

# RECLAMATION

*Managing Water in the West*

FONSI NO. EC-1300-06-02

## Temporary Excess Capacity Contracts 2006-2010

Finding of No Significant Impact

Approved: \_\_\_\_\_

*Paul R. O'Neil*

Date: \_\_\_\_\_

*4/3/06*



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Bureau of Reclamation  
Eastern Colorado Area Office  
Loveland, Colorado

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## INTRODUCTION

The Bureau of Reclamation (Reclamation) is proposing to issue one-year temporary excess capacity contracts (temporary excess capacity contracts) within east slope Fryngpan-Arkansas Project (Fry-Ark) facilities for the years 2006 through 2010.

Temporary excess capacity contracts enable Contractors to more efficiently use their non-project water<sup>1</sup>, by providing temporary storage of non-project water for use at a later date or by providing an opportunity to exchange non-project water for Fry-Ark Project water (Project water). Consequently, temporary excess capacity contracts meet Contractor needs by providing valuable water storage and increased water management flexibility.

The purpose of the Proposed Action is to maximize the use of existing infrastructure to support entities with temporary municipal, industrial, irrigation, fishery, and recreation needs in their response to increasing water demands, and annual variability of climate and resultant hydrologic conditions.

## NO ACTION AND PROPOSED ACTION ALTERNATIVE

Reclamation prepared Environmental Assessment (EA) No. EC-1300-06-02 to evaluate the affects of the No Action and Proposed Action alternatives. The No Action alternative includes no Reclamation action, or no temporary excess capacity contracts from 2006 through 2010. Entities would be limited to use of existing facilities outside of the Fry-Ark Project to convey, exchange and store their non-project water. Under the Proposed Action alternative, Reclamation would enter into one-year, temporary excess capacity storage contracts for up to 80,000 af per year and temporary excess capacity exchange contracts for up to 10,000 af per year for the years 2006 through 2010. The term of the contracts would be from the date of contract execution to December 31 of the same year. A temporary excess capacity contract allows a contractor to store non-project water in east slope Fry-Ark facilities, or to exchange non-project water for Project water, when the full capacity of the Fry-Ark is not being used to meet Project purposes.

## ENVIRONMENTAL COMMITMENTS INCLUDED IN THE PROPOSED ACTION ALTERNATIVE

These commitments are part of the Proposed Action and were developed to avoid or minimize potential adverse environmental effects. Implementation of these commitments will occur for each of the years from 2006 through 2010, and where applicable, be a condition of the temporary excess capacity contracts as indicated in the Mitigation Implementation Plan (attached):

1. All water must be transported, stored, and released in accordance with the laws of the State of Colorado.

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<sup>1</sup> Defined in Reclamation Manual Policy WTR P04, “surface or ground water...based upon the exercise of water rights which have not been appropriated or acquired by...the United States...waters not reserved or withdrawn from appropriation by the United States...for a Reclamation project.”

2. By entering into a temporary excess capacity contract with Reclamation, for the use and distribution of United States waters, the Contractor shall comply with all sections of the Clean Water Act.
3. 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.
4. 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.
5. 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 headgate) and changing hydrology as a result of temporary excess capacity contract operations for the years 2006 through 2010.
6. Temporary excess capacity contract operations shall not cause flows on the Arkansas River as measured at the Avondale gage to fall below 86 cfs.
7. In support of the Upper Arkansas River Flow Program (Flow Program), Contractors may not exchange water from Pueblo Reservoir to upstream locations as 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. Based on past recommendations provided by the Colorado Department of Natural Resources (CDNR), recommendations typically involve:
  - Maintenance of a minimum year round flow for fishery purposes (250 cfs)
  - Maintenance of a winter egg incubation flow (Nov. 15-Apr. 1, 250-400 cfs)
  - Maintenance of a minimum hatching flow (Apr.-May 15, 250 cfs)
  - Augmentation of rafting flows (July-Aug. 15, 700 cfs)
  - Avoidance of fluctuation greater than 10-15 percent of total flows
  - Reduction of flows for trout feeding (Sept.-Oct., 250 cfs)
8. Reclamation will not execute contract exchanges until the Natural Resource Conservation Service (NRCS) makes its annual May 1<sup>st</sup> water supply forecast, and Reclamation determines whether or not contract exchanges will affect its ability to operate in accordance with the Flow Program recommendations, or impair the ability of Fremont Sanitation District Wastewater Treatment Plant or the Salida Treatment Plant to meet their discharge permit requirements.
9. Reclamation will limit temporary excess capacity contract operations that have the potential to affect the Arkansas River below Pueblo Reservoir when flows are  $\leq$  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.

10. Reclamation will limit temporary excess capacity contract operations that have the potential to affect the Arkansas River below Pueblo Reservoir when flows are  $\leq$  50 cfs, as measured by adding the flow at the above Pueblo gage to fish hatchery return flows.
11. Contractors that propose to store water that originates in the Upper Colorado River basin must either (1) sign a Recovery Agreement with the Fish and Wildlife Service (Service), or (2) if the water originates in the Gunnison River basin, individual consultation with the Service may be required.
12. Contracts will be conditioned to limit storage of west slope water to the volume modeled for this analysis, as discussed in the EA, Chapter 3, Section IV. If a request is outside of this condition, additional environmental compliance will be required.
13. 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.

