

Final Environmental Assessment

Mancos Project Carriage Contracts

Contracts Between the United States and Three Private Individuals for
the Carriage of Non-Project Water Through Mancos Project Facilities

United States Department of the Interior
Bureau of Reclamation
Western Colorado Area Office
Grand Junction and Durango, Colorado
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Final Environmental Assessment

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1. INTRODUCTION AND PURPOSE AND NEED

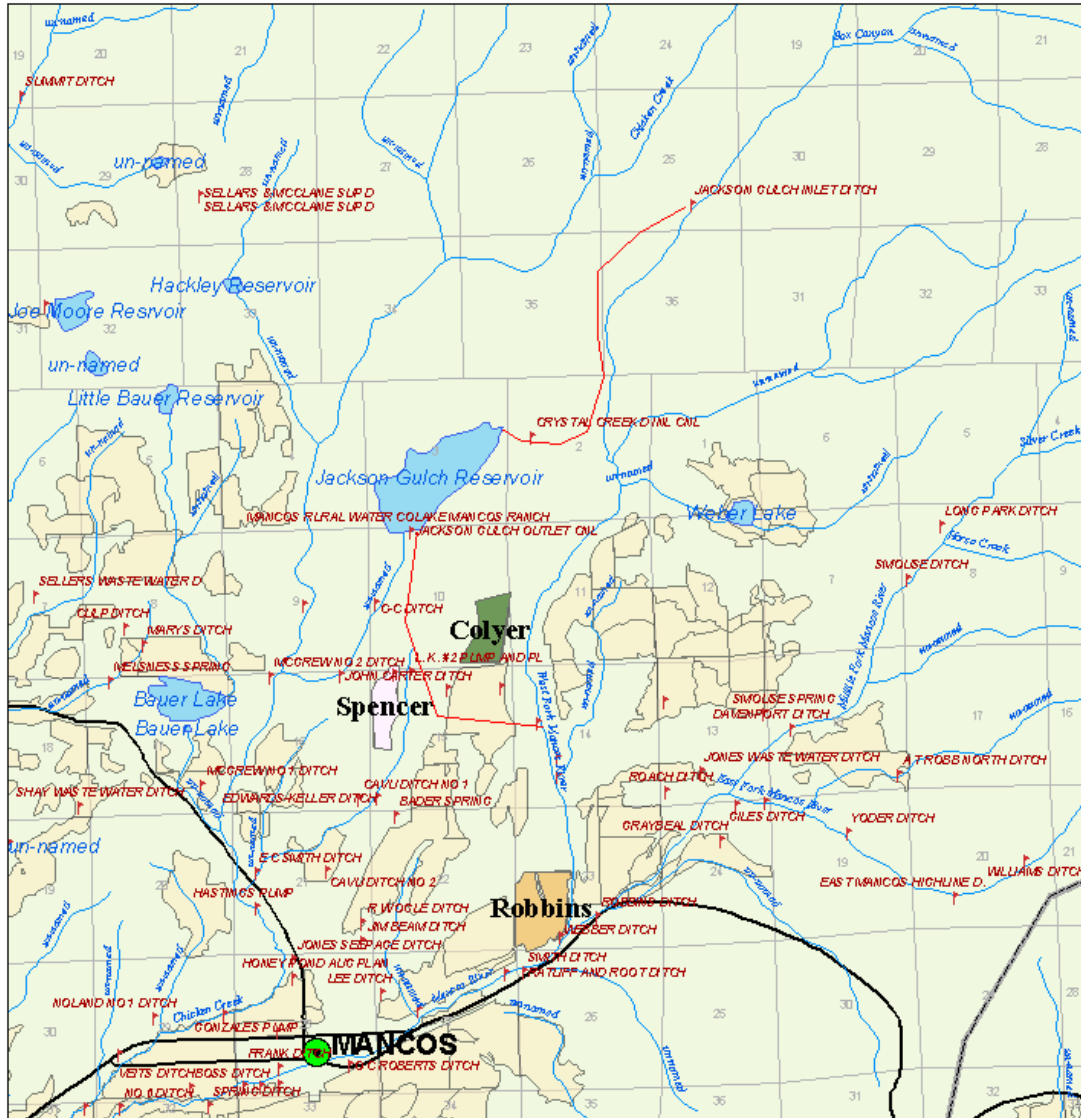
This final Environmental Assessment (EA) is prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190) and related Department of Interior (Interior) policies and regulations to address three proposed water carriage contracts between the Bureau of Reclamation (Reclamation) and three private irrigators in Southwestern Colorado. Specifically, Reclamation's Western Colorado Area Office (WCAO) in Durango, Colorado, has received requests for three contracts to carry non-project irrigation water through the Mancos Project facilities. The proposed contracts would be among the United States, Mancos Water Conservancy District (District) and the three individual irrigators who own non-project water rights. The non-project water carried under these contracts would be used to irrigate private lands within the Mancos project boundaries.

In addition, this Environmental Assessment will also serve as the compliance document for implementation of the Endangered Species Act (ESA), Section 7 (Sec 7). No biological assessment was developed the Draft Environmental Assessment served as the biological Assessment for this proposed action. Reclamation initiated informal consultation under the Endangered Species Act in a letter to the US Fish and Wildlife Service (Service) requesting an endangered species list, describing the proposed project, and also requested initiation for consultation under the Fish and Wildlife Coordination Act; and formal consultation was initiated upon submittal of the Draft Environmental Assessment (DEA) on March 21, 2002. On April 9, 2002 the Service concurred with Reclamations determination in the DEA that there would be "no effect" on any federally listed species, except the Colorado pikeminnow and the razorback sucker, and that a reasonable and prudent alternative to jeopardy had previously been put in place by the Service and Reclamation (Service, 1998) for those two endangered fish (attachment A).

A two week public review for the DEA occurred from March 21-April 4, 2002. Only one comment was received, and it supported the proposed federal action (Attachment B).

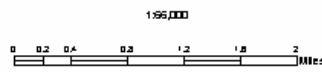
1.1 Mancos Project Managing Entity

The Mancos Project was approved for construction by the President on October 21, 1940, under authority of the Water Conservation and Utilization Act (August 11, 1939; 53 Stat. 1418) (WCUA), as amended October 14, 1940 (54 Stat. 1119). It was constructed for the storage, diversion, and beneficial use of the waters of the West Mancos River. Construction was completed in the early 1950s (See Southwestern Colorado Reference Map).

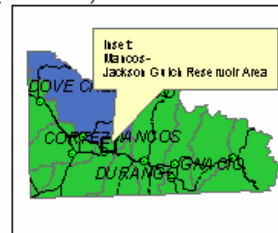


Southwestern Colorado Reference Map (With Inset)

Jackson Gulch Water System



Map by: Michael F. Jones
USBR, UCR, WCAO
1988 Fe. Edition 4/1/82



On July 20, 1942, Reclamation and the District entered into Contract No. Ilr-1384 (amended December 22, 1947, November 1, 1977, and May 10, 2000) for repayment of certain project costs; for delivery of water from project works for irrigation and municipal and industrial purposes; and for the operation, maintenance of project works. In 1963, responsibility for operation and maintenance (O&M) of the Mancos Project was transferred to the District. The District, as Reclamation's managing entity, operates and maintains the Project; and is considered a quasi-governmental water conservancy district organized and existing pursuant to the laws of the State of Colorado. Its principal place of business and office is located in Mancos, Colorado. On December 19, 2000, Congress passed Public Law 106-549 (114 Stat. 2743) (Attachment C) which authorized the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for irrigation, domestic, municipal, industrial, and any other beneficial purposes. One result of this legislation is that Reclamation and the District can enter into contracts for carriage of non-project water through project facilities.

1.2 Service Area

The Mancos Project provides supplemental project water for three primary purposes:

1. Irrigation use—Provides supplemental water to an established agricultural area, enhances the economy through production of crops inclusive of alfalfa, grass hay, irrigated pasture, wheat, oats, barley, and corn silage.
2. Domestic, Municipal and Industrial use—provides domestic water supply to: the community of Mancos, to ensure a permanent source of domestic water for the future growth of Mancos Valley; the Mesa Verde National Park; and the Mancos Rural Water Company.
3. Hydroelectric power--The Mancos Water Conservancy District privately constructed and operates a 260-kwh powerplant on this project.

Project water is delivered to water users through project facilities and private distribution canals. Many of the project water users also own private water rights and use water from the Mancos Project as a supplementary supply. Historically, project facilities were approved and utilized to carry non-project private water to private irrigators in the service area.

1.3 Need for Carriage Contracts

Between 1968 and 1995, Reclamation and the District executed and entered into five non-project water carriage contracts with private irrigators in the project service area utilizing the authority of the Warren Act (February 21, 1911: 36 Stat. 925). In 1997, Reclamation attempted to execute an additional/new non-project water carriage contract with Ralph and Dixie Robbins (Robbins Ranch), a Mancos Project water user. At that time, Interior denied the requested approval based on a solicitors opinion that stated that Water Conservation Utilization Act (WCUA; August 11, 1939) projects were not subject to Warren Act contracts.

Without that method of contract approval, the request for the Robbins Ranch carriage contract was tabled. Subsequent to that Interior decision, two previously approved and executed non-project water carriage contracts expired and could not be renewed because of that lack of

authority under the Warren Act (1. Glen Spencer (Reclamation Contract No. 95-07-40-R1720) expired November 21, 1999; 2. Marilyn Colyer (Reclamation Contract No. 95-07-40-R1740) expired January 5, 2000).

