

RECLAMATION

Managing Water in the West

Finding of No Significant Impact for Bonny Resource Management Plan and Environmental Assessment



January 2019


United States Department of the Interior
Bureau of Reclamation
Great Plains Region
Nebraska-Kansas Area Office


LEFT BLANK INTENTIONALLY

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
NEBRASKA-KANSAS AREA OFFICE
MCCOOK, NEBRASKA

FINDING OF NO SIGNIFICANT IMPACT
OF
FINAL ENVIRONMENTAL ASSESSMENT
FOR
BONNY RESOURCE MANAGEMENT PLAN

RECOMMENDED:  DATE: 1/31/2019
JEANETTE TIMM
NATURAL RESOURCE SPECIALIST

CONCUR:  DATE: 1/31/2019
MARLA SIMPSON
SUPERVISORY PROGRAMS MANAGER

APPROVED:  DATE: 1/31/2019
AARON M. THOMPSON
AREA MANAGER
NEBRASKA-KANSAS AREA OFFICE

Mission Statements

Department of the Interior

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian tribes and our commitments to island communities.

Bureau of Reclamation

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.

Colorado Parks and Wildlife

The mission of Colorado Parks and Wildlife is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

FINDING OF NO SIGNIFICANT IMPACT

Bonny Resource Management Plan Pick-Sloan Missouri Basin Program Armel Unit

In accordance with the National Environmental Policy Act of 1969, as amended, and the Council of Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR Part 1500-1508), the Bureau of Reclamation (Reclamation), in coordination with managing partner Colorado Parks and Wildlife, has prepared an environmental assessment for revisions to the 1985 Resource Management Plan (RMP) for Bonny Project lands in Yuma County, Colorado.

BACKGROUND

This Finding of No Significant Impact (FONSI) described Reclamation's environmental conclusions regarding a proposal to implement a revised RMP for natural resources at Bonny. Environmental effects of three alternatives, including a no action, were evaluated under the provisions of the National Environmental Policy Act (NEPA) and are documented in the Bonny RMP/Environmental Assessment (RMP/EA). The RMP/EA is programmatic and contains: 1) activities that will require further NEPA prior to implementation; and 2) activities that can be implemented without further NEPA.

PURPOSE AND NEED

The purpose of the RMP is to establish a long-term management framework for the conservation, protection, enhancement, development, and use of the physical and biological resources at Bonny. Water operations are not within the scope of the study.

The RMP is needed to:

- Identify long-term management goals and objectives for managing natural resources on 7,229 acres of Federal property;
- Identify new management objectives for the reservoir bottomlands to benefit fish and wildlife resources;
- Determine the desired future condition for Bonny federal lands;
- Provide decision makers with consistent direction and guidance to successfully manage the resources and to protect project facilities of Bonny Dam and surrounding lands;
- Ensure that management of the natural and recreational resources is compatible with authorized purposes of Reclamation's Armel Unit of the Pick-Sloan Missouri Basin Program;
- Serve as a management tool for Reclamation, and other managing agencies, that outlines resources, policies, and actions that will guide the agency for long term management.

ALTERNATIVES CONSIDERED

Three alternatives were considered in detail: The No Action Alternative based on the 1985 management plan that divides the project area between park management, wildlife management and Reclamation

operation and maintenance; Alternative A; and Alternative B. Alternatives A and B both have wildlife management emphasis with differing degrees of recreational opportunities and a smaller Reclamation operation and maintenance area.

Preferred Alternative

At the time (November 2018) the draft RMP/EA was available to the public no preferred alternative was identified by Reclamation or its managing partner (Colorado Parks and Wildlife).

COORDINATION

National Historic Preservation Act of 1966, as Amended

Reclamation collected information necessary to complete consultations as required by Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800). Reclamation invited the Colorado State Historic Preservation Officer (SHPO) and eleven Tribal Nations to review, comment, and consult on the draft RMP/EA during the public review period. Reclamation received responses from the Cheyenne and Arapaho Tribes of Oklahoma, the Comanche Nation of Oklahoma, the Pawnee Nation of Oklahoma, and the Southern Ute Indian Tribe. Prior to implementation of the proposed actions discussed in the RMP/EA, Reclamation will initiate Section 106 review and consultation with interested Tribes and the Colorado SHPO as required by 36 CFR Part 800.

Fish and Wildlife Coordination Act, as Amended, and Endangered Species Act of 1973, as Amended

Consultation with the U.S. Fish and Wildlife Service (USFWS) is only required when the list of proposed, endangered, and threatened species or designated critical habitat occurs within the project area. Reclamation requested a list of species on May 15, 2018. A follow-up call to the USFWS was made to ensure no federally-listed species or critical habitat have been identified in the Bonny project area. Coordination with the Colorado wildlife managers on May 23, 2018 indicated no state-listed species in the Bonny project area.

