

Federal Agencies



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Office of Environmental Health

April 10, 2000

Navajo Area
Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515-9020

Mr. Pat Schumacher
Unite State Bureau of Reclamation
Western Colorado Area Office, Southern Division
835 East Second Avenue
Durango, Colorado 81301 - 5475

Dear Mr. Schumacher:

The Navajo Area Indian Health Service (NAIHS) has been asked by Mr. Arvin S. Trujillo, Executive Director, Navajo Nation Division of Natural Resources to comment on the Bureau of Reclamation's proposed Animas - La Plata Project. Accordingly, the attached comments as prepared by our Shiprock District Office are respectfully submitted for your consideration.

Please note from the comments that NNMP - 2 is conditionally recommended over the other project alternatives. It is recommended because it provides the most robust and flexible water system for the Shiprock area but incorporates, develops, and/or upgrades existing facilities to do so. It is conditional because any ultimate selection of alternatives will depend on funding availability, associated operation and maintenance costs, and approval/concurrence from pertinent utility organizations.

Sincerely,

Jeffrey J. Nolte, P.E., Acting Director
Division of Sanitation Facilities Construction
Navajo Area Indian Health Service

xc: Arvin Trujillo, Executive Director, Navajo Division of Natural Resources
Johnny Francis, Navajo Department of Water Resources
Randy Medicinebear, General Manager, NTUA
Rex Kontz, Acting Manager, Engineering Technical Services Division, NTUA
John Hubbard, Jr., Area Director, NAIHS
Charles O. Dowell, Director, OEHE, NAIHS
Roger Anderson, District Engineer, OEHE, NAIHS

Indian Health Service
Sanitation Facilities Construction Branch
Shiprock District Office

Animas - La Plata Project
Navajo Nation Municipal Pipeline Alternatives
Comments

Introduction

The Indian Health Service (IHS), Sanitation Facilities Construction Branch works with the Navajo Tribal Utility Authority (NTUA) to provide water, sewer, and solid waste facilities to homeowners on the Navajo Nation. Services provided by the IHS include design and construction of water and sewer systems, as well as technical assistance.

Since the Animas-La Plata project will have a major impact on water service to Navajo people in the Shiprock area, the Shiprock District IHS office has the following comments on the Navajo Nation Municipal Pipeline (NNMP) alternatives as outlined in the Draft Supplemental Environmental Impact Statement (DSEIS).

Alternative NNMP-1

NNMP-1 proposes constructing a replacement pipeline generally along the alignment of the existing transmission line that conveys municipal water from Farmington to the Shiprock community and several chapters around Shiprock, including Upper Fruitland, San Juan, Nenahnezad, Hogback, Cudei, and Beclabito. The DSEIS lists the Sanostee Chapter as one of the chapters also served; however, this Chapter is not connected to this system. Also, the existing Shiprock water treatment plant and intake structure would be closed.

FA1-1 The commenter is correct in that NTUA does not currently provide water service to the Sanostee Chapter. The FSEIS has been modified to reflect this change. See Section 2.5.1.

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One of the reasons given in the DSEIS for replacing the existing line is the "fairly consistent record of leaks and maintenance problems, and there is a continuing cathodic protection concern due to the co-location of the pipeline with overhead transmission and distribution lines." However, NTUA reports that they seldom have leaks or maintenance problems with this line, with an average of about 1 or 2 minor repairs needed per year. (Beyale, H., 1999) Additionally, the Ductile Iron Pipe Research Association (DIPRA) has inspected this pipeline three times since initial construction in 1968. Their most recent inspection was completed on January 13, 2000. They reported that after 32 years, the ductile iron pipeline was found to be in excellent condition. (Fowles, D., 2000) NTUA has expressed concerns for the long term serviceability due not to corrosion or leakage but due to smaller diameter pipe, namely the existing 14-inch transmission line section.

