

# RECLAMATION

*Managing Water in the West*

## **Final Environmental Assessment and Finding of No Significant Impact**

**Revocation of Withdrawal, Whitewater Unit,  
Colorado River Storage Project, Colorado  
(COC-016609)**

## **Mission Statements**

### **Protecting America's Great Outdoors and Powering our Future**

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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 interests of the American public.

The mission of the Bureau of Land Management is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations.

# Final Environmental Assessment and Finding of No Significant Impact

Proposed agency action: Revocation of Withdrawal, Whitewater Unit, Colorado River Storage Project, Colorado (C-016609)

Location: Delta and Mesa Counties, Colorado

Lead agency: Bureau of Reclamation, Western Colorado Area Office

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Colorado State Office  
Dominguez-Escalante National Conservation Area  
Grand Junction Field Office  
Uncompahgre Field Office

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# Introduction and Need for the Proposed Action

In the late 1950s, as part of the Colorado River Storage Project, the Bureau of Reclamation (Reclamation) withdrew approximately 67,789 acres of public land, including federal reserved mineral rights on patented lands, to build a storage dam and reservoir called the Whitewater Unit. According to the Bureau of Land Management (BLM), 28,308 acres remain under this withdrawal (BLM, 2016b). Reclamation, in cooperation with the BLM, has prepared this environmental assessment (EA) to determine whether revoking the remaining Whitewater Unit withdrawal in its entirety would significantly affect the environment and require preparation of an environmental impact statement.

## Location of Project Area

The Whitewater Unit withdrawn lands are located in west central Colorado along the lower Gunnison River, above its confluence with the Colorado River (see Figure 1). The lands are located from about 2.5 miles north of the town of Whitewater on U.S. Highway 50 to about four miles west of Delta, Colorado. These lands lie within Mesa and Delta counties, Colorado.

The withdrawn lands are located within BLM's Grand Junction Field Office (GJFO), the Uncompahgre Field Office (UFO), and the Dominguez- Escalante National Conservation Area (D-ENCA). The Mesa-Delta county line is the boundary between the GJFO and the UFO in the area of interest.

The legal description of the currently withdrawn lands, according to Reclamation's records, are in Appendix A. A large-scale map of the withdrawn lands is in Appendix B.

## Background

From the 1920s through the 1940s, there was joint Federal-State planning for development of water resources of the Upper Colorado River Basin. In 1950, Reclamation submitted a planning report to Congress regarding proposed storage dams throughout the Upper Colorado River Basin (BOR, 1950). In that report, Reclamation recommended construction of the Whitewater Unit as one of five initial units of the Colorado River Storage Project (CRSP). In 1953, the State of Colorado testified before Congress (House 1954:42) that they wanted one of the CRSP's initial units to impound waters of the Gunnison River, but they did not want the first unit built on the Gunnison River to be the Whitewater Unit.

The Colorado River Storage Project Act (CRSPA) of April 11, 1956, authorized construction of four CRSP initial units and several participating projects, and

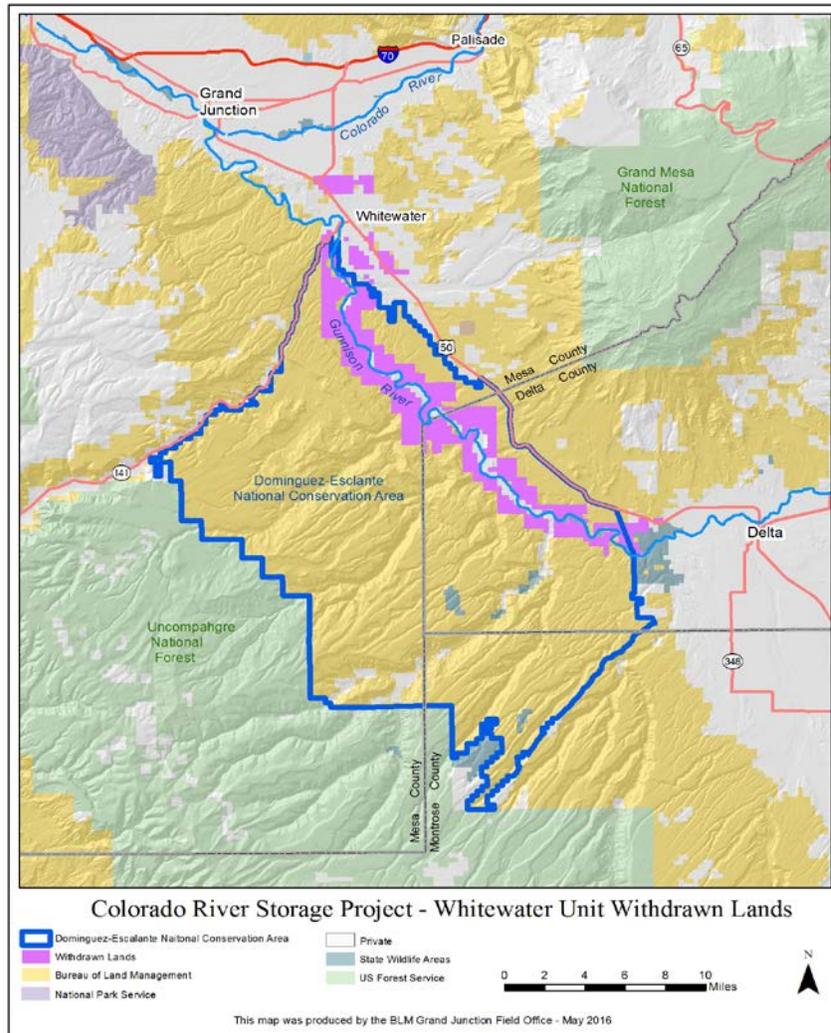


Figure 1. Vicinity Map. (Source: BLM, GJFO, 2016)

identified priorities for further investigation of reclamation projects in the upper Colorado River basin. The Whitewater Unit was not specifically mentioned in the CRSPA. However, the potential development of Reclamation projects in the upper Colorado River basin was not limited to those projects mentioned in the Act (CRSPA, 1956).

On October 19, 1956, Reclamation withdrew 67,788.65 acres of land along the Gunnison River for the Whitewater unit, CRSP. The lands were withdrawn from public entry, under the first form of withdrawal, as provided by Section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416). A first form withdrawal is a withdrawal from public entry of lands required for any irrigation works contemplated under the Reclamation Act.

Floyd E. Dominey, Acting Assistant Commissioner of Reclamation, made the withdrawal pursuant to the authority delegated by the Departmental Order No. 2515 of April 7, 1949 (14 FR 1937). Edward Wozzley, the BLM's Director, concurred with the withdrawal on January 4, 1957, and stated:

*“The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.”*

The withdrawal order and BLM’s concurrence were published in the *Federal Register* on Thursday, January 10, 1957, pages 226-227. This withdrawal is identified on BLM’s Master Title Plats as a BLM Order of 1/4/1957, for the CRSP. BLM has assigned serial number COC-016609 to this withdrawal. Prior partial revocations of this withdrawal has reduced the acreage still withdrawn to 28,308 acres (BLM, 2016b).

The 1983 Interagency Agreement (IA) between Reclamation and BLM provides additional guidance for agency roles and responsibilities for Reclamation withdrawn lands with no authorized for construction Reclamation project and where BLM has administrative authority, as is the case here. The IA states, “In exercising its statutory responsibilities (such as those relating to the U.S. mining and mineral leasing laws, rights-of-way, and cadastral surveys other than farm-unit surveys, and the Recreation and Public Purposes Act, FLPMA, etc.) BLM, in consultation with Reclamation, shall develop special stipulations, consistent with statutory authority, and terms and conditions, as may be determined necessary by Reclamation, to protect the Reclamation withdrawn and acquired land for Reclamation purposes.” The IA further states that a withdrawal, “shall cover no more land than is needed to permit Reclamation the freedom of use and discretionary action necessary to meet all of its stated and implied statutory requirements to construct, operate, maintain, and protect all Reclamation project uses and will restrict use and entry only to the minimum degree to protect project interests.”

Reclamation has contemplated several other projects on these lands, the most recent being the Dominguez Reservoir Project. A feasibility study authorized by the Act of October 27, 1972 (Public Law 92-577) for the Dominguez Reservoir Project was scheduled for completion in 1980 (WPRS, 1981). In a 1984 Planning Report for the Dominguez Reservoir Project, Reclamation concluded that based on the foregoing discussion, “. . . it is not possible for Reclamation to recommend either plan for construction”: the two plans being a peaking power plan and a municipal and industrial water plan (BOR, 1984). To date, no Reclamation project contemplated for this stretch of the Gunnison River has been authorized for construction.

