

EXECUTIVE SUMMARY

Introduction

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The Department of the Interior (Interior), through the Bureau of Reclamation (Reclamation) and in cooperation with the United States Environmental Protection Agency (EPA), and the Ute Mountain Ute Tribe and the Southern Ute Indian Tribes (Colorado Ute Tribes), has prepared this Final Supplemental Environmental Impact Statement (FSEIS). This FSEIS is prepared under the provisions of Public Law (P.L.) 93-638, the Indian Self-Determination and Education Assistance Act and the National Environmental Policy Act (NEPA).

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Settlement Act

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The Animas-La Plata Project (ALP Project) FSEIS evaluates the potential impacts of implementing the Colorado Ute Indian Water Rights Settlement Act of 1988 (P.L. 100-585) (Settlement Act). The Settlement Act, through construction of the ALP Project, is intended to provide the Colorado Ute Tribes an assured long-term water supply in order to satisfy the Colorado Ute Tribes' senior water rights claims. The ALP Project was authorized by the Colorado River Basin Project Act of 1968 to be located in La Plata and Montezuma Counties in southwestern Colorado and in San Juan County in northwestern New Mexico (see Map 1-1 showing the ALP Project area). The ALP Project was designed to provide irrigation and municipal and industrial (M&I) water supplies to the Colorado Ute Tribes and other project beneficiaries. A Colorado Ute Indian Water Rights Final Settlement Agreement (Settlement Agreement) was signed on December 10, 1986, which quantified the Colorado Ute Tribes' water rights. The water rights allow the Colorado Ute Tribes to obtain water from several rivers and projects, including water supplied from the ALP Project. In 1988, Congress incorporated the ALP Project into the Settlement Act in order to settle Colorado Ute Tribal water rights claims.

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The Settlement Act requires delivery of ALP Project water to the Colorado Ute Tribes by January 1, 2000, to avoid future litigation or renegotiation of Tribal water rights claims. If a project is not approved, or implementation is delayed, the Colorado Ute Tribes have the option of commencing litigation or renegotiating their reserved water rights claims by January 1, 2005.

The completion of the Settlement Act has been delayed because of a convergence of factors: an increasingly prominent role of endangered species and recovery efforts, decreasing federal support for irrigated agriculture, a decline in new reservoirs and dams built by Reclamation, and increasing local participation in water resource development matters. Each of these factors has led to a series of refinements to the original ALP Project.

Purpose and Need

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The purpose of and need for the proposed federal action is:

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... to implement the Settlement Act by providing the Ute Tribes an assured long-term water supply and water acquisition fund in order to satisfy the Tribes' senior water rights claims as quantified in the Settlement Act, and to provide for identified M&I water needs in the Project area." [Federal Register Notice, January 4, 1999]

Providing the Colorado Ute Tribes with an assured long-term water supply is necessary to protect existing water users from senior water rights claims. The Colorado Ute Tribes would use this assured water supply to satisfy future M&I water demands on their reservations and to provide water for regional M&I needs. In addition to providing an assured water supply as a settlement of the Colorado Ute Tribes'

senior water rights, the ALP Project as proposed provides a dependable long-term water supply for neighboring Indian and non-Indian community water needs, including the Navajo Nation at and near Shiprock, New Mexico, the Animas La Plata Water Conservancy District (ALPWCD) and the San Juan Water Commission (SJWC). In addition, water would be provided to the State of Colorado and the La Plata Conservancy District in New Mexico from the Colorado Ute Tribal allocation.

It should be noted that the non-federal parties of the Settlement Agreement, working with their congressional representatives, have introduced proposed legislation (H.R. 3112 and S. 2508) in response to the Administration Proposal and the ongoing NEPA process. The project purpose and need reflects the reality that the pending legislation will likely result in a modification to the Settlement Act which will eliminate the irrigation component and provide substitute benefits to the Colorado Ute Indian Tribes that are equivalent to those that the Tribes would have received under the Settlement Act. See Chapter 2, Section 2.1.1 for further discussion of this issue.

