



**U. S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration**

**Natural Gas Distribution Infrastructure Safety and Modernization
Grant Program
City of Las Cruces
Las Cruces, New Mexico
Finding of No Significant Impact
NGDISM-FY22-EA-2023-27**

PHMSA Approval:

I. Introduction

This document serves as the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Finding of No Significant Impact (FONSI) and provides final agency determinations and approvals for the federal actions to comply with the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and CEQ regulations (40 CFR parts 1500-1508). This FONSI is based on the information and analysis contained in the Tier 1 Nationwide Environmental Assessment for the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program¹ (Tier 1 EA) and the site-specific Tier 2 Environmental Assessment (Tier 2 EA), approved April 26, 2024, incorporated herein by reference.

II. Public Involvement

On November 9, 2022, PHMSA published a Federal Register notice (87 FR 67748) with a 30-day comment period soliciting comments on the "Tier 1 Nationwide Environmental Assessment for the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program". During the 30-day comment period, PHMSA received one comment letter dated December 9, 2022, from the American Public Gas Association (APGA) on various aspects of the program and air quality related analysis identified in the EA. The APGA noted that the majority of projects would conduct pipe replacements by open trenching construction methods and that it is standard industry practice to seal and abandon legacy pipes rather than removing old pipeline for replacement. The APGA also provided perspectives on three areas relating to the environmental reviews of pipeline projects and include (1) the use of the specific studies (e.g., Lamb (2015)² and Weller et al. (2020)³ for quantifying greenhouse gas emissions, (2) utilization of the Social Cost of Greenhouse Gases (SC-GHG) and (3) the U.S. Army Corps of Engineer's Nationwide Permit (NWP) program. This APGA letter is available for public review at www.regulations.gov at the Docket No: PHMSA-2022-0123.

PHMSA reviewed the comment letter provided by APGA. PHMSA notes that project-specific construction methods are analyzed in the project specific Tier 2 EAs and that Tier 2 EAs include information on whether the work would include removal of old pipeline or abandonment. Regarding the suggested Lamb (2015) study for methane leak calculations, it is noted that PHMSA only utilized the pipeline material distribution reported by Weller et al. (2020) in order to quantify the leakage of methane from existing pipelines. The emission factors listed in the Tier 1 EA were calculated using data from Lamb (2015) and GRI/EPA (1996)⁴, not Weller et al. (2020). Table 1 of the Tier 1 EA lists the EPA methane emission factors, which were adopted from Lamb (2015). Regarding the SC-GHG, PHMSA analyzed the SC-GHG in accordance with the Council on Environmental Quality (CEQ) interim guidance to assist agencies in analyzing greenhouse gas (GHG) and climate change effects of their proposed actions under the National Environmental Policy Act (NEPA).⁵ CEQ recommends that agencies provide additional context for GHG emissions, including through the use of the best available social cost of GHG (SC-GHG) estimates, to translate climate impacts into the more accessible metric of dollars, allow decision makers and the public to make comparisons, help evaluate the significance of an action's climate change effects,

¹ <https://www.federalregister.gov/documents/2022/11/09/2022-24378/pipeline-safety-notice-of-availability-of-the-tier-1-nationwide-environmental-assessment-for-the>

² Lamb, B. K., Edburg, S. L., Ferrara, T. W., Howard, T., Harrison, M. R., Kolb, C. E., ... & Whetstone, J. R. (2015). Direct measurements show decreasing methane emissions from natural gas local distribution systems in the United States. *Environmental Science & Technology*, 49(8), 5161-5169.

³ Weller, Z. D., Hamburg, S. P., & von Fischer, J. C. (2020). A national estimate of methane leakage from pipeline mains in natural gas local distribution systems. *Environmental science & technology*, 54(14), 8958-8967

⁴ GRI/EPA 1996. Methane Emissions from the Natural Gas Industry. EPA-600/R-96-080. June 1996.

⁵ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>

and better understand the tradeoffs associated with an action and its alternatives. PHMSA also supports the Army Corps of Engineer's NWP program. Based on a review and assessment of the APGA's comments, PHMSA has determined that no further analysis is warranted.

The approved Tier 2 EA for the City of Las Cruces was made available on PHMSA's website⁶ for public review on April 30, 2024. A notice of availability for the Tier 2 EA was published in the *Las Cruces Sun New*⁷s on May 12, 2024, and May 19, 2024, with a public comment period closing date of June 17, 2024. In addition to the EA⁸ being made available on PHMSA's website, a hard copy was available at the City Clerk's Office at City Hall and the Thomas Branigan Memorial Library.