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The DSEIS states that a new pumping plant would be constructed on a hillside near Nenahnezad to provide sufficient pressure to the distribution systems, and that two existing pumping plants would be closed. This point needs clarification as we do not understand which plants would be closed or how this would be technically possible. The Adobe and Ojo Amarillo booster stations both pump water from the transmission line up to their own respective systems, and are located upstream of where the new pumping plant is proposed, so would be unaffected. The Navajo Mine and Morgan Lake booster stations are located beyond the existing 500,000 gallon Surge Tank, and pump water to the very top of the mesa adjacent to the river. These booster stations could be eliminated only if the proposed 1.5 million gallon (MG) tank would be located at an elevation higher than the existing tanks and system hydraulic grade lines.

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NNMP-1 understates the existing water storage capacity at the Cortez tank site. The DSEIS proposes an additional 5.5 MG of storage, increasing the total storage to 7.0 MG. However, only an additional 4.0 MG of storage is needed to bring the total storage to 7.0 MG. Currently, 3.0 MG of water storage exists at the Cortez tank site.

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Finally, NNMP₂-1 would make the City of Farmington the sole source of water for Shiprock and the surrounding communities, through the transmission line. At present, NTUA has a

FA1-2 The FSEIS has been revised to clarify and correct the characterization of the current condition and maintenance record of the existing iron ductile pipeline, including the results of the most recent inspection. See Section 2.5.1.

FA1-3 The purpose of the pumping plant between Ojo Amarillo and Nenahnezad is to boost water over the higher elevation of the Nenahnezad-Morgan Lake area when the pressure at Farmington falls to near the contracted pressure level. The statement about the distribution system booster stations has been deleted from the text. See Section 2.5.1 and Attachment E.

FA1-4 NNMP-1 has been revised to include 4.0 MG additional storage at the Cortez Tank site as cited for NNMP-2 and NNMP-3.

FA1-5 The FSEIS has been revised to reflect that the Shiprock treatment plant would remain in use under Alternative NNMP-1. The form of agreement between NTUA and the City of Farmington for future water is beyond the scope of this document.

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5-year term agreement with the City of Farmington. How or what form of an agreement would be reached that would guarantee NTUA this source of water for perpetuity? Furthermore, NTUA has expressed hesitancy about closing their water treatment plant and relying on a sole source off the reservation. NTUA will need to be involved and in agreement before any alternative is ultimately decided upon.

Alternative NNMP-2

NNMP-2 proposes leaving much of the existing transmission line in place with improvements made to the section between Hogback and Shiprock. Also included is additional storage at the Cortez tank site and at Nenahnezad as listed under NNMP-1. Finally, NNMP-2 proposes upgrading the existing Shiprock Water Treatment Plant (WTP) by renovating two existing treatment trains and adding additional treatment capacity thereby bringing total treatment capacity from 1.5 MGD to 4.0 MGD.

This alternative would also construct a new pumping plant on the transmission line to replace two existing plants. The comments from Alternative NNMP-1 above also apply to this alternative.

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One concern with this alternative is that obtaining land for the proposed intake structure and WTP improvements in their current location may be a difficult endeavor. Additionally, a method of dealing with the waste material from the sand settling basin should be more thoroughly established. Finally, Table 2-57 points to adverse effects on fish life under Aquatic Impacts due to removing water from the San Juan River. We wonder what the difference is between this alternative and NNMP-1, as both remove water from the river, albeit from different locations?

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We believe this alternative to be the most desirable as it is the most flexible for meeting future Shiprock water needs. The existing transmission line appears to have a significant useful life remaining and therefore need not be abandoned. Especially, if some improvements/repairs are made in the areas of cathodic protection and cover of exposed sections along the existing transmission line. Finally, NNMP-2 proposes a more robust

FA1-6 The FSEIS has been revised to include drying beds for a sand separation system. Regarding the effects on the San Juan fishery, the document has been revised to correct the inconsistency in the analysis. See Section 2.5.1.

FA1-7 The FSEIS has been revised to reflect that the existing Shiprock water pipeline would not be closed under any NNMP alternatives.