## **SUMMARY OF ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION**

The area of potential effect includes the Arkansas River basin from Turquoise Reservoir (near Leadville) downstream to the Rocky Ford head gate (near Rocky Ford). During the environmental review process, potential direct, indirect and cumulative effects of the Proposed Action alternative were identified.

Direct and indirect effects are estimated by comparing the No Action and Proposed Action alternatives. Cumulative effects are estimated by comparing the No Action and Proposed Action alternatives when added to past, present, and reasonably foreseeable actions. The period of record used to define the existing condition for the analysis is 1982-2002. The existing condition contains effects of past actions that impacted resources on the Arkansas River. Past actions include historic temporary excess capacity contracts, water rights decrees issued by the State of Colorado, and operation of the Fry-Ark. Present and reasonably foreseeable future projects identified and analyzed in the EA include the Pueblo Board of Water Works' long-term storage and conveyance contract and the Pueblo West Metropolitan District 5-year conveyance contract.

1. **HYDROLOGY**- Changes to flows on the Arkansas River from Turquoise Reservoir to the Rocky Ford head gate will occur mostly in dry years, and would not significantly affect the timing, magnitude or seasonality of flows. Pueblo Reservoir would fluctuate within historic operational elevations.
2. **WATER QUALITY**- Increases in specific conductance are not expected to cause levels to exceed the secondary drinking water standards in those areas of the reach that are not already frequently in violation, nor would it increase the salinity hazard for irrigated agriculture. Changes in flows would not impact the abilities of the Fremont Sanitation District Wastewater Treatment Plant, the Salida Wastewater Treatment Plant, or the

Pueblo Wastewater Treatment Plant to meet their discharge permits. Water Quality Standards and the designated beneficial uses they protect would not be significantly affected by the Proposed Action.

3. FISHERIES AND RECREATION – Changes in flows as a result of the Proposed Action alternative would be within the annual recommendations provided by the CDNR to maintain flows for the fishery and recreation on the Arkansas River from Turquoise to Pueblo Reservoir. Pueblo Reservoir’s surface area would increase, benefiting recreation opportunities in addition to spawning habitat and nursery cover for larval fish. Reclamation worked with the Division of Wildlife to limit changes in daily fluctuations and minimum flows downstream of Pueblo Reservoir to preserve the fishery. The Proposed Action will not significantly affect flows protected under the Pueblo IGA to enhance fishery and recreation opportunities below Pueblo Reservoir.

4. THREATENED AND ENDANGERED SPECIES –Bald eagles winter on Pueblo Reservoir and throughout the riparian habitat on the Arkansas River upstream and downstream of the Reservoir. Minor changes to winter flows upstream and downstream would have no affect on riparian habitat, the fishery, or indirectly affect the Bald Eagle. Reclamation would continue to participate in the Upper Colorado River Recovery Program for recovery of the Colorado pikeminnow, razorback sucker, and bonytail and humpback chubs. Environmental commitments will assure the storage of non-project water will have no affect on the Upper Colorado River Endangered Fish or the Recovery Program.

5. CULTURAL RESOURCES - The effect of the storage as a result of implementing the Proposed Action will be an increase in average water elevation levels within the normal limits of reservoir water fluctuations. There are three sites within the area of potential effect. The Area Office Archaeologist has determined that there will be no historic properties affected as a result of the Proposed Action, since the three sites would be affected under either alternative. The Colorado State Historic Preservation Officer agreed with this determination, provided sites are resurveyed and evaluated for eligibility to the National Register.

## **FINDINGS**

Based on the analysis of the environmental impacts as described in the EA, Reclamation has determined that implementing the Proposed Action alternative is not a major Federal action that would result in significant direct, indirect, or cumulative impacts to the human environment. Therefore, EA No. EC-1300-06-02 and this FONSI document Reclamation’s compliance with the National Environmental Policy Act for the Proposed Action alternative. An environmental impact statement is not required for carrying out the Proposed Action alternative. Furthermore, Reclamation makes the following specific findings:

1. Arkansas River hydrology, from Turquoise Reservoir to the Rocky Ford headgate, will not be significantly affected by the Proposed Action.
3. The Proposed Action will not significantly affect water quality in the Arkansas River from Turquoise Reservoir to the Rocky Ford headgate.

4. Recreation and fisheries along the Arkansas River from Turquoise Reservoir to the Rocky Ford headgate will not be significantly adversely affected by the Proposed Action, and minor beneficial affects to recreation at Pueblo Reservoir are expected.
5. Federally listed threatened or endangered species will not be adversely affected.
6. No cultural resources will be adversely affected.
7. Scoping determined that in accordance with Executive Orders 11988 and 11990, the Proposed Action will not adversely affect wetlands or floodplains, Indian Trust Assets or Indian Sacred Sites will not be affected
8. Scoping determined there will be no adverse effects to minority or low-income populations.