

Chapter 6

Consultation and Coordination

6.1 INTRODUCTION

This chapter documents the consultation and coordination activities undertaken by the Bureau of Reclamation (Reclamation) during the preparation of this Final Supplemental Environmental Impact Statement (FSEIS) to the 1996 Final Supplement to the Final Environmental Statement (1996 FSFES) for the Animas-La Plata Project (ALP Project). The public involvement activities are described, including the public scoping process, along with information on the activities that were implemented to solicit input from those agencies with jurisdictional authority, interest, or expertise in the activities or issues addressed in this FSEIS. A summary of the public hearings conducted on the Draft Supplemental Environmental Impact Statement (DSEIS) is also included in this chapter. %

6.2 PUBLIC INVOLVEMENT ACTIVITIES

During 1999 and 2000, Reclamation used several methods to obtain public input on the modified ALP Project, including scoping meetings, dissemination of public information via project newsletters and a project website, and public hearings. These public involvement activities are described in more detail in the following sections. %

6.2.1 Public Scoping Process

One of the steps in preparing a supplemental environmental impact statement (SEIS) is called "scoping." Scoping is a public process designed to help determine the scope of issues and alternatives to be analyzed in the environmental document. Scoping occurs as early as possible after a lead agency decides to prepare a SEIS, and the process is governed by the regulations of the Council on Environmental Quality (CEQ). The scoping process provides the general public, local agencies, and affected federal and state agencies the opportunity to provide input on key issues and concerns they believe should be evaluated in the environmental document.

In January 1999, Reclamation announced its intent to prepare a supplement to the 1996 FSFES. A Notice of Intent (NOI) to prepare the DSEIS was published in the *Federal Register* on January 4, 1999. The NOI was sent to approximately 800 interested parties, including federal, state, and local officials; agency representatives; conservation organizations; local libraries and newspapers; intervenors in Reclamation proceedings; and property owners adjacent to the proposed ALP Project.

The NOI also announced that a series of scoping meetings would be conducted in February 1999 to receive public input on issues to be addressed in the DSEIS. The scoping meetings were held on February 2, 3, and 4, 1999 at the times and locations listed below. In addition to the announcement contained in the January 4, 1999 *Federal Register*, each meeting was publicly noticed approximately 30 days in advance of its scheduled date. Advertisements were placed in the local newspapers and radio stations as well.

- February 2, 1999: 6:00 p.m., Double Tree Hotel, Durango, Colorado
- February 3, 1999: 6:00 p.m., San Juan College, Farmington, New Mexico
- February 4, 1999: 6:00 p.m., Denver Convention Center, Denver, Colorado

Approximately 275 people attended the Durango meeting; 100 people attended the meeting in Farmington; and approximately 50 people attended the meeting in Denver. A total of 99 oral comments were received during the scoping meetings. Transcripts of the meetings were made and are part of the public record for the ALP Project. Interested or affected individuals, organizations, and agencies were also encouraged to submit written comments to Reclamation by February 19, 1999, to most effectively be considered. Reclamation received approximately 135 letters during the comment period and additional letters were received following the close of the comment period.

Each of the written and oral statements from the scoping meetings was evaluated by Reclamation and divided into individual comments. The principal environmental comments addressed the following issues:

- Use of other existing reservoirs in lieu of building a new reservoir at Ridges Basin;
- The development of the Howardsville site in lieu of the Ridges Basin site;
- The potential for loss of critical elk habitat in Ridges Basin;
- Adverse impacts to the Animas River;
- Uncertainty and doubt as to how and where the water stored at Ridges Basin would be used;
- The need to plan water supplies in southwest Colorado and northwest New Mexico in anticipation of continued strong population growth; and
- An off-river reservoir site, with limited distribution facilities as proposed by the Administration, was criticized as creating potential unknown future impacts in the absence of any precise description as to how the system would operate.

