

RECLAMATION

Managing Water in the West

FONSI No. 2019-03
Project No. 2017-34

Water Service Contract Renewal between the United States and the Town of Estes Park

Environmental Assessment

Finding of No Significant Impact

Approved:  Date: October 21, 2019
Area Manager



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

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Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

FINDING OF NO SIGNIFICANT IMPACT

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR Part 1500-1508), the Bureau of Reclamation has prepared an environmental assessment (EA) for issuing an in-perpetuity 500 acre-feet water repayment contract between the Bureau of Reclamation and the Town of Estes Park. The Final Environmental Assessment analyzes No Action and Proposed Action alternatives.

The Town of Estes Park requested renewal of their existing water service contract (Contract No. 4-07-60-W1075) to continue receiving up to 500 ac-ft of Colorado-Big Thompson (C-BT) Project water per year. Based on the following, Reclamation has determined that the Proposed Action will not result in a significant impact on the human environment.

Background

Reclamation currently provides Estes Park with up to 500 ac-ft of C-BT Project water through Contract No. 4-07-60-W1075, also known as Contract Water, which is described in the original 1938 C-BT Project repayment contract (Contract No. 9-7-70-W0020) between the United States and the Northern Colorado Water Conservancy District (Northern Water). The Contract Water is used to meet a portion of Estes Park's domestic water demands. Contract No. 4-07-60-W1075 will expire on November 23, 2019. Reclamation intends to issue an in-perpetuity repayment contract.

Amendments to the water service contract were executed in 1970, 1976, 1977, and 1994 to reflect changes in Estes Park's water system. These amendments were made to:

- Reflect completion of C-BT Project facilities;
- Reflect completion of the Marys Lake Gatehouse connection;
- Provide for continued use of existing connection at the Estes Powerplant Penstocks;
- Provide for power interference payments for Marys Lake Gatehouse water deliveries;
- Delete requirements to furnish domestic water service to C-BT Project facilities;
- Delete requirements to provide fire protection to C-BT Project facilities; and,
- Delete, amend, and modify the contract to reflect current operational circumstances and contractual developments which have occurred since execution of the original contracts.

Purpose and Need

Reclamation intends to issue an in-perpetuity repayment contract. An in-perpetuity repayment contract addresses reliability, improves operational efficiency, and assists in meeting future water demands as described in Estes Park's 2015 Comprehensive Water Master Plan. Estes Park operates two water treatment plants: Marys Lake Water Treatment Plant (MLWTP) and Glacier Creek Water Treatment Plant (GCWTP).

Estes Park's existing water supplies to MLWTP are insufficient to operate MLWTP on a year-round basis and GCWTP's water supplies are insufficient to meet peak-use season demands. An additional delivery point in Lake Estes will provide added flexibility to meet Estes Park's current and future water demands. By making water exchanges possible, Estes Park can use an expanded GCWTP to meet peak and year-round demands.

Project Alternatives

Proposed Action

Under the Proposed Action, Reclamation and Estes Park would enter into an in-perpetuity water repayment contract. The new water repayment contract would:

- Maintain the existing Marys Lake Gatehouse connection that services MLWTP;
- Remove an Estes Powerplant Penstocks delivery location; and
- Add Lake Estes outlet works as an additional delivery location.

Estes Park would continue to treat the Contract Water at the MLWTP into the near future. Estes Park has also filed for additional water rights on the Big Thompson River that includes a new diversion structure (Big Thompson Intake). Once finalized in Colorado Water Court, Contract Water delivered to Lake Estes could be exchanged to the upstream Big Thompson Intake and treated at GCWTP. The Big Thompson Intake would be approximately 0.9 miles downstream of GCWTP.

A raw water pipeline (GCWTP Pipeline) would be constructed to transport diversions at Big Thompson Intake upstream to GCWTP and parallel an existing distribution finished water pipeline and two-track road maintenance road across lands owned by the Young Men's Christian Association of the Rockies (YMCA). A pump station would also be needed to lift diverted water up to an expanded GCWTP. Estes Park is seeking funding from the Department of Agriculture Rural Development Program grants and long-term, low interest loans for GCWTP expansion and intends to begin construction within the next one to five years.

Once the Big Thompson Intake is constructed, Estes Park proposes to exchange Contract Water currently delivered to MLWTP to the Big Thompson Intake for treatment at GCWTP. Estes Park would also continue to use the existing Glacier Creek Pipeline diversion. Estes Park also intends to exchange C-BT Project and Windy Gap Project shares currently delivered to MLWTP. The exchanges would provide water treatment redundancy and MLWTP could be decommissioned if no longer needed. All exchanges between Lake Estes and Glacier Creek would be administered by the Colorado Division of Water Resources (CDWR) and subject to Colorado water law and Estes Park water rights decrees.

