

Frequently Asked Questions

Arkansas Valley Conduit, EIS

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Last Updated: August 2012

Background

1. What is NEPA?

The National Environmental Policy Act (NEPA) was passed by Congress in 1969, and represents the most significant piece of environmental legislation enacted in the United States. NEPA provides national policy for federal agencies by governing the decision-making and planning process used to reach significant environmental decisions. Through NEPA, the public is informed and its concerns considered during the decision-making process, and a systematic, interdisciplinary approach is used to consider the environmental impacts of the proposed action.

More information on NEPA is available on the Council on Environmental Quality's NEPA website at: <http://ceq.hss.doe.gov/>.

2. Why is an Environmental Impact Statement (EIS) required?

An EIS is an Environmental Impact Statement, a document that provides public discussion of significant environmental impacts of a proposed action. It describes reasonable alternatives, which would avoid or minimize adverse impacts or enhance quality of the human environment. Because of the potential for significant impacts associated with this project, it was decided that an EIS would be prepared in accordance with the Council on Environmental Quality's NEPA implementing regulations, Department of the Interior NEPA regulation and policy, and Reclamation NEPA policy and procedure.

3. What is the Bureau of Reclamation?

Reclamation is a federal water resource management agency under the Department of the Interior, founded in 1902 by President Teddy Roosevelt. It serves the 17 western United States. Reclamation is the largest wholesale water supplier in the country and the nation's second largest producer of hydroelectric power. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Reclamation is the lead federal agency for this EIS.

The Eastern Colorado Area Office (ECAO) oversees Reclamation's activities in Eastern Colorado from Aspen to the Kansas border, including the Fryingpan-Arkansas Project. The ECAO is overseen by Reclamation's Great Plains Region, which includes the states of Montana, North and South Dakota, Wyoming, Colorado, Nebraska, Kansas, Oklahoma and Texas. Visit our Regional Website at www.usbr.gov/gp. The ECAO is also on-line at www.usbr.gov/gp/ecao.

4. What is the Fryingpan-Arkansas Project?

The Fry-Ark Project is a federal water diversion and storage project authorized by Congress in 1962. It was constructed from 1964-1982. It diverts water from the Fryingpan River basin above Basalt, Colorado near Aspen and delivers it to southeastern Colorado using the Arkansas River as its main delivery conduit. It provides water for a variety of uses including municipal, industrial, and agricultural, hydro-electric power generation and the enhancement of recreation, fish, and wildlife. Currently, it serves over 720,000 people and irrigates about 265,000 acres from Buena Vista to Pueblo and Colorado Springs to Lamar, Colorado.

The Proposed Actions

1. What is the Arkansas Valley Conduit?

The Arkansas Valley Conduit, or “AVC,” is an originally authorized feature of the Fry-Ark project that would transport water about 135 miles east from Pueblo Dam along the lower Arkansas River to near Lamar, Colorado. It was not constructed immediately following Fry-Ark authorization primarily because of the inability of project beneficiaries to repay the costs of construction.

However, in 2009 Congress amended the original Fry-Ark authorization. Public Law 111-11 authorized annual appropriations as necessary for construction of the AVC and included a cost sharing plan with 65% federal and 35% local funding.

2. What is the Long-Term Excess Capacity Master Contract?

This contract would be a long-term contract (up to 40 years) issued by Reclamation to the Southeastern Colorado Water Conservancy District for the storage of non-Fry-Ark Project water in Pueblo Reservoir. The water would be used by several water providers within the Southeastern Colorado Water Conservancy District’s boundaries.

Excess capacity contracts are contracts for entities to store water in Pueblo Reservoir and other Fry-Ark reservoirs at times when reservoir storage space allocated for Fry-Ark Project water would not otherwise be full.

3. Why do an EIS for the Master Contract? What kinds of potential environmental impacts could there be from storing additional water in the reservoir if there is excess capacity?

Water flow in the Arkansas River and Fountain Creek could change from accumulating and releasing water from reservoirs. These changes in flow could in turn affect water quality and aquatic life. Changes in reservoir levels could also affect water quality and aquatic life within the reservoir.

