

Final Environmental Assessment
CONTRACT BETWEEN THE UNITED STATES
AND THE PINE RIVER IRRIGATION DISTRICT
FOR THE USE OF PROJECT WATER FOR
MISCELLANEOUS PURPOSES

1. INTRODUCTION AND PURPOSE AND NEED

1.1 Introduction:

The Pine River Project (Project) has provided irrigation water for over 60 years to portions of southeast La Plata and southwest Archuleta Counties, Colorado, including lands within the Southern Ute Indian Reservation Boundary¹ (see Figure 1 – *Note: Figure 1 also shows lands irrigated by the Pine River Indian Irrigation Project*). This final environmental assessment (EA) addresses the proposed contract for making a limited amount of Project irrigation water available for other purposes and has been prepared in cooperation with the Pine River Irrigation District (District). The EA is written in compliance with the National Environmental Policy Act of 1969 (NEPA), the Endangered Species Act, and related federal policies and regulations. Reclamation has concluded that the proposed action would have no significant impact on the human environment; and preparation of an Environmental Impact Statement is not required.

1.2 Purpose and Need:

A plan and legal agreement are needed to provide the framework to make a limited amount of Pine River Project irrigation water available for other miscellaneous non-irrigation uses in order to address existing and future domestic, municipal, and industrial (M&I) water needs of the increasing population in the area². More specifically, purposes include (1) providing a method for the District to address the existing and potential future M&I water needs in the area brought about by residential growth; (2) confirming that existing M&I water uses are in compliance with Reclamation law, specifically the Act of February 25, 1920 (41 Stat. 451), referred to as the “1920 Act”; and (3) protecting the existing irrigation purposes of the Pine River Project.

¹ The Southern Ute Indian Tribe’s 1/6 portion of Project water is explicitly excluded from the contract and, as stated in the contract, the contract shall in no way limit the Tribe’s ability and right to fully use its allocation of stored water. The terms “Pine River Project water”, “Project”, “Project water”, and “irrigation water” where used throughout this document in connection with water to be made available for miscellaneous uses under the proposed contract shall mean the District’s 5/6 portion of Project water unless otherwise stated.

² Miscellaneous uses could include uses such as domestic, municipal, industrial, fire control, and fish and wildlife.

1.3 Proposed Action:

The proposed action is “execution of a contract between the District and Reclamation that makes a limited amount of project irrigation water available for miscellaneous uses other than irrigation and that further documents the terms and conditions for using this water.” Water made available for miscellaneous uses would be released from Vallecito Reservoir, the major feature of the Pine River Project, (1) as exchange water to the Pine River³; or (2) to the Pine River for direct diversion by private parties or other users, through existing, improved, or new diversion facilities. In most cases the water would be combined with non-project water to meet needs. While the Contract identifies up to 6,700 acre-feet (af) of water that could be potentially made available for miscellaneous uses in the long-term, this EA only addresses approval of use of 3,000 af of that water, all of which would be used within the existing service area of the District. The service area includes the entire Pine River Basin, the lower Piedra River Basin, and portions of the Florida River Basin east of the Florida River.

Execution of the contract is contingent on a finding by Reclamation that the proposed action is in compliance with the 1920 Act, which, among other provisions, states that a proposed action shall not be detrimental to existing irrigation uses.

The proposed action would only make water available for release to the Pine River by the District. Distribution of the water is not part of the proposed action. The proposed action also does not provide approval or control for any particular land use such as for new homes, municipal supplies, wells, or other activities for which Reclamation has no authority or responsibility. While the District’s responsibilities end once the water is released from Vallecito Reservoir, for the purposes of analyzing potential effects of the proposed action, the delivery point as defined in this document is the point on the Pine River where Project water is being used as part of an exchange plan or as a direct diversion. Generally, this area includes the Water Critical Area, as defined by the Colorado Division of Water Resources, which extends along the river corridor from Vallecito Dam to the Pine River Canal diversion point, approximately 4 miles downstream of Bayfield, Colorado.

2. BACKGROUND

2.1 Background and History:

The Pine River Project consists of Vallecito Dam and Reservoir and associated land and facilities. The project was authorized in 1937 under provisions of the Department of the Interior Appropriation Act of June 25, 1910 (36 Stat. 835). Construction was initiated in May 1938, and the project facilities were dedicated on September 14, 1941. The authorized purposes of the project are to provide supplemental irrigation water to both the

³ Exchange water is water provided from Vallecito Reservoir to offset the diversions of junior or non-decreed water uses in the Pine River so that those uses can continue to divert. For example, a new domestic well can lease exchange water that can be released from Vallecito to the Pine River to replace the well’s diversions and thus protect senior water rights in compliance with Colorado water law.