

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

**FINDING OF NO SIGNIFICANT IMPACT**

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

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## Summary of the Proposed Action

The US Department of the Interior, Bureau of Reclamation (Reclamation) is proposing to enter into a 25-year lease with the New Mexico Interstate Stream Commission (ISC) for use of ground water rights to supplement flows in the Pecos River near Ft. Sumner, New Mexico.

The purpose of the Proposed Action is to provide adequate water to allow Reclamation the operational flexibility to meet target flows, keep the river continuous, fulfill the contracted irrigation needs of the Carlsbad Project, and avoid hindering New Mexico delivery requirements to Texas: The need for the long-term lease is to comply with the 2006-2016 Biological Opinion for the selected alternative of the Carlsbad Project Water Operations and Water Supply Conservation EIS, June 2006. The Biological Opinion and EIS commit Reclamation to operate the Carlsbad Project with a target flow of 35 cubic feet per second (cfs) at the Taiban Gage and to keep the river continuous in order to conserve the federally protected Pecos bluntnose shiner. Reclamation is developing additional long-term strategies to provide sufficient supplemental water to keep the Pecos River continuous; however, these strategies are not defined enough for implementation for the 2007 irrigation season and will be evaluated in a subsequent document.

## 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. The ISC holds ground water rights on about 770 acres of agricultural lands south of Fort Sumner and is building a pipeline linking the wells to the Pecos River. Due to the timing of the lease agreement and desire to implement it for the 2007 irrigation season, Reclamation is preparing this EA specifically on the long-term lease.

### **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 of ground water rights with the New Mexico Interstate Stream Commission: water resources, biological 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 is the Pecos bluntnose shiner (*Notropis simus pecosensis*).

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 represents a "may effect, is not likely to adversely affect" determination for 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.

Reclamation has consulted with Fish and Wildlife Service and received concurrence 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 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 ground water rights.

### **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.