# Bureau of Reclamation

# WaterSMART Drought Resiliency Projects

# for Fiscal Year 2024

# (R24AS00007)

# Southern Ute Indian Tribe Proposal

# Drought Resiliency Project: Long-Crested Weirs

# 11/6/2023

**Southern Ute Water Resources Division**

**P.O. Box 737 Ignacio, CO 81137**

**(970)-563-2930**

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**Attachment A:** Pine River Canal Long-Crested Weirs 60% Conceptual Engineering Designs
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# Technical Proposal and Evaluation Criteria

## Executive Summary

Applicant Information
*Applicant name:* Southern Ute Indian Tribe - Water Resources Division (WRD)
*Date:* August 29, 2023
*Project Name:* Drought Resiliency Project: Long-Crested Weirs
*City, State, County:* Ignacio, Colorado, La Plata County
*Applicant Category:* Category A-Tribe
*Task A:* Increasing the Reliability of Water Supplies Through Infrastructure Improvements
*Funding Group III:* Up to $5,000,000.00

The Southern Ute Indian Tribe is a Federally recognized tribe and will be coordinating work on this project with the Pine River Canal Company and Bureau of Indian Affairs.

## Project Summary

*A one-paragraph project summary that provides the location of the project, a brief description of the work that will be carried out, any partners involved, and recent drought conditions in your project area. Describe how this project is expected to help alleviate impacts of those conditions or other concerns in the area. Identify any plans or other planning documents that support the project.*

The proposed project is located on the Pine River Canal (PRC) which is a non-Bureau of Indian Affairs (BIA) canal located in southwest Colorado in La Plata County near the cities of Bayfield and Ignacio. The PRC diverts irrigation water off the Pine River and carries a significant amount of water to Southern Ute Indian Tribe (Tribe) Tribal lands within the Pine River Indian Irrigation Project (PRIIP). The PRC delivers Tribal water (~40 cfs) and non-tribal water (~220 cfs) to approximately 3,846 acres of irrigable land. Tribal laterals that divert off the PRC are dependent on junior, non-tribal water being present in the PRC. If junior, non-tribal water is not delivered down the PRC during drought years, the water level of the Tribal water alone is insufficient for diversion and can result in a “futile call”. Only one Tribal diversion, the Indian Spring Creek Lateral, has a check structure downstream which can be utilized to deliver water into the lateral. However, the check structure downstream of the Indian Spring Creek Lateral is in poor condition and a safety hazard. The Ute Creek Lateral, Julian Lateral, Weaver Lateral, Phetteplace Lateral, Cloud Lateral, and East Side Lateral do not have check structures downstream of their headings. These laterals cannot efficiently pull water when only Tribal water is flowing in the PRC. Tribal water rights are 1$^{st}$ priority in the Pine River whereas PRC water rights are 26$^{th}$. Recent drying trends in the region have resulted in the PRC going out of priority and exhausting all its Vallecito Reservoir storage water. When this happens, Tribal laterals without check structures cannot divert water and are typically turned off. In past severe drought years, the BIA chose to shut the entire PRIIP down because water was undeliverable in the PRC due to lack of non-tribal water. When the BIA shut the PRIIP down, it put non-tribal water users on the Pine River,

whose water rights are junior to the Tribe, back in priority. This created a situation where Tribal irrigators, who have the senior water right, were forced to stop irrigating while their non-tribal neighbors, who have the junior water right, were able to start irrigating again. The Tribe is proposing to contract an engineer to finalize designs for six long-crested weirs (weir) and construct the weirs on the PRC downstream of the following Tribal lateral headings: Indian Spring Creek Lateral, Julian Lateral, Weaver Lateral, Phetteplace Lateral, Cloud Lateral, and East Side Lateral. The Tribe received funding through a FY22 BOR NAAP Drought Mitigation grant to design and construct a weir downstream of the Ute Creek Lateral. The Tribe wants to finalize weir designs and construct weirs on the six remaining PRC Tribal laterals for the benefit of the Tribe during drought years. The weirs will mitigate drought by allowing the laterals to divert their allocated amount of water even during dry years when the PRC is out of priority on the Pine River. Finalizing six weir designs and construction will take three years to complete with an approximate completion date of May 2027.

## Length of Time and Estimated Completion Date

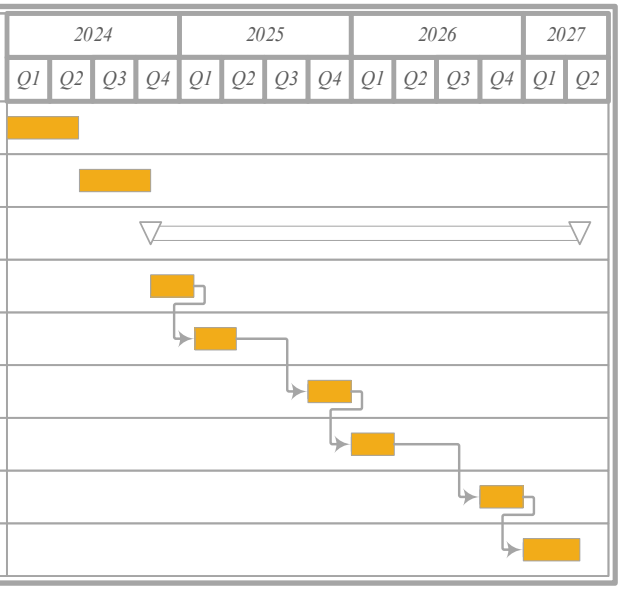
*State the length of time and estimated completion date for the proposed project including the construction start date (mm/yr). Note: proposed projects should not have an estimated construction start date that is prior to October 31, 2024.*

1. **Project Permitting/Planning**: The necessary permissions, permits, and planning for engineering design finalization will be conducted by the WRD and take approximately 4 months.
2. **Construction Contracting**: Construction contracting will be conducted by the WRD and take approximately 5 months.
3. **Construction**: Construction will take approximately 32.5 months starting with the diversion furthest upstream. Construction must not interfere with irrigation season and is dependent on weather conditions.
4. **Indian Spring Creek Long-Crested Weir:** Anticipated completion is 3 months (Q4 2024 – Q1 2025).
5. **Julian Lateral Long-Crested Weir:** Anticipated completion is 3 months (Q1 2025 – Q2 2025).
6. **Weaver Lateral Long-Crested Weir:** Anticipated completion is 3 months (Q4 2025).
7. **Phetteplace Lateral Long-Crested Weir:** Anticipated completion is 3 months (Q1 2026).
8. **Cloud Lateral Long-Crested Weir:** Anticipated completion is 3 months (Q4 2026).
9. **East Side Lateral Long-Crested Weir:** Anticipated completion is 4 months (Q1 – Q2 2027).

Total time to implement project: Approximately 3 years (Table 1).

