

# ENVIRONMENTAL ASSESSMENT AND DRAFT FONSI

## CONTRACT FOR THE USE OF GRAND VALLEY PROJECT FACILITIES FOR THE CONVEYANCE OF NON-PROJECT WATER

Prepared by:

United States Department of the Interior  
Bureau of Reclamation, Upper Colorado Region  
Western Colorado Area Office

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# **DRAFT FINDING OF NO SIGNIFICANT IMPACT**

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

## **CONTRACT FOR THE USE OF GRAND VALLEY PROJECT FACILITIES FOR CONVEYANCE OF NON-PROJECT WATER**

### **Introduction**

In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Reclamation (Reclamation) has conducted an environmental assessment (EA) for the proposed action of entering into a contract with the U.S. Fish and Wildlife Service (FWS), the Orchard Mesa Irrigation District (OMID), and the Grand Valley Water Users Association (GVWUA) for the use of Grand Valley Project facilities to carry up to 5,000 acre-feet (AF) of non-project water annually for a period of five (5) years (“proposed action” or “Proposed Action Alternative”).

The EA was prepared by Reclamation to address the potential impacts to the human environment due to implementation of the proposed action. The EA is attached to this Finding of No Significant Impact (FONSI) and is incorporated by reference.

### **Alternatives**

The EA analyzed the No Action Alternative and the Proposed Action Alternative to implement the proposed action.

### **Decision and Finding of No Significant Impact**

Based upon a review of the EA and supporting documents, Reclamation has determined that implementing the proposed action will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance in context or intensity as defined at 40 CFR 1508.27. Therefore, an environmental impact statement is not required for this proposed action. This finding is based on consideration of the context and intensity as summarized in the EA. Reclamation’s decision is to implement the Proposed Action Alternative.

### **Context**

The project is located in Mesa County, Colorado. The affected locality is the Government Highline Canal from its diversion at the Grand Valley Diversion Dam on the Colorado River to the siphon to the Orchard Mesa Power Canal, the Orchard Mesa Power Canal (Power Canal), and the Grand Valley Power Plant (Power Plant). Affected interests include Reclamation, FWS, OMID, GVWUA, and stakeholders.

## Intensity

The following discussion is organized around the 10 significance criteria described in 40 CFR 1508.27. These criteria were incorporated into the resource analyses and issues described in the EA.

- 1. Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. The predicted short-term effects of the proposed action include minor increases in water delivered to the Power Plant, and the associated minor increase in water discharged from the Power Plant into the head of the 15-Mile Reach of the Colorado River. This minor increase would occur during those times non-project water is passed through the Grand Valley Project facilities, and would cease after the expiration of the contract. There are no predicted long-term effects associated with the proposed action. Beneficial effects include up to an additional 5,000 AF annually over the next five years for the enhancement of endangered fish habitat within the 15-mile reach of the Colorado River.

None of the environmental effects discussed in detail in the EA are considered significant. None of the effects from the proposed action, together with other past, current, and reasonably foreseeable actions, rise to a significant cumulative impact.

- 2. The degree to which the selected alternative will affect public health or safety or a minority or low-income population.** The proposal will have no significant impacts on public health or safety. No minority or low income populations would be disproportionately affected by the proposed action.
- 3. Unique characteristics of the geographic area.** There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that would be negatively affected by the proposal.
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Reclamation contacted representatives of other federal agencies, state and local governments, public and private organizations, and individuals regarding the proposal and its effects on resources. Based on the responses received, the effects of the proposal on the quality of the human environment are not highly controversial.
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** There are no predicted effects on the human environment that are considered highly uncertain or that involve unique or unknown risks.
- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** Implementing the action will not establish a precedent for future actions with significant effects and will not represent a decision in principle about a future consideration.

7. **Whether the action is related to other actions which are individually insignificant but cumulatively significant.** Cumulative impacts are possible when the effects of the proposed action are added to other past, present, and reasonable foreseeable future actions as described under related NEPA documents; however, significant cumulative effects are not predicted, as described in the Cumulative Impacts section of the EA.
8. **The degree to which the action may adversely affect sites, districts, buildings, structures, and objects listed in or eligible for listing in the National Register of Historic Places.** The Grand Valley Project facilities would be utilized in a manner consist with its historic operations. Authorizing the use of the Grand Valley Project for non-project water would have no physical impact on the project facilities or the natural environment. There is no potential to affect cultural resources.
9. **The degree to which the action may adversely affect an endangered or threatened species of its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The proposed action would not adversely affect any endangered or threatened species, proposed or designated critical habitat, or any potential habitat.
10. **Whether the action threatens a violation of Federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment.** The project does not violate any federal, state, local, or tribal law, regulation, or policy imposed for the protection of the environment. In addition, this project is consistent with applicable land management plans, policies, and programs. State, local, and interested publics were given the opportunity to participate in the environmental analysis process.

