

Long-term Miscellaneous Purposes Contract EIS Scoping Report

Prepared for—

New Mexico Interstate Stream Commission
P.O. Box 25102
Santa Fe, NM 87504-5102

U.S. Bureau of Reclamation
555 Broadway NE, Suite 100 (ALB-158)
Albuquerque, NM 87102
United States of America

Prepared by—

ERO Resources Corporation
1842 Clarkson Street
Denver, CO 80218
303.830.1188

June 4, 2004

Contents

1.0	Introduction.....	1
2.0	Scoping Outreach Activities	1
2.1	Notices	1
2.2	Paid Advertisements	2
2.3	Newsletter	2
2.4	Other Agency Coordination	2
2.5	Public Scoping Meeting.....	2
2.6	Native American Tribe Consultation	3
3.0	Scoping Results.....	3
3.1	Summary of Scoping Comments	3
3.1.1	Public Scoping Meeting.....	3
3.1.2	Written Comments	5
3.2	Significant Issues	5
3.3	Significant Issues of the Long-Term Miscellaneous Purposes Contract EIS	6
3.3.1	Issues Outside the Scope of the EIS Process	7
4.0	Summary Of Future Actions	7

Attachments

- Attachment A—Notices
- Attachment B—Newspaper Announcement
- Attachment C—Newsletter and Mailing List
- Attachment D—Public Meeting Handouts and Sign-in Sheets
- Attachment E—Public Meeting Presentation
- Attachment F—Agency Scoping Letter
- Attachment G—Native American Tribe Scoping Letter and Letter to the BIA

Long-term Miscellaneous Purposes Contract EIS Scoping Report

1.0 INTRODUCTION

The Bureau of Reclamation (Reclamation) and New Mexico Interstate Stream Commission (NMISC) are preparing an Environmental Impact Statement (EIS) for a proposed Long-term Miscellaneous Purposes Contract that would replace an existing short-term contract. As defined by the National Environmental Policy Act (NEPA), scoping is an early and open public process for determining the scope of issues to be addressed by the EIS and for identifying the significant issues related to a proposed action. During the public scoping phase of the project, Reclamation and NMISC sought input from the public and interested organizations and agencies. This report documents the results of the EIS scoping.

2.0 SCOPING OUTREACH ACTIVITIES

2.1 Notices

Reclamation published two notices in the *Federal Register* regarding the long-term miscellaneous purposes contract. In the first notice, published on February 28, 2003, Reclamation proposed to enter into a contract with the Carlsbad Irrigation District (CID) and the NMISC to convert irrigation water appurtenant to up to 6,000 acres of land within the project for use by the NMISC for delivery to Texas to meet New Mexico's Pecos River Compact obligation (68 Fed. Reg. 9715 (February 28, 2003)).

Reclamation published a second notice, a Notice of Intent (NOI), on January 20, 2004 (69 Fed. Reg. 2730 (January 20, 2004)) providing notice of Reclamation's and NMISC's intent to prepare an EIS for the project. The NOI also announced a public scoping meeting and described the procedures for public comment and obtaining additional information. Copies of both notices are in Attachment A. The NOI for the EIS indicated that written scoping comments should be received no later than March 15, 2004 to be considered most effectively.

2.2 *Paid Advertisements*

NMISC published an announcement for the public scoping meeting in five area newspapers: the Albuquerque Journal, the Carlsbad Current-Argus, the DeBaca County News, the Roswell Daily Record, and the Santa Fe New Mexican. The newspaper announcement is in Attachment B.

2.3 *Newsletter*

A newsletter that summarized the project, described the purpose and need, announced the upcoming scoping meeting, presented preliminary scoping issues, and solicited input was mailed to potential stakeholders and interested parties, including the general public, agencies, and organizations. The newsletter contained a comment sheet that could be detached and either mailed or faxed to the NMISC. The newsletter and mailing list are in Attachment C.

2.4 *Other Agency Coordination*

On February 6, 2004, the NMISC and Reclamation sent a scoping letter soliciting items of issue and concern to the following agencies: U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, New Mexico Department of Game and Fish, Carlsbad Irrigation District (CID), Fort Sumner Irrigation District, Pecos Valley Artesian Conservancy District, Pecos Valley Water Users Organization, Chaves County Flood Control District, and Chaves, DeBaca, Guadalupe, and Eddy Counties. The letter to the agencies is in Attachment D.

