

RECLAMATION

Managing Water in the West

Record of Decision for the Navajo Reservoir Operations, Navajo Unit - San Juan River New Mexico, Colorado, Utah Final Environmental Impact Statement



Summary of Action

The Bureau of Reclamation (Reclamation) has completed a final environmental impact statement (EIS) on the operation of Navajo Reservoir, Colorado River Storage Project, San Juan River, New Mexico, Colorado, and Utah. The proposed action is to operate Navajo Dam and Reservoir to meet Endangered Species Act (ESA) related Flow Recommendations for the San Juan River¹ or a reasonable alternative to those recommendations, in a manner which enables both current and future water depletions to proceed in compliance with the ESA. The EIS was prepared by Reclamation to provide sufficient releases of water at times, quantities, and durations believed to be necessary to conserve two endangered fish species, the Colorado pikeminnow (*Ptychocheilus lucius*) and the razorback sucker (*Xyrauchen texanus*) and their critical habitat, as recommended by the San Juan River Basin Recovery Implementation Program's (SJRBRIP)² Flow Recommendations, while protecting authorized purposes of the Navajo Unit. Reclamation's goal is to implement the proposed action and, at the same time, continue to protect all authorized purposes of the Colorado River Storage Project, including the Navajo Unit, and to protect Indian trust assets.

The Notice of Intent to prepare the EIS was published in the *Federal Register* on October 1, 1999, and described the purpose of the proposed action as “. . . to mimic the natural hydrograph of the [San Juan] river to create and maintain habitat and to maintain a healthy biological community in order to conserve populations of two endangered fishes, while maintaining the other authorized purposes of the Unit.” The EIS on Navajo Reservoir Operations was filed with the Environmental Protection Agency on April 20, 2006 (FES 06-06).

The EIS and this Record of Decision were prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality's regulations for implementing NEPA (40 CFR 1500-1508); the Department of the Interior's NEPA Implementing Procedures (516 DM 1-15); and Reclamation's NEPA Handbook. As the primary Federal agency responsible for the operation of Navajo Reservoir, Reclamation was the lead agency in preparing the EIS. Nineteen cooperating agencies, including Indian Tribes, Federal and state agencies, and water user organizations, participated in preparing the EIS.

¹ Holden, Paul B., comp., *Flow Recommendations for the San Juan River*. San Juan River Basin Recovery Implementation Program, Biology Committee. Albuquerque, NM: U.S. Fish and Wildlife Service, 1999.

² The SJRBRIP is a major cooperative effort among entities interested in the goals of recovery of endangered fish and provision for water use and development in the San Juan River Basin. In addition to Reclamation, participants include the U.S. Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, Jicarilla Apache Nation, water development interests, and the states of Colorado and New Mexico.

Reclamation's Decision

Reclamation's decision is to implement the Preferred Alternative, the 250/5000 Alternative, as described in the EIS. The preferred alternative, to the extent possible,³ implements criteria needed to assist in meeting the Flow Recommendations for the San Juan River and to assist both current and future water development in the San Juan River Basin to proceed in compliance with Federal and state laws, interstate compacts, and the ESA. The preferred alternative best protects Indian trust assets by facilitating present and future tribal water development. Navajo Reservoir will be operated so that releases range from 250 cubic feet per second (cfs) to 5,000 cfs. Flexibility will be retained to adjust release rates within this range to respond to new information, including any revision to the Flow Recommendations, as it becomes available. In making this decision, Reclamation has carefully reviewed the alternatives and their predicted environmental, economic, technical, and social impacts, and has considered the comments and concerns of agencies, tribes, organizations, and the public. This decision includes the potential for refinement of the Flow Recommendations based on relevant new information as may be gained through adaptive management.