## Environmental Commitments

The following environmental commitments will be implemented as an integral part of the Proposed Action:

- Reclamation, with the advice of OMID and GVVUA, will determine when capacity is available in Grand Valley Project facilities, including the Government Highline Canal and the Orchard Mesa Power Canal.
- Neither OMID nor GVVUA will forgo the use of Grand Valley project water in order to create capacity for non-project water.
- Reclamation will not be a party to any contract for water acquisitions, and will not incur any costs associated with the acquisition of the right(s) to use the non-project water.
- Any special provisions contained in the contract are included as environmental commitments in this EA.

Approved by:

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Ed Warner  
Area Manager, Western Colorado Area Office

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Date

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION, UPPER COLORADO REGION  
WESTERN COLORADO AREA OFFICE

## **ENVIRONMENTAL ASSESSMENT**

### **CONTRACT FOR THE USE OF GRAND VALLEY PROJECT FACILITIES FOR THE CONVEYANCE OF NON-PROJECT WATER**

#### **Background**

The United States constructed the Grand Valley Project in and near the City of Grand Junction, Colorado, beginning in 1912. In 1933, the United States completed construction of the Grand Valley Power Plant (Power Plant), which is a feature of the Grand Valley Project. The Power Plant was constructed with funds contributed by the Public Service Company of Colorado (PSCC), and the United States retained title to the facility. In 2011, the Orchard Mesa Irrigation District (OMID) and Grand Valley Water Users Association (GVWUA) entered into a Lease of Power Privilege (LOPP) with the United States, which transferred the operation and maintenance of the Power Plant and other responsibilities to OMID and GVWUA. The lease superseded and replaced a prior LOPP among the United States, OMID, GVWUA, and PSCC.

The Power Plant is located at the head of the 15-Mile Reach of the Colorado River, which is critical habitat for the Colorado pikeminnow and razorback sucker, and has been identified as high quality habitat which could aid in the recovery of all four of the Colorado River endangered fishes if properly protected and enhanced. Under Public Law 106-392, Reclamation is authorized to implement the Upper Colorado River Endangered Fish Recovery Implementation Program (Recovery Program), the goal of which is to help achieve natural, self-sustaining populations of the four endangered fishes so they no longer require protection under the federal Endangered Species Act (ESA). Under Section 3(f) of this law, the Secretary of the Interior is authorized to enter into agreements and contracts with Federal and non-Federal entities in order to carry out the purposes of the Recovery Program. This EA has been prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190) and under current guidelines established by the Council on Environmental Quality, and U.S. Department of the Interior, Bureau of Reclamation.

#### **Purpose and Need**

This environmental assessment (EA) has been prepared to evaluate the environmental impacts of the Bureau of Reclamation (Reclamation) entering into a contract with the U.S. Fish and Wildlife Service (FWS), OMID, and GVWUA for the use of Grand Valley Project facilities to carry up to 5,000 acre-feet (AF) of non-project water annually for a period of five (5) years. The purpose and need for the proposed action is to authorize non-project water obtained by OMID or GVWUA to be carried through Grand Valley Project facilities. The non-project water would be administered and protected to a point of delivery at the head of the 15-Mile Reach for the benefit of the ongoing recovery of the four Colorado River endangered fishes.