In a December 1988 memorandum to BLM, Reclamation identified the lands still covered by this withdrawal as no longer needed for Reclamation purposes and applied for revocation of the withdrawal in its entirety (BOR, 1988). That memorandum was the culmination of a withdrawal review by Reclamation pursuant to Section 204 (l) of the Federal Land Policy and Management Act (FLPMA). Section 204 (l) required the Secretary of Interior (Secretary) to complete a review of certain outstanding withdrawals and submit a report to the President and Congress regarding the continued need for those withdrawals.

In 2015, as part of its periodic property reviews, Reclamation reaffirmed that these lands are no longer necessary for Reclamation purposes. Reclamation will submit to BLM a notice of intent to relinquish and an application for revocation of the withdrawal, in accordance with applicable regulation. That application will include a recommendation for disposition of the lands.

It is Reclamation policy that a withdrawal should cover no more land than is needed to construct, operate, maintain, and protect project facilities and uses. Revoking the withdrawal would allow for the potential restoration of these lands to the operation of the public land laws in accordance with applicable laws and regulations and pursuant to BLM management decisions.

## **Purpose and Need for Action**

Reclamation has determined these lands are no longer needed for Reclamation purposes. Reclamation's proposed action is to revoke the withdrawal in its entirety.

## **Related Actions and Conformance with BLM Land Use Plans**

Actions related to the revocation include the continued management of these lands by the BLM and any opening of these lands to the operation of the public land laws. These are actions to be taken by the Secretary and/or BLM, pursuant to applicable laws and regulation, and BLM's approved Resource Management Plans (RMP).

BLM has the administrative jurisdiction of the Whitewater Unit withdrawn lands pursuant to BLM's concurrence with the withdrawal order and the 1983 interagency agreement between Reclamation and BLM, as previously noted. The Whitewater Unit lands are located within the Grand Junction Field Office (GJFO), the Uncompahgre Field Office (UFO), and the Dominguez-Escalante National Conservation Area (D-E NCA). Each office or area has approved RMPs guiding how the public lands in those areas would be managed, including after revocation of this withdrawal or withdrawals in general. The BLM has completed NEPA compliance on those RMPs in the form of Environmental Impact Statements (EIS) and the resulting Records of Decision (ROD). The proposed action to revoke the withdrawal of Whitewater unit lands, and any subsequent opening of those lands to the operation of the public land laws is consistent with the objectives, goals, and decisions described in the following BLM RMPs:

- Grand Junction Field Office RMP, 2015
- Dominguez-Escalante National Conservation Area RMP, 2017
- Uncompahgre Basin Resource Area RMP, 1989, as amended. This RMP currently applies to the Uncompahgre Field Office outside of the D-E NCA.

In addition, an RMP revision, along with its associated EIS, is currently being prepared for the UFO. The public comment period for the Draft UFO RMP Revision and Draft EIS closed on November 1, 2016. That draft has wording similar to the 2015 GJFO and the 2017 D-E NCA RMPs for management of lands following revocation of a withdrawal.

# Alternatives

Two alternatives were considered: the No Action Alternative and the Proposed Action.

## No Action Alternative

Under the No Action Alternative, the lands withdrawn for the Whitewater Unit, CRSP, would remain withdrawn for Reclamation purposes, even though Reclamation has determined the lands are no longer needed for its purposes and has recommended revocation. The withdrawal would not be revoked and the 28,308 acres would remain on Reclamation's records. Reclamation would continue to track these lands until the withdrawal is revoked.

The BLM would continue to manage the lands in accordance with the withdrawal order, applicable laws and regulations, its management decisions, and the 1983 interagency agreement (IA) between Reclamation and the BLM, as previously noted. BLM would continue to track the status of these lands.

## Proposed Action

Reclamation's proposed action is to revoke the withdrawal of the Whitewater Unit lands in its entirety, pursuant to Section 204(a) of FLPMA. A revocation cancels a Public Land Order, but does not restore public lands to operation of the public land laws (43 CFR 2091.0-5(i)).

A subsequent action by the BLM would be to restore or open the lands to the operation of all or part of the public land laws through an opening order issued by the Secretary or other authorized officer. This opening order may be included with the revocation order, but does not have to be.

The opening, as defined at 43 CFR 2091.0-5(f), of these lands following revocation of the withdrawal is not an integral part of Reclamation's proposed action. Reclamation, as part of its revocation application, may recommend the opening of these lands to the operation of the public land laws, including the mining laws, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act, subject to valid existing rights, and the terms and conditions of other existing withdrawals, reservations, classifications, and BLM management decisions. However, any opening of these lands following revocation is a Secretarial action based on management decisions in BLM's approved RMPs, and the associated NEPA documents.

BLM would continue administration of the Federal lands and land interests in accordance with FLPMA, the 2009 Omnibus Public Lands Management Act, other applicable laws and regulations, and the management decisions from its approved RMPs and associated NEPA documents.

## Steps Needed

The following steps would be required to implement the proposed action:

- 1) Reclamation completes this EA, with BLM as a Cooperating Agency, and allows the public to comment on it and the proposed finding of no significant impact (FONSI). The FONSI will not be made final until after the public comment period.
- 2) Reclamation submits an application to the Colorado State Office, BLM, pursuant to 43 CFR 2372, providing notice of its intent to relinquish the withdrawal, requesting revocation of the withdrawal, and recommending further disposition of the lands, among other requirements.
- 3) BLM reviews the request and provides a recommendation to the Secretary for action on Reclamation's application and recommendations.
- 4) If the revocation is approved by the Secretary, a Public Land Order (PLO) revoking the withdrawal is published in the *Federal Register*. The revocation PLO may or may not include an opening order.
- 5) Upon revocation of the withdrawal, Reclamation removes the lands from its records, closes its withdrawal file, and discontinues tracking of the lands. BLM continues to manage the lands, but no longer has to consult with Reclamation to ensure protection of the lands for Reclamation purposes.
- 6) The SOI or other authorized officer, may issue an opening order, restoring these lands to operation of all or some of the public land laws, including the mining laws, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act, subject to valid existing rights and the terms and conditions of existing withdrawals, reservations, classifications, management decisions, and associated environmental terms and conditions. Any opening order will be published in the Federal Register.

## Affected Environment and Environmental Impacts

Reclamation, with the cooperation of the BLM, assembled an interdisciplinary team to identify resources that might be potentially significant or relevant to the alternatives or that have a mandatory review requirement. The following section describes the effects of the proposal on those resources, along with cumulative effects of reasonably foreseeable future actions.

### General

The revocation of Reclamation's withdrawal on 24,062 acres within the D-E NCA would have no environmental impact. This is approximately 85% of the current Whitewater Unit withdrawal. The D-E NCA's legislative withdrawal, which is more restrictive than Reclamation's, would remain in effect on those lands. The Secretary does not have the authority to revoke a legislative withdrawal.

The revocation of Reclamation’s Whitewater Unit withdrawal would have no impact on the human environment. The revocation merely cancels the withdrawal, it does not open or restore the lands to the operation of the public land laws. An opening order, as previously discussed, issued by the Secretary or other authorized officer is required for that.

Potential impacts presumed associated with this revocation are more the result of any subsequent opening of the 4246 acres of lands outside of the D-E NCA to some or all of the public land laws and BLM’s continued management of those public lands and land interests. BLM’s management would be based on its approved RMPs and their associated NEPA documents. These RMPs and their EISs provide a framework for BLM’s decisions pertaining to the use, conservation, and development of lands under its administration. The plans take into account the agency’s mission and direction, current and foreseeable uses and demands from the public on the public lands, while providing necessary measures to protect sensitive resources. The environmental effects of BLM’s management of these lands and land interests following revocation of Reclamation’s withdrawal have been, or are being, addressed in the EISs associated with their approved and proposed RMPs. The RMPs include provisions for additional future environmental assessment of site specific activities, permits, and projects and implementation of various measures to reduce potential environmental impacts.

The remainder of this EA will primarily address the 4246 acres of the Whitewater Unit withdrawal outside of the D-E NCA. Approximately 420 acres of this remainder within the GJFO planning area is split estate: private land with minerals reserved to the US. The remaining 3,826 acres represents 0.22 % of the total BLM administered public land within the GJFO and UFO planning areas, outside of the D-E NCA.