This lack of legal authority for Reclamation to contract for carriage of non-project water from WCUA project facilities created a hardship for Glen Spencer, Marilyn Colyer, and the Robbins Ranch; as well as any other service area irrigators who in the future wished to utilize project facilities for carriage of non-project water. In response, the District sought assistance of its Congressional Delegation, and on December 19, 2000, Public Law 106-549 was passed by Congress. As discussed above, this Act provides authority for approval of non-project water carriage contracts within the Mancos Project facilities.

1.4 Approval Process

In order to implement non-project water carriage actions proposed under Public Law 106-549 requirements, Reclamation must first:

1. Develop basis of negotiation (BON) and receive Commissioner's approval;
2. Evaluate the action for potential environmental effects as required by National Environmental Policy Act (NEPA). NEPA analyses must include implementation of other federal environmental and resource related standards inclusive of: the National Historic Preservation Act (NHPA--Sec. 106), Clean Water Act (CWA), Clean Air Act (CAA), Fish & Wildlife Coordination Act (FWCA), and Endangered Species Act (ESA);
3. Develop and execute water carriage/conveyance contract.

1.5 Current Requests for Water Carriage Contract

Following passage of Public Law 106-549, the District received requests for carriage of non-project water from:

1. Glen Spencer, carriage of 1.0 cubic feet per second (cfs) (up to 60 acre-feet)
2. Marilyn Colyer, carriage of 0.5 cfs (up to 30 acre-feet)
3. Robbins Ranch, carriage of 2.521 cfs (up to 375 acre-feet)

According to the applicants, carriage of these non-project water quantities through the Inlet Canal, Jackson Gulch Reservoir, and the Outlet Canal would enable these irrigators to utilize their private, non-project water in a more efficient manner. In addition, based on its management and operational requirements, the District has determined that there is excess capacity available in project facilities and that carriage of non-project irrigation water would not be incompatible with the use and purpose for which the facilities were constructed. The District has therefore requested Reclamation's approval of water conveyance through these three carriage contracts.

2. PROPOSED ACTION AND ALTERNATIVES

Based on requests from the District, individual applicants and public input, two alternatives are analyzed for: a Proposed/Preferred Alternative and the No Action Alternative.

2.1 Proposed Action

The Proposed Action calls for Reclamation's authorization and execution of three contracts to allow the carriage of non-project water through the Inlet Canal, Jackson Gulch Reservoir, and the Outlet Canal, all features of the Mancos Project. (See figure 1: Location Map)

2.1.1 Marilyn Colyer—The proposal is to utilize Mancos Project facilities to annually divert up to ½ cubic feet per second (cfs) from the Mancos River for a period of 1 month (mid May-Mid June), with a maximum diversion not to exceed 30 acre feet (af). The Colyer water is a private water right, decreed in 1893 with an appropriated date of 1889. Under this proposal, Colyer water will be diverted through the Mancos Project diversion facility on the West Mancos River, flow downgrade in a southwesterly direction along the Inlet Canal, and be intercepted/diverted at the Crystal Creek (private carriage system) and then flow south to the Colyer property.

This water supplements project water received by the Colyer's and be utilized to irrigate 221 acres of pasture. Acreage to be irrigated has previously been plowed and irrigated (previously disturbed); and prior to January 2000 (1995-2000) this supplemental water was carried to the Colyer property via Mancos Project facilities and under Warren Act authority. Carriage of this water through Mancos Project facilities is subject to the specific requirements of the BON, contract terms and conditions, and Findings of this NEPA EA.

2.1.2 Glen Spencer—The proposal is to utilize Mancos Project facilities to annually divert up to 1.0 cfs from the Mancos River for a period of 1 month (mid May-Mid June), with a maximum diversion not to exceed 60 af. The Spencer water is a private water right, decreed in 1893 with an appropriated date of 1889. Under this proposal, Spencer water will be diverted through the Mancos Project diversion facility on the West Mancos River, flow southwesterly along the Inlet Canal, intercepted/diverted at the Crystal Creek ditch (private carriage system) and transported to the Spencer property.

This water supplements project water received by the Spencers and be utilized to irrigate 120 acres of pasture and grass. Acreage to be irrigated has previously been plowed and irrigated (previously disturbed); and prior to November 1999 (1994-1999) this supplemental water was carried to the Colyer property via Mancos Project facilities and under Warren Act authority. Carriage of this water through Mancos Project facilities is subject to the specific requirements of the BON, contract terms and conditions, and Findings of this NEPA EA.

2.1.3 Robbins Ranch--The proposal is to utilize Mancos Project facilities to annually divert up to 2.521cfs from the Mancos River for a period of 75 days (mid May-late July), with a maximum diversion not to exceed 375 af. The Robbins Ranch is a private water right, decreed in 1893 with an appropriated date of 1877. Under this proposal, Robbins Ranch water will be

diverted through the Mancos Project diversion facility on the West Mancos River, flow southwesterly along the Inlet Canal, through the Jackson Gulch Reservoir, then south down the Outlet Canal, and be intercepted/diverted at the Crader turnout (private carriage system) located approximately 100 yards west of the confluence of the outlet canal and the West Fork of the Mancos River, and then flow south through the pipe to the Robbins Ranch property.

This water supplements project water received by the Robbins Ranch and be utilized to irrigate 130 acres of pasture and grass. Acreage to be irrigated has previously been plowed and irrigated (previously disturbed). This would be a new contract with Reclamation, and the Mancos Project facilities have not been utilized in the past to provide carriage of this water. This water was conveyed through an existing private diversion and canal. The benefit to the Robbins Ranch is using Mancos project facilities will provide greater head pressure and allows for sprinkler irrigation, a more efficient use of this water. Carriage of this water through Mancos Project facilities is subject to the specific requirements of the BON, contract terms and conditions, and Findings of this NEPA.

2.2 Contract Terms and Conditions

The following is the list of terms and conditions under which all three carriage contracts would be governed:

1. Term of Contract: 25 year terms for each contract.
2. Carriage of Non-Project Water: Should a lack of carriage capacity develop in the future, project water deliveries will receive priority. Where capacity is available, users of non-project water will bear a pro rata share of all carriage and evaporation losses from the point of discharge into project facilities to points of delivery.
3. Water Measurement: Contractors will be required to provide for installation, operation, and maintenance of appropriate measuring devices in a manner and at locations satisfactory to Reclamation and the District, and shall provide an annual accounting of the amount of non-project water carried.
4. Acreage Limitation: Acreage limitations in the Reclamation Reform Act of 1982 (RRA) do not apply to WCUA projects. Acreage limitation for WCUA projects is determined by a farm unit size study on each individual project. The Mancos Project is subject to a farm unit size of 750 acres, pursuant to the contract amendment dated May 10, 2000. Public Law 106-549 does not specify any provisions for acreage limitation; therefore, Reclamation proposes to impose the same farm unit size limitation on non-project water carried pursuant to Public Law 106-549 as is applied on project water deliveries on the Mancos Project.
5. Standard Articles: The proposed contracts will be consistent with all applicable Federal law, rules, and regulations, and will include all applicable standard articles. The District is voluntarily preparing a water conservation plan, and Reclamation has offered to provide assistance to them in this effort. However, section 1C(1) of Reclamation Manual Directives and Standards (WTR 01-01) provides an exception from the requirement to prepare a water

conservation plan for districts with contracts that are not developed pursuant to Federal Reclamation law, such as the WCUA. Therefore, the proposed contracts will not require a water conservation plan.

6. Payment for Delivery of Non-Project Water: Section 1(3) of Public Law 106-549 states:

In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

- (A) the cost of construction and maintenance of the project, by which the non-project water is to be diverted, impounded, stored, or carried; and*
- (B) the canal by which the water is to be carried.*

Because Public Law 106-549 does not specify exactly how to determine the water charges, Reclamation propose to charge rates similar to rates that are charged for Warren Act contracts on other projects in our region. Contractors will be required to pay a water rate computed using a construction cost component computing carriage charges as specified in the Regional Director's October 24, 1983, memorandum (copy attached). The memorandum provides for an incremental fee to be charged for the use of project facilities that reasonably reflects an appropriate share of the cost to the Federal government. The procedure uses the facility costs, the facility's capacity, and the length of the irrigation season to determine the carriage rate.

7. Responsibility for O&M: The District will continue to be responsible for O&M of project facilities. Public Law 106-549 allows the District to require contractors to pay for any increased O&M costs incident to carriage of non-project water under these contracts. Additionally, the contractors will be responsible to pay for and perform O&M on their private facilities.

8. Disposition of Revenues: Public Law 106-549 does not specify the disposition of revenues generated from the resulting contracts. Section 8 of the WCUA provides for the following disposition of revenues:

All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to section 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts.

Because Public Law 106-549 is an amendment to the WCUA, Reclamation intend to credit all Federal revenues generated from carriage contracts under Public Law 106-549 according to the above provision of the WCUA.

2.3 Legal Authorities

The proposed contracts will be written pursuant to Public Law 106-549 (114 Stat. 2743), passed by Congress on December 19, 2000, PUBLIC LAW 106-549. It is an amendment to the WCUA,

not an amendment to the Warren Act, and allows for the carriage of non-project water through Mancos Project facilities.

2.4 Solicitor Review

The BON has been reviewed by the Office of the Field Solicitor and has been found to be legally sufficient. Individual contracts will also be reviewed and approved by the Solicitor prior to execution.

A copy of the carriage contract is available from Reclamation upon request.

