quality, ground water quality, petroleum tanks, and drinking water.

In addition, FAA completed its consultation responsibilities with the State Historic Preservation Office. The resulting correspondence is included in this appendix following the scoping responses listed above.

**APPENDIX B: NATURAL RESOURCES SURVEY RESULTS, CLOVIS REGIONAL  
AIRPORT TERMINAL RELOCATION ENVIRONMENTAL ASSESSMENT**

Provided by SWCA Environmental Consultants

## TECHNICAL MEMORANDUM

**To:** Kory Lewis  
Coffman Associates  
12920 Metcalf Avenue, Suite 200  
Overland Park, Kansas 66213

**From:** Lili Perreault, Project Manager, and Craig Ford, Assistant Project Biologist

**Date:** Updated May 17, 2023

**Re:** **Natural Resources Survey Results for the Clovis Regional Airport Project, Curry County, New Mexico / SWCA Project No. 77999**

### INTRODUCTION

SWCA Environmental Consultants (SWCA) was retained by Coffman Associates (Coffman) to complete a natural resources survey and report for the proposed Clovis Regional Airport project in Curry County, New Mexico (project). The proposed project area consists of one approximately 15.2-acre parcel on City of Clovis municipal lands at the Clovis Regional Airport (Figures A-1 and A-2 in Appendix A).

The project consists of the following improvements activities within the project area:

- Construction of an airport terminal facility, including areas for operations, TSA, and passenger facilities;
- Construction of a commercial aircraft ramp;
- Construction of a terminal access roads and rental car parking lot;
- Associated improvements.

This technical memorandum analyzes the potential effects of construction, maintenance and operation of these improvement activities on federally listed threatened or endangered species protected under the Endangered Species Act of 1973 (ESA), as amended (16 United States Code [USC] 1531–1541 et seq.); state-listed threatened or endangered animal species protected under the New Mexico Wildlife Conservation Act (17-2-41 New Mexico Statutes Annotated 1978); and state endangered plant species regulations (75-6-1 New Mexico Statutes Annotated 1978). This memorandum also provides a description of general site characteristics, soils, vegetation, wildlife, and aquatic resources within the proposed project area.

### SURVEY METHODS

SWCA biologist Craig Ford conducted a general biological survey of the proposed project area on April 18, 2023. Before surveying, SWCA reviewed baseline data sources for the project area, including geographic information system (GIS) National Hydrography Dataset (NHD) maps (U.S. Geological Survey [USGS] 2016), Natural Resources Conservation Service (NRCS) soils maps (NRCS 2019), National Wetlands Inventory (NWI) maps (U.S. Fish and Wildlife Service [USFWS] 2023a), New Mexico Department of Game

and Fish (NMDGF) Biota Information System of New Mexico (BISON-M) data (BISON-M 2023), New Mexico Energy, Minerals and Natural Resources Department (EMNRD) state endangered plant species list (EMNRD 2021), USFWS Critical Habitat Portal (USFWS 2023b), USFWS Information for Planning and Consultation (IPaC) system data (USFWS 2023c), and USGS topographic maps (USGS 2023).

Maps and shapefiles provided by Coffman were used for general orientation, to locate the project area during the survey, and to create maps of the project area. The project area was assessed for habitat suitability for federally and state-listed special-status plant and wildlife. The SWCA biologist also investigated the presence of potentially jurisdictional water features, special aquatic sites, and karst features within the project area.

## **PERMITTING ASSESSMENT**

### **Migratory Bird Treaty Act**

Most bird species are protected by the Migratory Bird Treaty Act (MBTA). The MBTA implements various treaties and conventions between the United States and other countries for the protection of migratory birds. Under the MBTA, unless permitted by regulations, it is unlawful to 1) pursue, hunt, take, capture, or kill; 2) attempt to take, capture, or kill; and 3) possess, offer to sell, barter, purchase, deliver, or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not. USFWS regulations broadly define “take” under the MBTA to mean “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.” Under the MBTA, take does not include habitat loss or alteration.

### **Bald and Golden Eagle Protection Act**

Bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) are protected under the MBTA, the Bald and Golden Eagle Protection Act, and New Mexico Statute 17-2-14. Additionally, the bald eagle is listed as threatened by the State of New Mexico. Bald eagles are found typically in association with water and tall trees for nesting, perching, and roosting. Most of the populations occurring in New Mexico are found near streams and lakes. There are some "dry land" areas where these eagles occur regularly, most notably in the region between the Pecos Valley and the Sandia, Manzano, Capitan, and Sacramento Mountains, as well as on the Mogollon Plateau. The birds typically night-roost in groups in trees in protected sites, such as canyons. In New Mexico, which is near the southern periphery of the breeding range, localized nesting has increased in recent decades. The state population remains small, and breeding birds are sensitive to disturbance (New Mexico Avian Conservation Partners [NMACP] 2017a).

Golden eagles are typically found in mountainous regions in a variety of vegetation types, including open country, prairie, arctic and alpine tundra, open wooded areas, and barren areas. In New Mexico, this raptor species nests along steep-walled mountain canyons. During the winter, golden eagles forage in open or shrubland habitats. Agricultural areas are often avoided by golden eagles (NMACP 2017b). This species is often associated with the presence of prairie dog (*Cynomys* spp.) colonies because prairie dogs are a preferred prey species.

Bald eagles could use the proposed project for foraging for small rodents, especially with the presence of an active prairie dog colony; however, bald eagles are unlikely to breed or nest within the proposed project area due to the lack of suitable riverine or lake habitat. No bald eagles were observed during the general biological survey.

Golden eagles could forage in the proposed project area, especially outside the breeding season when they tend to perch on trees or utility poles far from cliffs and bluffs. However, golden eagles are unlikely to nest within the proposed project area because it contains flat sagebrush shrubland habitat and lacks steep-walled mountain canyons and other inaccessible terrain that is typically used for nesting. No golden eagles were observed within the proposed project area during the general biological survey.

## Clean Water Act and Waters of the U.S.

A Clean Water Act (CWA) Section 404 permit (nationwide or individual) would be required for any impacts to waters of the U.S. (WOTUS) under the U.S. Army Corps of Engineers' (USACE's) pre-2015 interpretation of WOTUS. At the time of this report's preparation, the USACE interprets WOTUS using the March 2023 rule. This rule applies to all jurisdictions of the United States except Idaho and Texas and became effective March 20, 2023. On December 30, 2022, EPA and USACE released the final rule that updated the definition of WOTUS. The USACE interprets WOTUS using the pre-2015 definition and practice, which relies on the USACE guidance letter regarding the U.S. Supreme Court's decision in *Rapanos v. United States* and *Carabell v. United States* (USACE 2007). Under the regulations in place at the time of this technical memorandum's preparation (i.e., the pre-2015 WOTUS definition) and as relevant to the project, WOTUS include traditional navigable waters, wetlands adjacent to traditional navigable waters, and tributaries and wetlands adjacent to navigable waters that have continuous flow at least seasonally. Non-navigable tributaries that have less than seasonal flow, wetlands adjacent to tributaries that have less than seasonal flow, and wetlands that are adjacent to but do not abut tributaries that have less than seasonal flow are evaluated for jurisdiction based on a fact-specific analysis. The majority of the above nonnavigable tributaries considered wetlands and nonwetland waters are expected to be nonjurisdictional under the recent regulatory approaches for approved jurisdictional determinations due to their apparent lack of a regular surface or shallow subsurface hydrology connection to downstream receiving waters.

WOTUS include traditional navigable waters, wetlands adjacent to traditional navigable waters, and tributaries and wetlands adjacent to navigable waters that have continuous flow at least seasonally. The new rule adds substantially to guidance on determining whether a significant nexus exists through "material influence" on connected waters by evaluation of

- distance to a traditional navigable water or relatively permanent water;
- hydrologic factors such as volume and duration of water flow;
- size, density, or number of similarly situated waters;
- landscape position and geomorphology; and
- regional climate and effects on water flow.

Of these five factors, distance and hydrology receive the greatest weight in assessing the strength of connectivity and material influence (88 Federal Register 3004).

Wetlands are the most common type of special aquatic site and are defined by the USACE as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (USACE 1987:9). According to the USACE (1987), to be considered a wetland, an area must contain the following three parameters under normal circumstances: 1) the presence of wetland hydrology showing regular inundation, 2) a predominance of hydrophytic (water-loving) vegetation, and 3) soils characteristic of frequent saturation (i.e., hydric soils) (USACE 2008b).

