

Finding of No Significant Impact for the Environmental Assessment on the Colorado River Headwaters Connectivity Project

I. AGENCY ROLE AND RESPONSIBILITY – United States Department of Agriculture Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action. The proposed action includes constructing a new connectivity channel from the confluence of the Colorado and Fraser Rivers, upstream of Windy Gap Dam, to the Colorado River downstream of the dam to provide connectivity for sediment transport and aquatic species passage around the dam for the Colorado River Headwaters Connectivity Project located within the Windy Gap Watershed, Grand County, Colorado.

II. NRCS DECISION TO BE MADE

As the delegated Responsible Federal Official for compliance with NEPA, I must make the following decision:

I must determine if the agency's Preferred Alternative will or will not be a major Federal action significantly affecting the quality of the human environment. The Final Watershed Plan and Environmental Assessment (Plan-EA) accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the Preferred Alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VII of this finding.

III. PURPOSE AND NEED FOR ACTION

The purpose of the Project is to provide watershed protection to the Windy Gap Watershed by implementing ecosystem restoration measures that would improve water quality, enhance aquatic habitat, and improve recreation resources by connecting the Colorado and Fraser Rivers upstream and downstream of Windy Gap Reservoir while maintaining the current water supply function of Windy Gap Dam. There is a need to provide connectivity for aquatic life and fish passage in the Colorado and Fraser Rivers, moderate elevated stream temperatures, improve sediment transport, enhance riparian and stream habitat, and allow public recreation access.

A full project description along with conceptual design plans, are included in the completed Final Plan-EA (April 2022) prepared by Adaptive Environmental Planning, LLC in coordination with NRCS and Sponsoring Local Organizations (SLOs) that include Grand County, Trout Unlimited, and Municipal Subdistrict Northern Colorado Water Conservancy District.

IV. ALTERNATIVES CONSIDERED IN THE FINAL PLAN-EA

Alternatives that were analyzed in detail in the Final Plan-EA include the No Action Alternative and the Action Alternative (Preferred Alternative).

No Action Alternative – The No Action Alternative considers the actions that would take place if no federal action or federal funding were provided for the Project. The SLOs’ most likely course of action without federal involvement is described below.

- The SLOs would not perform any modifications to Windy Gap Reservoir or the Fraser River weir. Pump storage operations and maintenance would continue unchanged.

Action Alternative – This alternative would consist of measures to improve water quality, enhance aquatic habitat, and improve recreation resources. Proposed improvements are summarized below.

- New Channel – Spillway Raise Alternative: NRCS and the SLOs would construct a new connectivity channel from the Colorado River, upstream of Windy Gap Dam, to the Colorado River downstream of the dam. This would be accomplished by constructing a new dam embankment and decreasing the surface area of Windy Gap Reservoir to make room for the new connectivity channel that would run between the new embankment and current southern embankment leg. Habitat complexity would be incorporated into the new channel through installation of root wads, log vanes, large boulders, and riffle-and-pool complexes. The new channel corridor would be established with wetland and riparian vegetation to match the Colorado River riparian corridor upstream and downstream of the proposed new channel. To maintain adequate volume in the reduced reservoir area for operations of the existing pump station, the dam’s low-stage principal spillway would be raised 1-foot. A new diversion structure would be installed to take the reservoir off-line of the connectivity channel and to control flows into the reservoir. The mainstem of the Colorado River will remain within the existing natural channel flowing into and through the Windy Gap Reservoir and the construction and operation of this alternative does not modify the location of the Colorado River. The Fraser River weir, located upstream Windy Gap Reservoir, would be modified to provide fish and aquatic life passage. Grade control structures and riffle-and-pool complexes would be installed along the modified stretch of the Fraser River.

The Preferred Alternative for the project is the Action Alternative, which is also the proposed action.

V. NRCS’S DECISION AND FACTORS CONSIDERED IN THE DECISION

Based on the evaluation in the Final Plan-EA, I have chosen to select the Action Alternative as NRCS’s Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the Final Plan-EA, and balanced those impacts with considerations of NRCS’s purpose and need for the action.

In accordance with the Council on Environmental Quality’s (CEQ) “40 Most Asked Questions” guidance on NEPA, Question 37(a), NRCS has considered “which factors were weighed most heavily in the determination” when choosing NRCS’s Preferred Alternative to implement. Specifically, I acknowledge that based on the Final Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, NRCS’s Preferred Alternative would result in an overall net beneficial impact to the human environment based on all factors considered. NRCS has preliminarily determined, based upon the evaluation of impacts in the Final Plan-EA for Preferred Alternative improvements, attached hereto and made a part hereof, and for the reasons provided below, that there will be no significant individual or cumulative impacts on the quality of the human environment

as a result of implementing the Preferred Alternative as authorized by Section 216 of the Flood Control Act of 1950, Public Law 81–516, 33 U.S.C. 701b–1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95–334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127, 16 U.S.C. 2203 of the SWP; particularly when focusing on the significant adverse impacts which the NEPA is intended to help decision makers avoid and mitigate against.