**Table 1:** Proposed Project Schedule

| | Milestone Name | Start | Finish | Duration |
|---|---|---|---|---|
| 1 | Project Permitting and Planning | 1/1/2024 | 5/31/2024 | 22w |
| 2 | Construction Contracting | 6/3/2024 | 10/31/2024 | 21.8w |
| 3 | **Construction** | **11/1/2024** | **4/30/2027** | **130.2w** |
| 4 | Indian Springs Creek Long Crested Weir (1) | 11/1/2024 | 1/31/2025 | 13.2w |
| 5 | Julian Lateral Long Crested Weir (2) | 2/3/2025 | 5/1/2025 | 12.8w |
| 6 | Weaver Lateral Long Crested Weir (3) | 10/1/2025 | 12/31/2025 | 13.2w |
| 7 | Phetteplace Lateral Long Crested Weir (4) | 1/1/2026 | 4/1/2026 | 13w |
| 8 | Cloud Lateral Long Crested Weir (5) | 10/1/2026 | 12/31/2026 | 13.2w |
| 9 | East Side Lateral Long Crested Weir (6) | 1/1/2027 | 4/30/2027 | 17.2w |




## Federal Facility

*Whether or not the proposed project is located on a Federal facility.*

No, the proposed project is not on a Federal facility. The project is located on the Pine River Canal which is a ditch owned by a non-profit ditch company, Pine River Canal Company, that carries Tribal water to Tribal diversions.

## Background Information:

*Provide relevant background information about the applicant and service area such as services provided, population served, irrigated acres served, crops grown in the project area, etc. Include details regarding the applicant's or applicant partner's water supplies. This should include water delivered or diverted from all water sources including water supply contracts, water rights, applicant or partner owned wells, and any other long-term water supplies that are part of the water use portfolio (e.g., drainage from upstream users, reclaimed/recycled water, water transfer agreements, etc.). Include the total amount of water available in an unconstrained year (in acre-feet) and the 10-year average annual water supply (in acre-feet).*

The PRC carries approximately 45 cfs of Tribal water to seven Tribal diversions within the PRIIP (Table 2 and Figure 1). This Tribal water, along with ~180 cfs of non-tribal water, serves approximately 3,846 acres of Tribal and non-tribal irrigable land. The Tribe has senior, Federally Reserved water rights in the Pine River. The Tribe's irrigation water in the Pine River is diverted in the PRC and then diverted into Tribal diversions (Figure 1). The Tribe has a contract with the Pine River Canal Company to carry and delivery their irrigation water through the PRC to Tribal diversions. The Tribe has the most senior water rights in the Pine River which allows them to have a reliable water source during times of drought. Tribal members typically grow grass and alfalfa

hay for pasture and feed for livestock which supplements their livelihood. In an unconstrained year, the total Tribal water carried in the PRC is approximately 36,200 acre-feet and 362,000 acre-feet for a 10-year average annual water supply.

**Table 2:** PRC Tribal Laterals and their allocated amount of water in cubic feet per second (cfs).

| **Pine River Canal Tribal Laterals** | |
|---|---|
| **Lateral** | **CFS** |
| Ute Creek | 9.78 |
| Indian Spring Creek | 18.95 |
| Julian | 3.28 |
| Weaver | 1.03 |
| Phetteplace | 1.33 |
| Cloud | 1.22 |
| East Side | 9.67 |

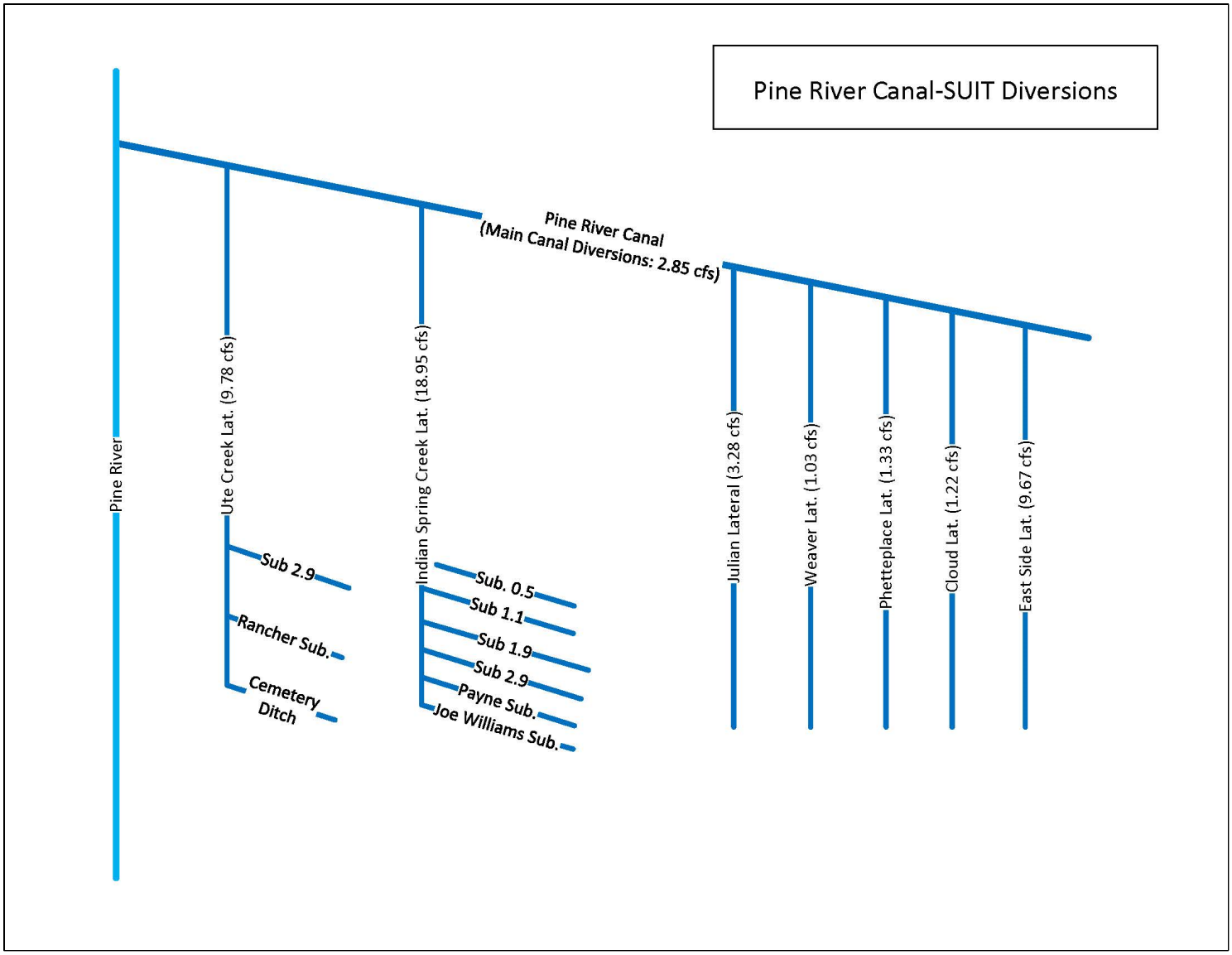



**Figure 1:** Straight Line Diagram of Tribal diversions off PRC.

## Project Location

*Provide specific information on the proposed project location or project area, including a map showing the geographic location. For example, [project name] is located in [county and state] approximately [distance] miles [direction, e.g., northeast] of [nearest town]. The project latitude is {##°##'N} and longitude is {###°##'W}.*

The Drought Resiliency Project: Long-Crested Weirs is located in La Plata County, Colorado on the Southern Ute Indian Tribe reservation in southwest Colorado, approximately 4 miles east of Ignacio, Colorado (Figures 2 and 3). The project coordinates are shown below (Table 3).