If impacts to WOTUS are greater than 0.5 acre at each individual crossing of WOTUS, the project would require an individual permit with a USACE-compliant alternatives analysis. Before the field visit, SWCA reviewed the NHD (USGS 2016) and USFWS NWI (USFWS 2023a) for the presence of surface water features and wetlands in the project area. According to the NHD, no linear surface water features were mapped in the project area (USGS 2016). In addition, no NWI-mapped features overlap the NHD-mapped surface water features.

## Special-Status Species

The special-status species evaluated in this technical memorandum consist of 1) federally protected (endangered and threatened) species and 2) species listed by the USFWS as candidate and proposed species (USFWS 2023b). The potential for occurrence of a species was identified using the following categories:

- *Known to occur*—the species was documented in the survey area either during or prior to the field survey by a reliable observer.
- *May occur*—the survey area is within the species’ currently known range, and vegetation communities, soils, water quality conditions, etc., resemble those known to be used by the species.
- *Unlikely to occur*—the survey area is within the species’ currently known range, but vegetation communities, soils, water quality conditions, etc., do not resemble those known to be used by the species, or the survey area is clearly outside the species’ currently known range.

## SURVEY RESULTS

### General Characteristics

The project area is east of the city of Clovis, New Mexico. Elevation in the project area is approximately 4,200 feet above mean sea level (amsl). Based on the climatic records for Clovis, New Mexico (National Weather Service Cooperative Observer Program Station 291939), the area has an average annual maximum temperature of 72.0 degrees Fahrenheit (°F) with an average annual minimum temperature of 43.0°F. The average annual rainfall is 17.8 inches with the majority occurring between July and October. The average annual total snowfall is 11.1 inches, which largely occurs between November and March (Western Regional Climate Center 2023). Weather conditions during the April 2023 survey were between 65°F and 72°F and mostly cloudy with winds 10 to 20 miles per hour.

### Soils

According to NRCS (2019), there is one mapped soil type within the proposed project area (Table 1). It is not a hydric soil and is identified by NRCS as a farmland of statewide importance, if irrigated.

**Table 1. Soils in the Proposed Project Area**

Soil Map Unit	Map Unit Symbol	Acres	Percentage of Project Area	Drainage Class	Meets Hydric Criteria	Prime Farmland
Acuff loam 0 to 1 percent slopes	AcA	15.2	100%	Well drained	No	Yes, if irrigated

Source for Table 1: NRCS (2019). End source for Table 1.



## Vegetation

The proposed project area is within the High Plains: Llano Estacado level IV ecoregion (Griffith et al. 2006). During the field survey, the biologist identified one general vegetation community within the project area: high plains grasslands. This vegetation community was dominated by blue grama (*Bouteloua gracilis*). Vegetative cover within and surrounding the project area is approximately 25% to 80%. The project area and surrounding landscape have been disturbed by off-road vehicles, tree cutting, and litter.

Table 2 lists the plant species recorded during the survey. Appendix B provides photographs of the vegetation community within and surrounding the project area. No special-status plant species were observed within the project area.

**Table 2. Plant Species Observed within the Proposed Project Area**

Common Name	Scientific Name
Annual Townsend daisy	<i>Townsendia annua</i>
American elm	<i>Ulmus americana</i>
Alkali sacaton	<i>Sporobolus airoides</i>
Alpine bluegrass	<i>Poa alpina</i>
Blue grama*	<i>Bouteloua gracilis</i>
Elliot's bentgrass	<i>Agrostis eliottiana</i>
Miniature woollystar	<i>Eriastrum diffusum</i>
Pricklypear cactus	<i>Opuntia sp.</i>
Sevenleaf creeper	<i>Parthenocissus heptaphylla</i>
Silverleaf nightshade	<i>Solanum elaeagnifolium</i>
Soapweed yucca	<i>Yucca glauca</i>
Twoneedle pinyon	<i>Pinus edulis</i>
Tree cholla	<i>Cylindropuntia imbricata</i>
Yellow salsify	<i>Tragopogon dubius</i>

## Noxious Weeds

During the April 2023 survey, no U.S. Department of Agriculture (USDA)-listed noxious weed species (USDA 2010) or New Mexico Department of Agriculture (NMDA)-listed invasive or nonnative plant species (NMDA 2020) were observed within or around the project area.

## Wildlife

During the April 2023 survey, the SWCA biologist detected eight avian species (Table 3). Species were directly observed in the proposed project area unless otherwise indicated. Two active passerine nests were observed in the project area. No prairie dog towns were observed within the project area.

**Table 3. Wildlife Detected within the Proposed Project Area - Birds**

Common Name	Scientific Name
Boat-tailed grackle	<i>Quiscalus major</i>
Curve-billed thrasher	<i>Toxostoma curvirostre</i>
European starling	<i>Sturnus vulgaris</i>
Horned lark	<i>Eremophila alpestris</i>
House finch	<i>Haemorhous mexicanus</i>
House sparrow	<i>Passer domesticus</i>
Western kingbird	<i>Tyrannus verticalis</i>
White-winged dove	<i>Zenaida asiatica</i>

### **Migratory Bird Treaty Act**

Suitable nesting habitat for migratory birds is present throughout the project area, such as tree cholla (*Cylindropuntia imbricata*), American elm (*Ulmus americana*), and two-needle pinyon (*Pinus edulis*). One active white-winged dove (*Zenaida asiatica*) nest was observed in an American elm, and one active curve-billed thrasher (*Toxostoma curvirostre*) nest was observed in a tree cholla (Photographs B-5 and B- 6 in Appendix B). Additionally, one egg was observed on the ground outside of a nest (Photograph B-7, Appendix B). This egg was likely abandoned by the bird who laid it, as it was not in a nest and was not being incubated. One inactive burrow was also observed, with no signs of use by western burrowing owl (*Athene cunicularia*) (Photograph B-8, Appendix B).

### **Bald and Golden Eagle Protection Act**

The project is not anticipated to cause take of individual bald eagles or golden eagles, their nests, or eggs. Bald eagles are found typically in association with water and tall trees for nesting, perching, and roosting (NMACP 2017a). The species nests and breeds from October to July throughout the state. Bald eagles are unlikely to inhabit or forage in the proposed project area because it lacks large trees near aquatic habitat. The proposed project would alter approximately 15.2 acres of potential foraging habitat for bald eagles, golden eagles, and other birds of prey. No bald or golden eagles were observed during the April 2023 biological survey.

### **Hydrology**

The presence of an ordinary high-water mark (OHWM) was investigated during the April 2023 biological survey to determine if any water features in the project area are potentially jurisdictional and to determine if these water features are ephemeral or intermittent. An OHWM is a line on a shore or bank established by fluctuations of water and indicated by physical characteristics, such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (USACE 2008a). The OHWM is a defining element for identifying the lateral limits of non-wetland waters. Federal jurisdiction over a non-wetland WOTUS typically extends to the OHWM.

As stated previously, prior to the April 2023 survey, SWCA reviewed the NHD (USGS 2016) and USFWS NWI (USFWS 2023a) for the presence of surface water features and wetlands in the project area. The NHD shows no linear surface water features mapped in the project area (USGS 2016). Based on the results of SWCA’s April 2023 survey, the study area does not contain any potentially jurisdictional surface water features, including non-wetland water features, including streams (ephemeral, intermittent, perennial) or wetlands. CWA Section 404 (dredge or fill material) or Section 401 (Water Quality Certification) will not apply within the study area as there are no impacts proposed to potentially jurisdictional water features. If there are impacts to the other aquatic resources, including groundwater wells and points of diversion, then additional coordination and/or mitigation may be needed. Additionally, there are no FEMA floodplains

within the project area, thus floodplain permitting is likely not required. Curry County is responsible for floodplain permitting requirements.

This report is not a legal delineation of the boundaries of “waters of the U.S.” or a determination of their jurisdictional status. Only the USACE has final and/or legal authority in determining the presence of jurisdictional WOTUS and the extent of their boundaries.

### **Special-Status Species and Critical Habitat**

Table 4 lists the special-status species with the potential to occur in Curry County, New Mexico, their habitat, and potential occurrence in the project area. No special-status species have the potential to occur in the proposed project area, based on a desktop review of listed species habitat criteria (BISON-M 2023; USFWS 2023b). Additionally, the project area does not intersect any critical habitat.

