

United States Department of the Interior  
Bureau of Reclamation  
Western Colorado Area Office  
Grand Junction, Colorado

**FINDING OF NO SIGNIFICANT IMPACT**

**BOSTWICK PARK WATER CONSERVATION DISTRICT'S SIPHON LATERAL &  
FORKED TONGUE/HOLMAN DITCH COMPANY'S DITCH PIPING PROJECTS,  
MONTROSE & DELTA COUNTIES, COLORADO**

In accordance with the National Environmental Policy Act 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 (Reclamation) has prepared an Environmental Assessment (EA) for the Bostwick Park Water Conservation District's Siphon Lateral Piping Project and the Forked Tongue/Holman Ditch Company's Ditch Piping Project (Projects) in Montrose and Delta Counties, Colorado. The EA assesses a No Action and a Proposed Action alternative. Based on the following, Reclamation has determined that the proposed action with implemented environmental commitments will not result in a significant impact on the human environment.

**Background**

Reclamation is working with the U.S. Department of Agriculture, the Bureau of Land Management (BLM), and the seven Colorado River Basin states through the Colorado River Basin Salinity Control Program to implement many salinity control projects on the Colorado River. The program's overall goal is to cost-effectively reduce the amount of salinity in the Colorado River.

The proposed projects evaluated in this FONSI are both funded under the Basin States Program. The Basin States Program is one of two funding mechanisms that Reclamation uses to allocate Salinity Control Program funds. The other funding program is the Colorado River Basinwide Program. The Basin States Program funds projects that improve irrigation practices and reduce salinity loading of the Colorado River Basin but are too small to compete for the Basinwide Program's cost-competitive process. All contracts and funding for Basin States funded projects pass through the State of Colorado.

**Bostwick Park Water Conservancy District**

The Bostwick Park Water Conservancy District (BPWCD) of Montrose, Colorado was formed in 1962 for the general purpose of supplying supplemental irrigation water to the Bostwick Park area. The Bostwick Park Project was authorized as a participating project of the Colorado River Storage Project (CRSP). Reclamation turned over the operation of the project to the BPWCD in 1976. The Bostwick Park Project includes Silver Jack Dam, which is located on Cimarron

Creek, a tributary of the Gunnison River in the lower Gunnison River watershed of the upper Colorado River Basin. Water is delivered from Silver Jack Dam through a canal which extends to Cerro Summit before splitting to the Hairpin and Vernal Mesa Ditches. The Vernal Mesa Ditch conveys water to the Bostwick Park Siphon Lateral.

### **Forked Tongue/Holman Ditch Company**

The Forked Tongue/Holman Ditch Company (FTHDC) is a private, non-profit irrigation company that manages the Forked Tongue/Holman Ditch in Delta County, Colorado. The Forked Tongue/Holman Ditch system diverts water from Tongue Creek, a tributary of the Gunnison River in the lower Gunnison River watershed of the upper Colorado River Basin. The annual historic depletion associated with these diversions is approximately 79 acre-feet per year.

### **Purpose and Need**

The Colorado River and its tributaries provide municipal and industrial water to about 27 million people and irrigation water to nearly four million acres of land in the United States, and another 2.3 million people and 500,000 acres in Mexico. Elevated salinity concentrations in the River are a major concern in both the United States and Mexico. Elevated salinity levels have impacts to agricultural, municipal, and industrial water users.

In June 1974, Congress enacted the Colorado River Basin Salinity Control Act (Salinity Control Act), Public Law 93-320, which directed the Secretary of the Interior to proceed with a program to enhance and protect the quality of water available in the Colorado River for use in the United States and Republic of Mexico. In October 1984, Congress amended the original act by passing Public Law 98-569 to address wildlife habitat issues, including fish and wildlife values foregone, project funding, and operation and maintenance of habitat.

Section 205 of the Salinity Control Act directs Reclamation to expend funds from the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund (Basin Funds; separate accounts in the Treasury) to either 1) repay the Treasury the reimbursable allocated costs of salinity projects or 2) provide the authorized cost share amounts in a manner that is consistent with the Salinity Control Act. Section 2806 of Public Law 110-246 of June 18, 2008, directs the Secretary of the Interior, acting through the Bureau of Reclamation, to implement a Basin States Program to carry out salinity control activities in the Colorado River Basin using cost share funds from the Basin Funds.