6.2.2 Project Newsletters

Reclamation's public involvement activities have also included preparation and distribution of a series of newsletters intended to provide up-to-date information on the ALP Project environmental review process.

- % To date, four newsletters have been sent to over 800 individuals, agencies, and organizations. The first newsletter, published in June 1999, presented an overview of the ALP Project environmental review process for implementing the Colorado Ute Indian Water Rights Settlement Agreement of 1986. It also provided a summary of the February 1999 scoping meetings. The second newsletter, published in late September 1999, described the process being used to evaluate the various ALP Project alternatives and
- % included brief summaries of each alternative. A third newsletter was issued in February 2000. This issue
- % announced the release of the DSEIS, provided a summary of the ALP Project DSEIS and gave a cost
- % comparison of the various descriptions of the ALP Project as it has evolved over time since the original
- % multi-purpose project. The third issue also described ways in which the public could participate in the
- % DSEIS review process. A fourth issue of the ALP Project newsletter was distributed in March 2000 to
- % announce the extension of the public comment period to April 17, 2000. A fifth and final newsletter will

be prepared once a Record of Decision is issued. As mentioned in Section 6.2.3, all the newsletters are available on the ALP Project website. %
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6.2.3 Project Website

In addition to the newsletters, Reclamation established a new link to its existing web page (located at www.uc.usbr.gov) to provide information on the ALP Project. The new site provides current information on the project’s environmental review process and includes copies of the published newsletters, a more detailed description of each of the alternatives, a schedule and time line, and a site map. Interested parties can also download an electronic version of this FSEIS by accessing the ALP Project website. %

6.2.4 Public Review of the DSEIS

Reclamation conducted three public hearings on the ALP Project DSEIS on February 15, 16, and 17, 2000 in Durango, Colorado; Farmington, New Mexico; and Denver, Colorado, respectively. Notice of the public hearings was announced in the local media and published in the *Federal Register* on January 14, 2000. The public comment period was initially set to conclude on March 17, 2000 but was extended by 30 days to April 17, 2000. %
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Approximately 260 people attended the public hearing at the Double Tree Hotel in Durango on February 15, 2000. At the Farmington public hearing the following evening, approximately 100 people attended the hearing held at the Farmington Civic Center. In Denver, a total of 30 people attended the hearing at the Denver Convention Center. Both written and oral comments were provided by the public and agencies at all three public hearings; a total of 79 people presented oral testimony. Speakers represented the Southern Ute Indian Tribe and Ute Mountain Ute Tribe (Colorado Ute Tribes), the Navajo Nation, federal and state agencies, various organizations including county and local offices, water districts, environmental groups, and individuals. A court reporter was present at each public hearing and copies of the hearing transcripts were made available for public review at Reclamation’s Durango office. %
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In addition to participating at the public hearings, all interested parties were encouraged to submit written comments on the DSEIS either by mailing them to Reclamation’s Durango office or sending them via the internet to an e-mail address set up specifically to receive electronic comments. Approximately 500 comment letters were received (oral and written comments/letters/e-mails are collectively referred to as “letters”). A number of the letters (approximately 40 percent) contained either the same or very similar wording and were categorized as “form” letters. Copies of all the comment letters, including form letters, and Reclamation’s responses to those comments, are contained in Volume 3 of this FSEIS. Where appropriate, changes have made been in the text of the FSEIS. These changes are marked by a bar in the margin of the text. %
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6.3 CONSULTATION AND COORDINATION PROCESS

Interagency/intergovernmental coordination and consultation is an essential part of the EIS process. It provides a forum in which close working relationships are developed with agencies and organizations that are affected by or concerned about a proposed project. Similar to the public scoping process, a key objective of a consultation and coordination program is to provide an opportunity for agencies and organizations to participate in the investigation of project alternatives and provide input about specific project-related issues.

