

# RECLAMATION

*Managing Water in the West*

FONSI NO. EC-1300-07-01

## Ruedi Reservoir Round II Water Marketing Program Repayment Contract – Colorado River Water Conservation District

Finding of No Significant Impact

Approved:  4-6-2007  
For Fred R. Ore, Area Manager Date



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

April 2007

## **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 Ruedi Reservoir Round II repayment contract (contract) with Colorado River Water Conservation District (CRWCD) acting by and through its Colorado River Water Projects Enterprise would not result in a significant impact to the human environment, or natural or cultural resources that were not already analyzed in the Final Record of Decision for Ruedi Reservoir Round II Water Marketing Program Final Supplement to the Environmental Statement (RRII FSES).

## **PREFERRED ALTERNATIVE**

Reclamation evaluated the effects of two alternatives, including the No Action Alternative and the Proposed Action Alternative, and has selected the later as the Preferred Alternative. Under this alternative, Reclamation would enter into a 5,000 ac-ft contract with CRWCD. Contract water would be subcontracted to third parties as a legal source for municipal, domestic, industrial, and agricultural uses to replace stream depletions, preventing injury to downstream senior water right holders. CRWCD anticipates needing to issue an additional 300 ac-ft of new subcontracts annually under its water-marketing program based upon the past decade of contracting; the total 5,000 ac-ft would not be needed for 16 years. Until such demands materialize in non-drought restriction years 75% of the uncommitted water would be used to augment winter flows in the Fryingpan River from January 1 to March 31. Finally, uncommitted water would be used to provide a temporary partial replacement of water to the 15-Mile Reach when drought conditions exist at Wolford Mountain Reservoir up to 5 times in 25 years but not more than 3 years in a row.

## **FINDING**

In the attached Environmental Analysis Reclamation evaluated the environmental consequences associated with implementing the Proposed Action Alternative. The following specific findings were ascertained:

- There are no impacts expected to floodplains, wetlands, water quality, river physical properties, cultural resources, Indian trust assets, or environmental justice as a result of the issuance of the proposed contract.
- The expected direct and indirect impacts to Ruedi Reservoir operations, threatened and endangered species, other aquatic resources, recreation, socioeconomics, and hydroelectric production are not expected to be greater than those evaluated in the RRII FSES, Ruedi Reservoir 2012 Agreement Final Environmental Assessment (2012 Agreement EA), or the Programmatic Biological Opinion (PBO).
  - The 5,000 ac-ft being considered for release would be expected to cause hydrologic changes that would be within the Operating Principals resulting in no impacts to the operation of Ruedi Reservoir.
  - No further ESA consultation is required for the proposed contract for the endangered fish species Colorado pikeminnow, razorback sucker, humpback chub, and bonytailed chub. The PBO issued to Reclamation in 1999 by the U.S. Fish and Wildlife Service addressed the effects of all Federal and non-Federal depletions from the 15-Mile Reach, considered all existing and

future operations and depletions from Ruedi, and provided mitigation for a portion of the adverse impacts. The Proposed Action Alternative is not expected to result in impacts greater than those analyzed in the PBO.

➤ Issuance of the proposed contract is anticipated to have various beneficial and adverse impacts to aquatic resources, recreation, socioeconomics compared to current conditions, none of which exceed those evaluated in the RRII FSES.

➤ The 5,000 ac-ft being considered for release with the issuance of the proposed contract could be used for power generation, because Aspen's FERC license affords them the opportunity to use any releases made from Ruedi Reservoir. It is expected that the implementation of this alternative would cause a minor long-term direct beneficial impact to hydroelectric production.

- There are expected to be no direct impacts to farmland since the delivery of water to CRWCD would require no new construction and the water released would still be within the boundaries of normal flows in the downstream rivers. It is believed that with the implementation of this alternative, CRWCD would subcontract with third parties who would irreversibly convert farmlands to non-agricultural use. However, since future third parties have not been identified it is not possible to quantify the indirect or cumulative impacts of this alternative on farmlands.

- The expected cumulative impacts to Ruedi Reservoir operations, threatened and endangered species, other aquatic resources, recreation, socioeconomics, and hydroelectric production are not expected to be greater than those evaluated in the RRII FSES, 2012 Agreement EA, or the PBO.

## **ENVIRONMENTAL COMMITMENTS**

Water released through the proposed contract would be delivered according to the Operating Principles established for Ruedi.

The contract would contain a shortage provision recognizing that the contract can be satisfied only when the water is available consistent with the Operating Principles.

The contract is subject to all requirements to maintain minimum instream flows detailed in the Operating Principles and by the Colorado Water Conservation Board (CWCB). In order to reduce the potential that the proposed contract would cause a violation of the CWCB instream flows, Ruedi contracts and agreements issued after the establishment of an instream flow are subject to all requirements to maintain CWCB's minimum instream flows.

The contract would stipulate that CRWCD agrees to include the following language in contracts with third parties: "Section 404 of the Clean Water Act (33 U.S.C. 1344) regulates the discharge of dredged or fill material into waters of the United States. Contractor shall consult with the Army Corps of Engineers if construction of facilities necessary to use the Contracted Water requires Section 404 compliance, which may include obtaining a permit. Further consultation and approval by the United States Fish and Wildlife Service may be required to ensure compliance with the Endangered Species Act (16 U.S.C. §1531, et seq.) if Contractor proposes physical alterations to designated critical habitat of the Colorado River endangered fish species. As of February 2007, designated critical habitat exists from the Garfield County 320 Road Bridge Crossing of the Colorado River in Rifle downstream to the Colorado state line."