**Table 4. Special-Status Species with Potential to Occur in Curry County, New Mexico: Invertebrates**

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence within Proposed Project Area
Monarch butterfly ( <i>Danaus plexippus</i> )	USFWS C	In New Mexico, the migration peaks in April and subsides by mid-May. Breeding occurs within the state, and a new generation matures in New Mexico by July. As breeding continues, peak in-state population numbers are reached in August and September. The southward migration back to Mexico begins in late August and September. During the breeding season in New Mexico, the monarch butterfly requires milkweed ( <i>Asclepias</i> sp.) as a food source for the young caterpillars (Cary and DeLay 2016). Overall, the monarch butterfly seems to be most abundant in southeast New Mexico. There is currently no evidence that the monarch butterfly overwinters in New Mexico.	Unlikely to occur in the proposed project area. Although there are nectar-producing plants in the project area, there is extensive disturbance adjacent to the project area. In addition, no riparian habitat that could be used for foraging habitat and milkweed vegetation that could be used as breeding habitat is present. No monarch butterflies were observed during the 2023 biological survey of the proposed project area.

**Table 4. Special-Status Species with Potential to Occur in Curry County, New Mexico: Fish**

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence within Proposed Project Area
Arkansas River shiner ( <i>Notropis girardi</i> )	USFWS T	The Arkansas River shiner occurs in the Canadian River downstream of Ute Reservoir and in the lowermost reaches of Revuelto Creek (Propst and Hatch 1985).	Unlikely to occur in the project area as the project area is not within the vicinity of the Canadian River.
Peppered chub ( <i>Macrhybopsis tetranema</i> )	USFWS E	This species inhabits low gradient, main channel streams, including in New Mexico (Propst and Hatch 1985). The preferred substrates in these reaches are ones of fine gravel or sand. The Arkansas River speckled chub has disappeared from about 75% of its historic range. In New Mexico, the Arkansas River speckled chub is now found only in the Canadian River downstream of Ute Dam. In this reach it remains moderately common (NMDGF 1994).	Unlikely to occur in the project area as the project area is not within the vicinity of the Arkansas River.

**Table 4. Special-Status Species with Potential to Occur in Curry County, New Mexico: Birds**

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence within Proposed Project Area
American peregrine falcon ( <i>Falco peregrinus anatum</i> )	NM T	Found in New Mexico year-round. All nests in New Mexico are found on cliffs. In migration and during winter months in New Mexico, the peregrine falcon is typically associated with water and large wetlands.	Unlikely to occur in the project area due to the lack of water, large wetlands, or cliff roosting habitat.
Baird's sparrow ( <i>Ammodramus bairdii</i> )	NM T	A winter resident in New Mexico, this species has been found on Otero Mesa and in the Animas Valley and may occur in other areas of suitable winter habitat, particularly in the southern portion of state. This species generally prefers dense, extensive grasslands with open patches of ground and few shrubs. Avoids heavily grazed areas.	Although grassland habitat is present in the project area, Baird's sparrows are not known to occur in this area of the state.
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	NM T	Occurs in New Mexico year-round. Breeding is restricted to a few areas, mainly in the northern part of the state along or near lakes. In migration and during winter months, the species is found chiefly along or near rivers and streams and in grasslands associated with large prairie dog ( <i>Cynomys</i> sp.) colonies. Typically perches in trees.	Unlikely to occur in the project area due to the lack of suitable habitat, water features, or identified prairie dog colonies.

**Table 4. Special-Status Species with Potential to Occur in Curry County, New Mexico – Birds, continued**

Common Name (Scientific Name)	Status*	Range or Habitat Requirements	Potential for Occurrence within Proposed Project Area
Least tern ( <i>Sterna antillarum</i> )	NM E	Migratory species occurring in North America during the breeding season near perennial water bodies (e.g., lakes, reservoirs, and rivers). In New Mexico, breeding is restricted to the Pecos River Basin, primarily at Bitter Lake National Wildlife Refuge in Chaves County. Suitable habitat consists of bare sandy shorelines and salt flats along rivers.	Unlikely to occur in the project area due to the lack of perennial water bodies. The project area is also outside the species' known breeding range within the state.
Lesser prairie-chicken ( <i>Tympanuchus pallidicinctus</i> )	USFWS E	This species occurs in southeastern New Mexico, primarily in shinnery oak or sand sagebrush ( <i>Artemisia filifolia</i> ) grasslands. Also occurs in shinnery oak–bluestem habitats dominated by sand bluestem ( <i>Andropogon hallii</i> ), little bluestem ( <i>Schizachyrium scoparium</i> ), sand dropseed ( <i>Sporobolus cryptandrus</i> ), threeawn ( <i>Aristida</i> sp.), and blue grama ( <i>Bouteloua gracilis</i> ).	Unlikely to occur in the proposed project area due to a lack of suitable shinnery oak, sand sagebrush, or shinnery oak–bluestem habitats.
Neotropic cormorant ( <i>Phalacrocorax brasilianus</i> )	NM T	Associated with wetlands. Key requirements include areas of deep water for diving and elevated perches in trees, shrubs, and other structures for nesting, roosting, and drying plumage after feeding.	Unlikely to occur in the proposed project area due to the lack of large water bodies.

Sources for Table 4: Range and habitat information for wildlife species is taken from the BISON-M website (BISON-M 2023), NatureServe (2023), the USFWS

IPaC system (USFWS 2023a), and the New Mexico Rare Plant Technical Council (1999).

\*Federal (USFWS) status definitions: C = Candidate. E = Endangered. T = Threatened.

State (NMDGF) status definitions: NM E = Endangered. NM T = Threatened. End of notes for Table 4.

## CONCLUSION

### Migratory Bird Treaty Act

Two active nests were observed in the project area during the April 2023 biological survey, one white-winged dove nest and one curve-billed thrasher nest (see Figure A-3, Appendix A and Photographs B-5 and B-6, Appendix B). SWCA recommends avoiding construction during the migratory bird season (March–August). If construction must occur during this time, a pre-construction nest survey for any vegetation removal during the migratory bird nesting season is recommended. If nests are found, a take permit through the U.S. Fish and Wildlife Service or nest buffers may be required.

### Bald and Golden Eagle Protection Act

Activities in the project area are not expected to impact bald or golden eagles. No bald or golden eagles were observed during the biological survey, and the survey area lacks suitable nesting habitat. The project is not anticipated to cause take of individual bald or golden eagles, their nests, or eggs. Adult eagles would not likely be directly harmed by the project because of their mobility and ability to avoid areas of human activity.

## **Clean Water Act and Waters of the U.S.**

During the April 2023 biological survey, no potentially jurisdictional drainages were identified. A CWA Section 404 permit (nationwide or individual) would not be required for any impacts to WOTUS under the USACE's pre-2015 interpretation of WOTUS.

## **Special-Status Species and Critical Habitat**

The project area does not intersect any federally designated critical habitat. The nearest critical habitat is for the peppered chub (*Macrhybopsis tetranema*), approximately 89.5 miles to the north (USFWS 2023c). No special-status species were observed during the April 2023 biological survey.