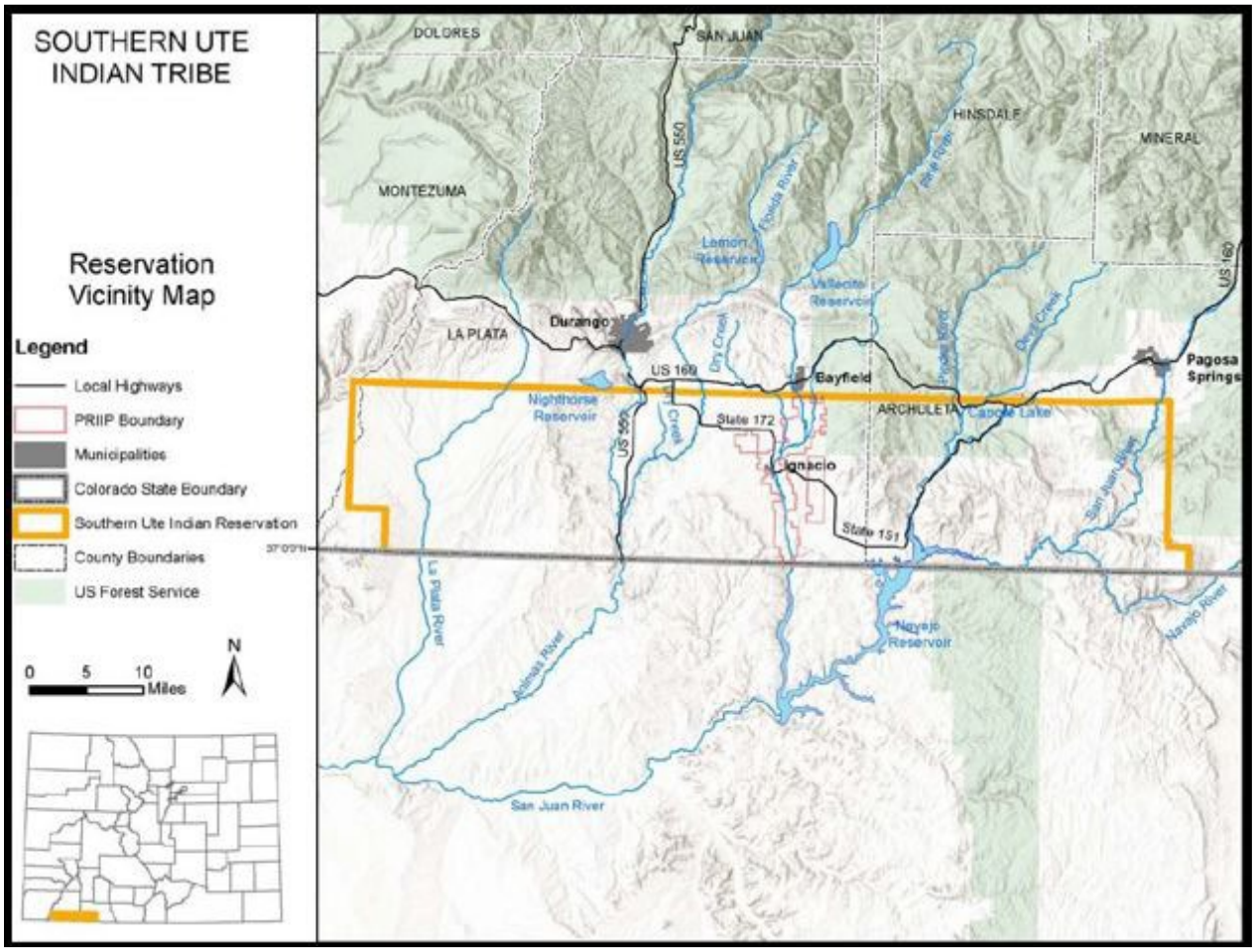



**Figure 2:** Location of the Southern Ute Indian Tribe's reservation.

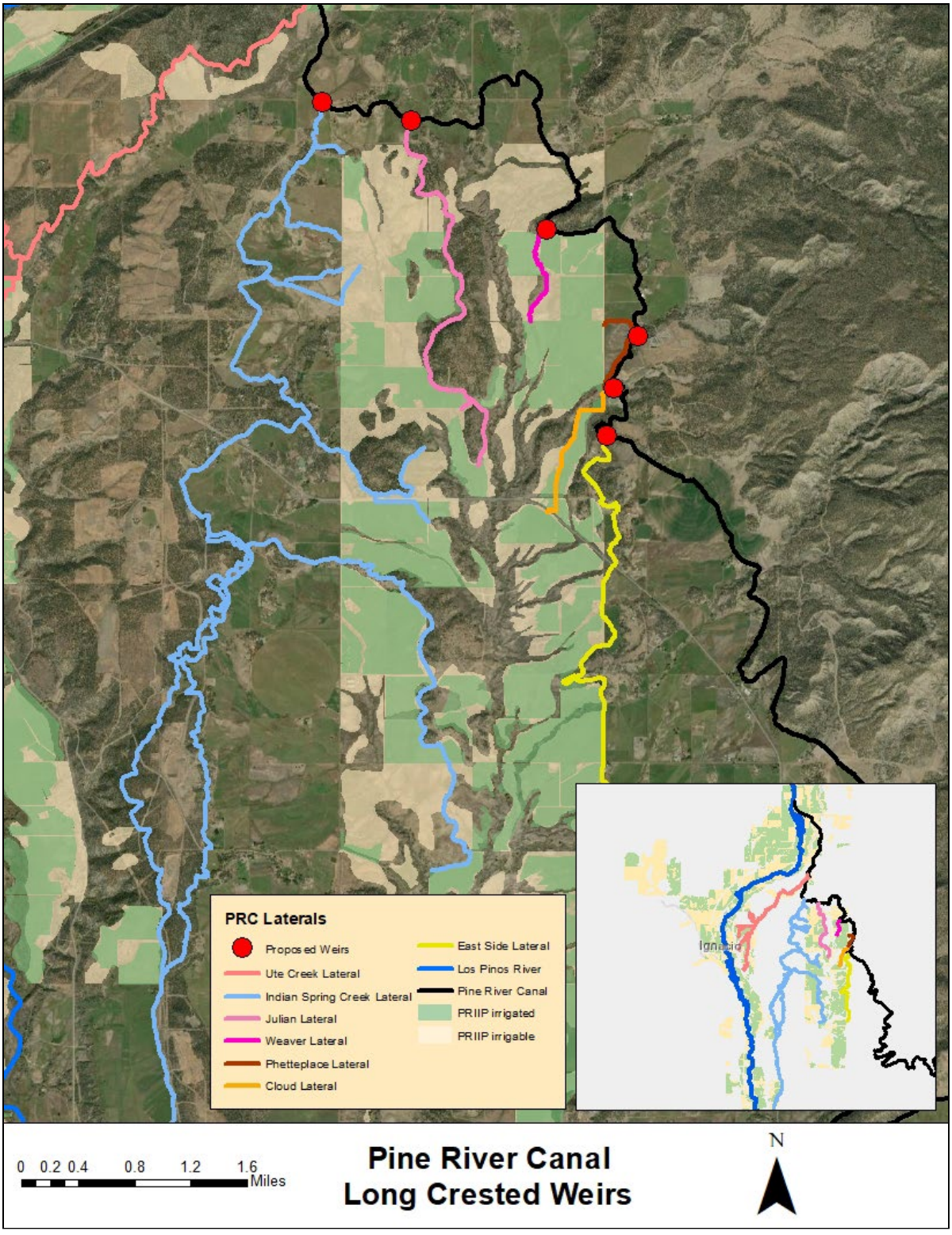



**Figure 3:** Locations of Long-Crested Weirs for the proposed project.

**Table 3:** Latitude and Longitude for Tribal Lateral headings off PRC.

| Pine River Canal Tribal Headings: | |
|---|---|
| **Lateral** | **Latitude/Longitude** |
| Ute Creek | 37.153336/-107.578520 |
| Indian Spring Creek | 37.140150/-107.579734 |
| Julian | 37.138371/-107.570507 |
| Weaver | 37.129407/-107.556903 |
| Phetteplace | 37.121229/-107.550871 |
| Cloud | 37.116590/-107.549587 |
| East Side | 37.112551/-107.550871 |

## Project Description

*Provide a more comprehensive description of the technical aspects of your project, including the work to be accomplished and the approach to complete the work. This description should provide detailed information about the project including materials and equipment and the work to be conducted to complete the project. This section provides an opportunity for the applicant to provide a clear description of the technical nature of the project and to address any aspect of the project that reviewers may need additional information to understand.*

The Tribe currently has 60% conceptual engineering designs for the six proposed long-crested weirs on the PRC (Attachment A). The six designs were created through partnership with BIA, the Irrigation Training and Research Center (ITRC) from California Polytechnic State University, and the Tribe. The preliminary designs propose long-crested weirs be built downstream of the following Tribal diversions: Indian Spring Creek, Julian, Weaver, Phetteplace, Cloud, and East Side. These weirs will be concrete structures formed and poured on-site. New headgates and sluice gates will be installed after concrete is cured and hardened. Flash boards will also be installed on the top edges of the weir structures. Hand and safety rails will be installed to ensure operational safety of the structure. The weir's design is to increase surface area and to check water levels up upstream of Tribal diversions to allow for sufficient Tribal water to be diverted during low flows when PRC shuts down (Attachment B). Having finalized preliminary designs and construction dollars will allow the Tribe to be prepared for drought vulnerability of these six diversions during low flows in the PRC. In 2018, the Tribe developed a Drought Management Plan which documented drought vulnerability of Tribal laterals served by PRC (Attachment C).

## Performance Measures:

*All applicants are required to propose a brief summary describing the performance measure that will be used to quantify actual benefits upon completion of the project.*

*Quantifying project benefits is an important means to determine the relative effectiveness of various water management efforts, as well as the overall effectiveness of the project.*

Benefits of the design, construction, and operation of the six proposed long-crested weirs are to allow the Tribal diversions on the Pine River Canal (PRC) to pull their full allocation of water during low flow drought years when the junior water rights in the PRC have been curtailed and/or shut off. In drought years like 2018, the PRC ran out of its allocated storage water and were forced to shut down about two months earlier than normal. This significantly reduced the water level of the PRC when only Tribal water remained. The long-crested weirs would provide a mechanism for increasing water levels to maintain enough head pressure for each Tribal diversion to divert its full allocation. Long-crested weirs also reduce the variability of water depth at a wide range of flows within the canal, and when operated correctly, floating debris is passed over the weir.

