

RECLAMATION

Managing Water in the West

FONSI NO. EC-1300-06-03

Town of Berthoud Long-term Water Related Contract

Finding of No Significant Impact

Approved: _____

Date: _____



U.S. Department of the Interior
Bureau of Reclamation
Eastern Colorado Area Office
Loveland, Colorado

March, 2006

INTRODUCTION

In response to a request by the Town of Berthoud (Berthoud), the Bureau of Reclamation (Reclamation) has proposed to enter into a long-term water related contract (contract). The contract will allow Berthoud to secure a more reliable water conveyance system for the portion of its municipal water supply associated with its Big Thompson River water rights. The contract will allow Berthoud to take delivery of its Big Thompson River water rights through Colorado-Big Thompson Project (CBT) facilities. While negotiating their long-term contract Berthoud has requested a temporary excess capacity contract to meet their immediate needs. Because the operations and effects of the requested one-year contract would be similar to those under the long-term contract, this documentation also addresses that request.

Normally, Berthoud diverts Big Thompson water into the Handy Ditch which carries Berthoud's water to a pipeline that conveys the water to Berthoud Reservoir. Due to recent drought conditions the water delivery season through the Handy Ditch System has been reduced from 159 days to approximately 70 days. Due to poor water supplies, Handy Ditch is not sure whether the ditch will be able to operate in drought years. If the Handy Ditch is not operated, Berthoud has no means of delivering its Big Thompson rights to its storage reservoir and treatment plant.

The purpose of the proposed contract is to secure a dependable conveyance system that provides for full delivery of its Big Thompson water supply to meet its current and future water demands. The current method of conveyance is not a reliable option. To convey Berthoud's water through the C-BT project a long-term contract is needed.

NO ACTION AND CONTRACT ALTERNATIVE

Reclamation evaluated the effects of the No Action and Contract Alternatives. The No Action Alternative includes no Reclamation action, or no contract. The Contract Alternative is a long-term water related contract to allow Berthoud to convey its non-project water through the excess capacity of the C-BT project and exchange it with CBT project water. The 40 year long-term contract would allow Berthoud to divert into CBT facilities at the Lake Estes outlet works. In exchange, a like amount of CBT water would be released from Carter Lake and delivered to Berthoud at the Southern Water Supply Pipeline turnout on the St. Vrain Supply Canal. The contract will also allow Berthoud's water to be diverted into the CBT system at the Dille Tunnel. This option would also result in a like amount of CBT water being released from Carter Lake and delivered to Berthoud at the Southern Water Supply Pipeline turnout on the St. Vrain Supply Canal.

The contract would only permit Berthoud's Big Thompson water to be conveyed, exchanged and delivered when there is excess capacity in CBT facilities.

ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION

During the environmental review process, potential direct and cumulative effects of the Contract Alternative were identified. Direct effects reflect a comparison between the Contract Alternative and the No Action Alternative. Cumulative effects reflect a comparison between the Contract and No Action Alternatives when added to past, present, and reasonably foreseeable actions. At this time Reclamation has not identified any other federal, state or local reasonably foreseeable actions that, when combined with either the No Action or Contract Alternative, would have potentially significant cumulative effects.

HYDROLOGY

Big Thompson River: There would be no direct effects associated with the Big Thompson River as a result of the proposed contract. There is no expected change in the releases from Lake Estes as a result of the proposed contract. Reclamation's operations regulate the majority of flow in the Big Thompson River. Historically, Berthoud's water has either been diverted by Reclamation at Lake Estes for the purpose of generating power, and returned to the Big Thompson River at Little Dam, or released to the Big Thompson River downstream of Lake Estes to meet minimum stream flows. At those times when inflows to Lake Estes are less than the downstream Colorado Water Conservation Board instream flow water right of 40 cfs, Berthoud's non-project water will be delivered to the Dille diversion and a like amount of C-BT water would be released at Carter Lake and delivered to Berthoud. Therefore, the Contract Alternative is not expected to result in any change in the quantity of Big Thompson flows between Lake Estes and Little Dam.

Although water quantity would not change, water accounting would reflect that approximately 5.43-5.46 cfs of Berthoud's decreed water would be diverted into CBT facilities at Lake Estes or Dille Tunnel for Berthoud's use.

THREATENED AND ENDANGERED SPECIES

On April 9, 2004, the Fish and Wildlife Service (Service) issued a biological opinion (BO) on Berthoud's request for temporary (1-year) excess capacity contracts. On April 29, 2004, the Great Plains Region of the Bureau of Reclamation accepted the BO and the associated Reasonable and Prudent Alternative (RPA) to minimize impacts to certain Platte River species. In accordance with the RPA, Berthoud makes annual payments to a fund used to restore or improve habitat in the Platte River for endangered species until such time that the Platte River Recovery Program is established and Berthoud begins participation in the program. Reclamation reinitiated Section 7 consultation with the Service regarding the long-term contract with Berthoud. As a result, the annual cost for the long-term contract will remain the same as calculated in the April 9, 2004 opinion.

FINDINGS

Based on the analysis of the environmental impacts as described in the final EA, Reclamation has determined that implementing the Contract Alternative is not a major Federal action that would significantly affect the quality of the human environment. The 2006 temporary excess capacity contract would operate and have similar effects to Contract Alternative. Therefore EA No. EC-1300-06-03 and this Finding of No Significant Impact document Reclamation's compliance with the National Environmental Policy Act for the Contract Alternative and the 2006 temporary excess capacity contract. An environmental impact statement is not required for carrying out the Contract Alternative. Furthermore, Reclamation makes the following specific findings:

1. Adverse and beneficial effects to the environment caused by this action will be insignificant.
2. As a condition of the contract, when inflows to Lake Estes are less than 40 cfs, Reclamation will divert Berthoud's water at the Dille Tunnel, in exchange for a like amount of C-BT water released to Berthoud from Carter Lake. Water quantity along the Big Thompson River from Lakes Estes and Little Dam will not be significantly affected by the Contract Alternative. See Chapter Three of the EA.
3. The Contract Alternative will not significantly affect water quantity in the Big Thompson River. See Chapter Three of the EA.
4. As a condition of the contract, Berthoud will abide by the conditions of the BO and associated RPA and continue to make annual payments to a fund used to restore or improve habitat in the Platte River for endangered species until such time that the Platte River Recovery Program is established and Berthoud begins participation in the program.
6. The Contract Alternative will not result in any construction activities or the inundation of lands. Therefore, the Contract Alternative has no potential to affect cultural resources.
7. In accordance with Executive Orders 11988 and 11990, the Contract Alternative will not adversely affect wetlands or floodplains. See Chapter Three of the EA.
8. Scoping determined that Indian Trust Assets and Indian Sacred Sites will not be affected.
9. Scoping has determined that implementing the Contract Alternative will not disproportionately affect minorities or low-income populations and communities.