## LITERATURE CITED

- Biota Information System of New Mexico (BISON-M). 2023. BISON-M homepage. Available at: <http://bison-m.org>. Accessed April 2023.
- Cary, J.C., and L.S. DeLay. 2016. *Monarch Butterfly (Danaus plexippus) in New Mexico and a Proposed Framework for Its Conservation*. Santa Fe, New Mexico: Natural Resources Institute. Available at: [http://dk-media.s3.amazonaws.com/AA/AI/nri-nm-org/downloads/305724/STATUS\\_OF\\_DANAUS\\_PLEXIPPUS\\_IN\\_New\\_Mexico\\_20160501\\_final\\_final.pdf](http://dk-media.s3.amazonaws.com/AA/AI/nri-nm-org/downloads/305724/STATUS_OF_DANAUS_PLEXIPPUS_IN_New_Mexico_20160501_final_final.pdf). Accessed April 2023.
- Griffith, G. E., J. M. Omernik, M. M. McGraw, G. Z. Jacobi, C. M. Canavan, T. S. Schrader, D. Mercer, R. Hill, and B. C. Moran. 2006. Ecoregions of New Mexico (two-sided color poster with map, descriptive text, summary tables, and photographs). Scale 1:1,400,000. Reston, Virginia: U.S. Geological Survey.
- Natural Resources Conservation Service (NRCS). 2019. Web soil survey. Available at: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed April 2023.
- . 2023a. PLANTS database. Available at: <http://plants.usda.gov>. Accessed April 2023.
- NatureServe. 2023. NatureServe explorer. Available at: <http://explorer.natureserve.org>. Accessed April 2023.
- New Mexico Avian Conservation Partners (NMACP). 2017a. Bald Eagle (*Haliaeetus leucocephalus*). Available at: <http://avianconservationpartners-nm.org/wp-content/uploads/2017/01/Bald-Eagle.pdf>. Accessed April 2023
- . 2017b. Golden Eagle (*Aquila chrysaetos*). Available at: <http://avianconservationpartners-nm.org/wp-content/uploads/2017/01/Golden-Eagle.pdf>. Accessed April 2023.
- New Mexico Department of Agriculture. 2020. New Mexico noxious weed list update. Las Cruces, New Mexico: New Mexico State University. Available at: <https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/Weed-List-memo-and-weed-list-2020.pdf>. Accessed April 2023.
- New Mexico Department of Game and Fish (NMDGF). 1994. Endangered Species of New Mexico -- 1994 Biennial Review and Recommendations. Authority: New Mexico Wildlife Conservation Act (NMSA 17-2-37, 1978).
- New Mexico Energy, Minerals and Natural Resources Department (EMNRD). 2021. New Mexico State Endangered Plant Species (19.21.2.8 NMAC). Available at: [https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/NM-ENDANGERED-PLANT-List\\_2021.pdf](https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/NM-ENDANGERED-PLANT-List_2021.pdf) Accessed April 2023.
- New Mexico Rare Plant Technical Council 1999. New Mexico rare plants (Updated January 2023). Available at: <http://nmrareplants.unm.edu/rarelist.php>. Accessed April 2023.
- Propst, D.L., and M.D. Hatch. 1985. Speckled chub (*Hybopsis aestivalis*). New Mexico Department of Game and Fish, Handbook Spec. End. in New Mexico:FISH/CY/HY/AE:1-2.
- U.S. Army Corps of Engineers (USACE). 1987. *U.S. Army Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Vicksburg, Mississippi: U.S. Army Engineers Waterways Experiment Station Environmental Laboratory.

- . 2007. Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States*. Available at: [https://www.epa.gov/sites/default/files/2016-02/documents/cwa\\_jurisdiction\\_following\\_rapanos120208.pdf](https://www.epa.gov/sites/default/files/2016-02/documents/cwa_jurisdiction_following_rapanos120208.pdf) . Accessed April 2023.
- . 2008a. *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual*. ERDC/EL TR-08-12. Vicksburg, Mississippi: U.S. Army Corps of Engineers, Engineer Research and Development Center.
- . 2008b. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0*. ERDC/EL TR-08-28. Vicksburg, Mississippi: U.S. Army Corps of Engineers, Engineer Research and Development Center.
- U.S. Department of Agriculture (USDA). 2010. Federal Noxious Weed List. Available at: [https://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/weeds/downloads/weedlist.pdf](https://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf). Accessed April 2023.
- U.S. Fish and Wildlife Service (USFWS). 2023a. National wetlands inventory. Available at: <http://www.fws.gov/wetlands>. Accessed April 2023.
- . 2023b. Critical habitat for threatened and endangered species. Available at: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed April 2023.
- . 2023c. Information for planning and consultation (IPaC). Available at: <http://ecos.fws.gov/ipac/>. Accessed April 2023.
- U.S. Geological Survey (USGS). 2016. USGS National Hydrography Dataset (NHD) downloadable data collection. Available at: <https://viewer.nationalmap.gov/basic/#/>. Accessed April 2023.
- . 2023. TopoView interactive map viewer and downloader. Available at: <https://ngmdb.usgs.gov/maps/Topoview/viewer/#4/40.00/-100.00>. Accessed April 2023.
- Western Regional Climate Center. 2023. Clovis, New Mexico (291939), period of record monthly climate summary. Available at: <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?nml1939>. Accessed April 2023.



*APPENDIX A FOR APPENDIX B: PROJECT AREA MAPS*

Provided by SWCA Environmental Consultants

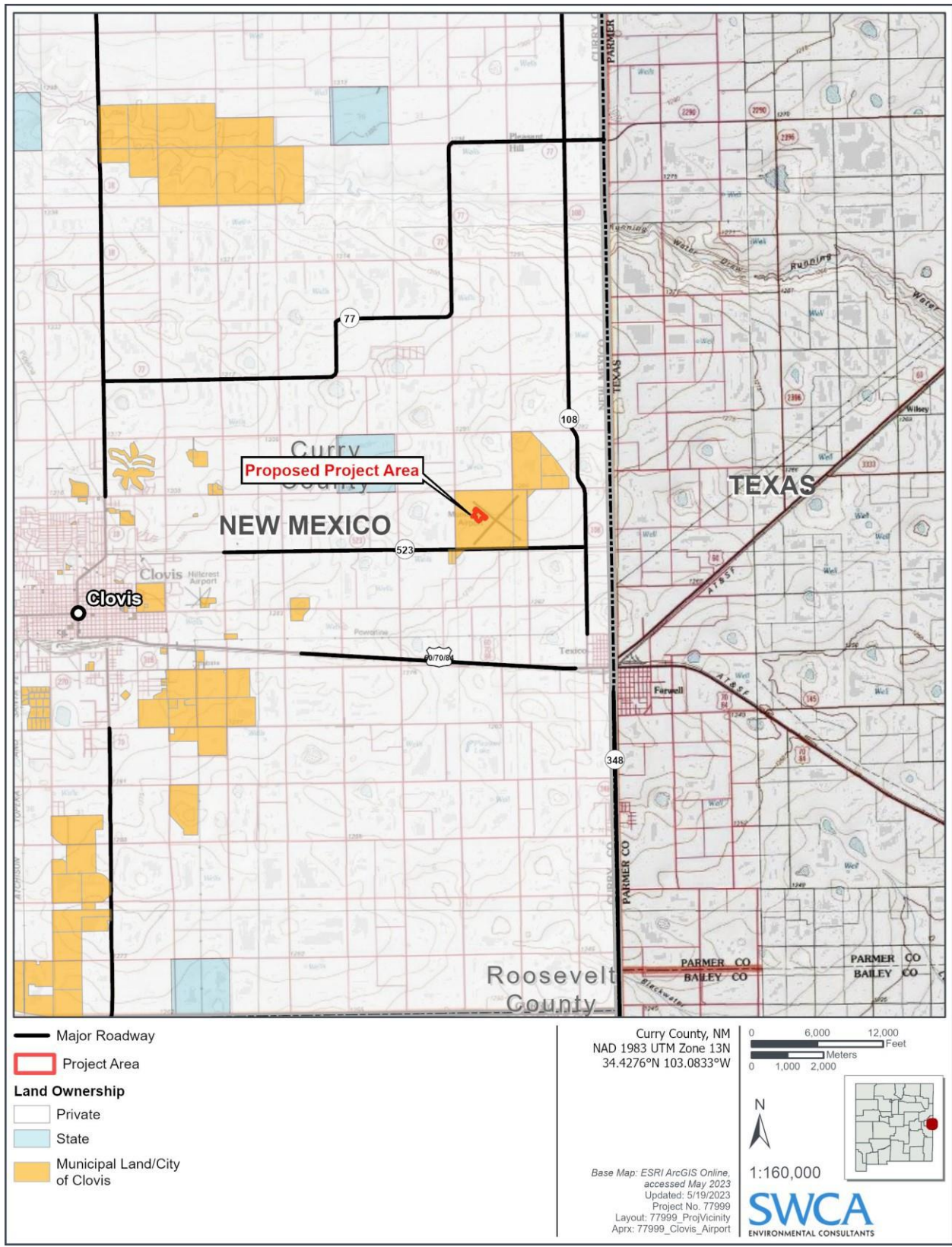


Figure A-1. Project vicinity map.



 Project Area

Curry County, NM  
NAD 1983 UTM Zone 12N  
34.4276°N 103.0833°W



Base Map: ESRI ArcGIS Online,  
accessed April 2023  
Updated: 4/27/2023  
Project No. 77999  
Layout: 77999\_ProjectArea  
Aprx: 77999\_Clovis\_Airport

1:5,000



Figure A-2. Project area map.