## Responses to Evaluation Criteria

### Evaluation Criterion A—Project Benefits (30 points)

**Sub-Criterion A1.a: Adds to Available Water Supplies:**

**Drought Resiliency Projects Tasks A-C:**

- *How will the project build long-term resilience to drought? How many years will the project continue to provide benefits?*
  The project will build long-term resilience to drought by allowing the Tribe to use its full, Federally Reserved water rights allocation in the PRC during drought years. The project will continue to provide benefits for at least 60 years based on the life span of concrete.

- *What percentage of the total water supply does the additional water supply represent? How was this estimate calculated?*
  This project does not add additional water supply but does protect existing supplies during drought.

- *What is the estimated quantity of additional supply the project will provide and how was this estimate calculated? Provide this quantity in acre-feet per year as the average annual benefit over ten years (e.g., if the project captures flood flows in wet years, state this and provide the average benefit over ten years or longer including dry years).*
  This project does not add additional water supply but does protect existing supplies during drought.

- *Provide a qualitative description of the degree/significance of the benefits associated with the additional water supplies.*
  The benefits associated with additional water supplies from the project include significantly improving the Tribe's ability to manage, deliver, and protect their

Federally Reserved water right usage in the PRC during drought years. It is important for Tribal irrigators on the PRIIP to be able to access their water supplies during drought years both financially and as a way of life.

**Sub-Criterion A1.b: Water Better Managed:**

- *How will the project build long-term resilience to drought? How many years will the project continue to provide benefits?*
  The project will build long-term resilience to drought by allowing a mechanism for the Tribe to use its full, Federally Reserved water rights allocation in the PRC during drought years. The project will continue to provide benefits for at least 60 years based on the life span of concrete.

- *How will the project improve the management of water supplies? For example, will the project increase efficiency, increase operational flexibility, or facilitate water marketing (e.g., improve the ability to deliver water during drought or access other sources of supply)? If so, how will the project increase efficiency or operational flexibility?*
  The project will improve management of the Tribe's water supply by increasing efficiency of water delivery to Tribal diversions on the PRC by maintaining a consistent water level when flows in the canal fluctuate during drought and low flow years. If the PRC shuts down, the long-crested weirs will allow the remaining Tribal water in the canal to be diverted into Tribal laterals allowing Tribal members to continue using their senior water rights for irrigation.