Table 1: Current Withdrawn Acreage, Whitewater Unit, CRSP, BOR

Locale	BOR Withdrawn Acreage <sup>1</sup>	
	Public Lands	Split Estate
D-E NCA <sup>2</sup>	24062	0
GJFO	2977	420
UFO	849	0
<b>Total</b>	<b>27,888</b>	<b>420</b>

<sup>1</sup> The total acreage identified in this table is based on BLM’s assessment that the current total withdrawn acreage is 28,308. The split out acreages are based on the applicable percentage of prior acreages provided to BOR from BLM’s GIS.

<sup>2</sup> Both UFO and GFO lands

## Biological Environment

The biological environment consists of the plant communities and associated wildlife of the area. The majority of the vegetation in the withdrawn area outside of the D-ENCA consists of an upland desert shrub community. However, it also includes a half-mile stretch of riparian vegetation (about 21 acres) along the north side of the

Gunnison River at the southern end of the withdrawal area. A more complete description of the biological environment may be found in BLM’s EISs for its applicable RMPs and Reclamation’s 1984 Dominguez Project planning report.

There would be no impact to the biological environment due to the proposed revocation.

There could be some impacts, including cumulative impacts, to upland shrub communities and displacement of wildlife on the 4,246 acres of land outside of the D-ENCA as a result of the implementation of BLM’s management decisions, including any that would open those lands to entry under the mining laws. At this time, however, such changes are not considered reasonably foreseeable, but if they did occur, proposals would be analyzed under site specific NEPA review and documentation done at that time.

### Special Status Species

The action area for purposes of compliance with the Endangered Species Act (ESA) and its implementing regulations at 50 CFR 402 includes the lands proposed for revocation and the reach of the lower Gunnison River that flows through these lands. Table 2 lists the scientific and common names and listing status of species that might occur in this action area.

Table 2. ESA-listed species in action area.

Common Name	Scientific Name	ESA Status <sup>1</sup>	Known to Occur in Action Area
<b>Species</b>			
Colorado hookless cactus	<i>Sclerocactus glaucus</i>	T	Yes
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	E	Yes
Razorback sucker	<i>Xyrauchen texanus</i>	E	Yes
Western yellow-billed cuckoo	<i>Coccyzus americanus</i>	T	Yes
<b>Critical Habitat</b>			
Species	Geographic Extent		
Colorado pikeminnow	Gunnison River and its 100-year floodplain from confluence of Gunnison River and Uncompahgre River to confluence with Colorado River		
Razorback sucker	Gunnison River and its 100-year floodplain from confluence of Gunnison River and Uncompahgre River to Redlands Diversion Dam		
Colorado hookless cactus	None designated.		
Western yellow-billed cuckoo	Proposed CH- does not include the stretch of the Gunnison River between Delta, CO. and Whitewater, CO.		

<sup>1</sup> Federally-listed species. E=endangered; T=threatened.

### Energy Supplies, Use of Natural Resources, Utilities

There would be no impact to energy supplies, use of natural resources, or utilities due to the revocation of this withdrawal.

#### Energy Supplies

Hydro-power: In 1984, Reclamation concluded that it could not recommend the Dominguez Reservoir Project for construction. In 1988, it determined that these

withdrawn lands were no longer needed for Reclamation purposes and requested revocation of the withdrawal; it reaffirmed that determination in 2015. The hydropower potential on the Gunnison River in this area may have been severely restricted by the establishment of the D-E NCA and the Dominguez Canyons Wilderness Area, with their attendant restrictions on development.

**Coal-fired:** The potential for these lands to support coal-fired power plants is minimal. The available coal is of poor quality and its commercial development is unlikely. Also, these lands are outside of the areas considered acceptable for coal leasing.

**Natural Gas:** These lands are adjacent to the southern edge of the Piceance Basin (subsurface geologic structure) and have been identified as having potentially high amounts of conventional and coal bed natural gas, but low potential for development over the next twenty years. These lands were not closed to fluid energy mineral leasing by the withdrawal, but none of these lands are currently leased or have had prior oil/gas development. These lands are currently open to leasing with appropriate stipulations and conditions. Most of the oil/gas development is currently occurring to the northeast and southwest. The closest development is Fram's Whitewater Oil/Gas Unit, a few miles to the northeast, which is being developed in accordance with a BLM-approved master development plan.

**Bio-mass:** There is no nearby bio-mass generating facility. If such a facility were developed, bio-mass from these lands would provide minimal, if any, support due to the vegetative base available from these lands.

**Geothermal:** These lands have been identified as having general geothermal potential. However, any development of that potential is speculative at this time.

**Wind:** These lands are considered of low potential for wind energy development. They are outside of the wind energy emphasis areas. Development of this potential energy source in this area is unlikely at this time.

**Solar:** These lands fall within an area that has a moderate to very high potential for solar radiation. However, they are outside of the GJFO's solar emphasis area. The UFO may consider solar energy development under 20 megawatts. Development of this potential energy source in this area is speculative at this time.

### **Use of Natural Resources**

The allowable use of natural resources on these lands and the manner of such use is determined by BLM through its RMP process and the associated EISs. Revocation of the withdrawal would not significantly change the BLM's management of these lands.

### **Utilities/Rights-of-Way**

Several rights-of-way currently exist on these lands including, but not limited to, various electric transmission lines, gas pipelines, US Highway 50, Colorado Hwy

141, the Denver and Rio Grande Western railroad, and county roads. These lands include a mix of right-of-way corridors and avoidance areas, but no exclusion areas. BLM may authorize additional rights-of-way on these lands.

The proposed revocation would have no effect on energy supplies, use of natural resources, or utilities.

## **Geology, Soils, and Farmlands**

### **Geology/Minerals**

The surface and exposed bedrock formations include Mancos shale, and Dakota sandstone.

Locatable Minerals: There are areas along the Gunnison River where placer gold occurs in the river and perched bench gravels, however gold quantities may not be large enough to justify commercial operations. Also, most of the river and the perched bench gravels are within D-ENCA, which is withdrawn from mineral entry by its establishing legislation. Reclamation's withdrawn lands outside of D-ENCA have minimal potential for locatable minerals. If opened to mineral entry, these lands would be managed by the 43 CFR 3809 surface management regulations for activities related to mineral extraction. This could involve either casual use (negligible), mining notice (less than 5 acres) or mine plan level disturbance.

Leasable Minerals: The Dakota Sandstone (Kdb, Kd) is known to have coal deposits and the potential for coal bed methane. Reclamation's withdrawn lands outside of D-ENCA and within GJFO are closed to fluid energy mineral leasing. Within the UFO, they are currently open to fluid mineral leasing with no stipulations. However, the preferred agency alternative of the UFO's draft RMP revision recommends these lands be open to fluid mineral leasing with either a "no surface occupancy" or a "controlled surface use stipulation." The potential for non-fluid leasable minerals on the withdrawn lands is low.

Salable Minerals: There is good potential for alluvial deposits of sand and gravel along the Gunnison River and its benches in this area. Outside of D-E NCA, these lands are currently open to mineral material disposal, subject to additional NEPA review and terms and conditions to protect other resources.

Soils- Soils on these lands are derived from Mancos shale.

### **Farmlands**

There are no farmlands, including prime farmlands, on the withdrawn lands outside of the D-ENCA. Within the D-E NCA boundaries there are scattered parcels of farmlands along the river.

Use of these lands or mineral resources would not change significantly under either alternative. While the lands outside of the D-ENCA are currently subject to subsequent opening to the operation of the mining law, the locatable minerals thereon, may not be of sufficient quantity or quantity for these occurrences to be developed. These lands remain open to potential fluid mineral leasing and mineral material disposal. BLM's RMPs and regulations are sufficient to manage these resources while protecting others.

The current and proposed RMPs adequately cover all mineral authorizations that would likely be proposed in the future in this area.

## **Floodplains, Wetlands and Other Waters**

The revocation of Reclamation's withdrawal would not affect floodplains, wetlands, and other waters. However, any subsequent opening of the lands could result in actions that could affect those resources. BLM's management of those actions would include measures to mitigate impacts to these resources.

Floodplains, wetlands, and other waters are protected under the Federal Pollution Control Act, more commonly known as the Clean Water Act (33 U.S.C. 1344) and Executive Orders 11990, 13690, and 11988. While the Gunnison River is a Water of the United States, the proposed revocation would not impact water quantity (flows) or water quality, including ground water, surface water, public water supply system, or Federal, state or tribal water quality standards. Neither the revocation nor any opening would involve any discharge of dredge or fill material into Waters of the United States; therefore, a permit is not required under Section 404 of the Clean Water Act.

