

RECLAMATION

Managing Water in the West

FONSI No. EC-2013-002

Summit County Board of Commissioners, Town of Dillon, and Town of Silverthorne Green Mountain Reservoir Water Service Contracts, Colorado-Big Thompson Project

Finding of No Significant Impact

Approved



Area Manager

Date

3/22/2015



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

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INTRODUCTION

The Bureau of Reclamation (Reclamation) is proposing to issue Green Mountain Reservoir (GMR) water service contracts to Summit County Board of Commissioners, Town of Dillon, and Town of Silverthorne (collectively referred to as the Applicants). This Finding of No Significant Impact (FONSI) has been prepared to document the environmental review and evaluation of the Proposed Action in compliance with the National Environmental Policy Act of 1969 (NEPA), as amended.

BACKGROUND

Due to drought conditions in early 2002 and the resulting water shortage situation, Reclamation now requires that each new GMR contractor obtain an additional viable alternative source contract from a source of water upstream of the confluence of the Colorado and Gunnison Rivers within the Colorado River Basin other than GMR that can be used when contract water may not be available from GMR. The alternative source contract(s) would be executed for an equal quantity of water as contracted from GMR but from a second location. The water provided through the alternative source contract(s) would be used at the discretion of Reclamation and would allow Reclamation to supplement water released from GMR.

PREFERRED ALTERNATIVE

Reclamation evaluated the effects of two alternatives, including the No Action Alternative and the Proposed Action Alternative, and has selected the latter as the Preferred Alternative. Under this alternative, Reclamation would enter into water service contracts with the Applicants that would total 413 acre-feet for municipal and industrial purposes in unincorporated areas of Summit County and within municipal boundaries of the towns of Dillon and Silverthorne. This contract water would allow out-of-priority diversions from Salt Lick Gulch and storage in Old Dillon Reservoir, including when GMR storage and power rights are calling. Salt Lick Gulch is a tributary to the Blue River. The water exchanged to storage in Old Dillon Reservoir would be considered to be fully consumable. Releases out of Old Dillon Reservoir for augmentation purposes would be made into Salt Lick Gulch or into Dillon Reservoir.

Due to drought conditions in early 2002 and the resulting water shortage situation, Reclamation also requires that each new GMR contractor obtain an additional viable alternative source contract from a source of water upstream of the confluence of the Colorado and Gunnison Rivers within the Colorado River Basin other than GMR that can be used when contract water may not be available from GMR. The alternative source contract(s) would be executed for an equal quantity of water as contracted from GMR but from a second location. The water provided through the alternative source contract(s) would be used at the discretion of Reclamation and would allow Reclamation to supplement water released from GMR. The Applicants identified Wolford Mountain Reservoir for their alternative water source. Wolford Mountain Reservoir is located on Muddy Creek in Grand County, Colorado and is owned and operated by the Colorado River Water Conservation District to provide water storage benefits to both the Western Colorado and the Eastern Slope users.

FINDINGS

Reclamation has determined that implementing the Proposed Action Alternative analyzed in the Summit County Board of Commissioners, Town of Dillon, and Town of Silverthorne Green Mountain Water Service Contracts, Colorado-Big Thompson Project Environmental Assessment (EA) will not have a significant impact on the quality of the human environment and that an environmental impact statement is not required. This decision was based on a thorough review of the EA, which tiers to the 2009 Old Dillon Reservoir Enlargement Environmental Assessment (USFS 2009), the Rock Creek/Muddy Creek Reservoir Final Environmental Impact Statement (USDI-BLM 1990), and the Green Mountain Reservoir, Colorado Water Marketing Program Final Supplement to the Final Environmental Statement (USDI-BOR 1988). This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), as amended, and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508).

DECISION

Reclamation has decided to implement the Proposed Action Alternative as described in the EA. This proposes to allow the Applicants to utilize GMR water by exchange under the conditions of water service contracts. This would not affect normal operations of the Colorado-Big Thompson Project and would protect environmental resources discussed in the EA (i.e. recreation; water rights; water resources, socioeconomics; cultural resources; wetlands and vegetation; wildlife resources; threatened, endangered, and sensitive species).