Water Rights of the Colorado Ute Tribes

Based on the Supreme Court's decision in *Winters v. United States*, 207 U.S. 564 (1908), when Congress or the President establishes an Indian Reservation, there is reserved the amount of water necessary in order to accomplish the purposes of the reservation. Under the *Winters* doctrine, the priority date to which the reservation is entitled is no later than the date of creation of the reservation. One of the unique aspects of Indian reserved water rights is that they are not subject to the beneficial use requirements ("use or lose") of state water law. Indian water rights, therefore, may not be diminished for failing to meet a beneficial use standard under state law. As a general rule, Indian water rights are very senior and because these rights are premised on sufficient water being reserved to insure full utilization of the purposes of the reservation, both presently and in the future, Indian water rights are usually sizeable in quantity.

The Colorado Ute Tribes' reserved water rights arise from an 1868 treaty with the United States. 15 stat. 619. This treaty states that the land which is now part of the reservation was "set apart for the absolute and undisturbed use and occupation" by the Colorado Ute Tribes. Art. XIII. Additionally, the treaty provides for the basic tools, facilities and livestock needed to become self-sustaining. Based on these broad purposes, the tribes are entitled to make a claim for water in the Animas and La Plata basins. The Colorado Ute Tribes have over 25,000 acres of arable land in the immediate vicinity (13,780 acres of which were to be irrigated by the original ALP Project) and therefore have the basis for a sizeable water rights claim based solely on the agricultural purposes of their reservations. In return for not asserting a possibly sizeable claim, the Colorado Ute Tribes will receive a much smaller amount of "wet water" for settling their *Winters* rights.

Because the Animas La Plata project is a settlement of the Colorado Ute Tribal *Winters* rights, the ultimate use of the water is left to tribal discretion in accordance with federal law. As of this time the tribes have not conclusively specified to what end uses they will put their water. Because NEPA requires the federal government to make a reasonable projection of the potential environmental consequences of any proposed action, Reclamation, in conjunction with input from the tribes, developed potential water use scenarios on how the Tribes could put their water to use in order to effectively evaluate the potential environmental effects of settling the water rights claims of the Colorado Ute Tribes and providing for identified M&I uses in the project area. Reclamation believes that this approach fulfills the requirements of NEPA while not impinging upon the sovereignty of the Colorado Ute Tribes.

Any future actions would be subject to future environmental review, and NEPA compliance would be required as part of any approval by a federal agency. Future federal actions would serve as "triggers" for future NEPA compliance activities, and could include future connection to a federal facility for water conveyance enlargement or extension of certain existing conveyance systems, and, certain uses of a water

acquisition fund. In addition, other federal and state regulatory and environmental requirements would have to be met in implementation of future actions (e.g., compliance with the ESA, Clean Water Act, Colorado and New Mexico water laws). %
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The ALP Project %