- *What is the estimated quantity of water that will be better managed as a result of this project? How was this estimate calculated? Provide this quantity in **acre-feet per year** as the average annual benefit over ten years (e.g., if the project captures flood flows in wet years, state this and provide the average benefit over ten years or longer including dry years).*
  The estimated quantity of water that will be better managed as a result of this project is approximately 36,200 acre-feet per year and approximately 362,000 acre-feet over a 10-year period. This estimate was calculated based on the current amount of water the Tribe diverts off the PRC. The PRC only catches flood flows when it rains a significant amount in surrounding areas. If flood flows occur, the project is designed to increase surface area in the PRC to be able to handle any extra flood waters which provides further benefits during irrigation season.

- *What percentage of the total water supply does the water better managed represent? How was this estimate calculated?*
  The water better managed represents approximately 24% of the total water supply. This percentage is based on the Tribe's total water allocation in the PRC (45.26 CFS) divided by the maximum carrying capacity of the water for PRC (186.29 CFS).

- *Provide a qualitative description of the degree/significance of anticipated water management benefits.*

The significance of anticipated water management benefits (increased water delivery efficiency and reliability) is that the Tribe will be able to receive its full allocation of irrigation water in the PRC during drought years. It is important for irrigators on the PRIIP to be able to access their water supplies during drought years both financially and as a way of life.

- *Will the project make new information available to water managers? If so, what is that information and how will it improve water management?*
  Yes, the project will make new information available to water managers. Water managers will see firsthand the benefits of how long-crested weirs operate and increase water delivery efficiency and reliability. This project will be an example for water managers to possibly implement similar projects on other diversions and canals.

**Saltwater Barriers:**

- *What supply of water is the barrier protecting and to what degree is the comprehensive protection?*
  The project is not related to saltwater barriers.

- *What is the protected water supply mainly used for?*
  The project is not related to saltwater barriers.

**Wells:**

- *What is the estimated capacity of the new well(s), and how was the estimate calculated?*
  The project is not related to wells.

- *How much water do you plan to extract through the well(s), and how does this fit within and comply state or local laws, ordinances, or other groundwater governance structures applicable to the area?*
  The project is not related to well extraction or groundwater governance.

- *Will the well be used as a primary supply or supplemental supply when there is a lack of surface supplies?*
  The project is not related to wells.

- *Does the applicant participate in an active recharge program contributing to groundwater sustainability?*
  The applicant does not participate in an active recharge program contributing to groundwater sustainability. However, many of the earthen ditches on the PRIIP seep which inadvertently contributes to groundwater sustainability.

- *Provide information documenting that proposed well(s) will not adversely impact the aquifer it/they are pumping from (overdraft or land subsidence). At a minimum, this should include aquifer description, information on existing or planned aquifer recharge facilities, a map of the well location and other nearby*

*surface water supplies, and physical descriptions of the proposed well(s) (depth, diameter, casing description, etc.). If available, information should be provided on nearby wells (sizes, capacities, yields, etc.), aquifer test results, and if the area is currently experiencing aquifer overdraft or land subsidence.*
The project is not related to wells.

- *Describe the groundwater monitoring plan that will be undertaken and the associated monitoring triggers for mitigation actions. Describe how the mitigation actions will respond to or help avoid any significant adverse impacts to third parties that occur due to groundwater pumping.*
  The project is not related to a proposed well or a groundwater monitoring plan.

**New Water Marketing Tool or Program:**

- *How does the new tool or program increase the flexibility of acquiring water on the open market?*
  The project will not increase the flexibility of acquiring water on the open market. However, the project will increase the reliability and efficient delivery of Tribal water on the PRC.

- *What is the scope of water users and uses that will benefit?*
  The project directly benefits Tribal irrigators and non-tribal irrigators that receive water from Tribal diversions off PRC. The project also benefits Pine River Canal Company and its shareholders by upgrading and modernizing some of the infrastructure on the canal system.

- *Are there any legal issues pertaining to water marketing that could hinder project implementation (e.g., restrictions under Reclamation or state law or contracts, or individual project authorities).*
  The project does not have any legal issues pertaining to water marketing.

**Metering/Water Measurement Projects:**

- *To what extent are the methods tested/proven?*
  This project is not a metering or water measurement project. However, long-crested weirs have been proven to increase water diversion reliability at a wide range of flows during droughts.

- *To what degree will the project improve the ability to predict the onset of drought earlier and/or with more certainty?*
  This project is not a metering or water measurement project. The project will not improve the ability to predict the onset of drought.

- *To what degree will the project improve the ability to anticipate the severity and magnitude of drought?*
  This project is not a metering or water measurement project. The project will not improve the ability to anticipate the severity or magnitude of drought.

- *To what degree will the project improve the likelihood/timing of detecting mitigation action triggers?*
  This project is not a metering or water measurement project. The project will not improve the likelihood/timing of detecting mitigation action triggers.

- *Explain why this is a necessary sub-component of another eligible Drought Resiliency Project as described in Tasks A, B, and C.*
  This project is not a metering or water measurement project. This is not a necessary sub-component of another project; however, all Tribal diversions off the PRC have measuring devices which will allow water managers to visualize the ability of long-crested weirs to increase water diversion efficiency and reliability during drought.

**Sub-Criterion A2.a: Climate Change:**

- *In addition to drought resiliency measures, does the proposed project include other natural hazard risk reductions for hazards such as wildfires or floods?*
  The proposed project includes wildfire risk reductions by maintaining constant flows down Tribal diversions where water could be used to fight localized wildfires.

- *Will the proposed project establish and use a renewable energy source?*
  The proposed project will not establish and use a renewable energy source.

- *Will the proposed project reduce greenhouse gas emissions by sequestering carbon in soils, grasses, trees, and other vegetation?*
  The proposed project will reduce greenhouse gas emissions through sequestering carbon in soils, grasses, trees, and other vegetation. This is achieved by providing water to 3,846 acres of irrigable land for permanent pasture and hay production which can sequester carbon in soils and grasses.

- *Does the proposed project include green or sustainable infrastructure to improve community climate resilience?*
  The project does not include green or sustainable infrastructure.

- *Does the proposed project seek to reduce or mitigate climate pollutions such as air or water pollution?*
  The proposed project potentially reduces or mitigates air pollution by increasing water diversion reliability which decreases vehicle emissions from staff checking and adjusting the headings daily.

- *Does the proposed project have a conservation or management component that will promote healthy lands and soils or serve to protect water supplies and its associated uses?*
  The proposed project is identified as a vulnerability in the Tribe's Drought Management Plan which aims to protect and improve the Tribe's water supply to

Tribal irrigators during times of drought. The ability to irrigate agricultural lands is essential for healthy lands and soils.