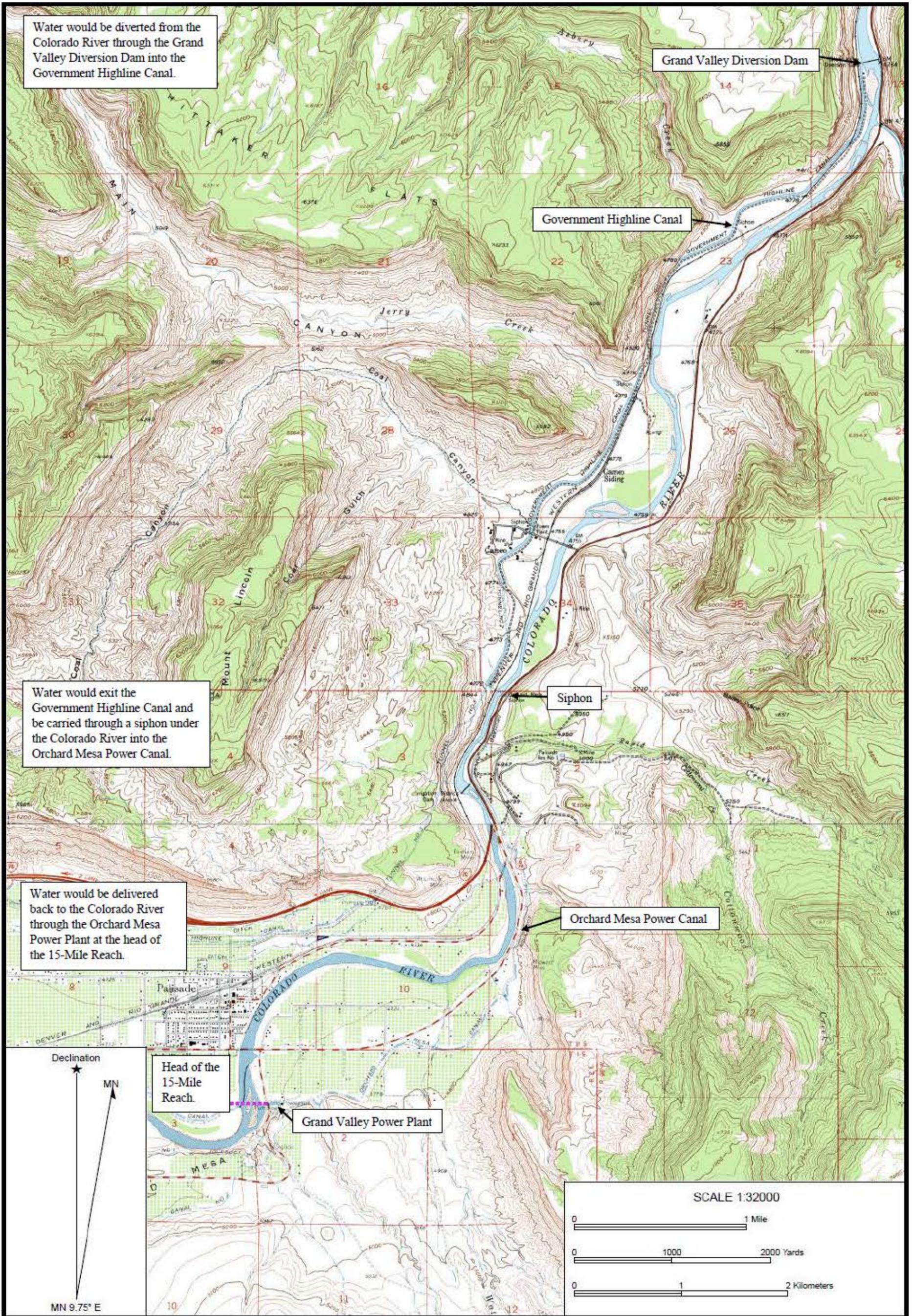


Figure 1. Map of the Proposed Conveyance of Non-Project Water through Grand Valley Project Facilities.

## **No Action Alternative**

Under the No Action Alternative, Reclamation would not enter into a contract with the FWS, OMID, and GVWUA for the use of Grand Valley Project facilities to carry non-project water.

## **Proposed Action Alternative**

Under the Proposed Action Alternative, Reclamation would enter into a contract with the FWS, OMID, and the GVWUA for the use of Grand Valley Project facilities to carry non-project water. The contract would allow for the use of Grand Valley Project facilities to carry up to 5,000 AF of non-project water annually for a period of five (5) years during times when Reclamation, with the advice of OMID and GVWUA, determines there is excess capacity in the Project facilities. The non-project water would be diverted by the Grand Valley Diversion Dam into the Government Highline Canal. The water would be siphoned beneath the Colorado River and into the Orchard Mesa Power Canal (Power Canal), which would deliver the water to the Grand Valley Power Plant. The water would be discharged through the Power Plant at the head of the 15-Mile Reach of the Colorado River (see Figure 1).

The Proposed Action will utilize existing facilities, and no modifications or land use changes are proposed. The use of Grand Valley Project water would not be foregone in order to create capacity for the non-project water. Non-project water which would be carried through the Grand Valley Project facilities would be legally acquired by OMID and/or GVWUA. Reclamation would not be a party to any contract for water acquisitions, and would not incur any costs associated with the acquisition of the right(s) to use the non-project water.

## **Environmental Consequences**

This section discusses those resources which may be affected by the Proposed Action. For each resource, the Proposed Action is analyzed in comparison to a No Action Alternative, in order to determine potential effects. The Proposed Action has been determined to have no effect on socioeconomics, water quality, general wildlife, access and transportation, agricultural resources, cultural resources, and soils. Therefore, these resources are not evaluated further in this EA.

