

FINDING OF NO SIGNIFICANT IMPACT

**Environmental Assessment
Jicarilla Apache Nation Water Subcontract to the City of Santa Fe
Santa Fe County, New Mexico**

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

Recommended by:

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Date *October 17, 2005*

Approved by:

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10/17/05
Date

FONSI Number: AAO-05-006

Summary

An Environmental Assessment to address the environmental effects of an approval by the United States, through the Secretary of the Interior, of a water supply subcontract (i.e., lease) for a portion of the Jicarilla Apache Nation's (Nation) San Juan-Chama Project water supply to the City of Santa Fe, New Mexico (City) was prepared for Reclamation.

The proposed Action is the approval by Reclamation of a subcontract lease between the Nation and the City. Under the subcontract, the Nation would make available for delivery to the City at the outlet works of Heron Dam up to 3,000 acre-feet per year (ac-ft/yr) of the Nation's San Juan-Chama Project water entitlement under the Federal Contract. The term of the subcontract would be limited to 50 years beginning in 2007. The subcontract provides that the City is solely responsible for conveyance of the water from the outlet works at Heron Dam to the point of use. Thus, the Proposed Action does not involve the new construction, or additional operation, maintenance, or repair of any conveyance, diversion, treatment, or delivery works.

The subcontract and the approval are pursuant to the Jicarilla Apache Tribe Water Rights Settlement Act of October 23, 1992, 106 Stat. 2237, as amended (Settlement Act), and the associated Contract between the Jicarilla Apache Nation and the United States dated December 8, 1992 (Federal Contract). Under the Settlement Act and the Federal Contract, the Nation has the right to subcontract its San Juan-Chama Project water to third parties for beneficial use outside the Jicarilla Apache Indian Reservation when the Nation is not using the water on the Reservation. Approval of any subcontract or lease by the Secretary of the Interior is required by the Settlement Act and Federal Contract. The Secretary of the Interior has delegated the authority to approve such subcontracts to the Regional Director of the Upper Colorado Regional Office of the Bureau of Reclamation (Reclamation). The Nation has formally requested the Secretary's approval of the proposed subcontract with the City.

Alternatives Considered

A No Action Alternative was presented in the document where Reclamation would not approve the subcontract between the Nation and the City. The subcontract would not take effect without this approval, and the Nation would not make available to the City of Santa Fe 3,000 ac-ft/yr of the Nation's San Juan-Chama Project for the 50-year period. The City would presumably seek alternative sources of water to meet its water supply requirements.

Under the No Action Alternative, the Buckman Well Field would continue to provide about 40 to 60 percent of the City's water supply.

Decision

Reclamation has decided to implement the proposed action alternative as described in the EA. This preferred alternative is approval of the subcontract. Approval of the subcontract will allow the Nation to utilize a portion of its water rights to benefit from water resources development through subcontract revenues as contemplated by the Federal Contract.

Environmental Impacts of the Jicarilla Apache Nation Water Subcontract to the City of Santa Fe

The following resources and factors were evaluated in detail in the EA for anticipated impacts from implementation of the subcontract: surface water, groundwater, biological resources, special status species, cultural resources, environmental justice and Indian trusts assets. The following resources are discussed further:

Surface Water Resources

The soils in the Research Project area vary from flat, alluvial loams to steep, rocky outcrops, to exposed caliche surfaces. Potentially better soil nutrient availability will result due to the treatment and research performed in the project area. No equipment or facilities requiring permitting through the New Mexico Environment Department Air Quality Bureau (NMAQB) are proposed for the action.

Groundwater Resources

Under the proposed action, additional flows to help meet the requirements from the Office of State Engineers to operate the Buckman well, specifically mitigating ground water and surface water depletions, would cause no adverse cumulative effects on groundwater resources.

Biological Resources

No adverse impacts to biological resources are expected with the proposed alternative.

Special Status Species

The proposed action is expected to have no affect on federally listed threatened or endangered species.

Cultural Resources

A cultural resources/archaeological survey were not completed as the proposed action does not involve any construction or alteration of any facility along the river system. It was determined that the proposed action would have no effect on cultural resources.

Environmental Justice

In following the Executive Order 12898 of 1994, "Federal Actions to Address Environmental Justice in Minority Populations," the proposed action could positively affect minority and low-income populations. The project would enrich those populations with drinking water.

Indian Trusts Assets

The water supply and water rights associated with the proposed project are Indian Trust Assets which will be benefited from the proposed project. No other Indian Trust Assets have been documented in the project area. Therefore, no adverse impact to Indian Trust Assets would result from the proposed action.

Cumulative Impacts

Cumulative Impacts are defined as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions."

Cumulative impacts as a result of the proposed action are expected to be low.

Mitigation Measures/Environmental Commitments

No adverse impacts that would warrant mitigation have been identified, therefore no mitigation measures are proposed.

Nature of Environmental Impacts

Possible impacts include displacement of wildlife associated with the proposed treated saltcedar acreage. This would be due to the loss of vegetation if native species do not revegetate in the treated areas. Increases in sedimentation of surface waters within the project area may occur depending upon the results of the revegetation sites and the effectiveness of spraying saltcedar.

Consultation and Coordination

Coordination with other agencies and organizations included the Fish and Wildlife Service in 2004, U.S. Army Corp of Engineers, Bureau of Indian Affairs, City of Santa Fe and the Jicarilla Apache Nation. No public comments were received on the draft Environmental Assessment or Finding of No Significant Impact during or after the 30 day comment period.

Finding

Based on the analysis presented in the EA, Reclamation finds that there would be no significant impacts associated with implementation of 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.

MISSION STATEMENT

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

