

CHAPTER 1. INTRODUCTION

1.1 Background

In July 2000, the Bureau of Reclamation (Reclamation), in cooperation with the Environmental Protection Agency (EPA), the Ute Mountain Ute Tribe (UMUT) and the Southern Ute Indian Tribe (SUIT), completed the Final Supplemental Environmental Impact Statement (FSEIS) for the Animas-La Plata (ALP) Project. The purpose of the ALP Project is to implement the Colorado Ute Indian Water Rights Settlement Act of 1988 (P.L. 100-585), as amended by the Colorado Ute Settlement Act Amendment of 2000. The ALP Project is located in southwestern Colorado and will serve this area and northwestern New Mexico. The Project's principle structural component will be an off-channel reservoir in Ridges Basin to store water diverted from the Animas River. Ridges Basin Reservoir will have a total capacity of approximately 120,000 acre-feet (af). A pumping plant and inlet conduit will be used to divert water from Animas River and to deliver it to the reservoir for storage. Basin Creek will be used to convey ALP Project water back to the Animas River for downstream delivery. The water delivery features of the ALP Project initially planned for the La Plata River Basin are not included in the current ALP Project.

According to the FSEIS, construction of Ridges Basin Dam and the filling of the reservoir will result in the permanent loss of 121 acres of emergent wetland habitats. Also, approximately 13 acres of riparian habitat downstream of the dam will be impacted. Thus, a total of 134 acres of wetland/riparian habitats will be impacted as a result of the ALP Project. As stated in the FSEIS and the subsequent Record of Decision (ROD), Reclamation will mitigate for these impacts at a ratio of 1.5:1 which is within the range of ratios mentioned in section 10.5 of the 404(b)(1) Evaluation report and the various options discussed in the preliminary estimates of mitigation opportunities in the Wetlands Mitigation Opportunities Report developed for the FSEIS (Volume II of the FSEIS). The Fish and Wildlife Coordination Act Report, as summarized in the FSEIS Volume I, refers to and concurs with section 5.4.4 of the FSEIS which commits to the 1.5:1 acre mitigation ratio for wetlands/riparian mitigation.

Appendix 2 of the ROD, Environmental Commitments, signed September 25, 2000 (under Vegetation, commitment #3) states:

Reclamation will compensate the loss of 134 acres of wetland/riparian habitat at a mitigation ratio sufficient to replace or exceed the habitat value of wetland/riparian habitat lost as described under Mitigation for Refined Alternative 4 Vegetation Impacts 3 and 4 in Section 3.4. Reclamation will replace lost wetland/riparian areas at a planned ratio of 1.5:1, thus creating approximately 200 acres of replacement wetlands. Mitigation will involve a program of land acquisition, wetland development, and long-term management. To the extent possible, this program will be integrated into the wildlife habitat mitigation program to expand benefits and provide large blocks of contiguous wildlife habitat. For purposes of this FSEIS, it is assumed 600 acres will be necessary for the wetland program. Because of limited water supplies for new

wetland creation in the region, restoration of degraded wetlands will be an important component of any wetland plan. As with wildlife habitat mitigation, the La Plata River Basin will be given first priority for wetland development. Lands for wetland mitigation will be acquired prior to initiation of construction of Ridges Basin Dam and overall wetland mitigation physical features will be at least 95 percent completed prior to beginning reservoir filling.

Section 10.5 of the 404(b)(1) Evaluation report suggests mitigation ratios of 1 to 1 for restoration, 2 to 1 for creation, and 3 to 1 for enhancement and preservation. The Wetlands Mitigation Opportunities Report describes mitigation “credits” according to these ratios. Reclamation negotiated a ratio of 1.5 to 1 as agreed to by the EPA and the U.S. Fish and Wildlife Service (Service) and committed to it in the FSEIS and the ROD. Reclamation's enhancement, protection, creation and restoration of a severely impacted riparian area clearly provide effective mitigation for the acres of wetland/riparian habitat lost in Ridges Basin and along Basin Creek.

