

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

FINDING OF NO SIGNIFICANT IMPACT

Seven Rivers Proposed Water Pipeline
Eddy County, New Mexico

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for Area Manager, Albuquerque, New Mexico

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Date

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Summary of the Proposed Action

The purpose of the Proposed Action: Reclamation is partially funding a water pipeline and granting right-of-use license on Reclamation lands to the New Mexico Interstate Stream Commission (NMISC) to deliver water from the Seven Rivers augmentation well field (Eddy County) to Brantley Reservoir for use as Carlsbad Project water. The proposed augmentation well field pipeline would address two primary needs along the Pecos River. The NMISC needs to augment the Carlsbad Irrigation District (CID) water supply as partial fulfillment of the Settlement Agreement; and as a member of CID and under the Pecos River Settlement Agreement (Settlement Agreement), the NMISC needs to use Carlsbad Project water to maintain long-term compliance with the Pecos River Compact (Compact) and the United States Supreme Court Amended Decree in *Texas v. New Mexico*. Delivery of water from the augmentation well field has independent utility for the NMISC apart from the Settlement Agreement.

Background

The Seven Rivers Augmentation Well field and proposed pipeline to Brantley Reservoir are located in Eddy County, southeastern New Mexico, on the Pecos River. Brantley Reservoir is part of the Carlsbad Project, a Reclamation irrigation project that provides water for the Carlsbad Irrigation District near Carlsbad, New Mexico. Reclamation owns Brantley Reservoir, and diverts to storage and delivers Carlsbad Project water to CID. CID operates Brantley Dam and Reservoir, and other Carlsbad Project facilities, under an operation and maintenance contract and repayment contract with Reclamation.

NMISC oversees interstate stream compacts and interstate stream litigation, and cooperates in the planning of Federal water projects. NMISC is responsible for ensuring that the State of New Mexico meets its water delivery requirements to the state of Texas as measured at the state line, and for complying with the 1948 Pecos River Compact and the 1988 Texas v. New Mexico U.S. Supreme Court Amended Decree (485 U.S. 388). In 1992, NMISC began leasing Project water as part of its Water Resource Conservation Project to ensure continued compliance with the Pecos River Compact and Amended Decree; the leasing has continued to the present.

Environmental Impacts

The following resources and socioeconomic factors were evaluated in detail in the Environmental Assessment for anticipated impacts from implementation of the water pipeline: water resources, land use and recreation, geology and soils, air quality, vegetation, wetlands, threatened, endangered and sensitive species, noxious weeds, cultural resources socioeconomic, environmental justice and Indian trust assets. The following resources are discussed further:

Water Resources

Surface water features in the project area include Brantley Reservoir, South Seven Rivers arroyo, and various constructed irrigation ditches for orchards and other agriculture. The South Seven Rivers arroyo is tributary to the Pecos River, but now flows into Brantley Reservoir. At its headwaters west of the project area, the Seven Rivers drainage is perennial, but within the

project area it is ephemeral (Marron 2006). Most of the channel is flood-scoured and bare, with some areas having annual vegetation cover.

Groundwater levels were measured in various months throughout 2004 and 2005. Ground surface elevation within the Seven Rivers project area varied between 3,497 feet and 3,286. Depth to water measurements varied from 28 to 212 feet, and therefore groundwater elevations ranged from 3,239 to 3,363 feet.

Water quality in Brantley Reservoir varies throughout the year. Normally, winter-spring water quality has high electrical conductivity (EC) due to accumulated salts from agricultural return flows. Currently 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.

Land Use and Recreation

Irrigated agricultural uses in the project area consist primarily of pecan orchards. The New Mexico Department of Game and Fish operates a bird farm within the project area, raising food materials for game birds. Brantley Wildlife Area consists of 28,000 acres along the Pecos River and Brantley Reservoir. This area is located 15 miles north of Carlsbad and provides boating, camping, fishing, hunting, photography, trapping, and wildlife watching opportunities for the public (Reclamation 2006).