2.5 No Action Alternative

Under the No Action Alternative, the three contracts would not be signed and the subject water would not be carried in Reclamation facilities (canals and reservoir). The Robbins Ranch private water rights would most likely be carried to their property via private distribution systems, and utilized to irrigate lands as historically has been done by this landowner. However, the Colyers and Spencers will not be able to utilize their private water right, because no other cost effective means of transporting those waters is available for either party. Modification of existing private distribution systems by the applicants (Colyer and Spencer) to increase efficiency in the use of this water would be too costly for the landowner, in respect to the volume and period of use for that water.

2.6 Other Alternatives

No other alternative has been suggested during the public process.

2.7 Related Activities

Possible future proposal from the Mancos Rural Water District to convey non-project M&I (Municipal and Industrial) water through Mancos Project facilities; and possible future requests from other unnamed private water rights holders to convey non-project irrigation water through Mancos Project facilities.

3. DESCRIPTION OF THE ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Project General Description

The Mancos Project in the southwest corner of Colorado consists of the Jackson Gulch Dam and Reservoir, the Inlet Canal, and the Outlet Canal. Project lands extend downstream about 10 miles. The project can furnish a supplemental water supply to 13,746 acres for irrigation purposes.

The off stream reservoir is fed by the 2.6-mile-long Inlet Canal from the West Mancos River. Water from the reservoir is returned to the original streambed at a point higher than the project lands through the 2.2-mile-long Outlet Canal. The greater part of the distribution system was constructed by local interests prior to 1900. Facilities constructed by the Bureau of Reclamation furnish supplemental water to an established agricultural area and provide a domestic water supply for Mesa Verde National Park, Mancos Rural Water Co., and the town of Mancos.

Jackson Gulch Dam is a rock-faced earth fill structure 180 feet high with a concrete cutoff wall. The reservoir is off-stream on Jackson Gulch, 5 miles north of Mancos, and has a total capacity of almost 10,000 acre-feet. The dam does not have a spillway. The 280-cubic-foot-per-second-capacity outlet works is a concrete pressure conduit from trash rack to gate chamber, and a steel pipe from gate chamber to two hollow jet valves. The Inlet Canal extends from the West Mancos River to the reservoir.

3.1.1 Properties to be Irrigated with Non-Project Contract Water

1. The Marilyn Colyer property is located approximately 2/3 of a mile SE of Jackson Gulch Dam. It is a 221 acre (ac) parcel, composed of primarily cleared agricultural lands.
2. The Glen Spencer Property is located approximately 9/10 of a mile south of Jackson Gulch Dam. It is a 120 ac parcel, composed of primarily cleared agricultural lands.
3. The Ralph and Dixie Robbins property is located approximately 2 miles south-southeast of Jackson Gulch Dam. It is a 130 ac parcel, composed of primarily cleared agricultural lands.

3.1.2 Non-Project Contract Water

1. The Colyer water--1/2 cfs from the Mancos River for a period of 1 month (mid May-Mid June), with a maximum diversion not to exceed 30 af; decreed in 1893 with an appropriated date of 1889.
2. The Spencer Water--1.0 cfs from the Mancos River for a period of 1 month (mid May-Mid June), with a maximum diversion not to exceed 60 af; decreed in 1893 with an appropriated date of 1889.
3. The Robbins water--2.52cfs from the Mancos River for a period of 75 days (mid May-late July), with a maximum diversion not to exceed 375 af; decreed in 1893 with an appropriated date of 1877.

3.2 Hydrology, Stream Flows and Water Quality

3.2.1 Hydrology of the Reservoir and Surround Area

The Mancos Valley, before construction of the Project, was dependent for its water supply on the natural flow of the east, middle and west branches of the Mancos River. An average of 12% of the flow of the river occurs during, July, August and September of most years, and it is only sufficient to satisfy the first 4 to 8 adjudicated water rights after July. The Project was authorized to relieve those hydrologic shortages and assure an adequate supply of water for the late season irrigation use. (p.1, Final Report, 1952)

Average annual precipitation in the area is 15.9 inches with winter snowstorms dropping as much as 4 feet during a major storm. The ground remains snow covered through March with the beginning of spring thaw and runoff. The West Fork of the Mancos River is a primary waterway in the area. It gathers runoff from numerous streams emanating from higher elevations in the south and west sectors of the La Plata Mountains. The river is characteristic of many western watersheds with high spring flows from melting snowpack and low summer, fall, and winter flows. Such systems have been capable of sustaining economically viable agricultural projects. The lower reaches of this stream has been extensively develop for irrigation and other uses for the last 100 years.

The Project diverts water from the West Fork through a concrete diversion structure located in SE 1/4 Sec. 25, Township 37 North, Range 13 West, New Mexico Principal Meridian, Montezuma County Colorado. The Inlet Canal runs southwesterly for 2.6 miles to Jackson Gulch Reservoir (surface area of 216 ac). Water then exits through outlet works on the east side of the Jackson Gulch Dam (contains hydroelectric facility) and returns flows south and east down the Outlet Canal for 2.2 miles to the West Fork of the Mancos River

The fluctuation of the surface elevation of the Jackson Gulch Reservoir varies greatly from year to year depending on water demand and runoff. The reservoir is typically filled in the spring with drawdown occurring gradually through the summer. (MSP, 1994)

3.2.2 Irrigation Return Flows

All of the project lands receiving project and private water lie within the San Juan River Drainage. Return flows from these irrigated lands flow into the San Juan drainage. In the San Juan drainage, the subject 465 af (Colyer, Spencer, and Robbins) has historically been used and reused for irrigation. Estimates for historical depletion of that water range as high as 85%. Specifically, return flows from these lands are intercepted by the West Fork and Middle Fork of the Mancos River and Chicken Creek which in turn flow into the Mancos River and finally the to the San Juan River.

Reclamation does not expect any new additional depletions to occur as a result of these proposed water contracts.

3.2.3 Water Quality

According to Brogden et. Al. (1979), there is significant concerns in respect to surface and ground water quality in primary drainages of the San Juan River such as the Mancos River Drainage. Accumulations of heavy metal, salts, and elements such as selenium cause contamination in Reclamations project-affected rivers and man made reservoirs. Subsequent bioaccumulation in the food chain can cause problems for the endangered fish species in the San Juan River (Colorado Pikeminnow, razorback sucker). Increased loading of the San Juan River and its tributaries degrade water quality and cause harm for all aquatic species. (p. 5, BO MWCD, March 1998)

The subject water and associated irrigated properties are thought to have substantially lower concentration levels of salts and selenium; and contribute relatively little of those contaminants to the San Juan River systems through return flows. This is partially due to the higher elevation of the properties, which have historically been shown to contain lower levels of contaminants, than the lower lying reaches of the Mancos River Drainage; and the relatively small amounts of irrigation water and methods of irrigation, which have a resultant low intercept and transport rate for contaminants found below the plow zone. Since these lands have been irrigated for an extended period of time, elements have already been leached from them. In general it is expected there will be an increase in irrigation efficiency and which will reduce transport of contaminant issues. (Stan Power, Personnel Communications, February 2002)

Reclamation believes that there will not be an increase in contaminants in the Mancos River System and the San Juan River as a result of these carriage contracts, because there are no new depletions or new irrigation lands.

3.2.4 Turbidity

It is assumed that turbidity is important as it affects the interaction between introduced fishes and the endemic Colorado River fishes. Because these endemic fishes have evolved under natural conditions of high turbidity, it is concluded that the retention of these highly turbid conditions is an important factor for these endangered fishes. Reduction of turbidity may enable introduced species to gain a competitive edge which could further contribute to the decline of the endangered Colorado River fishes. (p5-6, BO MWCD, March 1998) It is expected that there will be no changes in turbidity, since these non-project water usages are historic.

3.3 Hydroelectric Generation

At Jackson Gulch Dam, the District operates a hydroelectric plant (260 kwh turbine connected to one 260 hp generators) to generate the small amounts of power required by project facilities. Design data and economic feasibility for the facility were based on historical averages of 26 cfs and 92 feet of elevation during high and low extremes (11 years data, 1979-1990, during 5 months of irrigation May-September). Annually, the hydroelectric facility utilizes irrigations flows up to a maximum of 33 cfs.

The carriage of these non-project water through Mancos Project facilities will not affect the operations of the hydroelectric facility.

3.4 Land Uses

Montezuma Count has a total land area of approximately 1.4 million acres of which roughly one-third are private lands, one-third Ute Mountain Ute Tribal land, and one-third state and Federal lands. The population of the county is 23,000 people. Around 45,000 acres of farmland in the county have adequate irrigation water and many qualify as prime farmland. Most of the farmland is located between Cortez and Dove Creek and within the lower elevations of the Mancos Valley. Major crops are alfalfa, dry beans, wheat and pasture. No significant affects are identified as a result of these proposed actions.

3.4.1 Agriculture

The lands classified as part of the Mancos Project area are primarily found at higher elevation above 7,000 feet. Elevation, soils, temperature, precipitation all play a role in reducing agricultural productivity below that of the lower reaches of the Mancos River Valley and other agricultural sections of the county.

Project area land is primarily utilized to supplement and provide winter feed for dairy and beef cattle and other livestock. Farming activities have not substantially changed in the area for over a hundred years, even with the assured water supply provided by the Mancos Project. Most irrigated acreage is found along the small mesa located adjacent to the upper drainages (Chicken Creek, West and Middle Fork) of the Mancos River. Most project water and non-project water is utilized to irrigate pasture lands; a total of 13,746 can be irrigated by the Project and associated private delivery systems. No significant affect is identified as a result of these actions.

3.4.2 Recreation

Reclamation operated and maintained the project until 1963 when operation and maintenance, including recreation management was transferred to the Mancos Water Conservancy District (District) At the request of the District, Reclamation resumed recreation management in 1975. Reclamation developed and managed recreation until 1987. Colorado State Parks assumed management of the area in 1987 through a long term contract with Reclamation.