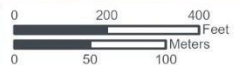




Project Area

- Active Nest
- Medium Burrow
- Egg - No Nest

Curry County, NM  
 NAD 1983 UTM Zone 12N  
 34.4276°N 103.0834°W



1:5,000



Base Map: ESRI ArcGIS Online,  
 accessed April 2023  
 Updated: 4/27/2023  
 Project No. 77999  
 Layout: 77999\_ProjectArea\_wNR  
 Aprx: 77999\_Clovis\_Airport



**Figure A-3. Project area map showing locations of active nests, burrow, and abandoned egg.**

*APPENDIX B FOR APPENDIX B: PROJECT PHOTOGRAPHS*

Provided by SWCA Environmental Consultants



**Photograph B-1. View of high plains grasslands vegetation community and existing disturbance within the project area, facing north.**



**Photograph B-2. View of high plains grasslands vegetation community and existing disturbance within the project area, facing south.**





**Photograph B-3. View of high plains grasslands vegetation community and existing disturbance within the project area, facing east.**



**Photograph B-4. View of high plains grasslands vegetation community and existing disturbance within the project area, facing east.**





**Photograph B-5. Representative view of an active white-winged dove nest in an American elm.**



**Photograph B-6. Representative view of an active curve-billed thrasher nest in a tree cholla.**





**Photograph B-7. Representative view of an unidentified avian egg in the project area, with no associated nest.**



**Photograph B-8. Representative view of an unoccupied burrow on the eastern edge of the proposed project area.**

**GUIDELINES AND RECOMMENDATIONS  
FOR BURROWING OWL  
SURVEYS AND MITIGATION**

**NEW MEXICO DEPARTMENT OF GAME AND FISH**

**JULY 2007**

(Note: Most of the following recommendations were developed by the New Mexico Burrowing Owl Working Group (2005), The California Burrowing Owl Consortium (1993), and The California Department of Fish and Game (1995))

The burrowing owl (*Athene cunicularia*) is considered a species of concern by the U.S. Fish and Wildlife Service and is protected by both the Migratory Bird Treaty Act and by New Mexico statute 17-2-14 (NMSA 1978). These guidelines are provided to assist in conducting burrowing owl surveys and mitigation during the preparation of environmental assessment reports and environmental impact statements. The guidelines also aid in the decision making process implemented when there is potential for any type of project to adversely affect burrowing owls or any of the resources that support them.

Project proponents should: 1) identify burrowing owl habitats and burrows; 2) choose and implement an appropriate survey method to confirm the presence of owls; and 3) determine and implement appropriate mitigation.

**Step 1. Identify Burrowing Owl Habitat and Burrows**

Seventy-five percent of New Mexico's ecological zones, as described by Dick-Peddie (1993), support or have the potential to support burrowing owls (Arrowood et al. 2001). These zones include: Chihuahuan desert scrub, closed basin scrub, desert grassland, Great Basin desert scrub, juniper savanna, lava beds, plains-mesa grassland, plains-mesa sand scrub, sand dunes, urban, and farmland (Arrowood et al. 2001). More specifically, burrowing owls generally are associated with dry, open, short-grass, treeless plains (Haug et al. 1993). Burrowing owls are also known to use areas that include shrubs such as creosote bush (*Larrea tridentata*), mesquite (*Prosopis* spp.), four-wing saltbush (*Atriplex canescens*), and rabbit-brush

(*Chrysothamnus nauseosus*) (Martin 1973, Botelho and Arrowood 1996). Burrowing owls also inhabit human-modified landscapes, such as golf courses and parking lots.

Burrowing owls rarely dig their own burrows and, therefore, depend in part upon the presence of burrowing animals. In New Mexico, burrowing owls are associated with Gunnison's prairie dogs (*Cynomys gunnisoni*), black-tailed prairie dogs (*C. ludovicianus*), American badgers (*Taxidea taxus*), ground squirrels (*Spermophilus* spp.), rock squirrels (*S. variegatus*), foxes (*Vulpes* spp.), and coyotes (*Canis latrans*). Burrowing owls and prairie dogs are included as species of greatest conservation need in the western great plain shortgrass prairie vegetation type (Comprehensive Wildlife Conservation Strategy for New Mexico 2006). Burrowing owls can also utilize human-made structures, such as, storm drains, berms, roadsides, irrigation canals, and artificial burrows specifically constructed for the owls.

Occupancy of suitable burrowing owl sites can be verified by observing at least one burrowing owl, or owl molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance (The California Burrowing Owl Consortium 1993).

**Step 2. Choose and Implement an Appropriate Survey Method to Confirm Owl Presence**

The most suitable time to survey for burrowing owls in New Mexico is during the nest initiation and incubation phases.

(Table 1). Most burrowing owls are migratory in the state, although some over-winter in New Mexico, particularly males in southern New Mexico (Arrowood et al. 2001, Johnson et al. 1997). Migratory owls typically arrive on the breeding grounds by March and remain there until October.

Table 1. General breeding chronology of the burrowing owl in New Mexico.

Location	Pair Bonding/Nest Initiation	Egg Laying and Incubation	Chicks Fledge above Ground	Independence
New Mexico	March to April	Late April to early June	Early-Mid June	Mid-Late July

Surveys should not be conducted in certain weather conditions when owls are more likely to be in their burrows and not visible, such as temperatures above 30°C (86°F) and winds exceeding 20 km/hr (approx. 12 mph). Surveys also should be restricted to the early morning and evening hours, because above ground activity is often higher during these times (Conway and Simon 2003).

A single survey on a proposed project site is adequate to determine the presence or absence of active burrows. If owls are not observed, all active burrows should be inspected for indications of use by the presence of owl pellets, droppings, or feathers. If active burrows are found follow-up survey, utilizing the methods described below, should be scheduled to confirm the presence or absence and numbers of owls on a project site.

Burrowing owl surveys can be accomplished effectively by either walking or driving transects. Either the entire length of the transect or point count stations along the transect can be surveyed, and surveys can be conducted with or without broadcasting audio burrowing owl alarm (quick-quick-quick) and/or male territory (coo-coo) calls. Studies have shown that broadcasting calls increases detection probability of burrowing owls (Haug and Didiuk 1993, Conway and Simon 2003) and that trained surveyors can detect owls up to 300 m (Conway and Simon 2003). These methods might need to be modified depending upon the terrain and equipment being used, which, respectively, affect the distance owls and the broadcasted vocalizations can be heard.

If burrowing owl habitat is found at the project site, a 150-m buffer zone around the project should also be assessed for potential burrowing owl habitat. At the project site, use one of the following survey methods as recommended by the New Mexico Burrowing Owl Working Group (NMBOWG).

#### **METHOD 1: Walking Surveys**

##### **Without Audio Calls**

Transects should be established in suitable owl habitat. A single, straight line should be walked for the entire length of the transect (for specific protocol and comparison of line transect methodology see Emlen 1971 and 1977). Observers should record all owls observed along either side of the line. If a more thorough estimate of abundance in a specific area is desired, an observer should walk multiple parallel lines (or many observers walk parallel lines concurrently) that are approximately 50 m apart. All owls observed along either side of the transect line should be recorded. Data recorded should include: date and time of survey, weather conditions, dominant vegetation, burrow aspect, survey location (including GPS coordinates), number of owls observed, sex and age classes of owls (if determinable), and presence of prairie dogs and other burrowing animals.

##### **With Audio Calls**

Observers should proceed along a transect line, stopping at points approximately every 200 m to broadcast owl vocalizations and listen for responses. Distance between points will depend upon terrain and broadcast system, which, respectively, affect the distance owls and the broadcasted vocalizations can be heard. If the broadcast system and owl response calls, can be heard up to 200 m. then the observer should stop every 200 m. The distance between observation points can be shortened if necessary. If a more thorough estimate of abundance is desired, the observer should walk multiple parallel lines (or many observers walk parallel lines concurrently) to cover a greater proportion of the area. The lines should be spaced according to the same distance of audio coverage. At each observation point, the observer should scan for any owls with binoculars for the first two minutes, after which a territorial and/or alarm calls should be played for one minute. Finally, there should be two additional minutes of scanning after broadcasting. Scanning and broadcasting should be done in a 360° arc. All owls detected during this five-minute observation period should be recorded. Data recorded should include: date and time of survey, weather conditions, dominant vegetation, burrow aspect, survey location (including GPS coordinates), number of owls observed, sex and age classes of owls (if determinable), and presence of prairie dogs and other burrowing animals.



