

**Finding of No Significant Impact
WCAO-GJ-FONSI-04-05**

**Providing Endangered Fish Passage
at the Price-Stubb Diversion Dam
on the Colorado River**

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

FINDING OF NO SIGNIFICANT IMPACT

**PROVIDING ENDANGERED FISH PASSAGE
AT THE PRICE-STUBB DIVERSION DAM ON THE COLORADO RIVER**

In accordance with the National Environmental Policy Act of 1969, as amended, and the Council on Environmental Quality's Regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR Part 1500-1508), the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) for providing Endangered Fish Passage at the Price-Stubb Diversion Dam on the Colorado River near Palisade, Colorado. The EA assesses five alternatives for restoring endangered fish passage including: 1) No Action, 2) Conventional Fish Ladder, 3) Downstream Rock Fish Passage, 4) Downstream Rock Fish Passage with Whitewater Features, and 5) Dam Removal alternatives. The proposed action will restore endangered fish passage above the Price-Stubb Diversion Dam and provide endangered fish access to approximately 50 miles of upstream designated critical habitat. Based on the following, Reclamation has determined that the proposed action with implemented mitigation measures will not result in a significant impact on the human environment.

Upper Colorado River Endangered Fish Recovery Program

In 1987, Federal and State agencies, water users, and environmental groups established the Upper Colorado River Endangered Fish Recovery Program (Recovery Program). The Recovery Program is comprised of a partnership between the States of Colorado, Utah and Wyoming, Reclamation, U.S. Fish and Wildlife Service (Service), Western Area Power Administration, National Park Service, Colorado River Energy Distributors Association, Colorado Water Congress, Utah Water Users Association, Wyoming Water Association, and the Nature Conservancy.

Recovery Program elements include:

1) Habitat management including identifying and acquiring instream flows, changing operations of Federal dams, and operating other reservoirs in a coordinated manner to benefit endangered fish.

- 2) Habitat development including restoring floodplain/wetland habitats and constructing fish passageways around dams and other barriers in the river.
- 3) Native fish propagation and genetic management involving establishing facilities to hold adult broodstock to prevent extinction of these rare fish and maintain their genetic resources; develop growout ponds; conduct research to improve survival of endangered fish raised in captivity and stocked in the wild; and support appropriate stocking and reintroduction efforts.
- 4) Nonnative species and sportfishing management entailing reducing detrimental nonnative fish species in habitat considered “critical” to endangered fish. This also involves educating and distributing information to anglers to reduce accidental capture of endangered fish.
- 5) Research, monitoring and data management providing information about what these fish need to survive, grow, and reproduce in the wild. Efforts include compiling data on numbers, sizes, and locations of endangered fish; monitoring endangered fish population trends; and making river flow recommendations.

The Recovery Program has identified a need to restore endangered fish access to critical habitat upstream of the Price-Stubb Diversion Dam to assist in making sufficient progress toward establishing self-sustaining populations of the endangered fishes. The purpose of the fish passage is to further recovery of the Colorado River endangered fishes. The Recovery Program constructed a fish passage approximately 3 miles downstream of the Price-Stubb Diversion Dam at the Grand Valley Irrigation Company Diversion Dam in 1998 and constructed a fish passage approximately 5.3 miles upstream of the Price-Stubb Diversion Dam at the Grand Valley Project Diversion Dam in 2004. The Price-Stubb fish passage is the final piece needed to restore endangered fish access to connect designated critical habitat upstream of the three dams with designated critical habitat downstream to Lake Powell in Utah.

Plans for providing fish passage at the Price-Stubb Diversion Dam have been under development for many years. Initially, the primary participants in the planning process were the Recovery Program agencies and water users. Since 1993, Reclamation staff have formally and informally discussed with water users and land owners, the need to provide fish passage and associated concerns at the Price-Stubb Diversion Dam.

Environmental Assessment

A draft Environmental Assessment was distributed for public comment on April 30, 1999. The 1999 Draft EA evaluated fish passage alternatives including partial removal of the dam and constructing a fish ladder around the dam. Reclamation identified dam removal as the preferred alternative. Reclamation received 22 comments on the draft EA. In an October 1999 newsletter which provided an update on the Upper Colorado River fish passages, Reclamation announced it was waiting for Federal Energy Regulatory Commission decision on the Jacobson Hydro No. 1 Project amended license application before resuming planning for fish passage at the Price-Stubb

Diversion Dam.