## **Historic Properties, Cultural Resources, Indian Trust Assets**

Prior inventories on these withdrawn lands have identified numerous cultural resources, including some potentially eligible to the National Register of Historic Places (i.e., historic properties). Reclamation has determined that because the proposed revocation is not a transfer out of Federal control, per 36 CFR 800.5(a)(2)(vii) and 36 CFR 800.3(a)(1), the proposed revocation does not have the potential to cause effects on historic properties and Reclamation has no further obligations under section 106 or the Advisory Council on Historic Preservation's regulations.

Should the BLM subsequently open any of the 4000+ acres to the operation of any or all of the public land laws, that future action would be an undertaking of the BLM's, and not Reclamation's.

An Indian trust asset is a legal interest in property held in trust by the U.S. for Federally-recognized Indian tribes or individual Indians. No Indian trust assets have

been identified in the lands proposed for revocation through past consultations with Indian tribes or the Bureau of Indian Affairs. Thus, there would be no effects on an Indian trust asset from revoking the withdrawal.

## Land Ownership

Acres of general land ownership status within the GJFO and UFO planning decision areas, outside of D-E NCA are shown in the following table.

Table 3: Land Ownership

Land Ownership	GJFO <sup>1</sup>	UFO <sup>2</sup>
Public Land- BLM Administered	1,061,400	675,800
Private Land	714,100	1,125,350
Federal Mineral Estate	1,231,300	971,220

Source:

<sup>1</sup> Grand Junction Field Office Proposed Resource Management Plan and Final Environmental Impact Statement, 2015

<sup>2</sup> Uncompahgre Draft Resource Management Plan and Environmental Impact Statement, 2016.

Approximately 420 acres of this withdrawal within the GJFO planning area consist of patented (i.e., private) lands with mineral reservations to the United States of America. These landowners have use of their land subject to their patent reservations; State of Colorado laws and regulations; and Mesa County regulations and zoning. These lands are outside of the D-ENCA and are subject to mineral decisions in BLM’s 2015 GJFO Approved RMP and any associated mitigating measures.

## Land Use

The revocation of Reclamation’s Whitewater Unit withdrawal would result in no substantive change in land use or administration of these public lands. BLM has been managing these lands in accordance with applicable laws and regulations since before the withdrawal was enacted in 1957. It would continue to do so with or without the revocation. This revocation would allow BLM, at its discretion and subject to other withdrawals, etc., to open these lands to the various public land laws while taking measures to mitigate potential impacts. Its RMPs and associated EIS, as required by FLPMA, guide that management. The current land uses allowed by the appropriate BLM RMPs would continue to occur with appropriate terms and conditions to mitigate potential environmental impacts until the RMPs are amended or revised.

Reclamation’s withdrawal for the Whitewater Unit, CRSP, reserved those lands for potential use for reclamation purposes. The lands were withdrawn from entry under the various non-discretionary public land disposal laws (e.g. the mining laws, homestead acts, state selection, etc.); laws which allowed an entity to enter public lands and claim them for their use and benefit, and potential title transfer, without

prior approval by the government. It did not close those lands to the discretionary authorization of other uses such as rights-of-way, mineral leasing, grazing, and mineral materials disposal. The withdrawal also did not close the lands to casual use by the public.

Following revocation of Reclamation's withdrawal on about 3,397 acres (12% of the Reclamation withdrawal) of land within the GJFO, including the 420 acres of split estate, those lands would be managed by BLM in a manner consistent with adjacent or comparable public land within the planning area (BLM, 2015). An opening order, consistent with BLM's RMP decisions, may be made for these lands.

Approximately 849 (3%) acres of Reclamation's Whitewater Unit withdrawal currently outside of the D-ENCA lie within the Uncompahgre Field Office planning area and are currently subject BLM's 1989 Uncompahgre Basin RMP. Standard management direction for the lands program in that RMP included the following as part of Priority 7: "work with BOR in lifting the existing withdrawals for the Dominguez project." In addition, Management Units 1, 11 and 16 have the following general locatable mineral decision: The BOR withdrawal will be recommended for revocation and opening to permit mineral exploration and development, facilitate resource management, and permit long-term land use planning. Management Unit 5 did not have a statement regarding BOR's withdrawal for the Whitewater Unit or Dominguez project. The draft RMP revision for the Uncompahgre Field Office has wording similar to the 2015 GJFO RMP for management of lands upon revocation of a withdrawal (BLM, 2016). An opening order, consistent with BLM's RMP decisions, may be made for these lands.

## **Social Impacts, Including Environmental Justice**

Executive Order 12898 directs federal agencies to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations. There are no communities or towns in the revocation area, so there would be no effects on local communities. People living in Delta and Mesa counties are most likely to use the lands. As of 2014, there are 173,226 people living in the two counties (compared to 5,079,529 in the state of Colorado). Of these people, 15.9 percent are living in poverty, with Delta County having an estimated 16.2 percent of individuals living in poverty; Mesa County having 15.8 percent; or 11.2 percent of all families in the two counties living in poverty (Department of Commerce 2015). Of the two counties, race as self-identified in the 2014 census (Commerce 2015), is 92.6 percent white (compared to 84 percent in Colorado). Thus, no minority or low-income populations have been identified that would be adversely affected by the proposed revocation and this proposal is not subject to the provisions of Executive Order 12898.

## **Solid and Hazardous Wastes**

For compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and its amendments under the Superfund Amendments and Reauthorization Act (SARA; Public Law 99-499, Section 120), Reclamation does not know of any hazardous substance used, stored for one year or more, or known to have been released or disposed on this property since the withdrawal was made in the 1950s.

Storage and generation of solid waste and potentially hazardous waste may be occurring on a portion of these withdrawn lands. BLM has a wareyard and building near the intersection of Highways 50 and 141. BLM has also authorized a Colorado Department of Transportation wareyard and buildings adjacent to its site. In addition, private activities and uses, which include a water company tank and filtration plant, a drag strip, a model plane airstrip/flight zone, a shooting range, and a race track, on the 420 acres of private land with federal minerals may include storage and/or generation of solid and hazardous wastes. It is presumed that the wastes generated and stored at BLM and CDOT wareyard sites are in compliance with applicable laws and regulations. It is unknown whether the private land activities are in compliance with applicable laws and regulations regarding solid or hazardous wastes.

## **Wild and Scenic Rivers, Wilderness**

The revocation of the Whitewater Unit withdrawal would not affect these resources. The lands within the D-ENCA and Dominguez Canyon WA would continue to be protected by the D-ENCA legislative withdrawals and management decisions. The SOI cannot revoke a legislative withdrawal. There are no wilderness study areas or wilderness areas located on the Whitewater Unit withdrawn lands outside of the D-E NCA.

No streams on these withdrawn lands outside of D-ENCA were determined suitable for inclusion in the National Wild and Scenic Rivers System. A majority of the Gunnison River and Big and Little Dominguez Creeks within the D-E NCA were determined eligible for inclusion in the WSR system; those streams include stretches within the Whitewater Unit withdrawn lands. The wild and scenic river stretches would be managed by BLM in accordance with its current RMP management decisions affecting the D-E NCA.

There are no wilderness study areas or wilderness areas located on the Whitewater Unit withdrawn lands outside of the D-E NCA.

The Dominguez Canyon Wilderness Area lies within the D-E NCA and includes a portion of the Whitewater Unit withdrawal south of the Gunnison River.

# List of Agencies and Persons Consulted

The public was not specifically notified of the preparation of this EA due to an anticipated lack of interest in the proposal. However, Reclamation provided for public notification as specified at 43 CFR 46.305 by posting this EA on its NEPA website (<https://www.usbr.gov/uc/envdocs/ea/pdf/WhitewaterRevokeFinalEA.pdf>) on January 12, 2018 and providing the public with an opportunity to comment on the proposed finding of no significant impact until February 16, 2018. Public notice of the availability of the EA for review and comment was made through a press release, dated 1/12/2018, to the Grand Junction Daily Sentinel and the Delta County Independent. No comments were received within the comment period.

Table 3 lists the entities that were contacted or consulted during the development of this EA. Table 4 lists the members of Reclamation’s interdisciplinary team that assembled this EA.

Table 4. List of agencies and persons consulted.

