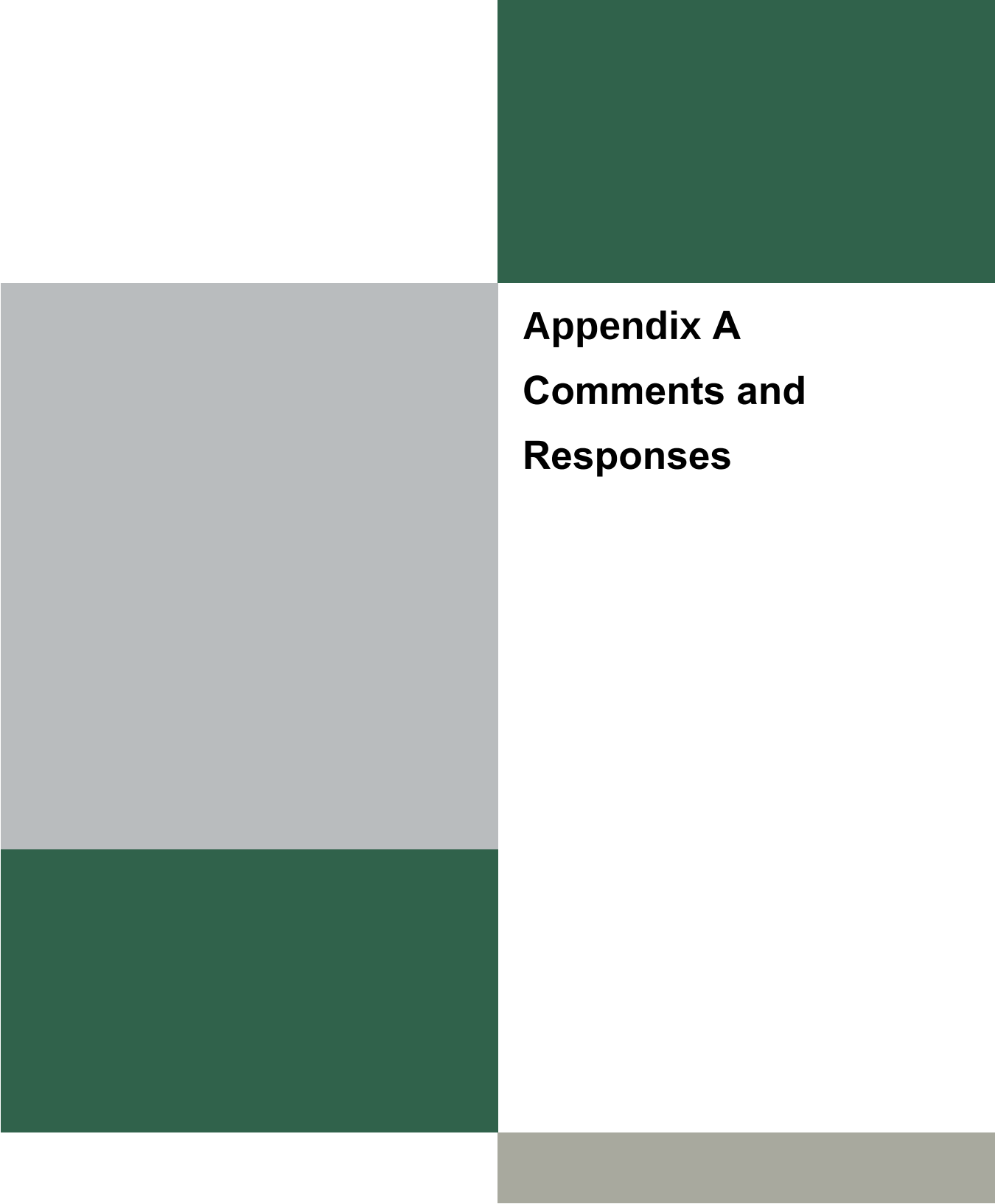


A decorative graphic consisting of several overlapping rectangles in dark green, light gray, and beige. The title 'Appendix A Comments and Responses' is centered over the light gray rectangle.

Appendix A Comments and Responses



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 South Townsend
Montrose, CO 81401
blm.gov/colorado

In Reply Refer To: 2800

Clinton Evans
Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

Dear Mr. Evans:

Thank you for your letter of August 20, 2020 inviting the Bureau of Land Management (BLM) to participate as a cooperating agency in the development of the Supplemental Watershed Plan Environmental Assessment (EA) for the Lower Gunnison Plan. Because portions of the projects proposed in the EA are located on or cross BLM, NEPA compliance will be required by our agency. BLM has special expertise in surface resource management on these lands and the surrounding area, as well as understanding potential cumulative environmental impacts in this area.

BLM accepts your invitation and designates Jedd Sondergard as the primary point of contact on behalf of the Uncompahgre and Gunnison field offices for our cooperation in development of the EA. Jedd may be reached at (970) 240-5342 or jsondergard@blm.gov. Because the BLM will need to write a decision to issue a right-of-way (ROW) for each of the proposed projects to be implemented on public land, we would like to discuss how best to meet our NEPA responsibilities through this cooperative process.

We look forward to participating with NRCS on the EA. If you have any questions, please contact me at (970) 240-5338.

Sincerely,

Suzanne Copping
Acting Field Manager



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

March 3, 2021

Regulatory Division (SPK-2021-00138)

Natural Resources Conservation Service
Attn: Ms. Krystal Phillips
P.O. Box 25426
Denver, Colorado 80225-0426
krystal.phillips2@usda.gov

Dear Ms. Phillips:

We are responding to your February 2, 2021, request for the U.S. Army Corps of Engineers (Corps) to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Assessment (EA) for the Lower Gunnison Project Area Supplemental Watershed Plan.

Based on the information submitted, it appears the proposed action would not require a permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Because we have determined other program commitments preclude the degree of involvement requested in the action, we are declining your request to be a cooperating agency on the EA at this time. A copy of this letter is being provided to the Council on Environmental Quality.

If you have any questions, please contact Travis Morse at the Grand Junction Regulatory Office, Colorado West Section, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at w.travis.morse@usace.army.mil, or telephone at (970) 243-1199, extension 1014. Please refer to identification number SPK-2021-00138 in any correspondence concerning this effort. For more information regarding our program, please visit our website at www.spk.usace.army.mil/missions/regulatory.aspx.

Sincerely,

Michael S. Jewell
Chief, Regulatory Division

cc:
Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503



April 14, 2021
(revised from March 18, 2021)

Ann Timberman
Field Supervisor
U.S. Fish and Wildlife Service
Colorado Ecological Services
445 West Gunnison Ave, Suite 240
Grand Junction, Colorado 81501-5711

Subject: Lower Gunnison Watershed Plan Supplement of Projects – Batch 2
Re: Biological Assessment

Dear Ms. Timberman:

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), in conjunction with North Fork Water Conservancy District; Crawford Water Conservancy District; Colorado River Conservation District; Bostwick Park Water Conservancy District; and Uncompahgre Valley Water Users Association, is proposing the Lower Gunnison Watershed Plan Supplement of Projects – Batch 2 (Project), located within the Gunnison River and its tributaries in Delta, Gunnison, and Montrose counties, Colorado (Enclosure B – Maps). We are currently preparing a Supplemental Lower Gunnison Watershed Plan and Environmental Assessment (Sup Plan-EA) for the Project. This letter documents the basis for our effect determinations of the proposed action on federally listed species or designated critical habitat afforded protection under the Endangered Species Act (ESA) of 1973 (7 U.S.C. 136, 16 U.S.C 1531 et seq.), as amended, as follows:

- **May Affect, Likely to Adversely Affect** for the Bonytail chub, Colorado pikeminnow, Humpback chub, and Razorback sucker.
- **May Affect, Not Likely to Adversely Affect** for the Gunnison sage-grouse.
- **No Effect** on all other the ESA species or proposed/designated critical habitat in Delta, Gunnison, and Montrose counties, Colorado.

This letter also serves as a request for the U.S. Fish and Wildlife Service (USFWS) concurrence with our effect determinations of the proposed action.

Project Coordination/Consultation

Lower Gunnison Project Biological Opinion (BO)

A Batch 1 BO, issued on November 30, 2017 (TAILS 06E24100-2018-F-0035) and attached to this document for reference (Enclosure C; USFWS 2017), determined the following:

- may affect, but is not likely to adversely affect:
 - Colorado hookless cactus (*Sclerocactus glaucus*),
 - Gunnison sage-grouse (*Centrocercus minimus*) and its designated critical habitat, and
 - Western yellow-billed cuckoo (*Coccyzus americanus*) and its proposed critical habitat.

Furthermore, the USFWS in the BO issued in November 2017 concurred that future sub watershed improvements are not likely to adversely affect the Colorado hookless cactus, Gunnison sage-grouse and

Continued Project Coordination/Consultation

its designated critical habitat, or the western yellow-billed cuckoo and its proposed critical habitat as future improvements will be similar in nature to those described in Batch 1.

