

DRAFT

FINDING OF NO SIGNIFICANT IMPACT

Proposed Land Acquisition and Transfer, and Construction and Operation of New Driving Track and Solar Array at the Federal Law Enforcement Training Centers

Artesia, Eddy County, New Mexico

NAME OF ACTION

The Proposed Action includes land acquisition and transfer (i.e., land swap) with a private entity of two 160-acre parcels near the Federal Law Enforcement Training Centers' (FLETC) facilities in Artesia, Eddy County, New Mexico, for the construction, operation, and maintenance of a new driving track. A 60-acre parcel at FLETC's Main Campus in Artesia would be used to install a solar photovoltaic (PV) array. Therefore, this Environmental Assessment (EA) assesses potential impacts from the land swap, and construction, operation, and maintenance of both a driving track and PV array.

DESCRIPTION OF PROPOSED ACTION

FLETC provides training to law enforcement personnel at its facilities in Artesia, New Mexico, which consist of the Main Campus, located within the City of Artesia, and the Special Training Complex (STC), located 3 miles west of the Main Campus. The Main Campus provides space for support and student facilities, and some training facilities, including one driving track. The STC is used for training law enforcement personnel in firearms and driving.

FLETC is proposing to exchange a 160-acre parcel of land for an equivalent sized parcel with a private entity. Both parcels proposed for transfer are currently undeveloped. The parcel of private land that FLETC would receive through the land swap is directly adjacent to another existing driving track at the STC. The land swap would provide FLETC with sufficient space directly adjacent to its existing STC driving tracks to construct, operate, and maintain a new emergency driving track that would meet all training and design requirements. The proposed driving track would replace the existing driving track at the Main Campus, which is in need of substantial upgrades and repairs and does not provide sufficient capacity for emergency driver training needs. The proposed emergency driving track at the STC would be used daily. An estimated 2,000 law enforcement personnel are trained each year on the existing track to be replaced, although this number is expected to increase in the foreseeable future by about 30 percent. It is anticipated that the private entity would use the parcel it receives from FLETC for cattle grazing.

Construction of a new driving track on the new parcel at the STC would enable FLETC to repurpose a 60-acre portion of the existing driving track at the Main Campus for installation of a ground-mounted PV array. The array would be installed in the vacant space inside the driving track, allowing the track to be maintained as access roads for the PV array. The maximum size

system that would be installed is an 8.3 megawatts of direct current (MWdc)/6.75 megawatts of alternating current (MWac) PV system.

Final site design and layout of the proposed driving track and PV array, as connected but independent actions, would be completed following this EA. If the potential impacts of the driving track or PV array, based on their final designs, are greater than or beyond the scope of the impacts identified in the EA, FLETC would conduct supplemental NEPA analysis to assess and disclose those additional environmental consequences.

The purpose of the Proposed Action is to conduct a land acquisition and transfer (i.e., “land swap”) with a private entity where FLETC would transfer a 160-acre tract of land in exchange for a 160-acre tract adjacent to existing driving tracks at the FLETC Artesia STC. The tract received by FLETC in the land swap would be used to construct, operate, and maintain a new, up-to-date emergency driving track. This would consolidate all driving tracks at the STC location and ensure FLETC maintains its ability to provide required training. It would also allow the existing, outdated emergency driving track at the Main Campus to be repurposed for installation of the ground-mounted PV array. The proposed land swap would optimize land use at FLETC Artesia and allow FLETC to better fulfill its mission and further DHS’s sustainability goals. The Proposed Action is needed because the existing driving track at the Main Campus is in disrepair and does not provide sufficient training capacity for law enforcement students. The proposed driving track would allow FLETC to better fulfill its mission to train and prepare the federal law enforcement community. Installation of the PV array is needed to allow FLETC to decrease energy costs and its reliance upon traditional, fossil fuel-based energy sources to work toward meeting federal directives on renewable energy.

ALTERNATIVES

In the initial evaluation of alternatives, FLETC took into consideration specific criteria. Only those alternatives that would support the purpose of and need for the Proposed Action were considered suitable for detailed analysis. Only one action alternative was considered and assessed, the Preferred Alternative, which would implement the Proposed Action as described. Although it does not satisfy FLETC’s purpose and need, the No Action Alternative was also evaluated to provide a comparative baseline for potential impacts of the Proposed Action. The No Action Alternative reflects the status quo and serves as a benchmark against which effects of the Proposed Action can be evaluated.