## **METHOD 2: Roadside Point-count Surveys**

### **Without Audio Calls**

Routes should be established along roads in the project site. Observers should stop the vehicle and pull off the side of the road at 0.5-mile (0.8 km) intervals (if project site is large enough). If visibility is impaired at a point, observers should continue until the next immediate suitable surveying spot is reached. All surveyors should exit the vehicle at each point and scan with binoculars in a 360° arc for a total of five minutes. All owls detected during this five-minute observation period should be recorded. Data recorded should include: date and time of survey, weather conditions, dominant vegetation, burrow aspect, survey location (including GPS coordinates), number of owls observed, sex and age classes of owls (if determinable), and presence of prairie dogs and other burrowing animals.

### **With Audio Calls**

Routes should be established along roads in the project site. Observers should stop the vehicle and pull off the side of the road at 0.5-mile (0.8km) intervals (if project site is large enough). If visibility is impaired at a point, observers should continue until the next immediate suitable surveying spot is reached. Observers should exit the vehicle at each point and scan for the first two minutes. Afterwards, owl calls (territorial and/or alarm) should be played for one minute, followed by two additional minutes of scanning. Scanning should be done with binoculars in a 360° arc. All owls detected during this five-minute observation should be recorded. Data recorded should include: date and time of survey, weather conditions, dominant vegetation, burrow aspect, survey location (including GPS coordinates), number of owls observed, sex and age classes of owls (if determinable), and presence of prairie dogs and other burrowing animals.

### **Step 3. Determine and Implement Appropriate Mitigation**

The objectives of these mitigation guidelines are to minimize the negative impacts to burrowing owls at a project site and preserve habitat that will support burrowing owl populations into the future. The mitigation process begins with the survey protocol to document the presence of burrowing owl habitat, and to determine if burrowing owls use the project site and the surrounding buffer zone. Occupied burrows should be determined based on survey information. If more than 30 days elapse between the initial survey and construction activities, project sites and buffer zones with suitable habitat should be resurveyed to ensure no burrowing owls have occupied these areas in the interim period. Resurveying the project site should be conducted no more than 30 days prior to initial project initiation. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site should be resurveyed.

If burrowing owls are present on a project site, the following mitigation measures should be followed to minimize negative impacts to burrowing owls, nest burrows and burrowing owl habitat.

According to the California Burrowing Owl Consortium there are three definitions of negative impacts:

- Disturbance or harassment within 50 m of occupied burrows.
- Destruction of burrows and burrow entrances. Burrows include structures such as culverts, concrete slabs and debris piles that provide shelter to burrowing owls.
- Destruction and/or degradation of foraging habitat adjacent to occupied burrows (within 100 m).

If burrowing owls are found at a project site, measures to avoid or mitigate negative impacts should follow one of three general approaches. These approaches are listed below:

1. Design and implement project activities to spatially avoid negative impacts and disturbance to burrowing owls and their habitat.
  - No disturbance should occur within 50 m of occupied burrows during the non-breeding season (September through February) or within 75 m during the breeding season (March through August). Avoidance also requires that a minimum of 6.5 acres of foraging habitat be maintained in undisturbed habitat condition for each pair or unpaired burrowing owl.
  - No disturbance or destruction of any prairie dogs or other burrowing animals or their burrows, should occur within the owl avoidance areas.

2. Design and implement project activities to seasonally avoid negative impacts and disturbances to burrowing owls.
  - Occupied burrows should not be disturbed during the nesting period, from March 1st through August 1st.
  - No disturbance or destruction of any prairie dogs or other burrowing animals or their burrows, should occur within the owl avoidance areas.
  - When destruction of burrows is unavoidable, burrow destruction or ground disturbing activities should only occur during the season when migratory owls have left the breeding site. The unoccupied season can be expected to begin in September or October and end in February or March. However, burrowing owl occupancy always must be confirmed by survey data, regardless of season. Immediately prior to burrow destruction a video probe should be used to confirm that the burrow is unoccupied.
  - For any occupied burrows that are destroyed outside of the nesting season, any remaining, undestroyed, burrows should be enhanced (enlarged or cleared of debris) or new burrows should be created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. A minimum of 6.5 acres of foraging habitat should be maintained in an undisturbed habitat condition for each pair or unpaired resident bird.
  - To ensure compliance with the federal Migratory Bird Treaty Act and state laws and regulations, the U.S. Fish and Wildlife Service and New Mexico Department of Game and Fish must be contacted to confirm that any construction activities resulting in destruction of burrows will not result in a taking of burrowing owls and, thus, violation of federal and state law.
3. Relocate burrowing owls that will be negatively impacted by project activities to protected areas of potential burrowing owl habitat.
  - If owls must be moved away from the disturbance area, passive relocation techniques should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and to allow the owls to acclimate to alternate burrows. Passive relocation can be accomplished by use of one-way doors. Owls should be excluded from burrows in the immediate negatively impacted zone and within a 50-m buffer zone by installing one-way doors in burrow entrances. One-way doors should be left in place for approximately 48 hours to ensure that owls have left burrows before excavation. Prior to burrow destruction a video probe should be used to confirm that the burrow is unoccupied. If a video probe is not available burrows should be excavated with hand tools to ensure that the burrows are unoccupied. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. Passive relocation should only be used during the non-breeding season,. This method should not be used once a pair of owls is at a burrow unless it is determined that the female does not exhibit a brood patch.
  - If removal or relocation is necessary, trapped burrowing owls should be released in a new location with suitable habitat in a soft release cage. Soft release involves placing owls in a cage with an artificial burrow and fed mice daily for three weeks. After three weeks one side of the cage is removed. More information on this technique is available from NMBOWG.
  - A minimum of 6.5 acres of foraging habitat should be maintained in an undisturbed habitat condition for each pair or unpaired resident bird. No disturbance or destruction of any prairie dogs or other burrowing animals or their burrows, should occur within the owl avoidance areas.
  - To ensure compliance with the federal Migratory Bird Treaty Act and state laws and regulations, the U.S. Fish and Wildlife Service (505-248-7882) and New Mexico Department of Game and Fish (505-476-8101) must be contacted and federal and state permits must be obtained for handling of owls.

## Links

New Mexico Burrowing Owl Working Group

<http://www.hawksaloft.org/BUOW/BUOW.htm>

Use of Artificial Burrows by Burrowing Owls at the HAMMER Facility on the U.S. Dept. of Energy Hanford Site

[http://www.pnl.gov/main/publications/external/technical\\_reports/PNNL-15414.pdf](http://www.pnl.gov/main/publications/external/technical_reports/PNNL-15414.pdf)

How to Install Artificial Nesting Burrows for Burrowing Owls

<http://www.usga.org/turf/articles/environment/general/Burrowing-Owl-Brochure.pdf>

Artificial Burrowing Owl Burrow Design

<http://www2.ucsc.edu/scpbrg/artifici.htm>

## Literature Cited

Arrowood, P. C., C. A. Finley, and B. C. Thompson. 2001. Analysis of burrowing owl populations in New Mexico. *Journal of Raptor Research* 35: 362-370.

Botelho E. S., and P. C. Arrowood. 1996. Nesting success of western burrowing owls in natural and human-altered environments. In D. M. Bird, D. E. Varland, and J. J. Negro, editors. *Raptors in human landscapes: adaptations to built and cultivated environments*. Academic Press, Inc. San Diego, California.

California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation. Unpubl. report. 10 p.

California Burrowing Owl Consortium (CBOC). 1993. Burrowing owl survey protocol and mitigation guidelines. Unpubl. report. 13 p.

Conway, C. J., and J. C. Simon. 2003. Comparison of detection probability associated with burrowing owl survey methods. *Journal of Wildlife Management* 67: 501-511.

Dick-Peddie, W. A. 1993. *New Mexico vegetation: past, present, and future*. University of New Mexico Press, Albuquerque. 244 pp.

Emlen J. T. 1971. Population densities of birds derived from transect counts. *Auk* 88: 323-342.

Emlen, J. T. 1977. Estimating breeding season bird densities from transects counts. *Auk* 94: 455-468

Haug, E. A., and A.B. Didiuk. 1993. Use of recorded calls to detect burrowing owls. *Journal of Field of Ornithology* 64: 188-194.

Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*). In A. Poole and F. Gill, eds. *The birds of North America*, No. 61. The American Ornithologists' Union: The Academy of Natural Sciences; Washington, D.C.

