



— BUREAU OF —
RECLAMATION

Draft Environmental Assessment

Exchange of Central Arizona Project Water between the Gila River Indian Community and the Roosevelt Water Conservation District

**U.S. Department of the Interior
Bureau of Reclamation
Interior Region 8, Lower Colorado Basin
Phoenix Area Office
Glendale, AZ**

**Estimated Lead Agency Total Costs
associated with Developing and Producing
this EA: \$4,200**

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Mission Statements

The Department of the Interior conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Acronyms and Abbreviations

| | |
|-------------|---|
| Act | Gila River Indian Community Water Rights Settlement Act of 2004 |
| ADWR | Arizona Department of Water Resources |
| AFA | acre-feet annually |
| Agreement | Gila River Indian Community Water Rights Settlement Agreement |
| ARS | Arizona Revised Statute |
| BIA | Bureau of Indian Affairs |
| CAP | Central Arizona Project |
| CAWCD | Central Arizona Water Conservation District |
| CFR | Code of Federal Regulations |
| Community | Gila River Indian Community |
| Contract | Gila River Indian Community CAP Water Delivery Contract |
| EA | Environmental Assessment |
| ESA | Endangered Species Act |
| GSF | Groundwater Savings Facility |
| LTSC | Long Term Storage Credit |
| NEPA | National Environmental Policy Act |
| PL | Public Law |
| Reclamation | Bureau of Reclamation |
| RWCD | Roosevelt Water Conservation District |
| USF | Underground Storage Facility |

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1.0 Introduction and Background

Title II of Public Law (PL) 108-451 (118 Stat. 3499), the Gila River Indian Community Water Rights Settlement Act of 2004 (Act), was enacted on December 10, 2004. The Act authorized settlement of the water rights claims of the Gila River Indian Community (Community), and in section 203 authorized, ratified, and confirmed the Gila River Indian Community Water Rights Settlement Agreement (Agreement) dated December 21, 2005, and any amendments necessary to the Agreement to make it consistent with the Act. The Act, in section 205(a)(2)(A), also directed the Secretary of the Interior (Secretary) to amend the Community's Central Arizona Project (CAP) water delivery contract (Contract), dated May 15, 2006. The Contract provides at subarticle 5.3.6, that the Community may, with the approval of the Secretary, enter into leases, options to lease, exchanges, or options to exchange their CAP water. The Community's storage of water at Groundwater Savings Facilities (GSF) like the Roosevelt Water Conservation District (RWCD) is considered an exchange and falls under this provision. Thus, the Secretary or their designee can approve an exchange agreement, in conformance with the Act, the Agreement, and the Contract.

Each exchange agreement for the Community's CAP water requires, among other conditions, analysis of the potential environmental impacts of any proposed exchange of CAP water by the Community. As a part of this exchange agreement, an annual scheduling agreement would be required between the two parties. This document analyzes the impacts of an initial exchange agreement and all subsequent scheduling agreements, between the Community and the RWCD.

1.1 Purpose and Need for the Proposed Action

The purpose of the proposed action is to store up to 85,000 acre-feet annually (AFA) of CAP water at the RWCD, an Arizona Department of Water Resources (ADWR) permitted GSF. The RWCD seeks to use the Community's CAP water in lieu of pumping groundwater and the Community desires to obtain Long-Term Storage Credits (LTSCs) pursuant to Arizona Revised Statute (ARS) § 45-852.01. The proposed project will thus help reduce groundwater pumping in the Phoenix Active Management Area.

1.2 Description of the Proposed Action and Alternatives

In accordance with the National Environmental Policy Act of 1969 (NEPA) (PL 91-190), the Bureau of Reclamation has prepared an Environmental Assessment to analyze the potential environmental impacts of the proposed exchange of CAP water between the Community and the RWCD. The Community could choose to deliver up to 85,000 AFA of CAP water to RWCD. RWCD would use a portion of the Community's CAP allocation in lieu of pumping groundwater for their irrigation customers. Pursuant to Arizona law (ARS § 45-852.01), the Community would receive LTSCs for the groundwater "saved" (not pumped) as a result of the agreement. Those credits can then be sold or "recovered" later. In accordance with the provisions of the Arizona Water Settlements Act (PL 108-451), the United States considers the agreement to be an exchange

of the Community's CAP water and requires the approval of the Secretary to comply with the Act. The time period covered under this analysis lasts until environmental conditions or contractual language change such that subsequent NEPA analysis would be required.

