

RECLAMATION

Managing Water in the West

FONSI No. EC-1300-13-003

Ruedi Reservoir Round II Water Marketing Program – Repayment Contracts for 19,585.5 Acre-Feet, Ruedi Dam and Reservoir, Fryingpan-Arkansas Project, Colorado

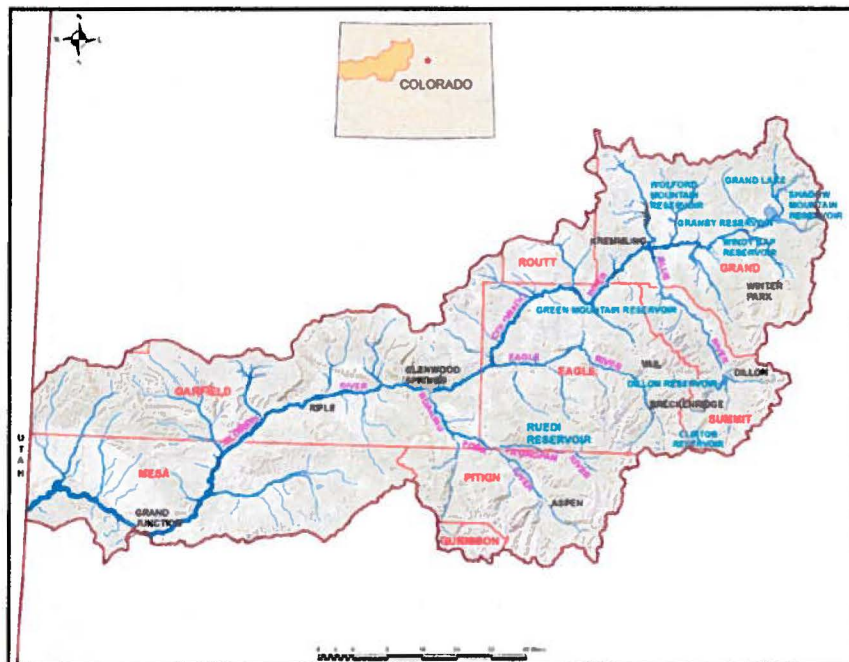
Finding of No Significant Impact

Approved: _____

Michael P. Collins, Area Manager

7/25/2013

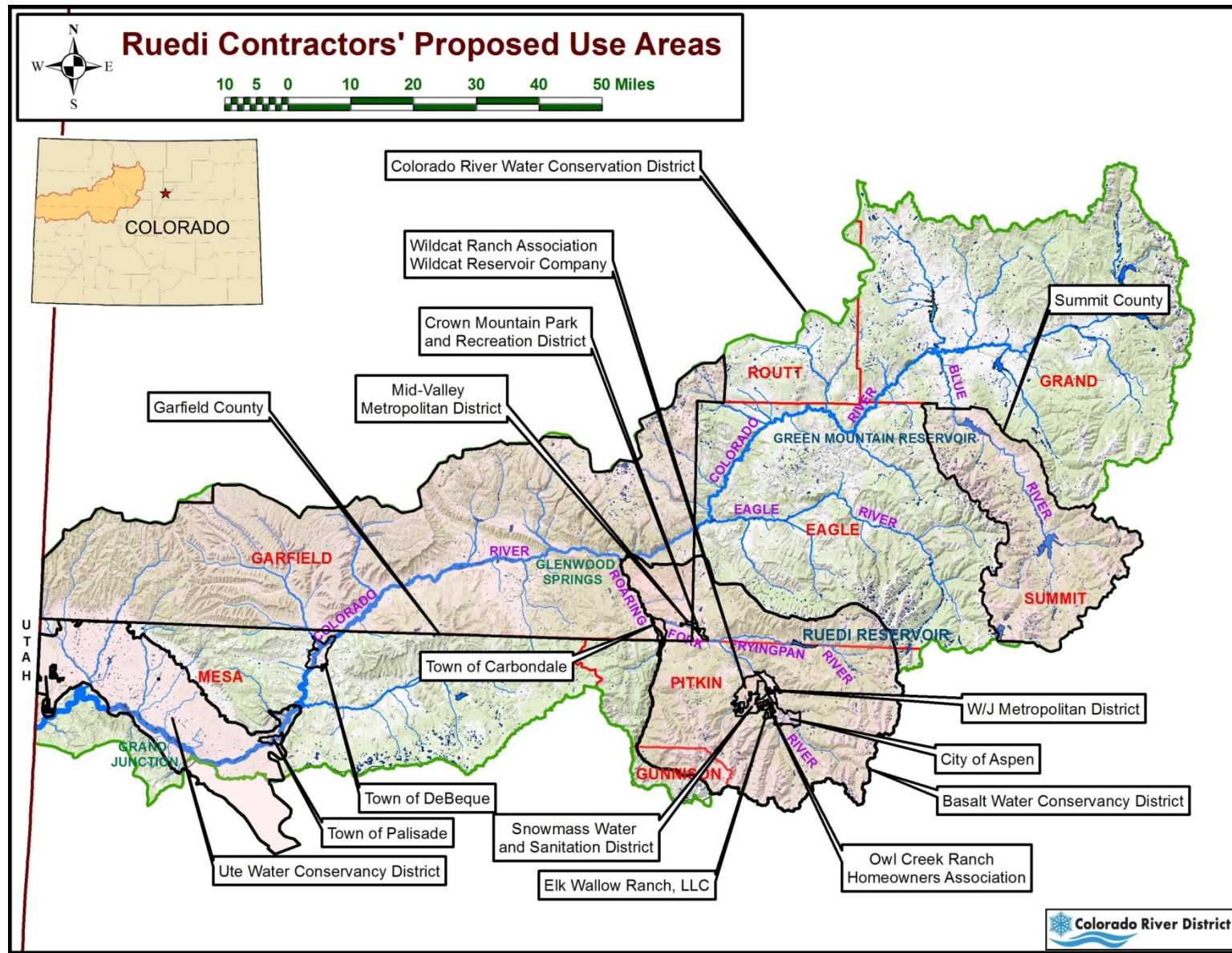
Date



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

July 2013

FIGURE 1. RUEDI CONTRACTORS' PROPOSED USE AREAS



INTRODUCTION

This Finding of No Significant Impact has been prepared to document the environmental review and evaluation of the proposed action in compliance with the National Environmental Policy Act of 1969, as amended. Based on the following finding, the Bureau of Reclamation (Reclamation) has determined that the implementation of Ruedi Reservoir Round II repayment contracts (contracts) with seventeen West Slope water users (contractors) (see Table 1) and the administrative action to amend 31 existing Ruedi Round I and II contracts (see Table 2) would not result in a significant impact to the human environment, or natural or cultural resources that were not already analyzed in the Final