PHMSA did not receive any comments on the Tier 2 EA. The Tier 1 EA described that most site-specific projects would utilize the insertion method of pipe replacement; however, it is noted that the City of Las Cruces would use an open trench construction method to replace the natural gas pipelines. This construction method was disclosed and assessed in the Tier 2 EA.

III. Revisions to the Tier 2 EA

After publication of the Tier 2 EA, discrepancies in the Air Quality and Greenhouse Gasses (GHG) section were identified. The approved Tier 2 EA reported in the table, under Information and Justification, that the existing leak rate is 496kg/year, and the replacement of pipelines would result in a leak rate of 421 kg/year. The existing leak rate is estimated at 496kg/year; however, the replacement would result in an estimated leak rate of 75kg/year, which results in an annual methane reduction of 421 kg/year. Additionally, the EA stated that for the No Action alternative, PHMSA estimates that 588 kg of methane would be released each year from the existing pipelines within the project area which amounts to 11,759 kg of methane over a 20-year time frame. This is being revised to state that PHMSA estimates 496 kg of methane would be released each year from the existing pipelines within the project area which amounts to 9,927 kg of methane over a 20-year time frame. Appendix B, Air Quality (Methane Calculations) included in the Tier 2 EA accurately reflects PHMSA's estimates for methane emissions. These revisions correct typos and did not change PHMSA's overall assessment that the proposed project would provide a net benefit to air quality from the overall reduction of greenhouse gas emissions and that no indirect or cumulative impacts would result from the Proposed Action.

IV. Selected Action Alternative

The Selected Action Alternative is identified as the "Proposed Action" in the Tier 2 EA and includes the following:

The Selected Action Alternative will replace approximately 13,600 linear feet (LF) of Acrylonitrile Butadiene Styrene (ABS) and Poly Vinyl Chloride (PVC) gas lines, installed in the 1980's. The project consists of 4 discrete segments where existing pipelines will be replaced. Segment 1, located in the Rosedale Drive Neighborhood, includes the replacement of approximately 7,600 LF of 2-inch PVC pipelines and Segment 2, located in the Broadmoor Neighborhood, would replace approximately 3,800 LF of 2-inch ABS pipeline. Segment 3 along Sirius Street includes the replacement of approximately 800

⁶ <https://www.phmsa.dot.gov/about-phmsa/working-phmsa/grants/pipeline/tier-2-site-specific-environmental-documents>

⁷ [Las Cruces Sun-News: Breaking News, business, entertainment, sports \(lcsun-news.com\)](https://www.lcsun-news.com/)

⁸ [PHMSATier 2 EA Las Cruces \(dot.gov\)](https://www.phmsa.dot.gov/tier-2-ea-las-cruces)

LF of 2-inch ABS, and Segment 4 along Galaxy Drive includes the replacement of approximately 1,400 LF of 2-inch PVC. All lines would be installed at a depth of 3 feet (36 inches), minimizing disturbance from trenching. No new right-of-way (ROW) or easement is needed to replace the 13,600 LF of pipe.

Construction methods for the pipe installation include trenching. At most locations, the new gas lines would be installed next to the existing gas lines. However, depending on the limitations in the area and the location of other utilities, the new gas line may need to be installed on the opposite side of the street. Existing pipelines that will be replaced will be abandoned in place.

In addition to pipeline replacement activities, the project includes the installation of monitoring equipment at existing facilities and the acquisition of mobile leak detection equipment. Due to the sizable distance between the Talavera Regulator Station and the Main Gate Regulator Station, the project would include installation of an additional odorization unit to consistently provide the proper concentration of the odorant and suitable gas consumption in the Talavera area. The system would be installed inside an existing enclosure that has been prepared to accept the new infrastructure. This project also involves the addition of pressure sensing transducers throughout the distribution system. Up to eighty (80) transducers would be added to existing distribution lines, at above-ground locations or within existing vaults, that provide access to the line below ground. No new ground disturbance, ROW or easements would be required for these actions.

The Selected Action alternative was chosen as it best meets the project's purpose and need to: (1) improve upon the safe delivery of energy by reducing the likelihood of incidents, as well as methane leaks; (2) avoid economic losses caused by pipeline failures; and (3) protect the environment and reduce climate impacts by remediating aged and failing pipelines and pipes prone to leakage.

