

RECLAMATION

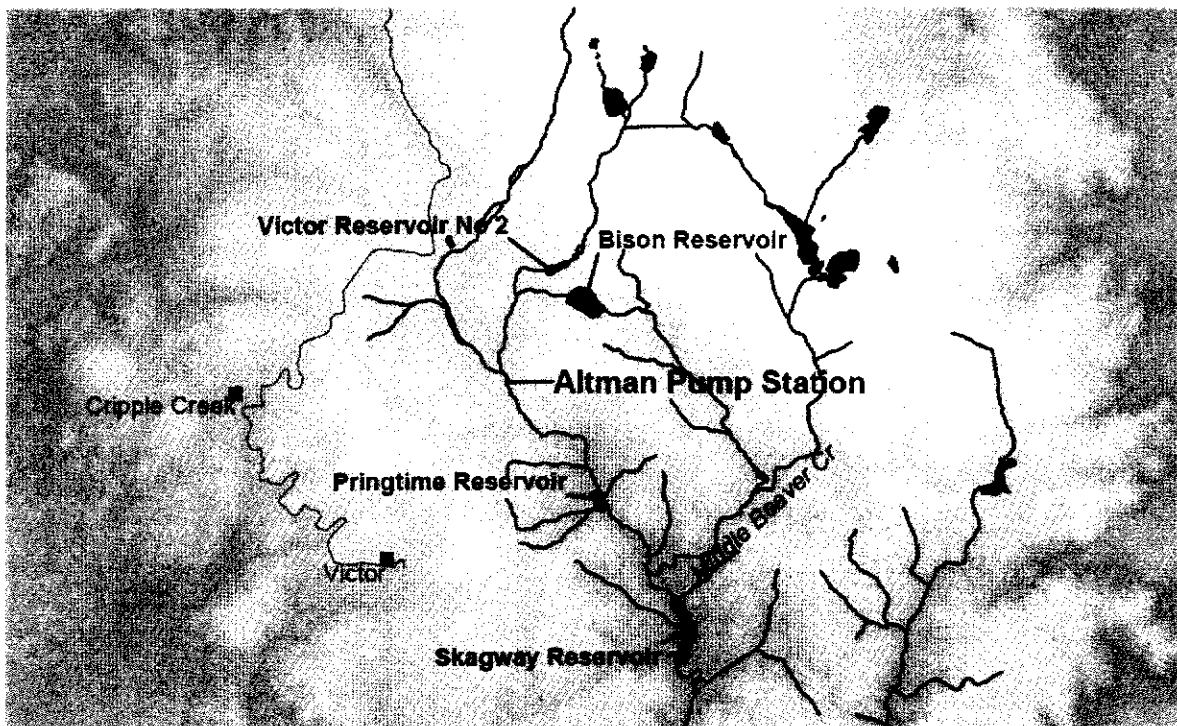
Managing Water in the West

FONSI No. EC-1300-08-03

2008 City of Victor Temporary Excess Capacity Contract, Fryingpan-Arkansas Project

Finding of No Significant Impact

Approved  Date 3/26/08



U.S. Department of the Interior
Bureau of Reclamation
Great Plains Region
Eastern Colorado Area Office

March 2008

INTRODUCTION

This Finding of No Significant Impact has been prepared to document the environmental review and evaluation of the proposed action in compliance with the National Environmental Policy Act of 1969, as amended. Based on the following finding, the Bureau of Reclamation (Reclamation) has determined that the implementation of a 2008 temporary excess storage capacity contract with the City of Victor (Victor) would not result in a significant impact to the human environment, or natural or cultural resources.

PREFERRED ALTERNATIVE

Reclamation evaluated the effects of the Proposed Action Alternative with respect to a No Action Alternative, and has selected the prior as the Preferred Alternative. Under this alternative, Reclamation would enter into a one year temporary excess storage capacity contract with Victor for storage of up to 1,000 ac-ft of non-project water in Pueblo Reservoir.