As a result of comments on the draft EA, Reclamation formulated a Downstream Rock Fish Passage Alternative, which attempted to more fully address issues and concerns while meeting the underlying purpose and need for the project. A Supplemental Draft EA was distributed for public comment in July 2002. Six comments were received on the 2002 Draft EA from organizations and private individuals. The majority of comments supported the Downstream Rock Fish Passage Alternative and requested that Reclamation consider additional features to enhance boater recreation. The Colorado River Energy Distributors Association (CREDA) expressed concerns with allowing non-native fish upstream of the Price-Stubb Diversion Dam.

The Upper Colorado River Endangered Fishes Recovery Program's Biology Committee discussed CREDA's concerns and directed Reclamation to examine the feasibility of incorporating selective passage into the Downstream Rock Fish Passage Alternative. Reclamation determined that selective passage was not feasible because of limited space and access between Interstate 70 and the Colorado River. Because direct access from Interstate 70 was not an available option, selective passage would require considerable fill and riprap along the left river bank to build an access from the Palisade off-ramp to the Price-Stubb Diversion Dam. In addition, the access road would be in conflict with future Interstate 70 widening. The Recovery Program determined that selective fish passage at the Price-Stubb Diversion Dam was not feasible and elected to install selective fish passage at the upstream Grand Valley Project Diversion Dam upstream.

Additional meetings were held between Reclamation and the Colorado Department of Transportation (CDOT) to discuss the proposed action. CDOT expressed concerns with the Downstream Rock Fish Passage Alternative. CDOT identified two main issues: 1) future Interstate 70 widening, and 2) trespass and liability issues associated with recreational boating at the Price-Stubb Diversion Dam. Reclamation addressed future widening concerns by offsetting the fish passage an additional 33 feet from the Interstate. CDOT requested that Reclamation conduct additional NEPA analysis on impacts associated with the proposed whitewater features.

Reclamation also met on several occasions with CDOT, Town of Palisade, Western Association to Enjoy Rivers (WATER), E.R. Jacobson, and Palisade and Mesa County Irrigation Districts to refine the Downstream Rock Fish Passage Alternative. A Revised Supplemental Draft EA was distributed for public comment in April 2004 which added the Downstream Rock Fish Passage with Whitewater Features Alternative.

A total of 32 written comments were received on the Revised Supplemental Draft EA from agencies, organizations, and individuals. Additional meetings were held with CDOT, Town of Palisade, E.R. Jacobson, and Palisade and Mesa County Irrigation Districts to coordinate activities and address comments. Comments were addressed and a Final EA was prepared. Reclamation has selected the Downstream Rock Fish Passage with Whitewater Features, as the recommended alternative based on the following conditions: 1) securing permits and easements

from affected land owners (Palisade and Mesa County Irrigation Districts, CDOT, E.R. Jacobson, and the Union Pacific Railroad), 2) obtaining non-Recovery Program funding for incremental recreation costs related increases over and above the Downstream Rock Fish Passage Alternative, and 3) having a local governmental sponsor assuming liability, maintenance, and obtaining public access downstream of the dam to the whitewater features. In the event that any of the conditions are not met, Reclamation will construct the Downstream Rock Fish Passage Alternative without recreation features.

Summary of Findings

Under the No Action Alternative, endangered fish passage upstream of the Price-Stubb Diversion Dam will not be restored. This will not meet the purpose and need as described above. Under the Selected Alternative, Reclamation will construct a fish passage that meets the endangered fish needs and construct whitewater features for recreation while protecting existing water rights. The incremental costs associated with the Downstream Rock Fish Passage with Whitewater Features will be funded with Non-Recovery Program Funds.

In terms of environmental consequences associated with implementing the recommended alternative; wildlife resources, Indian trust assets, and environmental justice will not be adversely affected.