<b>Name, Title</b>	<b>Authority for Consultation</b>	<b>Findings and Conclusions</b>
Wayne Werkmeister, Associate Field Manager, BLM Grand Junction Field Office	Federal Land Policy and Management Act of 1976, Section 204; P.L. 94-579 (FLPMA)	Indicated proposal is in conformance with RMP.
Nick Szuch, Realty Specialist, BLM Uncompahgre Field Office	Federal Land Policy and Management Act of 1976, Section 204; P.L. 94-579 (FLPMA)	Indicated proposal is in conformance with RMP.
Colin Ewing, Manager, BLM Dominguez-Escalante Conservation Area	Federal Land Policy and Management Act of 1976, Section 204; P.L. 94-579 (FLPMA)	Indicated proposal is in conformance with RMP.
John Beck, Chief of Lands and Realty, and Steven Craddock, Realty Specialist, BLM Colorado State Office	Federal Land Policy and Management Act of 1976, Section 204; P.L. 94-579 (FLPMA)	Indicated proposal is in conformance with RMP.

Table 5. List of preparers.

<b>Name</b>	<b>Title</b>	<b>Responsible for the Following Sections</b>
Nancy Coulam	Environmental Compliance Officer	Impact analysis
Lesley McWhirter	Biologist	Technical coordination & quality control
Betty Reed	Realty Specialist	Alternatives, Land Use
Alan Schroeder	Natural Resource Specialist	Background, Impact analysis, Appendices

# Bibliography

- Bureau of Land Management. 2017. *Record of Decision and Approved Resource Management Plan: Dominguez-Escalante National Conservation Area*. USDI, Bureau of Land Management, Dominguez-Escalante National Conservation Area, Grand Junction, CO.
- \_\_\_\_\_. 2016a. *Mineral Potential Report for the Bureau of Reclamation-Whitewater Land Release Area*. USDI, Bureau of Land Management, Grand Junction Field Office, Grand Junction, CO
- \_\_\_\_\_. 2016b. *Land Surveyor Report: Final Determination- Legal Description of Lands to be Relinquished, Whitewater Unit, CRSP*. USDI, Bureau of Land Management, Colorado State Office, Lakewood, CO
- \_\_\_\_\_. 2016c. *Draft Resource Management Plan and Environmental Impact Statement*. Uncompahgre Field Office, Montrose, CO. No. BLM/CO/PL-16/006. Accessed on line at: [http://www.blm.gov/co/st/en/fo/ufo/uncompahgre\\_rmp.html](http://www.blm.gov/co/st/en/fo/ufo/uncompahgre_rmp.html)
- \_\_\_\_\_. 2015a. *Record of Decision for Approved Resource Management Plan and Approved Travel Management Plan for the Bureau of Land Management Grand Junction Field Office*. BLM, Grand Junction Field Office. Grand Junction, CO. No. BLM/CO/PL-15/016. Accessed on line at: [http://www.blm.gov/style/medialib/blm/co/field\\_offices/grand\\_junction\\_field/RMP\\_Library.Par.39235.File.dat/Front%20Cover%20electronic.pdf](http://www.blm.gov/style/medialib/blm/co/field_offices/grand_junction_field/RMP_Library.Par.39235.File.dat/Front%20Cover%20electronic.pdf).
- \_\_\_\_\_. 2015b. *Grand Junction Field Office Proposed Resource Management Plan and Final Environmental Impact Statement*. Grand Junction Field Office. Grand Junction, CO. No. BLM/CO/PL-15/016. Accessed on line at: [http://www.blm.gov/style/medialib/blm/co/field\\_offices/grand\\_junction\\_field/RMP\\_Library.Par.39235.File.dat/Front%20Cover%20electronic.pdf](http://www.blm.gov/style/medialib/blm/co/field_offices/grand_junction_field/RMP_Library.Par.39235.File.dat/Front%20Cover%20electronic.pdf).
- \_\_\_\_\_. 2013. *Dominguez-Escalante National Conservation Area Draft Resource Management Plan & Environmental Impact Statement*. Accessed on line at: <https://eplanning.blm.gov/epl-front-office/projects/lup/33152/43170/46185/default.jsp?projectName=Dominguez-Escalante+NCA+Draft+RMP&projectDisplayName=Dominguez-Escalante+NCA+Draft+RMP>
- \_\_\_\_\_. 2013a. *Reasonably Foreseeable Development Scenario for Oil and Gas, Grand Junction Field Office, Colorado Record of Decision and Approved Resource Management Plan*. Grand Junction Field Office Grand Junction, CO. Accessed on line at: [http://www.blm.gov/style/medialib/blm/co/field\\_offices/grand\\_junction\\_field/Draft\\_RMP/DRMP\\_Documents.Par.18960.File.dat/GJFO%20RFD%206-18-2012%20Final.pdf](http://www.blm.gov/style/medialib/blm/co/field_offices/grand_junction_field/Draft_RMP/DRMP_Documents.Par.18960.File.dat/GJFO%20RFD%206-18-2012%20Final.pdf)
- \_\_\_\_\_. 2010. *Interim Management Policy: Dominguez-Escalante National Conservation Area*, USDI, BLM. (BLM, 2010)

\_\_\_\_\_. 1989. *Uncompahgre Basin Resource Management Plan and Record of Decision*. Montrose District, Uncompahgre Basin Resource Area. Accessed on line at:

[http://www.blm.gov/style/medialib/blm/co/field\\_offices/uncompahgre\\_field/documents.Par.74380.File.dat/UB%20RMP\\_ROD.pdf](http://www.blm.gov/style/medialib/blm/co/field_offices/uncompahgre_field/documents.Par.74380.File.dat/UB%20RMP_ROD.pdf)

\_\_\_\_\_. Master Title Plat Township 12 South, Range 99 West, 6<sup>th</sup> Principal Meridian, Current to 4/7/2014. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=7801&sid=rvr4ahmy.g4t](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=7801&sid=rvr4ahmy.g4t)

\_\_\_\_\_. Master Title Plat Township 13 South, Range 99 West, 6<sup>th</sup> Principal Meridian, Current to 11/21/2013. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=7929&sid=30unvskh.ss0](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=7929&sid=30unvskh.ss0)

\_\_\_\_\_. Master Title Plat Township 14 South, Range 98 West, 6<sup>th</sup> Principal Meridian, Current to 9/18/2015. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=8033&sid=5ydpi02u.vtt](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=8033&sid=5ydpi02u.vtt)

\_\_\_\_\_. Master Title Plat Township 14 South, Range 99 West, 6<sup>th</sup> Principal Meridian, Current to (no date listed). Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=8037&sid=lxnvwu4s.vra](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=8037&sid=lxnvwu4s.vra)

\_\_\_\_\_. Master Title Plat Township 15 South, Range 96 West, 6<sup>th</sup> Principal Meridian, Current to 11/25/2015. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=8129&sid=e3hpw0rd.w3e](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=8129&sid=e3hpw0rd.w3e)

\_\_\_\_\_. Master Title Plat Township 15 South, Range 97 West, 6<sup>th</sup> Principal Meridian, Current to 12/2/2013. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=8131&sid=x5oqokjg.0gz](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=8131&sid=x5oqokjg.0gz)

\_\_\_\_\_. Master Title Plat Township 15 South, Range 98 West, 6<sup>th</sup> Principal Meridian, Current to (no date listed). Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=8133&sid=x0oiddtf.ljp](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=8133&sid=x0oiddtf.ljp)

\_\_\_\_\_. Master Title Plat Township 2 South, Range 1 East, Ute Meridian, Current to 10/1/2014. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=3921&sid=r2shpjqd.0gv](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=3921&sid=r2shpjqd.0gv)

\_\_\_\_\_. Master Title Plat Township 2 South, Range 2 East, Ute Meridian, Current to 4/29/2014. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=3925&sid=my1vcksb.wim](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=3925&sid=my1vcksb.wim)

\_\_\_\_\_. Master Title Plat Township 3 South, Range 2 East, Ute Meridian, Current to 3/12/2013. Accessed on line at:

[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=3927&sid=ep2s2hyj.yd3](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=3927&sid=ep2s2hyj.yd3)

\_\_\_\_\_. Master Title Plat Township 4 South, Range 3 East, Ute Meridian, Current to 7/28/2014. Accessed on line at:  
[http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm\\_id=3929&sid=npvlh5nv.uyy](http://www.glorerecords.blm.gov/details/lsr/default.aspx?dm_id=3929&sid=npvlh5nv.uyy)

Bureau of Reclamation, Region 4, 1950. *Colorado River Storage Project and Participating Projects*, Upper Colorado River Basin. Project Planning Report No. 4-8a.81-0. Salt Lake City.