RWCD has been issued a Facility Permit (Permit No. 72-545695.006) from the ADWR that authorizes RWCD to operate a GSF pursuant to ARS § 45-801.01 *et seq.* The Community has an existing CAP water allocation, and a water storage permit (Permit No. 73-545695.1600) issued by ADWR to the Community for storage of in-lieu water at a GSF pursuant to ARS § 45-801.01 *et seq.* The point of delivery would use existing RWCD turnouts, no new infrastructure would be required for the exchange to occur.

As part of the exchange, on or before September 1 of each year, RWCD and the Community would consult each other to develop and agree in writing to a schedule of Community CAP water deliveries to RWCD for the following year. However, for each year during the term of the exchange agreement RWCD would not be obligated to accept and the Community would not be obligated to deliver any of the Community's CAP water unless the agreement is mutual as to the quantities. The annual scheduling agreement would designate quantities for water delivery on a monthly basis and would be submitted to the Central Arizona Water Conservation District (CAWCD), as operator of the CAP, to schedule deliveries of water.

1.3 No Action Alternative

Under the no action alternative, there would be no exchange agreement implemented between RWCD and the Community. The Community would continue to attempt to deliver and store portions of their CAP entitlement at other GSFs or Underground Storage Facilities (USF), or would pursue leasing agreements with municipalities or other Native American Tribes. RWCD would continue to pump groundwater from existing groundwater wells to supply to its irrigation customers.

1.4 Description of the Project Area

The RWCD originated in 1917, encompassing 40,000 acres in the south east corner of Maricopa County, under the original name Auxiliary Eastern Canal Landowner's Association. In 1924, the Auxiliary Eastern Canal Landowner's Association was renamed to the RWCD. Currently, RWCD's existing water service area encompasses approximately 27,410 acres between Queen Creek and the Gila River. CAP water is initially delivered to more than 2,600 customers from a turnout on the Salt-Gila reach of the CAP Aqueduct and conveyed to agricultural fields through existing irrigation infrastructure (Figure 1).

1.5 Public Involvement

Reclamation solicited input from the public on the proposed project to assist in identifying key issues and defining the scope of the project and environmental analysis. Reclamation conducted

scoping via email and internet publication; project information was sent to the agencies and entities listed in Section 3.0. A 15-day scoping period was initiated April 21, 2020 and closed on May 6, 2020. No comments were received.