Operating major water resources projects, like the Navajo Unit, is contingent on a number of factors, in addition to regulatory and statutory constraints, that are outside the control of Reclamation. Factors including hydrologic conditions, reservoir storage, runoff timing, forecasting inaccuracies, and gage errors all affect Reclamation's ability to meet the Flow Recommendations. Thus, built into this decision is the acknowledgement that Reclamation may not be able to precisely meet the Flow Recommendations 100 percent of the time, but the intent will be to operate in a manner that is consistent with the goals of the SJRBRIP.

Background and Associated Issues

Navajo Unit

Navajo Dam was completed in 1963 under the authority of the Colorado River Storage Project Act (CRSPA) to meet multiple water resource purposes. The dam is located on the San Juan River approximately 38 miles upstream from Farmington, New Mexico, and about 55 miles southeast of Durango, Colorado. The reservoir extends into both Colorado and New Mexico and has a maximum content of 1,701,300 acre feet (af), including an inactive pool of 625,675 af. During the irrigation season, the minimum operating level for the Navajo Indian Irrigation Project (NIIP) diversion intake is at elevation 5,990 feet, or about 662,000 af of storage; but the reservoir can be drawn down during the winter to elevation 5,985 feet, or about 626,000 af of storage, so long as storage recovers sufficiently prior to the NIIP irrigation season. Through a Federal Energy Regulatory Commission issued license and an agreement with Reclamation, the City of Farmington owns and operates a hydroelectric plant at Navajo Dam.

³ As described in the Biological Opinion and EIS.

Water development in New Mexico and Colorado supported by the Navajo Unit includes, but is not limited to, the San Juan-Chama Project; the NIIP; the Jicarilla Apache Nation Water Rights Settlement Act; and, as part of the Southern Ute and Ute Mountain Ute Indian Water Rights Settlement, development of the Animas-La Plata Project (ALP). Also included are numerous smaller water uses and the proposed Navajo-Gallup Water Supply Project. Navajo Reservoir also provides benefits of river regulation, water supply, flood control, recreation, fish and wildlife uses, and generation of hydroelectric power.

The United States has a trust responsibility to protect and maintain rights reserved by or granted to Indian Tribes by treaties, statutes, and executive orders. This trust responsibility requires that Federal agencies take actions reasonably necessary to protect Indian trust assets. The operation of Navajo Reservoir has the potential to affect Indian trust assets in the form of water rights. Indian trust assets exist for four federally recognized tribes within the San Juan River Basin: the Navajo Nation, the Jicarilla Apache Nation, the Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe. Several existing and proposed Indian water projects, including ALP and NIIP, depend on reoperation of Navajo Reservoir for ESA compliance; and if reoperation is not implemented, future Indian water development in the Basin might not proceed as planned and several existing projects could be affected as well. In addition to the NIIP, the proposed Navajo-Gallup Water Supply Project is a component of a water rights settlement proposed by the State of New Mexico and the Navajo Nation.

After initial filling of Navajo Reservoir, water management focused primarily on meeting NIIP irrigation needs, providing flood control, and maintaining relatively stable river flows. Spring peak flows in the San Juan River were substantially decreased (post-reservoir peaks averaged 54 percent of pre-reservoir peaks) and flows for the remainder of the year increased (August-February flows averaged 18 percent higher).

Endangered Species Issues

The catalyst for changing Navajo Reservoir operations was consultation with the U.S. Fish and Wildlife Service (Service) on the proposed construction of ALP, located in Colorado within the San Juan River Basin. The Service issued a draft Biological Opinion in 1990 concluding ALP would jeopardize the continued existence of the Colorado pikeminnow in the San Juan River and no reasonable and prudent alternative to avoid jeopardy was identified at that time. Subsequent hydrologic investigations suggested that flexibility in the operation of Navajo Dam could help offset the negative impacts of operating ALP.

