

U.S. Department of the Interior

BUREAU OF RECLAMATION

Albuquerque Area Office

Albuquerque, New Mexico

Finding of No Significant Impact

**Supplement to the Middle Rio Grande Supplemental
Water Programmatic Environmental Assessment**

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5/31/06

Date

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5/31/06

Date

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FONSI Number

BACKGROUND

The Rio Grande Silvery Minnow (RGSM; *Hybognathus amarus*) was formerly one of the most widespread and abundant cyprinid species in the Rio Grande basin in New Mexico, Texas, and Mexico. Due to population declines caused by the dewatering of segments of the Middle Rio Grande (MRG) through water-regulation activities as well as habitat degradation, the RGSM is currently listed as endangered both federally and by the State of New Mexico. In addition, the Southwestern Willow Flycatcher (SWWF) has been a federally-listed endangered subspecies since 1995 and is also classified by the State of New Mexico as endangered. Its decline has been largely attributed to the hydrological and ecological changes which have affected the composition and extent of floodplain riparian vegetation along the Middle Rio Grande.

Reclamation has discretion to conduct various activities within its authority to benefit threatened and endangered species under section 7(a)(1) of the Endangered Species Act (ESA). Reclamation has conducted prior discretionary acts since 1996 to protect the RGSM and SWWF as outlined in the 2001 Rio Grande Supplemental Water Programmatic Environmental Assessment. The Supplemental Water Program (Program) has been utilized to comply with elements of the Reasonable and Prudent Alternative of the 2003 Biological and Conference Opinions (BiOp) on the Effects of Actions Associated with the Programmatic Biological Assessment (BA) of the Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation and Non-Federal Actions on the Middle Rio Grande, New Mexico, March 1, 2003 – February 28, 2013.

The Supplemental Water Program (Program) is funded by Reclamation. This supplement serves as an update to the 2001 Programmatic Environmental Assessment and evaluates only the impacts of the Program associated with the updated elements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 43314335).

SUMMARY OF THE PROPOSED ACTION

The current Program consists of four (4) components: leasing of available San Juan Chama (SJ-C) water from willing water contractors, concurrence with waiver requests, the pumping and conveyance of water from the LFCC to the Rio Grande including the operation of an outfall near Escondida, and the implementation of water conservation practices by water contractors and municipal and industrial users.

ENVIRONMENTAL IMPACTS RELATED TO THE RESOURCES OF CONCERN

Resources of primary concern associated with project actions for this supplemental document include hydrology and hydraulics, water resources and net depletions, fisheries, the federally threatened or endangered species (and their habitat) that occur within the project area, and impacts concerning environmental justice and Indian Trust Assets.

No significant adverse impacts to environmental resources and the human environment are anticipated as a result of the proposed action including no adverse impacts to Indian Trust Assets as a result of the Supplemental Water Program.

ENVIRONMENTAL COMMITMENTS

All applicable permits have been obtained prior to implementation of the project, including but not limited to:

- Clean Water Act (CWA), Section 404 as administered by the USACE

- State Water Quality Certification under CWA, Section 401
- Storm Water Pollution Prevention Plans
- Section 7 of the ESA as administered by the USFWS
- Section 106 of the National Historic Preservation Act (NHPA) as administered by the New Mexico State Historic Preservation Officer (SHPO)
- Office of the State Engineer (OSE) permits, as required
- Implementation of BMPs for Low Flow Conveyance Channel Pumping Operations and Maintenance Activities

COORDINATION

Agencies and other entities contacted formally or informally to coordinate efforts in preparation of this EA include:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- Bureau of Indian Affairs
- New Mexico Interstate Stream Commission
- Middle Rio Grande Conservancy District
- Sandia Pueblo

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

CONCLUSION

The Supplemental Water Program to be continued by Reclamation for another five year period consists of a water leasing program, concurrence with waiver requests, the continued conveyance of water from the Low Flow Conveyance Channel to the Rio Grande, and the implementation of water conservation practices by water contractors. The need for the Program is to provide Endangered Species Act coverage and to contribute to the recovery of the RGSM and SWWF and is documented in the 2003 BiOp. No adverse impacts have been determined for the resources of concern identified in this supplemental document.

Based on the analysis performed in the environmental assessment, no significant adverse impacts to the natural or human environment will result from implementation of the project. This Finding of No Significant Impact (FONSI) has been determined pursuant to the National Environmental Policy Act (42 U.S.C. 4321et seq.) It has been determined that the proposed action does not constitute a major federal action that would significantly affect the human environment. Therefore, an environmental impact statement will not be prepared for this project.