Reclamation proposes to develop a modified ALP Project in southwestern Colorado and northwestern New Mexico for the purpose of implementing the Settlement Act. Since the ALP Project is intended to provide stored water in lieu of the assertion of senior Tribal water rights claims, a majority of the project's water supply is not targeted for specific near-term uses. Rather, the waters would be used in the region over an indefinite period of time. The Colorado Ute Tribal M&I water uses are currently not specified but were projected. Non-binding projected water uses, both on and off the Colorado Ute Tribal reservations, were evaluated in order to provide possible uses and their associated impacts. Projections were made of a range of potential future M&I uses for project water as a basis for developing alternatives which would effectively provide water to meet these allocations. The scenarios for future water use were based on reasonable estimates of regional growth and projected needs by the Colorado Ute Tribes, Navajo Nation, the ALPWCD, and the SJWC. %
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The specific percentage allocation between the Colorado Ute Tribes and other project beneficiaries may not be fixed. Comments received during scoping, and support for recently introduced legislation (i.e., HR 3112 and S 2508) indicate that the Colorado Ute Tribes may agree to a reallocation of 6,010 acre-feet per year (afy) to the State of Colorado and entities in New Mexico. This reallocation of some of the Colorado Utes water does not change the environmental evaluation presented in the SEIS. Further, the ALP Project would be operated to include conservation measures contained in the 2000 Biological Opinion issued by the U.S. Fish and Wildlife Service (Service) (Service 2000a) in compliance with the Endangered Species Act (ESA). Among other measures, this opinion limits average water depletions by the project from the San Juan River Basin to 57,100 acre-feet per year (afy). %
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Under the ALP Project, the Colorado Ute Tribes would receive 79,050 afy (this represents 39,960 afy of depletions from the San Juan River system). The future uses to which water may be put by the Colorado Ute Tribes will be the subject of future NEPA review at the time the uses are determined and structural components are designed to convey water to those uses. A projection of future water uses by the Colorado Ute Tribes included the following types:

- # Municipal
- # Industrial park
- # Recreation and tourism development
- # Energy development
- # Livestock and wildlife water use
- # Regional municipal water supply
- # Instream leasing of water

Table ES-1 displays the allocation of water among the Colorado Ute Tribes and other project participants. Under these allocations, the Colorado Ute Tribes would still be approximately 13,000 afy short of the total quantity of depletion recognized in the Settlement Agreement. The Administration Proposal, therefore, also includes a non-structural element that would establish and use a water acquisition fund, which the Colorado Ute Tribes could use over time to acquire water rights on a willing buyer/seller basis. The water acquisition fund was developed to acquire 13,000 afy of depletion in addition to the depletions shown in **Table ES-1**, or for other uses that they may choose. %

Table ES-1	
Proposed Water Depletions and Allocations for the ALP Project	
Water Recipient	Depletion from the San Juan River Basin (afy)
Southern Ute Indian Tribe	19,980
Ute Mountain Ute Tribe	19,980
Navajo Nation	2,340
Animas-La Plata Water Conservancy District	2,600
San Juan Water Commission	10,400
Subtotal	55,300
Allowance for Reservoir Evaporation	1,800
Total Depletion	57,100

The Navajo Nation, ALPWCD, and SJWC would annually receive a combined total of 30,680 acre-feet (af) (representing 15,340 afy of depletion) of water from the ALP Project. With a small amount accounted for by system operational losses, annual water allocations for the Colorado Ute Tribes, Navajo Nation, ALPWCD, and the SJWC would total 111,965 af (57,100 afy depletion).

The Navajo Nation would receive 4,680 afy (2,340 afy depletion) and would use it to serve a portion of the M&I requirements of the Shiprock, Cudei, Hogback, Nenahnezad, Upper Fruitland, San Juan, and Beclaibito Chapters in the Shiprock, New Mexico area. A new water pipeline, the Navajo Nation Municipal Pipeline (NNMP), is proposed for construction to deliver this water to these seven Navajo Nation Chapters, replacing the existing pipeline between Farmington and Shiprock. The 4,680 afy represents about one-half of the future projected M&I requirements of these chapters, based on a 40-year projection.

The ALPWCD projects growth of M&I water needs in the Durango, Colorado area (Gronning 1994), based on the continued increase in population of about 2 percent annually during the 1990s in its service area, as well as residential, commercial, and industrial growth in outlying areas near Durango. Water allocations of 5,200 afy (2,600 afy depletions) from the ALP Project would supplement existing water supplies and would serve this growth. Future development of facilities to serve the City of Durango and other ALPWCD water users would potentially be the subject of future NEPA compliance.

The SJWC has identified water use needs and projected M&I growth in its service area, including the Cities of Aztec, Bloomfield, and Farmington, New Mexico (Cielo 1995). Under the ALP Project allocations, the SJWC would receive 20,800 afy (10,900 afy depletion), which would meet a portion of its projected water needs. Future development of facilities to serve the Cities of Aztec, Bloomfield, and Farmington and other SJWC water users would potentially be the subject of future NEPA compliance.

