

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

FINDING OF NO SIGNIFICANT IMPACT

Pecos River Supplemental Water Project

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## **Summary of the Proposed Action**

The US Department of the Interior, Bureau of Reclamation (Reclamation) is proposing to acquire up to 2,500 acre-feet (af) annually for ten years from Fort Sumner Irrigation District (FSID). FSID would provide this water through forbearance of existing priority rights. The acquired water would be stored in Sumner Lake as Carlsbad Project water. Reclamation would also execute an agreement with the Carlsbad Irrigation District (CID), providing that any acquired water from FSID stored in Santa Rosa and Sumner Lakes as Carlsbad Project water will be released to meet the 2006 Biological Opinion (BiOp) flow targets. Any action taken for acquiring supplemental water will not affect the supply of water available to the Carlsbad Project.

The proposed action is to acquire supplemental water, and enter into agreements with FSID and CID to provide the operational ability to release water out of Sumner Lake and/or Santa Rosa Reservoir, in order to meet a target flow of 35 cubic feet per second (cfs) at the Taiban Gage and to keep the river continuous, while also ensuring that the Carlsbad Project is kept whole. The primary supplemental water source would be through a ten-year contract agreement between Reclamation and FSID. Under the contract, FSID would provide 25,000 af of water to Reclamation over a 10-year period. If 25,000 af are not delivered within the 10-year period, then the agreement would be extended for enough time to provide the full delivery. While there are no fixed minimum annual amounts that FSID would have to provide, it is expected that FSID would annually provide up to 2,500 af of water to Reclamation. The supplemental water and agreements with FSID and CID would allow Reclamation the flexibility to meet target flows and keep the Pecos River continuous consistent with Reclamation's 2006 Record of Decision (ROD) for the Carlsbad Project Water Operations and Water Supply Conservation Environmental Impact Statement (EIS), (US Bureau of Reclamation 2006a) June 2006 and the 2006-2016 BiOp for the federally threatened Pecos bluntnose shiner (*Notropis simus pecosensis*) (shiner). Based on the analysis, the proposed action would not result in any significant impacts to the environment.

## **Background**

In July 2006, Reclamation issued a ROD for the EIS. The ROD mandated changes in water operations within the Pecos River in order to conserve the federally threatened shiner and its designated critical habitat, while conserving Carlsbad Project water supply. Specifically, it established a target flow of 35 cfs as measured at the Taiban gage (Pecos River below Taiban Creek Fort Sumner, NM, USGS gage number 08385522), and identified a range of actions to acquire water to meet the contract requirements of the Carlsbad Project. A previously established a 500 af fish conservation pool (FCP) at Sumner Lake was enlarged and permitted for 1000 acre-feet in 2007.

As part of the consultation process under the Endangered Species Act (ESA), the US Fish and Wildlife Service issued a BiOp on the selected alternative from the EIS (US Fish and Wildlife Service 2006). One of the provisions of the BiOp was for Reclamation to keep the river continuous. Reclamation is committed to work within their discretionary authority to meet these requirements. Because changes in Carlsbad Project operations to benefit the shiner could result

in reduction to the available Carlsbad Project water supply, a variety of options for acquiring water to keep the project whole were considered in the EIS.

Reclamation is proposing to acquire supplemental water to provide the operational flexibility to release up to an additional 2,500 af per year of water out of Sumner Lake or Santa Rosa reservoir in order to meet a target flow of 35 cfs at the Taiban Gage and to keep the river continuous, while also ensuring that there is enough water at Brantley Reservoir to meet the contracted irrigation needs of the Carlsbad Project. The primary supplemental water source would be obtained through a 10 year contract between Reclamation and the FSID in which Reclamation would acquire up to 2,500 af annually from FSID. FSID would provide this water through forbearance of exercising priority rights. The acquired water would be stored in Sumner Lake as Carlsbad Project water. Reclamation would also execute an agreement with the CID so that any water acquired by Reclamation and stored in Sumner or Santa Rosa Lakes will be released to meet flow targets in the Pecos River. This change of operations will not in anyway affect the supply of water available to the Carlsbad Project and would not affect the supply of water available to CID. Deliveries could be made from January 1<sup>st</sup> of the year through the end of the irrigation season. While there are no fixed minimum annual amounts that FSID would have to provide, it is expected that FSID would annually provide up to 2,500 af of water to Reclamation. FSID holds a water right with a priority date of March 18, 1903, to divert 100 cfs from the natural flow of the Pecos River during the months of March through October, and for two eight-day periods during the winter months. Reclamation bypasses FSID's water through Sumner Lake and Sumner Dam based on two-week allotments set by the State Engineer not exceeding 100 cfs.

## **Environmental Impacts**

The following resources and socioeconomic factors were evaluated in detail in the Environmental Assessment for anticipated impacts from acquiring up to 2,500 af annually from FSID: water resources, biological resources, recreation, cultural resources, environmental justice and Indian Trust Assets. The following resources are discussed further:

### **Water Resources**

Surface water supply in the study area is limited to snowpack runoff from the Sangre de Cristo Mountains, tributary inflow from local precipitation events, and base inflow from groundwater in the area from Roswell to Artesia. Surface water is fully allocated along the Pecos River to various acequias and irrigation districts (including FSID and CID). In addition to irrigation demands, the State of New Mexico is also responsible for delivering surface water to Texas under the Pecos River Compact.