### **Scoping/Public Involvement**

Reclamation's scoping was primarily limited to the BPWCD, FTHDC, U.S. Fish & Wildlife Service, Colorado Parks and Wildlife, the Colorado Office of Archaeology and Historic Preservation, and local jurisdictions. Reclamation had previously funded similar irrigation system improvements in the upper Gunnison area, and previous EAs were also used as a source to identify potential issues and concerns. A draft EA was prepared and distributed on July 31,

2014 to ten local, state, and federal agencies and organizations, and twenty-seven property owners adjacent to either the Bostwick Park Siphon Lateral or the Forked Tongue/Holman Ditch.

No comments on the draft EA were received by Reclamation.

### **No Action Alternative**

Under the No Action Alternative, Reclamation would not authorize the use of Federal funds for piping the Bostwick Park Siphon Lateral or the Forked Tongue/Holman Ditch. Seepage from the existing canals would continue to contribute to salt loading and to the high selenium levels in the Gunnison, Uncompahgre, and Colorado Rivers. These conditions are likely to worsen in the future. Riparian and wetland habitat associated with the BPWCD and the FTHDC systems would likely remain in place and continue to provide some benefits to local wildlife.

### **Proposed Action Alternative**

Under the Proposed Action Alternative, Reclamation would authorize the use of Federal funds to the Bostwick Park Water Conservancy District to pipe approximately 1.76 miles of the existing earthen Siphon Lateral and approximately 0.2 miles of the East Lateral, and to the Forked Tongue/Holman Ditch Company to pipe approximately 1.89 miles of the existing earthen Forked Tongue/Holman Ditch. It is anticipated that implementation of the project will result in a total annual reduction of 825 tons of salt in the Colorado River. Reclamation's funding would also be used to develop replacement fish and wildlife habitat as required the Salinity Control Act.

### **Summary of Findings**

Reclamation conducted an analysis on a wide range of environmental criteria for the No Action and Proposed Action alternatives. Below is a summary of the analysis as discussed in the EA.

The No Action Alternative does not meet the purpose and need as described above.

Under the Proposed Action, Reclamation will approve funding of the salinity control project for the BPWCD and the FTHDC Piping Projects, which includes the replacement of approximately miles of existing earthen canal with pipe. The Proposed Action is predicted to have no effect on Indian trust assets, environmental justice, recreation, visual resources, or Wild and Scenic Rivers. Details of predicted impacts (both beneficial and negative) for other resources are discussed in greater detail below.

Air Quality – Under the Proposed Action, there would be no long-term impacts to air quality. Fugitive dust generation from construction activities would have a temporary effect in the project areas, however Best Management Practices would be implemented to minimize these impacts.

Water Rights and Uses – The Proposed Action would provide for improved system management; however, no changes in water uses are anticipated. Water rights would not be adversely affected.

Water Quality – Implementation of the project is predicted to result in improved water quality. The off-farm improvements included in the Proposed Action are estimated to reduce 825 tons of salt annually in the Colorado River. Improvements would also reduce selenium loading. However, these selenium reduction benefits haven't been quantified.

Vegetation and Land Use – An estimated 14.1 acres of wetland and riparian vegetation supported by irrigation canal seepage is predicted to be impacted by the Proposed Action. These vegetation types are classified as non-jurisdictional wetlands and therefore not subject to Section 404 of the Clean Water Act. However, habitat values associated with the losses of these vegetation types were classified and are subject to fish and wildlife habitat replacement. Habitat replacement is a requirement of the Salinity Control Act, and project funding is dependent on habitat replacement. Estimated habitat values lost as a result of the Proposed Action are 13.54 habitat units.

Temporary disturbances within the footprint of the pipelines would also occur during construction. The existing lateral prisms will be dewatered and backfilled to preclude water conveyance. Pipeline alignments and construction footprints would be revegetated subject to the easements and agreements between BPWCD, FTHDC, and individual land owners. Construction would follow Best Management Practices (BMPs) to minimize the construction footprint, protect water quality, and minimize soil erosion.

Fish and Wildlife Resources – Upland wildlife habitat impacted by the Proposed Action would likely result in minor temporary impacts to wildlife species within the Project Areas. Local wildlife may temporarily avoid using portions of the project area during pipeline construction. However, these impacts should be short-term in duration. Key wildlife species such as mule deer, elk, and raptors using the Project Area and adjacent irrigated lands would return to those areas when construction disturbances cease. Impacts to 14.1 acres of adjacent habitats would directly impact those species dependent on these habitat types. Habitat evaluations estimate that 13.54 fish and wildlife habitat units would be affected under the Proposed Action. Replacement habitat will be developed to comply with the requirement of the Colorado River Basin Salinity Control Act, in accordance with a habitat replacement plan approved by Reclamation.