Gunnison sage-grouse Programmatic Biological Opinion (PBO)

NRCS completed an ESA Section 7 Programmatic Consultation with the USFWS for the Gunnison sage-grouse in October 2015, resulting in a Gunnison sage-Grouse PBO (USFWS 2015; TAILS 06E24100-2015-F-0045) covering NRCS Farm Bill program activities in Gunnison sage-grouse habitat in Colorado and Utah. Effects determinations, consultation, coordination, and conservation measures for Gunnison sage-grouse in the project area for Batch 2 projects will occur in accordance with the 2015 PBO (USFWS 2015).

Colorado River Endangered Fish PBO

The Gunnison River Basin PBO issued by the USFWS in 2009 (USFWS 2009) addressed the depletions associated with the operation of Paonia Reservoir and Dam and the Crawford Reservoir, which covered an existing estimated average annual depletion of 10,000 acre-feet (AF) per year (TAILS 65413-2009-F-0044). The PBO also addressed depletions associated with the Crawford Reservoir and Dam (referred to as the Smith Fork Project) for about 6,000 acre-feet (AF) per year (TAILS 65413-2009-F-0044; see USFWS 2009 PBO, Table 3, page 13) The PBO found that the Upper Colorado River Endangered Fish Recovery Program (Recovery Program), established in 1988 is the reasonable and prudent alternative to avoid jeopardy to the endangered Colorado River fishes (bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker) and avoid adverse modification of designated critical habitat (USFWS 2002a, 2002b, and 2002c). The Recovery Program is a partnership of public and private organizations working to recover the four species while allowing continued and future water development. Ditch companies associated the Batch 2 Proposed Action have completed consultation on historic water depletions, and signed recovery agreements are on file for the ditch companies as listed in Table 1.

Table 1. Consultation records for historic water depletions.

Project/Company	Historic Water Depletion Amount (in acre-feet per year (AF/yr))	Date	TAILS Number
Grandview-Aspen Canal	5,455 AF/yr	June 10, 2010	65413-2010-F-0110
Crawford Clipper Ditch Company (CCDC) Smith Fork Diversion	5,776 AF/yr*	February 17, 2016	06E24100-2016-F-0022
Fire Mountain Canal and Reservoir Company	17,826 AF/yr	February 9, 2018	06E24100-2017-F-0464
Paonia Reservoir and Dam	10,000 AF/yr	2009 (USFWS 2009)	65413-2009-F-0044
Crawford Reservoir (Smith Fork Project)	6,000 AF/yr	2009 (USFWS 2009)	65413-2009-F-0044

*This is the total consumptive use for the CCDC and includes river and reservoir water (USFWS 2016).

Continued Project Coordination/Consultation

On September 9, 2020, ERO Resources Corporation (ERO; Aleta Powers and Cassandra Shenk) discussed the proposed project over the phone with USFWS biologist Creed Clayton to establish the scope and nature of this consultation (Clayton, pers. comm. 2020). It was determined during the phone call that potential impacts on sagebrush habitat would be studied, mitigated, and disclosed if present, and that potential evaporative losses and Colorado River endangered fish impacts would be calculated and disclosed, along with the status of recovery agreements and consultation status on historic depletions for ditch companies involved in the Proposed Action. No other endangered species concerns are identified for the Proposed Action.

A second meeting was held on November 9, 2020, with David Kanzer and Shana Harness from the Colorado River District to discuss and summarize the need for additional consultation, based on the consultation completed in 2018 for the Lower Gunnison Watershed Plan. The NRCS representative Krystal Phillips was invited but was unable to attend. The meeting was held over Zoom.

On November 18, 2020, USFWS, Supervisory Fish and Wildlife Biologist, Creed Clayton, in the Western Colorado Ecological Services Field Office and NRCS, Colorado State Biologist, Krystal Phillips, informally coordinated the consultation process to support this project. On February 8, 2020, and February 12, 2020, Krystal and Creed, informally coordinated and clarified the consultation process and Biological Assessment letter.

Proposed Action

The Project components are designed to address high levels of naturally occurring salt and selenium, and to create water efficiency improvements. Specific Batch 2 proposed actions include:

- Converting approximately 14,709 feet of canals or laterals in two (2) subwatersheds from open, earthen ditches to enclosed pipe, pressurized where appropriate, to minimize off-farm delivery system losses;
- Installing three regulating ponds in two (2) subwatersheds and expanding one sedimentation pond to enable piping system maintenance, pressure regulation, and control; and
- Incorporating ‘smart’ headgate diversion control structures and Supervisory Control and Data Acquisition (SCADA) systems within the two subwatersheds to better manage irrigation water supplies, including at least seventeen (17) installations initially with additional installations as appropriate and as budget allows.

Batch 2 projects are being planned within the boundaries of two (2) of the four (4) original subwatersheds - the North Fork Water Conservancy District and Crawford Water Conservancy District (Enclosure B - Figure 1). Batch 2 project descriptions and specific locations for the North Fork and Crawford subwatersheds are described in Table 2, Table 3, and Table 4 and shown on Figures 2 and 3 within Enclosure B.

Continued Proposed Action

Table 2. Legal locations.

Principal Meridian	Township	Range	Sections
New Mexico	51 North	7 West	13, 24
6 th	14 South	93 West	13, 14, 22, 23
6 th	15 South	91 West	18, 19, 31, 32, 36
6 th	15 South	92 West	25

Table 3. North Fork project components of Batch 2.

Component	Location	Description
Fire Mountain Canal Piping Extension Project	The east end of the Segment 47 Piping Project to the Regulating Reservoir Site	13,545 feet of 72-inch Spirolite pipe will be installed in a 60-foot-wide right-of-way (ROW). Staging areas required for storing equipment and pipe will be established within the footprint of Reservoir Site A. The canal through this section has many seeps and is difficult to maintain. This project will also remove an estimated 765 tons of salt annually from the Colorado River drainage.
Fire Mountain Pressure Regulating Reservoir	Two potential locations on Hansen Mesa northwest of Hotchkiss: Option A (farthest upstream) on Bureau of Reclamation (Reclamation) land 0.5 mile east of 3300 Rd, and Option B on private land at the north end of 3300 Rd	This regulating reservoir is designed to absorb the fluctuation of demand on the piped system as irrigators turn on and off. The project will consist of a 44- to 60-AF reservoir and associated inlet and outlet works. The maximum stored water footprint/construction disturbance for Option A is 4.7/6.7 acres, and for Option B is 6.3/9.1 acres. Construction access will be along Canal Road. The water depth will be about 28 and 13 feet for Options A and B, respectively.
SCADA Network	SCADA Tower Site and Access Road	A SCADA tower site to support the regulating reservoirs will be installed. SCADA systems generally include water level sensors, buried conduit, relay antenna (telemetry equipment), solar power, and panels. Several systems will be measurement only. The purpose is to provide modernization and conversion of the existing direct delivery irrigation systems to a more well-timed irrigation and producer “demand-driven” system, and to integrate the improved conveyance system with automated and pressurized irrigation systems, where appropriate. Each SCADA system will occupy about 200 square feet.
	Two additional SCADA sites at locations (TBD)	

Source: Applegate Engineering, pers. comm. 2020.

Continued Proposed Action

Table 4. Crawford project components of Batch 2.