6.3.1 Coordination Activities

As the lead agency responsible for preparation of the FSEIS, Reclamation used an inter-disciplinary team of consulting resource specialists to prepare the document, including the Colorado Ute Tribes, and their staff and consultants. (A list of preparers is contained in Chapter 8, List of Preparers.) In addition, several other federal, state, and local agencies participated with the interdisciplinary team during preparation of the FSEIS. **Table 6-1** provides a list of those agencies with jurisdictional authority, interest, or expertise in the activities or issues associated with the ALP Project.

Table 6-1 Agencies and Organizations that Participated in the ALP Project Consultation and Coordination Process
<p>Federal Agencies Department of the Interior Bureau of Reclamation Environmental Protection Agency Fish and Wildlife Service Bureau of Indian Affairs Army Corps of Engineers Bureau of Land Management Department of Energy, Western Area Power Administration</p>
<p>State of Colorado Agencies Division of Wildlife Water Conservation Board Department of Natural Resources State Department of Agriculture State Engineer's Office Department of Transportation</p>
<p>State of New Mexico Agencies Department of Game and Fish Energy, Minerals, and Natural Resources Department Environmental Department Interstate Stream Commission State Engineer's Office State Land Office</p>
<p>Indian Tribes Southern Ute Indian Tribe Ute Mountain Ute Tribe Navajo Nation Jicarilla Apache Tribe</p>
<p>Local Agencies Animas-La Plata Water Conservancy District San Juan Water Commission City of Durango, Colorado</p>

In addition, in June 1999, Reclamation and the U.S. Environmental Protection Agency (EPA) entered into a cooperating agency agreement (see Attachment I, Cooperating Agency Agreement and Plan of Approach) regarding preparation of the ALP Project SEIS. The agreement outlined EPA and Reclamation's responsibilities, which included working together to reach agreement on the content of the SEIS. As part of this effort, Reclamation and EPA prepared a Plan of Approach which described the approach and process for preparing the SEIS. A copy of the Plan of Approach is included in Attachment I and is posted on the ALP Project website as well. However, EPA's participation as a cooperating agency does not necessarily represent agreement with Reclamation on the issues addressed in this SEIS.

Reclamation's team has also assessed the ALP Project's effect on the eligibility of the Animas River for designation as a Wild and Scenic River. Prior interagency consultation was conducted in accordance with CEQ Guidelines.

6.3.2 Consultation Activities

6.3.2.1 U.S. Fish and Wildlife Service %

Reclamation and the U.S. Fish and Wildlife Service (Service) have consulted, both formally and informally, regarding potential impacts to special status species which may occur as a result of the development and operation of the proposed ALP Project. A Biological Assessment was prepared by Reclamation and was submitted to the Service in December 1999 and the Service has completed a final Biological Opinion (both documents are included in Appendix G in Volume 2). The Biological Opinion supercedes previous opinions on the ALP Project. %

It is the Service's opinion that the ALP Project, as described in this FSEIS and the Biological Opinion, is not likely to jeopardize the continued existence of the Colorado pikeminnow and razorback sucker, nor is the proposed project likely to destroy or adversely modify their designated critical habitat. The Service has also concluded that the proposed ALP Project is not likely to jeopardize the continued existence of the bald eagle. These conclusions are based on the description of the proposed action contained in the Biological Opinion and FSEIS, with full implementation of the conservation measures. The Service also concluded that the project may affect, but is not likely to adversely affect, the southwestern willow flycatcher. Other special status species would not be affected. %

A Fish and Wildlife Coordination Act (FWCA) Report has also been completed by the Service (see Technical Appendix 7). Planning Aid Memoranda from the Service are also included in that appendix. The FWCA Report contains numerous recommendations; these recommendations, as well as Reclamation's response to those recommendations, are summarized below. %

Aquatic Resources %

1. Minimize impingement and entrainment of fish at the Durango Pumping Plant. %

Reclamation will screen diversion facilities to minimize fish entrainment and impingement at the Ridges Basin Pumping Plant. Reclamation will also ensure that design specifications include Best Available Technologies as described under Mitigation for Refined Alternative 4, Aquatic Resources Impact 5, in Section 3.6 and as committed to under Section 5.4.6. %

% 2. Gradually change volume through the Durango Pumping Plant.