Reclamation coordinated potential mitigation opportunities to replace the functions and values of the wetland/riparian habitat that will be impacted by the ALP Project with specialists representing the EPA, the Service and the Colorado Division of Wildlife (CDOW). It was agreed among the agencies that the best opportunity to replace wetland/riparian impacts would be along the La Plata River corridor because: 1) the floodplain of the river corridor has been modified by agricultural development and channelization projects for flood protection; 2) undesirable weed species are replacing native riparian plant communities, and 3) the potential for future development along the river corridor could impact existing riparian habitats. Consequently, both the condition and extent of the native plant communities that otherwise would normally be found along the river corridor have been greatly diminished, and the potential for further diminishment is significant unless portions of the river corridor are protected.

In 1995-96, mitigation opportunities along the La Plata River were initially assessed between the confluence with the San Juan River in New Mexico and the town of Hesperus, Colorado, a distance of approximately 61 river miles. This information led Reclamation, in 1997, to investigate specific mitigation opportunities in an approximately 8-mile long section of the river corridor between the confluence of Cherry Creek and the Colorado and New Mexico State line (Figure 1). Limited areas within this section of the river corridor have perennial flow, something that is extremely limited on the La Plata River downstream of Hesperus. Riparian land in this river reach was owned either privately or by the SUIT. In this 8-mile section, Reclamation has acquired 3.9 river miles for wetland mitigation actions. All riparian mitigation activities will occur in this 3.9 mile section of the MA unless Reclamation exercises its option as outlined in Section 3.12.

It is important to note that the habitats being mitigated in this Plan include both a limited amount of creek channel (riparian) and wet meadow (wetland) which are lumped together in this document as 'wetland/riparian' when referring to the lands in Ridges Basin and along Basin Creek. The MA on the La Plata River is principally of a riparian habitat type and is referred to as riparian. It is also important to note that the ratio of wetland to riparian habitat in Ridges Basin varies significantly from that found in the MA. Reclamation has chosen to use

wetland/riparian plants as the primary indicators of the functions and values of its riparian mitigation effort. In making this decision, Reclamation relies on the definition of “riparian” as used by the EPA in (USEPA 841-B-01-001 June 2001) which is as follows:

Riparian is a vegetated ecosystem along a water body through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influenced from the adjacent water body. These systems encompass wetlands, uplands, or some combination of these two landforms. They will not in all cases have the characteristics necessary for them to be also classified as wetlands.

Many of the acreages listed below in Table 1 do not meet the riparian definition, but certainly are associated with the river system and may be considered buffer zones. There are 234 acres of true riparian habitat currently within the MA that would likely fall within the 100-year floodplain Table 2 in Section 2.3 (Riparian Plant Communities) show the amount of acres of habitats delineated within the riparian and upland buffer zones.

1.2 Selected Mitigation Area

Based on the information contained in the 1997 investigation, Reclamation and the participating agencies concurred in 2000 that the 3.9-mile section of river corridor could provide ample opportunity to mitigate wetland/riparian impacts of the ALP Project. In 2000, Reclamation began purchasing the Huntington Ranch, which includes the MA, and now has title to the Ranch. The Ranch consists of three separate parcels, two of which encompass portions of the river corridor (Figure 2). The ranch is non-contiguous along the La Plata River with two SUIT owned in-holdings (Figure 2). The past use of the ranch has been livestock grazing, farming and hunting.

Two ranch parcels (tracts II and III) contain the area that comprises the proposed ALP Project riparian portion of the MA¹. The MA contains approximately 1,135 acres of La Plata River valley bottomland (Table 1) and 3.9 miles of the River Corridor.

In the spring of 2001, Reclamation retained Frontier Corporation, USA (Frontier) to assist with the preparation of a wetland/riparian mitigation and monitoring plan for the newly acquired MA.

Frontier, through classifying and delineating wetland/riparian and upland communities created a baseline inventory of existing habitat conditions which determined that 234 acres of wetland/riparian habitat were available within the MA.

The baseline inventory was incorporated into a geographic information system (GIS) database. The database was used to support the assessment of existing habitat conditions, evaluate

¹. As defined in this plan, the entire La Plata River Basin within the Ranch parcels purchased for wetland/riparian mitigation actions is referred to as the MA unless noted differently within the text.

potential mitigation measures, and to help develop monitoring methods and success criteria. Figures 3 and 4 respectively show general habitat types found within the La Plata River's zone of influence and the relative quality of riparian habitat types within the MA. Refer to Table 2 in section 2.3 (Riparian Plant Communities) for a detailed description of the complete inventory of riparian habitat types and the relative quality of those riparian habitat types as well as the associated buffer zones discussed in that section.