V. Minimization and Mitigation

- The City of Las Cruces shall implement the following mitigation measures:
 - Minimize and or eliminate the idling of equipment;
 - Transfer gas to a parallel line;
 - Minimize excavation to the greatest extent practical;
 - Utilize cleaner, newer, non-road equipment as practicable;
 - Ensure all vehicles and equipment are in proper operating condition; and
 - Water, or use of other approved dust suppressants, at construction sites and on unpaved roadways, as necessary.
- In the event of a release of hazardous materials/waste into the environment during construction, the City of Las Cruces shall notify the appropriate emergency response agencies, potentially impacted residents, and regulatory agencies of the release or exposure.
- The City of Las Cruces shall implement a Stormwater Pollution Prevention Plan which would identify appropriate construction and restoration activities to minimize the potential impacts to groundwater. All impacted areas would be restored to pre-construction conditions.
- The City of Las Cruces shall restore all impacted areas to pre-construction conditions.
- The City of Las Cruces is responsible for abiding by all applicable federal, state, and local regulations.
- If, during project implementation, a previously undiscovered archaeological or cultural resource

that is or could reasonably be a historic property is encountered or a previously known historic property will be affected in an unanticipated manner, all project activities in the vicinity of the discovery will cease and the City of Las Cruces will immediately notify PHMSA. This may include discovery of cultural features (e.g., foundations, water wells, trash pits, etc.) and/or artifacts (e.g., pottery, stone tools and flakes, animal bones, etc.) or damage to a historic property that was not anticipated. PHMSA will notify the State Historic Preservation Office and participating federally recognized tribes and conduct consultation as appropriate in accordance with 36 CFR § 800.13. Construction in the area of the discovery must not resume until PHMSA provides further direction.

- In the event that unmarked human remains are encountered during permitted activities, all work shall halt and City of Las Cruces shall immediately contact PHMSA as well as the proper authorities in accordance with applicable state statutes to determine if the discovery is subject to a criminal investigation, of Native American origin, or associated with a potential archaeological resource. At all times human remains must be treated with the utmost dignity and respect. Human remains and associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be photographed, collected, or removed until PHMSA has conducted the appropriate consultation and developed a plan of action. Project activities shall not resume until PHMSA provides further direction.
- All work, material, equipment, and staging to remain within the road's existing right-of-way or utility easement or other staging areas as identified in the environmental documentation. If the scope of work changes in any way that may alter the effects to historic properties as described herein, the grant recipient must notify PHMSA, and consultation may be reopened under Section 106.
- The City of Las Cruces shall establish traffic control plans that minimize disruption to the community and will coordinate construction schedules with property owners, emergency services, schools, and businesses.
- The City of Las Cruces shall adhere to the City of Las Cruces Noise Ordinance Sec. 19-131.
- The City of Las Cruces shall provide advanced public notifications of service disruptions and construction schedules to all affected parties including residents and businesses adjacent to the project area.
- The City of Las Cruces shall use standard construction safety methods and procedures; and conduct regular safety audits of crews performing work in the field and subsequent follow-up reporting and/or training, as required.
- The City of Las Cruces shall ensure their DIMP procedures are updated as necessary, the work is constructed in accordance with industry best practices and the project would comply with all local, state, and federal regulations, including those for safety and any required inspections.

VI. Findings and Determinations

Based on the analysis in this Tier 2 EA, PHMSA did not identify any significant adverse impacts on human health or the natural environment that would result from implementation of the Selected Action Alternative. The project will not require any additional right-of-way or easements.

PHMSA issued a Section 106 'No Adverse Effect' finding for the project and sent a letter to the State Historic Preservation Officer (SHPO) at the New Mexico Historic Preservation Division initiating Section 106 consultation and requesting concurrence on PHMSA's finding on March 27, 2024. The Doña Ana County Historical Society was copied on the letter and invited to participate as a consulting party. PHMSA

also sent letters on March 27, 2024, to the following federally recognized tribes, inviting them to participate in consultation:

- Apache Tribe of Oklahoma
- Comanche Nation, Oklahoma
- Fort Sill Apache Tribe of Oklahoma
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona

The letter to the tribes initiated Section 106 consultation to request information to determine if there were any historic properties of cultural or religious significance to the tribes, to determine if the tribes would like to be consulting parties, and to notify the tribes of PHMSA's finding of No Adverse Effect.

The New Mexico SHPO concurred with PHMSA's finding on April 22, 2024. The White Mountain Apache Tribe of the Fort Apache Reservation, Arizona responded on April 5, 2024, concurring with PHMSA's finding of No Adverse Effect. No other responses were received from the other tribes or consulting parties within 30 days of submitting the consultation letters. Therefore, in accordance with 36 CFR § 800.5(c)(1), PHMSA may proceed with carrying out the undertaking.