Groundwater in the study area includes two major confined aquifers and a shallow unconfined aquifer underlying the entire main stem of the Pecos River within the study area. Irrigation of lands, and subsequent return flows, serve to increase salinity from leaching salts from the irrigated lands.

Impaired waters and salinity are the two biggest water quality factors in the study area. Salinity is primarily an issue for irrigation since high salinity can stunt crop growth or possibly even

result in plant mortality. Water in the Pecos River study area is governed by total dissolved solids (TDS) standards, but the standards have not been exceeded (US Bureau of Reclamation, 2006a). Electrical conductivity (EC) (and subsequently TDS) generally increases from upstream to downstream in the study area.

Water quality in Brantley Reservoir varies throughout the year. Normally, winter-spring water quality has high EC due to accumulated salts from agricultural return flows. Currently CID “manages” water quality issues by diluting stored water with excessive EC values with block releases of better quality water from upstream storage (Reclamation 2006).

No significant impacts to surface water in the study area, specifically flow duration and intermittency in the Pecos River, diversions to CID, flow at the New Mexico—Texas State line, or obligations under the Pecos River Compact, are expected. Additionally, no significant impacts to water quality or ground water in the study area from this action are expected.

### **Biological Resources**

There are over 65 known sensitive status species which occur in Guadalupe, DeBaca, Chaves, and Eddy Counties. Of these, the only federally protected species that could be impacted by the proposed action is the Pecos bluntnose shiner (*Notropis simus pecosensis*).

A detailed discussion of the wildlife and habitat along the Pecos River is found in the EIS (US Bureau of Reclamation 2006a). Through the proposed action Reclamation would be able to add water to the river to maintain target flows for the benefit of the shiner.

This represents a "may effect, is not likely to adversely affect" determination for the shiner and is "not likely to destroy or adversely modify" designated critical habitat. No impact would occur to endangered, threatened, or sensitive plant species. Reclamation has consulted with Fish and Wildlife Service and received concurrence on July 11, 2007.

### **Recreation**

The affected environment for recreation includes the recreational facilities at the storage reservoirs and the recreational opportunities that exist along the Pecos River. A detailed discussion of the attendance, use and expenditures associated with recreation is found in the EIS (Reclamation, 2006a).

Public access below Sumner Dam is provided by the NM state park. Other public access is available at State and county highway bridges and across public land managed by the Bureau of Land Management (BLM). BLM does not have any developed recreation sites or river access sites along the Pecos River.

Recreational activities and facilities would not be significantly impacted by the proposed action.

### **Cultural Resources**

A detailed cultural setting and site record search for the Pecos River basin is included in the cultural resource technical report (Tetra Tech, Inc., 2004), prepared in support of the EIS (Reclamation, 2006a).

No traditional cultural properties have been identified in the Pecos River Basin during tribal consultations conducted for the EIS (Reclamation 2006a).

No significant impacts are expected to cultural resources from the implementation of the proposed action.

### **Environmental Justice**

Environmental justice refers to the protection of human rights; particularly minority and low income populations, for any government action affecting both the human and natural environment. Environmental justice is in compliance with the Executive Order 12898, signed in 1994: Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires that "each Federal Agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies and activities on minority populations and low-income populations." Implementation of the proposed action would not disproportionately (unequally) affect any low-income or minority communities within the project area.

### **Indian Trust Assets**

Indian Trust Assets (ITA) are "legal interests" in assets held in trust by the Federal Government for Indian tribes or individual Indians. Examples of things that can be ITAs are lands, minerals, water rights, hunting and fishing rights, other natural resources, money, or claims. A characteristic of an ITA is that it cannot be sold, leased, or otherwise alienated without the approval of the Federal government. Secretarial Order 3175 and Reclamation ITA procedures require Reclamation to assess the impacts of its projects on identified ITAs. Reclamation, in cooperation with American Indian Tribes impacted by a given project, must inventory and evaluate assets, then mitigate or compensate for adverse impacts to the assets held in trust for federally recognized American Indian Tribes or Indian individuals. No Indian Trust Assets have been documented in the project area. Therefore, the proposed action would have no impact to Indian Trust Assets.

### **Environmental Commitments**

The following environmental commitments would be implemented/continued as part of the proposed action: 1) The FCP and acquired water (through FSID forbearance) would be used when bypass water is not available or insufficient to meet demand, and when pumping from the Vaughan Pipeline is consumed completely or insufficient to meet demand. All of the supplemental water options may be used individually or in combination, at the discretion of Reclamation, for meeting Pecos River flow targets and maintaining a continuous river. 2) Monitor the river flow to adequately manage available supplemental water supplies to ensure that the Pecos River remain continuous.

## **Coordination**

Reclamation sent out letters in November 2007 to interested parties seeking any additional input for the EA and conducted periodic meetings with various stakeholders, including the CID, FSID, NMDGF, and NMISC, to keep them updated in the process. A working draft EA was provided to interested stakeholders in February 2008 for their review and input. Comments were received from the Service, the Corps, NMISC, and Pecos Valley Artesian Conservancy District.

## **Cumulative Impacts**

Reclamation is continuing its efforts to acquire water through agreements within 2006-2016 to keep the river continuous, while also ensuring the Carlsbad Project is kept whole. Reclamation has determined that the proposed action would not have a significant adverse cumulative effect on any resources. The contribution of the proposed action to cumulative effects would likely be beneficial for most resources.

## **Conclusion**

Based on the analysis present in the EA, 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 National Environmental Policy Act (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.