VI. CONSULTATION, COORDINATION, AND PUBLIC PARTICIPATION

Consultation, coordination, and public participation was conducted throughout the NEPA Plan-EA preparation process as listed in Section 7.0 of the Final Plan-EA. A scoping period was open for comment from August 1, 2018 through August 31, 2018 and a public meeting was held on August 15, 2018 in Granby, Colorado. There were 11 written public scoping comments received during the scoping period. A Draft Plan-EA review period was open for comment from February 8, 2022 through March 10, 2022 and a public meeting was held on February 22, 2022 in Granby, Colorado. There were 424 written comments received during the Draft Plan-EA review period.

Agency consultation and coordination, and public participation to date have shown no unresolved conflicts with the implementation of the Preferred Alternative.

VII. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in the Final Plan-EA, NRCS is required by NEPA Regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the Final Plan-EA, review of the NEPA criteria for significant effects, and based on the analysis in the Final Plan-EA, I have determined that the action to be selected (Action Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the proposed action is not required under section 102(2) (c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The Final Plan-EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e. soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Section 6.0 of the Final Plan-EA and incorporated by reference), the proposed action does not result in significant impacts to the environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate.
- 2) The proposed action does not significantly affect public health or safety. The consequences associated with the implementation of the proposed action would provide long-term beneficial impacts to improve public health or safety.
- 3) As analyzed in Section 6.0 of the Final Plan-EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or

ecologically critical areas from selection of the proposed action. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the proposed action would have significant adverse effects on these resources.

- 4) The effects on the human environment are not considered controversial for the proposed action. There are no impacts associated with the proposed action that would be considered as controversial. An EIS is therefore not required.
- 5) The proposed action is not considered highly uncertain and does not involve unique or unknown risks.
- 6) The proposed action will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations. The proposed action will be carried out for the Colorado River Headwaters Connectivity Project only. Other projects not discussed in the Final Plan-EA will be required to undergo NEPA analysis individually.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate, the proposed action does not result in significant adverse cumulative impacts to the human environment as discussed in Section 6.7 of the Final Plan-EA. The proposed action is, however, anticipated to result in beneficial long-term impacts as a result of implementation of measures.
- 8) The proposed action will not result in the degradation or destruction of significant scientific, cultural, or historical resources as addressed in Section 6.0 of the Final Plan-EA. NRCS has followed the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties. The NRCS determined that the proposed action will not adversely affect cultural resources or historic properties. A request for concurrence with this determination was submitted to the Colorado Office of Archaeology and Historic Preservation and State Historic Preservation Office on February 24, 2021. An official concurrence letter was received on April 2, 2021 regarding project effect determinations listed in Section 7.1.4. Twenty-one tribes were invited to comment on the proposed action and the cultural resources inventory reports; consultation letters were sent to each tribe on May 17, 2021. No comments were received in opposition of the proposed action as listed in Section 7.1.5.
- 9) The proposed action will have No Effect on Endangered Species Act (ESA) listed species, or their critical habitat, except for the yellow-billed cuckoo which has a determination of May Affect, Not Likely to Adversely Affect as discussed in Section 6.5.2 of the Final Plan-EA. Avoidance, minimization, and conservation measures would be in place as listed in Section 8.3.6 of the Final Plan-EA to reduce any adverse impacts to the yellow-billed cuckoo. NRCS submitted a Biological Evaluation to the U.S. Fish and Wildlife Service (USFWS) on January 22, 2021. The USFWS issued concurrence on March 2, 2021 (included in Appendix A of the Plan-EA). Based

on the implementation of avoidance, minimization, and conservation measures, and USFWS concurrent, the proposed action would not result in significant adverse effects to endangered or threatened species or critical habitats.

- 10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Sections 6.0 and 7.0 of the Final Plan-EA. The major laws identified with the selection of the proposed action include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, the Executive order on Environmental Justice, and Migratory Bird Treaty Act.

The Preferred Alternative is consistent with the requirements of these laws. Based on the information presented in the attached Final Plan-EA, I find in accordance with 40 CFR Section 1508.13 that the selection of NRCS's Preferred Alternative (Action Alternative) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS. Therefore, I have made the decision that a Finding of No Significant Impact is approved for the proposed action.

Bronson Smart

BRONSON SMART
Acting State Conservationist

5/6/2022

Date

Attachment: Final Watershed Plan and Environmental Assessment for the Colorado River Headwaters Connectivity Project