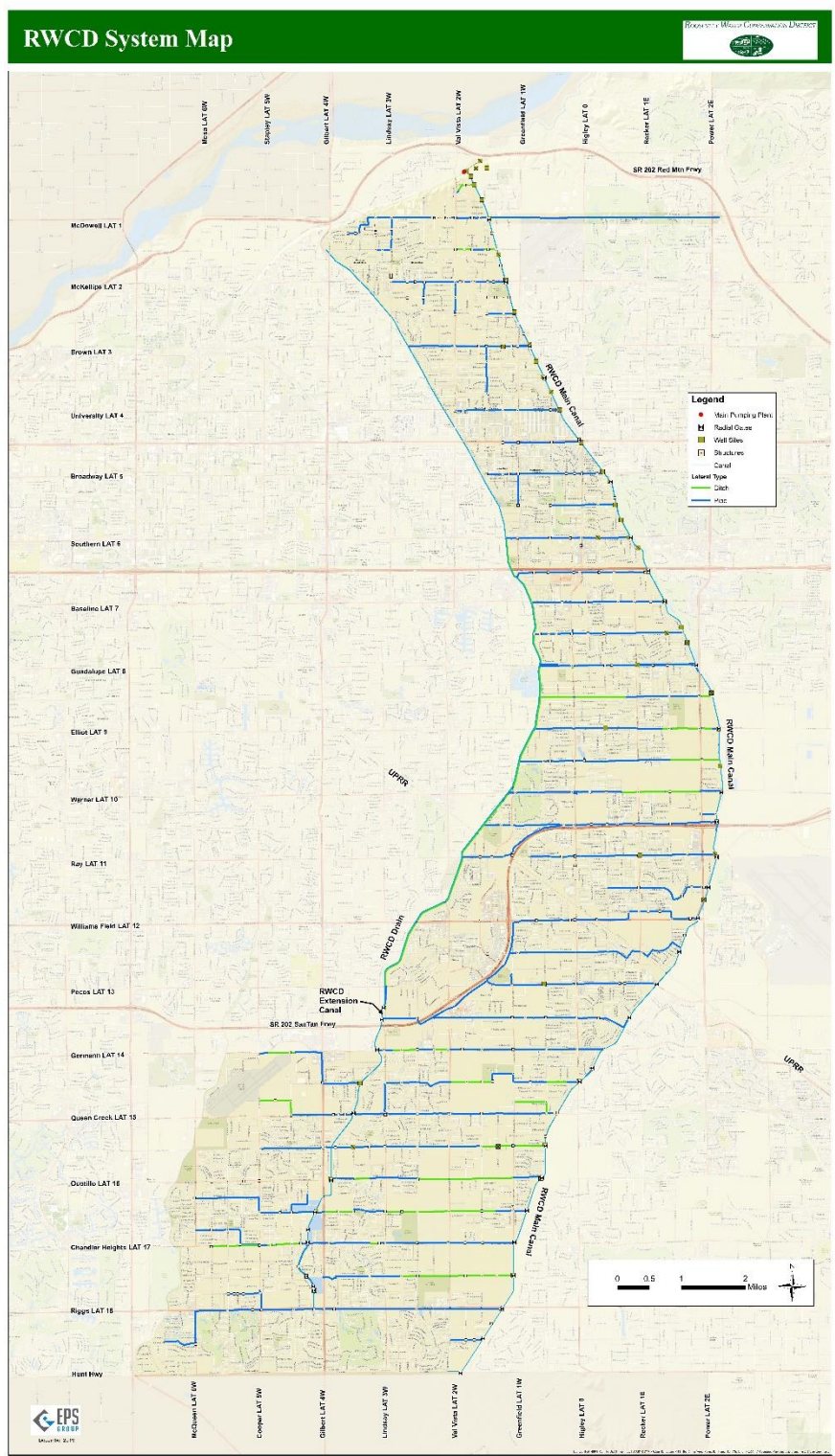


Figure 1: RWCD Service Area

2.0 Affected Environment and Environmental Consequences

The potential environmental effects associated with implementation of the proposed action are examined in this section. Table 1 outlines resource areas that are not present in the proposed action area, or that are present but not affected, with a description of the rationale.

Table 1: Resource Areas Not Retained for Detailed Analysis

| Resource Area/Element | Rationale |
|--|---|
| Soil Resources and Geology | The proposed action(s) would require no new infrastructure or ground disturbing activities. No new impacts or adverse effects to geology or soil resources would occur in the project area. |
| Air Quality | The proposed action will result in no change in carbon monoxide (CO) or particulate matter with a diameter of less than 10 microns (PM ₁₀) levels in the project area. |
| Biological Resources | The proposed action(s) would require no new infrastructure or ground disturbing activities. No new impacts or negative effects to existing vegetation, local wildlife, or federally listed species or critical habitat in the project area would occur. |
| Cultural Resources | The proposed action(s) would require no new infrastructure or ground disturbing activities. No new impacts or adverse effects to cultural resources or historic properties would occur in the project area. |
| Land Use and Transportation | The proposed action will not cause impacts to land ownership or land use. The proposed action(s) would require no new infrastructure or ground disturbing activities. No new impacts or adverse effects to land ownership or land use would occur. |
| Socioeconomic Resources and Environmental Justice | The proposed action(s) would require no new infrastructure or ground disturbing activities. The proposed action or its alternative would result in no new impacts or adverse effects to existing social or economic conditions or employment opportunities. |
| Hazardous Materials | The proposed action presents no new hazardous materials concerns or would cause no new hazardous materials impacts to the project area. |
| Floodplain Management and Wetlands | The proposed action(s) would require no new infrastructure or ground disturbing activities. The proposed action or its alternatives would not impact or negatively affect floodplains or wetlands. |

2.1 Indian Trust Assets

Indian trust assets are legal interests in property held in trust by the United States for Native American Tribes or individuals. The Community's rights to CAP water are a trust asset per Section 204(a)(2) of the Act. The proposed agreement would provide the Community a means for accruing LTSCs that can be recovered or reassigned in accordance with Arizona law.