A habitat replacement plan has been developed for the BPWCD project on property Billy Creek State Wildlife Area. Enhancement to this area would include removing invasive weeds, revegetating the area with native plants, trees, and shrubs, and creating potholes to provide watering areas for wildlife. The total habitat value lost for the BPWCD project is 6.83 credits, and this Habitat Replacement Plan will create approximately 26.52 habitat credits, which provides an additional 19.69 habitat credits for future projects.

A habitat replacement plan has been developed for the FTHDC project on Paul Kehmeier's property outside of Orchard City and adjacent to Tongue Creek. The habitat improvements include invasive weed removal, revegetation with native plants, trees, and shrubs, and the construction of two small potholes. The total habitat value lost the FTHDC project is 6.71 credits, and this Habitat Replacement Plan will create approximately 11.08 habitat credits, which provides an additional 4.37 habitat credits for future projects.

Threatened and Endangered Species – No federally threatened, endangered, or candidate species were documented within the project area. Biological surveys conducted by Wildlife and Natural Resource Concepts and Solutions LLC. on November 12 and 15, 2013 found no suitable habitat for federally listed species within the project area.

Effects on endangered Colorado River fishes from the continued operations and historic depletions associated with the Federal Bostwick Park Project were included and addressed in the Gunnison Basin Programmatic Biological Opinion (PBO) and no additional Section 7 consultation is needed for the endangered fish for the BPWCD piping project.

Reclamation consulted with the U.S. Fish & Wildlife Service regarding FTHDC's depletions. In a memorandum dated August 11, 2014, the Fish and Wildlife Service concluded that the FTHDC can rely on the Upper Colorado Endangered Fish Recovery Program to offset depletion impacts to Colorado River Endangered Fish, and continued depletions are not likely to jeopardize the continued existence of the species or adversely modify designated critical habitat. A "Gunnison River Recovery Agreement" has been executed between the Fish and Wildlife Service and the FTHDC as required by the Gunnison Basin PBO.

Cultural Resources – Alpine Archaeological Consultants, Inc. conducted Class III Cultural Resource Inventories of the Areas of Potential Effect for the proposed action. No listed, eligible or potentially eligible cultural resources were identified within the Area of Potential Effect for either piping project. Based on the inventories, Reclamation determined that the proposed action would have no effect to cultural resources eligible to the National Register of Historic Places, and the Colorado State Historic Preservation Officer agreed with these determinations.

Prime, Unique, and Statewide Important Farmland – There is no prime, unique, statewide or locally important farmland within the BPWCD project area. The FTHDC project area contains land that is considered prime farmland if irrigated. Construction of the FTHCD project may have short-term impacts from ground disturbing activities. Once constructed, annual maintenance activities along the lateral adjacent to these farmlands would be greatly reduced. In addition, improved water delivery should assist in keeping these agricultural lands in production.

### **Environmental Commitments**

The following environmental commitments would be implemented as an integral part of the Action Alternative for both the Bostwick Park Siphon Lateral Project and the Forked Tongue/Holman Ditch Project, unless otherwise specified. Environmental commitments include:

1. **Standard Reclamation Best Management Practices** - Standard Reclamation BMPs would be applied during construction activities to minimize environmental effects and would be implemented by construction personnel and included in contract specifications.
2. **Construction Activities Confined to the Surveyed Corridor** - All construction activities would be confined to the proposed pipeline alignments and construction

staging areas that have been surveyed for resource impacts including cultural, paleontological, and biological resources. Construction activities outside of this corridor would require additional review by Reclamation to determine if the existing surveys are adequate to evaluate impacts outside these corridors. If additional borrow or waste areas are identified, the areas would be inventoried, surveyed, and evaluated prior to use. Additional NEPA/ESA compliance activities may be required as determined by Reclamation.

