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## **CHAPTER 1. PURPOSE AND NEED FOR ACTION**

### **1.1 Proposed Action**

The Proposed Action involves the Bureau of Reclamation approving a subcontract between the Jicarilla Apache Nation (Nation) and the City of Santa Fe (City). Under the subcontract, the Nation would make available for delivery to the City at the outlet works of Heron Dam up to 3,000 acre-feet per year (ac-ft/yr) of the Nation's San Juan-Chama Project water entitlement under the Federal Contract. The term of the subcontract would be limited to 50 years beginning in 2007. The subcontract provides that the City is solely responsible for conveyance of the water from the outlet works at Heron Dam to the point of use. Thus, the Proposed Action does not involve the new construction, or additional operation, maintenance, or repair of any conveyance, diversion, treatment, or delivery works by the federal government. The City's development of its distribution system, located near Santa Fe NM, is covered by a separate EIS.

The subcontract limits the City's use of the leased water to use within the City's Water Utility Service System or for meeting legal, regulatory or offset requirements associated with the City's Water Utility Service System. The City's use is further limited to purposes authorized by the San Juan-Chama Project Act, and other applicable Reclamation laws and interstate compacts.

### **1.2 Need for the Action**

The Proposed Action is needed to allow the Nation to benefit from subcontracting its water under the Federal Contract as intended by the United States Congress. The water supply subject to the subcontract is not currently needed for on-Reservation use and the Nation does not foresee a need for its use on-Reservation within the term of the subcontract. Accordingly, the water is available for subcontracting off-Reservation. The Legislative Council of the Nation has found that the subcontract with the City is for a term and contains conditions that will ensure the ability of the Nation to retrieve all or a portion of this water supply for its purposes at the expiration of the subcontract if the Nation determines it has alternative uses, and that the terms and conditions of this subcontract will not jeopardize the ability of the Nation to utilize all or a portion of this water supply for on-Reservation development as needed upon expiration of the subcontract.

### **1.3 Relevant Statutes, Regulations, and Other Plans**

This Environmental Assessment (EA) addresses the environmental effects of the approval by the United States, through the Secretary of the Interior, of a water supply subcontract (i.e., lease) for a portion of the Jicarilla Apache Nation's (Nation) San Juan-Chama Project water supply to the City of Santa Fe, New Mexico (City). The subcontract and the approval are pursuant to the Jicarilla Apache Tribe Water Rights Settlement Act of October 23, 1992, 106 Stat. 2237, as amended (Settlement Act), and the associated Contract between the Jicarilla Apache Nation and the United States dated December 8,



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1992 (Federal Contract). Under the Settlement Act and the Federal Contract, the Nation has the right to subcontract its San Juan-Chama Project water to third parties for beneficial use outside the Jicarilla Apache Indian Reservation when the Nation is not using the water on the Reservation. Approval of any subcontract or lease by the Secretary of the Interior is required by the Settlement Act and Federal Contract. The Secretary of the Interior has delegated the authority to approve such subcontracts to the Regional Director of the Upper Colorado Regional Office of the Bureau of Reclamation (Reclamation). The Nation has formally requested the Secretary's approval of the proposed subcontract with the City.

### **1.3.1 Relationship to Other Actions**

The Proposed Action is separate and independent of other projects affecting the Rio Chama and Rio Grande. Other independent projects proposed in the area that may have an impact on these rivers and related resources are discussed in Section 4.2.1, General Considerations for Cumulative Effects.

## **1.4 Issues, Public Scoping**

### **1.4.1 Summary of Issues**

The potential of the Proposed Action to affect existing resources can be grouped into three key issue areas considered in this document:

- **Water Resources** – The confluence of the Chama with the Rio Grande, and river flows in the Rio Grande to the tailwaters of Cochiti Reservoir.
- **Biological Resources** – The Project Area includes fish and aquatic habitats from below Heron Dam to the tailwaters of Cochiti Reservoir.
- **Riparian Resources** – The Project Area includes the wetted perimeter of the Rio Chama and Rio Grande from the outlet of Heron Dam to the tailwaters of Cochiti Reservoir.

### **1.4.2 Coordination with Agencies and Other Organizations**

This EA will be distributed to the U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers (USACE), the U.S. Bureau of Indian Affairs (USBIA), the City, and Nation. This EA will also be available for review to entities and individuals requesting it from Reclamation or the Nation.

### **1.4.3 Scoping Process**

Informal scoping between USFWS, Reclamation, and City began in early 2004.