Storage of delivered Contract Water in Lake Estes is not allow under the Proposed Action. However, Reclamation would reserve the right to deliver all or a portion of Contract Water from C-BT Project water already in Lakes Estes when beneficial for C-BT Project operations.

All exchanges of Contract Water from Lake Estes to the Big Thompson Intake could only occur if the existing water service contract is amended and exchanges are administered by CDWR. The amount and timing of exchanges of Contract Water and C-BT Project and Windy Gap Project water would be conditioned on not causing injury to the C-BT Project and subject to appropriated water rights. Construction and operation of the Big Thompson Intake and GCWTP Pipeline, and Contract Water exchanges to the Big Thompson Intake are all included in the Proposed Action.

Expansion of GCWTP and exchanges of C-BT and Windy Gap Project water are considered reasonably foreseeable future actions that could occur independent of the Proposed Action.

No Action

Under the No Action Alternative, Reclamation would administratively renew Estes Park's Contract No. 4-07-60-W1075 for delivery of up to 500 ac-ft per year per the terms of the existing contract for an additional 25 years. It would be updated to include required edits to standard contract articles. There would be no changes to power interference charges for the delivery of Contract Water that bypasses Marys Lake Powerplant. Under the No Action Alternative, the Contract Water would not be available for exchange in Lake Estes to GCWTP.

Consultation and Coordination

Reclamation conducted informal discussions with and/or utilized other Federal, State and local agencies websites to identify issues and concerns associated with renewal of the Town of Estes Park Contract.

On August 15, 2019, Reclamation issued a news release announcing the availability of the Draft EA for public review and comment. The Draft EA was available on Reclamation's website at: https://www.usbr.gov/gp/eca/nepa/estes_park_water.html. Reclamation also sent a news release to 3 media contacts, 8 media groups and 1,635 entities and individuals.

Comments on the draft EA were requested by September 13, 2019. Reclamation received no comments on the draft EA received. After additional internal review, minor edits were made to the draft EA. However, these edits did not change the analysis or predicted environmental effects.

Summary of Environmental Impacts

During the environmental review process, potential effects resulting from the Proposed Action were identified by reviewing existing information and discussions with other federal, state and local agencies. In the Final EA, Reclamation evaluated the environmental consequences associated with implementing No Action or Proposed Action. No unavoidable adverse impacts or irreversible and irretrievable commitment of resources are expected to occur under both the No Action or Proposed Action.

Environmental effects associated with No Action and Proposed Action are summarized below. Cumulative effects associated with reasonably foreseeable future exchanges to GCWTP are also predicted. With implementation of environmental commitments associated with the Proposed Action, predicted changes in streamflow in the Big Thompson River results in negligible to minor effects to the human environment.

Resource	Proposed Action	Cumulative Impacts
Water Resources	-No changes in flows under current operations. Minor decreases in stream flow in Big Thompson River between Big Thompson Intake and Lake Estes during exchanges. -Largest predicted streamflow decreases (5.8% to 7.2% from a 0.7 cfs diversion at Big Thompson Intake) would occur in March prior to spring runoff.	-Negligible decreases in stream flow predicted when exchanges of C-BT Project and Windy Gap Project water between Big Thompson and Lake Estes occur.
Water Rights	-All exchanges would be subject to water right decrees and administered by the State of Colorado.	Same as Proposed Action.
Fish and Wildlife Resources	-No effect under current operations. -Negligible effects to fisheries resources from decreased streamflow in Big Thompson River above Lake Estes during exchanges. -Big Thompson Intake would use a fish friendly design to allow fish passage and minimize fish entrainment. -No effect to fisheries resources downstream of Lake Estes. -Minor, temporary displacement of local wildlife during construction of Big Thompson Intake, GCWTP expansion, and GCWTP Pipeline. No long-term effects predicted.	Same as Proposed Action.
Threatened and Endangered Species	-No effect and there are no new depletions from either Colorado or Platte River basins associated with the Proposed Action.	-Same as Proposed Action.
Water Quality	--No changes in water quality under current operations. -Additional flexibility at GCWTP may result in taste improvements to water delivered at the tap.	-Same and Proposed Action.
Waters of the United States	-No effect to Water of the United States under current operations. Minor discharges associated with construction of the Big Thompson Intake. All permanent discharges associated with construction activities result in loss of less than 1/10 th acre of Water of the United States. -Temporary impacts to lower and upper wet areas during construction of GCWTP Pipeline. -Compliance with NWP 12 would help minimize impacts to a negligible level. -Implementation of BMPs associated with NPDES	-No cumulative impacts anticipated.
Land Use and Recreation	--No changes in land use under current operations.	-No cumulative impacts predicted.