\_\_\_\_\_. 1957. *First Form Withdrawal: Colorado River Storage Project, Colorado, Whitewater Unit, October 19, 1956*. Federal Register, Thursday, January 10, 1957, pgs. 226-227. Bureau of Reclamation, Washington, D.C. (BOR, 1957)

\_\_\_\_\_. 1988. Memorandum to Colorado State Director: *Withdrawal Review Reports- Fruitland Mesa Project (PLO 3945, 3/7/1966, C-0125201; PLO 3467, 11/25/1964, C-019088) and Dominguez Project (PLO dated 1/4/1957, C-016609)*, US Bureau of Reclamation, Upper Colorado Region, Salt Lake City, UT. (BOR, 1988)

\_\_\_\_\_. 1984. *Planning Report: Dominguez Reservoir Project, Colorado*, USDI, Bureau of Reclamation, Upper Colorado Region, Salt Lake City, UT (BOR, 1984)

\_\_\_\_\_. 1998. *Land Withdrawal Handbook*. USDI, Bureau of Reclamation, Washington, DC.

U.S. Congress, 1902. Reclamation Act of June 17, 1902 (32 Stat. 388), Washington, DC. (RA, 1902)

\_\_\_\_\_. 1956. Colorado River Storage Project Act of April 11, 1956, Washington, DC. (CRSPA, 1956)

\_\_\_\_\_. 1972. Act of October 27, 1972, (Public Law 92-577, 86 Stat. 1256), Washington, DC. (PL 92-577, 1972)

\_\_\_\_\_. 1976. Federal Land Policy and Management Act of 1976 (Act of October 21, 1976; Public Law 94-579, 90 Stat. 2743), Washington, DC. (FLPMA, 1976)

\_\_\_\_\_. 2009. Omnibus Public Lands Management Act of 2009 (Public Law 111-11). Subtitle E- Dominguez-Escalante National Conservation Area, Washington, DC. (PL 111-11, 2009)

U.S. Congress, House. 1954. Committee on Interior and Insular Affairs, report submitted by Fred G. Aandahl and K.M. Le Compte, 83d Congress, 2d Session, House Document No. 364, *A Report on the Colorado River Storage Project and Participating Projects, Providing for the Development and Utilization of the Water and Related Resources of the Upper Colorado River Basin, Pursuant to the Federal Reclamation Laws*. Committee Print.

U.S. Department of Commerce, Census Bureau. 2015. *American Community Survey, 2014*. American Community Survey Office. Washington, D.C.

U.S. Geological Survey, Gap Analysis Program. 2012. *Protected Areas Database of the United States*, version 1.3.

Water and Power Resources Service (WPRS). 1981. *Project Data*. U.S. Government Printing Office, Denver, CO.

## Appendix A: Legal Description of Withdrawn Lands as Identified by BOR Records

**C-016609 (BLM Order 1/4/57)- BLM has identified 28,308 acres (more or less) as currently withdrawn according to its records, but has not provided the legal descriptions for that acreage.**

### 6<sup>TH</sup> PRINCIPLE MERIDIAN

	<u>Acreage</u>
<u>T. 15 S., R. 96 W.</u>	
Section 18 - Lots 1 thru 3, N1/2NE1/4	<u>204.11</u>
Sub Total	204.11
<u>T. 15 S., R. 97 W.</u>	
Section 7 - Lots 2 thru 6	131.83
8 - Lots 1 thru 3	66.71
9 - Lots 1, 2, 5	73.70
13 - E1/2NE1/4, SW1/4NW1/4, SW1/4	280.00
14 - Lots 1, 2, 4, 8, 11, NE1/4NE1/4, S1/2NE1/4, S1/2NW1/4, SW1/4SW1/4	380.96
15 - Lots 1, 4, 6, 7, 10, 12, S1/2NE1/4	232.28
16 - Lot 1, NE1/4NW1/4, S1/2N1/2, S1/2	523.91
17 - Lots 1 thru 3, S1/2NE1/4, W1/2NW1/4, NW1/4SW1/4, NE1/4SE1/4, S1/2SE1/4	380.97
18 - Lots 1, 2, NE1/4, E1/2NW1/4	318.48
22 - Lots 1, 2, NE1/4NE1/4, S1/2NE1/4, NW1/4NW1/4, SE1/4NW1/4	278.37
23 - Lots 3, 5, 7, NE1/4NE1/4, W1/2W1/2	257.81
24 - Lots 1, 3, 6, 7, SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4	<u>336.69</u>
Sub Total	3,261.71
<u>T. 14 S., R. 98 W.</u>	
Section 7 - Lots 1 thru 4, SW1/4NE1/4, E1/2W1/2, SE1/4	512.48
8 - Lots 5 thru 7	120.51
14 - Lots 1 thru 4, W1/2	447.72
15 - ALL	640.00
16 - Lots 2, 4, NE1/4, N1/2NW1/4, SE1/4NW1/4, SW1/4SW1/4, N1/2SE1/4, SE1/4SE1/4	497.73
17 - Lots 2, 4, 5, 7, 12 thru 18, SW1/4NW1/4, SE1/4	421.67
18 - Lots 1 thru 9, W1/2E1/2, E1/2W1/2	615.98
19 - Lots 1 thru 16	654.24
20 - N1/2, N1/2SW1/4, SW1/4SW1/4, SE1/4	600.00
21 - Lot 7, W1/2, NW1/4SE1/4, S1/2SE1/4	465.71
22 - Lots 1 thru 6, 10 thru 14, W1/2NW1/4, S1/2SW1/4	421.89
23 - Lots 1 thru 4, NW1/4, E1/2SW1/4	368.48
26 - Lots 1 thru 7, E1/2NW1/4, NE1/4SW1/4	277.39
27 - W1/2, W1/2SE1/4	400.00
29 - NE1/4, W1/2NW1/4	240.00
34 - Lots 2, 3, 5, W1/2E1/2, NW1/4, SE1/4SE1/4	430.38
35 - Lots 2, 6 thru 8, SE1/4NW1/4, SW1/4SW1/4	<u>189.07</u>

