Appendix F

Responses to Comments on DEIS

ORIGINAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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Date	Initials	
3/20	MC	186

Ms. Marsha Carra
Bureau of Reclamation
Albuquerque Area Office
555 Broadway NE
Suite 100
Albuquerque, New Mexico 87102

Dear Ms. Carra:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the proposed Long-term Miscellaneous Purposes Contract Abstract. This contract will allow use of the Carlsbad Project water for purposes other than irrigation.

EPA rates the DEIS as "**LO,**" i.e., EPA has "**Lack of Objections "** to the proposed action as described in the DEIS. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Michael Jansky of my staff at 214-665-7451 or by e-mail at jansky.michael@epa.gov.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the Final EIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

Joyce Stubblefield for

Rhonda M. Smith, Chief
Office of Planning and
Coordination (6EN-XP)

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Thank you for your review.

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6200 Jefferson NE
Albuquerque, New Mexico 87109
Phone: (505) 761-4400 **Fax**: (505) 761-4462
Web site: www.nm.nrcs.usda.gov

March 1, 2006

Ms. Marsha Carra
Bureau of Reclamation, Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, New Mexico 87102

RE: Draft Environmental Impact Statement concerning the long-term Miscellaneous Purposes Contract with the Carlsbad Irrigation District

Dear Ms. Carra:

We have reviewed the above referenced Draft Environmental Impact Statement. The Natural Resources Conservation Service (NRCS) has no objections to the proposed alternative. The NRCS encourages the Bureau to strengthen sections mitigating potential weed infestations and increases in soil loss associated with the withdrawal of irrigation water from the land.

Thank you for the opportunity to comment.

Sincerely,

ROSENDO TREVIÑO III
State Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Thank you for your review.

Maintenance of fallowed land would remain the responsibility of the individual members from whom water is leased, as described in the individual member contracts between the CID and the member.

Individual land maintenance plans will be developed for all NMISC parcels acquired under the Settlement Agreement. The NMISC is contemplating several options including mowing, long-term grazing leases, and seeding to establish native grasses. Implementation of any of these options is dependent on funding. Over time, the NMISC anticipates native vegetation will become established, minimizing soil erosion. The NMISC will consider other management techniques on its fallowed land as necessary to minimize soil erosion and spread of noxious weeds.

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CARLSBAD

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BOB FORREST
Mayor

HARRY BURGESS
City Administrator

March 8, 2006

Facsimile 505-462-3793; e-mail mcarra@uc.usbr.gov

Ms. Marsha Carra
Bureau of Reclamation, Albuquerque Area Office
555 Broadway NE Suite 1000
Albuquerque NM 87102

RE: Comments on Draft Environmental Impact Statement for Long-term Miscellaneous Purposes Contract, Eddy County, New Mexico (Statement Filing Number: DES 05-59)

Dear Ms. Carra:

The City of Carlsbad ("City") hereby submits these comments on the Long-term Miscellaneous Purposes Contract, Draft Environmental Impact Statement, Eddy County, New Mexico ("DEIS").

The City supports the efforts of the Interstate Stream Commission ("ISC") and the Bureau of Reclamation ("Reclamation") to implement the Settlement Agreement among the ISC, Reclamation, the Carlsbad Irrigation District and the Pecos Valley Artesian Conservancy District. Generally, the Settlement Agreement resolves water rights litigation on the Pecos River as among these parties, and provides for water deliveries to CID while ensuring the State of New Mexico satisfies its Compact delivery obligations under the Pecos River Compact. The City understands that the Settlement Agreement requires, and supports the requirement, that Reclamation and CID enter into a long-term miscellaneous purposes contract to allow ISC use of Project water for delivery to the state line for Compact delivery purposes. The approval of such a long-term miscellaneous purposes is the proposed action and preferred alternative of the DEIS.

The City supports the preferred alternative analyzed in the DEIS. However, the City provides the following clarification to the DEIS. At page 10 of the DEIS, a general statement is made that "Junior water right holders in the

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Clarification of City of Carlsbad water rights and the priority dates of those rights were added to Section 1.3.2.