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and reliable community water system by providing two viable community water sources, Farmington and the WTP. The redundant water source reduces reliance on off reservation sources, which also reduces future uncertainties for long-term water source agreements.

Alternative NNMP-3

This alternative would make use of the existing NIIP facilities and make improvements including a new reservoir, pipelines, and other items to serve Shiprock and surrounding communities.

This alternative is desirable in that it matches well with the Gallup pipeline project and provides a larger water treatment plant facility.

However, the benefits it provides are no greater than those discussed in alternatives 1 or 2, and it has a much higher construction cost. It is therefore not discussed further.

Operation and Maintenance

The DSEIS does not discuss the cost of operating and maintaining the proposed NNMP alternatives for providing water to the Navajo Nation. Each NNMP alternative has an immediate and long term cost for operation and maintenance (O&M). These cost are critical to NTUA, as new and possibly controversial user fees would be required for O&M of these new facilities. Qualitatively, the O&M costs increase from NNMP 1 to alternative 3 having the greatest costs for O&M. However, in order for NTUA to make a well informed decision and enable the Tribe to understand the full ramifications of each NNMP alternative discussed in the DSEIS please provide the estimated O&M cost for each alternative. The final NNMP selection may depend on the O&M cost and it's viability within the Shiprock Community.

FA1-8 Operation and maintenance costs have been included in Section 2.5.1 (Table 2-54) of the FSEIS. Pipeline maintenance costs should remain similar to current NTUA experience. Treated water purchase is assumed at current contract rates. Shiprock treatment plant costs include added sand separation cost over the cost of treatment at Farmington. With increased use within Farmington, pressure at the connection may fall, requiring some pumping, that will add energy and maintenance costs over current costs.

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Conclusion

In our opinion, NNMP-1 does not best serve the Navajo Nation for the following reasons: First, the existing transmission line is not experiencing any major leakage or corrosion problems as referenced in the DSEIS. Second, NTUA is reluctant for any Tribal system to be completely dependent on a source of water not within their boundary control.

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NNMP-2 provides the most flexible and robust water system serving the Shiprock community and outlying areas. This alternative has the most sustainable long-term water source for Shiprock by developing the primary community source within the Shiprock service area. NNMP-2 utilizes the existing transmission line as originally designed, utilizing the line with two sources of water coming from both ends. Also, the transmission line replacement under NNMP-2 is the current flow restricting section due to the 14-inch diameter. Our office endorses NNMP-2 as the best alternative for serving the Shiprock community with additional potable water treatment and delivery capacity.

FA1-9 Comment noted.

References:

Beyale, H. Navajo Tribal Utility Authority, Shiprock District, Water/Wastewater Foreman. Shiprock, New Mexico. Conversation in May 1999.

Fowles, D., Polyethylene Encasement Inspection, Shiprock, New Mexico, January 13, 2000. Ductile Iron Pipe Research Association. Birmingham, Alabama.



**THE
NAVAJO
NATION**

P. O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (520) 871-6000

KELSEY A. BEGAYE
PRESIDENT

TAYLOR MCKENZIE, M.D.
VICE PRESIDENT

February 10, 2000



Mr. John Hubbard, Jr.
Area Director
Navajo Area Indian Health Service
P.O. Box 9020
Window Rock, AZ 86515

Dear Mr. Hubbard:

The U.S. Bureau of Reclamation will hold a public information meeting on the Animas La Plata Project on February 16, 2000 at 1:00 p.m. at the Shiprock Chapter House in Shiprock, New Mexico. The Navajo Nation Division of Natural Resources has agreed to help with this effort to assure that Navajo communities are aware of the Project.

We request that the Navajo Area Indian Health Service send a representative to the meeting, which will likely last most of the afternoon. We expect a good turnout of community residents and interested members of the Nation. They will likely have questions about the project; I am certain they will also want to make comments about their communities' dire need for drinking water and other water related concerns.