FLETC initially considered two other alternatives and dismissed them from further consideration. These included upgrades to the existing driving track and use of the existing FLETC STC parcel. Upgrades to the existing driving track would preclude other future development at the Main Campus, such as the proposed PV array. Additionally, it is not cost effective when compared to the cost of constructing a new driving track, and would result in training bottlenecks while upgrades are being implemented. Use of the existing FLETC STC parcel is not technically feasible as it has no transmission lines or utility connections present at the parcel that could connect to the PV array. Additionally, the currently owned parcel would not be able to accommodate a new driving track due to the location and layout of the parcel.

ANTICIPATED ENVIRONMENTAL IMPACTS

The EA evaluated the resource areas of air quality and climate change, cultural resources, visual resources, geology and soils, noise, biological resources, water resources, infrastructure and utilities, energy, land use, hazardous materials and waste, and socioeconomics and environmental justice. The analysis of the Proposed Action in the EA did not identify any significant adverse impacts to the environment. A summary of the potential impacts is provided in **Table 1**.

Table 1. Anticipated Environmental Impacts of the Proposed Action

Resource	No Action Alternative	Preferred Alternative
Air Quality and Climate Change	No impact.	<p><i>Short-term, less-than-significant adverse impacts during driving track construction.</i></p> <p><i>Minor increase in air emissions during operation of the new driving track.</i></p> <p><i>Long-term, less-than-significant adverse impacts from PV panel operation and maintenance activities.</i></p> <p><i>Short-term, less-than-significant adverse impacts to GHG emissions during construction.</i></p> <p><i>Minor increase in GHG emissions associated with driving track operation.</i></p> <p><i>Beneficial contribution to the reduction of regional GHG emissions from operation of the PV array.</i></p>
Cultural Resources	No impact.	<p><i>No effect on archaeological sites.</i></p> <p><i>No adverse effect on historic properties.</i></p>
Visual Resources	No impact.	<p><i>No impact during construction.</i></p> <p><i>Short-term, negligible adverse impacts from installation of the PV array.</i></p> <p><i>No impact from operation of the driving track.</i></p> <p><i>Long-term negligible adverse impacts from the PV array when viewed from the air and from the ground.</i></p>
Geology and Soils	No impact.	<p><i>No impact on geology, topography, prime farmland, or farmland of statewide importance.</i></p> <p><i>Short-term, less-than-significant adverse impacts from runoff and erosion during construction of the driving track and installation of the PV array.</i></p> <p><i>Long-term, less-than-significant adverse impacts on the natural conditions of soil during construction of the driving track.</i></p> <p><i>Long-term, negligible adverse impacts on the natural conditions of soil during installation of the PV array.</i></p> <p><i>Long-term, negligible adverse impacts from disturbance and compaction during operation.</i></p>

Resource	No Action Alternative	Preferred Alternative
Noise	<p><i>Long-term, less-than-significant adverse impacts to the noise environment near the Main Campus.</i></p> <p><i>No impact on the noise environment around the STC.</i></p>	<p><i>Short-term, negligible adverse impacts from construction of the driving track and installation of the PV array.</i></p> <p><i>Long-term, beneficial impacts for receptors near the Main Campus.</i></p> <p><i>Long-term, negligible adverse impacts on the overall noise environment near the STC.</i></p>
Biological Resources	No impact.	<p><i>Short-term, less-than-significant adverse impact on vegetation from ground disturbance during construction.</i></p> <p><i>Long-term, less-than-significant adverse impacts from permanent vegetation removal for the driving track.</i></p> <p><i>Short-term and long-term negligible adverse impacts on vegetation from installation of the PV array.</i></p> <p><i>No impact on vegetation from operation.</i></p> <p><i>Short-term, less-than-significant adverse impacts on terrestrial wildlife during driving track construction.</i></p> <p><i>Short-term, negligible adverse impacts on terrestrial wildlife during PV array installation.</i></p> <p><i>Long-term, less-than-significant adverse impacts on terrestrial wildlife during driving track operation.</i></p> <p><i>Long-term, negligible adverse impacts on terrestrial wildlife during PV array operation.</i></p> <p><i>No effect on nine federally listed species during driving track construction.</i></p> <p><i>May affect but is not likely to adversely affect the federally listed aplomado falcon during driving track construction.</i></p> <p><i>Short-term, negligible adverse impacts on birds of conservation concern during driving track construction.</i></p> <p><i>No significant adverse effects on state special status species during driving track construction.</i></p> <p><i>Short-term, negligible adverse impacts on special status species during PV array installation.</i></p> <p><i>No effect on special status species during operation.</i></p>