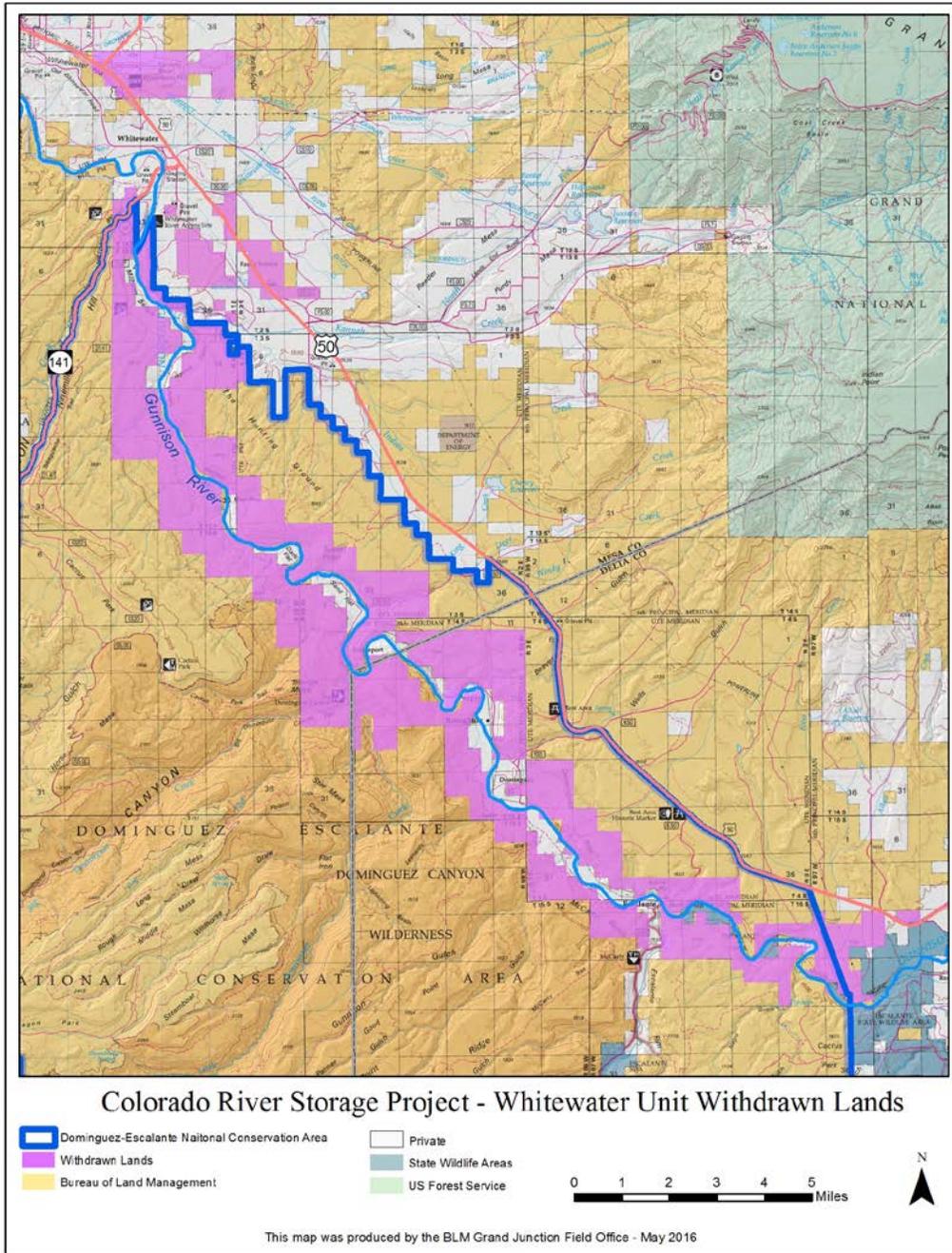
	Sub Total	7,303.25
<u>T. 15 S., R. 98 W.</u>		
Section 2 - Lots 1 thru 4, S1/2NW1/4		<u>223.34</u>
	Sub Total	223.34
<u>T. 12 S., R. 99 W.</u>		
Section 28 - SE1/4SW1/4		40.00
33 - W1/2		<u>320.00</u>
	Sub Total	360.00
<u>T. 13 S., R. 99 W.</u>		
Section 4 - Lots 1, 2, SW1/4NW1/4, W1/2SW1/4, SE1/4SW1/4		237.64
9 - S1/2NE1/4, W1/2, SE1/4		560.00
10 - Lot 5, W1/2SW1/4, SE1/4SW1/4		143.83
11 - Lots 1 thru 3		66.65
14 - Lots 2 thru 4, W1/2		401.16
15 - Lots 1, 4, S1/2NE1/4, NW1/4NW1/4, SE1/4SW1/4, SE1/4		386.37
16 - N1/2, SW1/4, W1/2SE1/4		560.00
21 - All		640.00
22 - Lots 1 thru 9, NE1/4, E1/2NW1/4, SW1/4SW1/4, N1/2SE1/4, SE1/4SE1/4		589.90
26 - Lots 1 thru 7, NW1/4, N1/2SW1/4		403.51
27 - Lots 1 thru 7, E1/2NE1/4, W1/2NW1/4, SE1/4NW1/4, SW1/4, SW1/4SE1/4		585.81
28 - N1/2		320.00
34 - All		640.00
35 - Lots 1 thru 5, W1/2W1/2		<u>259.92</u>
	Sub Total	5,794.79
<u>T. 14 S., R. 99 W.</u>		
Section 1 - Lots 7 thru 10, S1/2SW1/4		202.57
2 - Lots 6 thru 10, S1/2NW1/4, S1/2		562.10
3 - Lots 5, 6, S1/2NE1/4		161.80
12 - Lots 1 thru 5, SW1/4NE1/4, NW1/4, W1/2SE1/4		451.33
13 - NE1/4		<u>160.00</u>
	Sub Total	1,537.80

**UTE PRINCIPLE MERIDIAN**

	<u>Acreage</u>	
<u>T. 2 S., R. 1 E.</u>		
Section 1 - Lots 1 thru 3, S1/2N1/2, SE1/4	439.85	
2 - Lots 1 thru 4, S1/2N1/2, S1/2	636.72	
3 - Lots 1 thru 4, S1/2N1/2, NE1/4SW1/4, SE1/4	513.6	
23 - Lots 3 and 4, SW1/4NE1/4, SE1/4SE1/4	119.75	
24 - NE1/4NE1/4, S1/2NE1/4, SW1/4SW1/4, E1/2SE1/4	240.00	
25 - SW1/4NE1/4, W1/2, W1/2SE1/4, SE1/4SE1/4	480.00	
26 - E1/2NE1/4, W1/2W1/2 (new survey Lots 1, 2, SW1/4NW1/4, NW1/4 SW1/4), NE1/4SE1/4	274.47	
27 - Lots 1 thru 4	25.73	
35 - Lots 1, 2	73.00	
36 - SW1/4NE1/4, S1/2SW1/4, NE1/4SE1/4, SW1/4SE1/4	<u>200.00</u>	
	Sub Total	3,003.12



# Appendix B: Large Scale Map



Source: BLM, GJFO (2016)



## Finding of No Significant Impact: Revocation of Withdrawal, Whitewater Unit, Colorado River Storage Project, CO (CO-016609)

As the responsible official, I have reviewed and considered the EA and documentation included in the project files, and determined the proposal would not have a significant effect on the quality of the human environment and an environmental impact statement is not needed. The rationale for this finding is as follows, organized, in part, by the definition of significance at 40 CFR 1508.27.

### General

The proposed action is to recommend to the Secretary of the Interior the revocation of the Whitewater Unit withdrawal (BLM Serial # CO-016609) in its entirety and open the lands not otherwise withdrawn and reserved for specific purposes to the operation of the public land laws. This would allow Reclamation to close out a portion of its land records and to simplify the subsequent management of the lands by BLM. The revocation of the withdrawal would bring these lands into compliance with federal policy to not maintain withdrawals on lands determined to no longer be necessary for the purposes for which they were withdrawn. Reclamation has determined these lands are no longer necessary for Reclamation purposes and is requesting revocation of the withdrawal.

The withdrawal currently includes about 28,308 acres of land along the Gunnison River in western Colorado between Grand Junction, CO and Delta, CO. About 85 percent (23,920 acres) of the withdrawn lands lie within the Dominguez- Escalante National Conservation Area (D-E NCA) as established by Subtitle E of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 STAT. 991). About 15 percent (4,231 acres) of this withdrawal lie outside of the D-E: NCA: 3,510 acres (12.4 percent) within BLM's Grand Junction Field Office (GJFO) and 849 acres (3 percent) within the Uncompahgre Field Office (UFO) planning areas. Approximately 420 acres of the withdrawal within GJFO and outside of D-E NCA is split estate: private surface with federal minerals. The remaining 3,811 acres of this withdrawal is public land under BLM administration and represents about 0.23 percent of the total BLM administered public lands within these two field office's decision areas.

Reclamation has never had administrative jurisdiction of these lands. In its concurrence with the withdrawal in 1957, BLM stated, "*The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.*" BLM has managed these lands in accordance with applicable laws and regulations both prior to and since their withdrawal, and would manage them after revocation. There are currently three approved BLM RMPs with their associated EISs that guide the management of these lands. There is also one pending draft RMP revision and EISs that would revise or replace one of the current RMPs.

The proposed revocation would have no impact to any resource or impact topics on the 23,920 acres (85 percent) of the Whitewater Unit withdrawn lands within the D-E NCA. The existing Congressional withdrawal (which is more restrictive than Reclamation's) on the lands within the D-E NCA would remain in place.

Following revocation of Reclamation's withdrawal on about 3,510 acres of land within the GJFO, those lands would continue to be managed by BLM in a manner consistent with adjacent or comparable public land within the planning area (BLM, 2015).. About 420 acres of these lands consist of split estate, which leaves 3,090 acres of this withdrawal outside of D-E NCA as BLM administered public lands within GJFO. BLM's continued management of these lands and resources would be consistent with the ROD for the recently approved GJFO RMP.

Approximately 849 acres of this withdrawal currently lie within the Uncompahgre Field Office planning area outside of the D-E NCA and with management currently guided by BLM's 1989 Uncompahgre Basin RMP. Standard management direction for the lands program in that RMP included the following as part of Priority 7: "work with BOR in lifting the existing withdrawals for the Dominguez project." Management Units 1, 11 and 16 have the following general locatable mineral decision: The BOR withdrawal will be recommended for revocation and opening to permit mineral exploration and development, facilitate resource management, and permit long-term land use planning. Management Unit 5 did not have a statement regarding BOR's withdrawal for the Whitewater Unit or Dominguez project, but is presumed to be the same as above. The agency preferred alternative (Alt. D) of the Draft RMP revision for the Uncompahgre Field Office has wording similar to the 2015 GJFO RMP for management of lands upon revocation of a withdrawal (BLM, 2016).