Reclamation requested initiation of ESA consultation on the operation of Navajo Reservoir in 1991, and the Service concurred with a later request from Reclamation that consultation be extended while research was conducted on flow needs of the endangered fish. During the 1991-1998 research period, Reclamation operated Navajo Reservoir to provide test flows to mimic a natural hydrograph. The SJRBRIP directed research efforts. The SJRBRIP was established in 1992 to conserve San Juan River populations of Colorado pikeminnow and razorback sucker consistent with recovery goals for the species established by the Service, while providing measures for compliance with the ESA for water development and management activities in the San Juan River Basin conducted consistent with Federal and

state laws, including interstate compacts. The SJRBRIP includes elements to protect the genetic integrity of the endangered fish, to augment populations by stocking, to protect and restore habitat, to protect water quality, to address non-native fish competition, and to monitor endangered fish status and trends.

Following the research period, the SJRBRIP published the Flow Recommendations which generally call for a spring peak flow and certain base flows the remainder of the year. The recommendations suggest hydrology-based Navajo Reservoir operating criteria that provide for the flow variability to create and maintain habitat for the endangered fish. The recommendations integrate hydrology, geomorphology, habitat, and biology to define flow magnitude, duration, and frequency for the spring runoff and target base flows for the remainder of the year.

In 1994, critical habitat was designated for the Colorado pikeminnow on the San Juan River from Farmington to Lake Powell and for the razorback sucker from the Hogback Diversion, near Shiprock, to Lake Powell.

In June 2000, the Service prepared a new Biological Opinion that allowed the ALP Project to proceed, dependent on the following conservation measure: the operation of Navajo Reservoir to mimic the natural hydrograph of the San Juan River to benefit endangered fish species and their critical habitat. Mimicry of the natural hydrograph would be achieved by operating Navajo to follow the Flow Recommendations. Such reoperations would be subject to completion of the Navajo Reservoir Operations EIS and Record of Decision.

A Biological Assessment for Navajo operations was prepared by Reclamation under Section 7(c)(1) of the ESA and was provided to the Service in July 2003. The Service submitted their final Biological Opinion on the project to Reclamation on January 5, 2006.

Biological Opinions for other water projects in the San Juan Basin depend on the SJRBRIP, including the ability to operate Navajo Reservoir in a manner that helps to meet the Flow Recommendations. For example, completion of NIIP, the Public Service Company of New Mexico water contract with the Jicarilla Apache Nation, the Jicarilla Navajo River Project, Florida and Mancos Project water contracts, and unspecified minor depletions all depend on the SJRBRIP.

Flow Recommendations

The recommendations are for river flows downstream from the confluence of the Animas-San Juan Rivers at Farmington. A summary of flow recommendation criteria follows. The duration and frequency statistics for categories A-D are determined by modeling of projected basin depletions for the 1929-1993 period of hydrology.

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| A. Category: | Flows greater than 10,000 cfs during spring runoff |
| Duration: | A minimum of 5 days between March 1 and July 31 |
| Frequency: | 20% of years, with maximum interval of 11 years |

- B. Category: Flows greater than 8,000 cfs during runoff
 Duration: A minimum of 10 days between March 1 and July 31
 Frequency: 33% of years, with maximum interval of 7 years
- C. Category: Flows greater than 5,000 cfs during spring runoff
 Duration: A minimum of 21 days between March 1 and July 31
 Frequency: 50% of years, with maximum interval of 5 years
- D. Category: Flows greater than 2,500 cfs during spring runoff
 Duration: A minimum of 10 days between March 1 and July 31
 Frequency: 80% of years, with maximum interval of 3 years
- E. Category: Timing of peak flows
 Timing: Within 5 days of historical mean peak date of May 31 (on average, based on modeling for the period 1929-1993).
- F. Category: Target base flows (mean weekly)
 Level: 500 cfs target; range 500-1,000 cfs (actual target base flows measured as the average of the weekly base flows at three of four streamflow gaging stations on the San Juan River in accordance with the Biological Opinion.
- G. Category: Flood control releases
 Control: Handle as a high magnitude, short duration spike and release when flood control rules require, except that the release shall not occur earlier than September 1 unless necessary for protection of life and property.