3. **Disturbed Areas** - Topsoil would be preserved during construction and redistributed after completion of construction activities. All disturbed areas would be smoothed, shaped, contoured and reseeded to as near their pre-project conditions as practicable. Seeding and planting would occur at appropriate times with weed-free seed mixes of native plants and agricultural grasses on disturbed areas, where appropriate.
4. **Water Quality** - BMPs would be implemented to minimize erosion and protect water quality of downstream resources. BMPs are described in greater detail in the Water Quality section of this document. In the event that dewatering during construction is needed, the irrigation company and their respective contractor(s) would obtain required CWA Section 402 permits prior to dewatering.
5. **Vegetation Resources** - Ground disturbances would be limited to only those necessary to safely implement the proposed project improvements. BMPs would be implemented to reduce disturbances to vegetation and to reduce the amount of required planting and reseeded. Planting and reseeded disturbed areas, per landowner specifications, monitoring plantings to ensure establishment, control of noxious weeds in disturbed areas, and the use of accepted erosion control measures during construction are all incorporated as environmental commitments for the proposed actions.
6. **Noxious Weeds** - Noxious weeds would be controlled following Reclamation's BMPs. Areas that are disturbed may be more vulnerable to nonnative and noxious weed infestation. Nonnative species typically recover more quickly after a disturbance than native species. To minimize impact to native vegetation, previously disturbed areas would be used for construction activities, where possible. After any surface disturbance, proper rehabilitation procedures would be followed to prevent the infestation of invasive species. This would include weed-free seeding mixtures of desirable native species and agricultural grasses, where appropriate.

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7. **Fish and Wildlife Resources** - Construction areas would be confined to the smallest feasible area to limit disturbance to wildlife within the project areas. Trenches left open overnight will be kept to a minimum to limit the entrainment of small animals and address public safety problems. Any trenches left open overnight will be fitted with escape ramps.

8. **Habitat Replacement** - Development and/or enhancement to replace the predicted fish and wildlife habitat units lost under the proposed actions are required under the Colorado River Salinity Control Act. BPWCD and FTHDC are responsible for developing and implementing Reclamation approved wildlife habitat replacement plans to replace fish and wildlife values foregone as required by the Salinity Control Act. Habitat replacement would be implemented concurrently with the proposed actions.
9. **Federally Listed Species** - BPWCD historic depletions are covered under the umbrella of the Gunnison Basin Biological Opinion. No further consultation is required for this project.

FTHDC has entered into a recovery agreement with the USFWS to incorporate its historic depletions under the umbrella of the Gunnison Basin Biological Opinion (Appendix C).

In the event that the Gunnison sage-grouse is listed on the ESA during project construction, and critical habitat is designated, all construction activities will cease and Reclamation will consult with the USFWS.

10. **Cultural Resources** – In the unlikely event of discovery of cultural or paleontological resources at either project site, the managing entity associated with the project site where the cultural or paleontological resource was found (BPWCD or FTHDC) will immediately cease all ground disturbing activities in the vicinity and notify Reclamation. Work will not be resumed until approved by Reclamation.

In addition, discovery of human remains on Federal land requires that all construction activities stop immediately and Reclamation notified as prescribed under the Native American Graves Protection and Repatriation Act (NAGPRA) (43 CFR Part 10); and the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C 470).

11. **Hazardous Materials** - During construction, the use, storage, and disposal of hazardous waste materials and waste onsite would be managed in accordance with all federal, state, and local standards.

## **Conclusions**

Based on the analysis of environmental impacts, coordination with the Fish & Wildlife Service and other State, Federal and local agencies, and a review of comments received, Reclamation concludes that implementation of the Bostwick Park Water Conservancy District's Siphon Lateral and the Forked Tongue/Holman Ditch Piping Project will not result in significant impacts on the quality of the human environment or the natural resources in the project area.

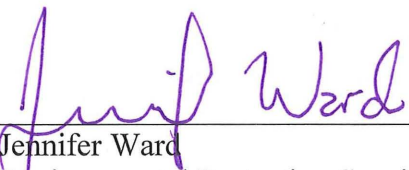
This Finding of No Significant Impact has, therefore, been prepared and is submitted to document environmental review and evaluation of the proposed action in compliance with the National Environmental Policy Act of 1969, as amended.

**References**

Alpine 2013. Class III Cultural Resource Inventory of Portions of the Bostwick Park Water Conservancy District's Bostwick and East Laterals, Montrose County, Colorado. Alpine Archaeological Consultants, Inc. December 2013. Montrose, Colorado.

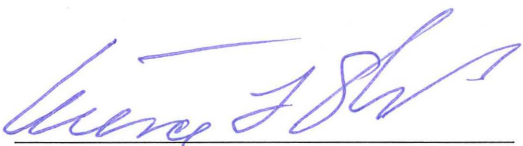
Alpine 2014. Cultural Resource Inventory of the Forked Tongue Ditch, Delta County, Colorado. Alpine Archaeological Consultants, Inc. February 2014. Montrose, Colorado.

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