Johnson, K., L. DeLay, P. Mehlhop, and K. Score. 1997. Distribution, habitat, and reproductive success of burrowing owls on Holloman Air Force Base. Unpubl. report by New Mexico Natural Heritage Program. 26 p.

Martin, D. J. 1973. Selected aspects of burrowing owl ecology and behavior. *Condor* 75: 446-456.

New Mexico Burrowing Owl Working Group (NMBOWG). 2005. Recommended burrowing owl survey and monitoring protocol. Unpubl. report. 5 p.

**APPENDIX C: SECTION 106 CORRESPONDENCE, CLOVIS REGIONAL AIRPORT  
TERMINAL RELOCATION ENVIRONMENTAL ASSESSMENT**





Michelle Lujan Grisham  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 – [NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)

August 16, 2023

Darvin Messer  
Environmental Protection Specialist  
Louisiana/New Mexico Airports District Office  
Federal Aviation Administration  
10101 Hillwood Parkway  
Fort Worth, TX 76177

VIA EMAIL ONLY

RE: Section 106 Consultation: Proposed Expansion, Clovis Regional Airport, Clovis, Curry County, New Mexico (NMCRIS #152840)

Dear Mr. Messer:

Thank you for submitting the cultural resources report: NMCRIS #152840 *A Class III Cultural Resources Inventory for the Clovis Airport Expansion in Curry County, New Mexico*.

To begin the Section 106 consultation process with the NM State Historic Preservation Office (NM SHPO) under 36 CFR 800.3, please provide a cover letter establishing the proposed undertaking including construction drawings and/or scope of work, as appropriate. Please also discuss the determination of the Area of Potential Effects (APE) based on the proposed undertaking.

From online sources, it appears that the Clovis Municipal Airport, now Clovis Regional Airport, was constructed in 1958. The proposed APE omitted extant buildings and structures at the airport. Photographs and information on the extant terminal building, hangars, and other structures were not included in the submitted report. Based on the information provided, it is unclear if potential historic properties will be affected by an undertaking. Please provide an explanation of the proposed APE; a discussion of potential historic properties (buildings, sites, structures, or objects over 50 years old) just outside the proposed APE boundary; and additional photographs of buildings and structure just the APE boundary keyed to a site plan.

If potential historic resources are located just outside the proposed APE, NM SHPO needs additional documentation in the form of completed digital NM Historic Property Information Forms (HCPI forms) and an assessment of National Register of Historic Places eligibility for these resources for our review.

The 30-day review period will begin once the above-requested information is submitted to NM SHPO. If you have any questions, please feel free to contact me at [gretchen.brock@dca.nm.gov](mailto:gretchen.brock@dca.nm.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Brock". The signature is written in a cursive style and is positioned above the printed name and title.

Gretchen Brock  
Historian, Architectural Reviewer

**HPD LOG# 120370**

cc: Richard Reycraft, PhD., Archaeological Review, NM SHPO  
Kim Parker, Cultural Resources Program Director, SWCA



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Airports Division  
Southwest Region  
Louisiana / New Mexico Airports District  
Office

FAA ASW-640  
10101 Hillwood Parkway Fort Worth,  
TX 76177

September 7, 2023

Gretchen Brock, Historian and Architectural Reviewer

**STATE OF NEW MEXICO - DEPARTMENT OF CULTURAL AFFAIRS  
HISTORIC PRESERVATION DIVISION**

Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, New Mexico 87501  
[NM.SHPO@dca.nm.gov](mailto:NM.SHPO@dca.nm.gov)

**RE: Clovis Regional Airport Terminal Replacement, Clovis, Curry County, New Mexico  
(NMCRIS #152840)**

Dear Ms. Brock:

The City of Clovis, in cooperation with the Federal Aviation Administration (FAA), is proposing to construct a new terminal building at the Clovis Regional Airport. As the proposed project will require federal approval of a revision to the airport layout plan (ALP) and because the project will potentially be constructed with federal funds, the proposed project constitutes a federal undertaking subject to review under Section 106 of the National Historic Preservation Act as amended, and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800. The FAA has found that this undertaking would result in “no historic properties affected.” We are providing the documentation discussed in this letter and seek your concurrence.

**Description of the Undertaking**

The Proposed Undertaking is to replace an existing commercial passenger terminal, which is undersized for existing passenger service and future commercial service projections, with a larger, modernized terminal that will be more energy and water efficient as well as Americans with Disabilities (ADA) compliant. The current terminal building is beyond its useful life for commercial passenger activity and does not meet current or projected passenger needs. The project will be located entirely on land owned by the City of Clovis in the western portion of the airport (Exhibit 1).

The proposed terminal building will overlook Taxiway B and Runway 12-30. The new terminal building will be 20,883 square feet (sf) and will include an expanded check-in-area, expanded holding area, a designated baggage claim area, and improved restrooms. In addition, the Proposed Action will consist of new aircraft apron (43,684 sf), connectors to Taxiway B, vehicular parking lot and access road

improvements, landscaping, and sidewalks (Exhibit 2). The existing terminal building is 5,300 sf and will ultimately be repurposed for administrative uses.

To account for the potential for direct effects to potential historic properties, the FAA has revised the area of potential effects (APE) to encompass a 12.0-acre project area, which includes the proposed terminal facility, new aircraft apron, vehicular parking and access roads, a vehicle service road, and area for landscaping, utility connections, and stormwater drainage improvements (Exhibit 3).

The revised APE ensures no construction activity will occur within 100 feet of any historic-age buildings (45 years or older). The closest building of historic age is the existing terminal building. This building was constructed around 1958, but has gone through two significant renovations, one in 1999 and another in 2001. Other extant buildings of historic age include an aircraft rescue and firefighting (ARFF) building (1975) and several hangars in the southern hangar area constructed in the late 1960s and early 1970s (Exhibit 3).

No visual/atmospheric effects are expected as the proposed work is in line with the expansion of the airport and surrounding property through the years since its construction; therefore, the project will not affect any potential historic properties near or adjacent to the project area, and especially to the proposed vertical construction (i.e., the new terminal).

### **Resource Identification Methods and Results**

On April 18, 2023, a cultural resources survey was conducted at Clovis Regional Airport, surveying both the APE and adjacent project areas (SWCA Environmental Consultants 2023). The Cultural Resources Survey evaluated a total area of 15.17 acres, which included the proposed project's 12.0-acre APE. Based on the survey, no archaeological sites or historic cultural properties (buildings, structures, or objects), or isolated occurrences were observed or recorded within the pedestrian survey area. No further management is recommended.

### **Effect Finding**

Based on the results of the cultural resources survey, as well as the revisions to the APE to avoid potential direct impacts to historic age buildings present at the airport and an assessment of indirect effects to any potential historic properties, the FAA is making a finding of "no historic properties affected" for the Proposed Undertaking. If previously undocumented cultural materials are encountered during construction, work shall cease immediately at that location and the FAA and State Historic Preservation Office will be notified as soon as possible to determine the appropriate course of action.

Please review the information provided in this letter and its enclosures. If you agree with the above determinations, please respond with a concurrence. Should you have any questions or require additional information, please contact me at (817) 222-5601 or [Orville.D.Messer@faa.gov](mailto:Orville.D.Messer@faa.gov).