Of the expected outflow from Pueblo Reservoir, only the 40 ac-ft in April, 80 ac-ft in May, 89 ac-ft in June, 80 ac-ft in July, and 92 ac-ft in August that would be exchanged out of Pueblo Reservoir to the Altman Pump Station (Altman) was analyzed in this Environmental Assessment (EA). The remainder of Victor's request was within the scope of the Environmental Assessment and Finding of No Significant Impact No. EC-1300-06-02 signed April 2006 (2006-2010 EA). Victor could exchange up to the amounts listed above at the rate of up to 1.5 cfs only when streamflow at the U.S. Geological Survey (USGS) Stream Gage 07099060 at Beaver Creek above Highway 115 near Penrose, Colorado is greater than 8.0 cfs.

ENVIRONMENTAL COMMITMENTS

Victor's contract would abide by the environmental commitments made in the Environmental Assessment and Finding of No Significant Impact No. EC-1300-06-02 in April 2006 (2006-2010 EA). Table 1 below outlines how compliance with these commitments would be made.

Victor's exchanges would be limited to the timing, amount, and rate described above.

Victor would abide by Colorado water law and any requirements of The Colorado Division of Water Resources - The Office of the State Engineer, which has jurisdiction over the administration of state waters.

FINDING

In the attached EA, Reclamation evaluated the environmental consequences associated with implementing the Proposed Action Alternative. The diversions made at Altman would be for the same time period and in the same amount and rate as would occur without a contract with Reclamation. The only difference between the No Action and

Proposed Action Alternatives is that Victor would need to find another source of water instead of exchanging their water stored in Pueblo Reservoir. The release of the storage water from Pueblo (for the exchange to Altman) has already been analyzed in the 2006-2010 EA. Therefore, no impacts would occur as a result of entering into the proposed contract that have not already been analyzed in the 2006-2010 EA.

**TABLE 1 – COMPLIANCE WITH ENVIRONMENTAL COMMITMENTS IN 2006-2010
EA**

Environmental Commitment	2008 Compliance Determination
All water must be transported, stored, and released in accordance with the laws of the State of Colorado.	To be included in contract.
By entering into a temporary excess capacity contract with Reclamation, for the use and distribution of United States waters, the Contractor shall comply will all sections of the Clean Water Act.	To be included in contract. Confirmed requests include no construction to transport and/or deliver the water.
If Reclamation enters into any long-term contracts during the term of the proposed action, the amount of storage and exchange covered by this EA will be reduced by the amount of the long-term contract.	The City of Aurora long-term excess capacity contract was signed on September 12, 2007. The 53,075 ac-ft total being requested for 2008 is still well under the now 70,000 ac-ft available for temporary contracts.
Reclamation will monitor temporary excess capacity operations including daily storage and release data for Contractors' accounts, to better understand real-time use of contracted storage. This will aid in understanding how temporary excess capacity is used and present the opportunity to adaptively manage future temporary excess capacity contract operations.	Monitoring ongoing. Year-end analysis planned. Modifications to operations will be made accordingly, if necessary.
Reclamation will work with the State's Water Quality Control Division (WQCD) and other interested parties to compare their water quality data with Reclamation's operational data described above to determine if there is a correlation between selenium concentrations on the Arkansas River from Pueblo Reservoir to the Rocky Ford head gate, and changing hydrology as a result of temporary excess capacity contract operations for the years 2006 through 2010.	WQCD confirmed collection of selenium data is ongoing. Reclamation will initiate a study toward the end of the 2006-2010 term to determine any correlations.
Temporary excess capacity contract operations shall not cause flows on the Arkansas River as measured at the Avondale gage to fall below 86 cfs.	Ongoing communication with signatories of the IGA (Intergovernmental Agreement between the City of Aurora, Colorado Springs Utilities, City of Fountain, Pueblo Board of Water Works, the District and the City of Pueblo to maintain certain flows downstream from Pueblo Reservoir to Fountain Creek), St. Charles Mesa Water District, and State Engineer to ensure compliance.
In support of the Upper Arkansas River Flow Program (Flow Program), Contractors may not exchange water from Pueblo Reservoir to upstream locations against releases made by Reclamation in support of the Flow Program, or make any exchanges from Pueblo Reservoir which would require Reclamation to release additional water to meet the objectives of the Flow Program.	To be included in contract. If a contractor requests to exchange water from Pueblo Reservoir against releases made in support of the Flow Program, the request will be denied. This would prevent entities from exercising a physical exchange against the outflow of Twin Lakes Reservoir from Pueblo Reservoir.
Reclamation will not execute contract exchanges until the Natural Resource Conservation Service (NRCS) makes its annual May 1 st water supply forecast, and Reclamation determines whether or not contract exchanges will affect its	The Aurora long-term excess capacity contract allows up to 10,000 ac-ft of exchange. However, no temporary exchange contracts have been requested for 2008, including Victor's