% To minimize downstream stranding of fish due to the operation of the pumping plant, changes in the
% pumping will be staged in the following manner: an increase in pumping not to exceed 50 cubic feet per
% second (cfs) per hour (hr) (stage decrease) and a decrease in pumping not to exceed 100 cfs/hr (stage
% increase) when natural river flows are above 500 cfs (i.e., 50 cfs/hr = 10% and 100 cfs/hr = 20 % of 500
% cfs). At lower flows, these ramping rates could substantially change river stage. Therefore, when river
% flows are at or below 500 cfs, increases in pumping would not exceed 25 cfs/hr and decreases in pumping
% would not exceed 50 cfs/hr (i.e., 25 cfs/hr = 10% and 50 cfs/hr = 20% of expected normal low river flow
% of 250 cfs). This commitment is also described under Mitigation for Refined Alternative 4, Aquatic
% Resources Impact 6, in Section 3.6 and as committed to under Section 5.4.6.

% 3. Place inlet conduit below 6,852 foot reservoir elevation.

% This recommendation provides that water from the Animas River enter Ridges Basin Reservoir below the
% thermocline. This would lessen the likelihood of periodically having reservoir water temperatures
% becoming too warm to support trout. Reclamation does not believe there is sufficient information to
% adopt this measure at this time. Reclamation will, therefore, fund a detailed evaluation of Ridges Basin
% Reservoir's expected limnological conditions to better determine whether or not there is a significant
% concern to include this recommendation in the project plan. This commitment is described under
% Mitigation for Refined Alternative 4, Aquatic Resources Impact 2, in Section 3.6 and as committed to
% under Section 5.4.6. This evaluation will be completed in cooperation with the Service during the design
% data collection phase for the inlet conduit.

% 4. Monitor water quality at Ridges Basin Reservoir.

% The reservoir basin's vegetation will be largely cleared in order to reduce the magnitude of productivity
% and reduction potential. This, in turn, will limit mercury from becoming methylated, the form in which it
% is available to bioaccumulate within the food chain. Trout would be the only fish stocked. Trout are not
% at the top of the fish food chain; therefore, they would not be expected to accumulate significant levels of
% bioaccumulated trace elements. Reclamation will develop and implement a monitoring program at
% Ridges Basin Reservoir to determine the extent of bioaccumulation of trace elements in fish within the
% reservoir. The program would last two consecutive years, to be initiated two years after the reservoir is
% filled. If significant bioaccumulation effects are identified, Reclamation will work with the appropriate
% local, state, or federal agencies to either minimize the impact or otherwise offer protection to potentially
% impacted fish and wildlife species and to possibly post human fish consumption advisories at the
% reservoir. This commitment is also described under mitigation for Refined Alternative 4, Aquatic
% Resources Impact 3, in Section 3.6 and as committed to under Section 5.4.6.

% 5. Initiate a cold water trout fishery in Ridges Basin Reservoir.

% Reclamation will provide trout to be stocked at Ridges Basin Reservoir to provide a recreational fishery.
% The source of fish could be from an existing Colorado River Storage Project (CRSP) hatchery facility or
% from the acquisition and/or construction of a new hatchery facility. This commitment is for the purposes
% of enhancing the fishery at Ridges Basin Reservoir and is committed to in Section 5.4.6.

