Wolf Creek Reservoir

Project Introduction for the Northwest Resource Advisory Council – September 15, 2022
Briefing Outline

• Brief History of the Project
• Wolf Creek Reservoir
  – High-Level Overview of the Proposed Wolf Creek Reservoir
  – Geographic Context & ESA-Listed Fish
  – Plan Conformance
• Permitting Process
  – Required Permits/Approvals
  – Phased Approach
  – BLM’s Process for an EIS-level RMP Amendment
• Communication
  – Tribes & Cooperating Agencies
  – Public Communication Plan

BLM would appreciate the RAC’s input on whether to provide any pre-NOI opportunities for public involvement
Brief History of the Project
Brief History of the Project

Kenney Reservoir was built in 1984 and originally provided 13,800 acre-feet (AF) of water storage but is silting in at an average rate of 300 AF/yr which is reducing recreation use and water storage.

Rio Blanco Water Conservancy District (RBWCD) manages Kenney Reservoir and is the applicant for the Wolf Creek Reservoir.
Brief History of the Project

RBWCD begins feasibility studies
**Brief History of the Project**

RBWCD begins feasibility studies

|------|------|------|------|------|------|------|------|------|------|

RBWCD files application for water rights (90K AF)

The water rights application was for 90,000 AF for use at either one of two potential reservoir sites:
- “off-channel” Wolf Creek site
- “on-channel” White River site
Brief History of the Project

RBWCD begins feasibility studies

White River Storage Feasibility Study

|------|------|------|------|------|------|------|------|------|------|

RBWCD files application for water rights (90K AF)

2015 Feasibility Study considered three alternatives:
- Constructing a new reservoir in a new location (23 potential dam sites)
- Expand Kenney Reservoir
- Dredge Kenney Reservoir
Brief History of the Project

RBWCD begins feasibility studies
White River Storage Feasibility Study

|-------|------|------|------|------|------|------|------|------|------|

RBWCD files application for water rights (90K AF)

Stipulation with BLM

Stipulation between BLM and RBWCD filed in Water Court
- Authorization to use BLM-managed lands requires a right-of-way
- BLM must conduct evaluation under NEPA
- Waiver of takings claim (if BLM were to deny ROW)
## Brief History of the Project

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>RBWCD begins feasibility studies</td>
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<tr>
<td>2014</td>
<td>RBWCD files application for water rights (90k AF)</td>
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<tr>
<td>2015</td>
<td>White River Storage Feasibility Study</td>
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<tr>
<td>2016</td>
<td>Phase 2 Feasibility Study</td>
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<tr>
<td>2017</td>
<td>Stipulation with BLM</td>
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<tr>
<td>2018</td>
<td></td>
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<td>2019</td>
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<tr>
<td>2020</td>
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<td>2021</td>
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<td>2022</td>
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**Phase 2 Feasibility Study**
- Focused on Wolf Creek and White River reservoir sites
- Evaluated different sizes at each site – 20k AF and 90k AF
Brief History of the Project

RBWCD begins feasibility studies

White River Storage Feasibility Study

Phase 2 Feasibility Study

Conditional water right decree (66,720 AF)

|------|------|------|------|------|------|------|------|------|------|

RBWCD files application for water rights (90k AF)

Stipulation with BLM

Conditional Water Right

- Includes option for either Wolf Creek or White River reservoir sites
- 66,720 AF (annual releases limited to 7,000 AF; 20,720 AF for mitigation)
- Municipal use, augmentation, mitigation, hydropower (in conjunction with other uses), in-reservoir uses for recreation, fish, and wildlife habitat
## Brief History of the Project

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<td>RBWCD begins feasibility studies</td>
<td>White River Storage Feasibility Study</td>
<td>Phase 2 Feasibility Study</td>
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</table>

### RBWCD files application for water rights (90k AF)

### Stipulation with BLM

### RBWCD submits SF299 ROW application to BLM

### ROW application
- Includes only the Wolf Creek site
Wolf Creek Reservoir Proposal
White River Regional Water Supply Project

Proposed Wolf Creek Reservoir

– 66,720 AF reservoir with 2,031 surface acres
– 115-foot-high embankment dam
– 400-foot-wide excavated earth spillway
– 10-ft diameter steel outlet work conduit through the maximum section of the dam; discharge into stilling basin and concrete discharge channel
– Pump station and 8-ft diameter steel pipeline to fill reservoir
– Temporary and permanent access road improvements
– Development of recreation facilities
Proposed Wolf Creek Reservoir Site

