Chapter 1: Purpose and Need for Action

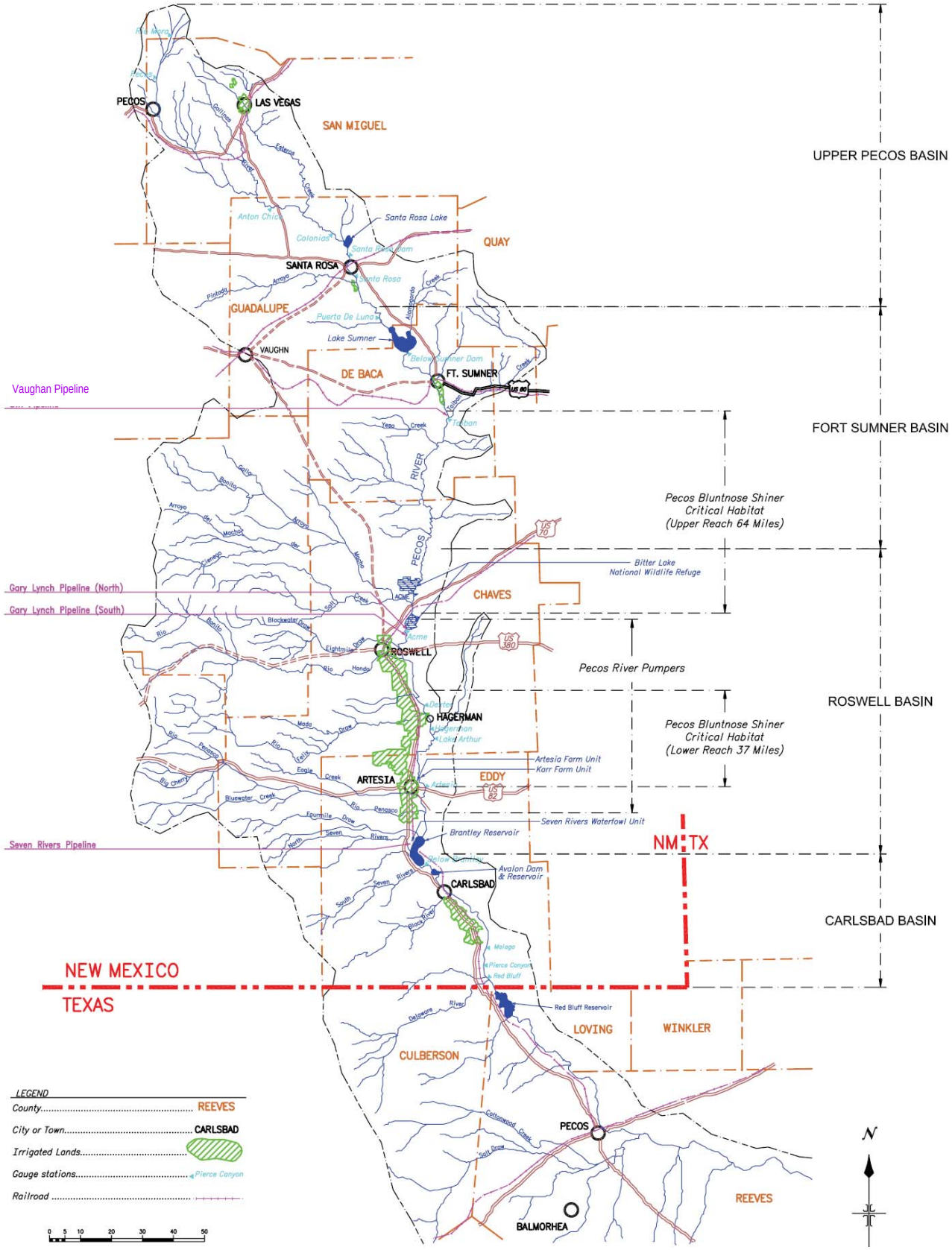
Introduction

This Environmental Assessment (EA) has been prepared by the US Department of the Interior, Bureau of Reclamation (Reclamation) to evaluate the environmental and socioeconomic impacts from entering into a long-term lease of ground water rights with the New Mexico Interstate Stream Commission (ISC). The ground water would be pumped and released into the Pecos River near Ft. Sumner, New Mexico.