2.1.1 No Action

Under the no action alternative, baseline conditions would continue and no impacts to ITAs would occur. The Community would continue to attempt to deliver and store portions of their CAP entitlement at another GSF or USF, or would pursue leasing agreements with municipalities or other Native American communities. There would be no adverse effects to trust assets of the Community or any other tribe as a result of the no action alternative.

2.1.2 Proposed Action

The proposed action would not result in any new construction or change in land use. CAP water would be delivered through existing infrastructure to CAWCD-eligible GSF's within RWCD's service area. The exchange would not cause additional growth and development beyond what was described in the no action alternative. There would be no adverse effects to trust assets of the Community or any other tribe as a result of the proposed action.

2.2 Water Resources

The water resources analysis considers the service area of RWCD (Figure 1).

2.2.1 No Action

Under the no action alternative, there would be no impact to environmental resources from the proposed action since no exchange agreement would be implemented. The Community would continue to attempt to deliver and store portions of their CAP entitlement at another GSF or USF, or would pursue leasing agreements with municipalities or other Native American communities. However, reductions in groundwater and future urban growth could impact the remaining agricultural lands in RWCD's service area, shifting the emphasis from agricultural use to urban landscape. If the availability of excess CAP water reduces over time, RWCD may become more reliant on other water supplies to meet their water supply demand and the continued pumping of groundwater would deplete an already dwindling resource. Groundwater depletion is a serious issue with numerous adverse effects including, but not limited to, subsidence and earth fissuring, aquifer compaction leading to decreased aquifer storage space, and economic impacts caused by increases in pumping costs and deepening wells. Decreased aquifer storage space also could lead to the loss of available groundwater that is suitable for agriculture, economic development, and human consumption. Long-term viability of groundwater resources could be compromised due to the fact that anticipated future urban growth will likely continue to displace agricultural land, shifting the

emphasis from irrigated agriculture to irrigated urban landscapes. As future supplies of excess CAP water become smaller, an increase in groundwater pumping would occur to irrigate remaining fields and landscapes. The ability to offset pumping of groundwater resources would be reduced. Therefore, the no action alternative could result in minor adverse effects to groundwater resources in the vicinity of RWCDs service area (Figure 1).

2.2.2 Proposed Action

The proposed action would not result in any new construction or change in land use. CAP water would be delivered through existing infrastructure to CAWCD-eligible GSFs within RWCD's service area. The exchange would not cause additional growth and development beyond what was described in the no action alternative. Implementation of the exchange agreement would reduce groundwater withdrawals in RWCDs service area by an amount equivalent to the quantity of CAP water that the Community would store. According to current state law, prior to issuance of the LTSCs, five percent of the water stored by the Community in RWCDs GSF would be retained in the aquifer for the purpose of recharge. The long-term effect would be beneficial to the project area through conservation of groundwater supplies that otherwise would be reduced in the absence of the proposed action.

Table 2: Effects Determination for Specified Environmental Issues

| Environmental Issue | No | Yes | Uncertain |
|---|----|-----|-----------|
| This action would have an effect on public health or safety. | X | | |
| This action or group of actions would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | X | | |
| This action would have highly uncertain environmental effects or involve unique or unknown environmental risks. | X | | |
| This action would establish a precedent for future actions or represent a decision in principle about future actions with potentially substantial effects. | X | | |
| This action would violate Federal, State, local, or tribal law, or requirements imposed for protection of the environment. | X | | |
| This action would have socioeconomic effects, or a disproportionately high and adverse effect on low income or minority populations. | X | | |
| This action would limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or substantially adversely affect the physical integrity of such sacred sites. | X | | |