2.5 *Public Scoping Meeting*

The public scoping meeting was held on February 12, 2004, at the Best Western Stevens Inn in Carlsbad, New Mexico. The meeting attendees included NMISC and its consultants (ERO Resources Corp. and aci group, LLC), Reclamation, and members of the public. Nine members of the public and local agency representatives attended, and signed in (see sign-in sheets in Attachment E). Handouts, including a map of the project area, were made available (also see Attachment E). Following an initial open house, the NMISC provided a brief presentation of the project (proposed action, purpose and need, and preliminary alternatives), agency roles, an overview of NEPA and the scoping process, a discussion of preliminary issues, and the EIS schedule. A copy of the presentation is in Attachment F. Following the presentation, the NMISC informally solicited questions and encouraged discussion of issues and concerns from

the attendees. Results of the scoping meeting discussion are summarized in the *Scoping Results* section.

2.6 Native American Tribe Consultation

On March 19, 2004, Reclamation sent a letter inviting tribes to participate in the NEPA process and sent notification of the proposed action to the Bureau of Indian Affairs (BIA) of tribal invitations. The Tribes and Pueblos invited to participate were the Pueblo of Jemez, Pueblos of Ysleta del Sure, Pueblo of Isleta, and the Kiowa, Mescalero Apache, Fort Sill Apache, Comanche, and Hopi tribes. A copy of both the letter to the Tribes and the mailing list, and the letter to the BIA and the mailing list are in Attachment G.

3.0 SCOPING RESULTS

3.1 Summary of Scoping Comments

The following sections summarize the comments received at the scoping meeting and during the scoping period. Comments are organized by category. Both oral and written comments were collected at the scoping meeting from members of the public and local agencies. Sara Rhoton, NMISC NEPA project manager, received several faxed comment sheets during the scoping period. No comments were received from the BIA or tribal representatives.

3.1.1 Public Scoping Meeting

Following the formal presentation at the public scoping meeting, individuals were encouraged to discuss resource issues, alternatives, the affected geographic area, and other issues and concerns. Members of local agencies, including the Carlsbad Soil and Water Conservation District and CID, attended the meeting and provided oral comments. Below is a summary of the issues and concerns expressed at the scoping meeting.

Priority Call. Several attendees stated that the “priority call” is a reasonable alternative to the proposed action. The NMISC indicated a priority call would involve no Federal action, and therefore may be considered as part of the “No Action” alternative. Possible ramifications of issuing a priority call were discussed, including the authority of the Federal River Master, and bypassing of CID water.

Severing Water Rights from Land. One participant suggested severing water rights from the land as a means of meeting the project need. Purchasing water rights from local industries was also discussed.

Management of Fallowed Land. Several issues regarding fallowed land management were raised. Air quality from blowing dust, noxious weeds, and fire hazard from accumulations of wind-blown weeds were raised as issues that can be directly connected to fallowing of lands. Methods of revegetation, including supplemental irrigation and soil stabilization also were discussed. Weed species of concern include buffalo bur, ironweed, Malta star thistle, and kochia. In addition, participants stated that nuisance and disease vectors, including skunks, prairie dogs, and gophers tend to overrun fallowed lands. U.S. Department of Agriculture's Animal and Plant Health Inspection Service compliance with the boll weevil on lands adjacent to fallowed lands was raised as an issue.

Viability of the CID. Concerns were raised about the continued viability of the CID following purchase and fallowing of land by the NMISC. The possibility of increased water losses, timing of water release, crop harvest, and renewal of irrigation following block releases were discussed. Loss of efficiency in water deliveries and high leakage within CID infrastructure were mentioned as concerns. Meeting participants suggested that NMISC should preferentially purchase smaller parcels of land from willing sellers.

Lease-back Opportunities for NMISC Land. Participants were interested in knowing if or when NMISC purchased lands might be available for lease back to farmers, and what the duration of these leases may be. Participants stated that economically viable leasing would be at least 3 to 5 years in duration.

Block Release Issues. Concerns were raised about potential increases in mosquitoes as a function of changes in reservoir operations, in particular, block releases. It was stated by a participant that block releases increase when less water is available, leading to increased mosquito populations. It was noted that mosquito management has been a concern in the project area as humans and animals have been affected by the West Nile virus.

County Tax Base. The effects of the project on the tax base for Eddy County and subsequent impacts to services offered by the county were discussed.

Water Quality. Concerns were raised about continued increases in salts and total dissolved solids in shallow groundwater wells.

Area Industries. The future viability of the Loving cotton gin was discussed.

3.1.2 Written Comments

During the comment period, NMISC received five comment sheets from members of the public and representatives of local agencies and organizations, including the Chaves County Flood Control Commission, Forest Guardians, and Brantley Lake State Park. The following is a summary of those comments.