Component	Location	Description
Grandview Diversion Structure and Gate Rebuild	South of the town of Crawford at the point of diversion from the Smith Fork River	This headgate replacement project and stream realignment SCADA system will be installed at the headgate. An existing spill gate will be replaced, and a rock loading channel will be replaced with concrete. A new grate will be installed at the head of the loading channel. The headgate replacement project will occur within the currently disturbed footprint, and an existing access road will be used. Improvements for fish migration will be considered in the design.
Grandview Regulating Pond and Sedimentation Clean-out*	South of the airport on Grandview Mesa, approximately 1 mile west of the town of Crawford	This component is a new regulating pond and associated inlet and outlet works with 10 AF of water storage capacity. The open pool (water surface) will be 2 acres and the average depth will be 5 feet. A sedimentation and clean-out structure will be installed along with an associated SCADA network.
Clipper Upper West Regulating Pond, Sedimentation Basin Expansion, and Piping Project*	West of the town of Crawford along the Upper West Lateral	This component is a new regulating pond and associated inlet and outlet works with 10 AF of water storage capacity. The open pool (water surface) will be 1.5 acres and the average depth will be 4 feet. Additional SCADA controls may be installed as part of this project. Construction access will be along the ditch, with an optional access route through a field north of the project area.
		An existing sedimentation basin (600 feet long) will be expanded by 20 to 30 feet (current width is 20 feet across; this will be expanded to 40 to 50 feet across).
		This component includes 964 feet of 15-inch PVC pipe along the upper west and 200 feet of 20-inch high-density polyethylene pipe at the Aspen Ditch crossing. A 6- by 9-foot concrete structure will be installed at the start of this piping project. Staging and access will be along existing ditch roads and staging areas. This project is projected to remove an estimated 131 tons of salt annually from the Colorado River drainage.
SCADA Network	Four SCADA installations at Crawford Clipper River Diversion, Aspen Canal, Aspen to Zanni, and Clipper/Aspen Splitter	Each SCADA system generally includes gate control equipment, a stilling well, water level sensors, 1-inch buried conduit, relay antenna (telemetry equipment), solar power, and panels. Increased water use efficiency will occur based on the modernization and conversion of the existing direct delivery irrigation systems (using an “always-on” supply-driven system) to a more well-timed irrigation and producer “demand-driven” system and to integrate the improved conveyance system with automated and pressurized irrigation systems, where appropriate. Each SCADA system will occupy about 200 square feet.
	Four SCADA (Measurement Only) at Alkali Creek Inlet, Muddy/Iron Creek Inlet (south side of Crawford Reservoir), Daisy Feeder Inlet, and Clear Fork Inlet (east side of Crawford Reservoir)	The project is as described above but without the gate control equipment. A stilling well, water level sensor, 1-inch buried conduit, relay antenna (telemetry equipment), solar power, and panels will be installed.
	Existing tower at Young’s Peak north of Crawford	This component is installation of a radio repeater antenna.
	Seven SCADA at Turnout Gates along C-Ditch to Aspen	The SCADA components are as described above but without a stilling well or water level sensor, and with a turbine or differential flow transmitter.

Schedule

Construction activities are anticipated to occur over the next five (5) calendar years pending availability of funding.

Threatened, Endangered and Proposed Species and Designated Critical Habitat Considered and Analyzed

The USFWS Information, Planning, and Conservation System (IPaC) was accessed on October 19, 2020, and an IPaC resource list was obtained for the Project area. Additionally, the USFWS Environmental Conservation Online System (ECOS) was accessed on January 2, 2021, and updated on March 9, 2021, to obtain a list of ESA-listed species for Delta, Gunnison, and Montrose counties, Colorado (USFWS 2021) (Enclosure D).

Species known occurrence information within the Project area was requested from USFWS, Supervisory Fish and Wildlife Biologist, Creed Clayton, in the Western Colorado Ecological Services Field Office (Clayton, pers. Comm 2020). A Gunnison sage-grouse survey (Enclosure E) was conducted by ERO on September 24, 2020, and the results of this survey has been incorporated into this letter as a map and photo log of the SCADA sites within Gunnison sage-grouse habitat.

The Table 5 below identifies threatened, endangered, proposed, or candidate species acknowledged in the IPaC resource list (USFWS 2021) and the USFWS Delta, Gunnison, and Montrose counties, Colorado ESA-listed species list (USFWS 2021) that should be considered in an effects analysis for the proposed Batch 2 Project Proposed Action.

The Canada lynx (*Lynx canadensis*), Mexican spotted owl (*Strix occidentalis lucida*), western yellow-billed cuckoo (*Coccyzus americanus*), clay-loving buckwheat (*Eriogonum pelinophilum*), and Colorado hookless cactus (*Sclerocactus glaucus*) were dismissed from further analysis based on lack of documented occurrences in the specific project areas or in the subwatersheds. The Gunnison sage-grouse (*Centrocercus minimus*) and designated potential habitat, and four Colorado River endangered fish designated critical habitat have the potential to be impacted by Batch 2 construction activities.

Table 5. Federally listed threatened and endangered species potentially occurring in Project Area – Batch 2.

Common Name	Scientific Name	Status	Known/ Suspected to be Present?	Suitable Habitat Present?	Designated Critical Habitat Present or Could be Affected?	Rationale if Not Carried Forward for Analysis ¹
Canada lynx	<i>Lynx canadensis</i>	Threatened	No	No	No	Eliminated. The Canada lynx is not known to occur in the subwatersheds, and suitable habitat (high-elevation spruce-fir and mixed-conifer forests) is not present.
Gunnison sage-grouse	<i>Centrocercus minimus</i>	Threatened	Yes	Yes	Yes. The Crawford subwatershed crosses designated critical habitat (USFWS 2014).	Carried forward.
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened	No	No	No	Eliminated. The Mexican spotted owl is not known to occur in the subwatersheds, and suitable habitat (mature to old-growth mixed conifer forests on steep slopes) is not present.
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Threatened	Yes	Yes	Yes. The North Fork subwatershed crosses proposed critical habitat (USFWS 2020b).	Eliminated. The projects will occur at least 1.5 miles north of proposed critical habitat, and construction will occur in winter when the bird is not present.
Bonytail	<i>Gila elegans</i>	Endangered	No	No	Yes	Carried forward.
Colorado pikeminnow	<i>Ptychocheilus Lucius</i>	Endangered	No	No	Yes	Carried forward.

Common Name	Scientific Name	Status	Known/ Suspected to be Present?	Suitable Habitat Present?	Designated Critical Habitat Present or Could be Affected?	Rationale if Not Carried Forward for Analysis ¹
Humpback chub	<i>Gila cypha</i>	Endangered	No	No	Yes	Carried forward.
Razorback sucker	<i>Xyrauchen texanus</i>	Endangered	No	No	Yes	Carried forward.
Clay-loving buckwheat	<i>Eriogonum pelinophilum</i>	Endangered	No	No	No	Eliminated. There are no documented occurrences of the clay-loving buckwheat in or near the subwatersheds.
Colorado hookless cactus	<i>Sclerocactus glaucus</i>	Threatened	No	No	No	Eliminated. There are no documented occurrences of the Colorado hookless cactus in or near the subwatersheds.

¹. Source: NRCS 2018b; USFWS-IPAC 2021.

Environmental Baseline

The two subwatersheds of the project area lie mostly within the sedimentary basins, benchlands, and shale salt-shrub deserts of the Colorado Plateaus Ecoregion (Chapman et al. 2006) and drain from the sedimentary mid-elevation woodlands and shrublands of the foothills of the Southern Rocky Mountains (Enclosure B – Figures 1 through 3). The area is characterized by relatively warm and dry summers, cold winters without persistent snowpack, and less than approximately 15 inches of precipitation annually. The project area ranges from about 5,800 to 6,600 feet above sea level. Soils vary across the project area from well-drained gravelly sandy loam to well-drained silty clay loam. The surface geology is primarily sedimentary formations of Mancos Shale along with the Morrison, Wanakah, and Entrada Formations (Tweto 1979).

Projects proposed within the subwatersheds are located near or on agricultural fields surrounding the town of Crawford and Crawford Reservoir, as well as along the Fire Mountain Canal northwest of Hotchkiss. In the Crawford subwatershed, the project area is characterized by gently sloping agricultural fields on the east side of Crawford Mesa and along the Smith Fork (Enclosure B – Figure 3). In the North Fork subwatershed, proposed projects along the Fire Mountain Canal are located on dissected mesas between Barrow Mesa and Horse Park, overlooking Leroux Creek.

The vegetation community is dominated by pinyon, juniper, sagebrush, and bunch grasses; cottonwood trees occupy areas in the direct vicinity of the canals and ditches. Fauna includes mountain lions, cottontails, jackrabbits, foxes, raccoons, skunks, bobcats, rodents, golden and bald eagles, hawks, owls,

and other bird species. Mule deer, black bear, and elk are also abundant. The BA for the Lower Gunnison Project contains a detailed environmental baseline (NRCS 2018a).

Gunnison sage-grouse

The Crawford subwatershed lies northeast of documented occupied range of the Crawford population of Gunnison sage-grouse, but encompasses an area of potential/unoccupied designated critical habitat. The BA for the Lower Gunnison Project (NRCS 2018a) contains more information about species status, range, distribution, and habitat.

Colorado River Endangered Fish

The Gunnison River is included within the historic range for the Colorado pikeminnow and razorback sucker, and individuals of both species have been observed at the Redlands Diversion Dam on the Gunnison River downstream of the project area (Upper Colorado River Endangered Fish Recovery Program 2021). These species of federally listed fish have the potential to occur in project area streams and rivers. Critical habitat for the bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker was designated in 1994 under one rule, and occurs downstream of the project area, as shown in Table 6 (USFWS 1993).

Table 6. Designated critical habitat for the Colorado River endangered fishes.