As of October 9, 2018, the USFWS announced in the Federal Register (Docket No. FWS-R4-ES-208-0057; 4500030113) a proposal to list the eastern black rail (*Laterallus jamaicensis jamaicensis*) as an endangered or threatened species under the Endangered Species Act of 1973. In January 2019, a final determination and consultation with the USFWS regarding management of the eastern black rail for the Bonny project area could not occur due to a lapse in federal appropriations resulting in a temporary shutdown of some federal agencies, including the USFWS. Reclamation, therefore, utilized best available science and data to determine the proposed management actions in the Bonny RMP would not likely affect any habitat of the eastern black rail.

Because the RMP is programmatic in nature, site-specific environmental analysis, including additional consultation with USFWS, will be required before any ground-disturbing management actions can be implemented.

Indian Trust Assets

In the mid-1990s, Reclamation undertook an investigation of potential ITAs within the Republican River Basin. During this investigation, more than 40 treaties, Executive Orders, and legislative documents regarding the Kansa, Pawnee, Northern Cheyenne, Northern Arapaho, Potawatomi, Wyandot, Delaware, Chippewa, Seneca, Mixed Seneca, Shawnee, and Quapaw Tribes were reviewed to determine whether potential ITAs were present in the Republican River Basin. Based upon this investigation, Reclamation determined that there are no ITAs in or affected by the Republican River Basin or its reservoirs, including the Bonny Dam and Reservoir (Reclamation 1996).

Other Coordination

Reclamation is obligated to coordinate its planning efforts with local, city, county, state and other federal entities to ensure that its lands are compatible with adjacent land uses (public and private). Information was solicited from Colorado Parks and Wildlife and Yuma County Road and Bridge.

SCOPING AND PUBLIC REVIEW

The Bonny RMP process began with a public open house meeting in Wray, CO on February 26, 2018 to announce the development of the RMP. This meeting solicited responses from the public about their needs and values as they pertain to the management of federal lands at Bonny Reservoir. The public meeting included interested individuals, organizations, agencies, and governmental entities in the decision-making process. A news release was published in the Wray Gazette on February 21, 2018 to further inform the public of opportunities to comment. Reclamation received 193 comments for Bonny resource management.

The Draft Bonny RMP and EA was released for public comment on November 9, 2018 through notices of availability. The notice was sent to interested individuals and adjacent landowners totaling 162 email contacts and 46 mailing addresses. Public notices announcing the availability of the draft document and public meeting were provided to the local newspapers in Wray, CO; Burlington, CO; Stratton, CO; Yuma, CO; and St. Francis, KS. A public open house was held in Wray, CO on December 5, 2018 to provide additional clarity and answer questions about the project.

The Final RMP/EA was prepared based on public and internal comments received during the review process. Reclamation received 157 comments on the draft document. Changes to the Final RMP/EA include: correcting the three cabins identified as private to state-owned buildings (Chapter 2 and Chapter 3); adding public review of the draft document to the public involvement section (Section 2.2); editing grammatical issues; updating proposed listing of threatened and endangered species, and updating cultural resource data (Chapter 3); adding language to comply with Americans with Disabilities Act and Architectural Barriers Act standards; and adding an appendix to summarize the public review of the draft document (Appendix F).

DECISION

Based on the public and internal comments, Reclamation has decided to combine elements of Alternatives A and B. The federal lands around Bonny Dam will be managed with a wildlife habitat emphasis and provide for dispersed (limited development) recreation opportunities. Bonny will have three management emphasis areas. The wildlife management area and bottomland management area, managed by a partnership agreement (Contract No. 02AG601631) with Colorado Parks and Wildlife, would have a variety of public opportunities, while the operation and maintenance management area, managed by Reclamation, would restrict public access.

Reclamation and Colorado Parks and Wildlife will coordinate annually to identify opportunities to meet the goals and objectives for Bonny's natural resources identified in the RMP. When mutually agreed upon, facilities, which includes the visitor center and Wagon Wheel shower house, that no longer provide a public service will be removed and the site rehabilitated. Motorized access will be limited to open public roads. No private exclusive use will be authorized on Bonny federal lands (43 CFR 429.31).