The Cultural Resource mitigation measures are listed above in Section IV, Minimization and Mitigation. Should the project area or scope of work change, or if cultural materials are encountered during construction, PHMSA would reopen consultation with SHPO and the federally recognized tribes. In the event of unanticipated discoveries, the grantee is required to stop work and notify PHMSA immediately. In turn, PHMSA would consult with SHPO and the federally recognized tribes. Attached to this FONSI is a document providing details on the protocol and requirements regarding unanticipated discoveries.

Consistent with the Tier 1 EA and the Tier 2 EA, PHMSA is making a FONSI determination, in accordance with 40 CFR 1501.6, for this project as it meets the following conditions:

- The Tier 2 Environmental Questionnaire for the selected action is complete and accurate.
- The types and extent of anticipated environmental impacts are as expected in the Tier 1 EA.
- Project proponent commits to compliance with applicable Federal and State environmental requirements.
- The project proponent commits to perform mitigation measures described in the Tier 2 Site Specific Environmental Assessment.
- PHMSA's review of the Tier 2 Environmental Questionnaire did not identify adverse and unanticipated types or levels of environmental impacts.

After careful and thorough consideration of the facts herein, the undersigned finds that the proposed Federal action, namely the Selected Action Alternative, is consistent with existing environmental policies and objectives as set forth in NEPA and other applicable environmental requirements and is not a major federal action significantly affecting the quality of the human environment or otherwise, including any condition requiring consultation pursuant to Section 102(2)(c) of NEPA. Furthermore, PHMSA finds that the Tier 1 EA and Tier 2 EA satisfy the requirements of NEPA (42 U.S.C. 4321 et seq.) and CEQ regulations (40 CFR parts 1500-1508). As a result, PHMSA will not prepare an Environmental Impact Statement.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)
UNANTICIPATED DISCOVERIES PROTOCOLS

A. Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects:

In accordance with 36 CFR § 800.13, if a previously undiscovered archeological or cultural resource that is or could reasonably be a historic property is encountered or a previously known historic property will be affected in an unanticipated manner during construction, the Grant Recipient will implement the following procedures. This may include discovery of cultural features (e.g., foundations, water wells, trash pits, etc.) and/or artifacts (e.g., pottery, stone tools and flakes, animal bones, etc.) or damage to a historic property that was not anticipated. We advise construction personnel to cease construction and for the Grant Recipient to consult with PHMSA to address post-review concerns. Each step within these procedures will be completed within seven (7) days unless otherwise specified:

1. The person or persons encountering such properties or effects shall immediately stop construction in the area of the discovery and notify the Grant Recipient, who will contact PHMSA and the Section 106 point of contact (POC; contact information listed below). Upon notification by the Grant Recipient of a discovery, PHMSA shall immediately notify the State Historic Preservation Office (SHPO), participating Tribe(s)/Nation(s), and other consulting parties that may have an interest in the discovery, previously unidentified property or unexpected effects, and consult to evaluate the discovery for eligibility for listing in the National Register of Historic Places (National Register) and/or the effects of the undertaking on historic properties.
2. The Grant Recipient will take all reasonable measures to avoid or minimize harm to the property until PHMSA has completed consultation with the SHPO, participating Tribe(s)/Nation(s), and any other consulting parties. They will require the contractor to immediately cease all ground disturbing and/or construction activities within a 100-foot radius buffer zone of the discovery, which PHMSA may reduce or expand based on SHPO standards. For any discovered archeological resources, the Grant Recipient will also halt work in surrounding areas where additional subsurface remains are reasonably expected to be present.
3. The Grant Recipient will ensure that no excavation, operation of heavy machinery, or stockpiling occurs within the buffer zone. The Grant Recipient will secure the buffer zone through the installation of protective fencing. The Grant Recipient will not resume ground disturbing and/or construction activities within the buffer zone until the specified Section 106 process is complete. Work in all other Project areas may continue.
4. Following notification of an unanticipated discovery or effect, the Grant Recipient, in coordination with PHMSA, the Section 106 POC, and consultants as appropriate, will investigate the discovery site and evaluate the resource(s). The Grant Recipient or their consultant will prepare and submit a written document containing a proposed determination of National Register eligibility for the resource and/or, if relevant, an assessment of the Undertaking's effects on historic properties. PHMSA may elect to assume eligibility and/or adverse effects for expediency.
5. If the unanticipated discovery is determined to be eligible for listing in the National Register and/or adverse effects cannot be avoided, the Grant Recipient, in coordination with PHMSA, will propose in writing to SHPO and participating Tribe(s)/Nation(s) and consulting parties, treatment measures to resolve adverse effects.
6. If it is necessary to develop treatment measures, the Grant Recipient, in coordination with PHMSA, will implement the approved treatment measures. The Grant Recipient will ensure construction-related activities within the buffer zone do not proceed until consultation with SHPO, Tribe(s)/Nation(s) and other consulting parties concludes with: 1) a determination that the resource is not National Register-eligible or there are no new adverse effects; 2) the agreed upon treatment