Record of Decision for Ruedi Reservoir Round II Water Marketing Program Final Supplement to the Environmental Statement (RRII FSES). The Ruedi Reservoir Round II Water Marketing Program – Repayment Contracts for 19,585.5 Acre-Feet Environmental Assessment tiers to the RRII FSES.

TABLE 1. PROPOSED ACTION SUMMARY TABLE

Requestor + Type of Use: (augmentation, exchange, alternative source or replacement, and/or direct use without augmentation plan)	Quantity (acre- feet)	Proposed Contract Use (municipal/industrial (M&I) and/or irrigation for commercial agriculture (AG))	Year of Requested First Delivery
City of Aspen (augmentation/exchange)	400	M&I	2013
Basalt Water Conservancy District (augmentation/exchange)	300	M&I	2013
Town of Carbondale (augmentation/exchange/ direct use without augmentation plan – not to exceed 10 AF/year in conjunction with the operation and re-development of the Town's Gateway Park)	250	M&I	2013
Colorado River Water Conservation District (augmentation/exchange/ occasional short-term direct use without augmentation plan/alternative source or replacement)	4,683.5	M&I, AG	2013
Crown Mountain Park and Recreation District (augmentation)	62	M&I	2013
Town of Debeque (augmentation/exchange)	25	M&I	2015