Supplemental Environmental Impact Statement

On January 4, 1999, Reclamation announced its intent in the Federal Register (Volume 64, No. 1) to prepare a Supplemental Environmental Impact Statement (SEIS) to the 1996 Final Supplement to the Final Environmental Statement (1996 FSFES) for the ALP Project. The new SEIS is intended to supplement the 1996 FSFES and the 1980 Final Environmental Statement (1980 FES) with the objective of providing an environmental evaluation to assist Interior and other involved parties in reaching a final settlement of the water claims of the Colorado Ute Tribes. The SEIS has been prepared to meet the procedural requirements of NEPA following the regulations established by the Council on Environmental

Quality (CEQ) (40 Code of Federal Regulations (CFR) Parts 1500 to 1508). These regulations provide the legal and regulatory guidelines for preparation of environmental impact statements (EIS). The 1996 FSFES and the 1980 FES are incorporated by reference to eliminate duplication and repetitive discussions of the same issues, and also incorporates information from the 1996 FSFES and 1980 FES (40 CFR 1508.28 and 1500.4(j)). %

Public Involvement Activities %

The Draft Supplemental Environmental Impact Statement (DSEIS) for the Animas-La Plata Project was filed with the Environmental Protection Agency and distributed to the public on January 14, 2000. The public comment period opened on January 14, 2000 and was originally set to close on March 17, 2000; however, the comment period was extended by 30 days, as noticed in the *Federal Register* on March 9, 2000. The public comment period closed on April 17, 2000. %

The Bureau of Reclamation (Reclamation) conducted three public hearings on the ALP Project DSEIS in Durango, Colorado; Farmington, New Mexico; and Denver, Colorado on February 15, 16, and 17, 2000, respectively. Notice of the public hearings was announced in the local media and published in the *Federal Register* on January 14, 2000. A total of 77 people presented oral testimony. Speakers represented the Colorado Ute Tribes, Navajo Nation, federal and state agencies, various organizations including county and local offices, water districts, environmental groups, and individuals. %

Written comments were accepted by Reclamation at each hearing and were also received as letters and via email throughout the entire public comment period. A total of 397 oral and written comments/letters/e-mails were received. Responses have been prepared for each of these comments, and where appropriate, changes have been made in the text of the FSEIS. Changes made are marked in the FSEIS by a bar in the margin of the text. Responses were developed for comments and questions that were within the scope of the proposed action. %

SEIS Evaluation Process

This FSEIS evaluates 10 alternatives, including 9 action alternatives that include several structural and non-structural components, and a no action alternative (see **Table ES-2** below). Project structural components were evaluated, including storage reservoirs, a pumping plant, and conveyance facilities. These are defined in detail, their environmental settings and potential environmental impacts are evaluated, and mitigation measures are proposed. The construction and operation of a water pipeline to transmit treated water to the Navajo Nation at and near Shiprock (the NNMP) is also a structural component of the ALP Project. %

Table ES-2 List of ALP Project Alternatives	
Number	Title
1	Administration Proposal
2	Administration Proposal with Recreation Element Added
3	Administration Proposal with San Juan River Basin Recovery Implementation Program (SJRBRIP) Element Added
4	Administration Proposal with SJRBRIP and Recreation Element Added
5	Animas-La Plata Reconciliation Plan
6	Animas River Citizen's Coalition Conceptual Alternative
7	1996 Final Supplement to the Final Environmental Statement Recommended Action
8	Administration Proposal with an Alternative Water Supply for Non-Colorado Ute Indian Entities
9	Citizens' Progressive Alliance Alternative
10	No Action Alternative