Navajo people will have additional opportunity to comment on the project at the Bureau of Reclamations' public hearing on the Draft Environmental Impact Statement for the Animas La Plata Project the same evening at the Civic Center in Farmington, New Mexico at 7:00 p.m.

Attached are copies of an announcement on the Shiprock meeting and Reclamation's memorandum regarding the public hearing on the project. If you or your staff require further information, please contact Mr. John Leeper, Civil Engineer, Water Management Branch at (520) 729-4004.

Sincerely,

DIVISION OF NATURAL RESOURCES

Robert O. Allen for
Arvin S. Trujillo
Executive Director

c: Jeff Nolte, Director, Division of Sanitation, Navajo Area Office
Johnnie D. Francis, Director, Department of Water Resources
John Leeper, Civil Engineer, Water Management Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
299 15TH STREET - SUITE 500
DENVER, CO 80202-2486
<http://www.epa.gov/region08>

APR 17 2000

Ref: SEPR-EP

Mr. Pat Schumacher, Southern Division Manager
Western Colorado Area Office
Bureau of Reclamation
U.S. Department of the Interior
P. O. Box 640
Durango, Colorado 81301

RE: Review of the Draft Supplemental Environmental
Impact Statement, Animas-La Plata Project,
Colorado and New Mexico, CEQ #000007

Dear Mr. Schumacher:

The Region 8 Office of the U.S. Environmental Protection Agency has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the Animas-La Plata (ALP) Project in La Plata and Montezuma Counties, Colorado, and San Juan County, New Mexico. We appreciate the opportunity to work with you and your staff as a cooperating agency in preparation of this document. We look forward to working with you and your staff to resolve the complex matters before us in a manner that assures compliance with applicable environmental requirements.

Pursuant to EPA's authorities under §309 of the Clean Air Act (CAA), §404 of the Clean Water Act (CWA), the Council on Environmental Quality (CEQ) November 1980 Memorandum to Heads of Agencies regarding the CWA §404(r) process, and the National Environmental Policy Act (NEPA), EPA provides the following comments for your consideration.

Proposed Action by Bureau of Reclamation

The Animas-La Plata Project would pump water from the Animas River into the proposed Ridges Basin Reservoir for subsequent release back to the Animas River for municipal and industrial use. It would also provide features for fish, wildlife and recreation. The total Project water supply would result in an average annual river depletion from the Animas and San Juan Rivers of 57,100 acre-feet per year (AFY), of which 39,960 AFY are to be provided to the Ute Mountain Ute Tribe and the Southern Ute Tribe, 2,300 AFY to the Navajo Nation and 13,000 AFY for Non-Indian communities in Colorado and New Mexico. Completion of the Project would satisfy the senior water rights claims of the two Ute Tribes and provide water for community needs near Durango, Colorado, and around Farmington, New Mexico. The DSEIS is intended to meet the requirements of §404(r) of the Clean Water Act to obviate the need for the Bureau of Reclamation (Reclamation) to obtain an individual §404 permit for the discharge of dredged and fill material in waters of the United States.

EPA's NEPA and the CWA Concerns

EPA Region 8 provided comments on the draft and final environmental statements in 1979 and 1980 and on the Draft and Final Supplemental EISs in 1992 and 1996. I, along with staff members, have visited the Project area, and have met and discussed the Project with Reclamation staff. In 1998, EPA and Reclamation entered into a Cooperating Agency Agreement that provided for EPA staff's assistance in the preparation of this Draft Supplemental EIS. During these meetings, and on several occasions since November 1998, we have discussed our concerns with respect to the environmental impacts of the proposed Project and potential deficiencies in the EIS process.

EPA suggests that Reclamation provide additional information in the Final Supplemental EIS in two areas: 1) how the various environmental impacts of the alternatives are being compared and 2) details of the proposed wetland and habitat mitigation plan.

