
CHAPTER 4-CONSULTATION AND COORDINATION

General

In April 2003, a scoping letter was mailed to local, state and federal agencies, water users, environmental organizations, recreationists, adjoining land owners obtained for Mesa County GIS data, and other interested parties. Issues, comments and concerns were requested by May 19, 2003. During the public scoping, no issues, comments or concerns were identified.

A draft EA was distributed for public review and comment on October 7, 2003. Reclamation requested that written comments be received by November 7, 2003 and Reclamation received two written comment letters on the draft EA. Issues and concerns identified in the comment letters were address in the final EA. A summary of comments are discussed below.

Reclamation has coordinated development of the Proposed Action in consultation with the Service to address endangered fish needs, and with RWPC to ensure compatibility with RWPC's facilities and operations.

Reclamation formally consulted with the Colorado Historic Preservation Officer and the Service. The Colorado Historic Preservation Officer concurred with the determination that the Proposed Action will not adversely affect historic properties. Formal consultation with the Service was completed with the issuance of the Service's biological opinion (Attachment A). Reclamation will continue to coordinate construction, operation, and maintenance activities with RWPC.

Draft EA Comments

November 6, 2003-Terry Franklin, Water Services Superintendent, City of Grand Junction

Comment 1.-The City of Grand Junction operates a pump station on the Redlands Power Canal that supplies irrigation water to the residential community and golf course. The City normally provides water to the residents and golf course from April 1st through November 1st each year. The City needs water fro its irrigation customers usually beginning April 1st and until November 1st each year unless weather conditions and temperatures are cold enough that customers are not expecting water to be turned on and freezing temperatures arrive early in fall and people expect systems to be shut off.

Response 1. -Additional discussion was added to the Water Rights section to address the City of Grand Junction's concerns.

November 7, 2003-Eric Kuln, General Manager, Colorado River Water Conservation District

Comment 1.—we believe the proposed action should be expanded to include the long-term operation, maintenance, and funding of the fish screen (and ladder).

Response 1.— The Recovery Program has already conducted National Environmental Policy Act compliance on the Redlands fish ladder. The proposed action has been reworded to include long-term operations, maintenance, ownership, and funding of the fish screen and fish ladder.

Comment 2.—Page 3 paragraphs 2 and 3: Add reference to biological assessment; where located, when written, by whom. In HABITAT AVAILABILITY UPSTREAM—add reference and/or evidence cited that “one factor that has led to the decline....”

Response 2.—Citations were added to the final EA.

Comment 3.—PROPOSED ACTION AND ALTERNATIVES (Chapter 2, Page 6): make sure proposed action is consistent with comment number 1 (i.e., expanded to include the long-term operation, maintenance, and funding of the fish screen (and ladder)). In addition, further discussion should be added to define the long term funding mechanism that the Recovery Program would use to pay RWPC to ensure long-term operation and maintenance of the screen and ladder.

Response 3.—The Recovery Program would provide funding for operation and maintenance of the fish screen and ladder to RWCP through the execution of an operation and maintenance (O&M) agreement between Reclamation, the Service and RWCP. Additional discussion was added to the final EA.

Comment 4.—Proposed Action (page (11): Fish screening will not significantly affect Redlands’ ability to use their existing water rights provided that a.) the existing interim agreement with the CWCB to provide 300 cfs below Redlands diversion dam becomes permanent (as part of a basin-wide PBO or otherwise) and that agreement is expanded to cover the entire irrigation season and/or whenever the fish ladder and screen is being operated. The document should include specific discussion of the issues involved in the existing interim water delivery contract and explain that these water deliveries currently occur pursuant only to a temporary contractual mechanism and that there is no requirement to continue these deliveries in the absence of such a contract. For example, if conditions change such that these deliveries are not made in the future, it is unclear how the fish ladder and screen will acquire its requisite water supply. In addition, there appears to be no consideration for those months that are outside of the current contract period July through October. For instance, we are very concerned about months when flows may be 750 cfs or less; this can, and has, occurred in the early season including the March through June timeframe. Redland’s ability to use their full decreed water rights should be

ensured through a commitment by the Recovery Program to purchase Aspinall Unit water for the long-term operation of the fish ladder and screen, if necessary, under the proposed action.

