

**Temporary Excess Capacity Contracts 2006-2010 Environmental Assessment
Mitigation Implementation Plan**

Mitigation Measure	Implementation Mechanism	Purpose
1 All water must be transported, stored, and released in accordance with the laws of the State of Colorado	This measure will be a requirement in the temporary excess capacity contracts. Reclamation will not store non-project water in Fry-Ark facilities unless the entity has the legal ability to do so.	Recognize and operate in accordance with state water law.
2 By entering into temporary excess capacity contracts, for the use and distribution of waters of the US, the Contractor shall comply with all sections of the Clean Water Act	The proposed action does not include construction of facilities to deliver or store non-project water. If future requests include construction, a 404 permit may be required. This information will be solicited in annual questionnaires.	Assure the Contractor complies with the Federal 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.	A database is being developed and will be in place by 4/31/06 to track long-term excess capacity contracts from 2006-2010.	Assure that this document captures cumulative effects of temporary excess capacity contracts and any long term-excess capacity contracts from the year 2006-2010
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.	Reclamation currently maintains a database for Fry-Ark operations. Reclamation will supplement this database to specifically track temporary excess capacity operations.	Understand temporary excess capacity contract operations vs. projections
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.	Reclamation has contacted the WQCD's Randy Ristau and Bob Griffith, to initiate coordination to compare Reclamation's operational data to their water quality data collected on the Arkansas River. Data will be analyzed by Reclamation or a third-party contractor to determine whether there is a correlation between selenium concentrations and changing hydrology as a result of temporary excess capacity contract operations for the years 2006-2010. Reclamation will continue to coordinate with interested parties in the basin.	Avoid adverse impacts to water quality on the Arkansas River from Pueblo Reservoir to the Rocky Ford head gate
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.	This measure will be a requirement in the temporary excess capacity contracts. Flows at the Avondale gage will be monitored daily to determine whether storage of non-project water under these accounts needs to be curtailed. (http://waterdata.usgs.gov/co/nwis/dv/?site_no=07109500&agency_cd=USGS)	Avoid adverse impacts to water quality on the Arkansas River from Fountain Creek to the Rocky Ford head gate
7 Contractors may not exchange water from Pueblo Reservoir to upstream locations as against releases made by Reclamation in support of the Upper Arkansas River 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.	This measure will be a requirement in the temporary excess capacity contracts. Reclamation's Pueblo Field Office approves exchanges made as against Twin Lakes releases on a daily basis. If a Contractor requests to exchange water from Pueblo Reservoir against releases made in support of the Flow Program, the request will be denied.	Avoid adverse impacts to water quality, recreation and the fishery on the Arkansas River from Turquoise to Pueblo Reservoir
8 Reclamation will not execute contract exchanges until the Natural Resource Conservation Service (NRCS) makes its annual May 1st water supply forecast, and Reclamation determines whether or not contract exchanges will affect our ability to operate in accordance with the Flow Program recommendations.	Reclamation will not execute an exchange contract before analyzing the May 1st water supply forecast. This will typically occur by May 15th.	Avoid adverse impacts to water quality, recreation and the fishery on the Arkansas River from Turquoise to Pueblo Reservoir

Mitigation Implementation Plan Continued

<p>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.</p>	<p>This measure will be a requirement in the temporary excess capacity contracts. 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. Please see the Chapter 3, Section III, Table 3.16.</p>	<p>Avoid adverse impacts to fishery and aquatic life below Pueblo Reservoir</p>
<p>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.</p>	<p>See above. Also, Reclamation recognizes that data is currently being collected by Chadwick Ecological Consultants to create stream channel profiles below Pueblo Dam. Reclamation agrees to work with the CDOW to consider and, if warranted, modify these conditions if new information is presented in Chadwick's findings.</p>	<p>Avoid adverse impacts to fishery and aquatic life below Pueblo Reservoir</p>
<p>11 Contractors that propose to store water that originate 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 will be required</p>	<p>This measure will be a requirement in the temporary excess capacity contracts. Each year potential Contractors will complete a questionnaire identifying anticipated storage including water rights and volumes. If west slope water is identified, the Contractor will sign a Recovery Agreement before Reclamation executes a contract. If west slope water originates from the Gunnison River basin, and exceeds the 100 af already consulted on, individual consultation will be required before Reclamation executes a contract.</p>	<p>Upper Colorado River Endangered Fishes</p>
<p>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.</p>	<p>Each year potential Contractors will complete a questionnaire identifying anticipated storage including water rights and volumes. If west slope water is identified, it will be compared to the volume modeled for this analysis. If the volume of requested west slope water storage exceeds the volume modeled, additional environmental compliance will be required.</p>	<p>Assure no net impact on hydrology, water quality, or aquatic life on the west slope</p>
<p>13 If the potential effects of future requests were not evaluated in EA No. EC-1300-06-02, additional environmental compliance will be required.</p>	<p>Each year potential Contractors will complete a questionnaire identifying anticipated storage including water rights and volumes for each month. Table 9 in Appendix C, identifies the net volume of demand in af/month for each reach analyzed: Arkansas River from Turquoise to Pueblo Reservoir, from Pueblo Reservoir to Fountain Creek, and from Fountain Creek to the Rocky Ford head gate. If requests are not covered by this net volume, additional environmental compliance will be required.</p>	<p>Further define the proposed action from the year 2006 through 2010</p>