Colorado State parks currently manages Mancos State Park pursuant to the Memorandum of Agreement between the Reclamation and the State of Colorado for Administration, Operation, Maintenance and development of Recreation at Jackson Gulch Reservoir, contract No. 8-07-40-L0190, Dated March 4, 1988.

Mancos State Park is managed as a State Recreation Area which is defined by statute as a relatively spacious body of water with limited land area under the control of the Division of Parks and Outdoor Recreation (Parks). It provides for a full range of water based recreation activities such as wakeless power boating, sailing and fishing, and has sufficient land acreage for

associated camping and picnicking. This park is operated primarily as a seasonal facility. (Mancos, 1994)

The reservoir has a surface area of about 216 acres at total capacity. The reservoir is stocked with trout by the Colorado Department of Natural Resources, Division of Wildlife. There are many good camping and picnicking sites, and hunting for deer and elk in the area is permitted in season. Initial funding and construction of recreation facilities was provided by Reclamation; currently Colorado Parks charges day use and overnight fees and provides funding for facility operations.

These carriage contracts will not have an effect upon recreation activities or operation of the State Park at Jackson Gulch Reservoir.

3.5 Geology and Soils

3.5.1 Geology

The geological history of the project area is briefly outlined. The Mancos Project lies within a region of intrusive Tertiary igneous that has been modified by Paleozoic sedimentation composed of marine limestone, shale and sandstone. The entire region was elevated above sea level while the area north of the La Plata mountains was folded into a large elliptical dome. Following that uplifting phase, erosional detritus from this mountain complex was laid over the tertiary continental deposit, until the entire region, with exception of the low lying mountain center, was mantled with outwash deposits. At erratic intervals during this erosion, volcanic activities broke out, with the advent of flows and the injection of dikes, stocks, and sills. Followed again by another erosional phase, including several cycles of uplift and subsequent erosion, the present topographic forms were developed.

Sedimentary strata to be encountered are:

1. Entrada and Morrison shales and sandstones
2. Dakota sandstones
3. Mancos shales
4. Igneous intrusions

(p.2-3, Western Slope Investigation, Mancos River Project, US Bureau of Reclamation, October 1939)

3.5.2 Soils

The best soils in the Mancos Valley are the alluvial deposits from sandstone or shale, which are red and brown in color, vary in texture from sandy to silty loam, and occur in series of small river terraces. Some deposits are 20 feet in depth and rarely show alkali or seepage. The soil found mainly in the river and creek bottom are alluvial deposits from shale. These are light grey to grey in color, take water slowly, do not drain easily and tend to become alkaline. A comparatively small portion of the project lands is covered by residual sandstone soil, sandy in

texture and grayish-white to rusty brown in color. These contain little organic matter, are free from alkali and usually well drained, but generally too shallow for good farming. (p.3, Final Report, 1952)

3.6 Fish & Wildlife Resources

Species known or expected to occur on the property, either resident or transient, year-round or seasonally, include mule deer, elk, black bear, bobcat, mountain lion, gray fox, red fox, coyote, cottontail rabbit, Albert's squirrel, rock squirrel, golden-mantled ground squirrel, chipmunk, pocket gopher, beaver, muskrat, porcupine, raccoon skunk, turkey, blue grouse, red-tailed hawk, Cooper's hawk, sharp-shinned hawk, osprey, golden eagle, great horned owl, turkey vulture, and other raptors, ravens, crows, magpies, Stellar's jays and other jays, and many varieties of waterfowl, shorebirds, songbirds, mice, voles, shrews, reptiles and amphibians. Primary sport fishes in Jackson Gulch Reservoir are rainbow and brown trout, which are not native and have been introduced through stocking programs (Grant 1999). (Additional data on wildlife and habitat types can be found in Attachment D)

3.6.1 Vegetation/Habitat Types

Five major plant communities are known from the project area (Von Loh, 1992), they include:

1. **Ponderosa Pine-Scrub Woodland** occupies all elevations in the project area. Ponderosa Pine, scrub (Gambel) oak, Rocky Mountain juniper are the dominant wood species within the community. At the lower margins and Chicken Creek drainage this community forms an ecotone or mosaic with Mixed Mountain Shrubland community.
2. **Mixed Mountain Shrubland** occurs just above the northern and western shoreline elevations of Jackson Gulch Reservoir, and interspersed throughout the entire project area. This vegetation type is found on slightly drier lands than the areas dominated by ponderosa pine. A dense canopy of scrub oak, serviceberry, squaw-apple, snowberry, and chokecherry is formed in this community. A variety of herbaceous plant species are also found.
3. **Grassland**--Two types of grasslands are observed; a Western Slope Grassland community dominated by western wheatgrass and goldenweed and an introduced grassland dominated by smooth brome and variety of weedy species. The grassland area is quite diverse, supporting a variety of herbaceous flowering plants and grass species.
4. **Deciduous Riparian Forest** is limited to a fringe along the Jackson Gulch Reservoir shoreline and along the inlet and outlet canals, and along the Chicken Creek and West Fork of the Mancos. This community is characterized by the Fremont cottonwood, narrowleaf cottonwood, and occasional sandbar willow.
5. **Wetland** communities are observed in the Chicken Creek drainage, the inlet canal area, and the area of the outlet canal. Chicken creek wetlands occur at the northwestern State park boundary and are dominated by sandbar willow, wild iris, and species of sedge. The inlet canal support the spik-rush and Canada bluegrass, primarily a variety of species including buttercup,

sedge and Arctic rush in seepage areas. The outlet Canal wetlands were dominated by sandbar willow or broad-leaved cattail.

Riparian vegetation occurs near the inlet, rock quarry pond, and at the high water mark at various locations around the reservoir.

Weedy species were the most common in the disturbed areas around the road, dam, boat ramp, parking lots and campsites, and included bindweed, knapweed, Canada thistle. (Von Loh, 1992)

Reclamation believes that there will be no effect to vegetation and wildlife habitat by these proposed water contracts because there will be no new water depletions, no change in Mancos Project and private farming operations, and no new irrigation resulting from these actions.

3.6.2 Threatened and Endangered Species

Endangered and threatened species are plants and animals that are legally protected under the Federal Endangered Species Act (ESA). ESA compliance is required to avoid jeopardizing the existence of endangered and threatened species or their habitats. Historically, two Section 7 ESA actions were requested of the Service by Reclamation pertaining to Mancos Project operations.

The first being the construction of the hydroelectric facility in 1993. At that time, Reclamation submitted a letter to the US Fish & Wildlife Service (Service) recommending that the proposed action is not likely to cause any new or increased adverse impacts to any federally listed or candidate species; and not likely to adversely effect critical habitat because the action would not introduce new pollutants or cause new depletions in the San Juan River system. The Service concurred with Reclamations findings in a letter dated, October 26, 1993. (Service, 1993)

The second action pertained to the conversion of 200 af (in 1995 conversion of 80 af, and in 1998 an additional conversion of 120 af , resulting in an average annual depletion of 200 af) of irrigation water to municipal and industrial (M&I) water to be utilized by the Mancos Rural Water Company (Initial ESA consultation requested of Service by Reclamation in 1997). In 1998. The Service issued a Final Biological Opinion for the Mancos Water Conservancy District (1998), and within that document determined that the affect of the water depletion is likely to jeopardize the continued existence of the Colorado Pikeminnow and razorback sucker and adversely modify critical habitat in the San Juan River. A reasonable and prudent alternative which offsets jeopardy to the endangered fish and adverse modification of critical habitat was identified and required of Reclamation the following: will reoperate the Navajo Dam to mimic the natural hydrograph of the San Juan River, as agreed to as a result of consultation on the Animas-La Plata Project; and reinitiate Sec 7 ESA consultation if any increases in depletion occur, incidental take of listed fish occur, changes in operation occur which could effect the endangered fish, or failure to reoperate the Navajo Dam takes place. (Service, 1998)

This Environmental Assessment will also serve as the ESA Sec 7 compliance document for this proposed project and serve as a biological assessment. Reclamation initiated informal consultation under the Endangered Species Act in a memo requesting an endangered species list

and describing the propose project, dated February 12, 2002. Reclamation received an ESA Species List memo on March 7, 2002. Formal consultation was initiated upon submittal of the Draft Environmental Assessment (DEA) on March 21, 2002. On April 9, 2002, the Service concurred with Reclamations determination in the DEA that there would be “no effect” on any federally listed species, except the Colorado pikeminnow and the razorback sucker, and that a reasonable and prudent alternative to jeopardy had previously been put in place by the Service and Reclamation (Service, 1998) for those two endangered fish (Attachment A)

3.6.2.1 Federally Endangered

3.6.2.1.1 Southwestern Willow Flycatcher

The federally listed endangered southwestern willow flycatcher (*Empidonax traillii extimus*) is one of five subspecies of the willow flycatcher currently recognized. Although information regarding the northern extent of the range of this subspecies is limited, the Service considers southwestern Colorado to be within the range of the southwestern willow flycatcher. This subspecies occurs in riparian habitats made up of dense shrubs and trees (Reclamation 1999).

In 1994, Reclamation contracted with the National Biological Service (NBS) to conduct willow flycatcher surveys along the Animas, La Plata and Mancos River drainages. This study characterized habitat suitability for willow flycatcher along the Mancos River drainage as poor. They found that existing riparian habitat was limited and heavily impacted by grazing and the intrusion of exotic vegetation. (Reclamation 1995)

The Service concurs with Reclamations determination that these water contracts will not affect the Southwest Willow Flycatcher, as well as be unlikely to affect critical habitat for the species. This conclusion is based on the fact that there will be no new depletions under the Carriage Contracts and no new irrigation lands will be developed.