Non-structural components include acquiring existing water sources. As part of this analysis, this FSEIS inventories the available land and associated water rights in the McElmo Creek and Mancos, La Plata, Animas, Florida, and Pine River Basin drainages in the vicinity of the two Colorado Ute Tribal reservations. Land values, seniority of water rights, parcel sizes, and other factors were evaluated to develop a reasonable picture of the potential acquisition of land and direct flow water rights. Working with the basic assumptions that water and land would be purchased from willing sellers, and that project modifications and reoperation would be able to receive the approval of all participating parties to proceed, representative areas were identified in order to develop an analysis of the range of likely non-structural component options that might be implemented by one or more of the water users in the future. Finally, as part of the non-structural analysis, the potential for securing water supplies from existing Reclamation-owned storage facilities in the region was evaluated.

The 10 alternatives, and their structural and non-structural components, were then evaluated to determine the relative practicality of each alternative in terms of:

- # Potential environmental impacts
- # Meeting the ALP Project purpose and need
- # Technical and economic factors

Considering all three sets of these factors (i.e., environmental, purpose and need, and technical and economic merits) for each of the 10 alternatives, Alternatives 4 and 6 (modified to provide for water to non-Colorado Ute Tribal entities) were identified as warranting refinement. Each alternative had unique strengths in various areas, and together they represented significantly different approaches to meeting the purpose and need of the project. Alternative 4 is principally a structural alternative and Alternative 6 is principally a non-structural alternative. Alternatives 4 and 6 were both determined to have merit. As such, Alternatives 4 and 6 were then refined to more closely meet project requirements, and the structural and non-structural components of both refined alternatives were then evaluated. The environmental impacts and proposed mitigation for Refined Alternatives 4 and 6 are discussed in this FSEIS. A more detailed discussion of the alternatives evaluation process is contained in Sections 2.3, 2.4, and 2.5 of the FSEIS. A further discussion of the evaluation of impacts from Refined Alternatives 4 and 6 is included in Chapter 3, and in Section 5.2 of this FSEIS.

Refined Alternative 4

Refined Alternative 4 includes both structural and non-structural elements designed to achieve the fundamental purpose of securing the Colorado Ute Tribes an assured water supply in satisfaction of their water rights as determined by the 1986 Settlement Agreement and the 1988 Settlement Act and by providing for identified M&I water needs in the project area. Refined Alternative 4 includes measures to mitigate fish and wildlife, wetlands, and cultural resource impacts.

The structural component of Refined Alternative 4 would include an off-stream storage reservoir at Ridges Basin with an active capacity of approximately 90,000 af (approximately 120,000 af total capacity), a pumping plant with a pumping capacity of up to 280 cubic feet per second (cfs); a reservoir inlet conduit (all designed to pump and store water from the Animas River); and the NNMP to transport treated municipal water to the Shiprock area, New Mexico. Consumptive use of water from the structural portion of the project would be restricted to M&I uses only and would be allocated as shown in Table ES-1. %
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Under this allocation, the Colorado Ute Tribes would still be approximately 13,000 af short of the total quantity of depletion recognized in the Settlement Agreement. Therefore, the non-structural component of the project would establish a \$40 million water acquisition fund which the Colorado Ute Tribes could use on a discretionary basis to purchase land to satisfy non-structural water rights (approximately 13,000 afy). To provide flexibility in the use of the fund, authorization from the US Department of Interior to the Colorado Ute Tribes would allow some or all of the funds to be redirected for on-farm development, water delivery infrastructure, or for water-related economic development activities. %
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The primary source of the water for the structural portion of Refined Alternative 4 is the Animas River. The water supply for the non-structural component would include the Pine, Florida, Animas, La Plata, Mancos and Dolores Rivers and McElmo Creek. The supply could be developed from existing uses within each basin, with the associated historic shortages, so that no additional water would be needed to meet the demands of the non-structural components. %
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For Refined Alternative 4, it is estimated that the purchase of about 10,300 acres of irrigated land, distributed in four river basins, could be necessary to obtain the 13,000 afy of depletion described as part of the water acquisition fund. The acreage could be distributed among the four basins approximately in this manner:

Pine River Basin - Purchase 2,300 acres of land and leave the water on the land.