- *Does the proposed project contribute to climate change resiliency in other ways not described above?*
  The proposed project does not contribute to climate change resiliency in other ways not described above.

**Sub-Criterion A2.b: Environmental Benefits:**

- *Does the project seek to improve ecological climate change resiliency of a wetland, river, or stream to benefit to wildlife, fisheries, or habitats? Do these benefits support an endangered or threatened species?*
  The project does not seek to improve ecological climate change resiliency of a wetland, river, or stream to benefit wildlife, fisheries, or habitats.

- *What are the types and quantities of environmental benefits provided, such as the types of species and the numbers benefited, acreage of habitat improved, restored, or protected, or the amount of additional stream flow added? How were these benefits calculated?*
  The project provides environmental benefits by providing irrigation to 3,846 acres of permanent grass and hay production land which deer and elk use for forage. This acreage was calculated by using the PRIIP's designation survey.

- *Will the proposed project reduce the likelihood of a species listing or otherwise improve the species status?*
  The project will not reduce the likelihood of a species listing or improve species status.

**Sub-Criterion A2.c: Other Benefits:**

- *Will the project assist States and water users in complying with interstate compacts?*
  The project will not assist States and water users in complying with interstate compacts. The Tribe's water rights in the Pine River are senior to the Colorado River Compact and the Upper Colorado River Compact.

- *Will the project benefit multiple sectors and/or users (e.g., agriculture, municipal and industrial, environmental, recreation, or others)? Describe the associated sector benefits.*
  The project will benefit Tribal member irrigators and non-tribal irrigators who use their water for agricultural production by having a more reliable water supply in drought years. Agricultural production is an important part of the local community's economy. These benefits extend to the local economy.

- *Will the project benefit a larger initiative to address sustainability?*
  The project is identified within the Tribe's Drought Management Plan. The Tribal diversions off the PRC have been extremely vulnerable during dry years. When

the junior water users on the PRC are out of priority, the water level in the PRC drops too low for the Tribe to pull its full allocation of senior water.

- *Will the project help to prevent a water-related crisis or conflict? Is there frequently tension or litigation over water in the basin?*
  Yes, the project will help prevent water-related conflict. In 2018, the PRC junior water users ran out of storage water and had to shut off their junior water, leaving only the Tribe's senior water in the PRC. Because the water levels were so low, the Tribal laterals could not divert their full allocation of water. This led to the BIA shutting down the entire PRIIP based on equality which put junior water users back into priority and the junior users were able to irrigate again. The result caused conflict because Tribal members with senior water rights had to watch their non-tribal neighbors with junior water rights irrigate while the Tribal members could not use their senior water right.

## Evaluation Criterion B—Planning and Preparedness (20 points)

### Drought Resiliency Projects Tasks A-C:

- *Explain how the applicable plan addresses drought. Proposals that reference plans clearly intended to address drought will receive the most points under this criterion.*
  This project directly focuses on drought vulnerabilities identified in the Tribe's Drought Management Plan with actions to improve operations for irrigation during drought. During dry years, junior water users on the PRC will be curtailed or even shutoff which significantly reduces water levels in the PRC and leaves it nearly impossible for the Tribe to divert its full senior water right from the PRC. When water levels are low in the PRC due to drought or junior water right curtailment, the long-crested weirs will allow the remaining Tribal water to be diverted into Tribal laterals.

- *When was the plan developed and how often is it updated?*
  The Tribe's Drought Management Plan was created in 2018 and is updated as needed depending on changes in local drought response operations and societal conditions.

- *Was the drought plan developed through a collaborative process?*
  - *Describe who was involved in preparing the plan and whether the plan was prepared with input from stakeholders with diverse interests (e.g., water, land, or forest management interests; and agricultural, municipal, Tribal, environmental, and recreation uses)? Describe the process used for interested stakeholders to provide input during the development of the plan. If the plan was prepared by an entity other than the applicant describe whether and how the applicant was involved in the development of the plan. If the applicant was not involved in the development, explain why.*

Yes, the Drought Management Plan was developed through a collaborative process. The Tribe's Drought Management Plan was developed with assistance from the Tribe's Agriculture Division, Environmental Programs Division, Forestry Division, Range Division, Utilities Division, Water Resources Division, and the Wildlife Division. Each division's section of the Drought Management Plan addresses drought monitoring, forecasting, mitigation, vulnerability, and response actions related to how drought influences their ability to serve the membership and how they can help mitigate drought impacts.

- *Describe how your proposed drought resiliency project is supported by an existing drought plan.*
    - *Does the drought plan identify the proposed project as a potential mitigation or response action? How is the proposed project prioritized in the drought plan? Does the proposed project implement a goal or need identified in the drought plan? Is the supported goal or need prioritized within the plan?*

  The proposed project is supported by the Tribe's Drought Management Plan which identifies the improvement of Tribal diversion structures on the PRC and throughout the PRIIP as drought mitigation opportunities. The improvement of these structures is ranked very high in the plan. The goals and needs outlined in the plan include the installation of diversion structures capable of capturing all Tribal water in the PRC which will mitigate the issue of the Tribe's senior water right being undeliverable during drought years.

- *Attach relevant sections of the plan that are referenced in the application, as an appendix to your application. These pages will be included in the total 125-page count for the application.*

  Please see Attachment C: Southern Ute Indian Tribe Drought Management Plan excerpt: PRC Identified Vulnerability.

**Evaluation Criterion C—Severity of Actual or Potential Drought or Water Scarcity Impacts to be addressed by the Project (15 points)**

- *Describe recent, existing, or potential drought or water scarcity conditions in the **project area**.*

  La Plata County, including the project area near Ignacio and Bayfield, has experienced both recent and long-term drought conditions. The project is located within the Pine River watershed which is in the Upper San Juan Watershed (HUC 14080101). According to the *U.S. Drought Monitor*, both La Plata County and the Upper San Juan Watershed have experienced consistent and severe drought conditions since 2000. (Figures 4 and 5).

