U.S. Department of the Interior
Bureau of Reclamation
Albuquerque Area Office
Albuquerque, New Mexico

FINDING OF NO SIGNIFICANT IMPACT

Albuquerque Bernalillo County Water Utility Authority Contract for Storage of San Juan-Chama Water in Elephant Butte Reservoir

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Date 1/27/10

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Date 1/28/2010

FONSI Number: AAO-10-001

Summary of the Proposed Action

The US Department of the Interior (DOI), Bureau of Reclamation (Reclamation) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the environmental impacts from the proposed action, which is to renew a 40 year storage agreement (Contract) to store San Juan-Chama Project (SJCP) water in Elephant Butte Reservoir (Reservoir). Reclamation and the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) would be parties to the Contract.

The proposed action is a Contract with Reclamation required for ABCWUA to obtain a 40-year agreement for storage of 50,000 acre-feet (AF) of SJCP water in the Reservoir for municipal, industrial and other purposes. This 40-year contract will replace the existing 1983 storage contract. Presently, the ABCWUA uses this storage space for temporary storage of SJCP water, to deliver water to third parties in the vicinity of the Reservoir, and to offset ground water depletions that have an effect on the Rio Grande Compact.

Background

Both Rio Grande Project (Project) reservoirs, Elephant Butte and Caballo, are used to store native Rio Grande water for irrigation. Rio Grande water delivered to the Reservoir by the States of Colorado and New Mexico under the terms of the 1938 Rio Grande Compact is stored in the Reservoir for delivery to the State of Texas. Under the Rio Grande Convention of 1906, the United States normally delivers 60,000 AF of Project water annually to Mexico. Delivering this water is a Federal responsibility. Project storage also supplies about 730, 000 AF to water districts below the Reservoir in New Mexico and Texas in a typical year. SJCP water for the recreation pool may be stored pursuant to the 1974 Act, and some of ABCWUA's SJCP water is also stored in the Reservoir under the 1983 Contract. If a spill is to occur, water stored under contracts executed pursuant to the 1981 Act is the first to spill out of the Reservoir.

The Reservoir currently holds just under 35% of its total project storage capacity of 1,500,000 AF, as a result of prolonged drought in the Southwest. The total storage of the Reservoir Spillway elevation = 4,407 feet (RGPD), Surface Area = 35,984 acres, and the Storage capacity = 2,023,358 AF. Over the past decade as the Reservoir level has receded, large areas of vegetation (dominantly saltcedar (*Tamarix chinensis* Lour), Russian olive (*Elaeagnus angustifolia*), or native Goodding's Willow (*Salix gooddingii*), Geyer Willow (*Salix geyeriana* Andersson), coyote willow (*Salix exigua*), box elder (*Acer negundo*), or cottonwood (*Populus sp.*) have established and flourished along the shores of the Reservoir, creating habitat ideal for use by the endangered Southwestern Willow Flycatcher (*Empidonax traillii extimus*; flycatcher or SWFL). When moisture returns to the Rio Grande valley in New Mexico, it is anticipated that the Reservoir storage levels will rise.

Environmental Impacts Related To the Resources of Concern

Resources of primary concern associated with the proposed action for this EA include: water resources, climate and geomorphic, biological resources, recreation, cultural resources, Indian Trust Assets and Environmental Justice.

No significant adverse impacts to environmental resources and the human environment are anticipated as a result of the proposed action, including no adverse impacts to Indian Trust Assets, for ABCWUA storage of SJCP water in the Reservoir.

Environmental Commitments

Coordinate with all SJCP water owners and ABCWUA customers at the Reservoir for management and coordinated water operations for the Project.

Reclamation completed the Elephant Butte Reservoir Five-Year Operational Plan Biological Assessment (BA) in February 2009 and will follow all conservation measures listed in the BA.

Coordination

Agencies and other entities contacted formally or informally to coordinate efforts in preparation of the EA include:
Colorado Water Conservation Board
Reclamation Staff, Albuquerque Area Office (AAO)
Reclamation Staff, Regional Office Salt Lake City UT
Albuquerque Bernalillo County Water Utility Authority
Pueblo and Tribal Governments: Kiowa Tribe of Oklahoma, Fort Sill Apache Tribe of Oklahoma, Apache Tribe of Oklahoma, Hopi Tribe, Navajo Nation, Jicarilla Apache Nation, Comanche Indian Tribe, Pueblo of Ysleta del Sur, Pueblo of Isleta, Mescalero Apache Tribe

Cumulative Impacts

Reclamation has determined that the proposed action would not have a significant adverse cumulative effect on any resource.

Conclusion

Based on the analysis presented in the EA and Reclamation's assessment of Indian Trust Assets and Environmental Justice, Reclamation finds that there would be no significant impacts associated with the proposed action. Reclamation makes this Finding of No Significant Impact (FONSI) pursuant to the NEPA of 1969 (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality implementing regulations (40 CFR 1500). Reclamation has determined that the proposed action does not constitute a major Federal action that would significantly affect the human environment. Therefore, no environmental impact statement will be prepared for this proposed action.