3.6.2.1.2 Whooping Crane

In the late 1800s, there were about 1,500 birds in the aspen parkland and prairie regions of Western Canada and the U.S. As human settlement spread westward, the world population dropped to a low of 14-16 in the 1940s. Officials counted 149 whooping cranes in November 1995, the most since the American government began taking censuses in the 1930s. Conservation efforts since 1938 have resulted in a slow increase. Including those in captivity, and 25 cranes in two other wild populations, there are now 320 whooping cranes in the world.

In late April, cranes arrive at their breeding area in Wood Buffalo National Park, which extends into northeast Alberta from the North West Territory . By the end of September, the birds leave for the 4,000 km flight south to the Aransas National Wildlife Range in Texas. By gliding on wind currents, they can stay aloft for 10 hours and cover up to 750 km. Cranes eat snails, larval insects, leeches, frogs, minnows, small rodents, and berries. They may scavenge dead ducks, marsh birds or muskrats. During migration, they stop to eat aquatic animals, roots of plants and waste grain in stubble fields. In Texas, they eat shellfish, snakes, acorns, small fish and wild fruit. Since 1967, surplus eggs from Wood Buffalo have been hatched and reared in captivity.

There are now three breeding populations in captivity, two in the U.S. and one at the Calgary Zoo.

The Service concurs with the determination that the Mancos Project area does not support habitat that meets the species needs; and that the proposed water contracts will not have an affect on the Whooping Crane or its required habitat.

3.6.2.1.3 Black-footed ferret

The Black-footed ferret was first listed by the Service in 1967. The species inhabits semi-arid grasslands and mountain basins. Recognized as an obligate associate to prairie dogs that constitute their primary food source and provide burrows for shelter and breeding. This species may occur in active prairie dog colonies that contain suitable burrow densities and size. Ferrets breed from March to May. Kits are born late May to early June and remain underground until late June or early July. (BLM, 2001 (Kerns River)

There are no recent reports of this species, which is closely associated with prairie dog towns, in the proposed carriage contract areas. The proposed contract area lands have previously been converted to agricultural activities which have resulted in decline of prairie dog communities.

The Service concurs with Reclamation's determination that there will be no affect to the Black-footed ferret or to its habitat resulting from the implementation of these proposed water carriage contracts.

3.6.2.1.4 Mancos Milkvetch

The Mancos milkvetch was listed by the Service as endangered on June 27, 1985 (federal Register June 27, 1985). The only population of this plant known to exist are in San Juan County, New Mexico, and Montezuma County, Colorado. In Colorado, the last known populations were found at Mesa Verde on the point lookout sandstone near the edge of Mancos Canyon. It grows in sandy soil pockets and stands only an inch or two high, bearing minute leaflets only about 1/16 inch long. It is found growing only upon sandstone rock in sandy soil pockets near the edge of Mancos Canyon. (Reclamation 1995)

The Service concurs with Reclamation's determination that the environment along the Mancos River does not provide the plant specific habitat requirements; and that the proposed contracts would not affect this species or associated habitat.

3.6.2.1.5 Colorado Pikeminnow and Razorback Sucker

These fish occur in the San Juan River. Critical habitat has been designated downstream from Farmington, N.M. The Mancos River is a tributary of the San Juan River and therefore affects flows in the San Juan River.

Colorado Pikeminnow--This large, predaceous species is adapted to seasonally variable flows, high silt loads and turbulence, low food base, and changing river subsystems. Young-of-the-year

prefer shallow backwaters, while adults and older juveniles utilize pools, eddies, and deep runs. The Colorado Pikeminnow spawn from June to August.

Razorback Sucker— Species tends to be most abundant in calmer, “flatwater” river, rather than higher velocity canyon river flows. Species may spawn in a variety of flow conditions (from rivers to impoundments). Some fish will return to the same spawning locations. The species shows a general preference for coarser substrates such as gravel and, when available, cobble. Spawning: April-June.

The federally listed endangered Colorado Pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*) have historically occurred in the San Juan River downstream from the confluence of the Animas River. Both of these species are adapted to large, turbid, and swift-flowing rivers in the San Juan River system where they inhabit shaded pools and eddies (Colorado Pikeminnow) or deep, swift-moving water in channels (razorback sucker).

The proposed project would not directly affect the San Juan. However, the Service believes that one of the major causes of decline for these species is the effect of water depletion from the Colorado River and its tributaries, including the San Juan River (Reclamation 1999). These three proposed water contracts represent historic usages (occurring prior to January 1, 1983; Service 1998) and will not utilize nor deplete any new quantities out of the Mancos River system and the San Juan River Drainage. These historic depletions are included in the Services baseline for the San Juan River

It is recognized that any depletion from the San Juan River is considered an adverse effect on the endangered fish, however, there is no new depletion of flows as a result of the Carriage Contracts. Historical depletions of this water would continue. Reclamation has committed to operate Navajo Dam to meet flow recommendations for the endangered fish. Operation plans have included existing depletions, including the depletions that would occur with the proposed carriage contracts. The Service concurs that implementation of the proposed carriage contracts will not cause any addition adverse affect on the Colorado Pikeminnow and razorback sucker.

3.6.2.2 Federally Threatened

3.6.2.2.1 Bald Eagle

The Bald Eagle was originally listed in 1967, and is currently Federally and state listed as endangered in both Colorado and New Mexico. Nest sites typically occur near open water and are generally found in mature heterogeneous stands of multistoried trees. Historically, only two to three pairs of bald eagles nested in Colorado, but nesting pairs have recently increased to eight or nine each year. Winter habitat typically includes areas of open water. Here they feed on fish, dead or crippled animals such as waterfowl or winterkilled deer and elk as well as small mammals. In summer they feed mainly on fish. General breeding season for the Bald Eagle is January to August. The habitat on the Mancos River is poor quality for bald eagle use principally because the existing riparian zone does not support the proper vegetation for nesting, roosting or perching, and an adequate prey base is not present. (Reclamation 1995)

The Service concurs with Reclamation's determination that the implementation of these water carriage contracts will have no effect upon the Bald Eagle or upon its critical habitat.

3.6.2.2.2 Mexican Spotted Owl

The Mexican spotted owl was listed as a threatened species on March 16, 1993 (Federal Register March 16, 1993) It is listed in Arizona, Utah and Colorado. The species is threatened by destruction and modification of habitat caused by even-aged timber harvest methods and wildfires, decreased habitat suitability, and potential increased predation associated with habitat fragmentation. Twenty five Mexican spotted owls were known to inhabit Colorado in 1993. The closest known location of the specie in the vicinity of the Mancos Project occur in Mesa Verde National Park. No known locations occur along the Mancos River. No critical habitat for the recovery of the species has been proposed or identified along the Mancos River. Existing habitat along the Mancos River in the project vicinity is not suitable for this species, the bird requires old-growth forests.(Reclamation 1995)

The Service concurs with Reclamation's determination that the proposed carriage contracts will not affect the Mexican spotted owl or associated habitat.

3.6.2.2.3 Mesa Verde Cactus

The Mesa Verde cactus was listed by the Service as threatened on October 30, 1979 (Federal Register October 30, 1979). This small, globe-shape cactus is found only in harsh desert environments growing at elevations between 4,800 to 5,500 feet. Because of the specific habitat requirement of this cactus, its distribution is limited to San Juan County, New Mexico, and Montezuma County, Colorado. The plant grows in sever habitats where temperature reach as high as 110 degree F or as low as -18 degrees F and annual rainfall amount to only 6 inches. It is found on barren, gray, clay hills, underlain by Mancos shale or the Fruitland Formation. (Reclamation 1995)

Because its habitat requirement are specific to a desert environment, the plant would not grow or survive in the Mancos River floodplain. The Service concurs with Reclamation's determination that there would not be any affect to the Mesa Verde cactus or associated habitat.

3.6.2.3 Federally Proposed Candidates

3.6.2.3.1 Boreal toad

The Western boreal toad is a federal candidate species. It is found in the southern Rocky Mountains, has been state-listed in Colorado as endangered since November 1993, and federally listed as "warranted but precluded" since March 1995. The boreal toad is Colorado's only alpine species of toad, and has been reported in mountain habitats throughout the state at elevations between 7,000 and 12,000 feet. Distribution is restricted to areas with suitable breeding habitat in spruce-fir forests and alpine meadows. Breeding habitat includes: lakes, marshes, ponds, and bogs with sunny exposures and quiet, shallow water.

Colorado has four metapopulations which are composed of two or more breeding sites, each with several dozen to several hundred toads. These are 1. Lost Lake/Kettle Tarn in Rocky Mountain National Park, Larimer County, 2. Cottonwood Creek Drainage in the San Isabel National Forest, Chaffee County, 3. Snake River/Ten-Mile Creek, Summit County; and the Clear Creek population in the Arapaho National Forest and the Henderson Mine, in Clear Creek County. Within Colorado, including these metapopulations and a few smaller outlying populations, there are over 50 known breeding localities - some having more than one breeding site.

Normally breeding takes place in late May or early June, but has been observed as late as mid-July. Young toads are restricted in distribution and movements by available moist habitat, while adults may move up to several miles to reside in marshes, meadows or forested areas. Up to 90% of an adult toad's life is spent in upland terrestrial habitats. Hibernation takes place in hibernacula which may be chambers associated with streams or spring seeps, or more commonly, rodent burrows deep enough to prevent freezing and having soil moisture high enough to prevent desiccation. Adult toads monitored in Colorado hibernate at a temperature of approximately 41°F (5°C). Most toads are in hibernation by early October, but association with the hibernacula may begin in late August.