The SJRBRIP is in the process of reevaluating the Flow Recommendations based on extension of the hydrologic record through at least 2000 and on new habitat and biological response data collected and analyzed after 1998. Any revisions to the Flow Recommendations, in combination with anticipated development of interstate compact allocations, will likely require the flexibility to adjust Navajo Dam releases between a minimum of 250 cfs and a maximum of 5,000 cfs consistent with the preferred alternative of the EIS. If revisions to the Flow Recommendations were outside the scope of the EIS, further evaluation under NEPA would be necessary.

Alternatives Considered in the EIS

The purpose of modifying the operations of Navajo Reservoir is to provide sufficient releases of water at times, quantities, and durations believed to be needed to conserve the two endangered fish species and their designated critical habitat, in concert with other recovery actions. The need for a plan to modify operations has resulted from previous ESA consultations on San Juan River Basin projects and the requirement for Reclamation to comply with the ESA for and through discretionary actions that affect endangered species.

Three alternatives were fully considered in the EIS: no action, 250/5000 alternative, and the 500/5000 alternative.

No Action Alternative

Under this alternative, Navajo Reservoir would be operated as it was prior to the 1990's research flows. Operations to mimic a natural hydrograph or to provide spring peaks would not be implemented. Minimum releases would be 500 cfs and planned spring releases of 5,000 cfs would not occur. This alternative would not meet the Flow Recommendations. It would continue to benefit the tailwater trout fishery, operation of irrigation diversions, recreation, and hydropower.

The No Action Alternative would adversely affect Indian trust assets. It would likely jeopardize the continued existence of endangered fish and could also require reconsultation with the Service for the ALP and other projects. Consequently, that portion of the Ute Mountain Ute and Southern Ute Indian Tribes' water right settlement provided under ALP might not be met as planned and the settlement might be compromised. This could adversely affect non-Indian water users as well. The No Action Alternative would put the operation and completion of NIIP at risk and could require reconsultation under the ESA. Future Navajo Nation water development could also be adversely affected. Similarly, the Jicarilla Apache Nation's Navajo River Project and their third-party contract with New Mexico Public Service for the San Juan Generating Station and other Navajo Reservoir supply contracts serviced by the Jicarilla Nation could also be compromised. Further, the proposed Navajo-Gallup Water Supply Project might not be able to proceed as planned, thus compromising the proposed Navajo Nation Water Rights Settlement with the State of New Mexico in the San Juan River Basin. Other projects that rely on Navajo Reservoir operations for ESA compliance might also require reconsultation.

250/5000 Alternative (Preferred)

This alternative would have a range of releases between 250 and 5,000 cfs and would meet the Flow Recommendations within the constraints of CRSPA purposes and hydrologic conditions. This alternative also provides operational flexibility to reduce environmental impacts as well as to address extreme hydrologic conditions. The Flow Recommendations would be followed to provide recommended spring peak frequencies, quantities, and durations, and also target base flows. CRSPA authorized purposes would also be maintained and Indian trust assets protected. The alternative would support water projects with ESA consultation dependent on Navajo Reservoir operations. The 250/5000 Alternative would have significant impacts on certain resources such as the downstream trout fishery, recreation, and hydropower. This alternative was designated the preferred alternative in the EIS.

500/5000 Alternative

This alternative would have a range of releases between 500 and 5,000 cfs. It was developed because of the strong public interest in maintaining a minimum release of 500 cfs to continue

to benefit resources such as recreation, the downstream trout fishery, hydropower, and water quality. This alternative would not fully meet the Flow Recommendations because sufficient water supplies would not be stored to provide recommended spring peaks. In addition, less of the states' interstate compact allocations might be considered to be available for development. The 500/5000 Alternative would likely jeopardize the continued existence of the endangered fish and thus could also require reconsultation with the Service for the ALP Project and other projects that rely on the SJRBRIP and the associated Navajo Reservoir operations for ESA compliance.