### ***Water Resources***

The Power Canal is routinely utilized for Grand Valley Project purposes for the delivery of irrigation and hydropower water. OMID holds an irrigation water right of 460 cubic feet per second (cfs), and the United States holds a power water right of 400 cfs during the irrigation season. Excess capacity in the Power Canal is considered to be the space which is made available during times the Power Canal is not conveying a portion of either the irrigation water right or the power water right. Excess capacity typically occurs during times when there is a decrease in irrigation demand, resulting in a corresponding decrease in irrigation diversions, or during low flow situations where the United States is unable to place an administrative call on the power water. (JUB 2017)

**No Action Alternative:** Under the No Action Alternative, there would be no change in the operation of the Power Canal. Excess capacity would continue to be available during times of

decreased irrigation demands or low flow situations where the United States is unable to place an administrative call on the power water.

**Proposed Action:** During times when excess capacity is available in the Power Canal (as determined in coordination between Reclamation, OMID, and GVVUA), OMID and GVVUA would divert purchased, non-project water through the Grand Valley Project facilities. At no point in time would additional water be conveyed through the Power Canal that would displace any of the existing water rights utilized by the Grand Valley Project. Existing facilities would be utilized to carry the non-project water, and no modifications to the facilities would occur. There would be no discernible effect to water resources as a result of implementing the Proposed Action.

***Hydropower***

The Power Plant currently has a capacity of 3.5 megawatts (MW), although future work is planned which would increase the Power Plant’s maximum generation to 4.1 MW. The generation of hydropower is considered to be a beneficial, non-consumptive use of water.

**No Action Alternative:** Under the No Action Alternative, there would be no change in power generation at the Power Plant.

**Proposed Action:** Up to 5,000 AF of non-project water would have the potential to be delivered to the Power Plant annually for a period of five years. Due to the temporary nature of the contract and the limited amount of water which may be carried in the Power Canal’s area of excess capacity, additional power generation is expected to be de minimis due to implementation of the Proposed Action.

***Threatened and Endangered Species***

Threatened and endangered species with the potential to occur near the Proposed Action area include:

Table 1. Threatened and endangered species with the potential to occur near the Proposed Action Area.<sup>1</sup>

Common Name	Scientific Name	Critical Habitat in Proposed Action Area?
Bonytail chub	<i>Gila elegans</i>	No
Colorado hookless cactus	<i>Sclerocactus glaucus</i>	No
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	Yes
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	No
Humpback chub	<i>Gila cypha</i>	No
Mexican spotted owl	<i>Strix occidentalis lucida</i>	No
North American wolverine	<i>Gulo gulo luscus</i>	No
Razorback sucker	<i>Xyrauchen texanus</i>	Yes
Western yellow-billed cuckoo	<i>Coccyzus americanus</i>	Yes

<sup>1</sup> This list was generated using the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) application on March 9, 2018.

There is no suitable habitat for the Colorado hookless cactus, greenback cutthroat trout, Mexican spotted owl, or North American wolverine within the Proposed Action Area. The Power Plant is located at the head of the 15-Mile Reach of the Colorado River, which is critical habitat for the Colorado pikeminnow and razorback sucker, and has been identified as high quality habitat which could aid in the recovery of all four of the Colorado River endangered fishes if properly protected and enhanced. The western yellow-billed cuckoo has proposed critical habitat in the riparian area on the Colorado River banks near the Proposed Action Area.

No Action Alternative: Under the No Action Alternative, there would be no effect to any threatened or endangered species or their critical habitat.

Proposed Action: Under the Proposed Action, up to 5,000 AF of water annually over the next five years would have the potential to be delivered to the top of the 15-mile reach for the purpose of enhancing flows within the 15-mile reach for the benefit of the four endangered fish species. This would have a wholly beneficial effect to the four endangered fish species. The 1999 *Final Programmatic Biological Opinion for Bureau of Reclamation's Operations and Depletions, Other Depletions, and Funding and Implementation of Recovery Program Actions in the Upper Colorado River above the Confluence with the Gunnison River* addresses recovery actions by Reclamation, such as habitat protection via facilitating additional instream flows for the fish. The Proposed Action would have no effect to western yellow-billed cuckoo or its proposed critical habitat, as there would be no physical work involved in the project, and therefore would be no change to any habitat or disturbance to the species. The Proposed Action would have no effect on any other federally listed species. No further consultation is required.

### ***Indian Trust Assets and American Indian Sacred Sites***

Indian Trust Assets (ITAs) are legal interests in property held by the United States for Indian Tribes or individuals. Reclamation and other Federal agencies share the responsibility to protect these assets. In managing Federal lands, Federal agencies must, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. No ITAs have been identified within the project area. No American Indian Sacred Sites are known within the project area.