Sincerely,

**ORVILLE DARVIN  
MESSER**

Digitally signed by ORVILLE  
DARVIN MESSER  
Date: 2023.09.07 09:33:23 -05'00'

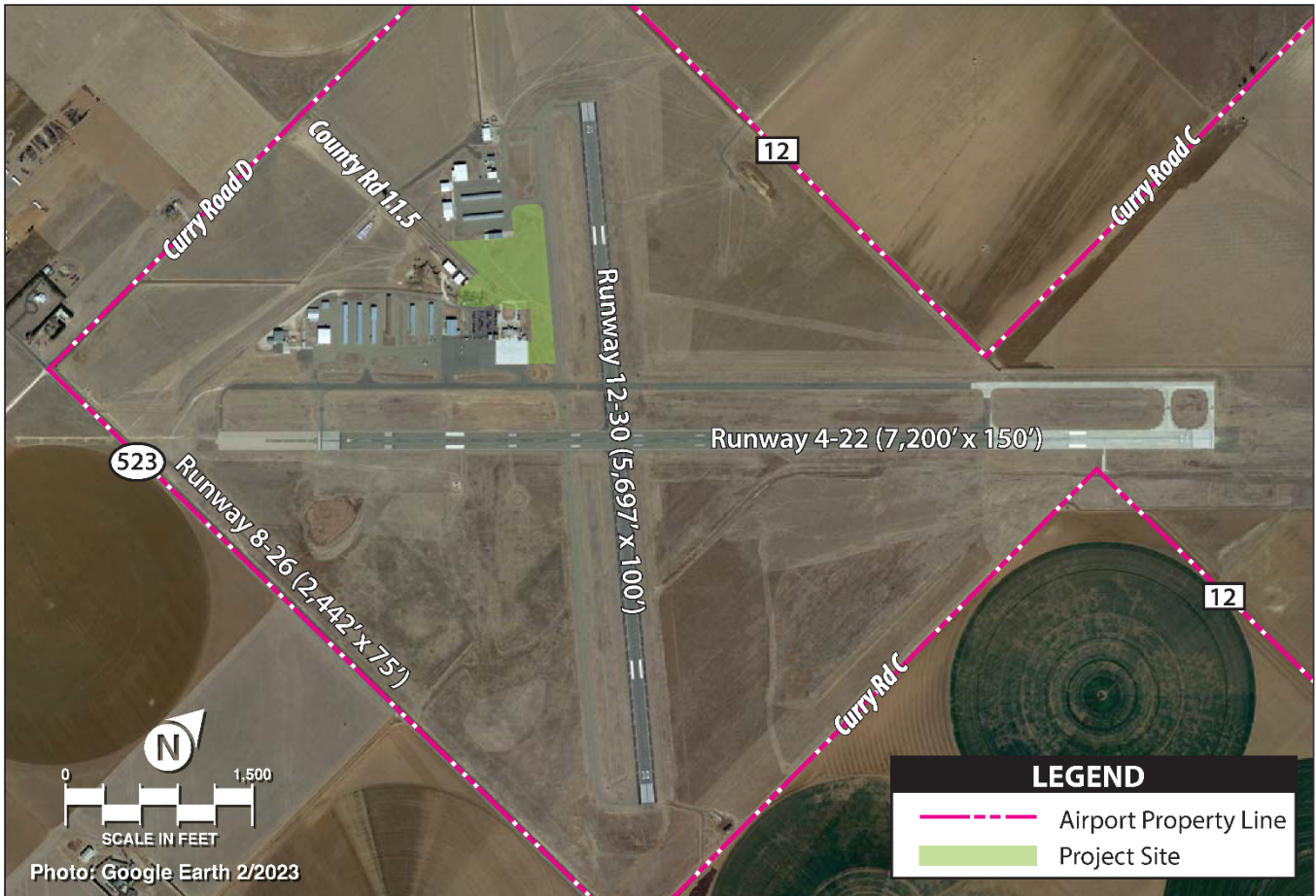
Darvin Messer  
Environmental Protection Specialist  
Louisiana/New Mexico Airports District Office

**Attachments:**

Exhibit 1, Project Location  
Exhibit 2, Proposed Undertaking  
Exhibit 3, Area of Potential Effect

**Enclosures:**

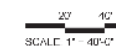
SWCA Environmental Consultants, Inc. (SWCA), NMCRIS Investigation Abstract Form (NIAF),  
NMCRIS Activity No. 152840, resubmitted September 5, 2023.



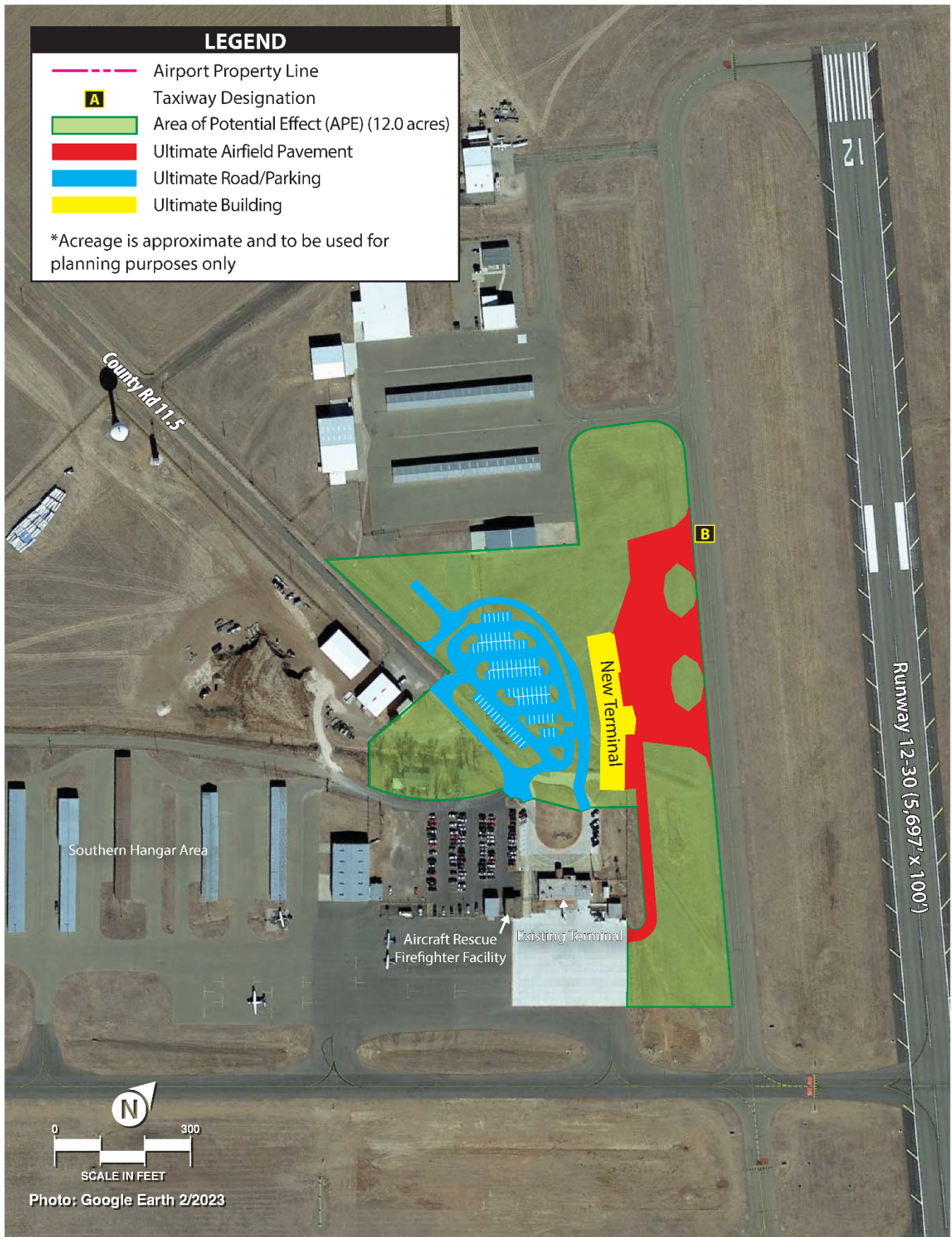




CLOVIS TERMINAL SITE PLAN-OPTION 5.1 1  
Scale: 1" = 40'-0"











Michelle Lujan Grisham  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

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September 12, 2023

Darvin Messer  
Environmental Protection Specialist  
Louisiana/New Mexico Airports District Office  
Federal Aviation Administration  
10101 Hillwood Parkway  
Fort Worth, TX 76177

VIA EMAIL ONLY

RE: Section 106 Consultation: Clovis Regional Airport Terminal Replacement, Clovis, Curry County, New Mexico (NMCRIS #152840)

Dear Mr. Messer:

Thank you for submitting the additional information for the proposed passenger terminal replacement at the Clovis Regional Airport in Clovis, Curry County, New Mexico. Our office received the additional documents on September 7, 2023. The proposed undertaking is the construction of a new passenger terminal building, aircraft apron, parking lot and access road improvements, landscaping, and sidewalks. The New Mexico State Historic Preservation Office (SHPO) reviewed the proposed project under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, NM SHPO concurs with the FAA finding of No Effect to historic properties for the above-referenced undertaking.

If you have any questions, please feel free to contact me at [gretchen.brock@dca.nm.gov](mailto:gretchen.brock@dca.nm.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Brock".

Gretchen Brock  
Historian, Architectural Reviewer

**HPD LOG# 120370**

cc: Richard Reycraft, PhD., Archaeological Review, NM SHPO  
Kim Parker, Cultural Resources Program Director, SWCA



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