REASONS FOR THE DECISION

A finding of no significant impact is based on the following:

1. Entering into water service contracts with the Applicants would not have a significant negative effect on the quality of the human environment (40 CFR 1502.3). It is expected that providing for a more reliable water source for communities served by the Applicants would be a beneficial effect within the service area.
2. Entering into water service contracts with the Applicants would not have highly controversial effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215). The Green Mountain Reservoir, Colorado Water Marketing Program Final Supplement to the Final Environmental Statement (GMR FSFES) (USDI-BOR 1988) analyzed the impacts of full sales or exchange of 22,800 ac-ft from GMR with maintenance of instream flow values for the protection of the natural environment. This proposed action for contracting of 413 ac-ft is within the scope of the sales or exchanges analyzed in the GMR FSFES. There are no highly controversial effects or unresolved conflicts concerning alternative uses of available resources.
3. Entering into water service contracts with the Applicants would not have significant adverse effects on public health or safety (43 CFR 46.215(a)). It is expected that providing for a more reliable water source for communities served by the Applicants would be a beneficial effect within the service area.

4. Since the proposed action would require no ground-disturbing activities, it would not have significant impacts on such resources and unique geographical characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers, national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. The Applicants have already agreed to comply with all requirements of Section 404 of the Clean Water Act and have received a Section 404 permit (SPK-2009-01267) for the Old Dillon Reservoir Enlargement Project. The Old Dillon Reservoir Enlargement Project was analyzed by the U.S. Forest Service (USFS) in the 2009 Old Dillon Reservoir Enlargement Environmental Assessment (ODRE EA) and the 2010 Old Dillon Reservoir Decision Notice/Finding of No Significant Impact (DN/FONSI), which includes wetland mitigation commitments.
5. Entering into water service contracts with the Applicants would not have highly uncertain environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)). The GMR FSFES analyzed the impacts of full sales or exchange of 22,800 ac-ft from GMR with maintenance of in-stream flow values for the protection of the natural environment. Water operations involving the alternative source contract(s) out of Wolford Mountain Reservoir, including releases from Wolford Mountain Reservoir as substitution for water stored in GMR, were analyzed in the Rock Creek/Muddy Creek Reservoir Final Environmental Impact Statement (USDI-BLM 1990). The effects from both of these projects were not considered highly uncertain or involving unique or unknown environmental risks.
6. Entering into water service contracts with the Applicants would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215(e)). The proposed contract could potentially cause depletions to the Blue River downstream of Dillon Reservoir. The GMR FSFES analyzed depletions to the Blue River below Dillon Reservoir resulting from the water service contracting program. The GMR FSFES defers site-specific effects of water use until a water service contract is executed. Specifically, site-specific impacts may include other streams within the drainage sub-basin. The reach of Blue River affected by the proposed contract's augmentation activity has Colorado Water Conservation Board instream flow decrees. A condition would be included in the water service contracts to protect the specific existing instream flow decrees as described in Exhibit A. The proposed action would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
7. Entering into water service contracts with the Applicants would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office (43 CFR 46.215 (g)). On August 24, 1998, Reclamation, the Colorado State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation signed a Programmatic Agreement under 36 CFR, 800.13 (51 FR 31118, 9/2/86) on the Ruedi and GMR water marketing programs. The programmatic agreement defines the area of potential effect for this contract as the area from the point of diversion to the water treatment facility. This action is defined as an undertaking meeting the stipulations in the Programmatic Agreement, therefore needing no further review. However, since there is site-specific construction (Old Dillon

Reservoir Enlargement Project) within the area of potential effect, the USFS completed a cultural resource investigation Section 106 compliance for the Old Dillon Reservoir Enlargement Project under the ODRE EA and received SHPO concurrence of “No Historic Properties affected” for this project dated March 6, 2009. This action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007, 43 CFR 43.215 (k)). Entering into water service contracts with the Applicants would not affect Indian Trust Assets.