Requestor + Type of Use: (augmentation, exchange, alternative source or replacement, and/or direct use without augmentation plan)	Quantity (acre- feet)	Proposed Contract Use (municipal/industrial (M&I) and/or irrigation for commercial agriculture (AG))	Year of Requested First Delivery
Elk Wallow Ranch (augmentation/exchange)	30	M&I, AG	2013
Garfield County (augmentation/exchange)	400	M&I	2013
Mid Valley Metropolitan District (augmentation)	100	M&I	2013
Owl Creek Ranch Homeowners' Association (augmentation/exchange)	15	M&I, AG	Upon court approval of aug. plan
Town of Palisade (augmentation/exchange)	200	M&I	2013
Snowmass Water & Sanitation District (augmentation/exchange)	500	M&I	2013
Board of County Commissioners of the County of Summit (alternative source)	330	M&I	2013
Ute Water Conservancy District (augmentation/exchange/direct use without augmentation plan)	12,000	M&I	2013
W/J Metropolitan District (augmentation)	100	M&I	2015
Wildcat Ranch Association (augmentation/exchange)	50	M&I, AG	2013
Wildcat Reservoir Company (augmentation/exchange)	140	M&I, AG	2013
Total Proposed Contracts: 19,585.5 acre-feet			

TABLE 2. EXISTING RUEDI ROUND I AND II CONTRACTS TO BE AMENDED

Ruedi Round	Existing Contractor	Contract Number
I	Basalt Water Conservancy District	2-07-70-W0546
I	Battlement Mesa	2-07-70-W0545
I	Exxon Mobil Corporation	2-07-70-W0544
I	West Divide Water Conservancy District	2-07-70-W0547
II	Basalt Water Conservancy District	009D6C0014
II	Basalt Water Conservancy District	039F6C0012
II	City of Glenwood Springs	6-07-60-W0503
II	City of Rifle	119D6C0042
II	City of Rifle	119D6C0074
II	Colorado River Water Conservation District Acting By	009D6C0111

Ruedi Round	Existing Contractor	Contract Number
	And Through Its Colorado River Water Projects Enterprise	
II	Colorado River Water Conservation District Acting By And Through Its Colorado River Water Projects Enterprise	009D6C0118
II	Colorado River Water Conservation District Acting By And Through Its Colorado River Water Projects Enterprise	039F6C0011
II	Colorado River Water Conservation District Acting By And Through Its Colorado River Water Projects Enterprise	079D6C0106
II	Crown Mountain Park and Recreation District	079F6C0052
II	Mid-Valley Metropolitan District	9-07-60-W0847
II	Owl Creek Meadows, LLC	009E6C0147
II	Ruedi Water and Power Authority	009D6C0130
II	Starwood Metropolitan District	009D6C0001
II	Ted L. and Hilda M. Vaughan	039F6C0026
II	Thomas H. Bailey	009D6C0037
II	Town of Basalt	9-07-60-W0814
II	Town of Basalt	9-07-60-W0815
II	Town of Carbondale	009D6C0016
II	Town of DeBeque	029F6C0128
II	Town of New Castle, Colorado Water and Sewer Enterprise	009E6C0129
II	Town of Parachute	009D6C0032
II	Town of Silt	009D6C0147
II	Town of Silt	009D6C0149
II	West Divide Water Conservancy District	039F6C0025
II	Westbank Ranch Homeowners Association	6-07-70-W0499
II	Wildcat Ranch Association	009D6C0061

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 individual repayment contracts with the 17 contractors for 19,585.5 acre-feet of water from Ruedi Reservoir (Table 1). The water would be used within each contractors' proposed use area, primarily within the watershed of the mainstem of the Upper Colorado River to the confluence with the Gunnison River, and along the Colorado River to the state line (Figure 1). In addition, Reclamation would complete an administrative action to amend 31 existing Ruedi Round I and II contracts which allow for the delivery of water from Ruedi Reservoir by removing the expiration date to confirm their status as perpetual repayment contracts (Table 2).