Table 1. Acreage of River Valley Bottomland Within the Riparian Portion of the MA.

Mitigation Area	Parcel	River Bottomland Acres	Total Mitigation Area Acres
Tract I	Single Parcel	0	3758
Tract II	Main Parcel	370.6	1003
	Northern Parcel	152.7	
	Western Parcel	0.0	
Tract III	Single Parcel	610.6	1239.5
Total	All	1133.9	6000.5

Figure 1. General site location map for the riparian mitigation study area (MA).

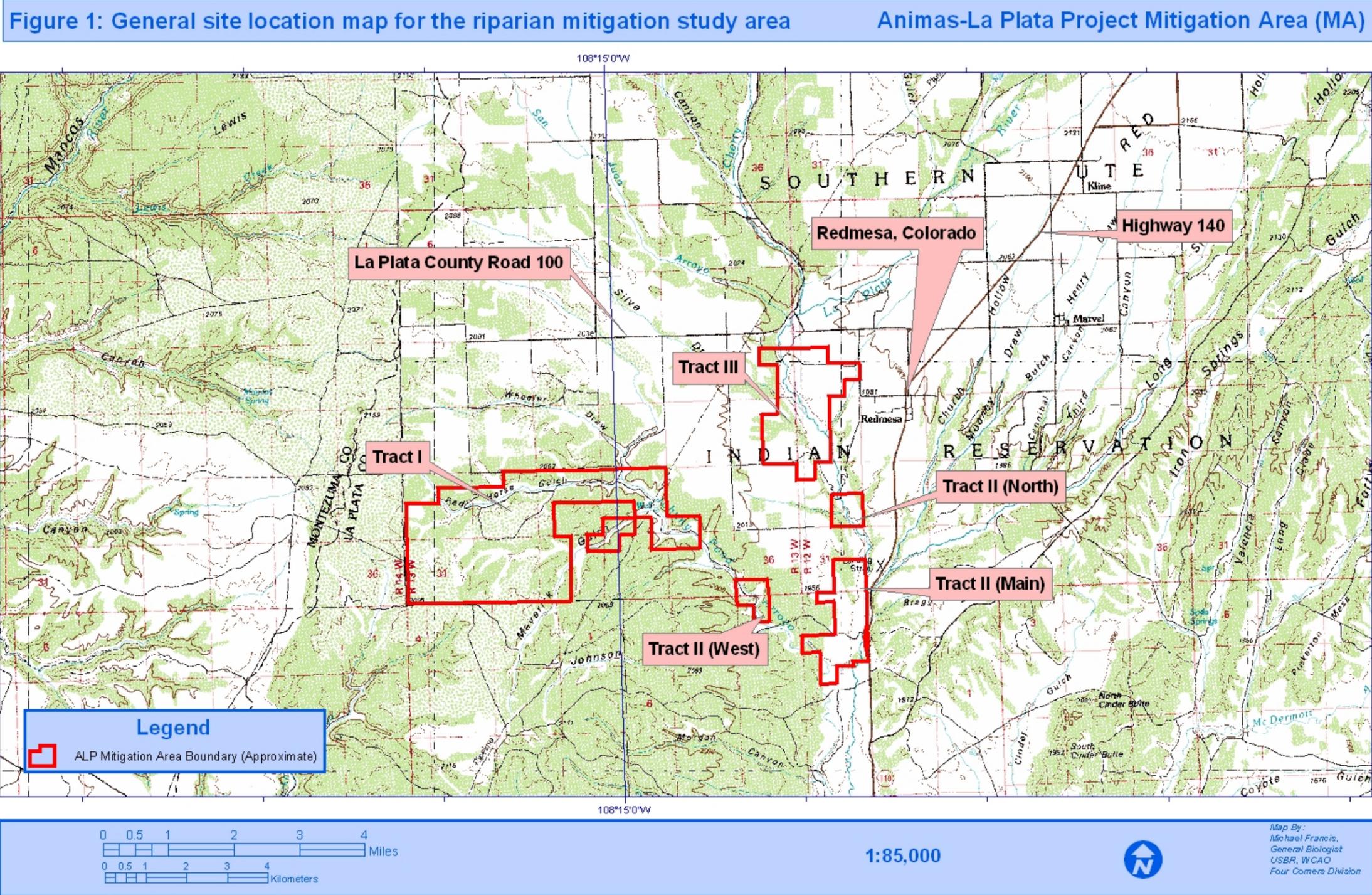


Figure 2. Location for the Riparian Portion of the ALP Project MA.

