



**FINAL DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
BEAVER PARK RESERVOIR ADDITIONAL INUNDATION
U.S. FOREST SERVICE
TOWNSHIP 39N, RANGE 3E, SECTION 34
DIVIDE DISTRICT, RIO GRANDE NATIONAL FOREST
RIO GRANDE COUNTY, COLORADO**

DECISION

Based upon my review of the Beaver Park Reservoir Additional Inundation Environmental Assessment (EA), I have decided to implement the proposed action as modified by the project design feature described in the EA. Under the proposed action, a special use permit will be offered to Colorado Parks and Wildlife (CPW) for the inundation of 17.52 acres of National Forest System (NFS) land at the south end of Beaver Park Reservoir.

DECISION RATIONALE

The purpose of this initiative is to review an application by Colorado Parks and Wildlife (CPW) to inundate 17.52 acres of National Forest System (NFS) lands at the south end of Beaver Park Reservoir in Rio Grande County, Colorado. This action is needed because CPW is not authorized to occupy the NFS lands needed to store water up to its full decreed capacity at this reservoir.

The proposed action will meet the purpose and need. Effects to private land, the Beaver Park road (FSR 360), fisheries, recreation and cultural resources were considered in selecting the proposed action.

The primary concern raised during the scoping and comment period centered on the concomitant inundation of private land should the proposed action be selected. This potential impact to private land will be mitigated by the requirement that CPW demonstrate that it has a legal right to inundate private lands before the Forest Service issues a special use permit.

The proposed action as implemented balances its effects to private land with the acknowledgement of Beaver Park Reservoir's role in water administration in the San Luis Valley and Rio Grande river system.

The Beaver Park Reservoir Additional Inundation EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Rio Grande National Forest Schedule of Proposed Actions on December 3, 2014 and updated periodically during the analysis. The scoping and comment periods coincided. People were invited to review and comment on the proposal through a legal notice and press release in the newspaper of record (*Valley Courier*) published on November 26, 2014. A scoping letter and map were mailed out to interested parties on December 1, 2014. The EA lists agencies and people consulted on pages 12 and 13.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Rio Grande National Revised Forest Land and Resource Management Plan. The project was designed in conformance with forest-wide objectives and will move the Rio Grande towards its desired condition for cooperation with state partners to meet rural and local community needs. In addition, this action complies with the Native American Graves Protection and Repatriation Act, the National Historical Preservation Act, and the Title 36 of the Code of Federal Regulations, Part 251 Land Uses, Subpart B Special Uses.

The Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

OBJECTION OPPORTUNITIES

This decision was subject to objection pursuant to 36 CFR 218, and a legal notice of the opportunity to object was published on June 3, 2015, in the *The Valley Courier*, the RGNF newspaper of record, and sent to those who provided comments during the project's development. No objections were filed during the 45-day objection filing period.

IMPLEMENTATION DATE

The decision may be implemented immediately.

As identified in the project design criteria, no special use permit will be offered before CPW has documented its legal right to inundate the private land adjacent to the south end of Beaver Park Reservoir.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-

specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The environmental effects of the additional inundation are localized and will only be felt in the 17.52 acres inundated. The impacts to the private land which will be concomitantly inundated under the proposed action are mitigated by the project design criteria. Effects will not be felt at the forest, regional, or national levels.

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because State-required setbacks will be maintained at the boat ramp pit toilet. (See EA page 9)
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because there are no unique characteristics within the affected footprint. (See EA page 9)
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. (See EA page 9)
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. In addition, CPW has provided a risk assessment which confirms that the risk of the proposed action is low. (See EA page 9)
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** Federal regulations (36 CFR 251.50) require entities to obtain a special use authorization prior to conducting any use of NFS lands. This action follows this regulatory direction and does not set precedent for future actions with significant effects. (See EA page 9)
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The effects

of the action are limited to the local area and there are no other effects that would be additive to the effects of the proposed action. (See EA page 10)

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because the cultural resource survey that there was no effect to historic properties (See EA page 11). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because no eligible historic properties were documented. The Colorado State Historic Preservation Office concurred with these determinations on May 12, 2015. (See EA page 10)
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because there is no habitat impacted by the proposed action. (See EA page 10)
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 12). The action is consistent with the Rio Grande National Forest Revised Land and Resource Management Plan. (See EA page 11)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

CONTACT

For additional information concerning this decision, contact: Martha Williamson, Divide District Ranger, at 719.657.3321 or 13308 W Highway 160, Del Norte CO 81132.


Martha A Williamson

District Ranger

July 28, 2015
Date

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