Resource	Proposed Action	Cumulative Impacts
	-Minor temporary impacts to local land uses during construction activities associated with Big Thompson Intake, GCWTP expansion, and GCWTP Pipeline. -Temporary YMCA trail closures along Glacier Creek during construction may be required during construction activities for public safety.	
Visual Resources and Noise	-No impacts to visual resource or increased noise under current operations. -Minor temporary construction related impacts associated with Big Thompson Intake GCWTP expansion and GCWTP Pipeline. -Revegetation of pipeline alignment and associated construction areas would minimize any long-term effects on visual resources.	- Minor temporary impacts associated with GCWTP expansion. -Use of non-reflective materials painted with natural color tones would minimize any potential visual impacts associated with construction and operation of new water treatment facilities at GCWTP.
Air Quality	-No impacts to air quality under current operations. -Implementation of construction BMPs and dust abatement during construction would minimize any temporary impacts.	-No cumulative impact predicted.
Socioeconomics	-Proposed Action intended to assist Estes Park and the Estes Valley in meeting the current and future water service needs of the community.	Same as Proposed Action.
Hydropower	-No additional effects under current operations. -Potential to increase power generation by 0.2% during Contract Water exchanges.	-Potential to increase power generation by 0.4% with Contract Water, C-BT Project, and Windy Gap Project exchanges.
Historic Resources	-No effect to cultural resources under current operations. -Cultural resource inventories would be conducted prior to any ground disturbing activities associated with Big Thompson Intake, GCWTP expansion and GCWTP Pipeline. -Any historic resources eligible for National Register of Historic Places identified during the inventories would be avoided. Any impacts to historic resources would be mitigated as identified during the Section 106 process with the Colorado State Historic Preservation Officer.	Same as Proposed Action.
Indian Trust Assets	No ITAs have been identified that could be affected by the Proposed Action.	
Environmental Justice	No effect.	
Other Resources	No effect.	

Environmental Commitments

The following mitigation measures and environmental commitments measures would be implemented and followed by Estes Park and their contractors. Mitigation measures are intended to minimize or eliminate environmental effects associated with the future construction of the Big Thompson Intake and expansion of the GCWTP.

1. **Colorado-Big Thompson Project Operations:**
 - a. Contract Water deliveries cannot adversely impact Colorado-Big Thompson Project operation and maintenance activities.
 - b. All water must be transported, released and/or exchanged in accordance with Colorado water law.
2. **Future Glacier Creek Water Treatment Plant Expansion:**
 - a. Visual Resources: Future expansion and improvement of Glacier Creek Water Treatment Plant and construction of the Big Thompson Intake shall incorporate the use of natural screening and nonreflective natural colors in each feature's design.
 - b. Cultural Resources: To mitigate any potential impacts to historic resources associated with Contract Water exchanges from Lake Estes to the Big Thompson Intake, Estes Park shall complete and submit to Reclamation, cultural resource inventories prior to construction of the Big Thompson Intake and Glacier Creek Water Treatment Plant Pipeline. All cultural resource inventories shall include a Class III surveys of potential disturbances within construction footprint, staging areas, and borrow/disposal sites. Estes Park shall coordinate inventories with Reclamation archaeologist and all contracted Cultural Resource professional must hold valid permits issued by the state of Colorado. More information on permit and inventory requirements can be found at: <https://www.historycolorado.org/archaeology-and-paleontology-law-permits>.

Once cultural resource inventories are completed, Reclamation shall determine if any sites eligible to the National Register of Historic Places and complete the National Historic Preservation Act Section 106 consultation process with the Colorado State Historical Preservation Office. In the event historic resources are identified and would be adversely affected by the Proposed Action, mitigation measures shall be developed and implemented pursuant to a Memorandum of Agreement (MOA) between Reclamation, Colorado State Historical Preservation Office, and the Town of Estes Park. Reclamation shall also invite the Advisory Council on Historic Preservation and any eligible local historic preservation entity to participate in development of the MOA.

In the unlikely event that historic resources are encountered during all ground disturbing construction activities, all construction related activities shall be stopped and Reclamation notified. Reclamation shall evaluate the discovery and complete the National Historic Preservation Act 106 consultation process and implement protective measures as appropriate, prior to resuming ground disturbing construction activities.

- c. Clean Water Act 404 Compliance: Estes Park shall consult with the Army Corps of Engineers if construction of facilities necessary to use the Contract Water requires Clean Water Act Section 404 compliance, which may include obtaining a 404 permit.