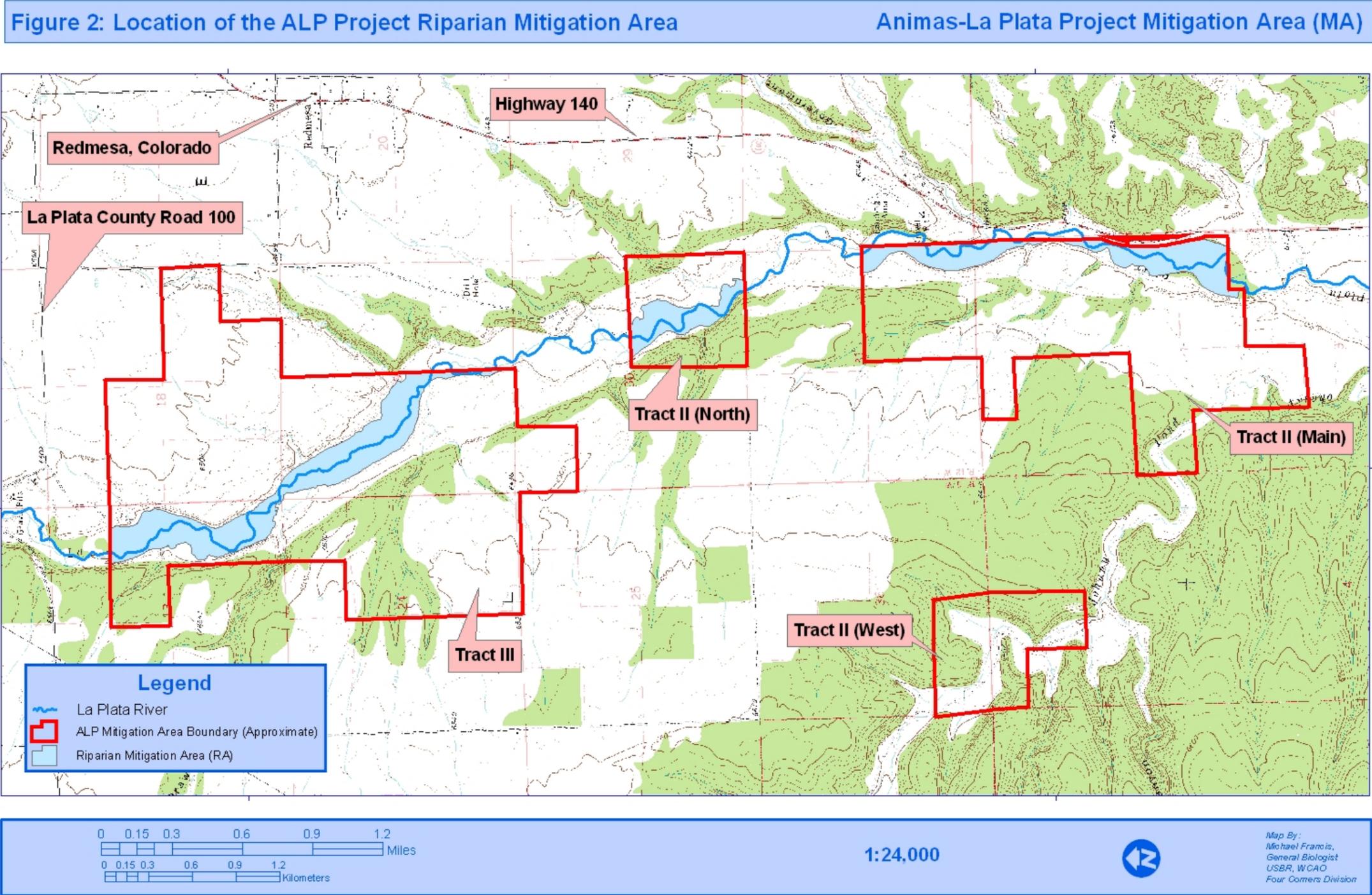


Figure 3a. Baseline habitat map for the Riparian Portion of the ALP Project MA

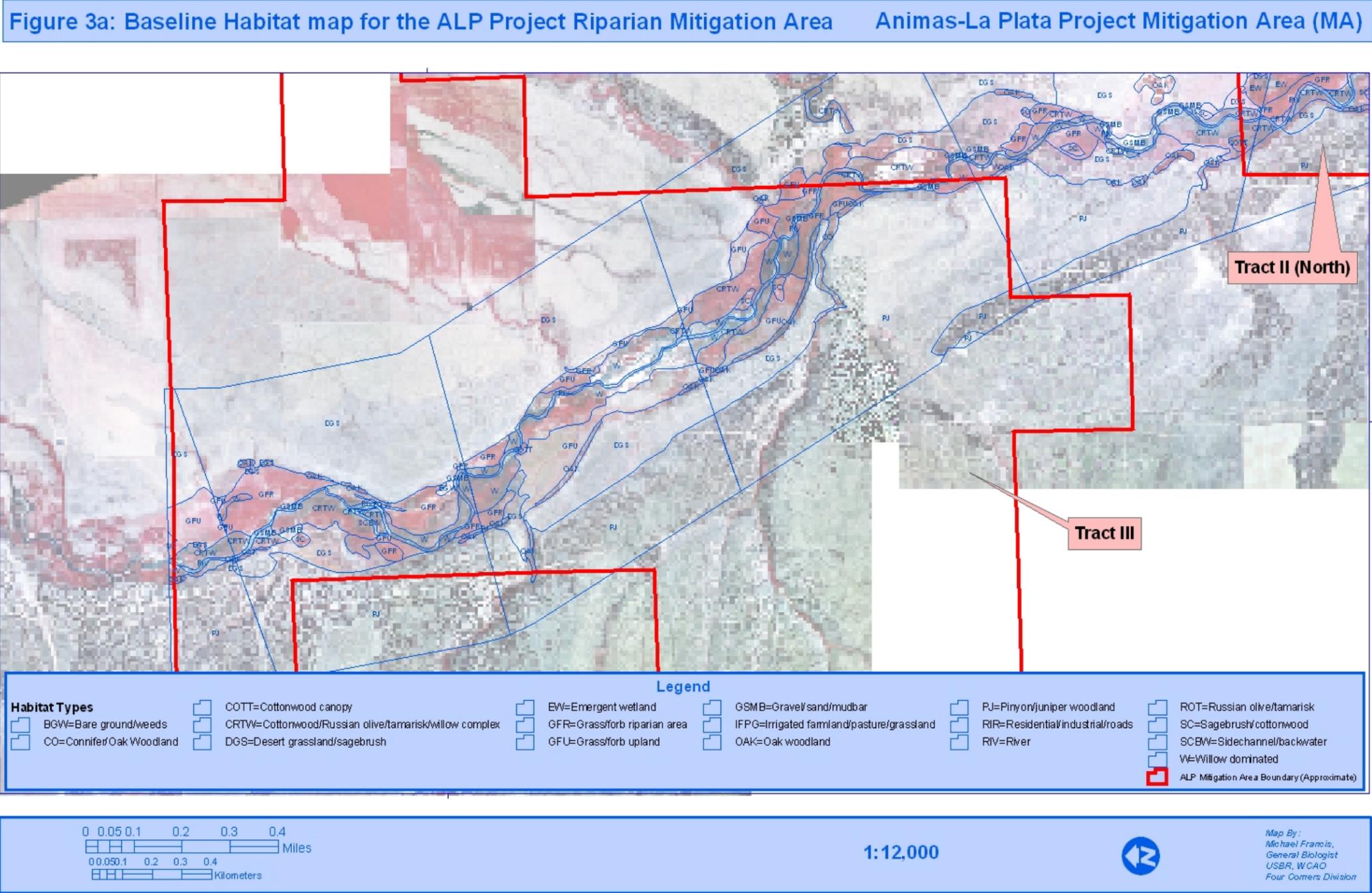


Figure 3b. Baseline habitat map for the Riparian Portion of the ALP Project MA

Figure 3b: Baseline Habitat map for the ALP Project Riparian Mitigation Area Animas-La Plata Project Mitigation Area (MA)