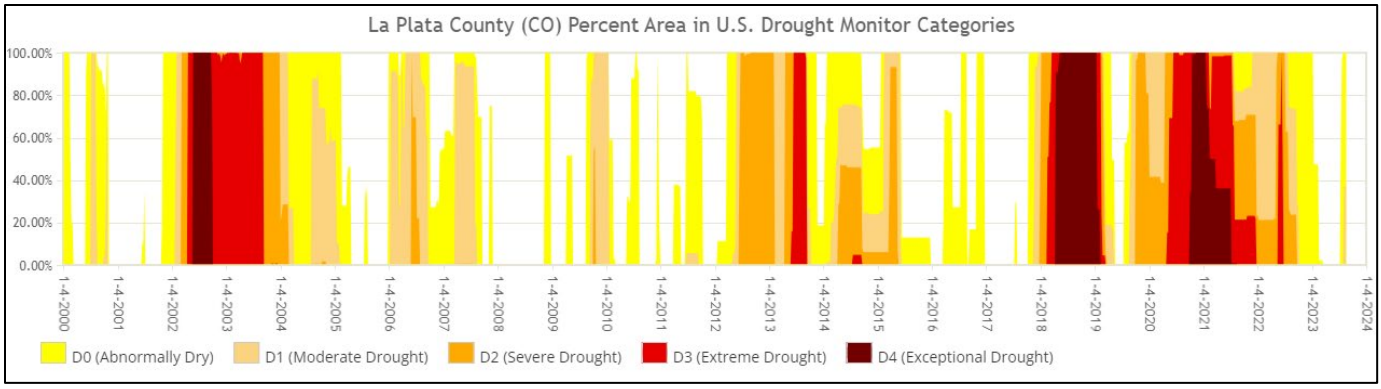



**Figure 4**. La Plata County Drought Conditions, Jan. 2000 – Jan. 2024.

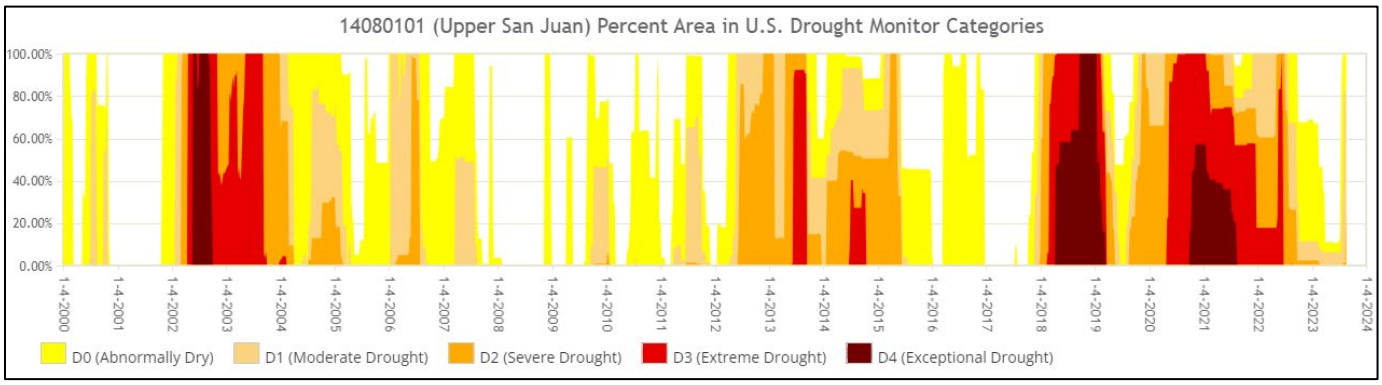



**Figure 5**. Upper San Juan Watershed Drought Conditions, Jan. 2000 – Jan. 2024.

- *Is the project in an area that is currently suffering from drought, or which has recently suffered from drought or water scarcity? Please describe existing conditions, including when and the period of time that the area has experienced drought or water scarcity conditions. Include information to describe the frequency, duration, and severity of current or recent conditions. You may also provide information relating to historical conditions. Please provide supporting documentation*

  The Southern Ute Indian Tribe's reservation, which includes the project area, has been experiencing and suffering from drought and water scarcity impacts for a while. In the past decade, La Plata County has experienced drought conditions ranging from abnormally dry to exceptional drought over 85% of the time.

  Since 2000, the project area has recorded 17.75 years of drought conditions. Three time periods (2001-2005, 2012-2015, and 2019-2023) exceeded 150 weeks of consecutive drought threshold. Over the past 23 years, more extreme drought conditions have become more frequent. The first long-term drought period (November 2001- April 2005) also resulted in the three largest wildfires in Colorado's history, the Hayman, Missionary Ridge, and Burn Canyon Fires. The Missionary Ridge Fire occurred in 2002 in La Plata County and burnt over 70,000 acres. In 2002, the entire reservation was in exceptional drought conditions, and it was the worst year on record for not only the reservation but for the entire state of Colorado (Figure 6). These conditions led to the PRC shutting off their junior water rights about 3 months earlier than anticipated which caused a significant drop in water levels in the PRC. The Tribe still had unused senior water rights in

Vallecito Reservoir, but because of the low water levels in PRC, the Tribe was unable to divert their senior water rights through the seven Tribal diversions on PRC.

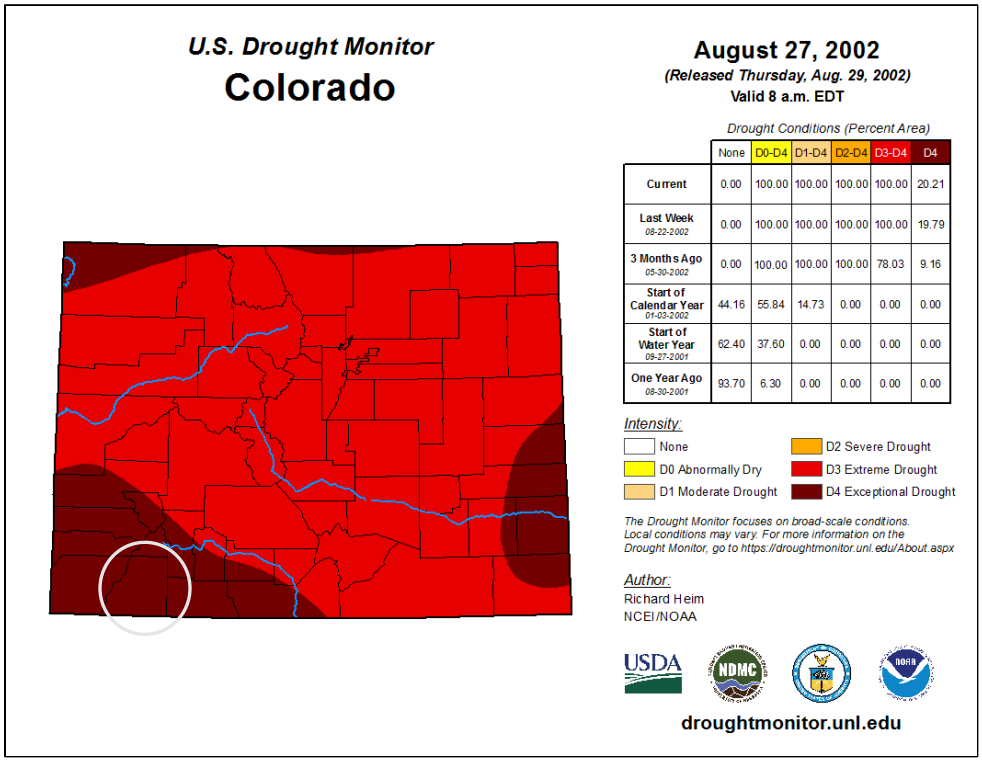



**Figure 6**. U.S. Drought Monitor for Colorado on August 27th, 2002. The white circle shows La Plata County.

- *Describe any projected increases to the severity or duration of drought or water scarcity in the project area resulting from changes to water supply availability and climate change. Provide support for your response (e.g., reference a recent climate informed analysis, if available).*