Wildlife Management Area opportunities include, but not limited to:

- Ability to manage vegetation utilizing a variety of actions such as, but not limited to; livestock grazing; prescribed burning; planting of food plots, shrubs or grasses; chemical or biological controls for noxious weeds;
- Establishing hunting zones in accordance with State regulations;
- Allowing dispersed non-motorized recreation activities; such as, but not limited to; camping, picnicking, hiking, mountain biking, horseback riding;
- Allowing motorized primitive camping with limited facilities provided, such as an accessible vault toilet, at designated locations (North Cove and Wagon Wheel) or dispersed camping (no facilities provided) located adjacent to open roads as determined appropriate by managing partner;
- Rehabilitating Foster Grove and East Beach campgrounds to wildlife habitat;
- Managing access roads for motorized vehicles utilizing temporary or seasonal road closures as needed to protect resources and infrastructure;
- Establishing new recreational opportunities through partnerships that would enhance the recreation, fish and/or wildlife opportunities and meet contractual agreements, as well as federal and state laws and regulations;
- Evaluating land use proposals by outside entities under appropriate laws and regulations.

Bottomland Management Area opportunities include, but not limited to:

- Ability to manage vegetation utilizing a variety of actions such as, but not limited to; livestock grazing; prescribed burning; planting of food plots, shrubs or grasses; chemical or biological controls for noxious weeds;
- Establishing hunting zones in accordance with State regulations;
- Allowing dispersed non-motorized recreation activities; such as, but not limited to; camping, picnicking, hiking, mountain biking, horseback riding;

- Ability to create wetland or riparian enhancements to benefit fish and wildlife habitat;
- Evaluating land use proposals by outside entities under appropriate laws and regulations.

Operation and Maintenance Management Area opportunities include, but not limited to:

- Reclamation will retain administrative responsibility as mandated by Congress to protect the structure of Bonny Dam and associated facilities;
- Reclamation will conduct maintenance on outlet works to ensure continued operation;
- Reclamation will manage vegetation on dam surface and control any rodent issues to protect dam structure;
- Reclamation's water operation personnel will operate the gates to release water as requested through senior water rights and contractual agreements;
- Reclamation will determine as necessary when reconstruction or replacement of dam appurtenant are required to maintain the integrity of the structure.

Given the analysis of the Final RMP/EA and the environmental commitments proposed by Reclamation, I find that all potentially significant environmental effects associated with this decision have been identified, evaluated and resolved or mitigated.

Upon the development of final plans for site-specific ground-disturbing activities; such as grazing, prescribed burning, new road or trail developments, new food plots or plantings, or site rehabilitation (including structures), additional environmental review would be required to ensure protection of natural and cultural resources. Non-ground disturbing management actions; such as noxious weed treatment by chemical or biological methods, routine or general maintenance of existing roads and facilities, mowing, patrol activities, routine data collection for water levels, or resource surveys and inventories, would not require any additional environmental review.

The reasons for the FONSI determination are summarized below:

1. All requirements of the National Environmental Policy Act have been met, including public involvement and coordination with federal, state, and local agencies.
2. This action will not have any significant effect on the quality of human environment.
3. All stipulations of the Clean Water Act and other applicable federal laws, regulations, and guidelines concerning wetlands and water resources will be satisfied prior to ground-disturbing activities. Environmental commitments include the coordination with U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service prior to ground-disturbing activities, as necessary.
4. Reclamation has determined the RMP has no effect on any federally-listed or state-listed threatened or endangered species or designated critical habitat in Yuma County, Colorado.
5. Reclamation has determined the RMP has no impacts to migratory birds or eagles. Mitigation and minimization measures have been incorporated into the project's design to eliminate potential impacts to migratory birds.
6. All stipulations of the National Historic Preservation Act and other applicable federal laws, regulations, and guidelines concerning cultural resources will be satisfied prior to a proposed

action's implementation. The Colorado State Historic Preservation Office was consulted on November 29, 2018.

7. Reclamation has determined the RMP project area has no Indian Trust Assets.
8. All applicable federal and state environmental laws, regulations, and executive orders will be adhered to.
9. Reclamation will implement as appropriate the following list of environmental commitments as part of the RMP in order to: a) prevent, minimize, or offset the occurrence of potential adverse environmental effects; and b) ensure compliance with applicable federal and state regulations designed to protect fish and wildlife resources, important habitats and sensitive areas, cultural and paleontological resources, human health and safety, and the public interest.

ENVIRONMENTAL COMMITMENTS

General Best Management Practices

- Comply with all appropriate federal, state, and local laws.
- Follow recommended practices for construction, restoration and maintenance.
- Follow erosion prevention best management practices (BMPs) to prevent runoff of soil, silt, and other debris.
- Coordinate an annual meeting between Reclamation and Colorado Parks and Wildlife to identify an annual program of work for project lands.