1) Additional information should be provided regarding the determination of the least environmentally damaging alternative

As currently written, the DSEIS suggests that the determination of the least environmentally damaging alternative under the Section 404(b)(1) Guidelines was primarily based on a comparison of acres of wetlands affected. The current Section 404(b)(1) Evaluation (provided in Appendix B) should be clarified in a number of areas, including: 1) identifying, and discussing the significance of differences in the functions of the wetlands impacted by each alternative, especially the 600 to 1,200 acres of wetlands that could be impacted by Refined Alternative 6; 2) explaining more thoroughly the significance of the impacts to native fisheries and upland species habitat of both alternatives; and 3) explaining the evaluation criteria used for comparing the significance of the environmental impacts between Refined Alternatives 4 and 6.

2) Additional information is needed regarding proposed mitigation

We suggest the Final Supplemental EIS provide the detailed plans for mitigation of wetland and other habitats that would define the availability of lands for all proposed mitigation and the means to determine the biological effectiveness of the proposed mitigation. We are particularly concerned that Reclamation is proposing to offset the environmental impacts of the proposed action on native fish habitats by transferring water by pipeline from the proposed Ridges Basin to the La Plata River drainage, while it is unclear whether that water will be available for mitigation purposes.

Identification of future uses of the water

This project stems from a unique set of circumstances involving activities of the United States under its settlement of Tribal water rights claims and specific congressional legislation concerning the implementation of the Settlement. The purpose and need for this proposed action

- FA2-1 The 404(b)(1) Evaluation has been amended to provide additional information. See Attachment B in Volume 2.
- FA2-2 Reclamation has modified the FSEIS to better describe impacts to native fish in the Animas River. Direct mitigation for these impacts in the Animas River is not possible. There are many ways to mitigate for losses of aquatic habitat by taking measures to enhance recruitment of native suckers in the Animas River. Unfortunately, not enough is known about this apparent on-going problem requiring additional studies before a plan can be proposed. Native fishery issues are discussed in Section 3.6.3 of the FSEIS.
- FA2-3 See response to FA2-1 above. The revised Section 404(b)(1) Evaluation, included in Volume 2 Attachment B of the FSEIS, provides more detail on the evaluation criteria used to compare the relative impacts between Refined Alternatives 4 and 6. Chapter 9 of the 404(b)(1) Evaluation provides a summary of this evaluation leading to the selection of the "least damaging practicable alternative."
- FA2-4 No single-use conveyance of water from Ridges Basin to the La Plata River is currently proposed. Flow augmentation throughout a portion of the La Plata River has been discussed between Reclamation and the Fish and Wildlife Service as a possible mitigation measure to off-set project impacts on native fishes in the Animas River. While the obvious benefits to native fishes in the La Plata River is clear to Reclamation, the cost of implementing this measure may be prohibitive. If Reclamation were to commit to this mitigation option, the resulting in-stream flow would need to be protected within a portion of the La Plata River in order to maintain the benefits desired for native fishes. Reclamation is of the understanding that this can be achieved in Colorado under state law. There would be other issues relating to this proposal that would need to be better understood, including how the consumptive use of this water would be treated under the Endangered Species Act, however, at this point in time Reclamation is exploring other mitigation measures for the project's effect to Animas River native fishes.

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is primarily to provide the Colorado Ute Tribes with an assured long-term water supply in order to satisfy their senior water rights. Thus, in this case, the ultimate end use to which the water is to be put is not relevant to assuring this purpose is accomplished, and need not be specified in order to identify reasonable or practicable alternatives (although the potential end uses may be relevant to assessing the environmental impacts of alternatives and choosing among them). In that regard, we appreciate the identification in the DSEIS of potential "non-binding" water uses. In other circumstances, it would normally not be appropriate to define the purpose of a water project so broadly. Instead, the project purpose would reflect intended uses of the water, and the alternatives analysis would focus on identifying alternatives supporting those uses.