Response 4.—Reclamation has not included a permanent 300 cfs flow below Redlands as part of the proposed action. Reclamation will to the extent allowable under State and Federal law, attempt to release from the Aspinall Unit sufficient water to maintain a minimum flow of 300 cfs during the months of July, August, September and October in the Gunnison River from the Redlands Diversion Dam to the confluence of the Gunnison River with the Colorado River. The operations will remain in place until the Aspinall Operations Environmental Impact Statement is complete and Reclamation has issued a Record of Decision on Aspinall Operations to address endangered fish flows in the Gunnison and Colorado rivers. Additional discussion was added to the final EA regarding the 300 cfs contract.

Comment 5.—Proposed Action (page 11): “To make up for the head loss, Redlands could consider installing flash boards...”, it is our contention that installation of flash boards to overcome any new head loss this should be part of the proposed action to ensure that there is no impact to Redlands historical operations.

Response 5.—The installation of flashboards was discussed with RWPC. RWPC has on their own initiative in 2003, installed flashboards to allow them to utilize their additional 100 cfs 1995 junior water right.

Comment 6.—EXISTING CONDITIONS (page 12): “During the drought of 2002...This allowed for continued operation...” This statement is misleading because it implies that this type of solution might occur in the future. The agreement in 2002 was made pursuant to a one-time emergency scenario. The language should be expanded to include a reference to the “shared shortage” provision in the CWCB water delivery contract.

Response 6.—One-time was added before agreement, as well as discussion of the “shared shortage” provision of the CWCB water delivery contract.

Comment 7.—EXISTING CONDITIONS (page 12); The statement “Endangered fish flows to operate...incorporated into the Aspinall Re-operations” is flawed statement since it is not necessarily true under existing conditions. Not only have there not been any Aspinall re-operations scoping meetings, as required under NEPA, there is certainly no existing commitment, nor Record of Decision (ROD) to support this statement.

Response 7.—Reclamation received the Service’s final fish flow recommendations for the Gunnison and Colorado Rivers on August 20, 2003. After the comment was received, a notice of intent was published in been sent to the Federal Register that announced public scoping meetings in February 2004 in Gunnison, Delta and Grand Junction. The EIS process for Aspinall operations regarding meeting or attempting to meet the Service’s flow

recommendations has begun. The draft EA stated “Reclamation is in the process of beginning to prepare an environmental impact statement for re-operations of the Aspinall Unit to meet endangered fish flow recommendations and this statement was correct. Reclamation envisions permanently addressing flows to operate the fish passage, fish screen and ensure adequate flows for endangered fishes below Redlands through this process. The wording “incorporated into the Aspinall re-operations” was changes to “addressed in the Aspinall re-operations EIS process”.

Comment 8.—WATER QUALITY (page 12): Although there may not be any domestic water providers downstream that might be affected by water quality impacts of the proposed action, it is our understanding that there are diverters that rely upon Redlands canal return flows that might be impacted.

Response 8.—This issue was address above with the City of Grand Junction’s comments.

Comment 9.—Proposed Action (page 13): “Discharge of concrete...” This is confusing, it might be clearer to the reader if discharge was replaced with “Emplacement of concrete...” It is our hope and understanding that concrete will not be discharged into the river.

Response 9.—The term “discharge” has specific regulatory meaning under the Clean Water Act. It refers to the placement of any material below the ordinary high water line or within jurisdictional wetlands. The placement of concrete and other materials to construct the fish return outlet structure is considered a discharge and therefore requires authorization from the Army Corps of Engineers. The sentence was reworded to avoid confusion.