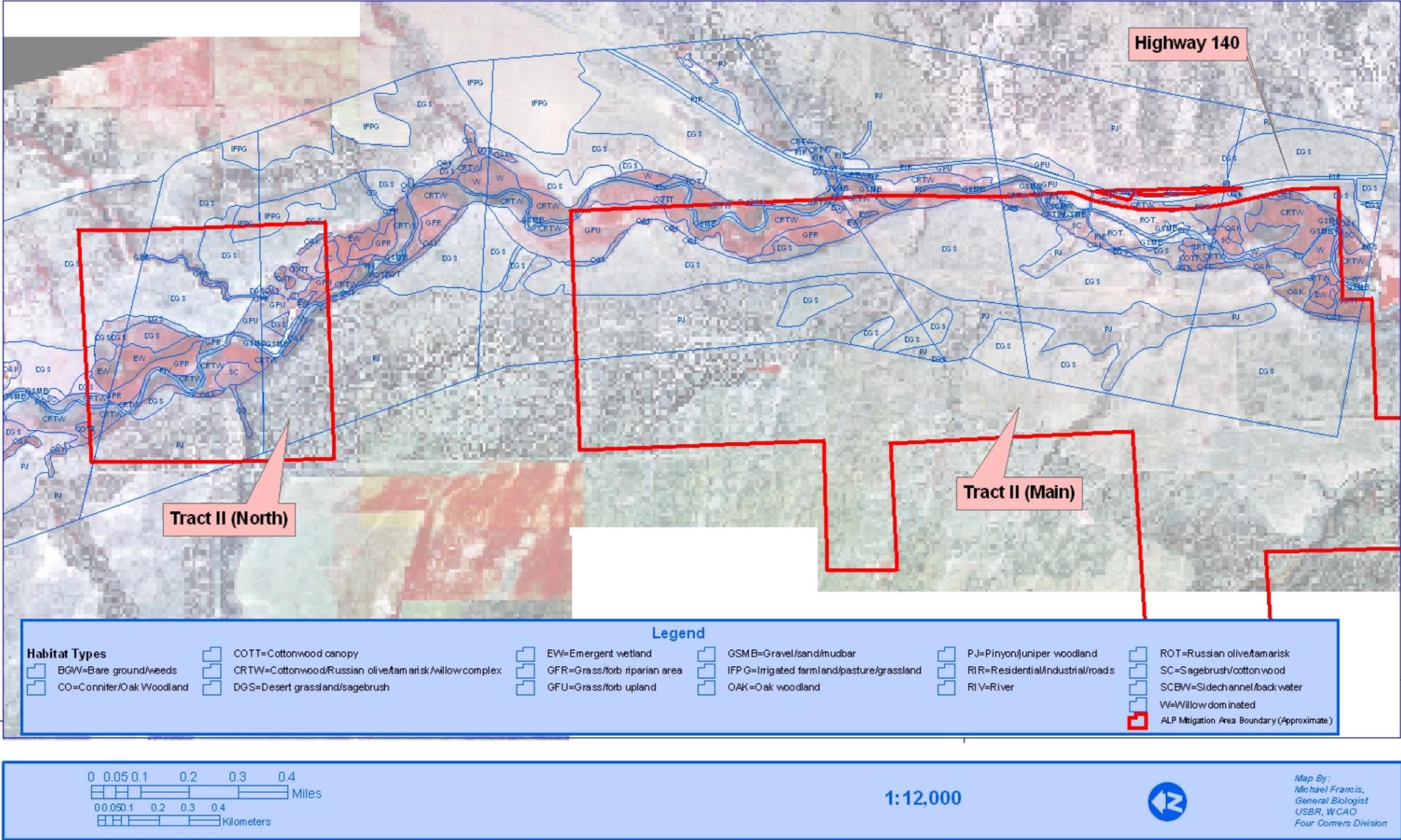


Figure 4a. Riparian mitigation/monitoring map for the La Plata River Corridor.