6. Prevent escapement of fish from Ridges Basin Reservoir. %
- Reclamation will either screen or implement other physical structures to prevent live fish from being released from Ridges Basin Reservoir. The reservoir outlet system will be designed and fitted with devices to eliminate survival of fish escaping the reservoir. Reclamation will monitor escapement from the reservoir and Basin Creek as described under mitigation for Refined Alternative 4, Aquatic Resources Impact 7, in Section 3.6 and as committed to under Section 5.4.6. %
7. Initiate a stocking program for trout in the Animas River. %
- Reclamation will fund the acquisition and stocking of wild strains of trout annually in the Animas River within the boundaries of the Southern Ute Indian Tribe Reservation to compensate for fish loss due to the reduction in usable trout habitat. Individual stocks of trout will be marked in such a manner that age groups could be monitored over time. This monitoring plan will be developed in consultation with the Service, Colorado Division of Wildlife (CDOW), New Mexico Department of Game and Fish (NMDGF), and the Southern Ute Indian Tribe. The relative success of this effort will be assessed after four years. If it is deemed a success—that is, if the trout biomass within the stocked reaches of the river is elevated to a point of supporting a recreational fishery—the stocking program will continue. For the acquisition of trout stock, Reclamation will consider the development of a new hatchery in cooperation with the Southern Ute Indian Tribe and others. This same hatchery could also be utilized for providing for fish stocking for Ridges Basin Reservoir. This commitment is also described under Mitigation for Refined Alternative 4, Aquatic Resources Impact 1, in Section 3.6 and as committed to under Section 5.4.6. %
8. Continue the fish monitoring program identified in the 1996 FSFES. %
- Monitoring studies on the Animas River will be implemented both prior to and continuing for at least four years after project operations begin (project pumping). These studies will be designed to better define the native fishery, to include a better understanding of apparent problems with native sucker recruitment, and to monitor trout populations. If it is concluded that the operation of the project is having significant adverse impacts to the downstream aquatic ecosystem, Reclamation will make every reasonable effort to modify project operations to either reduce or eliminate these impacts. The potential impact to native fishes in the Animas River, especially the effects of chronic habitat reduction, would not be directly mitigatable on the Animas River. Investigations would be initiated to determine whether or not fish barriers exist, whether small fish/young-of-the-year fish are significantly lost through entrainment in canals, and whether there is significant loss to the trout fishery. The monitoring program will be initiated in 2000, incorporating these additional elements into a monitoring study currently being conducted on the Animas River. This commitment is also described under Mitigation for Refined Alternative 4, Aquatic Resources Impact 4, in Section 4.6 and as committed to under Section 5.4.6. %
9. Provide access for anglers to the Animas River. %
- Reclamation will acquire or fund (not to exceed \$500,000) acquisition of public access at a minimum of two points on the Animas River to reduce effects to anglers as described under Mitigation for Refined Alternative 4, Recreation Impact 4, in Section 3.11 and as committed to in Section 5.4.11. %

% 10. Legally protect instream flows.

% Reclamation has been encouraging the State of Colorado, through the CDOW, to protect instream flows
% in the Animas River downstream of the proposed Durango Pumping Plant for the last several years and
% will continue to do so. It cannot, however, federally protect non-project flows. Rather, protection will
% need to be consummated through acquiring a state instream flow declaration through the Colorado Water
% Conservation Board.

% 11. Use the La Plata River as the delivery system for project water.

% Reclamation recognizes the benefit to the aquatic and wetland/riparian ecosystem on the La Plata River
% associated with seasonal flow augmentation throughout portions of the La Plata River. Reclamation
% cannot commit to delivering project water to the La Plata River at this time. There are many reasons, but
% primarily there are too many unknowns about the future needs of project water in the La Plata River
% system. It is known that ALP Project water would be delivered to Shiprock, New Mexico. The amount
% that is needed is relatively small and the La Plata River, if used for conveyance, would lose a significant
% amount to evapo-transpiration and to groundwater, making it economically unfeasible. Also, the water
% delivered to Shiprock would need to be treated and presently there is no treatment plant downstream of
% the confluence of the La Plata and San Juan Rivers. If, however, future known project uses indicate use
% of the La Plata River could be feasible, it would be considered at that time.

% 12. Develop a mitigation plan for native fishes.