### **1.4.4 Compliance with Other Federal Environmental Statutes**

The Proposed Action would have no effect on compliance with other federal environmental statutes. This EA addresses two species, the Rio Grande Silvery Minnow (*Hybognathus amarus*) and the Southwestern Willow Flycatcher (*Empidonax trailii*)



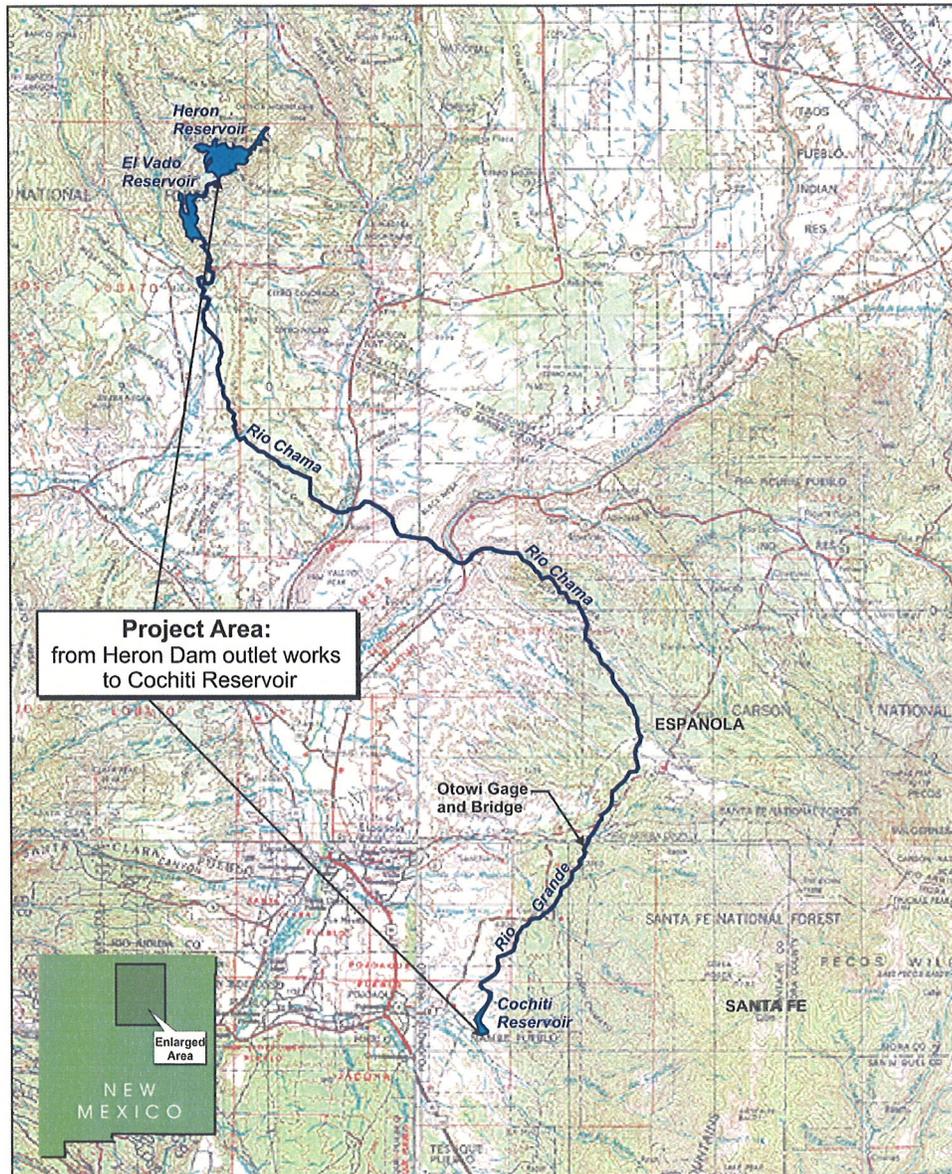
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*extimus*), that are protected under the federal Endangered Species Act. These listed species are discussed in greater detail in Section 3.4. As explained in Section 2.2, the Proposed Action does not involve any construction activities and will not result in any impacts to the existing hydrograph and the wetted perimeter within the Project Area that are distinguishable from historical operations of the San Juan-Chama Project and conveyance or storage of San Juan-Chama Project water historically. The Proposed Action is entirely consistent with historical operations of the San Juan-Chama Project. Therefore, the Proposed Action will not affect any of the listed species or their critical habitat. As such, formal consultation under the federal Endangered Species Act is not required for this project.

### **1.5 Project Area**

The Nation will make water available to the City under the subcontract at the outlet works of Heron Dam. Heron Dam is located on the upper Rio Chama approximately 80 miles northwest of the City of Santa Fe. For purposes of the analysis in this EA, the Project Area includes the wetted perimeter and riparian areas of the Rio Chama from the Heron Dam outlet works to its confluence with the Rio Grande and south from this confluence to Cochiti Reservoir.

Figure 1. Project Area



USGS 15 Minute Quadrangles: Aztec, New Mexico-Colorado 1954, Albuquerque, New Mexico 1983, Raton, New Mexico-Colorado 1954, Santa Fe, New Mexico 1954

Figure 1  
Vicinity

 Scale - 1 : 750 000