8. No further ESA consultation is required for the proposed contracts for the endangered fish species Colorado pikeminnow, razorback sucker, humpback chub, and bonytailed chub. The PBO issued to Reclamation in 1999 by the U.S. Fish and Wildlife Service which addressed the effects of all Federal and non-Federal depletions from the 15-Mile Reach, considered all existing and future operations and depletions from GMR, provided mitigation for a portion of the adverse impacts. The Proposed Action Alternative is not expected to result in impacts greater than those analyzed in the PBO.
9. A Biological Assessment was completed for site-specific effects of the Old Dillon Enlargement project depletions. It found that the four listed fish species may likely be adversely affected. The USFS consulted with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. Their signature on the Upper Colorado River Recovery Agreement, along with paying a fee for depletions, provides assurance that the implementation of the PBO will avoid the likelihood of jeopardy for depletion impacts from the Old Dillon Reservoir Enlargement project.
10. This action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898, CFR 43.215 (j)). The proposal is expected to have the beneficial effect of a more secure source of water on the communities served by the Applicants.
11. No ground disturbing actions would occur under the proposed action, thus this action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, E.O. 13112, and 43 CFR 46.215 (l)).
12. There would be no cumulative impacts from related actions that have not been addressed in the GMR FSFES. The GMR FSFES analyzed the effects of water depletions on the Blue River, Fraser River drainage, Eagle River drainage, and Colorado River from all anticipated water sales.

SUMMARY OF ENVIRONMENTAL IMPACTS

The environmental analysis focused on the resources mentioned above. The environmental analysis indicates that there will be no significant anticipated impacts to any of the resources analyzed in the EA, as well as no significant adverse cumulative impacts.

EXHIBIT A

Instream Flow Water Rights

Case Number	Stream	County	Upper Terminus	Lower Terminus	Length (miles)	USGS Quad	Amount (dates) (CFS)	Appropriation Date
5-87CW293	Blue River	Summit	conflu Straight Creek in SE SE S12 T5S R78W 6PM	conflu Willow Creek in NE NW S1 T5S R78W 6PM	2	Dillon	55 (05/1 - 07/31) 52 (08/1 - 09/30) 50 (10/1 - 04/30)	10/2/1987
5-87CW295	Blue River	Summit	conflu Willow Creek in NE NW S1 T5S R78W 6PM	conflu Rock Creek in NW NE S9 T4S R78W 6PM	6.2	Dillon/Willow Lakes	75 (04/1 - 09/30) 58 (10/1 - 03/31)	10/2/1987
5-87CW296	Blue River	Summit	conflu Rock Creek in NW NE S9 T4S R78W 6PM	conflu Boulder Creek in NE NW S4 T4SR78W 6PM	1.6	Willow Lakes	90 (04/1 - 04/30) 115 (05/1 - 08/31) 90 (09/1 - 09/30) 78 (10/1 - 10/31) 67 (11/1 - 03/31)	10/2/1987
5-05CW264B*	Blue River	Summit	conflu Boulder Creek in NE NW S4 T4SR78W 6PM	conflu Slate Creek in NE NE S19 T3S R78W 6PM	4.2	Willow Lakes	8.5 (05/1 - 10/31)	5/23/1904
5-87CW297	Blue River	Summit	conflu Boulder Creek in NE NW S4 T4SR78W 6PM	conflu Slate Creek in NE NE S19 T3S R78W 6PM	4.2	Willow Lakes	78 (03/1 - 03/31) 90 (04/1 - 04/30) 125 (05/1 - 08/31) 90 (09/1 - 10/31) 70 (11/1 - 02/29)	10/2/1987
5-05CW264C*	Blue River	Summit	conflu Slate Creek in NE NE S19 T3S R78W 6PM	inlet Green Mountain Reservoir in SE NW S34 T2S R79W 6PM	6.9	Squaw Creek	0.5 (05/1 - 10/31)	5/23/1904
5-87CW298	Blue River	Summit	conflu Slate Creek in NE NE S19 T3S R78W 6PM	inlet Green Mountain Reservoir in SE NW S34 T2S R79W 6PM	6.9	Willow Lakes	125 (05/1 - 09/30) 90 (10/1 - 11/30) 85 (12/1 - 2/29) 90 (03/1) - 04/30)	10/2/1987

* Donated/Acquired Water Right