% A firm recommendation for mitigation due to the effects on native fishes will be made by no later than
% 2005, at least two years prior to project pumping from the Animas River. Once this mitigation
% recommendation is approved and agreed to by the Service, CDOW, and perhaps the Southern Ute Indian
% Tribe, its implementation would be initiated. This commitment is also described under Mitigation for
% Refined Alternative 4, Aquatic Resources Impact 4, in Section 4.6 and as committed to under Section
% 5.4.6.

% 13. Develop a Resource Management Plan (RMP) for Ridges Basin.

% Reclamation will eventually develop an RMP, but it cannot, at this time, commit to a specific time frame
% for its preparation, completion and eventual implementation. However, all of the Service's concerns for
% protection of fish, wildlife, and vegetation associated with the reservoir and adjoining areas have been
% adopted as committed to in Chapter 5. Reclamation, therefore, believes the Service's concerns for
% protection of these resources have been fully addressed.

% ***Terrestrial Resources***

% 1. All construction activities must minimize impacts to fish, wildlife, and wetland resources.

% Reclamation will assure that an Environment Quality section be part of all construction contracts. This
% section, in turn, is used as a template from which to complete an Environmental Commitment Checklist
% (ECC). The ECC requires that every construction contract abides by environmental laws and also
% includes all environmental commitments identified in National Environmental Policy Act documentation
% pertaining to construction activities. The ECC would be reviewed and signed daily by the Reclamation
% inspector assigned to the construction activity. Also, a Reclamation environmental specialist assigned to
% the construction activity would regularly visit the construction site to ensure all required environmental
% commitments are followed.

2. Obtain permit for potential “take” of golden eagle nests. %
- Reclamation has committed to adopting all reasonable measures to avoid impacting the golden eagles and their nests on Carbon Mountain. The Carbon Mountain gas pipeline relocation route has been eliminated from consideration. During the construction of Ridges Basin Dam, there would be disturbance to the eagles during the nesting period due to an increase in noise and associated increases in human activities. Reclamation believes these unavoidable impacts would not lead to nest abandonment; however, if the Service requests Reclamation to acquire a permit in the unlikely event that the eagles do not successfully nest, it will do so. This is further described under Mitigation for Refined Alternative 4, Wildlife Impact 2 and 5. This commitment is made in Chapter 5, Section 5.4.5. %
3. Mitigate loss of wildlife habitats in Ridges Basin. %
- Reclamation has committed to the acquisition of approximately 2,700 to 2,900 acres of wildlife habitat that would be enhanced to maximize habitat values and would be managed for the life of the project specifically to benefit wildlife. Reclamation will assure the needed operation and maintenance of acquired lands. If possible, these lands will be acquired within the same wildlife area as Ridges Basin. This is further described in Section 3.5.4.1.1 and committed to in Section 5, Section 5.4.5. In addition, migration corridors will be maintained as described in Chapter 5 to allow big game access to winter range. %
4. Ridges Basin Reservoir recreation facilities should be kept to a minimum. %
- Recreation facilities will be limited. Siting of recreation facilities will be restricted to the north shore of the reservoir and not permitted on the west and south sides of the reservoir. This is further described under Mitigation for Refined Alternative 4, Wildlife Impact 3 and committed to in Chapter 5, Section 5.4.5. %
5. Restrict future development around the reservoir to protect wildlife habitat values. %
- Future development around Ridges Basin Reservoir will not be allowed on Reclamation-owned lands around the reservoir. Reclamation cannot, however, prohibit development on lands that it does not own. This commitment has been added to Chapter 5, Section 5.4.5. %
6. Close all recreational facilities from November 15 through May 1. %
- Reclamation has committed to a seasonal closure; however, it believes the Service’s recommended dates are too restrictive. Reclamation will implement a seasonal closure from November 30 through March 30. This commitment has been made and is described under Mitigation for Refined Alternative 4, Wildlife Impact 3, and committed to in Chapter 5, Section 5.4.5. %
7. Restricted trails within the basin to foot traffic only. %
- All “trails” on Reclamation lands will be restricted to foot traffic only. This does not include vehicle access on primitive roads that would be needed to access utility corridors. This commitment has been added to Chapter 5, Section 5.4.5. %

% 8. Wildlife-related activities should be strongly encouraged for Ridges Basin, including hiking,
% hunting, and wildlife viewing.