Construction and maintenance access would be along existing rights-of-way. For the Lewis Farm System, ownership of a portion of County Road 33 (also known as Sweetwater Road) would be transferred from the County of Eddy to the adjacent landowner. Reclamation holds a perpetual easement for access over the road known as County Road 33. An encroachment agreement will be provided to ISC for placement of its pipeline with Reclamations senior rights. The ISC will be responsible to ensure Reclamation and NMDGF unrestricted access and will repair the road to a condition as found or better. Reclamation will not be subject to agreements between ISC and third parties.

Geology and Soils

Soils and vegetation disturbance will be kept to a minimum, vegetation cover left undisturbed whenever possible and areas reseeded with native species if temporarily disturbed.

Air Quality

During construction, there would be temporary increases in suspended dust (sediment transfer), resulting from activities such as vehicle traffic. No equipment or facilities requiring permitting through the New Mexico Environment Department Air Quality Bureau (NMAQB) are proposed for the action.

Vegetation

Temporary displacement of wildlife species due to increased human presence and noise from the construct activities would occur in the immediate area. Wildlife would temporarily leave the area but should return in a short period of time. No significant impact is expected.

Wetlands

The Seven Rivers Drainage, an ephemeral waterway, and Brantley Reservoir, are considered jurisdictional Waters of the U.S. All jurisdictional wetlands and other waters of the U.S. are protected resources under Section 404 of the Clean Water Act.

Temporary displacement of wildlife species due to increased human presence and noise from the construction activities would occur in the immediate area. Wildlife would temporarily leave the area but should return in a short period of time. No significant impact is expected.

Threatened, Endangered and Sensitive Species

The outfall on the southern pipeline, which is located between two habitat or wildlife mitigation areas that Reclamation created and is required to maintain for Interior Least Tern nesting, and other nearby construction activities should be completed prior to the onset of the tern nesting season which begins approximately mid-May.

Should this work be completed before the Interior Least Terns arrive and there are no other adverse impacts from construction noise to terns, then Reclamation determines that the project will have "no effect" to the species. Alternatively, should construction of the southern pipeline outfall continue past approximately mid-May, then this activity "may effect" the terns and Reclamation and ISC (if ISC chooses applicant status) will have to enter into Section 7 (ESA) consultation with the Service, a process that can take up to 135 days to complete after a biological assessment is submitted to the U.S. Fish and Wildlife Service.

This will be a "no effect" to the Pecos Bluntnose Shiner.

No impact would occur to endangered, threatened, or sensitive plant species on the route alternatives.

Noxious Weeds

Two noxious weeds—Field bindweed (*Convolvulus arvensis*) and Salt cedar (*Tamarix chinensis*)—are present in the project area. Any ground disturbing activity has the potential to support the infestation and spread of noxious weeds. Implementation of Best Management Practices for weed control would be implemented for all construction and ground disturbing activities.

Cultural Resources

Twenty cultural resource sites in the project area are considered eligible for the National Register

of Historic Places under criterion D, information potential. These sites are representative of various prehistoric and historic occupations. SHPO and Reclamation have made the determination that the project will have the potential for having adverse effects on some of the archaeological sites. A mitigation strategy, in this case a data recovery plan, will be implemented since pipeline relocation is not an option.

Additional mitigation measures include monitoring the project on a daily basis when route is expected to encounter archaeological sites as found during previous surveys. The Data Recovery Plan will be written by Reclamation and approved by Reclamation and SHPO. It will be implemented to mitigate the destructive impact that the Seven Rivers Pipeline Project will have on LA--154410. The plan will identify methods to collect any site information that would be lost because of the pipeline impact.

Socioeconomics

The proposed action would result in the creation of a small number of jobs for dirt and drilling contractors during the construction and drilling phases of the project.

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. It is anticipated that land along the proposed route as well as adjacent land, will continue to be used for a variety of minor right-of-way facilities, therefore, 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.