Comment 10.—Proposed Action (page 14): More detail should be provided on the anticipated maintenance activities associated with the fish return pipe corridor. This area is approximately 1 acre in size and efforts should be enumerated with respect to weed control, especially to ensure that colonization of Tamarisk does not occur in this area of riparian vegetation.

Response 10.—Additional discussion was added to this section. Tamarisk and other noxious weeds occur on RWPC properties and Reclamation’s proposed action will not include tamarisk and noxious weed control on RWPC property outside the construction easement or fish return pipeline easement. For disturbances associated with construction, Reclamation would ensure that native vegetation is restored prior to abandoning the construction easement. This would include tamarisk removal, planting and establishment of cottonwood and willow seedlings, and establishment of native grasses to out compete tamarisk and noxious plant species. Long-term tamarisk and noxious weed control on the fish return pipeline easement would be incorporated into the O&M contract between Reclamation and RWPC.

Comment 11.—THREATENED AND ENDANGERED SPECIES (page 17): The reference to the Biological Assessment being attached as Appendix A appears to erroneous. It was not attached to the draft EA received.

Response 11.—The listing of the draft biological assessment in the appendices was an error. The Service’s biological is attached as an appendix to the final EA.

Comment 12.—THREATENED AND ENDANGERED SPECIES (page 17): The discussion of incidental take should be expanded and clarified. Has there been any documentation of take by Redlands’ operations as indicated at the end of paragraph 2? If not, this line should be changed to reflect this by changing the text to “potential for incidental take as a result...”

Response 12.—“Potential” was added to the sentence “Incidental take as a result of RWPC’s operations was identified and is the primary reason for the Recovery Program’s participation in the construction of the fish screen.” Please review the biological opinion included as Appendix A of the final EA for additional information regarding incidental take.

Comment 13.—THREATENED AND ENDANGERED SPECIES (page 17): Paragraph three should enumerate how incidental take will be defined and permitted for historical operations and this should be segregated from the incidental take permits related to the proposed action (e.g., construction, design flaws, screen malfunction, etc.)

Response 13.—Incidental take is further addressed in the biological opinion included in the appendices.

Comment 14.—THREATENED AND ENDANGERED SPECIES (page 17): should read:”...have no effect on bald eagles”; or change to...’should not affect bald eagles”.

Response 14.—“affect” was changed to “effect”.

Comment 15.—SOCIOECONOMIC CONDITIONS (top of page 19): Why isn’t installation of flashboards to overcome head loss contemplated as part of the overall proposed action. Will installation of flashboards need an additional consultation as part of the overall proposed action? Will installation of flashboards need an additional consultation with the USFWS under Section 7 of the ESA? In addition, what is the economic value of the loss of winter power generation revenue? Will this be reimbursed to Redlands? The loss of this “green energy” should be replaced, if at all possible, by other alternative energy sources (solar, wind, etc.).

Response 15.—A majority of this issues were addressed in Response 4. The Recovery Program has committed to compensate RWPC for lost hydropower revenues during construction.

Comment 16.—MITIGATION MEASURES (page 21): These measures should be expanded to include 5.) Long-term management of disturbed areas to ensure that invasion of tamarisk does not occur. 6.) Any required permits for Flashboard installation on Redlands diversion dam will be obtained prior to initiating construction activities; and 7) Impacts to power revenue loss will be quantified and these financial impacts be credited to RWPC.

Response 16.—long term control of noxious weeds with construction disturbance area was added to the mitigation measures. The installation of flashboards is not included in the proposed action and Response 15 addresses the loss of power revenue during construction.

Consultation with Other Agencies

Reclamation staff consulted with the Service to comply with the Fish and Wildlife Coordination Act and Endangered Species Act; the Army Corps of Engineers to comply with requirements of the Clean Water Act; the Colorado State Historic Preservation Officer to comply with the National Historic Preservation Act; and the Redlands Water and Power Company.

Distribution List

Appendix A contains the mailing list for this final environmental assessment. The list includes all individuals, agencies and organizations to which Reclamation sent the scoping letter. In addition, others who requested a copy of the draft environmental assessment are included on the list.