% Wildlife related activities will be strongly encouraged for the project area. Reclamation will work with
% the Service and CDOW in developing a fish and wildlife plan to be implemented on Reclamation lands.
% This commitment has been added to Chapter 5, Section 5.4.5.

% 9. Reroute County Road 211 to State Highway 141 near Wildcat Canyon (Rafter J route).

% This route has been recommended as described under Mitigation for Refined Alternative 4, Wildlife
% Impact 3. It has not yet been committed to by Reclamation pending approval of this realignment by La
% Plata County.

% **Riparian-Wetlands**

% 1. Initiate the monitoring program identified in the 1996 FSFES.

% Reclamation will commit to a monitoring program to evaluate project effects after project pumping is
% initiated. Baseline aerial photography would be collected along the Animas River riparian corridor prior
% to Reclamation affecting Animas River flow. This commitment has been added to Chapter 5, Section
% 5.4.4.

% 2. Develop a comprehensive mitigation plan for the 121 acres of riparian/wetlands that will be
% impacted in Ridges Basin.

% Reclamation has agreed to mitigate for this impact. This has been described in Chapter 3, Section
% 3.4.4.1.1 under Mitigation for Refined Alternative 4, Vegetation Impacts 3 and 4, and committed to in
% Chapter 5, Section 5.4.4.

% 3. Develop site-specific best management practices for the construction of project components.

% This is one of the major considerations when developing site-specific ECC's as described above in
% response to Item 1 under Terrestrial Resources.

% 4. Develop a mitigation plan to replace the riparian/wetlands that will be impacted by the armoring
% of Basin Creek to convey project water to the Animas River.

% Reclamation has estimated that 13 acres of wetland/riparian vegetation would be lost as a result of Basin
% Creek stabilization and other activities. Of this, Reclamation believes only 5 acres of loss would be
% permanent. The total loss would be mitigated as described in Chapter 3, Section 3.4.4.1.1 under
% Mitigation for Refined Alternative 4, Vegetation Impacts 3 and 4 and committed to in Chapter 5, Section
% 5.4.4.

% 5. Develop a flow regime for Basin Creek to maintain riparian/wetlands located downstream of the
% dam site.

% Reclamation believes that periodic discharges of project water downstream of Ridges Basin Dam would
% be sufficient to maintain the wetland/riparian vegetation component in Basin Creek. This assessment
% would need to be monitored and would be part of the monitoring program committed to under Item 1

above. It is described in Chapter 3, Section 3.4.4.11 under Refined Alternative 4 Vegetation Impact 4 and committed to in Chapter 5, Section 5.4.4. %
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6. Use directional boring for all pipeline crossings of the Animas and San Juan Rivers. %

As possible, directional boring would be used. However, there are situations where it could not be employed because of the geologic conditions encountered. This commitment has been added to Chapter 5, Section 5.4.4. %
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7. Investigate the practicability of using the La Plata and San Juan Rivers to convey project water for M&I use at Shiprock. %
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Reclamation has investigated this option and has found it cannot commit to it at this time. This does not preclude that flow augmentation to the La Plata River would not be considered at a later date if more information becomes available about future uses of project water. This issue is also described above under Item 11, under Aquatic Resources. %
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Unmitigated Losses %