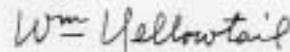
Summary of the EPA's concerns

We understand that Reclamation does not plan to apply for a CWA Section 404 permit, but instead intends to apply the provisions of CWA Section 404(f). Under Section 404(f), Congress is to be given an analysis of whether the proposed project complies with EPA's Section 404(b)(1) Guidelines, as well as an environmental impact statement prepared pursuant to NEPA. As stated earlier, we are requesting further information regarding the comparison of the impacts between the two Refined Alternatives 4 and 6 before we can make our determination on whether to advise Congress that Refined Alternative 4 complies with the Section 404(b)(1) Guidelines.

As a result of our evaluation of the environmental impact of the proposed federal action and the adequacy of this DSEIS, EPA intends to issue a notice in the Federal Register indicating that the Draft Supplemental EIS for the Arripas-La Plata Project has been rated as Category EC-2, meaning that EPA has environmental concerns with the Project and we believe that the DSEIS does not provide sufficient information regarding the analysis of the least damaging alternative. Please see the enclosed summary of EPA's rating definitions.

Should you have any questions concerning EPA's comments or concerns, please contact me or Max Dodson, Assistant Regional Administrator for Ecosystem Protection and Remediation, at 303/712-6596. Again, thank you for providing the EPA with an opportunity to participate in this process and for considering our comments.

Sincerely,



William P. Yellowtail
Regional Administrator

Enclosure: Summary of EPA's rating definitions

cc: Ernest House, Sr., Ute Mountain Ute Tribe, Towaoc, Colorado
John Baker, Jr., Southern Ute Tribe, Ignacio, Colorado

FA2-5 Information on the functional analysis of wetlands, and the capability of the wetlands potentially impacted under Refined Alternative 4 and Refined Alternative 6 to achieve the functions characteristic of wetland systems, is in the 404(b)(1) evaluation (see Attachment B in Volume 2). Ecosystem value is inherent in the functional assessment. In addition, the evaluation criteria used to compare the significance of the environmental impacts between Refined Alternative 4 and Refined Alternative 6, an adjunct to the functional assessment of wetlands, is presented in the 404(b)(1) evaluation (see Attachment B to the FSEIS).

FEDERAL AGENCY

FA2

Kelsey A. Begaye, Navajo Nation, Window Rock, Arizona
Rodger Vincenti, Jicarilla Apache Tribe, Dulce, New Mexico
David Hayes, Department of the Interior, Washington, D.C.
Randy Kirkpatrick, San Juan Water Commission, Farmington, New Mexico
Sam Maynes, Animas-La Plata Water and Southwestern Water Conservancy Districts,
Durango, Colorado
Peter Evans, Colorado Dept. of Natural Resources, Denver
Anne Miller, Office of Federal Activities, EPA, Washington, D.C.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements
 "Efficiency and Follow-Up Action"

Environmental Impact of the Action

LO -- Lack of Objectivity

The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantial changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objectives

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternative reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussions should be included in the final EIS.

Category 3 -- Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and that should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal would be a candidate for referral to the CEQ.

* From EPA Manual 1448 Policy and Procedures for the Review of Federal Actions Involving the Environment, February, 1981.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
764 Horizon Drive, Building B
Grand Junction, Colorado 81506-3946

IN REPLY REFER TO:
ES/CO:BR-Animas-LaPlata Project
MS 65412 GJ

April 17, 2000

Memorandum

To: Four Corners Division Manager, Four Corners Division of the Western Colorado Area Office, U. S. Bureau of Reclamation, Durango, Colorado

From: Colorado Field Supervisor, U. S. Fish and Wildlife Service, Ecological Services, Lakewood, Colorado *for Robert E. Lammiman*

Subject: Comments, Draft Supplemental Environmental Impact Statement for the Animas-La Plata Project, Colorado and New Mexico

The U.S. Fish and Wildlife Service has reviewed the Draft Supplemental Environmental Impact Statement for the Animas-La Plata Project, Colorado and New Mexico and offers the following comments.