Environmentally Preferred Alternative

Based on the analysis in the EIS, the 250/5000 Alternative is the Environmentally Preferred Alternative. The decision is to implement the 250/5000 Alternative. The 250/5000 Alternative helps mimic a natural hydrograph for the San Juan River and because of this is considered the Environmentally Preferred Alternative. The natural hydrograph is projected to benefit river habitat, native riparian areas and associated vegetation and wildlife, and native fish.

Basis of Decision and Issues Evaluated

Key elements in evaluating alternatives were the degree to which alternatives met Flow Recommendations, maintained CRSPA purposes, and protected Indian trust assets. The 250/5000 Alternative has been selected as the Preferred Alternative and the Environmentally Preferred Alternative because it is the only alternative that meets Flow Recommendations while maintaining an adequate water supply to continue providing CRSPA authorized purposes. This alternative best meets the purpose and need and best protects Indian trust assets. Positive impacts would occur for Indian water projects and settlements because the 250/5000 Alternative supports ESA compliance for existing and future water uses and the SJRBRIP. The 250/5000 Alternative provides the best potential for future water development and maintains ESA compliance for water projects in the San Juan River Basin such as NIIP, ALP, and existing and future Navajo Nation and Jicarilla Apache Nation water uses.

It is recognized in the EIS that the 250/5000 Alternative has significant adverse effects on the trout fishery downstream from Navajo Dam and also adversely affects river recreation (trout fishing and rafting), hydropower production, irrigators' ability to divert water, and water quality. While there are negative economic effects associated with adverse effects on these resources, the 250/5000 Alternative protects existing and planned water uses in the San Juan River Basin which have significant economic benefits.

As discussed in the EIS and Biological Opinion, the 250/5000 Alternative would provide flexibility at certain times for limited durations to increase minimum releases during the irrigation season to reduce impacts to downstream resources and water uses. This flexibility derives from water committed for future development but not currently used and from other operational and/or hydrological factors and will be available in many, but not all years. When possible, the release of this water will be incorporated into operations to augment the

250 cfs minimum release during the irrigation season. The availability and use of flexibility will be addressed at the Navajo Reservoir operation meetings and reviewed throughout the year using modeling and forecasting tools. Using this approach, and notwithstanding factors that are beyond Reclamation's control, Reclamation would operate the reservoir consistent with the goals of the SJRBRIP and would exercise flexibility in such a way as to avoid impacts to the magnitude and duration of spring peak releases planned for in the Flow Recommendations. This flexibility will be reduced as the use of approved but not fully developed projects increases. Flexibility will not create a risk of shortages of Navajo Reservoir supplies and will not be considered a release of storage water to downstream senior water rights.

The Service's final Biological Opinion on the preferred alternative concluded this action would not jeopardize the continued existence of threatened and endangered species nor adversely modify critical habitat. The bald eagle and southwestern willow flycatcher may be affected, but not likely adversely affected. Concerning the Colorado pikeminnow and razorback sucker, the Service concluded that these fish may be affected and are likely to be adversely affected. These determinations were based on the adverse effects of reservoir operations continued into the future and not on the implementation of the Flow Recommendations. The Service concluded that meeting the Flow Recommendations should prove beneficial for the endangered fish.

In its opinion, the Service determined that the level of anticipated take is not likely to result in jeopardy to the razorback sucker and Colorado pikeminnow nor would the Preferred Alternative cause destruction or adverse modification of their critical habitat. Two Reasonable and Prudent Measures and two Terms and Conditions were included in the opinion and are adopted as environmental commitments.

The following paragraphs describe the Department of the Interior's basis and authority for this decision. The authority to implement the preferred alternative is found in Section 1 of CRSPA. This section states:

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semi-arid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Wayne N. Aspinall, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon . . . [43 U.S.C. § 620].