Disclaimer: Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.
## Size Compared to Other Reservoirs

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Water Storage (acre-feet, AF)</th>
<th>Surface Size (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rio Blanco Lake&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Rio Blanco County, CO</td>
<td>1,036</td>
<td>108</td>
</tr>
<tr>
<td>Leavitt Reservoir Expansion&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Big Horn County, WY</td>
<td>6,606</td>
<td>194</td>
</tr>
<tr>
<td>Lake Avery&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Rio Blanco County, CO</td>
<td>7,658</td>
<td>245</td>
</tr>
<tr>
<td>Alkali Creek Reservoir&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Big Horn County, WY</td>
<td>7,994</td>
<td>294</td>
</tr>
<tr>
<td>Rifle Gap</td>
<td>Garfield County, CO</td>
<td>12,168</td>
<td>359</td>
</tr>
<tr>
<td>Elkhed Reservoir</td>
<td>Moffat and Rout, CO</td>
<td>13,700</td>
<td>900</td>
</tr>
<tr>
<td>Kenney Reservoir&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Rio Blanco County, CO</td>
<td>13,800</td>
<td>650</td>
</tr>
<tr>
<td>Steamboat Lake</td>
<td>Routt County, CO</td>
<td>23,000</td>
<td>1,053</td>
</tr>
<tr>
<td>Vega Reservoir</td>
<td>Mesa County, CO</td>
<td>33,800</td>
<td>900</td>
</tr>
<tr>
<td>Stagecoach Reservoir</td>
<td>Routt County, CO</td>
<td>36,400</td>
<td>765</td>
</tr>
<tr>
<td>Wolford Mountain Reservoir</td>
<td>Grand County, CO</td>
<td>66,000</td>
<td>1,550</td>
</tr>
<tr>
<td><strong>Wolf Creek Reservoir (Proposed)</strong></td>
<td>Rio Blanco County, CO</td>
<td><strong>66,720</strong></td>
<td><strong>2,031</strong></td>
</tr>
<tr>
<td>Ridgeway State Park</td>
<td>Ouray County, CO</td>
<td>94,100</td>
<td>940</td>
</tr>
<tr>
<td>Green Mountain Reservoir&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Grand County, CO</td>
<td>153,000</td>
<td>2,125</td>
</tr>
<tr>
<td>Dillon Reservoir&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Summit County, CO</td>
<td>257,300</td>
<td>3,233</td>
</tr>
<tr>
<td>Blue Mesa Reservoir&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Gunnison County, CO</td>
<td>940,800</td>
<td>9,180</td>
</tr>
</tbody>
</table>

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<sup>1</sup> Blue Mesa, Dillon, and Green Mountain are among the 10 largest reservoirs in Colorado. Blue Mesa is the largest in Colorado.

<sup>2</sup> Alkali Creek & Leavitt Expansion are the most recently completed reservoir EISs by BLM nationally.

<sup>3</sup>Current reservoirs along the White River in Colorado include Lake Avery, Rio Blanco Lake, and Kenney Reservoir.
Colorado River Basin

- Confluence of the White River and Green River is in UT
- White River and Green River are tributary to the Colorado River
- US Bureau of Reclamation will be a Cooperating Agency due to their Special Expertise in operation of reservoirs and cumulative effects within the Colorado River Basin
Threatened & Endangered Fish

- **Colorado pikeminnow**
  - Endangered
  - Designated critical habitat is White River & 100yr floodplain below Rio Blanco Lake to Green River
  - Occupied habitat below Kenney Reservoir (and downstream into the Green River)

- **Bonytail**
  - Endangered
  - Designated critical habitat (DCH) in Green River

- **Razorback Sucker**
  - Endangered
  - Occupied habitat in Green River & lower White River
  - DCH in Green River

- **Humpback Chub**
  - Threatened
  - Occupied habitat in portions of Green River
BLM’s Plan Conformance Issues

• Visual Resources:
  – VRM Class II – Allowed Level of Change: low; activities may be seen, but should not attract the attention of the casual observer (overlaps portion of the dam)
  – VRM Class III – Allowed Level of Change: moderate; activities may attract attention, but should not dominate the view of the casual observer