Construction of the fish passage at the Price-Stubb Diversion Dam will have an adverse effect on the historical properties of the Dam. The Dam is listed on the National Register of Historical Places. A Memorandum of Agreement (MOA) between Reclamation and the Colorado State Historic Preservation Officer identifies appropriate mitigation (HABS-HAER Documentation) and methods to minimize impacts to the Dam's historical properties and was executed on June 29, 2004. The Advisory Council on Historic Preservation was notified of the adverse effect the construction of the fish passage will have on the historic properties of the Price-Stubb Diversion Dam. The Advisory Council elected not to participate in the MOU process.

The footprint of the Downstream Rock Fish Passage with Whitewater Features Alternative is within the floodplain of the Colorado River other than the diversion itself, where there is a negligible likelihood that cultural resources will occur. No archaeological resources were identified during field surveys at the fish passage site, therefore it is predicted that the construction of a fish passage will have no effect on other cultural resources.

Construction activities will be limited to properties owned by Palisade and Mesa County Irrigation Districts, E.R. Jacobson, and CDOT. Permits, easements, and access agreements will be obtained from all affected parties to construct, operate and maintain the fish passage. Permit conditions will be incorporated as environmental commitments.

Water quality may be negatively affected during construction; however impacts are projected to

be short-term in duration and not significant. Best management practices will be incorporated as environmental commitments to minimize impacts to water quality including the use of cofferdams and limiting in-river construction to periods of low river flow (November through March). Reclamation will request Clean Water Act Authorization from the Army Corp of Engineers for the discharge of dredge/fill (Section 404) to construct the fish passage. Permit conditions will be incorporated as environmental commitments. The selected alternative will have no adverse effects on wetlands or the 100-year floodplain. Disturbed areas will be revegetated to minimize erosion potential.

River recreation will benefit from the proposed action by the construction of boater passage and the addition of whitewater features. The Downstream Rock Fish Passage with Whitewater Features will allow additional river recreation. Recreational benefits will be reduced under the Downstream Rock Fish Passage Alternative when compared to the recommended alternative if recreation funding is not obtained; however this alternative would still provide safe boat portage around the Price-Stubb Diversion Dam.

Public safety issues associated with the Price-Stubb Diversion will also be reduced under the selected alternative. The Downstream Rock Fish Passage Alternative will also reduce hazards associated with the Price-Stubb Diversion Dam.

During consultation with the Service (Consultation #ES/GJ-6-CO-03-F-016), the Service concurred with Reclamation's determination that the proposed project will have "no effect" on the bald eagle, southwestern willow flycatcher, and humpback chub.

The Service concurred with Reclamation's conclusions that, overall, providing fish passage at the Price-Stubb Diversion Dam will benefit the endangered Colorado pikeminnow, razorback sucker, and bonytail. However, the Service determined that the proposed project may have some incidental adverse affects on Colorado pikeminnow, razorback sucker and bonytail and prepared a biological opinion to comply with the Endangered Species Act. The biological opinion concluded that the proposed action is not likely to jeopardize the continued existence of the Colorado pikeminnow, razorback sucker, or bonytail nor destroy or adversely modify their designated critical habitat.

The Biological opinion stated:

"The Service anticipates that take of endangered fishes may occur when nonnative fishes have access to habitat between the Price-Stubb Dam and the Government Highline Dam (Grand Valley Project Diversion Dam). Take will occur when nonnative fish eat endangered fishes and when nonnative fishes cause harm to endangered fishes by competing with them for food and space. Also, take could occur when Colorado pikeminnow consume nonnative fishes with spines, such as channel catfish or black bullheads."

“The Service anticipates incidental take of endangered fishes will be difficult to detect for the following reasons: 1) finding a dead specimen is unlikely, 2) finding remains of endangered fish in the stomachs of nonnative fish is unlikely because digestion makes fish hard to identify, 3) documenting competition is difficult, and 4) fish sampling is rarely conducted between the Government Highline Dam and Price-Stubb Dam. The Service anticipates the amount of take to be small because the proposed fish passage project will only allow nonnative fish access to approximately 3 miles of critical habitat.”

The Service in its biological opinion issued an Incidental Take Statement and identified reasonable and prudent measures necessary and appropriate to minimize take of Colorado pikeminnow, razorback sucker, and bonytail. Reasonable and prudent measures included:

“The Bureau of Reclamation through the Recovery Program shall determine the number and species of nonnative fishes moving upstream in the Colorado River above the Price-Stubb Dam.”