La Plata River Basin - Purchase 2,300 acres of land and leave the water on the land.

Animas/Florida River Basins - Purchase 2,300 acres of land and leave the water on the land.

Mancos River Basin - Purchase 3,300 acres of land and leave water on the land.

Refined Alternative 6

Refined Alternative 6 proposes that water rights under the Settlement Act be obtained through (1) augmentation and the coordinated operation of existing federal projects in the area proximal to the Colorado Ute Tribal reservations; and (2) purchase of water rights on irrigated agricultural lands; or (3) a combination of both. Other elements of Refined Alternative 6 include the NNMP and measures to avoid impacting wetlands as a result of purchases of water and transferring it to M&I use. Refined Alternative 6 has been modified to the equivalency of the depletion amounts in Refined Alternative 4 in order to

analyze both alternatives on a commensurate or equivalent basis. As with Refined Alternative 4, Refined Alternative 6 also consists of two components:

One component would be equivalent to the structural component of Refined Alternative 4 by developing up to 57,100 afy of depletions in the San Juan River Basin to serve essentially the same M&I needs as would be served by Refined Alternative 4.

A second component for Refined Alternative 6 was developed under the assumption that water could be acquired to develop an equal amount of depletions of 13,000 afy and in a manner similar to Refined Alternative 4 by purchasing agricultural lands and associated water rights.

% For the first component of Refined Alternative 6, approximately 11,933 acres would be purchased to yield 17,432 afy of depletions. Other proposed sources of water for Refined Alternative 6 include: the purchase of storage from Red Mesa Reservoir, the coordinated operation of existing reservoirs with streamflows in the San Juan Basin for more efficient utilization of water supplies, and the raising of Lemon Dam.

Land (11,933 acres) and associated water rights would be purchased in the Pine, La Plata, and Mancos River Basins, and McElmo Creek Basin to supply a yield of 17,432 afy of historical depletions. This does not include the land required to supply the 13,000 afy depletions for the water acquisition fund.

Pine River Basin - A total of 10,000 acres of non-Colorado Ute irrigated land would be purchased in the Pine River Basin. The associated 15,114 af of average annual depletion would be removed from the land and allowed to flow into Navajo Reservoir under the same delivery pattern that would have occurred to the irrigated land. This would become project water with the delivery point at Navajo Reservoir for purposes of administering the purchased water rights in the Pine River.

La Plata River Basin - To meet the demands not met by available streamflow, a total of 785 acres of irrigated land would be purchased and the associated average annual depletion of 521 af transferred to M&I use.

Mancos River Basin - To meet the demands not met by available streamflow, a total of 500 acres of irrigated land would be purchased and the associated average annual depletion of 761 af transferred to M&I use.

% McElmo Creek Basin - A total of 648 acres, sufficient to provide a firm yield depletion of 1,036 af, would be purchased and the water transferred to M&I use to satisfy regional demand in Montezuma County. All water resulting from these purchases from McElmo Creek would be for the benefit of the Ute Mountain Ute Tribe.

Several federal storage facilities were evaluated for coordinated operation with streamflows in the San Juan Basin for more efficient utilization of water supplies. Navajo Reservoir would be operated to supplement available Animas River flow in meeting the SJWC and Navajo Nation demand, the Farmington, Aztec and Kirtland regional water demands, and the demands for the non-binding uses at the coal mine, coal-fired power plant and gas-fired power plant for the Colorado Ute tribes. To the extent that capacity is not sufficient, additional irrigated acreage could be purchased and retired above the reservoir to augment the water supply. Vallecito Reservoir would continue to operate as it has historically, with any water transferred from irrigation to M&I use delivered in the same pattern as would normally occur for irrigation. Jackson Gulch Reservoir would be operated to store agricultural water purchased for conversion to M&I and release it according to demand as long as such operation did not impact the delivery of agricultural water to existing right holders.