The Service concurs with Reclamation's determination that the proposed water carriage contracts will not affect this species or its habitat because there are no changes in existing depletions, existing water uses, or existing habitats.

3.6.2.3.2 Gunnison Sage Grouse

Recently, it has been determined by the USFWS (2000) that the sage grouse in the Gunnison Basin, Colorado are unique and different than those found elsewhere in most of the United States. Studies confirm that most populations of the newly named Gunnison sage grouse are geographically and genetically isolated from each other, with consequently low genetic diversity, factors that can contribute to species decline or extinction.

Although the past abundance of this grouse species is not precisely known, scientists have used historical documents and interviews to estimate that Gunnison sage-grouse abundance was several orders of magnitude larger than at present and that the species occurred over a much larger geographic area. Now, however, these small grouse, with their habitat preference sagebrush vegetation, are restricted to eight isolated populations in Colorado and Utah with a total population of less than 5,000. Some populations are small, fewer than 150 breeding birds, and several former populations have become extirpated since 1980.

The birds use a variety of habitats throughout the year but the primary vegetation component necessary are species of *Artemisia* spp. (sagebrush). The most important sagebrushes are subspecies of *Artemisia tridentata* (big sagebrush). Sagebrush is used for hiding and thermal cover and is a major source of food in winter. The grouse nest in tall, dense sagebrush interspersed with grasses and forbs near riparian corridors or wet meadows. General breeding season: March – June. No areas within Mancos Project area have been identified as supporting Gunnison sage-grouse populations.

The Service concurs with Reclamation's determination that approval of this carriage contract will have no effect upon the Gunnison Sage-Grouse or upon habitat of the species.

3.6.2.3.4 Yellow-Billed Cuckoo

Western yellow-billed cuckoos formerly ranged across southern Canada (British Columbia), northern Mexico (Sonora and Chihuahua) and all states west of the Continental Divide/eastern Rio Grande Basin. The eastern boundary of the western yellow-billed cuckoo, as defined by the USFWS (2000d), is the crest of the Continental Divide in Montana, Wyoming, and northern and central Colorado. In southern Colorado, New Mexico, and Texas, the crests of mountain ranges forming the eastern edge of the Rio Grande watershed define the eastern boundary of the species.

Though limited interactions may possibly occur between eastern and western yellow-billed cuckoos across the Rocky Mountains in the northern part of the range, the probability is limited because cuckoos do not nest at high elevations, and the species is scarce on both the eastern and western slopes of the Rockies. At the southern extent of its range in Texas, mixing of eastern and western cuckoos is more likely as geographic barriers are not as pronounced.

The currently breeding range is much smaller than the historic range. As a breeding species, the cuckoo was extirpated from British Columbia in the 1920's, Washington State in the 1930's, and Oregon in the 1940's. Three populations totaling about 40 pairs of birds remain in California on the Sacramento River (between Colusa and Red Bluff), the South Fork of the Kern River, and the lower Colorado River. About 400 pairs probably inhabit rivers throughout Arizona and New Mexico. Another several hundred remain in western Texas. The cuckoo is extreme rare in the rest of the interior west, with a total population that may not exceed 50 pairs. There may be several hundred birds in northern Mexico, but reports are conflicting.

The yellow-billed cuckoo is an obligate, riparian species that prefers dense, mature stands of cottonwoods and other large riparian associated trees. Habitat loss, overgrazing, tamarisk invasion of riparian areas, river management, logging, and pesticides have been implicated as causes of decline. No studies have been conducted to determine whether adequate riparian vegetation suitable to support the Yellow-billed Cuckoo exists within the Mancos Project. Surveys of portions of the San Juan Rive in the late 1990's indicated that the birds are present in small numbers during migration and there is some evidence of breeding (Johnson and Obrien, 1998). However, there is little likelihood that continuation of these irrigation practices through implementation of the proposed carriage contracts would have an effect upon usable habitat.

The Service concurs with Reclamation's determination that implementation of the proposed contracts will have no affect upon the Yellow-billed Cuckoo or upon critical habitat for the species.

3.6.2.3.4 Sleeping Ute milk-vetch

The Sleeping Ute milk-vetch is a candidate species proposed within Federal Register: October 25, 1999 (Volume 64, Number 205)]. Little is known of this species, it is found in isolated

desert-like conditions within southeastern Montezuma County Colorado in similar habitat to other milk-vetch plants.

The Service concurs with Reclamation's determination that the proposed water carriage contracts will have no effect upon this plant or its associated habitat.

3.7 Cultural Resources: Prehistory and History

Southwest Colorado contains numerous cultural resources sites dating to both the prehistoric and historic period. Some of the highest densities of cultural remains in the Southwest occur within Montezuma County, dating to the Ancestral Puebloan (Anasazi) culture. These cultural remains have been the subject of archeological research for many years. A literature review of the Mancos Project area was conducted at Bureau of Reclamation in Durango, Colorado, U.S. Forest Service offices in Dolores, Colorado and at the Colorado Office of Archaeology and Historic Preservation.

3.7.1 Prehistory

Despite its proximity to Mesa Verde, very few prehistoric archaeological resources have been recorded in the general Project area. This is perhaps due to the environmental setting, being on the western flank of the La Plata Mountains, or due to the fact that very few archaeological inventories have been conducted. Only one prehistoric site considered eligible to the National Register of Historic Places (National Register)-a Pueblo II/Pueblo III habitation – has been recorded. Therefore, known prehistoric site density is rather low; most sites in the project area date to the historic period.

3.7.2 History

Settlement and irrigation of the Mancos Valley began about 1876. The natural flow of the Mancos River during the months of July, August, and September is very low, and the irrigation water supply for these months was inadequate. By 1893, when a State adjudication of water was made, late summer demands for irrigation water far exceeded the supply. To alleviate the shortage, three small reservoirs storing approximately 1,500 acre-feet of water were built by local irrigation organizations.

In 1937, Bureau of Reclamation investigations led to the conclusion that the **Jackson Gulch Reservoir** site, an off stream storage basin, was the only site of sufficient size to furnish an adequate project water supply. At that time, the project did not appear economically feasible but it received further consideration under the Water Conservation and Utilization Act of August 11, 1939. Detailed project investigations, initiated in November 1940, followed approval of the project. The project was approved by the President on October 21, 1940, under the Water Conservation and Utilization Program Act of August 11, 1939 (53 Stat. 1418), as amended October 14, 1940 (54 Stat. 1119). Construction was started on July 24, 1941, and completed on May 18, 1950. The first water from **Jackson Gulch Reservoir** was delivered to the water users in 1949. Construction for this project was delayed by World War II. The Civilian Conservation Corps (CCC) started to build the dam under Bureau of Reclamation supervision. In March 1942,

the CCC organization was disbanded and a group of Civilian Public Service assignees resumed the construction work by contract after the war ended. The major project works were completed between May 1947 and December 1948. Operation and maintenance of the project was transferred to the Mancos Water Conservancy District on January 1, 1963.

The seven historic period sites recorded in the project area are associated with irrigation development, homesteading, or transportation. Several sites are considered eligible or potentially eligible to the National Register.

3.7.3 Summary

An unrecorded portion of the Denver-Rio Grande railroad bed (as indicated by USGS Quadrangle maps) crosses the Robbins Ranch property; otherwise no known sites occur on lands slated to receive water described in this Environmental Assessment. A report describing in detail the cultural resources environment of the Mancos Project Carriage Contracts Study Area is on file at the Western Colorado Area Office of Reclamation.

The proposed carriage contracts meet the definition of an undertaking in 36 CFR 800.16. Reclamation as the lead Federal agency for the contracts must comply with the National Historic Preservation Act (NHPA) for this undertaking. However Reclamation has determined the proposed action does not have potential to effect historic properties because of the following: no new ground disturbing activities will occur; only historic usage of water on previously developed and irrigated agricultural fields is involved; utilization of currently in-place private and Mancos Project conveyance systems is involved; and maintenance activities will not be altered from past practices. This finding has been forwarded to the Colorado State Historic Preservation Officer.

3.7.4 Coordination with Colorado State Historic Preservation Office (CSHPO)

On March 29, 2002 the Colorado State Historic Preservation Officer concurred with a Reclamation finding that the proposed action does not have the potential to cause effects to historic properties (Attachment E).

3.8 Indian Trust Assets and Environmental Justice

3.8.1 Indian Trust Assets

The Ute Mountain Ute Tribe (UMU) has senior water right to 21,000 af of direct diversion water from the Mancos River System for irrigation of 7,200 ac of lands, based upon their Treaty settlement. In 1988 with the signing of Public Law 100-585, the Colorado Ute Indian Water Rights Settlement Act, the UMU agreed to subordinate those rights to all rights on the Mancos River with adjudication dates prior to 1985. In return, the United States gave the UMU an assured long-term water supply from the Dolores Project

The three proposed carriage contract water rights have adjudication dates of 1893 and therefore subordinate the UMU water rights. No other Indian Trust Assets are known to be effected by the Mancos Projects operations or the proposed implementation of these carriage contracts.

3.8.2 Environmental Justice

The executive Order on Environmental Justice is designated to protect minority and low-income populations from disproportionately high and adverse human health and environmental effects of Federal actions and programs. A minority Hispanic populations that meets the definitions within the executive order is identified within the vicinity of Mancos Colorado (BOR, 2000). However, the proposed Carriage Contracts or the No Action Alternative would not have any disproportional adverse effects on these populations because the water rights to be utilized for this carriage contract are private and historic, and will not impact any other group or individual right to use of that carriage capacity.