Fish and Wildlife Species and Habitats

- For migratory birds, survey the project area for nests and avoid disturbance between April 1 to July 15. If disturbance is unavoidable, consultation with the USFWS is required. Tree removal will take place during a non-active time of year for migratory birds.
- For eagles, if a construction project is proposed a survey for eagle nests will occur within 0.5 mile of the project area. If an active nest is located, consultation with the USFWS is required.
- Avoid disturbing threatened and endangered species (both flora and fauna). Areas will be closed to activities, as needed. Consultation with USFWS will occur as needed to avoid impacting species and habitat.
- In the Bonny Prairie Natural Area, avoid native prairie habitat to the extent possible. However, if native prairie sod must be broken, existing topsoil will be carefully salvaged and replanted with native grasses in a timely manner, with a seed mix approved by Reclamation.
- Place new signs in a manner that does not endanger raptors, which may perch on the top of the post.
- For the grazing program,
 - Use only certified weed-free forage if supplemental feed is needed for livestock.
 - Place salt blocks within a containment source to prevent leaching into soils and a minimum of 500 feet away from surface water resources.
 - Fences may be established to control livestock grazing. Fences may be permanent wire fences, wildlife-friendly or temporary electric fences. Gates will be established at road or trail crossing as needed.

- For any prescribed (control) burn,
 - A burn plan will be developed in accordance with Reclamation’s Fire Management Plan and/or Colorado Division of Fire Prevention and Control standards to identify burn objectives, acceptable weather parameters for the burn event, control lines, sensitive resources to protect or avoid, personnel and equipment needs, and a map.
 - Slash piles proposed for burning shall be constructed at least 50 feet from surface water drainages and shall avoid sensitive natural and cultural resources.
- Implement Reclamation’s 2016 Integrated Pest Management Plan to reduce, minimize, eliminate, eradicate, and control invasive species.
 - Coordinate, as necessary, with local county weed and pest program managers to identify and address specific noxious weed issues.

Soil, Surface Water and Wetlands

- A 404 permit application will be completed and submitted to the U.S. Army Corps of Engineer (USACE), as necessary. Section 401 and 402 certifications will be completed, as necessary. Wetland impacts will be appropriately mitigated according to the standards and direction of the USACE, Natural Resources Conservation Service (NRCS), and U.S. Fish and Wildlife Service (USFWS). Wetlands impacts will comply with the Clean Water Act.
- Woody species including those bordering wetlands, shelterbelts, riparian woodlands, woody draws, or woodland vegetation will be avoided to the extent possible.
- Erosion control measures will be employed as appropriate. Stabilization, erosion controls, restoration, and re-vegetation of all streambeds and embankments will be performed as soon as a stream crossing is completed and maintained until stable.
- Restrict equipment within the riparian zone to minimize disturbance to water resources.
- Only utilize aquatic labelled herbicides within the riparian zone to control noxious weeds
- Prohibit depositing any material; slash, road material, debris, into surface water drainages.
- Revegetate exposed soil disturbed areas as soon as practical using an approved weed-free native seed mixture.
- For new road or trail construction, design roads or trails to the minimum standard necessary to accommodate anticipated use and equipment
- Maintain existing roads and support structures to minimize erosion and provide for adequate surface drainage.
- Avoid soil-disturbing actions during period of heavy rain, wet soils, and periods of heavy snowmelt.

Cultural Resources

- Permits to conduct cultural resource inventories on federal lands are required and personnel must meet the Secretary of the Interior’s Professional Qualification Standards (48 FR 44738-9).
- Reclamation implements permitting, enforcement, and penalty requirements of the Archaeological Resource Protection Act on all federal land where Reclamation retains primary management authority, including land where management has been assigned to a non-Federal entity (36 CFR Part 7; Reclamation Manual LND 02-04)

- All appropriate cultural resource activities will be completed prior to the commencement of ground-disturbing activities, including cultural resource surveys and consultation with the SHPO. All cultural resources will be avoided if their significance cannot be established prior to the disturbance. If avoidance is not practicable, Reclamation, in consultation with the SHPO, would determine if the site is eligible for nomination to the National Register of Historic Places [36 CFR 800.4(c) and 36 CFR 60.4]. If the site is eligible as a historic property, Reclamation, SHPO and other interested parties, depending on the type of property, will consult to determine a plan of mitigation. If an adverse effect cannot be avoided, the Advisory Council on Historic Preservation will be contacted. All ensuing activities will comply with the NHPA, as amended, and the Archaeological Resource Protection Act.
- Tribes will be consulted upon discovery of unmarked burials or cemeteries. All such locations will be avoided and protected to the extent possible. Reclamation will comply with the Native American Graves Protection and Repatriation Act if graves are discovered on federal or trust lands.
- If unrecorded cultural resources are discovered during project activities, all ground-disturbing activities within the area will be stopped. A cultural resource can include historical, archaeological, architectural, scientific or paleontological localities, a traditional cultural property or sacred site. Reclamation and appropriate authorities will be notified and all applicable stipulations of the NHPA will be followed. Activities in the area will resume only when compliance has been completed.