3.0 Consultation and Coordination

Dominic Graziani, Environmental Protection Specialist, Bureau of Reclamation

3.1 Agencies and Persons Consulted

3.1.1 Persons Consulted

James Beadnell, Contract and Repayment Specialist, Bureau of Reclamation

Sean Heath, Manager, Environmental Resource Management Division, Bureau of Reclamation

3.1.2 Agencies Consulted

An electronic copy of this Draft EA has been posted for public viewing and comment on Reclamation's Phoenix Area Office website at www.usbr.gov/lc/phoenix. Emailed copies of the Notice of Availability memorandum and Draft EA were distributed to the following entities:

Bureau of Indian Affairs Western Region, Environmental Quality Services

U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office

Gila River Indian Community

Arizona Department of Water Resources

Arizona Department of Environmental Quality

Roosevelt Water Conservation District

Salt River Valley Water Users Association

Central Arizona Water Conservation District

4.0 Reference List

40 Code of Federal Regulations (CFR) Part 1500-1508 Regulations for the Implementation of the National Environmental Policy Act, 2005.

43 CFR Part 46 Department of the Interior Office of the Secretary. Implementation of the National Environmental Policy Act (NEPA) of 1969.

Arizona Water Settlements Act, P.L. 108-451, December 2004.

Bureau of Reclamation Departmental Manual Part 516. Protection and Enhancement of Environmental Quality.

National Environmental Policy Act of 1969, as amended, Pub. L. 91-190, ELR STAT.
NEPA § 2-209 codified as amended at 42 U.S.C. § 4321-4370h.

U.S. Department of the Interior, Bureau of Reclamation. NEPA Handbook. February 2002.

APPENDIX A. SCOPING LETTER



IN REPLY REFER TO:
PXAO-1500
2.1.4.13

United States Department of the Interior

BUREAU OF RECLAMATION
Phoenix Area Office
6150 West Thunderbird Road
Glendale, AZ 85306-4001
APR 21 2020



VIA ELECTRONIC MAIL ONLY

Memorandum

To: All Interested Persons, Organizations, and Agencies

From: Leslie A. Meyers
Area Manager

**LESLIE
MEYERS**

Digitally signed by
LESLIE MEYERS
Date: 2020.04.21
16:21:31 -0700

Subject: Notice of Public Scoping Period – Environmental Assessment for the Proposed Exchange Agreement of up to 85,000 Acre-Feet Annually of Central Arizona Project Water between the Gila River Indian Community and the Roosevelt Water Conservation District (Action by 15 Days from the Date of this Memorandum)

The Bureau of Reclamation is conducting public scoping, in accordance with the National Environmental Policy Act (Public Law 91-90) to evaluate the potential for environmental impacts attributed to the proposed approval of an exchange agreement (Agreement) for Central Arizona Project (CAP) water between the Gila River Indian Community (Community) and the Roosevelt Water Conservation District (RWCD), a permitted CAP Groundwater Savings Facility (GSF). The Agreement would allow up to 85,000 acre-feet annually of the Community's CAP water to be scheduled and delivered to RWCD through existing infrastructure in-lieu of RWCD pumping groundwater. An individual storage permit would be obtained by the Community from the Arizona Department of Water Resources to allow for storage of CAP water delivered in accordance with the Agreement.

In exchange for the in-lieu water being delivered to the GSF, the Community would earn long term storage credits that can be recovered or **assigned at the Community's sole discretion in accordance with** Arizona State law (ARS § 45-853.01). The proposed Agreement would be executed annually between the Community and RWCD.

Reclamation requests that anyone with information or comments relevant to the actions outlined in this document provide input in the scoping process. To be most helpful, comments should be as specific as possible and related to the activities of the proposed project. Comments should be received within 15 days of the date of this letter and addressed to the attention of Mr. Dominic Graziani, or via email at deraziani@usbr.gov. Please be advised that any personal identifying information (PII) included in a submitted response, may be made publicly available at any time. While you may request that Reclamation withhold your PII from public review, Reclamation cannot guarantee that we will be able to do so.

If you have questions, please contact Mr. Graziani at (623) 773-6216.

Thank you for help and cooperation with this project.

INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA*, NEVADA*
* PARTIAL