• Greater Sage-Grouse
  – Priority Habitat: ROW Exclusion Area for Major ROWs

• Lands with Wilderness Characteristics: ROW Exclusion Area
  – 1997 RMP is silent
  – 2015 Oil & Gas RMPA manages Coal Ridge as ROW Exclusion Area
  – 2021 Travel Mgmt RMPA purposely modified non-motorized boundary to avoid proposed reservoir area (requested by RBC)
Permitting Process
BLM Process

- Analysis of the Management Situation (AMS)
- Consistency with local land use plans (RMP amendment)
- Longer public comment on the Draft EIS (90 days vs 45 days)
- Administrative remedies prior to Record of Decision
  - Protest to BLM Director
  - Governor’s Consistency Review
  - BLM HQ must resolve protests before SD can approve ROD

NOTES
1) The chart shows minimum planning requirements according to law, regulation, or BLM policy. BLM managers can go beyond these requirements as needed or desired.
2) Boxes around steps indicate required documents.
3) Inventory of resource extent and condition should occur as needed, but is most useful prior to the analysis of the management situation.

Abbreviations:
EIS – Environmental Impact Statement
NOI – Notice of Intent
NOA – Notice of Availability
RMP – Resource Management Plan

1 BLM must publish a notice in the Federal Register.
2 States can negotiate a shorter review period with the Governor.
3 If changes are significant, issue a notice of significant change and provide a 30-day comment period.
Other Agency Requirements

Federal
- USACE – Individual Permit (section 404 Clean Water Act)
- EPA – section 404 permit oversight; reviews DEIS
- FWS – consultation under section 7 ESA

State
- CDPHE – water quality permit (section 401 Clean Water Act)
- CPW – fish and wildlife mitigation plan
- State Land Board – use of state property
- SHPO – consultation under section 106 NHPA

Local
- No local 1041 approvals required in RBC or Moffat County
Phased Approach

Pre-NOI
- Project Initiation (Cost Recovery, Selecting Contractors)
- Coordination with Other Govt Agencies (Cooperating Agencies & Native American Tribes)
- Purpose & Need and Alternatives (Go/No-Go)
- Analysis of the Management Situation (Issues, Methods, Data)

RMPA/EIS
- NOI & Public Scoping (Issues, Alternatives, Analysis Methods)
- Draft EIS (Analysis of Impacts of Various Alternatives)
- Final EIS (Response to Public Review of Draft EIS)
- Consultations (Tribal, NHPA, ESA)
- Record of Decision

Post-ROD
Only necessary if BLM approves ROW
- Issue ROW Grant
- Construction Plan of Development
- Notice to Proceed (Tasks Included in ROD)
- MOU for Construction Monitoring Contractor
Purpose & Need

• Purpose and Need Statement
  – Federal agency’s need for action or decision to be made (BLM and USACE)
  – Determines the scope of the EIS and reasonable alternatives

• Components
  – ROW grant
    • Respond to FLPMA ROW application
  – Amendments to the White River RMP
    • Components of the RMP that the project proposal does not conform with
    • Other potential changes in management to address resource conflicts
  – USACE permitting process
    • Specific purposes and quantified water needs
Alternatives

Alternatives To Be Analyzed in the EIS

• Applicant’s Proposal for Wolf Creek Reservoir
• No Action Alternative (Deny ROW Application)

Conceptually, other potential alternatives could include:

– Modify current Wolf Creek proposal (e.g., smaller size)
– Alternate location for a reservoir
– Multiple smaller reservoirs
– Expanding an existing reservoir
– Conservation as an alternate means of water supply
Communication
List of Potential Cooperating Agencies

Federal

- US Army Corps of Engineers
- Environmental Protection Agency
- US Fish and Wildlife Service
- Bureau of Reclamation
List of Potential Cooperating Agencies

State of Colorado
• CO Dept. Public Health & Env.
  – Water Quality Control Division
• CO Dept. Natural Resources
  – Division of Water Resources
  – Colorado Parks & Wildlife
  – State Land Board
  – Water Conservation Board
• CO Dept of Agriculture

State of Utah
• UT Public Lands Policy Coordinating Office
  – Division of Water Resources
  – Division of Water Rights
  – Division of Wildlife Resources
List of Potential Cooperating Agencies