Species	Critical Habitat Location Description*
Bonytail chub	Upper Colorado River Basin: portions of the Colorado, Green, and Yampa Rivers Lower Colorado River Basin: Colorado River
Colorado pikeminnow	Upper Colorado River Basin: portions of the Colorado, Green, Yampa, White, Gunnison, and San Juan Rivers Lower Colorado River Basin: none designated
Humpback chub	Upper Colorado River Basin: portions of the Colorado, Green, and Yampa Rivers Lower Colorado River Basin: Colorado and Little Colorado Rivers
Razorback sucker	Upper Colorado River Basin: portions of the Green, Yampa, Duchesne, Colorado, White, Gunnison, and San Juan Rivers Lower Colorado River Basin: portions of the Colorado, Gila, Salt, and Verde Rivers

*Upper Colorado River Basin includes portions of Colorado, New Mexico, Utah, and Wyoming. Lower Colorado River Basin includes portions of Arizona, California, and Nevada (USFWS 1993).

Based on their habitat preferences, federally listed fish species are not expected to use the irrigation canals or ditches in the project area, but could be affected by any water depletions associated with the project activities. The BA for the Lower Gunnison Project (NRCS 2018a) contains more information about species status, range, distribution, and habitat for each of the four Colorado River endangered fish.

Species Considered and Analysis of Effects

Potential Effects on the Gunnison sage-Grouse and Critical Habitat

Four SCADA installations, access, and construction will occur inside mapped potential unoccupied critical habitat for the Gunnison sage-grouse (Enclosure E). Two of the four SCADA sites inside mapped unoccupied potential habitat will occur near sagebrush vegetation communities, and some habitat disturbance may occur during construction access. There is no sagebrush associated with the remaining SCADA installations.

Noise from SCADA installation activities may affect, and is likely to adversely affect, sage-grouse individuals if the activities are conducted during the March 1 through July 15 breeding and nesting season within 4 miles of an active lek. The closest SCADA site is approximately 2.6 miles from known occupied habitat and more than 4 miles from a known lek (Way, pers. comm. 2020). Structures are low to the ground and will not provide hunting perches for birds of prey. SCADA installations in potential habitat may affect, but are not likely to adversely affect, habitat (Enclosure E). No sagebrush habitat occurs at

two of the SCADA sites on the east side of the reservoir near State Highway 92, but two SCADA sites at the southern end of the reservoir would require access through about 40 feet of sagebrush habitat, and may require damage to sagebrush plants associated with access, with the potential to temporarily remove habitat. Effects on no more than 10 plants are expected. Therefore, installation may affect, but is not likely to adversely affect, the Gunnison sage-grouse and its critical habitat.

Mitigating Measures

Impacts on Gunnison sage-grouse habitat will be minimized using the following measures:

- *SCADA installations in potential habitat will occur outside the March 1 through July 15 breeding and nesting season for Gunnison sage-grouse.*
- *The access route for SCADA installation will avoid permanent impacts on sagebrush. No clearing or grubbing will occur at the root zone; the brush will be driven over, if necessary, but not removed.*
- *Planned installations will avoid heavy equipment access as much as possible. For example, installation of precast stilling wells may be preferred to avoid on-site concrete work and associated potential disturbances.*

Potential Effects on Colorado River Endangered Fish

The four Colorado River endangered fishes (bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker) use aquatic habitats that are downstream of the project area; therefore, they have potential to be impacted by the Proposed Action. However, the fish are unlikely to be in the project area, and construction will take place outside of the irrigation season, when canals will be dry, and fish will not be present. Construction of the subwatershed improvement projects could temporarily increase the potential for sediment entry into project area waterways due to construction disturbance; however, mitigating measures will minimize temporarily increasing sediment. Furthermore, because these listed fish species are unlikely to occur in construction areas, the potential for direct impacts is considered negligible and discountable. The Proposed Action will result in long-term beneficial impacts on fish habitats, including improved water quality and availability for fish in the Lower Gunnison River Basin.

Indirect impacts of the subwatershed improvements will include improved water quality and availability in downstream waterways, beneficially impacting suitable habitats for federally listed fish.

Water depletions may affect Colorado River endangered fish through reduced water flows necessary to support their habitat. Based on the 2018 Plan-EA evaporative losses (3.8 AF per acre of open water per year), it is assumed that water losses from the subwatershed improvements will be 31.36 AF/yr. The water control facilities will total 1.4 acres in new open water; the number includes the piped canals that will remove evaporative losses from about 1.86 acres. These water depletions have been fully addressed in recovery agreements prepared under the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Table 1; USFWS 2016).

Designated Critical Habitat

Designated critical habitat for the bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker (Colorado River endangered fish) has been identified (Table 6). In combination with ongoing water quality improvement efforts in the Colorado River Basin (Colorado River Salinity Control Form 2020), the subwatershed improvements are expected to result in positive benefits to water quality and availability in the Gunnison River, thereby improving habitat quality for the Colorado River endangered fishes within the project area and downstream. The Proposed Action may affect, and is likely to adversely affect designated critical habitat for Colorado River endangered fish. Adverse effects are mitigated by participation in the recovery program for Colorado River endangered fish (USFWS 2009).

Water Depletions Analysis

Operation of the proposed water control facilities within the North Fork subwatershed and the Crawford subwatershed is estimated to result in 31.36 AF/yr of new water depletions to the Colorado River Basin (Colorado Division of Water Resources 2011). Current water evaporation and seepage/bank storage from unlined ditches in the subwatersheds are expected to be reduced by related piping projects (including Crawford Clipper Ditch Project B and Fire Mountain Canal Piping projects), potentially resulting in an offset of the new depletions that will be caused by the water control facilities.

Indirect impacts of the subwatershed improvements will include improved water quality and availability in downstream waterways, beneficially impacting suitable habitats for federally listed fish.

Implementation of the Proposed Action, in accordance with the Gunnison River Basin PBO (USFWS 2009) may affect, and is likely to adversely affect, the four Colorado River endangered fishes.

Conclusion

Effects determination and rationale are presented in Table 7 below. A preliminary determination has been made that the Proposed Action *may affect, but is not likely to adversely affect*, the Gunnison sage-grouse species or its critical habitat. Although four SCADA installations are in potential critical habitat, occupied critical habitat is more than 2 miles away. The project will occur outside breeding and nesting season. Mitigating measures will minimize impacts on sagebrush habitat by directing access routes around brush; an estimated 10 plants may be temporarily disturbed during access for SCADA construction. No critical habitat occurs in the project area for threatened and endangered species for the remaining components of the Proposed Action including piping projects, a ditch diversion, and water control facility installations.

In a BO dated November 30, 2017, the USFWS concurred with the effects determinations that threatened or endangered species are not likely to be adversely affected by the Proposed Action (USFWS 2017), except through water depletions resulting in impacts on four endangered Colorado River fish. Although new water control facilities will expose an additional 8.25 acres of surface water in the watershed to evaporative losses, new annual water depletions estimated at 31.35 AF are below the threshold of 100 AF, established in the 2009 PBO for Colorado River endangered fish (USFWS 2009). No direct or indirect effects will occur to the other listed species (Table 7). A preliminary determination has been made that the Proposed Action *may affect, and is likely to adversely affect*, Colorado river endangered fish and its habitat.

Table 7. Preliminary effects determination.

Common Name	Scientific Name	Effects Determination	Rationale
Gunnison sage-grouse	<i>Centrocercus minimus</i>	May affect, not likely to adversely affect	Four SCADA sites will be installed within unoccupied critical habitat, and two SCADA sites may disturb an estimated 10 sagebrush plants. Impacts on critical habitat are minor and temporary, and no direct adverse impacts on the species will occur. Occupied critical habitat is more than 2 miles away. The construction project will occur outside the breeding and nesting season for this species.
Bonytail	<i>Gila elegans</i>	May affect, likely to adversely affect	No suitable habitat occurs in the project area and new annual water depletions (31.35 AF) are below the threshold of 100 AF, established in the 2009 PBO for Colorado River endangered fish (USFWS 2009).
Colorado pikeminnow	<i>Ptychocheilus Lucius</i>	May affect, likely to adversely affect	No suitable habitat occurs in the project area and new annual water depletions (31.35 AF) are below the threshold of 100 AF, established in the 2009 PBO for Colorado River endangered fish (USFWS 2009).
Humpback chub	<i>Gila cypha</i>	May affect, likely to adversely affect	No suitable habitat occurs in the project area and new annual water depletions (31.35 AF) are below the threshold of 100 AF, established in the 2009 PBO for Colorado River endangered fish (USFWS 2009).
Razorback sucker	<i>Xyrauchen texanus</i>	May affect, likely to adversely affect	No suitable habitat occurs in the project area and new annual water depletions (31.35 AF) are below the threshold of 100 AF, established in the 2009 PBO for Colorado River endangered fish (USFWS 2009).

Additional design features will be applied during construction of the proposed project components to avoid and minimize impacts on species protected by the ESA, including Colorado River endangered fish, as described below.