Approximately 200 af of storage space would be purchased in Red Mesa Reservoir (also referred to as Mormon Reservoir). %

In summary, approximately 36,891 af of water may become available through coordinated operation of existing reservoirs with streamflows in the San Juan Basin. Subsequent computer modeling studies would need to verify the amount.

The capacity of Lemon Reservoir would be increased from approximately 40,000 af to 50,000 af by raising the dam 11.5 feet. Increased capacity would be used to deliver water to the Florida Mesa Housing Unit and supplement Animas River diversions to meet the City of Durango demands and the Durango regional demands. The depletion supplied by Lemon Reservoir to the uses ranges from zero to 1,500 afy, with an average annual depletion of approximately 500 af. More detailed water operation modeling studies would need to be completed to verify the yield from enlarging Lemon Reservoir. %

A water acquisition component of Refined Alternative 6 was developed that would be commensurate with the non-structural component of Refined Alternative 4 for the purchase of agricultural lands to obtain 13,000 afy depletions. Under this component the water would be left on the land. A summary of the lands purchased under this component are as follows:

Animas and Florida River Basins - Acreage sufficient to provide a firm yield depletion of 6,500 af would be purchased in the Animas and Florida River Basins as an equivalent to the non-structural component of Refined Alternative 4. The water would remain on the land as described in Refined Alternative 4. With a depletion factor of 1.4 af per acre, 4,643 acres would be required.

McElmo Creek Basin (Montezuma County) - Approximately 4,062 acres, an amount sufficient to provide an annual firm yield depletion of 6,500 af, would be purchased in the Montezuma Valley, either within the Montezuma Valley Company or elsewhere in the Dolores Project service area as an equivalent to the non-structural component of Refined Alternative 4. The water would remain on the land. %

SEIS Conclusions and Recommendations

The initial 10 alternatives, additional structural and non-structural components, and Refined Alternatives 4 and 6 were thoroughly evaluated in the SEIS. The analysis is included in Chapters, Volume 1 of the FSEIS for the full range of alternatives. Additional analysis for Refined Alternatives 4 and 6 is included in Chapters 3 and 4 of this FSEIS, Volume 1. In Chapter 5, additional analysis to test the ability of the refined alternatives to meet the purpose and need of the project. %

Project alternatives would affect resources such as streamflows, fish and wildlife, vegetation and wetlands, cultural resources, and recreation as described in Chapter 3. Chapters 3 and 5 describe mitigation measures and environmental commitments to reduce these impacts. %

The evaluation of several factors reveals that implementation of Refined Alternative 6 presents a number of problems: %

It would impose significant risks on the ability of the project to provide an assured water supply commensurate with the water rights established in the settlement; %

The wholesale purchase of land and transfer of water may be opposed by the local community, thereby impacting completion of the settlement; %

% It would require an extended and uncertain time frame to secure the settlement benefits, which
 % would affect the ability to finalize the settlement; and

% It would substantially impact Indian trust water rights by using the remaining capacity of the
 % Navajo Reservoir, a facility designed to supply these demands, thus creating a likely conflict
 % with the Navajo Nation and Jicarilla Apache Tribe.

On the basis of this overall evaluation, it was determined that Refined Alternative 4 would best meet the ALP Project purpose and need. Accordingly, Refined Alternative 4 was designated as Reclamation’s Preferred Alternative.

% **Tables ES-3 and ES-4** summarize the water supply and project cost projections for the Preferred
 % Alternative.