FINDING

In the attached Environmental Assessment, Reclamation evaluated the environmental consequences associated with implementing the Proposed Action Alternative. The following specific findings were ascertained:

1. There would be no change in effects between No Action and the Proposed Action as a result of the administrative action of amending the 31 existing Round I and II contracts.
2. There are no impacts expected to air quality, noise, transportation, floodplains, wetlands, water quality, river physical properties, cultural resources, Indian trust assets, visual resources or farmland as a result of the issuance of the proposed contracts.
3. The expected direct and indirect impacts to Ruedi Reservoir operations, threatened and endangered species, other aquatic resources, recreation, socioeconomics, and hydroelectric production are not expected to be greater than those evaluated in the RRII FSES or the Programmatic Biological Opinion (PBO).
 - a. The 19,585.5 ac-ft being considered for release with the proposed contracts would be expected to cause hydrologic changes that would be within the Operating Principals resulting in no impacts to the operation of Ruedi Reservoir.
 - b. As stated in the PBO, no further ESA consultation is required for the proposed contract for the endangered fish species: bonytail (*Gila elegans*), humpback chub (*Gila cypha*), Colorado pikeminnow (*Ptychocheilus lucius*), and razorback sucker (*Xyrauchen texanus*). The PBO issued to Reclamation in 1999 by the U.S. Fish and Wildlife Service addressed the effects of all Federal and non-Federal depletions from the 15-Mile Reach, considered all existing and future operations and depletions from Ruedi, and 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.
 - c. Issuance of the proposed contracts is anticipated to have various impacts to aquatic resources, recreation, socioeconomics compared to current conditions, none of which exceed those evaluated in the RRII FSES.
 - d. There would be no disproportionately high and adverse human health or environmental effects on minority and low-income populations.
 - e. The 19,585.5 ac-ft being considered for release with the issuance of the proposed contracts could be used for power generation, because Aspen's FERC license affords them the opportunity to use any releases made from Ruedi Reservoir. Any release made from Ruedi within the capacity of the power plant is considered a benefit to Aspen.
4. The expected cumulative impacts to Ruedi Reservoir operations, threatened and endangered species, other aquatic resources, recreation, socioeconomics, and hydroelectric production are not expected to be greater than those evaluated in the RRII FSES or the PBO.

DECISION

Reclamation has decided to implement the Proposed Action Alternative as described in the EA. This proposes to allow Reclamation to enter into individual repayment contracts with 17 contractors (Table 1), allowing them to utilize the marketable pool of Ruedi water under the conditions of water repayment contracts. This would not affect normal operations of the Fryingpan-Arkansas Project. In addition, Reclamation would complete an administrative action to amend 31 existing Ruedi Round I and II contracts (Table 2) by removing the expiration date to confirm their status as perpetual repayment contracts.

ENVIRONMENTAL COMMITMENTS

Water released through the contracts would be delivered according to the Operating Principles established for Ruedi.

The contracts would contain a shortage provision recognizing that the contract can be satisfied only when the water is available consistent with the Operating Principles.

The proposed contracts would include the following stipulation or, where applicable, stipulate that contractors agree to include the following language in contracts with third parties: “Section 404 of the Clean Water Act (33 U.S.C. 1344) regulates the discharge of dredged or fill material into waters of the United States. Contractors shall consult with the Army Corps of Engineers if construction of facilities necessary to use the contracted water requires Section 404 compliance, which may include obtaining a permit. Further consultation and approval by the United States Fish and Wildlife Service may be required to ensure compliance with the Endangered Species Act (16 U.S.C. §1531, et seq.) if Contractors propose physical alterations to designated critical habitat of the Colorado River endangered fish species. As of June 2013, designated critical habitat exists from the Colorado State Highway 13 Road Bridge Crossing of the Colorado River in Rifle downstream to the Colorado state line.”