Significance criteria are discussed within the DSEIS and describe a 15 percent reduction in, or impact to an affected resource. Consequently, a reduction in, or impact to habitat, exceeding the threshold, triggers a significant impact determination. Application of the significance criteria is not apparent within the DSEIS. The DSEIS does make reference to impacts on native fishes in the Animas River and describes the impacts as being potentially significant, but does not describe why. Further, there is no justification for the 15 percent significance threshold, and there is no documentation to support the application of this criteria on the Animas River or any other resource impacted by the Project. A 15 percent loss of habitat in the Animas River could be catastrophic to native fish, given the existing level of impact already present in the Animas River. The 15 percent significance threshold appears arbitrary and should not be used to determine significance. Without proper documentation or justification, use of this significance threshold should be avoided.

Description of impacts in the Animas River is inadequate. Impact assessment of the Animas River is speculative, based on dated and insufficient information. The DSEIS attempts to use an arbitrary significance criteria to describe impacts to aquatic habitat (i.e. 15 percent loss). The document ignores the fact that there is a yearly net depletion of 93,000 acre-feet to the Animas River at Farmington New Mexico, which accounting for return flows, will result in an average annual net depletion of 57,100 acre-feet at Four Corners. Depletion of water will reduce depth, and wetted perimeter of the Animas River, which will result in a loss of habitat for native fish, trout, and other water dependant resources. Further, the DSEIS does not evaluate cumulative impacts to resources impacted by the Project. Presently, there are substantial impacts already occurring within the Project area. Reclamation should consider the cumulative impact to resources as a result of the Project

In general, the impacts analysis for aquatic resources is weak, vague and confusing. The DSEIS uses different criteria to evaluate similar resources. An example, Alternative 4, impact 1 discusses decreases in available water and the associated impacts to trout populations in October. Impacts to this resource will occur whenever the pumping facility is in operation, not just in the month of October. This also holds true for native fish populations. Impacts to native fish are described by reductions in flows resulting in

This is your future. Don't leave it blank. - Support the 2000 Census.

- FA3-1 Comment noted. Reclamation has revised the discussion on significance criteria in Section 3.6.2 of the FSEIS.
- FA3-2 Reclamation recognizes that there would be the potential for adverse effects to the aquatic resources of the Animas River with operation of the ALP Project, but Reclamation also shares concerns with the Service and CDOW, the New Mexico Department of Game and Fish, and the Southern Ute Indian Tribe that the data base on the Animas River currently falls short of allowing a better definition of base line conditions and development of specific measures to reduce or eliminate impacts to aquatic resources there. Reclamation has committed in the FSEIS to work closely with the agencies listed above to identify and quantify impacts and to develop mitigation to ameliorate them (see Section 5.4.6 for commitments for aquatic resource impacts).
- FA3-3 The monitoring of aquatic habitat, water quality, hydrology, and other related elements in the Animas River will be undertaken by Reclamation in cooperation with the Service, the CDOW, the New Mexico Department of Fish and Game, and the Southern Ute Indian Tribe. An evaluation of existing stresses to the aquatic ecosystem, including cumulative impacts, will be made, to the extent possible, during this evaluation. See Section 3.6.4 for a further discussion of the monitoring program.
- FA3-4 A more detailed description of project impacts to the downstream aquatic resources is provided in the FSEIS, especially to native fishes. Reclamation also acknowledges that project operations would impact trout habitat throughout the year. October was identified as the month that would be affected more than other months. Reclamation has included mitigation measures to reduce adverse impacts to the trout fishery in the FSEIS.

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4 (con't) | decreased wetted perimeter and average depth. Although the description of the impacts is similar, it is confusing. There should be a discussion of the loss of habitat resulting from the reduction in flows for both trout and native fishes.

As described in the DSEIS, mitigation measures proposed for project impacts are inadequate. Monitoring affected resources, and evaluating mitigation measures, is not mitigation. While monitoring may lead to better understanding of impacts and mitigation needs, there must be a firm commitment to mitigate all project impacts. Mitigation should be in-place, and in-kind where possible. If in-place mitigation opportunities are not possible, priority should be given to in-kind mitigation opportunities. Failure to mitigate Project impacts will result in unmitigated losses of fish and wildlife resources.