The Pecos River has its headwaters in the Sangre de Cristo Mountains in northern New Mexico. It meanders 500 river miles southward across the eastern part of the state until it crosses into Texas south of Carlsbad. From the Texas border, the river winds another 400 miles to its confluence with the Rio Grande near Langtry, Texas. The total drainage area at its confluence with the Rio Grande is approximately 33,000 square miles, with 19,000 square miles within New Mexico. The Pecos River system in New Mexico includes three major reservoirs: Santa Rosa Reservoir, Sumner Lake, and Brantley Reservoir; a fourth smaller reservoir (Avalon) just south of Brantley Reservoir is used by the Carlsbad Irrigation District (CID) for staging and diverting Brantley Reservoir releases (Figure 1).

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) (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, Reclamation established a target flow of 35 cubic feet per second (cfs) as measured at the Taiban gage (Pecos River Below Taiban Creek Ft. Sumner, NM, USGS gage number 08385522), committed to maintain and pursue enlarging the previously permitted 500 acre-foot (AF) fish conservation pool (FCP) at Lake Sumner, and identified a range of actions to acquire water to meet the contract requirements of the Carlsbad Project. An FCP is an allocation of storage in Sumner Lake or Santa Rosa Reservoir, which is designated specifically for the benefit of the shiner by making releases from this pool as a means to maintain flows or avoiding intermittency.

Figure 1: Area Map



The Pecos River Basin supports irrigation and critical habitat for the Pecos bluntnose shiner. The proposed project would add supplemental water to the river upstream of the upper reach of critical habitat.

As part of the consultation process under the Endangered Species Act (ESA), the US Fish and Wildlife Service issued a Biological Opinion (2006 – 2016) on the selected alternative from the EIS (US Fish and Wildlife Service 2006; Reclamation 2006a). One of the provisions of the Biological Opinion 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 from historic operations would 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 Ft. Sumner, to collect public comments and to help identify supplemental sources (Reclamation 2006b). Reclamation is continuing to develop a package of supplemental water options, which will be evaluated under a separate EA. During the scoping process, leasing ground water rights from the ISC was determined to be viable and timely option. The ISC holds ground water rights on about 770 acres of agricultural lands south of Ft. Sumner and is building a pipeline linking the wells to the Pecos River.

This option 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 early July, 2007, Reclamation is preparing this EA specifically on the long-term lease.

The EA is prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended; the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508); the Department of the Interior's NEPA Implementing Procedures (516 DM 1-15); and Reclamation's NEPA Handbook. In accordance with CEQ regulations (parts 40 Code of Federal Regulations [CFR] 1500.4(i), 1502.20, 1502.21, and 1508.28), Reclamation guidance, and the Paperwork Reduction Act of 1995, this EA is tiered to Carlsbad Project Water Operations and Water Supply Conservation EIS and incorporates relevant data and findings of the EIS by reference. Tiering is defined by CEQ as a procedure that allows an agency to avoid duplication of paperwork through the incorporation by reference of the general discussions and relevant specific discussions from an EIS of broader scope into a document of lesser scope without duplication of the analysis prepared for the EIS (CEQ NEPA's 40 Most Asked Questions). The EIS is available upon request for review and may be viewed on-line at:
http://www.usbr.gov/uc/albuq/library/eis/carlsbad/carlsbad.html

Need for the Action

The need for the long-term lease is to provide Reclamation with the operational flexibility 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 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. Therefore, there is a need for immediate efforts to assure the water needs of the shiner will be met. Leasing of surface and ground water and releasing it into the river has proven to be a timely and viable tool for supplementing flows.

Purpose of the Action

The purpose of the project 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 goal is to begin providing supplemental water to the Pecos River system by June 30, 2007. Therefore, supplemental water sources should readily be available, have the capacity to provide "wet" water to the system, and require minimal infrastructure investments.

Relevant Statutes, Regulations, and other Plans

Reclamation's activities on the Pecos River are guided by a number of laws, agreements, and authorizations as detailed in the Carlsbad Project Water Operations and Water Supply Conservation EIS (Reclamation 2006). Examples include the Reclamation Act of June 12, 1902, the Carlsbad Project Authorization, Hope Decree of 1933, Pecos River Compact of 1948, and the 1988 Texas v. New Mexico U.S. Supreme Court Amended Decree.