Economic Concerns. A concern about possible reduced agricultural production and subsequent changes to the economy of Carlsbad and the surrounding area was raised.

Wildlife and Plants. Concerns were raised about recovery and conservation of wildlife and plants native to the Pecos River.

Recreation. The effect of varying water levels in Brantley Reservoir on recreation and visitation at Brantley Lake State Park was of concern.

Alternatives. Three alternatives were suggested: renegotiation of the Pecos River Compact to include equitable water supply to Texas and New Mexico during drought years; continuation of the NMISC water lease program as an alternative to the land and water rights acquisition program; and importing water from Ute Lake to achieve in-stream flows.

County Tax Base. The effect on the tax base of Eddy County and the State of New Mexico was raised as an issue.

Management of Fallowed Lands. Several issues regarding management of fallowed lands were raised, including weeds and dust.

3.2 Significant Issues

NEPA regulations require that lead agencies determine “the significant issues to be analyzed in depth in the environmental impact statement” and to “identify and eliminate from detailed study the issues that are not significant” (40 CFR 1501.7). The significant issues are those with environmental effects that warrant resolution either through development of

alternatives that reduce effects while achieving the project's purpose and need, or through application of mitigation measures. In developing the list of significant issues that will be evaluated, Reclamation and NMISC considered comments received during the public scoping process and Reclamation and NMISC's initial analysis of the proposed project.

3.2.1 Significant Issues of the Long-Term Miscellaneous Purposes Contract EIS

Seven significant issues were identified during scoping. The following issues will be the focus of the EIS.

Surface Water Flow and State Line Delivery. The proposed project is designed to increase surface water flow in the Pecos River at the Texas-New Mexico state line. There is a concern that surface water flow in the Pecos River may change at other locations as a result of the proposed project and other reasonably foreseeable activities in the project area.

Ground and Surface Water Hydrology. The Pecos River basin, including the Roswell Area Basin (ground water) and surface water features, support a variety of water uses in the project area. The Roswell Area Basin supports a number of springs that feed streams, water bodies, and the Pecos River. There is a concern that flow of springs and water levels of reservoirs along the River may change as a result of the proposed project and other reasonably foreseeable activities in the project area. These activities also may change the quality of both surface and ground water in the project area.

Management of Fallowed Land. The NMISC has acquired and is continuing to acquire lands in the CID, and upstream of Brantley Reservoir, and fallowing them. Fallowed lands may result in less vegetation cover. There is a concern that fallowing lands may increase soil erosion and infestation by weeds and other pests.

Wildlife. The project area provides suitable habitat for many species of wildlife. There is a concern that changes in surface water flows may affect wildlife habitat, including fish and other aquatic life, and habitat for threatened and endangered species.

Socioeconomic Conditions. The project area is predominantly rural, with Roswell and Carlsbad as the major urban centers. Tourism and agriculture are important regional economic sectors in the project area. There is a concern that the proposed project may affect

socioeconomic conditions of Eddy, Chaves, and DeBaca counties, communities in these counties, downstream water users, and other communities within the Pecos River Basin.

Recreation Resources. Brantley Lake, situated within Brantley Lake State Park, is a popular recreation destination for activities such as boating, fishing, and camping. Because boating is not permitted at Avalon Lake, it supports less recreation use than Brantley. Other popular recreation opportunities within the project area include the river corridor, where activities such as fishing and hunting for waterfowl are popular. There is a concern that changes in the flow of the Pecos River and water levels at Brantley and Avalon Lakes may change recreational opportunities in the project area.

Cultural Resources. The project area contains both historic and prehistoric archeological sites. The CID is listed as a National Historic District on the National Register of Historic Places, and various facilities—including reservoirs, canals and laterals, structures, and support buildings—are contributing elements. There is a concern that changes to the use and purpose of the contributing cultural elements may affect the CID National Historic District.

3.2.2 Issues Outside the Scope of the EIS Process

No issues outside the scope of the EIS were identified during scoping.

4.0 SUMMARY OF FUTURE ACTIONS

The information gathered during scoping will assist NMISC and Reclamation in developing alternatives for the EIS. A public hearing will be held after the Draft EIS is issued. The time, date, and location of the hearing will be published in the Federal Register and a newsletter will be mailed to those individuals and organizations currently identified on the mailing list.

To obtain a copy of the Scoping Report, or for general questions, please contact Sara Rhoton at (505) 827-3996 or by e-mail at srhoton@ose.state.nm.us.