

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

**FINDING OF NO SIGNIFICANT IMPACT**

**Long-term Lease of Groundwater  
Rights, Pecos River near Ft. Sumner, New Mexico**

\_\_\_\_\_  
Manager, Environment Division

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Date

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Area Manager, Albuquerque, New Mexico

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Date

FONSI Number: AAO-07-012

## Summary of the Proposed Action

The purpose of the Proposed Action: Reclamation is proposing to enter into a 25 year water lease agreement with the New Mexico Interstate Stream Commission for diverting groundwater from an area near Fort Sumner, New Mexico to be pumped into the Pecos River and to formalize the establishment of a 1,000 acre-foot fish conservation pool in Sumner Lake and Santa Rosa Reservoir. Water from these actions would supplement existing flows to meet Endangered Species Act (ESA) compliance as defined in the 10-year Biological Opinion issued on May 18, 2006 by the US Fish and Wildlife Service.

## Background

In July 2006, Reclamation issued a Record of Decision (ROD) for the Carlsbad Project Water Operations and Water Supply Conservation Final Environmental Impact Statement (EIS) (US Bureau of Reclamation 2006a). The ROD mandated changes in water operations within the Pecos River in order to conserve the federally threatened Pecos bluntnose shiner (*Notropis simus pecosensis*) (shiner) and its designated critical habitat, while conserving the Carlsbad Project water supply. Specifically, it established a target flow of 35 cubic feet per second (CFS) as measured at the Taiban gage (Pecos River below Taiban Creek Fort Sumner, NM, USGS gage number 08385522), established a 500 acre-foot FCP at Lake Sumner, and identified a range of actions to acquire water to meet the contract requirements of the Carlsbad Project.

As part of the consultation process under the Endangered Species Act (ESA), the US Fish and Wildlife Service issued a Biological Opinion (2006 – 2016) (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. Likewise, a variety of additional upstream water sources to directly benefit the shiner were identified, including the use of a fish conservation pool in Sumner Lake and/or Santa Rosa Reservoir.

Reclamation is currently identifying additional supplemental water sources. In November 2006 Reclamation conducted public scoping, including meetings in Carlsbad and Fort Sumner, to collect public comments and to help identify supplemental sources (US Bureau of Reclamation 2006b). In addition to the Proposed Action, Reclamation is continuing to develop a package of supplemental water options, which will be evaluated under a separate EA. During the scoping process, leasing groundwater rights from ISC and expanding the FCP from 500 acre-feet/year to 1000 acre-feet/year were determined to be viable and timely options. The ISC holds groundwater rights on about 770 acres of agricultural lands south of Fort Sumner and is building a pipeline linking the wells to the Pecos River. For the FCP, Reclamation would exchange water rights they currently have near Seven Rivers to augment the FCP. These options would provide Reclamation flexibility in providing water to the river during this year's and future irrigation

seasons. Due to the timing of the lease agreement and desire to implement it by June 30, 2007, Reclamation is preparing this EA specifically on the long-term lease and expanding the FCP.

## **Environmental Impacts**

The following resources and socioeconomic factors were evaluated in detail in the Environmental Assessment for anticipated impacts from entering into a long-term lease with the New Mexico Interstate Stream Commission for diverting water: water resources, biological resources, agricultural soil and land resources, recreation, cultural resources, environmental justice and Indian trust assets. The following resources are discussed further:

### **Water Resources**

Groundwater in the study area includes two major confined aquifers and a shallow unconfined aquifer underlying the entire mainstem of the Pecos River within the study area. The lease of groundwater rights and subsequent pumping of those rights to the Pecos River in the Ft. Sumner area will serve to improve water quality in this reach of the river since a large portion of farm acreage will no longer be irrigated with the leased water. Irrigation of lands, and subsequent return flows, serves to increase salinity in rivers from leaching salts from the irrigated lands.

Impaired waters and salinity are generally the two biggest factors in water quality 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. Waters in the Pecos River study area are 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 Carlsbad Irrigation District (CID) “manages” water quality issues by diluting stored water with excessive EC values with block releases of cleaner water from upstream storage (Reclamation 2006).

No significant impacts to surface water, water quality or ground water 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 are the Pecos bluntnose shiner (*Notropis simus pecosensis*) and Interior least tern (*Sterna antillarum*).

A detailed discussion of the wildlife and habitat along the Pecos River is found in the Carlsbad EIS (US Bureau of Reclamation 2006a). The discharge point for the Vaughan pipeline is located near the top of the upper critical habitat and three miles north of the Taiban gage where flows are monitored. Reclamation would be able to quickly and efficiently add water to the river to maintain target flows for the benefit of the Pecos Bluntnose Shiner.

This will be a "may effect, is not likely to adversely affect" the Pecos Bluntnose Shiner and is not likely to destroy or adversely modify designated critical habitat. No impact would occur to endangered, threatened, or sensitive plant species.

### **Agricultural Soil and Land Resources**

No state designated farmlands of statewide importance or federally recognized prime or unique farmlands would be removed from production or impacted by the proposed action. Farms in the Pecos River Basin support a variety of valuable food and fiber crops, as well as cattle feed for the local livestock industry. Irrigated lands are currently being purchased or leased and retired on the basis of the Settlement Agreement (US Bureau of Reclamation, 2006c) and to meet the requirements of the Biological Opinion.

### **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 Carlsbad EIS (Reclamation, 2006a).

Public access below Sumner Dam is provided by the 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.

Changes in water levels in the river and reservoirs supporting recreation would be minor and no significant impacts to recreation are expected from this 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 Carlsbad Project Water Operations and Water Supply Conservation EIS (Reclamation, 2006a).

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

No significant impacts are expected from the implementation of the long-term lease agreement of groundwater rights and expansion of the FCP.

### **Environmental Justice**

Implementation of the proposed action would not disproportionately (unequally) affect any low-income or minority communities within the project area.

## **Indian Trust Assets**

No Indian Trust Assets have been documented in the project area. Therefore, Reclamation anticipates no impact to Indian Trust Assets resulting from the proposed action.

## **Cumulative Impacts**

Cumulative impacts as a result of the proposed action are expected to be low. Reclamation is continuing its efforts through leases to acquire and transfer water with the 2006-2016 Biological Opinion. The Pecos Supplemental Water and Exchange EA is being prepared concurrently with this EA but on a longer time frame. The Bureau of Reclamation would like to obtain supplemental water to provide the operational ability to release approximately 2,500 acre-feet of water out of Santa Rosa Reservoir and Sumner Lake per year 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 cumulative effects of the project on the identified resources are not significant.

## **Conclusion**

Based on the analysis present in the EA, Reclamation's assessment of Indian Trust Assets and Environmental Justice, and agency comment on the draft EA 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 proposal.