Ms. Marsha Carra
Page Two
March 8, 2006

Pecos River basin include municipalities . . . ." The City of Carlsbad has the right to divert 9,867.0 1 acre-feet per annum from the Carlsbad Basin. 5,773.88 acre-feet of these rights have a priority date of 1883, and the balance has priority dates prior to 1940. Accordingly, the City is not a "junior water right holder in the Pecos River basin." Moreover, it should be clarified that the City has the right to divert surface supplies, (approximately 350 acre-feet), from the Pecos River, and has the right to impound surface water in Upper and Lower Tansill Lakes for purposes of maintaining lake levels for recreational purposes. The water rights associated with the lakes have priority dates of 1895, 1909, 1929 and 1930.

With these clarifications, the City supports the proposed action and preferred alternative set forth in the DEIS.

Please feel free to contact me should you have any questions.

Very truly yours,

CITY OF CARLSBAD

Harry Burgess
City Administrator

GOVERNOR
Bill Richardson

DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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Ms. Marsha Carra
Bureau of Reclamation, Albuquerque Area Office
555 Broadway NE, Ste. 100
Albuquerque, NM 87102

Re: Long-Term Miscellaneous Purposes Contract Draft Environmental Impact Statement
NMGF No. 10590

Dear Ms. Carra:

In response to the Long-Term Miscellaneous Purposes Contract Draft Environmental Impact Statement (DEIS) and cover letter dated January 12, 2006 that we received, the New Mexico Department of Game and Fish (Department) believes that the EIS should address the potential effects of climate change on the long-term water supply that will be available for miscellaneous purposes. In the Department's response to project scoping in a letter dated 29 September 2004 to Ms. Sara Rhoten (NMGF No. 9563), we did not identify climate change as an issue or concern. Interest in the potential effects of climate change on New Mexico has been expressed by Governor Richardson, as demonstrated in his Executive Order 05-033, which directs the Office of State Engineer to produce a report on New Mexico's future water supply.

Given this recent focus on climate change, the Department believes that it is appropriate for the DEIS to analyze the potential effects of climate change on water availability in the lower Pecos River in the next 40 years. The DEIS should consider how global warming and climate change will affect the environmental baseline. Continuing drought conditions due to global warming will probably reduce future spring runoff, soil moisture, and streamflow in the Pecos River, resulting in reduced delivery to storage reservoirs from the upper Pecos River. The shallow groundwater table will likely be depleted and the stream banks and bed will likely continue to be drier than normal. Such increased drying would also be expected to increase evaporative losses in reservoirs and increase conveyance losses to Brantley Reservoir and Avalon Reservoir. The overall effect of global warming will likely be a long-term reduction in the availability of surface water for all uses in the lower Pecos River, including irrigation and delivery to the state line to meet requirements of the Pecos River Compact.

Although there has been much discussion about global climate change, it is not a "reasonably foreseeable action" as used under the regulations implementing the National Environmental Policy Act. Nevertheless, the Proposed Action is the execution of a long-term miscellaneous purposes contract. The purpose of the long-term miscellaneous purposes contract would allow Carlsbad Project Water to be used for purposes other than irrigation; specifically, for delivery to the state line for compliance with the Pecos River Compact. As discussed in Section 3.1.1, the analysis area for the Proposed Action is the Pecos River floodplain downstream of Avalon Dam to the state line, and the irrigated lands within the CID. When coupled with the State's independent actions implementing the Settlement Agreement, the contract is designed to ensure long-term compliance with the Pecos River Compact and provide a more certain Carlsbad Project water supply. As discussed in Section 4.3.1, the Settlement Agreement, when coupled with the Proposed Action, will increase base flows below Avalon Dam over the long term. The Settlement Agreement modeling was conducted using a long-term hydrologic record (1967 to 1996) that reflected hydrologic variation and included very dry and very wet years. The Settlement Agreement was based on the modeling to ensure its success under a range of hydrologic conditions.

Thank you for the opportunity to comment on the Long-Term Miscellaneous Purposes Contract DEIS. If you have any questions please contact Randy Floyd at (505) 476-8091 or randy.floyd@state.nm.us .

Sincerely,

Lisa Kirkpatrick, Chief
Conservation Services Division

LK/rf

xc: ISC
Marcy Leavitt, Chief, Surface Water Quality Bureau
Brian Hanson, Chief, Ecological Services, US Fish and Wildlife Service
Roy Hayes, SE Area Chief Operations, NMGF
George Farmer, SE Area Habitat Specialist