Design Features to Protect the Gunnison sage-grouse

- SCADA installations in potential habitat will occur outside the breeding and nesting season for Gunnison sage-grouse.
- The access route for SCADA installation will avoid permanent impacts on sagebrush. No clearing or grubbing will occur at the root zone; the brush will be driven over, if necessary, but not removed.

- Planned installations will avoid heavy equipment access as much as possible. For example, installation of precast stilling wells may be preferred to avoid on-site concrete work and associated potential disturbances.

General Preconstruction Design Features

- Ground disturbances shall be limited to only those areas necessary to safely implement the Proposed Action.
- Work will be confined within existing ROWs whenever possible to preserve existing vegetation and private property. The ROW will be clearly marked in the field.
- All access will be designated on project area maps, including along the construction corridor. No cross-country travel will occur in marked wetland areas.
- Construction components including temporary use areas for material and equipment storage will be located outside of wetlands or riparian areas.
- Construction limits shall be clearly flagged on-site to avoid unnecessary plant loss or ground disturbance.
- If special status plants are identified in preconstruction surveys in or near the construction corridor, weed management strategies shall prioritize the protection of special status plants.
- Ensure that project staff and contractors working on-site are aware of and can identify special status plant and wildlife species with potential to occur in the project area footprint; stop work if a special status plant or wildlife species is discovered in the project area footprint and notify the project manager.
- Prior to construction, vegetative material shall be removed by mowing or chopping, and either hauled to a proposed staging area to be burned or chipped, or chipped and mulched on-site. Stumps shall be grubbed and hauled to a proposed staging area to be burned.

General Design Features During Construction

- Vegetation and topsoil removal shall be confined to the smallest portion of the Proposed Action project area necessary for completion of the work.
- During construction, topsoil will be saved and then redistributed after completion of construction activities.
- Straw wattles, silt curtains, cofferdams, dikes, straw bales, or other suitable erosion-control measures will be used to minimize soil erosion and prevent soil erosion from entering water bodies during construction.
- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals will not be stored within 200 feet of the wetland and riparian areas and will have a secondary containment system to prevent spills. Appropriate spill clean-up materials, such as booms and absorbent pads, will be available on-site at all times during construction.
- Work crews will carry spill cleanup kits, and in times of burn bans or wildfire concerns, each crew will have a fire suppression kit.
- Leaks that occur to equipment while working on the project will not be allowed to continue operating until the leak is fixed. Refueling will occur a minimum of 100 feet from wetland and riparian areas.
- All construction equipment will be decontaminated by cleaning with high-pressure water before mobilization to the site. All wheels, tracks, undercarriages, fenders, blades, buckets, and the exterior body will be cleaned prior to entering the site to prevent releases into the aquatic environment and the spread of noxious weeds.
- Concrete clean-up operations (if needed) will use a dedicated concrete wash-out pit in an upland location. The concrete remnants in the wash-out pit will be fully removed and legally disposed of off-site upon completion of all concrete operations, or as needed for maintenance.

- Water, other dust suppressants, or soil binder on unpaved roads and areas of ground disturbance will be applied to minimize dust entrainment.
- Stabilized construction entrances will be used to minimize tracking.
- Appropriate emission-control devices are required on all construction equipment.

General Design Features Following Construction

- Reseeding shall occur at appropriate times with certified weed-free seed mixes per NRCS, Bureau of Land Management (BLM), or Reclamation instructions, as appropriate.
- Weed control shall be implemented by the project proponent to county standards (at a minimum).
- Disturbed areas will be smoothed, shaped, contoured, and reseeded to as near their pre-project conditions as practicable.
- Lands previously in agricultural production will be returned to agricultural production following construction.
- Note: All permits or authorizations required prior to construction of project components will be obtained; these permits are not analyzed in full in this Biological Assessment.

Coordination and Technical Consultation

The following agency experts were consulted during preparation of this Biological Assessment:

- Krystal Phillips, Colorado State Biologist, NRCS
- Neil Perry, Wildlife Biologist, BLM, Uncompahgre Field Office
- Brandon Diamond, Wildlife Manager for Area 16, Colorado Parks and Wildlife
- Stuart Sinclair, District Wildlife Manager, Hotchkiss/Crawford
- Creed Clayton, Supervisory Fish and Wildlife Biologist, USFWS

NRCS is requesting USFWS concurrence with the determinations above for impacts that may be associated with proposed action. If you have any questions, please contact Krystal Phillips, NRCS Colorado State Biologist, at (720) 281-1216 or at krystal.phillips2@usda.gov.

Sincerely,

Krystal Phillips, NRCS
Colorado State Biologist
Enclosures

- A – References
- B – Maps (Figures 1 thru 3)
 - Figure 1 – Map of Proposed Action Area for All Projects – Batch 2
 - Figure 2 – North Fork Projects – Batch 2
 - Figure 3 – Crawford Projects – Batch 2
- C – USFWS Biological Opinion for the Lower Gunnison Project – Batch 1
- D – USFWS IPaC Resource List and Delta, Gunnison, and Montrose counties ESA Species List
- E – Gunnison sage-grouse Survey

cc: Eugene Backhaus, NRCS State Resources Conservationist; Francine Lheritier, NRCS Area 1 Conservationist; Allison Hearne, Area 1 Biologist; Dave “DK” Kanzer, Colorado River District; Shana Harness, Colorado River District; Aleta Powers, ERO Resources Corporation; and Cassandra Shenk, ERO Resources Corporation



United States Department of the Interior

FISH AND WILDLIFE SERVICE Colorado Ecological Services



IN REPLY REFER TO:
FWS/R6/ES CO

Front Range:
Post Office Box 25486
Mail Stop 65412
Denver, Colorado 80225-0486

Western Slope:
445 W. Gunnison Avenue
Suite 240
Grand Junction, Colorado 81501-5711

ES/GJ-6-CO-09-F-001-GP032
TAILS 06E24100-2021-F-0366

May 14, 2021

Krystal Phillips, Colorado State Biologist
Natural Resources Conservation Service
Denver Federal Center, Bldg. 56, RM 2400
Denver, Colorado 80225-0426

Dear Ms. Phillips,

This responds to your request, dated April 14, 2021 (revised from March 18, 2021), for formal consultation under section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.). Your request is for the Natural Resources Conservation Service (NRCS)-Supplement to the Lower Gunnison Watershed Plan for Batch 2 Projects. Consultation on Batch 1 projects, and the long-term program in general, was completed on November 30, 2017 (TAILS 06E24100-2018-F-0035). These projects are all part of the Regional Conservation Partnership Program (RCPP) Lower Gunnison Project located within the Gunnison River Basin, centered primarily around Delta and Montrose counties, Colorado (further described in our 2017 biological opinion and associated NRCS biological assessment). For Batch 2 projects, you have requested consultation on the Gunnison sage-grouse (*Centrocercus minimus*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), humpback chub (*Gila cypha*), and bonytail (*Gila elegans*).

Batch 2 projects are being planned within the boundaries of two of the four original subwatersheds - the North Fork Water Conservancy District and Crawford Water Conservancy District. The components of the proposed Batch 2 projects are designed to address high levels of naturally occurring salt and selenium, and to create water efficiency improvements. Specific Batch 2 proposed actions include:

- Converting approximately 14,709 feet of canals or laterals in two subwatersheds from open, earthen ditches to enclosed pipe, pressurized where appropriate, to minimize off-farm delivery system losses;
- Installing three regulating ponds in two subwatersheds and expanding one sedimentation pond to enable piping system maintenance, pressure regulation, and control; and

- Incorporating ‘smart’ headgate diversion control structures and Supervisory Control and Data Acquisition (SCADA) systems within the two subwatersheds to better manage irrigation water supplies, including at least seventeen (17) installations initially with additional installations as appropriate and as budget allows.

For the Canada lynx (*Lynx canadensis*), Mexican spotted owl (*Strix occidentalis lucida*), western yellow-billed cuckoo (*Coccyzus americanus*), clay-loving buckwheat (*Eriogonum pelinophilum*), and Colorado hookless cactus (*Sclerocactus glaucus*), we acknowledge your determination of no effect, but neither 7(a)(3) of the Act, nor implementing regulations under section 7(a)(2) of the Act require the Service to review or concur with this determination; therefore the Service will not address these species further. However, we do appreciate you informing us of your analyses for these species.