4. FINDINGS OF THE ANALYSES

1. These proposed carriage contracts represent historic usage of Non-Project water.
2. Only previously disturbed/cultivate/irrigated properties will receive contract water.
3. No new Project or Non-Project delivery/carriage facilities will be constructed or utilized.
4. These proposed carriage contracts will only utilize excess Mancos Project capacity.
5. There are no identified impacts or expected decreases in water quality.
6. There are no identified impacts to the generation of electricity at the Jackson Gulch Dam.
7. There are no identified impacts to current land uses.
8. There are no identified impacts to fish and wildlife resource and associated vegetation/habitat.
9. The Service concurs with Reclamation's determination of "no effect" for the following species and their critical habitat:
 - a. Southwestern willow Flycatcher
 - b. Whooping crane
 - c. Black-footed ferret
 - d. Bald eagle
 - e. Mexican spotted owl
 - f. Mesa Verde cactus
 - g. Boreal toad
 - h. Gunnison sage-grouse
 - i. Yellow billed cuckoo
 - j. Sleeping Ute milk-vetch
10. The Service concurs with Reclamations determination of "may affect" for the Colorado pikeminnow and razorback sucker, which is offset by the reasonable and prudent alternative (Service, 1988) by which Reclamation committed to: reoperate Navajo Dam to meet flow recommendations for the endangered fish; reoperation plans have included existing depletions, including the depletions from the Carriage Contracts.
11. The CSHPO concurs with Reclamations determination that the proposed undertaking has no potential to affect historic properties.
12. No identified impacts to Indian Trust Assets.
13. No identified impacts defined by Environmental Justice regulations.

5. FINAL RECOMMENDATION OF THIS ENVIRONMENTAL ASSESSMENT

Reclamation has determined that the three proposed non-project water carriage contracts will not have a significant effect upon the human environment; recommends that a Finding of No Significant Impact be Signed; and recommends the execution of the Carriage Contract as described in the environmental assessment.

6. CONSULTATION AND COORDINATION

6.1 Public Participation

The intent to initiate negotiations for these contracts was published in the *Federal Register* under, "Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations." Reclamation will announce the initiation of negotiations for each contract through a news release to local newspapers upon approval of this BON. Each draft contract was made available to the public for review and comment prior to execution. A distribution list is included in Attachment F.

Availability of the draft environmental assessment for public review was: published within the Mancos Times Tribune on March 20th and 27th ; distributed to the public at the April monthly meeting of the Mancos Water Conservancy District; and made available through the Districts Office and at local Reclamations Offices in Durango and Cortez, Colorado. Following the 14 days public comment period, only one comment was received. The Colorado Water Conservation Board agreed with the findings of the DEA and urged Reclamation to final the EA and enter into the carriage contracts (Attachment B).

6.2 Coordination with Agencies

Coordination with the U.S. Fish & Wildlife Service for compliance with the Fish and Wildlife Coordination Act.

Formal consultation with the U.S. Fish & Wildlife Service for compliance with the Endangered Species Act, Section 7.

Consultation with the Colorado State Historic Preservation Office for compliance with National Historic Preservation Act and 36 CFR 800.3.

Informal consultation with the Colorado Division of Wildlife on fish and wildlife, and for Colorado State Species of Special Concern.

7. REFERENCES

Alternate Route Analysis For Gas Pipeline Relocations in Ridges Basin, April 1999, U.S. Bureau of Reclamation, Durango, Colorado

Biological Assessment: Animas-La Plata Project, Colorado-New Mexico, .S. Bureau of Reclamation, Durango Colorado, December 20, 1999

Biological Assessment for Oil and Gas Development on the Southern Ute Indian Reservation, U.S. Dept. Interior (Bureau of Land Management, Bureau of Indian Affairs) and Southern Ute Indian Tribe, Ignacio Colorado September 2000.

Draft Environmental Impact Statement Bureau: Oil and Gas Development in the San Juan Basin, New Mexico. Bureau of Land Management, Farmington, New Mexico (2000).,

Draft Report: Mancos Project Environmental Assessment, Cultural Resource Support, Bureau of Reclamation, Durango, March 2002

Forest Stewardship Plan for Mancos State Park, at Jackson Gulch Reservoir, Montezuma County, Colorado. D. Grant, Colorado State Forest Service, Durango, Colorado, July 1999

Final Report: Design and Construction, Jackson Gulch Dam and Inlet and outlet Canals—Mancos Project, Bureau of Reclamation, Durango, October 20, 1952.

Final Biological Opinion for the Mancos Water Conservancy District, U.S. Fish & Wildlife Service, Region 6, Denver, March 4, 1998.

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Mancos Project: Draft Biological Assessment, U. S. Bureau of Reclamation, Denver, Colorado, July 13, 1995.

Mancos State Park: a Plan for Responsible Management. Division of Parks and Outdoor Recreation, Department of Natural Resources, State of Colorado, Revision 3/1/94

Mancos State Park: A Preliminary Checklist of Plants Species and Brief Plant Community Discussion. Jim Von Loh, Division of Parks and Outdoor Recreation, Department of Natural Resources, State of Colorado, May 1992.

Michael Francis, Personal Communication—Discussion on wildlife and habitat observed during a field visitation in September 2001. Bureau of Reclamation, WCAO, Durango, February 2002

Northwest Pipeline Corporation, 1996. Application for an order Permitting and Approving Abandonment and a Certificate of Public Convenience and Necessity Under Section 7(b) and (c)

of the Natural Gas Act: Ridges Basin Mainline Relocation Project Environmental Report.
Prepared by Foster Wheeler Environmental Corporation, August.

Proposed Hydroelectric Project at Jackson Gulch Dam, Mancos Project, Colorado: Concurrence Letter of No Adverse Effect, U.S. Fish & Wildlife, Ecological Services, Grand Junction, Colorado

Southwestern willow flycatcher and western yellow-billed cuckoo surveys along the San Juan River, Utah, 1998 (Four Corners Bridge-Mexican Hat), Johnson, Mathew J. and C. O'Brien, Colorado Plateau Field Station, Flagstaff AZ 1998.

Stan Power, Western Colorado Area Office-Durango, Bureau of Reclamation, Water Planning Group, February 2002

U.S. Fish & Wildlife Service, 2000, Federal Register Notice, Vol. 65, No. 250, Notice of Designation of the Gunnison Sage Grouse as a Candidate Species, December 28, 2000.

U.S. Fish & Wildlife Service, 2000d, Federal Register Notice, Vol. 65 No. 33, Notice of 90-Day Finding of a Petition to List the Yellow-billed Cuckoo as Endangered and Commencement of a Status Review, February 17.

Warren Hurly, Personnel Communication on the Cultural Resources of the Mancos Project Area, February 2002

Western Slope Investigation, Mancos River Project, US Bureau of Reclamation, October 1939

8. ATTACHMENTS

Attachment A. U. S. Fish and Wildlife Service Consultation.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
764 Horizon Drive, Building B
Grand Junction, Colorado 81506-3946

Durango Official

RECEIVED White Copy
CITY OF DURANGO

Egensen

APR 17 2002
FISH AND WILDLIFE SERVICE
NORTHERN DIVISION

| | | | |
|----------------|-----------|---------|-----|
| CLASS | ENV 7.00 | | |
| FOLDER | 118-20410 | | |
| PROJECT | MP-1 | | |
| CONTROL | 10560 | | |
| NAME | DATE | INITIAL | CYS |
| <i>Egensen</i> | | | |
| <i>Rwald</i> | | | |
| <i>BDald</i> | | | |
| <i>MEAS</i> | | | |

IN REPLY REFER TO:
ES/CO:BR
MS 65412 GJ

April 9, 2002

Memorandum

To: Area Manager, Bureau of Reclamation, Grand Junction, Colorado

From: Assistant Field Supervisor, Fish and Wildlife Services, Ecological Services, Grand Junction, Colorado *Allan R. Pfister*

Subject: Request for Endangered Species Act Consultation for Three Non-Project Water Carriage Contracts at the Mancos Project

We have received your March 21, 2002, correspondence requesting consultation of effects associated with the proposed Water Carriage Contracts for the Mancos Project on federally threatened and endangered species. Determination of effects on threatened and endangered species was based on your draft Environmental Assessment and personal communication with Rob Waldman (Bureau of Reclamation). Since there are no construction activities associated with the project (pers. comm. Rob Walden), the Service concurs with a "no effect" on any federally listed species, except for the Colorado pikeminnow (*Ptychocheilus lucius*¹) and the razorback sucker (*Xyrauchen texanus*).

In 1998, the Service issued a Final Biological Opinion for the Mancos Water Conservancy District which identified a reasonable and prudent alternative to the jeopardy determination. Reasonable and prudent alternatives to avoid jeopardy are for the Bureau of Reclamation to operate the Navajo Dam in a manner that mimics the natural hydrograph of the San Juan River; and reinitiate consultation with the Service if there are any increases in water depletion, incidental take of listed fish, changes in operation which could affect the endangered fish, or failure to operate the Navajo Dam as stated in the 1998 Biological Opinion.

If the Service can be of further assistance, please contact John Kleopfer at the letterhead address or (970) 245-3920, extension 39.

pc: FWS/ES, Lakewood
FWS/ES/FO, Albuquerque
JKleopfer:MancosProjectMem.wpd:040902

¹formerly squawfish

Attachment B. State Water Conservation Board Correspondence.