measures have been implemented; or 3) it has been agreed that the treatment measures can be completed within a specified time period after construction-related activities have resumed.

B. Unanticipated Discovery of Human Remains

If the unanticipated discovery includes what is or suspected to be human remains, the Grant Recipient will implement the following procedures. At all times human remains must be treated with the utmost dignity and respect. Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be photographed, collected or removed until appropriate consultation has taken place and a plan of action has been developed. We advise construction personnel to cease construction and for the Grant Recipient to consult with the PHMSA to address post-review concerns. Each step within these procedures will be completed within seven (7) days unless otherwise specified:

1. If marked or unmarked graves, human skeletal remains, or skeletal remains believed to be human are encountered during development, all potential disturbance to the graves, skeletal remains, or associated items (e.g., artifacts, headstones, etc.) must cease and law enforcement be notified in accordance with applicable State statute(s) and to determine if the discovery is subject to a criminal investigation. The Grant Recipient will notify PHMSA and the Section 106 POC within twenty-four (24) hours of the initial discovery.
2. Work in the general area of the discovery will stop immediately and the Grant Recipient will immediately secure and protect the human remains and any associated artifacts in place in such a way that minimizes further exposure or damage from the elements, looting, and/or vandalism. The Grant Recipient will ensure a perimeter with a 100-foot radius buffer zone around the discovery is established where there will be no excavation, operation of heavy machinery, or stockpiling. PHMSA may reduce or expand this buffer zone based on SHPO standards. The Grant Recipient will secure the buffer zone through the installation of protective fencing at minimum. The Grant Recipient will not resume ground disturbing and/or construction activities within the buffer zone until the specified Section 106 process is complete. Work in all other Project areas may continue.
3. If a criminal investigation is not appropriate, the Grant Recipient will ensure compliance with any applicable State and local laws pertaining to human remains, funerary objects, and cemeteries. Discoveries of human remains on Federal or Tribal lands shall be subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC §3001-3013, 18 USC § 1170); and the Archaeological Resources Protection Act (ARPA) (14 USC § 470), as applicable. PHMSA, in coordination with the Grant Recipient, will consult with the appropriate Tribe(s)/Nation(s) and consulting parties.
4. In the event the human remains encountered are of Native American origin, PHMSA, in coordination with the Grant Recipient, will consult with the appropriate Tribe(s)/Nation(s) and SHPO to determine treatment measures for the avoidance, recovery or reburial of the remains and any associated artifacts. When applicable, PHMSA and the Grant Recipient will follow the principles within the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects, dated March 1, 2023.
5. If the remains are not of Native American origin, the Grant Recipient, in coordination with PHMSA, will consult with the SHPO and participating consulting parties to determine if the discovery is a historic property, take into account the effects on the historic property, and resolve adverse effects, as appropriate.
6. If it is necessary to develop treatment measures, the Grant Recipient, in coordination with PHMSA, will implement the approved treatment measures. The Grant Recipient will ensure ground disturbing and construction-related activities within the buffer zone do not proceed until consultation with the SHPO, consulting Tribe(s)/Nation(s) and participating consulting parties

concludes with: 1) a finding that the resource is not National Register-eligible or there are no new adverse effects; 2) the agreed upon treatment measures have been implemented; or 3) it has been agreed that the treatment measures can be completed within a specified time period after construction-related activities have resumed.

7. The Grant Recipient, in coordination with PHMSA, will also ensure ground disturbing and construction-related activities within the buffer zone do not proceed until the Grant Recipient has complied with all applicable State or local cemetery or burials laws.

Points of contact are as follows:

- PHMSA: Matt Fuller - (217) 707-8169; Matt.Fuller@dot.gov
- Section 106 POC (Volpe): Kathering Giraldo – (857) 320-1359; PHMSA106@dot.gov