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VOLUME I

Biological Opinion

On The

FEDERAL ENERGY REGULATORY COMMISSION'S PREFERRED ALTERNATIVE

For The

KINGSLEY DAM PROJECT (PROJECT NO. 1417)

And

NORTH PLATTE/KEYSTONE DAM PROJECT (PROJECT NO. 1835)

OPTIONAL FORM 99 (7-90)
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CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, local, or private (non-federal) actions that are reasonably certain to occur in the action area considered in this biological opinion. A non-federal action is "reasonably certain" to occur if the action requires the approval of a State or local resource or land-control agency, such agencies have approved the action, and the project is ready to proceed. Other indicators which may also support such a "reasonably certain to occur" determination include whether: (a) the project sponsors provide assurance that the action will proceed; (b) contracting has been initiated; or (c) State or local planning agencies indicate that grant of authority for the action is imminent. These indicators must show more than the possibility that the non-federal project will occur; they must demonstrate with reasonable certainty that it will occur. Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act and would be consulted on at a later time.

Based on a survey conducted by the Commission, no new State, local, or private water developments are reasonably foreseeable in the Platte River basin, with the exception of impacts on return flows as a result of continued pumping of existing wells, continued groundwater development, and possible implementation of the Tri-Basin NRD's Lost Creek-Funk Lagoon Project (Federal Energy Regulatory Commission 1996c).

Actions resulting in groundwater depletions in the Platte River basin will likely have a cumulative effect upon the fish and wildlife species of concern and their habitats. For instance, the Platte River Level B Study team estimated that increased groundwater pumping, if unchecked, would deplete Platte River flows at Overton, Nebraska, by at least 330,000 af over the next 40-year period (Missouri River Basin Commission 1976, U.S. Fish and Wildlife Service 1979b). In addition, the amended biological opinion for the Riverside Irrigation District's proposed Wildcat Creek Reservoir Project in Colorado stated that future groundwater development in Nebraska would allow an additional 1.8 million acres to be irrigated, which represents the maximum potential of groundwater development (U.S. Fish and Wildlife Service 1982).

The Service continues to believe that future additional groundwater pumping within the project area is reasonably foreseeable and that additional groundwater pumping which results in depletions to the Platte River will further degrade habitats used by federally listed species, including designated critical habitat. However, the amount, timing, location, and

effects associated with such actions are uncertain. In addition, no data have been developed to estimate such impacts (other than those cited above). Furthermore, changes to Nebraska State water laws regarding conjunctive use may alter estimates of groundwater pumping. At this time, the impacts of such future water depletions which are reasonably certain to occur within the affected action area are impossible to predict.

However, the effect of including or excluding future groundwater pumping from the Service's analyses would not change the biological opinion on the impacts of Project Nos. 1417 and 1835 or the relative difference between the environmental baseline, present conditions, the Commission's proposed relicensing action, and the Service's RPA. Therefore, the lack of a current estimate of the impacts of groundwater pumping in this biological opinion neither affects the Service's analyses of the effects of the proposed action on federally listed species and designated critical habitat nor the RPA.