Resource	No Action Alternative	Preferred Alternative
Water Resources	No impact.	<p><i>Short-term, less-than-significant adverse impacts on stormwater during driving track construction and PV array installation.</i></p> <p><i>Long-term, negligible adverse impacts on stormwater during operation.</i></p> <p><i>Short-term, negligible adverse impacts on groundwater during driving track construction and PV array installation.</i></p> <p><i>Long-term, negligible adverse impacts on groundwater during operation.</i></p>
Infrastructure and Utilities	<i>Long-term, less-than-significant adverse impacts due to continued deterioration of the existing driving track.</i>	<i>No impact from construction of the driving track, installation of the PV array, or operation.</i>
Energy	No impact.	<p><i>Short-term, negligible adverse impacts from driving track construction and PV array installation.</i></p> <p><i>Long-term, beneficial impacts from operation.</i></p>
Land Use	No impact.	<p><i>Long-term, negligible adverse impacts from driving track construction.</i></p> <p><i>No impact from PV array installation.</i></p> <p><i>No impact from operation.</i></p>
Hazardous Materials and Waste	No impact.	<p><i>Short-term, less-than-significant adverse impacts during driving track construction and PV array installation.</i></p> <p><i>Long-term, less-than-significant adverse impacts from operation.</i></p>
Socioeconomics and Environmental Justice	<i>Potential disproportionate adverse impacts to communities with environmental justice concerns.</i>	<p><i>Short-term, negligible beneficial impacts on socioeconomic conditions from driving track construction and PV array installation.</i></p> <p><i>Negligible beneficial impacts on socioeconomic conditions from operation.</i></p> <p><i>No disproportionate adverse impacts on communities with environmental justice concerns during driving track construction, PV array installation, or operation.</i></p> <p><i>Long-term, beneficial impacts to communities with environmental justice concerns from operation of the PV array.</i></p>

BEST MANAGEMENT PRACTICES

Potential environmental impacts would be minimized to the extent practicable through the use of best management practices (BMPs) as detailed in the EA and summarized in **Table 2**. FLETC would implement these BMPs and adhere to all applicable federal, state, and local regulatory

requirements, including obtaining necessary permits, in order to avoid or minimize potential adverse impacts resulting from the Proposed Action. These BMPs are considered to be part of the Proposed Action; the impact analysis in the EA assumes implementation of these BMPs. If FLETC determines it is unable to implement one or more of these BMPs, it would be considered a change in the Proposed Action and supplemental NEPA analysis may be required if it would substantively alter the impact analysis documented in this EA.

Table 2. Standard Best Management Practices for Proposed Action

Resource	Best Management Practice
Air Quality and Climate Change	<ul style="list-style-type: none"> - Apply water or use stabilization measures on areas of bare soil to minimize dust or wind-blown soil. - Cover dump trucks carrying materials that could become airborne. - Maintain construction equipment in accordance with manufacturers' specifications to reduce exhaust emissions.
Cultural Resources	<ul style="list-style-type: none"> - Cease work if unanticipated cultural resources are discovered and report the discovery to the New Mexico Historic Preservation Division and federally recognized tribes.
Visual Resources	<ul style="list-style-type: none"> - Angle and position PV panels to minimize glare. - Install PV panels that have textured glass or an anti-reflective coating to reduce glare.
Geology and Soils	<ul style="list-style-type: none"> - Obtain and adhere to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and develop a stormwater pollution prevention plan (SWPPP) to manage erosion and stormwater discharges. - Implement sediment controls prior to conducting land-disturbing activities and maintain throughout construction.
Noise	<ul style="list-style-type: none"> - Use mufflers on construction equipment and vehicles. - Turn off equipment when not in use. - Limit construction activities to daytime hours.
Biological Resources	<ul style="list-style-type: none"> - Clean construction equipment prior to bringing on-site to minimize the introduction of invasive species. - Use native plant species and certified weed-free sources to revegetate and reclaim the PV array site. - Adhere to time-of-year restrictions between April 15 and September 1 to minimize impacts to nesting migratory birds. Coordinate with USFWS if migratory bird nests are found during construction or if incidental takings occur. - Conduct surveys for burrowing owls prior to performing ground disturbance and consult with the New Mexico Department of Game and Fish (NMDGF) and U.S. Fish and Wildlife Service (USFWS) if burrows are discovered.