Gunnison sage-grouse. You have requested our concurrence with your determination that the project may affect, but is not likely to adversely affect the Gunnison sage-grouse and its designated critical habitat. We concur with this determination for Batch 2 projects based, in part, on the following:

- None of the Batch 2 projects are located within or near habitat occupied by the Gunnison sage-grouse.
- SCADA installations will occur outside the March 1 through July 15 breeding and nesting season for Gunnison sage-grouse and will occur more than two miles from occupied habitat.
- None of the Batch 2 projects are located within occupied critical habitat.
- Four SCADA installations are planned to occur inside unoccupied critical habitat. SCADA systems are installed on ditch headgate diversions, which generally do not constitute Gunnison sage-grouse habitat. Two of the SCADA sites do not support any Gunnison sage-grouse habitat. The other two sites occur near sagebrush habitat. Minor, temporary habitat disturbance could occur during construction access. An estimated 10 plants may be temporarily disturbed during access for SCADA construction.
- The access route for SCADA installation will avoid permanent impacts on sagebrush. No clearing or grubbing will occur at the root zone; the brush will be driven over, if necessary, but not removed.
- Planned installations will avoid heavy equipment access as much as possible. For example, installation of precast stilling wells may be preferred to avoid on-site concrete work and associated potential disturbances.

Colorado River Endangered Fish. You have also requested consultation on project effects to the four endangered Colorado River fish and their critical habitats. The project area is outside of river habitat occupied by these fish, but does occur upstream. We agree that the project would not adversely affect these four fish, except through water depletions. Batch 2 projects would involve new water depletions totaling 31.36 AF/yr.

Batch 2 projects also involve historic water depletions. However, all ditch companies involved with Batch 2 projects have previously completed consultation on their historic water depletions and signed recovery agreements (Table 1, biological assessment).

We transmit this correspondence to serve as the final biological opinion (BO) for 31.36 AF/yr of new water depletions associated with Batch 2 projects. A Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin was initiated on January 22, 1988. The Recovery Program was intended to be the reasonable and prudent alternative for individual projects to avoid the likelihood of jeopardy to the endangered fishes from impacts of depletions to the Upper Colorado River Basin. In order to further define and clarify the process in the Recovery Program, a section 7 agreement was implemented on October 15, 1993, by the Recovery Program participants. Incorporated into this agreement is a Recovery Implementation Program Recovery Action Plan (RIPRAP) which identifies actions currently believed to be required to recover the endangered fishes in the most expeditious manner.

On December 4, 2009, the Service issued the Gunnison River PBO (this document is available for viewing at the following internet address: <http://www.coloradoriverrecovery.org/documents-publications/section-7-consultation/GUPBO.pdf>). The Service has determined that projects that fit under the umbrella of the Gunnison River PBO would avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletion impacts. The Gunnison River PBO states that in order for actions to fall within the umbrella of the PBO and rely on the RIPRAP to offset its depletion, the following criteria must be met.

1. A Recovery Agreement must be offered and signed prior to conclusion of section 7 consultation.
2. A fee to fund recovery actions will be submitted as described in the proposed action for new depletion projects greater than 100 acre-feet/year (AF/yr).
3. Reinitiation stipulations will be included in all individual consultations under the umbrella of this programmatic.
4. The Service and project proponents will request that discretionary Federal control be retained for all consultations under this programmatic.

Recovery Agreements have been signed by the Service and the Water Users (ditch companies listed in Table 1 of the biological assessment). New water depletions for Batch 2 projects total less than 100 AF/yr and, therefore, do not require the payment of depletion fees. The Natural Resources Conservation Service (NRCS) has agreed to condition its approval documents to retain jurisdiction should section 7 consultation need to be reinitiated. Therefore, the Service concludes that the subject project meets the criteria to rely on the Gunnison PBO to offset depletion impacts and is not likely to jeopardize the continued existence of the species and is not likely to destroy or adversely modify designated critical habitat.

The Service and the Recovery Program track all water depletions that are covered under the Gunnison PBO and other water depletion PBOs within the Upper Colorado River Basin on a quarterly basis. A summary of those depletions are available at: <http://www.coloradoriverrecovery.org/documents-publications/section-7-consultation/consultation-list.html>. Also, in accordance with the Section 7, Sufficient Progress, and Historic Projects Agreement, the Service reviews cumulative accomplishments and shortcomings of the Recovery Program in the upper Colorado River basin. Per that Agreement, the Service uses the following criteria to evaluate whether the Recovery Program is making “sufficient progress” toward recovery of the four listed fish species:

- actions which result in a measurable population response, a measurable improvement in habitat for the fishes, legal protection of flows needed for recovery, or a reduction in the threat of immediate extinction;
- status of the fish populations;
- adequacy of flows;
- and magnitude of the impact of projects.

Through these bi-annual Sufficient Progress reviews the Service evaluates the best available and current information to determine if the Recovery Program continues to offset depletion effects identified in existing Section 7 consultations including the depletions covered by these PBOs. In the most recent assessment (dated February 12, 2021), the Service determined that sufficient progress has been made towards recovery. Sufficient Progress reports can be found at: <http://www.coloradoriverrecovery.org/documents-publications/section-7-consultation/sufficient-progress-letters.html>.

The reinitiation criteria for the Gunnison PBO apply to all projects under the umbrella of the PBO. For your information the reinitiation notice from the Gunnison River PBO is presented below.

REINITIATION NOTICE

This concludes formal consultation on the subject action. The proposed action includes adaptive management because additional information, changing priorities, and the development of the States’ entitlement may require modification of the Recovery Action Plan. Therefore, the Recovery Action Plan is reviewed annually and updated and changed when necessary and the required time frames include changes in timing approved by means of the normal procedures of the Recovery Program, as explained in the description of the proposed action. Every 2 years, for the life of the Recovery Program, the Service and Recovery Program will review implementation of the Recovery Action Plan actions that are included in this BO to determine timely compliance with applicable schedules. As provided in 50 CFR sec. 402.16, reinitiation of formal consultation is required for new projects where discretionary Federal Agency involvement or control over the action has been retained (or is authorized by law) and under the following conditions:

1. **The amount or extent of take specified in the incidental take statement for this opinion is exceeded.** The terms and conditions outlined in the incidental take statement

are not implemented. The implementation of the proposed reoperation of Aspinall and the Selenium Management Program will further decrease the likelihood of take caused by water depletion impacts.

2. **New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion**, such as impacts due to climate change. In preparing this opinion, the Service describes the positive and negative effects of the action it anticipates and considered in the section of the opinion entitled “EFFECTS OF THE ACTION.”
3. **The identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the BO.** It would be considered a change in the action subject to consultation if the reoperation of Aspinall and the Selenium Management Program described in this opinion are not implemented within the required timeframes. If a draft Selenium Management Program document is not completed within 18 months of the final PBO and a final document within 24 months, reinitiation of consultation will be required. Reinitiating consultation could consist of an exchange of memoranda examining the progress made on the plan and evaluating the consequences of extending the timeframe. Also, at any time, if funding is not available to implement the Selenium Management Program reinitiation of consultation will be required.

The analysis for this BO assumed implementation of the Colorado River Mainstem Action Plan of the RIPRAP because the Colorado pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*) that occur in the Gunnison River use the Colorado River and are considered one population. The essential elements of the Colorado River Plan are as follows: 1) provide and protect instream flows; 2) restore floodplain habitat; 3) reduce impacts of nonnative fishes; 4) augment or restore populations; and 5) monitor populations and conduct research to support recovery actions. The analysis for the non-jeopardy determination of the proposed action that includes about 37,900 af/yr of new water depletions from the Gunnison River Basin relies on the Recovery Program to provide and protect flows on the Gunnison and Colorado Rivers.

4. **The Service lists new species or designates new or additional critical habitat, where the level or pattern of depletions covered under this opinion may have an adverse impact on the newly listed species or habitat.** If the species or habitat may be adversely affected by depletions, the Service will reinitiate consultation on the PBO as required by its section 7 regulations. The Service will first determine whether the Recovery Program can avoid such impact or can be amended to avoid the likelihood of jeopardy and/or adverse modification of critical habitat for such depletion impacts. If the Recovery Program can avoid the likelihood of jeopardy and/or adverse modification of critical habitat no additional recovery actions for individual projects would be required, if the avoidance actions are included in the Recovery Action Plan. If the Recovery Program can't avoid the likelihood of jeopardy and/or adverse modification of critical

habitat then the Service will reinitiate consultation and develop reasonable and prudent alternatives.

If the annual assessment from Reclamation's reports indicates that the operation of the Aspinall Unit to meet flow targets or that the Selenium Management Program, as specified in this opinion has not been implemented as proposed, Reclamation will be required to reinitiate consultation to specify additional measures to be taken by Reclamation or the Recovery Program to avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletions and water quality. Also, if the status of all four fish species has not sufficiently improved, as determined by the Service in a formal sufficient progress finding under provisions of the Recovery Program, Reclamation will be required to reinitiate consultation. If other measures are determined by the Service or the Recovery Program to be needed for recovery prior to the review, they can be added to the Recovery Action Plan according to standard procedures. If the Recovery Program is unable to complete those actions which the Service has determined to be required, Reclamation will be required to reinitiate consultation in accordance with ESA regulations and this opinion's reinitiation requirements.