Table ES-3 Water Supply and Costs Preferred Alternative		
Allocation of ALP Project Water		
Entity	Source of Water	Depletion (afy)
Southern Ute Indian Tribe	Animas River/Ridges Basin Reservoir	19,980 ^a
Ute Mountain Ute Tribe	Animas River/Ridges Basin Reservoir	19,980 ^a
Navajo Nation	Animas River/Ridges Basin Reservoir	2,340
Animas-La Plata Water Conservancy District	Animas River/Ridges Basin Reservoir	2,600
San Juan Water Commission	Animas River/Ridges Basin Reservoir	10,400
Subtotal		55,300
Allowance for Reservoir Evaporation		1,800
Total Depletion ^b		57,100

% ^a Support for recently introduced federal legislation indicates that the Colorado Ute Tribes may agree to a reallocation of
 % 5,280 afy depletion to the State of Colorado and 780 afy depletion to the La Plata Conservancy District in New Mexico.
 % ^b Through implementation of the \$40 million water acquisition fund, the Colorado Ute Tribes could acquire an additional
 % 13,000 afy depletion.

Table ES-4 Total Costs for Preferred Alternative			%
Item	Description	Cost (Million)	% %
Project Components			%
Ridges Basin Dam	Consists of 120,000 acre-foot reservoir with a conservation pool of 30,000 acre-feet. Included in the cost of the dam are costs of relocations for County Road 211, gas pipelines, and electrical transmission facilities.	\$145.0	% % %
Durango Pumping Plant	Maximum pump capacity is 280 cfs. Pumping limited to 240 cfs in June for endangered species requirements	\$36.3	% %
Ridges Basin Inlet Conduit	Delivers water from Durango Pumping Plant to Ridges Basin Reservoir. Length of conduit is 11,200 feet and diameter of pipe is 66 inches. Maximum design capacity of the conduit is 280 cfs.	\$8.7	% % % %
Water Acquisition Fund	A fund to be used at the discretion of the Ute Tribes for either the purchase of water rights to satisfy 13,000 acre-feet per year depletion or for other economic development by the Tribes	\$40.0	% % %
Cultural Resources Mitigation	Mitigation includes survey, recovery, protection, preservation and display of cultural resources.	\$9.0	% %
Wetland, Fish, and Wildlife Mitigation	Included in the cost is \$2.1 million for a fish hatchery and fisherman access.	\$12.8	% %
Subtotal: Cost of Project Components^a		\$251.8	%
Other Components			%
Navajo Nation Municipal Pipeline	Pipeline would deliver 4,680 acre-feet of water to seven Navajo chapters located between Farmington to Shiprock, New Mexico. Total length of pipeline is 28.9 miles. Capacity of pipeline and pumping plant would be 12.9 cfs. New water storage tanks of 5.5 million gallon capacity would be required.	\$24.0	% % % % %
Subtotal: Cost of Other Components		\$24.0	%
COST TO IMPLEMENT THE PREFERRED ALTERNATIVE		\$275.8	%
Project Costs Through FY 1998	These costs, commonly referred to as sunk costs, are costs that have been expended on the project and cannot be recovered. They include planning preconstruction investigations, data gathering and analyses, and field investigations leading to the preparation of various planning and environmental reports through FY 1998.	\$68.0	% % % % % %
TOTAL COSTS FOR THE PREFERRED ALTERNATIVE		\$343.8	%
^a Project costs are the cost to construct and implement the various components of the ALP Project.			%

% **Consultation and Coordination**

% 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 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 Report (FWCAR) has also been completed by the Service (see
% Technical Appendix 7).

% 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 Attachment B-1 to the FSEIS,
% Volume 2. A letter of concurrence from EPA confirming Reclamation's compliance with 404(r)
% requirements is attached as B-3, Volume 2. 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. Revised Alternative 4 would have fewer
% overall impacts to wetlands and endangered species (southwestern willow flycatcher habitat) than
% Refined Alternative 6.

% Pursuant to the Native American Graves Repatriation and Protection Act (NAGPRA), Reclamation has
% consulted with interested and concerned Indian tribes. 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, Volume 2. In addition, a draft Historic Preservation Management Plan
% has been prepared (see Technical Appendix 8).