STATE OF COLORADO

Colorado Water Conservation Board
 Department of Natural Resources
 1313 Sherman Street, Room 721
 Denver, Colorado 80203
 Phone: (303) 866-3441
 FAX: (303) 866-4474
 www.cwcb.state.co.us

FILED BOX WCB
 OFFICIAL COPY

E. Jensen

APR 17 '02



CLASS *ENV 16.00*
 FOLDER *UC 2344*
 PROJECT *MP-1* Bill Owens
 CONTROL # *10501* Governor
 NAME DATE INITIAL SIGNATURE
E. Jensen [] [] [] [] E. Walcher
R. Walder [] [] [] [] Executive Director
B. D. H. [] [] [] [] Rod Kuharich
M. Franco [] [] [] [] CWCB Director
 Dan McAuliffe
 Deputy Director

April 11, 2002

Mr. Rob Waldman
 U.S. Bureau of Reclamation
 Western Colorado Area Office-Durango
 835 East Second Avenue, Suite 300
 Durango, Colorado 81301

Dear Mr. Waldman,

Thank you for the opportunity to review and comment on the "Draft Environmental Assessment-Mancos Project Carriage Contracts" dated March 2002 (DEA).

The CWCB is state agency charged with promoting, protecting, conserving and developing Colorado's water resources in order to secure the greatest utilization of those resources for the benefit of present and future generations, and to minimize the risk of flood damage and related economic losses. The CWCB is a 15-member Board representing water interests from across the state and includes a number of state officials including the Director of the Department of Natural Resources, the State Engineer and the Attorney General.

We believe the DEA adequately describes the proposed action and supports the findings described on page 25 of the DEA. It is our understanding that at least some of these contracts will allow historic practices to continue. Furthermore, it is our understanding that carrying non-project water through Mancos Project facilities generally improves water use efficiency within the Mancos River Basin. Therefore, we support making the DEA final and entering into the carriage contracts described therein. Thank you very much for your consideration.

Sincerely

D. Randolph Seaholm

D. Randolph Seaholm
 Chief, Water Supply Protection

Cc:
 Carol DeAngelis
 Errol Jensen
 Gary Kennedy
 Janice Sheftel
 Rod Kuharich
 Don Schwindt
 Kent Holsinger

Flood Protection • Water Supply Planning and Finance • Stream and Lake Protection
 Water Supply Protection • Conservation and Drought Planning

One Hundred Sixth Congress

of the

United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday,

the twenty-fourth day of January, two thousand

An Act

To authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) SALE OF EXCESS WATER-

(1) IN GENERAL- In carrying out the Act of August 11, 1939 (commonly known as the 'Water Conservation and Utilization Act') (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the 'project'), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE- A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS- In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration--

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES- The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED- Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.


END

Attachment D. Potentially Occurring Wildlife Species Within Vegetation Cover Types
Potentially Occurring Wildlife Species within Vegetation Cover Types

| Vegetation Cover Type | Characteristic Wildlife Species | |
|--|---------------------------------|--------------------------|
| Pinyon-Juniper Woodland and Mountain Shrub | Nuttall's Cottontail | Mule Deer |
| | Desert Cottontail | Elk |
| | Black-tailed Jackrabbit | Long Tail Weasel |
| | Cliff Chipmunk | Red-tail Hawk |
| | Colorado Chipmunk | Cooper's Hawk |
| | Rock Squirrel | American Kestrel |
| | Brush Mouse | Great-horned Owl |
| | Rock Mouse | Eastern Fence Lizard |
| | Gray Fox | Sagebrush Lizard |
| | Mountain Lion | Bald Eagle |
| | Black Bear | Golden Eagle |
| | Ponderosa Pine | Mule Deer |
| Elk | | Northern Pygmy Owl |
| Colorado Chipmunk | | Saw-whet Owl |
| Pocket Gopher | | Yellow-bellied Sapsucker |
| Albert's Squirrel | | Acorn Woodpecker |
| Deer Mouse | | Pileated Woodpecker |
| Red-tail Hawk | | Midget Faded Rattlesnake |
| American Kestrel | | |
| Great-horned Owl | | Great Basin Gopher Snake |
| Black Bear | | Bald Eagle |
| Coyote | | Golden Eagle |
| Porcupine | | Striped Skunk |
| Grassland | Desert Cottontail | Burrowing Owl |
| | Black-tail Jackrabbit | Common Nighthawk |
| | Pocket Gopher | Prairie Falcon |
| | Coyote | Swainson's Hawk |
| | Prairie Vole | Western Garter Snake |
| | Deer Mouse | Gopher Snake |
| | Black Bear | Great Basin Gopher Snake |
| | | Tiger Salamander |
| | | Red Winged Black Bird |
| | | Golden Eagle |
| | | Bald Eagle |

a/ Source: Northwest Pipeline 1996

Attachment E. Concurrence of the State Historic Preservation Office



United States Department of the Interior
BUREAU OF RECLAMATION
 Upper Colorado Region
 Western Colorado Area Office

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| FOLDER | UC 2241 | | |
| PROJECT | MP-1 | | |
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| <i>[Signature]</i> | | | |

2764 Compass Drive, Suite 106
Grand Junction CO 81506-8785

MAR 21 2002

835 E 2nd Avenue, Suite 300
Durango CO 81301-5475

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ENV-3.00

RECEIVED

MAR 25 2002

CHS/OAHP

Ms. Georgianna Contiguglia
 Colorado State Historic Preservation Officer
 Attention: Kaaren Hardy
 Office of Archaeology and Historic Preservation
 1300 Broadway
 Denver CO 80203

Subject: Draft Environmental Assessment - Mancos Project Carriage Contracts - Contracts Between the United States and Three Private Individuals for the Carriage of Non-Project Water Through Mancos Project Facilities - Determination of No Potential to Effect historic properties, Mancos Project, Colorado

Dear Ms Contiguglia:

In accordance with 36 CFR Part 800.3 we are sending this draft Environmental Assessment for your review and consideration. As encouraged by 36 CFR part 800.3, we are proposing to use the NEPA document as the basis for National Preservation Act obligations for this undertaking.

The proposed action calls for the execution of three contracts to allow delivery of water to landowners through non-private conveyances. In two cases, it restores a project facility use that had been in existence between 1968 and 1995, and in the third case, it enables the user to use Project facilities to transport a private water right to supplement an existing use of Project water. In all three cases no previously undisturbed lands will be involved and no new construction will occur. Therefore, Reclamation has determined that the nature of the proposed undertaking has no potential to affect historic properties.

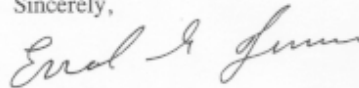
Reclamation would like to receive any comments you may have on the draft Environmental Assessment by April 4, 2001. Please submit comments to:

Mr. Rob Waldman
Bureau of Reclamation
Western Colorado Area Office
835 East Second Avenue, Suite 300
Durango, Colorado 81301

or submitted by E-Mail to rwaldman@uc.usbr.gov.

If you have any questions as they relate to National Historic Preservation Act compliance, please contact Warren Hurley in Durango at 970-385-6548.


Sincerely,



for Carol DeAngelis
Area Manager

Enclosures

I concur


State Historic Preservation Officer

Date

March 29, 2002

Attachment F. Distribution/Mailing List for Draft and Final Environmental Assessment

Federal Agencies

Fish and Wildlife Service, Grand Junction CO
San Juan National Forest, Dolores and Durango CO
Bureau of Indian Affairs, Towaoc CO
Department of Agriculture, Public Lands Center, Durango CO
Natural Resource Conservation Service, Cortez CO

Indian Tribes

Ute Mountain Ute Tribe, Towaoc CO
The Navajo Nation, Window Rock AZ
Jicarilla Apache Nation, Dulce NM
Southern Ute Indian Tribe, Ignacio CO

State Agencies

Colorado Division of Water Resources, Durango CO
Colorado Division of Wildlife, Durango and Dolores CO
Colorado Water Conservation Board, Denver CO
Colorado State Historic Preservation Office, Denver CO

Cities and Counties

Montezuma County Commissioners, Cortez CO

Water Districts & Companies

Mancos Water Conservancy District
Southwestern Water Conservancy District, Durango CO
Montezuma Valley Irrigation Company, Cortez CO
Dolores Water Conservancy District, Cortez CO

Organizations

San Juan Basin Farm Bureau, Yellow Jacket CO
Environmental Defense, Boulder CO
Southwest Landowners Association, Mancos CO
Dolores Soil Conservation District, Cortez CO

Media

Rico Times, Rico CO
The Cortez Journal, Cortez CO
Mancos Times Tribune, Mancos CO

Attachment G. Listing of Bureau of Reclamation NEPA Actions and Historic Usage

UC-CE-94-072 (March 28, 1994) (NEPA categorical Exclusion) –allowed the Issuance of carriage contract to Marilyn Colyer and Glen Spencer to authorize the use of the Jackson Gulch Inlet Canal to convey their private water. Point of diversion of ½ cfs for Colyer from the Lee Dutch to Jackson Gulch Inlet Canal; Spencer requested point of diversion for 1 cfs from Lee Ditch to Jackson gulch inlet canal.

DUR-CE-98-06 (April 1, 1998)—allows conversion of 120 af of irrigation water to M&I purposes, for Mancos Rural Water Company

UC-CE-95-047 (January 25, 1995)—allows for conversion of 80 af of irrigation water to M&I purposes, for the Mancos Rural Water Company

UC-CE-81-4 (May 5, 1981)—Allows for construction of concrete diversion dam to replace existing log and rock dam a the inlet to the Inlet Canal on the West Mancos River

UC-CE-94-160(September 2, 1994)—Allows for construction of hydroelectric power plant on the existing outlet works of Jackson Gulch Dam by the Mancos Water Conservancy District