In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, Reclamation must comply with the following terms and conditions, which implement the reasonable and prudent measure described above. The terms and conditions are nondiscretionary and include:

1. “The Recovery Program shall monitor the numbers and species of nonnative fishes entering the future fish passage facility at the Government Highline Dam and provide an annual report to the Service.”
2. “The Recovery Program shall prevent farther upstream travel of nonnative fishes by removing nonnative fishes from the river at the Government Highline Dam when the fish passage facility, with selective passage, is completed.”

Environmental Commitments

The Downstream Rock Fish Passage with Whitewater Features alternative will be constructed based on the following conditions:

- 1) The Town of Palisade secures non-recovery program funding for the incremental costs associated with the Downstream Rock Fish Passage with Whitewater Features.
- 2) The Town of Palisade obtains necessary permits from underlying landowners (CDOT, E.R. Jacobson, and Palisade and Mesa County Irrigation Districts) for the construction, operation, and maintenance of the whitewater features.
- 3) The Town of Palisade assumes ownership, liability, and maintenance responsibility for the whitewater features.
- 4) The Town of Palisade obtains public access to the whitewater features from the Union Pacific Railroad, E.R. Jacobson and CDOT.

If any of the above commitments are not met, Reclamation will construct the Downstream Rock Fish Passage Alternative and the whitewater features will not be constructed.

All permits and contracts will have “stop work” clauses in the event that cultural or paleontological resources are found during construction. Reclamation will conduct HABS/HAER documentation during construction and submit a report to the Colorado State Historic Preservation Officer as described in the June 29, 2004 Memorandum of Agreement to mitigate adverse impacts to historic resources.

All permits and contracts will have “stop work” clauses that will require the contractor to stop construction activities if a threatened or endangered species is encountered. If this occurs, construction will be halted until consultation with the Service is completed.

Reclamation will enter into agreements with Mesa County and Palisade Irrigation Districts, CDOT and E.R. Jacobson for access to construct, operate and maintain the fish passage structure. Temporary construction access permits will also be obtained from the Union Pacific Railroad to use the existing access road below the Price-Stubb Diversion Dam. Temporary roads and access points will be recontoured and reseeded to reduce erosion.

All construction specifications will include provisions to reduce erosion, restore landscapes, and provide for revegetation. Reasonable attempts will be made to avoid the loss of the mature cottonwood tree near the dam. In the event the mature cottonwood tree is lost as a result of construction activities, the tree will be replaced at a planting ratio of 10 saplings per mature tree.

Stop-log channels will be installed in both the fish passage notch and boat notch to address Ute Water’s concerns about impacts to the Ute Water Pump Plant. Ute Water will have the ability to install stop-logs during low river flows for their back-up drinking water pumping if needed. The proposed action will have no measurable effects on upstream or downstream river elevations at various flows.

Endangered and native fish species will benefit from restored fish passage by providing access to additional critical habitat upstream of the Price-Stubb Diversion Dam. Restricting movement and removal of non-native fish species using a selective fish passage at the Grand Valley Project Diversion Dam as will also benefit endangered and native fish species.

Reclamation will obtain Clean Water Section 404 authorization from the U.S. Army Corps of Engineers prior to constructing the fish passage. Permit conditions will be incorporated as environmental commitments. If the Downstream Rock Fish Passage with Whitewater Features Alternative is constructed, Reclamation and the Town of Palisade will submit the Section 404 application as co-applicants. If the Downstream Rock Fish Passage Alternative is constructed, Reclamation will be the single applicant on behalf of the Upper Colorado River Endangered Fish Recovery Program.

The in-river portions of the fish passage and whitewater features will be constructed during low-river flow periods between November 2005 and March 2006 to minimize impacts to downstream water quality. Contract specifications will require construction contractors to use U.S. Army Corp of Engineer approved cofferdams and/or other dewatering measures to minimize impacts to downstream water quality.

Conclusions

Based on a review of comments received, analysis of environmental impacts, and coordination with the Service under the Endangered Species Act, Reclamation concludes that implementation of the recommended fish passage with implementation of the above described mitigation, will not have significant impact on the quality of the human environment or the natural resources in the project area.

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

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