5 | Commitments to mitigate Project impacts are inconsistent. Where there are similar impacts described for similar but unique aquatic resources, the DSEIS commits to full mitigation of impacts described as less than significant, however no commitment is made for impacts described as potentially significant. As an example, the Bureau has committed to compensatory mitigation for the loss of trout in the Animas River, within tribal boundaries, but has proposed monitoring and evaluation of mitigation measures for native fish. Additionally, there is no commitment to mitigate impacts for the loss of aquatic habitat for trout or native fish in the Animas River. The Bureau should attempt to mitigate affected resources so that there is a no net loss of any resource as a result of the Project.

6 | The DSEIS describes the Navajo Nation Municipal pipeline, but does not discuss alternatives. Alternatives exist that may incur less severe impacts to resources. One alternative not discussed in the document is a fresh water treatment facility at Shiprock, New Mexico. This alternative would involve the repair and use of the existing pipeline from Farmington, New Mexico to Shiprock. This alternative should be thoroughly evaluated. Placement of a new line may result in unnecessary impacts to fish and wildlife resources.

7 | In some cases, the DSEIS does not recognize impacts to resources. For example, one of the alternatives for the relocation of County Road 211 will cross Wildcat Creek near State Highway 141. There is no analysis of impacts that would occur to the creek, associated riparian habitat, or wetlands.

The Service appreciates the opportunity to comment on this project. If the Service can be of any further assistance, or if you have any questions, please contact Kurt Broderdorp at the letterhead address of phone (970) 243-2778.

- cc: FWS, Lakewood
- BR, SLC
- BR, Grand Junction
- Southern Ute Indian Tribe
- Ute Mountain Ute Indian Tribe
- The Navajo Nation
- The Jicarilla Apache Indian Tribe
- CDO, Grand Junction (Attn: Mike Grode)
- NMGFD (Attn: Nic Medley)

FA3-5 Mitigation plans for aquatic resource impacts have been included in the FSEIS. Included are measures to reduce adverse impacts to the trout fishery such as: 1) minimum bypass flows past the Durango Pumping Plant; 2) screening the pumping plant intake to reduce impingement losses to small fish; and 3) supplying trout for stocking the river through the Southern Ute Indian Reservation. Also included are more defined mitigation measures for projected impacts to the native fish. Although Reclamation recognizes the potential impacts to the native fish habitat caused by the modeled project operations, there also appears to be a problem in the Animas River related to native fish recruitment, in particular to the native sucker populations. If recruitment to adult populations remains low, the entire population could eventually be lost. Reclamation proposes to expand the scope of an ongoing monitoring program in the Animas River so that the native recruitment issues can be better understood. Reclamation will evaluate the hypotheses that: 1) drifting larval bluehead and flannelmouth (native) suckers are being entrained in irrigation canals downstream of the pumping plant; and 2) some drifting larval suckers survive to reach the San Juan River, but are unable to return to the Animas River to recruit as adults. Once better understood, Reclamation would identify possible actions to reduce or eliminate the recruitment problems and, subsequently, include participation in implementation of these actions as part of the overall mitigation plan for the native fish impacts in the Animas River. A firm proposal describing Reclamation's proposed mitigation plan for the impacts to native fish habitat would be developed by no later than 2005, or at least two years prior to project pumping. If project impacts cannot be fully mitigated on the Animas River, other river systems within the San Juan Basin will be evaluated for in-kind mitigation opportunities. Due to the timing of the project water uses, the proposed mitigation plan may also include the use of mitigation banking to offset future impacts.

FA3-6 Three alternatives for the NNMP are discussed in the FSEIS. In response to comments received from the Navajo Nation, changes have been made in the discussion of the NNMP in the FSEIS. See Section 2.5.1.

FA3-7 Changes have been made in the FSEIS to reflect the potential impacts to Wildcat Creek near SH141 from relocation of the CR211. See Section 3.4.4 of the FSEIS.