Local Government
• Rio Blanco County
• Moffat County
• Uintah County
• Town of Rangely

Special Districts
(Political Subdivisions of the State)
• Rio Blanco Water Conservancy District (Applicant)
• Yellow Jacket Water Conservation District
• Colorado River District
• White River & Douglas Creek Conservation Districts
• Western Rio Blanco County Recreation and Metropolitan District
• Colorado River Authority of Utah
• Uintah County Utah Water Conservancy District
Potential Conflicts of Interest

• BLM working with Regional Solicitor for guidance to include in MOUs regarding communication/participation

• Potential perception of conflict of interest for agencies that have either provided funding or entered into written augmentation agreements
  – Rio Blanco County
  – Town of Rangely
  – Colorado River Water Conservation District
  – Yellow Jacket Water Conservation District

• Applicant is a special district (government entity)
Eligible CAs – More likely to participate via section 106 process?

**Federal**
- Advisory Council on Historic Preservation

**State**
- History Colorado (SHPO)

**Tribes WRFO Typically Consults**
- Ute Indian Tribe
- Southern Ute
- Ute Mountain Ute
- Eastern Shoshone
- Hopi Tribe
- Pueblo of Jemez

**Additional Tribes the BLM may consult with regarding the Green River**
Arapaho Tribe of the Wind River Reservation; Comanche Nation; Crow Tribe of Montana; Navajo Nation; Ohkay Owingeh; Paiute Indian Tribe of Utah (Cedar Band, Indian Peaks Band, Kanosh Band, Koosharem Band, Shivwits Band); Pueblos of Acoma, Cochiti, Isleta, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Taos, Tesuque, Zia; San Juan Southern Paiute Tribe; Santo Domingo Pueblo; Shoshone Tribe of the Wind River Reservation; Shoshone-Bannock Tribes of the Fort Hall Reservation; Zuni Tribe of the Zuni Reservation
Public Involvement

BLM’s Required Public Involvement for RMPA/EIS Process

• **Notice of Intent** – 30 days to submit scoping comments
  – *Focus on range of alternatives, issue identification, analysis methods*
  – *Publication of NOI starts 2-yr timeframe to issue ROD*

• **Draft RMPA/EIS** – 90 days to submit comments on DEIS
  – *Focus on comparison of alternatives through impacts analysis*
  – *Substantial changes to the DEIS could require a SEIS*

• **Proposed RMPA/Final EIS** – 30 days to protest
  – *Formal process to address unresolved concerns about process*

RBWCD Previous Public Outreach Efforts

• 2015 Feasibility Study – public meetings in 2014/2015
• 2018 Phase 2 Study – public meetings in 2017/2018
Input from the NW RAC

Should the BLM provide an additional opportunity for public involvement prior to the Notice of Intent?

<table>
<thead>
<tr>
<th>Considerations in Support</th>
<th>Considerations Against</th>
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<tbody>
<tr>
<td>• This is a complex project. Pre-NOI public involvement can help eliminate surprises post-NOI and lead to a smoother planning process. (NOI starts 2-yr schedule to issue a ROD.)</td>
<td>• Additional pre-NOI public involvement would result in additional costs to the applicant and require additional time.</td>
</tr>
<tr>
<td>• There may be groups (other than government agencies) with expertise that may not be fully captured by Cooperating Agencies.</td>
<td>• Engaging Cooperating Agencies pre-NOI would help to identify issues.</td>
</tr>
<tr>
<td>• Public meetings organized by RBWCD were most recently held in 2018 and may not have included as many people as the BLM would reach out to.</td>
<td>• The RBWCD conducted numerous public meetings during development of their feasibility studies.</td>
</tr>
</tbody>
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Questions and Discussion
Reference Material
General Information - Process

A Desk Guide to Cooperating Agency Relationships
and Coordination with Intergovernmental Partners
2012
General Information – Water Law

CITIZEN’S GUIDE TO
Colorado Water Law
Fifth edition

CITIZEN’S GUIDE TO
Colorado’s Interstate Water Compacts
THIRD EDITION

PREPARED BY WATER EDUCATION COLORADO

PREPARED BY WATER EDUCATION COLORADO
Colorado Water Plan

Out for public comment thru 9/30/22