## Finding of No Significant Impact

Based upon a review of the EA and the supporting documents, we have determined that the Proposed Action would not have significant effects on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the Field Office and NCA approved Resource Management Plans. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the proposed action as described below.

## Context

The proposed action is to recommend to the Secretary of the Interior the revocation of the Whitewater Unit, CRSP withdrawal in its entirety, with continued management of those lands by BLM in accordance with applicable laws and regulations, and its current RMPs, as they may be amended or revised in the future. Reclamation determined that these lands were no longer needed for reclamation purposes and applied for revocation of the withdrawal in its entirety in 1988 as part of the FLPMA 204 (I) withdrawal review. In 2015, Reclamation re-affirmed the 1988 decision and will again apply for revocation of the withdrawal.

Approximately 28,308 acres along the Gunnison River in Delta and Mesa counties, CO, currently remain in this withdrawal. About 85 percent (23,920 acres) of the withdrawal now lies within the D-E NCA. About 420 acres of the remainder is split estate near the junction of highways 50 and 141 within the GJFO. About 3,939 acres is public land administered by BLM:

about 3,090 acres within the GJFO and 849 acres within the UFO. The 3,811 acres represents about 0.23 percent of the total BLM administered public lands within the decision areas of those field offices.

Reclamation withdrew from public entry these lands which were required for Whitewater Unit (CRSP) irrigation works contemplated under the provisions of the Reclamation Act of 1902. The Dominguez Reservoir Project was the last Reclamation project contemplated for these lands; it was not recommended for construction. The withdrawal closed the lands to entry under the non-discretionary public land disposition acts, such as the mining laws, the homestead laws, the pre-emption acts, etc. It did not withdraw the lands from the discretionary public land laws, such as, the mineral leasing acts, the mineral material act, etc. Many of the non-discretionary disposition acts were subsequently repealed in 1976 by FLPMA and are no longer in effect. The mining laws and the Desert Land Entry Act were not repealed and remain in effect.

Reclamation has never had administrative jurisdiction on these lands. BLM managed these lands both prior to and after the withdrawal and would continue to manage them whether or not the withdrawal is revoked or the lands restored to public entry. Revocation of the withdrawal would allow Reclamation to close its records on these lands, and would simplify BLM's management. BLM's continued management of these lands would be in accordance with applicable laws and regulations and the decisions regarding land use and resource protection from its RMPs, as they may be amended or revised.

The revocation of Reclamation's withdrawal on 23,920 acres within the D-E NCA would have no impact on the human environment or BLM's future management of those lands. The more restrictive Congressional withdrawal on the D-E NCA lands, would remain in place.

The opening of up to 4,369 acres of land to public entry under the public land laws may result in impacts on various resources or impact topics, especially if such entry results in surface disturbing activities. BLM's current RMPs for the GJFO and UFO lands outside of D-E NCA provide for opening of those lands to location and entry under the mining laws, as does the UFO proposed Final RMP Revision. BLM's RMPs and associated environmental compliance actions reduce those potential impacts to acceptable levels. Refer to BLM's approved RMPs for these lands, along with the associated EISs and RODs, for a more detailed analysis.

## Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the project files. The finding of no significant impact is based on analysis of the following 10 factors, in their local context.

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

Revocation of this withdrawal would likely result in a beneficial effect with regard to Reclamation and a neutral effect with regard to BLM's management of the lands. Any opening of these lands to the operation of the public land laws could result in a potential increase in surface disturbing activities that have the potential for adverse environmental

impacts. However, BLM's recommendations for opening and continued management is guided by applicable laws and regulations, and its decisions in its RMPs and the associated EISs. Any site specific projects proposed on these lands in the future would undergo their own NEPA analysis.

**2. The degree to which the proposed action affects public health or safety.**

The proposed action would not affect public health or safety. BLM would continue to manage these lands in a manner that minimizes adverse effects on public health and safety. See BLM's approved RMPs for the GJFO, UFO, and D-E NCA.

**3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

Opening of these lands to entry under the public land laws may result in surface disturbing activities that could affect these elements. BLM's continued management of these lands is guided by applicable laws and regulations and decisions from its RMPs. BLM's management includes measures to reduce potential impacts to these elements. Any site specific projects proposed on these lands in the future would undergo their own NEPA analysis.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The revocation of the withdrawal and the opening of these lands are not expected to have any effects on the quality of the environment that are likely to be highly controversial. Note: The term "controversial" in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action or alternative.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The revocation of the withdrawal and the opening of the lands would not be expected to have effects that are highly uncertain or involve unique or unknown risks. The types of land uses to be allowed and their expected impacts have been analyzed during BLM's land management processes using resource presence, quantity, quality, and availability information and reasonably foreseeable development scenarios.

**6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The revocation of this withdrawal and opening of these lands to any or all of the public land laws would not establish precedent for future actions with significant effects or represent a decision in principle about a future consideration. Each proposed withdrawal revocation is reviewed separately and on its own merits. BLM's continued management

is subject to applicable laws and regulations, valid existing rights, other existing withdrawals and BLM management decisions from its RMPs.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.**

The proposed revocation of this withdrawal is related to the opening or restoration of these lands to the operation of any or all of the public land laws. Such opening or restoration to all or part the public land laws could lead to cumulative impacts due to the potential for actions, particularly surface disturbing actions, previously barred by the withdrawal. This withdrawal closed these lands to the operation of the various public disposal laws, such as the mining laws, the homestead laws, State in-lieu selection, etc. It did not close them to the mineral leasing act, mineral materials sales, rights-of-way, or other similar discretionary use laws. Any subsequent opening or restoration of these lands is a Secretarial decision based on other existing withdrawals, valid existing rights, applicable laws and regulations and BLM decisions from its RMPs.

FLPMA repealed most of the homestead laws. There would be no impact to the environment on the 23,920 acres of this withdrawal within the D-E NCA; the more restrictive legislative withdrawal for the D-E NCA would remain in place. BLM, in developing its RMPs, considers the cumulative impacts of its proposed actions in the associated EISs and applies appropriate mitigating measures to authorized actions to reduce environmental impacts. BLM's GJFO 2015 RMP identifies these lands outside of D-E NCA as closed to fluid mineral leasing, but available for location under the mining laws, and available for mineral material disposal.

BLM's current RMP for these lands outside of D-E NCA provides for 1) opening of the lands to location under the mining laws following revocation of this withdrawal, 2) leasing of these lands for oil/gas with no stipulations, and 3) allows for mineral material sales. The agency preferred alternative in the Draft UFO RMP revision currently identifies these lands as 1) available for location under the mining laws following revocation of this withdrawal, 2) open for oil/gas leasing subject to NSO or CSU stipulations, 3) generally open to mineral material disposal. Additional NEPA and cumulative impact analysis would take place, when and if, any of these actions are proposed following revocation of this withdrawal and any opening thereof.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The revocation of this withdrawal would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or cause loss or destruction of significant scientific, cultural or historical resources. However, surface disturbing activities authorized prior to or following any opening of these lands have the

potential to do so. BLM’s management of these lands and any authorization of surface disturbing activities include the assessment of potential impacts to these resources, and the implementation of measures to mitigate said impacts. Refer to BLM’s approved RMPs for these lands, along with the associated EISs and RODs, for a more detailed analysis. Any site specific projects proposed on these lands in the future would undergo their own NEPA analysis.

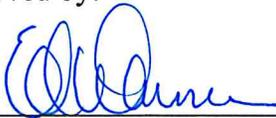
**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species (ESA) Act of 1973.**

The revocation of this withdrawal would not adversely affect an ESA listed species or its critical habitat. However, surface disturbing activities authorized prior to or following any opening of these lands have the potential to do so. BLM’s management of these lands and any authorization of surface disturbing activities include the assessment of potential impacts to these resources, and the implementation of measures to mitigate said impacts. Refer to BLM’s approved RMPs for these lands, along with the associated EISs and RODs, for a more detailed analysis. Any site specific projects proposed on these lands in the future would undergo their own NEPA analysis.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The revocation of this withdrawal, and opening of these lands to the operation of any or all of the public land laws, as determined appropriate by BLM through its RMPs, does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The BLM’s management is subject to applicable laws and regulations, including those imposed for the protection of the environment.

Approved by:



Ed Warner  
Area Manager  
Bureau of Reclamation, WCAO

2-26-18

Date



Jennifer Whyte  
Acting Branch Chief, Lands and Realty  
Bureau of Land Management, CSO

4-6-18

Date