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WRITTEN PRESENTATION ON THE NEPA AND OTHER ENVIRONMENTAL COMPLIANCE FOR THE  
NEW MEXICO CAP ENTITY'S PROJECTS  
By Howard Hutchinson CAP Entity Representative of the San Francisco SWCD  
LFC Meeting September 27, 2018, Deming, New Mexico

The proposed New Mexico CAP Entity (CAPE) projects are required to comply with the National Environmental Policy Act (NEPA) and all other environmental laws. The following is the section of the Arizona Water Settlements Act (AWSA) providing for these requirements:

***SEC. 212. NEW MEXICO UNIT OF THE CENTRAL ARIZONA PROJECT***

***(h) NATIONAL ENVIRONMENTAL POLICY ACT-***

***(1) ENVIRONMENTAL COMPLIANCE - Upon execution of the New Mexico Consumptive Use and Forbearance Agreement and the New Mexico Unit Agreement, the Secretary shall promptly comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.***

***(2) EXECUTION OF THE NEW MEXICO CONSUMPTIVE USE AND FORBEARANCE AGREEMENT AND THE NEW MEXICO UNIT AGREEMENT - Execution of the New Mexico Consumptive Use and Forbearance Agreement and the New Mexico Unit Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the New Mexico Consumptive Use and Forbearance Agreement and the New Mexico Unit Agreement.***

***(3) LEAD AGENCY - The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance. Upon request by the State of New Mexico to the Secretary, the State of New Mexico shall be designated as joint lead agency with respect to environmental compliance.***

Pursuant to a Secretarial order the Environmental Impact Statement (EIS) for New Mexico CAP Unit is to be completed within a one-year time line following the Notice of Intent (NOI) to produce an EIS. The attached NM Unit EIS Streamlined Scheduled shows that we have entered into the NEPA process. The NOI was executed on June 12, 2018. This began the scoping process that allowed for interested parties to submit issues to be addressed in the Draft EIS.

There were eight public scoping meetings conducted beginning on July 2, 2018. The information collected during scoping is now under review to finalized issues and develop alternatives to be analyzed in the Draft EIS. We are currently at the point of the **Task 7: Description of Proposed Action and Alternatives (DOPAA)**.

In the first two weeks of October **Task 8: Draft Environmental Impact Statement (DEIS) Preparation** will begin. This will progress to **Task 9: DEIS Public Notification** currently scheduled for February 7, 2019. The public participation process will continue through April, 2019 and then **Task 11: Responses to Comments/Final Environmental Impact Statement (FEIS) Preparation** will commence. A Final DEIS will be released at **Task 12: FEIS Public Notification** scheduled for July 16, 2019. Currently the Secretary of Interior's Record of Decision is scheduled to occur on November 22, 2019.

As displayed in **Task 17: Other Studies/Supporting Documents** a complete examination of Endangered Species Act issues as well as Clean Water Act issues and any other issues that may affect the environment will take place.

The Interstate Stream Commission web site for the projects is:

[http://www.ose.state.nm.us/Basins/Colorado/isc\\_AWSA.php](http://www.ose.state.nm.us/Basins/Colorado/isc_AWSA.php)

The EIS web site for the NEPA process is located at:

<https://www.nmuniteis.com>