<p>ability to operate in accordance with the Flow Program recommendations, or impair the ability of Fremont Sanitation District Wastewater Treatment Plan or the Salida Treatment Plant to meet their CDPES permit requirements.</p>	<p>request. Therefore, this commitment is not applicable.</p>
<p>Reclamation will limit temporary excess capacity contract operations that have the potential to affect the Arkansas River below Pueblo Reservoir when flows are ≤ 500 cfs and > 50 cfs to a decrease of no more than 50% of the average daily flow as measured by adding the flow at the above Pueblo gage to fish hatchery return flows.</p>	<p>Reclamation will use the previous day's flows, as measured by adding flows at the Above Pueblo Gage to fish hatchery return flows, to determine whether this mitigation measure would be triggered. This commitment is included as a standard clause in all the contracts. Reclamation would not allow Upper Arkansas to exercise an exchange from a lower reservoir into Pueblo if flows fell below 50 cfs.</p>
<p>Reclamation will limit temporary excess capacity contract operations that have the potential to affect the Arkansas River below Pueblo Reservoir when flows are ≤ 50 cfs, as measured by adding the flow at the above Pueblo gage to fish hatchery return flows.</p>	<p>To be included in contract. See above.</p>
<p>Contractors that propose to store water that originates in the Upper Colorado River basin must either (1) sign a Recovery Agreement with the U.S. Fish and Wildlife Service, or (2) if the water originates in the Gunnison River basin, individual consultation with the Service may be required.</p>	<p>Confirmed completed.</p>
<p>Contracts will be conditioned to limit storage of west slope water to the volume modeled for this analysis, or 14,200 ac-ft per year, as discussed in the EA, Chapter 3, Section IV. If a request is outside of this condition, additional environmental compliance will be required.</p>	<p>Confirmed to be under the 14,200 ac-ft per year analyzed in the EA.</p>
<p>If the potential effects of future requests were not evaluated in EA No. EC-1300-06-02, as discussed in Appendix C, Hydrologic Model Documentation, additional environmental compliance will be required.</p>	<p>The portion of Victor's request that involves exchanging to the Altman Pump Station was found to be outside the scope of analysis of the 2006-2010 EA. Additional analysis of impacts to the hydrology downstream of Altman, and the aquatic resources (including threatened and endangered species) and recreation in those waters will be completed for the contract requests with this EA. Based upon the magnitude of the changes in flows expected with the Proposed Action Alternative, the scope of analysis will include stretches of stream from the Altman Pump Station (Altman) to the confluence with the Arkansas River as impacts beyond that point are believed to be indiscernible. See Figure 1.1 for a location map. The analysis only specifically addresses West Beaver Creek below Altman. However, it should be assumed that the level of impacts will gradually reduce with further distance from Altman. See the 2006-2010 EA for the complete analysis for all other aspects of the 2008 requests.</p>