The Service concluded that most losses could be mitigated through the measures discussed above. The Service stated that %
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“Any losses of these fish and wildlife resources resulting from project actions for which Reclamation does not take recommended or alternatively suitable mitigating measures will be considered by the Service as unmitigated resource losses. On several issues, Reclamation’s position on mitigation is noncommittal or vague. Based on this lack of commitment, we believe construction and operation of the project may cause unmitigated losses to the following resources: %
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- *Native fish in the Animas River, without mitigation that would result in no net loss of aquatic habitat, to be completed in advance or concurrent with project impacts.* %
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- *Wildlife habitats, without operation and maintenance funding in perpetuity.* %
- *Animas River trout populations and recreational fishery, without monitoring, and appropriate mitigation for impacts that occur on non-reservation lands from the Durango Pumping Plant to the Southern Ute Indian Reservation (Gold Medal Fishery).* %
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- *Golden eagle nests on Carbon Mountain if nests are “taken” and appropriate mitigation is not completed.* %
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- *Riparian-wetland habitat along the Animas River corridor, without monitoring and completion of appropriate mitigation.”* %
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Reclamation believes that the environmental commitments listed in Chapter 5 and discussed previously in this section will prevent unmitigated losses from occurring. As indicated in the responses to the Service’s recommendations, a native fish mitigation plan will be developed with the Service and others prior to initiation of pumping water from the Animas River. A monitoring program on the trout and native fisheries will be initiated in 2000 and continued into project operation phases to determine any impacts and identify any mitigation needs in addition to those already identified. Concerning %
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% management of the wildlife mitigation areas, Reclamation will be responsible for arranging an
% appropriate management agency that has the expertise and funding for the properties. Golden eagle
% nests will be protected by no-disturbance zones and the elimination of pipeline alternatives that would
% affect the nests. Riparian wetlands along the Animas River will be monitored. Because of the bypass
% flows, particularly in the spring, impacts are not expected; but this, and appropriate mitigation
% recommendations if needed, will be determined through monitoring.

% **6.3.2.2 Environmental Protection Agency/U.S. Army Corps of Engineers**

Reclamation has also coordinated with EPA regarding potential ALP Project effects on wetlands and
water quality, and with EPA and the U.S. Army Corps of Engineers on consideration of the Section
404(b)(1) Guidelines. The required 404(b)(1) Evaluation is contained in Volume 2, Attachment B-1 to
% this FSEIS. The 404(b)(1) Evaluation used EPA guidelines to evaluate Refined Alternatives 4 and 6. As
% a result of the evaluation, Reclamation found that Refined Alternative 4 would comply with the
% requirements of the EPA guidelines. Refined Alternative 4 would have fewer overall impacts to wetlands
% and endangered species (southwestern willow flycatcher habitat) than Refined Alternative 6. The EPA
% has issued a letter that concurs with Reclamation's 404(b)(1) Evaluation and compliance of the ALP
% Project with 404(m) requirements (see Attachment B-3 in Volume 2 of the FSEIS).

% **6.3.2.3 Tribal Consultation**

Pursuant to the Native American Graves Repatriation and Protection Act (NAGPRA), Reclamation has
% consulted with interested and concerned Indian tribes (see **Table 6-2**). Tribal representatives included
elected officials, recognized traditional and religious leaders, Tribal representatives and historians, and
cultural committees. A NAGPRA Plan has been prepared for the ALP Project. The Plan has been
prepared with regard to potential ALP Project effects on Native American human remains, associated
% grave goods, and objects of cultural patrimony. A Programmatic Agreement has also been prepared
% pursuant to the National Historic Preservation Act. Both the Programmatic Agreement and NAGPRA
% Plan are included in Attachment H of the FSEIS. In addition, a draft Historic Preservation Management
% Plan has been prepared (see Technical Appendix 8).

% **6.3.3 Distribution of the Final Supplemental Environmental Impact Statement**

% The FSEIS has been mailed to the list of agencies, organizations, and individuals listed in Attachment J,
% including those parties who participated in the Romer-Schoettler process (see Chapter 1). The FSEIS has
% also been mailed to every individual, agency or organization who submitted written or oral comments on
% the DSEIS. Any person may request a full copy of the FSEIS by contacting Reclamation or obtain an
% electronic copy via the ALP Project website. Copies of the technical appendices referenced in this
% FSEIS are available upon request.

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