4. Why are the AVC and Master Contract being covered in the same EIS?

There are several reasons why we are combining both proposed actions under one EIS:

- Overlapping geographic scope – both actions would use Fry-Ark reservoirs, and the evaluation of cumulative effects on the Arkansas River and Fry-Ark reservoirs is required by NEPA.
- Overlapping time frames – Southeastern initiated a request for a 40-year long-term excess capacity master contract just as Reclamation was initiating preparation of an EIS for the AVC, which has a 50-year planning horizon.
- Reclamation is the lead federal agency for both actions. Combining related proposed actions under one EIS is allowable per NEPA Regulations (Sec. 1506.4 - Combining documents), which state that “Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork.”

5. How long will the EIS take?

We anticipate it will take about 3 to 3½ years to complete the necessary studies and evaluations for the EIS.

6. Have you already secured the easements for the pipeline?

No, but we have currently identified five possible routes for the pipeline and began surveying those routes in March 2012. Surveying will continue through 2013.

7. Will you have to do land acquisitions for each alternative?

No. We will only secure easements and acquire land (if necessary) for the final, chosen route.

8. Who is participating in the AVC?

At this time there are about 40 municipalities and rural domestic water providers from six counties in southeastern Colorado interested in participating in the AVC. The six counties include Pueblo, Crowley, Bent, Prowers, Kiowa, and Otero.

9. Who is participating in the Master Contract?

The Master Contract would allow municipalities and water conservancy districts from six counties across southeastern Colorado, including Chaffee, Fremont, Pueblo, El Paso, Otero, and Crowley, to store water in Fry-Ark reservoirs when there is excess capacity. All water delivered from the Master Contract would be used within Southeastern Colorado Water Conservancy District boundaries.

Land Surveying

1. What type of land surveying is being done and why?

As part of its EIS preparation, Reclamation is spearheading different studies and research. Some of that work includes three types of land surveying that may require access to private property.

- Aerial photography—performed March 7-31, 2012
- Cultural Resources investigations—began April 20, 2012
- Geotechnical work—began May, 2012
 - Geotechnical work will continue into 2013

2. How do I know if my property will be accessed?

Either Reclamation or a contractor performing work for Reclamation will directly contact property owners to let them know what type of surveying we would like to do on their property and when. Additionally, Reclamation will publicly announce via local media and the Internet the time frames for all survey work.

3. Can work begin on my property without my knowledge or permission?

No. As part of its outreach work, Reclamation and its contracting partners will provide property owners with a letter of explanation and a Right of Way permission form. Neither Reclamation employees nor their contractors can access private property without a signed Right of Way form returned by the private property owner.

4. Who can I contact with questions about accessing my property?

If you have any questions or require additional information about the right of way form or the proposed field activities, please do not hesitate to contact us:

- Signe Snortland, Bureau of Reclamation – 701.221.1278
- Jean Van Pelt, Southeastern Colorado Water Conservancy District – 719.948.2400

For more information on the *aerial photography*, please contact Cory A. Stolsig, Supervisory Land Surveyor at (509) 750-2926 (cell) or (509) 754-0252 (office). Cory is with the Ephrata Field Office, Pacific Northwest Region, Reclamation.

For more information regarding Cultural Resources work please contact Reclamation archaeologist, Signe Snortland at jsnortland@usbr.gov.

For more information on Drill Sampling please contact Reclamation Drill Crew Supervisor Les Stone at (407) 247-7816.

Draft Environmental Impact Statement

1. Doesn't a Draft Environmental Impact Statement have to make a recommendation/name a preferred alternative?

No. Primarily, the National Environmental Policy Act process is a public disclosure of what, if any, related impacts or actions could result from the proposal being examined. While it is true that a *Final* NEPA document will identify a preferred alternative, that is not a requirement of a *Draft* NEPA document.

2. Is it possible to get a hard copy of the Draft EIS?

Yes. Although, it is very large so we are providing it on compact disk. To receive a CD, please send a written request to J. Signe Snortland via mail or e-mail at:

*Bureau of Reclamation
Dakotas Area Office,
PO Box 1017, Bismarck ND 58502
jsnortland@usbr.gov*

3. Do I get to comment on the Draft EIS?

Yes. Reclamation is accepting written public comments on the Draft EIS until October 30, 2012. Or, you can attend the public hearings scheduled from September 24-27, 2012 in Salida, Pueblo, La Junta, and Lamar, Colorado. Check the webpage at www.usbr.gov/avceis for times and locations.

4. Where can I get more general information about the NEPA process?

Reclamation has established a Website which will be updated throughout the AVC's NEPA process. Please visit www.usbr.gov/avceis to learn more.