Resource	Best Management Practice
	<ul style="list-style-type: none"> - If ground-disturbing activities would occur within a black-tailed prairie dog colony and cannot be moved away from the colony site, consult with NMDGF for trapping and relocation procedures.
Water Resources	<ul style="list-style-type: none"> - Obtain and adhere to the NPDES CGP and develop a SWPPP to manage erosion and stormwater discharges. - Perform routine inspections of equipment and maintain spill containment materials to prevent releases to groundwater. - Adhere to spill response plans during operation.
Infrastructure and Utilities	<ul style="list-style-type: none"> - N/A
Energy	<ul style="list-style-type: none"> - Provide advance notice to end users of electric utility interruptions that may occur while installing the PV array.
Land Use	<ul style="list-style-type: none"> - N/A
Hazardous Materials and Waste	<ul style="list-style-type: none"> - Implement the existing FLETC Artesia Spill Prevention, Control, and Countermeasure Plan (SPCCP) to address inadvertent releases. - Establish contractual requirements pertaining to contractor’s care and handling of solar panels to minimize potential for damage, and identify applicable cleanup/disposal requirements for damaged panels. - Maintain spill containment and clean-up materials on-site. - Perform regular vehicle checks and maintenance of the vehicles using the proposed driving track. - Replenish necessary vehicle fluids only at proper locations.
Socioeconomics and Environmental Justice	<ul style="list-style-type: none"> - Adhere to BMPs for other resource areas to prevent the potential for disproportionate adverse impacts.

FINDING OF NO SIGNIFICANT IMPACT

The EA was prepared and evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508), and U.S. Department of Homeland Security (DHS) Directive 023-01, Rev. 01 (Implementation of NEPA). The analyses described in the Draft EA demonstrate that the Proposed Action would result in no significant impact on the environment. As a result, no additional analysis or documentation (i.e., Environmental Impact Statement) is required under NEPA or CEQ’s Regulations Implementing the Procedural Provisions of NEPA.

Based on the information presented in the Draft EA, FLETC finds that the Proposed Action is consistent with the existing policies and objectives as set forth in NEPA, and that it will not significantly affect the quality of the human environment. Therefore, FLETC would proceed with implementing the Proposed Action as described in the EA. FLETC would continue to utilize all practical means to minimize or avoid the potential for adverse impacts to the human and natural environment.

PUBLIC/AGENCY COMMENT

The Draft EA and Draft Finding of No Significant Impact (FONSI) have been coordinated with appropriate parties, including agencies and Tribal Nations, having an interest in the project. In addition, a public Notice of Availability (NOA) was published in the *Artesia Daily Press* on May 30, 2024, announcing the availability of the Draft EA. The Draft EA and Draft FONSI are available on the DHS website at www.dhs.gov/nepa, and a printed copy is available at the Artesia Public Library, 205 W. Quay Avenue, Artesia, New Mexico 88210, for public review. These documents are available for a 30-day public review and comment period following publication of the NOA (i.e., through June 29, 2024). Coordination with all appropriate parties to date is detailed in **Section 6.0** and **Appendix A, B, and C** of the EA.

POINT OF CONTACT

Comments and inquiries for further information about this Draft EA and Draft FONSI should be directed to Mr. James A. Brown, Jr., Environmental Protection Specialist, FLETC, via email to james.a.brown@fletc.dhs.gov.

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