All individual consultations conducted under this programmatic opinion will contain language requesting the applicable Federal agency to retain sufficient authority to reinitiate consultation should reinitiation become necessary. The recovery agreements to be signed by non-Federal entities who rely on the Recovery Program to avoid the likelihood of jeopardy and/or adverse modification of critical habitat for depletion impacts related to their projects will provide that such non-Federal entities also must request the Federal agency to retain such authority. Non-Federal entities will agree by means of recovery agreements to participate during reinitiated consultations in finding solutions to the problem which triggered the reinitiation of consultation.

If you have any questions regarding this consultation or would like to discuss it in more detail, please contact Creed Clayton of our Western Slope Field Office at creed_clayton@fws.gov.

Sincerely,

J. Creed Clayton

for Ann Timberman
Western Slope Supervisor

cc: FWS/UCREFRP, Lakewood; Email: Kevin_McAbee@fws.gov



Mr. Craig Dengel
State Cultural Resources Specialist
Natural Resources Conservation Service
US Department of Agriculture
Denver Federal Center
Bldg. 56, Room 2604
P.O. Box 25426
Denver, Colorado 80225-0426

RE: Lower Gunnison Supplemental Watershed Plan
Delta County, Colorado
History Colorado No. 78097

Dear Mr. Dengel:

Thank you for your correspondence dated December 3, 2020, which our office received on December 4, 2020, regarding the review of the aforementioned project under Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), and its implementing regulations, 36 CFR Part 800. At our request your office provided additional project information on January 13, 2021.

We have reviewed all documentation submitted for this project and agree the defined area of potential effect (APE) is appropriate for the undertaking. We concur with the majority of your determinations of eligibility. We do not concur that 5DT.2467 is not eligible for inclusion in the National Register of Historic Places. The provided documentation notes that portions of the resource extend outside the APE. The portions of the resource that extend outside the APE were not surveyed as part of the class III cultural resource inventory. Additional, previously unidentified cultural remains may sit outside the APE that could show evidence that the resource meets the criteria for the National Register. Until the additional portions of the resource are inventoried, we recommend that 5DT.2467 *needs data* to determine the eligibility of the resource for the National Register. Please see the following table for our determinations for all documented properties:

Smithsonian Site No.	Resource Type/Name	NRCS Eligibility Recommendation	SHPO Determination of Eligibility
5DT.1277.9	Fire Mountain Canal segment	Field eligible, supporting	Eligible, Supports integrity of overall linear resource
5DT.1584	Aspen Canal	Officially eligible	Eligible
5DT.1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	Eligible, Does NOT support integrity of overall linear resource
5DT.1780.7 5DT.1780.8	Grand View Ditch segments	Field eligible, supporting	Eligible, Support integrity of overall linear resource
5DT.1811.7 5DT.1811.8	Crawford Clipper Ditch segments	Officially eligible, supporting	Eligible, Support integrity of overall linear resource
5DT.1811.9		Officially eligible, non-supporting	Eligible, Does NOT support integrity of overall linear resource
5DT.2465	Open lithic scatter	Field not eligible	Not Eligible



5DT.2466	Trash scatter and precontact IF	Field not eligible	Not Eligible
5DT.2467	Trash scatter	Field not eligible	Needs Data
5DT.2468	Skating rink	Field not eligible	Not Eligible
5DT.2469	Ranch	Field not eligible	Not Eligible
5DT.2470 through 5DT.2478	Isolated Finds/Features	n/a	n/a

We also generally concur with the assessments of effect outlined in your December 3 letter. Ultimately, we concur the proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will *adversely affect* those resources. It is our opinion the proposed regulating pond along Grandview Canal (segment 5DT.1780.8) will also result in an *adverse effect*. Accordingly, consultation should proceed in accordance with 36 CFR §800.6 to mitigate those adverse effects. We will provide additional comments upon receipt of documentation to that effect.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR §60.4) in consultation with our office pursuant to 36 CFR §800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR §800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mitchell K. Schaefer, Section 106 Compliance Manager, at (303) 866-2673 or mitchell.schaefer@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer
ST/mks

We are now accepting electronic consultation through our secure file transfer system, MoveIT. Directions for digital submission and registration for MoveIT are available at <https://www.historycolorado.org/submitting-your-data-preservation-programs>.



Mr. Craig Dengel
State Cultural Resources Specialist
Natural Resources Conservation Service
US Department of Agriculture
Denver Federal Center
Bldg. 56, Room 2604
P.O. Box 25426
Denver, Colorado 80225-0426

RE: Lower Gunnison Supplemental Watershed Plan
Delta County, Colorado
History Colorado No. 78097

Dear Mr. Dengel:

Thank you for your correspondence dated January 27, 2021, which our office received also on January 27, 2021, regarding the review of the aforementioned project under Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), and its implementing regulations, 36 CFR Part 800.

As our offices agree a finding of *needs data* is appropriate for site 5DT.2467 and, as your January 27 letter indicated, the current project will occur outside the identified boundaries of that site, we concur the undertaking will result in *no historic properties affected* for that property.

As the undertaking will result in *adverse effects* to the Grandview Canal (5DT.1780) and the Fire Mountain Canal (5DT.1277) we look forward to developing a memorandum of agreement in consultation with your office and other consulting parties. We will provide additional comments upon receipt of documentation to that effect.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR §60.4) in consultation with our office pursuant to 36 CFR §800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR §800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please



note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mitchell K. Schaefer, Section 106 Compliance Manager, at (303) 866-2673 or mitchell.schaefer@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer
ST/mks

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Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Mr. Terry Knight
NAGPRA Representative/THPO
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, CO 81334

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. Knight:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
5DT1584	Aspen Canal	Officially eligible	No adverse effect
5DT1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	No adverse effect
5DT1780.7	Grand View Ditch segment	Field eligible, supporting	Resolve adverse effects
5DT1780.8	Grand View Ditch segment	Field eligible, supporting	No adverse effect
5DT1811.7	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.8	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.9	Crawford Clipper Ditch segment (Zanni Lateral)	Officially eligible, non-supporting	No adverse effect
5DT2465	Open lithic scatter	Field not eligible	No adverse effect
5DT2466	Trash scatter and precontact IF	Field not eligible	No adverse effect
5DT2467	Trash scatter	Field not eligible	No adverse effect
5DT2468	Skating rink	Field not eligible	No adverse effect
5DT2469	Ranch	Field not eligible	No adverse effect

ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which

will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO
Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO
Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO
Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO
Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Ms. Christine Sage
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
P.O. Box 737
Ignacio, CO 81137

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Sage:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
5DT1584	Aspen Canal	Officially eligible	No adverse effect
5DT1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	No adverse effect
5DT1780.7	Grand View Ditch segment	Field eligible, supporting	Resolve adverse effects
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5DT1811.8	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.9	Crawford Clipper Ditch segment (Zanni Lateral)	Officially eligible, non-supporting	No adverse effect
5DT2465	Open lithic scatter	Field not eligible	No adverse effect
5DT2466	Trash scatter and precontact IF	Field not eligible	No adverse effect
5DT2467	Trash scatter	Field not eligible	No adverse effect
5DT2468	Skating rink	Field not eligible	No adverse effect
5DT2469	Ranch	Field not eligible	No adverse effect

ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse

effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO

Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Ms. Betsy Chapoose, Director, Cultural Rights and Protection
Ute Indian Tribe – Uintah & Ouray Reservation
P.O. Box 190
Ft. Duchesne, UT
84026

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Chapoose:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
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5DT2466	Trash scatter and precontact IF	Field not eligible	No adverse effect
5DT2467	Trash scatter	Field not eligible	No adverse effect
5DT2468	Skating rink	Field not eligible	No adverse effect
5DT2469	Ranch	Field not eligible	No adverse effect

ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure

and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO

Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Cassandra Atencio
NAGPRA Coordinator
P.O. Box 737 MS#88
Ignacio, CO 81137

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Atencio:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
5DT1584	Aspen Canal	Officially eligible	No adverse effect
5DT1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	No adverse effect
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ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

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Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

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Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO

Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



United States Department of Agriculture

Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Andy Mueller, General Manager
Colorado River District
201 Centennial, Suite 200
Glenwood Springs, CO 81601

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. Mueller:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

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The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems,

which will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO

Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Mark LeValley, President, Grandview Canal and
Irrigation Company/Crawford Clipper Ditch Irrigation
Company
PO Box 835
Crawford, CO 81420

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. LeValley:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National

Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

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Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
5DT1584	Aspen Canal	Officially eligible	No adverse effect
5DT1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	No adverse effect
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5DT1811.8	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.9	Crawford Clipper Ditch segment (Zanni Lateral)	Officially eligible, non-supporting	No adverse effect
5DT2465	Open lithic scatter	Field not eligible	No adverse effect
5DT2466	Trash scatter and precontact IF	Field not eligible	No adverse effect
5DT2467	Trash scatter	Field not eligible	No adverse effect
5DT2468	Skating rink	Field not eligible	No adverse effect
5DT2469	Ranch	Field not eligible	No adverse effect

ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

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cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO
Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO
Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO
Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO
Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Dixie Luke, President
Fire Mountain Canal and Reservoir Company
PO Box 543
Hotchkiss, CO 81419

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Luke:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

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A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
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5DT1811.9	Crawford Clipper Ditch segment (Zanni Lateral)	Officially eligible, non-supporting	No adverse effect
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Sincerely,



Craig Dengel
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Enclosure

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cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

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Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Hank LeValley, Crawford Water Conservancy District
183 CO-92
Crawford, CO 81415

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. LeValley:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

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5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
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State Cultural Resources Specialist

Enclosure

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United States Department of Agriculture

Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Tom Alvey, North Fork Water Conservancy District
PO Box 217
Hotchkiss, CO 81419

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. Alvey:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

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State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO

Kathy Croll, Senior Cultural Resource Specialist, ERO Resources, Durango, CO



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Suzie Bilberry, District Manager
Delta Conservation District
690 Industrial Blvd
Delta, CO 81416

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Bilberry:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
5DT1277.9	Fire Mountain Canal segment	Field eligible, supporting	Resolve adverse effects
5DT1584	Aspen Canal	Officially eligible	No adverse effect
5DT1594.3	C Ditch/South Cottonwood Lateral of the Hice Ditch/Needlerock Ditch segment	Officially eligible, non-supporting	No adverse effect
5DT1780.7	Grand View Ditch segment	Field eligible, supporting	Resolve adverse effects
5DT1780.8	Grand View Ditch segment	Field eligible, supporting	No adverse effect
5DT1811.7	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.8	Crawford Clipper Ditch segment	Officially eligible, supporting	No adverse effect
5DT1811.9	Crawford Clipper Ditch segment (Zanni Lateral)	Officially eligible, non-supporting	No adverse effect
5DT2465	Open lithic scatter	Field not eligible	No adverse effect
5DT2466	Trash scatter and precontact IF	Field not eligible	No adverse effect
5DT2467	Trash scatter	Field not eligible	No adverse effect
5DT2468	Skating rink	Field not eligible	No adverse effect
5DT2469	Ranch	Field not eligible	No adverse effect

ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and

converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO
Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO
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Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Penny Bishop, District Manager
Shavano Conservation District
102 Par Pl
Montrose, CO 81401

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Ms. Bishop:

Enclosed for your review is a cultural resources report, which is supplemental to the previously submitted report for the Lower Gunnison Watershed Plan in Delta County, Colorado. In brief, the enclosed Supplemental report is part of an upcoming Lower Gunnison Supplemental Watershed Plan Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017 for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

Due to an increasing demand for water within the Colorado River Basin, the purpose of the Lower Gunnison Project is to improve the efficiency of water delivery to crops within the Gunnison River Basin, which flows into the Colorado River. Project components identified in the Supplemental Plan consist of converting segments of open canals to pressurized pipe systems, installation of water control facilities, and the installation of Supervisory Control and Data Acquisition (SCADA) systems to improve control of water flows. The Colorado River Conservation District (in coordination with the Fire Mountain Canal and Reservoir Company, the Grandview Canal and Irrigation Company, the Crawford Clipper Ditch Company, and the Crawford Water Conservancy District) defined the area of potential effect as 89.08 acres, including a 200-foot buffer around each SCADA site, a 100-foot buffer along piped areas, and a 50-foot buffer along access roads. Land is owned by the Bureau of Land Management Uncompahgre Field Office (BLM-UFO; 2.2 acres), Bureau of Reclamation (BOR; 13.99 acres), Crawford State Park (2.86 acres), and private parties (61.61 acres). Because the project is located on federal lands, the cultural resource survey was conducted in compliance with Section 106 (54 United States Code (USC) § 306108) of the National Historic Preservation Act (NHPA, 1966, as amended; 54 USC § 300101 et seq.). For the purposes of Section 106 consultation, the NRCS has assumed the role of lead Federal agency.

A cultural resources inventory of the APE was completed by ERO Resources Corporation in October, 2020. Within or overlapping the APE are 22 cultural resources: 13 sites and linear segments and nine isolated finds. One full extent of a linear resource (5DT1584) is officially eligible for listing in the National Register of Historic Places (NRHP). ERO has recommended that five segments are supporting to an eligible linear resource (5DT1277.9, 5DT1780.7, 5DT1780.8, 5DT1811.7, and 5DT1811.8). Two segments are recommended non-supporting to an eligible linear resource (5DT1594.3 and 5DT1811.9). Five sites and the nine isolated finds are recommended not eligible for listing in the NRHP. The NRCS has concurred with these findings. The table below summarizes the sites identified, NRHP eligibility, determination of effects, and management recommendations:

Smithsonian Site No.	Resource Type/Name	NRHP Eligibility Recommendation	Management Recommendations
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ERO recommends that the proposed SCADA monitoring systems will not adversely affect the supporting segments (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9). The Aspen Canal (5DT1584) was fully documented in 2018 during the Aspen Canal Piping Project (Bureau of Reclamation 2018). The NRCS has determined that no further work is necessary for any resources recommended not eligible. Additionally, the NRCS has determined that the SCADA monitoring systems have no adverse effect on the (5DT1780.8, 5DT1811.7, and 5DT1811.8) or non-supporting linear segments (5DT1594.3 and 5DT1811.9) and requests a finding of “no historic properties effected”. Finally, the NRCS has reviewed the terms of the 2018 MOA between BOR and SHPO and agrees that the terms of this MOA have been met and any effects on the Aspen Canal (5DT1584) have been mitigated.

The proposed headgate reconstruction along the Grandview Canal (5DT1780.7) and piping of the Fire Mountain Canal (5DT1277.9) will adversely affect these resources, and ERO recommends resolving for adverse effects. ERO recommends a determination of “adverse effect to historic properties” pursuant to 36 Code of Federal Regulations 800.6 of the NHPA.

The NRCS has determined that the proposed undertaking will result in an adverse effect to sites 5DT1780.7 and 5DT1277.9. The project will involve a rebuild of the existing Grand View diversion gates/structure and converting the Fire Mountain Canal segment from an aboveground canal to pressurized pipe systems, which

will destroy the integrity, design, materials, and workmanship of these segments, thus constituting an adverse effect. To mitigate the adverse effect, a treatment plan for the sites will be developed through consultation, resulting in a Memorandum of Agreement.

As the lead agency, the NRCS requests concurrence for the NRHP eligibility determination for the cultural resource sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@usda.gov at your earliest possible convenience.

Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosure

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.

cc: (w/o encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO

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Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

December 3, 2020

Steve Turner, AIA
State Historic Preservation Officer
History Colorado Center
1200 Broadway
Denver, CO 80203

Reference: Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed
Plan: Delta County, Colorado

Mr. Turner:

Enclosed for your review are a cultural resources report, site forms, and project CD for the Lower Gunnison Supplemental Watershed Plan in Delta County, Colorado. In brief, the enclosed report is part of an upcoming supplemental Environmental Assessment (EA) to the Lower Gunnison Project. Consultation with your office for the original EA was completed and MOA signed on November 14, 2017, for that project. The Natural Resources Conservation Service (NRCS), is working in partnership with the Colorado River Water Conservation District to continue to identify projects that improve irrigation systems in the Colorado River Basin. Since 2018, additional specific irrigation system improvements have been identified in the North Fork Water Conservancy District and the Crawford Water Conservancy District, and are included in this Lower Gunnison Supplemental Watershed Plan (Supplemental Plan). Additional partners and project sponsors for the Supplemental Plan include the North Fork Water Conservancy District, Crawford Water Conservancy District, Delta Conservation District, and the Bureau of Reclamation (BOR).

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Sincerely,



Craig Dengel
State Cultural Resources Specialist

Enclosures:

- Cultural Resource Report. *Class III Cultural Resource Survey for the Lower Gunnison Supplemental Watershed Plan, Delta County, Colorado*. ERO Resources Corporation.
- Office of Archaeology and Historic Preservation Cultural Resource Management Forms
- Associated GIS files
- SCADA Design Schematic
- Sent by email:
 - 2018 NRCS Lower Gunnison Watershed Plan and Environmental Assessment;
 - 2018 Reclamation Memorandum of Agreement for the Aspen Canal

cc: (w/ encl)

Jennifer Ward, Environmental Protection Specialist, Bureau of Reclamation, Grand Junction, CO
Kristin Bowen, Archaeologist, Bureau of Reclamation, Durango, CO
Shane Rumsey, Archaeologist, Bureau of Land Management, Montrose, CO

cc: (w/o encl)

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO
Cassandra Shenk, Project Manager, ERO Resources Corporation, Hotchkiss, CO
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PLACEHOLDER FOR PUBLIC COMMENTS