The Colorado River Compact of 1922 established an Upper Basin and a Lower Basin within the Colorado River system and apportioned the exclusive beneficial consumptive use of Colorado River water in perpetuity to the Upper and Lower Basins. The Upper Colorado River Basin Compact of 1948 apportioned the Upper Basin's share of the Colorado River system among the states of Colorado, Utah, Arizona, Wyoming, and New Mexico. The CRSPA was enacted in 1956 to facilitate the development of the water and power resources of the Upper Basin consistent with the Compacts.

The SJRBRIP was developed to facilitate the continued development of states' Compact apportionments in light of ESA concerns. The goal of the SJRBRIP, therefore, is to conserve the San Juan River populations of endangered fish species consistent with the recovery goals of the species published by the Service, while proceeding with the continued operation and development of both Indian and non-Indian water resources of the San Juan River Basin. All SJRBRIP participants, agreeing that recovery to the point of de-listing will both facilitate and ensure the continued development of water resources, have agreed with the principles and goals of the SJRBRIP through their participation in and support of program activities. In addition to its recovery objectives, the SJRBRIP includes an agreement on principles for conducting ESA Section 7 consultations, wherein program actions and sufficient progress toward recovery constitute a Reasonable and Prudent Alternative for existing and future water resource management and development activities that are likely to jeopardize the continued existence of endangered fish species or cause the destruction of or adverse modification of critical habitat of those species.

The SJRBRIP's Flow Recommendations, in concert with other program actions, are intended to avoid jeopardy and assist in recovery. By implementing actions that assist in meeting the Flow Recommendations, Reclamation is taking the steps necessary to avoid jeopardizing the continued existence of the endangered fish from the operation of Navajo Dam and to voluntarily and cooperatively take steps to facilitate recovery of the fish, which, in turn, will support the continued and further utilization of the Federal facilities to aid in the development of the states' Compact apportionments. Thus, consistent with the authorized purposes of CRSPA, implementation of the Flow Recommendations supports the states in the utilization of their Compact apportionment while assisting in the recovery of endangered species. Moreover, that specific authorized purposes of the Navajo Unit may not be fully maximized for limited durations in certain year types does not invalidate the actions of the Secretary of the Interior, as long as the overall purposes of CRSPA are met. And we expect in this instance, these purposes will be met.

This action is limited to the proposition that both avoiding jeopardy and making progress toward recovery of listed fish facilitate the ability of the San Juan Basin states to continue utilizing and further developing their Colorado River apportionments. It is not a decision that reads CRSPA as generally authorizing the release of water for fish and wildlife purposes. In these particular and unique circumstances, therefore, we conclude the implementation of an operations regime that is consistent with the Preferred Alternative is deemed to be within the authorization contained in Section 1 of CRSPA.

Environmental Commitments

All practicable means to avoid or minimize environmental harm have been included in the Preferred Alternative and are summarized below:

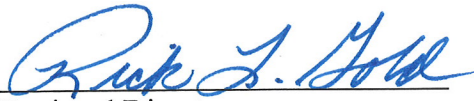
1. Reclamation will follow the Reasonable and Prudent Measures as well as the Terms and Conditions in the Biological Opinion on the project.
2. Navajo Reservoir will be operated to assist in meeting spring peak and annual base flows as described in the Biological Opinion which may be amended from time to time through the SJRBRIP adaptive management process. Release changes will be limited to increments of 200 cfs or 10 percent of flow, whichever is higher, every 2 hours. Base flows and spring peaks will be monitored with U.S. Geological Service gages as described in the EIS and Biological Opinion.
3. Public operation meetings for Navajo Reservoir will continue to be held 3 times per year to provide information to and receive input from stakeholders and the public on operations and other water-related activities.
4. Currently, some flexibility in reservoir releases exists because water committed under present water rights and/or future development is not fully used. This may be a significant amount of water in some, but not all, years. The release of this water will be incorporated into operations to augment the minimum 250 cfs release during the irrigation season with a goal of minimum releases of 350 cfs. The release of this additional water will help alleviate adverse effects on the trout fishery, river recreation, hydropower, irrigators' ability to divert, and water quality. The use of this additional water will be discussed at Navajo Reservoir operation meetings. As noted previously, the flexibility to augment minimum releases will diminish as committed water that is unused becomes developed. The impacts of the release of this additional water will be carefully monitored, particularly as depletions increase in the future.
5. Severe droughts, with anticipated shortages to Navajo Reservoir water users, will be addressed according to the shortage sharing provisions of Section 11 of Public Law 87-483, or through cooperative water sharing agreements, provided such agreements do not violate Section 11. Operational changes in severe droughts could include temporary modifications to normal operations of the reservoir and potential short-term modifications in spring peak release criteria or the target base flows in the Flow Recommendations. In periods of extreme, multi-year droughts, releases from Navajo Reservoir may have to be reduced below 250 cfs to match the inflow to the reservoir. This would not occur until after Reclamation has completed additional environmental review and coordination with the Indian Tribes and Nations, the Service, the State of New Mexico, and the public.
6. Reclamation will retain the ability to modify planned releases in order to complete extraordinary maintenance, address emergency situations, and complete safety of dam activities that may be required in the future.

7. Reclamation will coordinate with the Corps of Engineers and the National Weather Service as well as with local agencies to assist in reducing potential flooding problems that could result from combinations of spring peak releases and downstream flash floods.
8. Reclamation will carry on its activities in a manner which protects Indian trust assets and avoids adverse impacts to Indian trust assets when possible. Positive effects to Indian trust assets are anticipated from the Preferred Alternative which supports water projects that have received environmental clearance and potentially for others currently undergoing environmental review.
9. Reclamation will continue to participate in and support the SJRBRIP. Monitoring endangered fish populations and habitat responses to the new operations will be conducted by the SJRBRIP. Recovery goals for the two endangered fish species and criteria for measuring positive population responses of the species are addressed in the Navajo Operations Biological Opinion. If, based on SJRBRIP monitoring results, there are not positive population responses in the time frames outlined in the recovery goals and in the positive population response criteria, reinitiation of ESA consultation may be required by the Service.
10. Reclamation will participate with the New Mexico Game and Fish Department and other agencies in planning and implementing instream measures to reduce adverse impacts to the trout fishery resulting from lower minimum flows. Specifically, Reclamation can provide technical assistance and use of Reclamation lands for habitat improvement projects.
11. Lands associated with the Navajo Unit have potential for long-term habitat for the southwestern willow flycatcher. The lands downstream from Navajo Dam are of particular interest because the habitat has strong potential for long-term stability and management. Potential habitat in inflow areas is subject to seasonal reservoir level fluctuations. Reclamation will develop and implement a flycatcher management plan on Unit lands to protect and improve flycatcher habitat.
12. While the Preferred Alternative results in slightly lower impacts (in comparison to other alternatives) to cultural resources on the reservoir shoreline, fluctuations of Navajo Reservoir continue to result in adverse impacts. Reclamation is committed to implementing a cultural resources program to address the impacts of reservoir fluctuation. An initial goal will be to prepare and implement a Cultural Resource Management Plan in consultation with the State Historic Preservation Officers of Colorado and New Mexico and other consulting parties such as Indian Tribes.

Implementation

Reclamation will implement the operating criteria contained in the Preferred Alternative beginning 30 days after issuance of this Record of Decision.

Approved:

A handwritten signature in blue ink, reading "Rick J. Gold", written over a horizontal line.

Regional Director
Bureau of Reclamation, Upper Colorado Region
Salt Lake City, Utah

7-31-06

Date