No Action Alternative: Under the No Action Alternative, there would be no change to ITAs or American Indian Sacred Sites.

Proposed Action: The Proposed Action will not impact ITAs or American Indian Sacred Sites.

### ***Environmental Justice***

Executive Order 12898 on Environmental Justice provides that Federal agencies analyze programs to assure that they do not disproportionately adversely affect minority or low income populations or Indian Tribes.

No Action Alternative: Under the No Action Alternative, there would be no high or adverse human health or environmental effects on minority or low-income populations.

Proposed Action: The Proposed Action would not involve any relocations, health hazards, hazardous waste, property takings, or substantial economic impacts. The Proposed Action would not have disproportionately high or adverse human health or environmental effects on minority or low-income populations or Indian Tribes.

***Cumulative Impacts***

NEPA requires federal agencies to consider the cumulative effects of proposals under their review. Cumulative effects are defined in the CEQ regulations 40 CFR §1508.7 as “...the impact on the environment that results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency...or person undertakes such other actions.” The CEQ states that the “cumulative effects analysis should be conducted on the scale of human communities, landscapes, watersheds, or airsheds” using the concept of “project impact zone” or more simply put, the area that might be affected by the proposed action.

The four Colorado River endangered fishes have the potential to be affected from the incremental impact of the Proposed Action when added to other present and reasonably foreseeable future actions. The four endangered fishes will continue to be affected in the future by water depletions, water resource development, and the implementation of Recovery Program activities. The endangered fishes are currently adversely affected in the project area due to water diversions and depletions in the 15-Mile Reach of the Colorado River from irrigation, municipal water, and other water development. The Proposed Action serves as a recovery measure to temporarily protect flows in the 15-Mile Reach of the Colorado River for the benefit of endangered fishes. Within the Colorado River Basin, when added to other Recovery Program actions already occurring and expected to continue to occur, implementation of the Proposed Action temporarily aids in the cumulative Recovery Program efforts and progress towards establishing self-sustaining populations of the endangered fishes.

No other cumulative effects are anticipated as a result of implementation of the Proposed Action.

***Summary of Impacts***

<b>Resource</b>	<b>No Action Alternative</b>	<b>Proposed Action</b>
Water Resources	No effect	No effect
Hydropower	No effect	Up to 5,000 AF annually of non-project water would have the potential of being delivered to the Power Plant annually for a period of five years. Additional power generation is expected to be de minimis.
Threatened and Endangered Species	No adverse effect	There would be a wholly beneficial effect to the four endangered fish species. There would be no effect to any other federally listed species.

<b>Resource</b>	<b>No Action Alternative</b>	<b>Proposed Action</b>
Indian Trust Assets and American Indian Sacred Sites	No effect	No effect
Environmental Justice	No effect	No effect
Cumulative Impacts	No effect	Within the Colorado River Basin, when added to other Recovery Program actions already occurring and expected to continue to occur, implementation of the Proposed Action temporarily aids in the cumulative Recovery Program efforts and progress towards establishing self-sustaining populations of the endangered fishes.

**Environmental Commitments**

- Reclamation, with the advice of OMID and GVVUA, will determine when capacity is available in Grand Valley Project facilities, including the Government Highline Canal and the Orchard Mesa Power Canal.
- Neither OMID nor GVVUA will forgo the use of Grand Valley project water in order to create capacity for non-project water.
- Reclamation will not be a party to any contract for water acquisitions, and will not incur any costs associated with the acquisition of the right(s) to use the non-project water.
- Any special provisions contained in the contract are included as environmental commitments in this EA.

**Consultation and Coordination**

Scoping for this EA was completed by Reclamation, in consultation with the following agencies and organizations, during the planning stages of the Proposed Action to identify the potential environmental and human environment issues and concerns associated with implementation of the Proposed Action:

- U.S. Fish and Wildlife Service, Ecological Services Field Office, Grand Junction, CO
- Upper Colorado River Endangered Fish Recovery Program
  - State of Colorado
  - State of Utah
  - State of Wyoming
  - Colorado River Energy Distributors Association
  - Colorado Water Congress
  - National Park Service
  - U.S. Fish and Wildlife Service

- Utah Water Users Association
- Western Area Power Administration
- Western Resource Advocates
- Wyoming Water Association
- Orchard Mesa Irrigation District
- Grand Valley Water Users Association

### **References**

JUB 2017. J-U-B Engineers, Inc. Draft Memorandum; Increasing Power Production Utilizing Excess Capacity in the Power Canal. August 23, 2017.