  Over the past 20 years, drought conditions have become more severe and frequent. Three major drought periods (2001-2005, 2012-2015, and 2019-2023) included three or more consecutive years of drought conditions. The 4-year exceptional drought that ended in 2005 was not seen in such severity until 2012, almost 7 years later. The 3-year exceptional drought that ended in 2015 was followed by another 4-year exceptional drought less than 5 years later in 2019. Southwest Colorado had serious drought conditions in 2018, especially on the Southern Ute Indian Tribe reservation (Figure 7). The 2018 drought conditions led to the Pine River Canal (PRC) shutting off their junior water two months earlier than anticipated which caused a significant drop in the PRC water levels. This created a situation where the Tribe could not divert their senior water rights through the seven Tribal diversions on PRC. Due to this, Tribal Council was forced to shut the PRIIP down. By doing this, it put junior, non-tribal water rights back into priority. This caused a conflict where Tribal irrigators with senior water

rights were not able to irrigate while their non-tribal junior water right neighbors were able to irrigate again.

With the trend of increasing long-term drought conditions, the project area is even more vulnerable and susceptible to climate change and water supply availability.

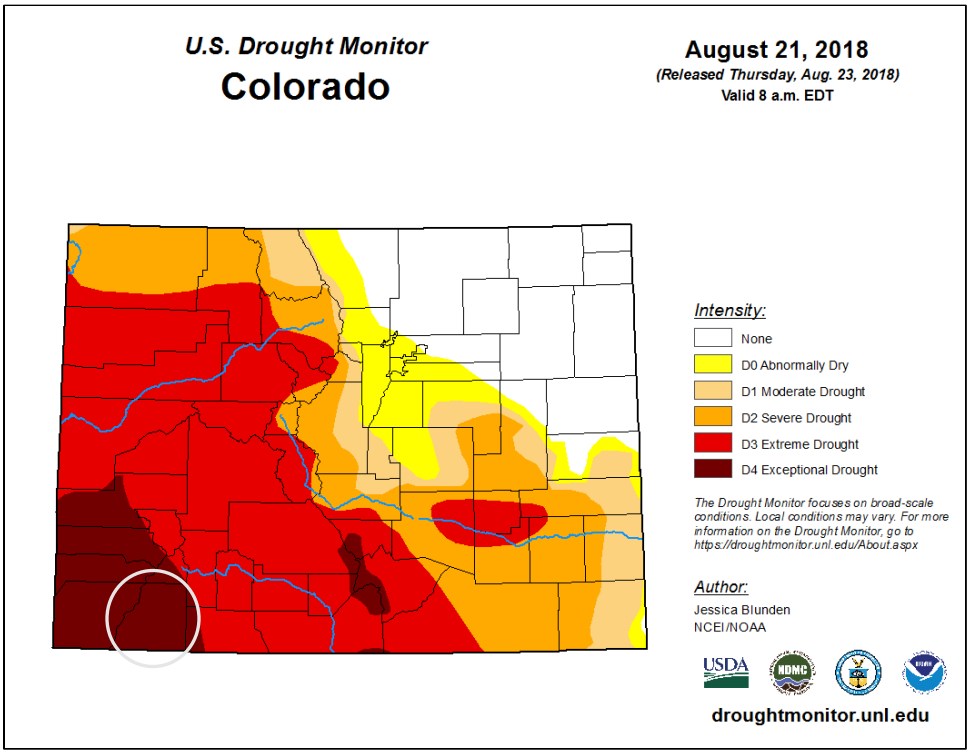



**Figure 7:** Exceptional Drought conditions for La Plata County persisted throughout 2018. The white circle shows La Plata County.

- *What are the ongoing or potential drought or water scarcity impacts to specific sectors in the **project area** if no action is taken (e.g., impacts to agriculture, environment, hydropower, recreation, tourism, forestry, etc.), and how severe are those impacts? Impacts should be quantified and documented to the extent possible. For example, impacts could include, but are not limited to:*

  Impacts from drought and water scarcity will continue to be experienced in the project area and across the Southern Ute reservation. If no action is taken, specifically regarding the construction of the Long-Crested Weirs, thousands of acres of irrigable Tribal lands will not be able to receive vital irrigation water. This water allows Tribal member farmers and ranchers to irrigate pasture lands for livestock grazing. Tribal agricultural producers, who rely on selling livestock or hay as their main income source, will be forced to sell their cattle and abandon their crop.

  With continuing drought conditions, farmers and ranchers will not be the only ones to suffer. The project area encompasses vast portions of National Forests and public lands, supports large tourism and recreation industries, and is home to important habitat areas for endangered flora and fauna.

- *Whether there are public health concerns or social concerns associated with current or potential conditions (e.g., water quality concerns including past or potential violations of drinking water standards, increased risk of wildfire, or past or potential shortages of drinking water supplies? Does the community have another water source available to them if their water service is interrupted?).*
  This project is not focused on drinking water supplies. The biggest concern for public health and safety regarding the ongoing drought conditions would be the impacts it could have on the Southern Ute Reservation. The Tribe developed the Drought Management Plan with detailed actions and responses specifically for when drought conditions are affecting the Tribe.
- *Whether there are ongoing or potential environmental impacts (e.g., impacts to endangered, threatened or candidate species or habitat).*
  Yes, ongoing drought is impacting the project area and local environment. Endangered species on the Southern Ute Reservation include Southwest Willow Flycatcher, Knowlton's Cactus, Mexican Spotted Owl, and the New Mexico Jumping Mouse. All these species along with other Species of Greatest Conservation Need that are not endangered, face challenges with the changing conditions caused by drought.
- *Whether there are local or economic losses associated with current water conditions that are ongoing, occurred in the past, or could occur in the future (e.g., business, agriculture, reduced real estate values).*
  In 2018, the PRC ran out of storage water and was curtailed which led to Tribal water not being diverted into Tribal laterals off the PRC. Since the PRC Tribal laterals were dry, Tribal Council decided to end the PRIIP irrigation season two months early. As a result, Tribal irrigators suffered a massive economic loss from not being able to irrigate and sell hay. If Tribal drought resiliency infrastructure (i.e., Long-crested weirs) is not constructed, specifically on PRC Tribal diversions, then this unnecessary circumstance could happen again. With forecasts showing drought conditions continuing, the Tribe needs engineering design and construction dollars to implement drought resiliency improvements identified in their Drought Management Plan to prevent further economic losses.
- *Whether there are other water-related impacts not identified above (e.g., tensions over water that could result in a water-related crisis or conflict).*
  As drought continues, water rights administration will become stricter, and the Tribe will legally be the last water users to get water because they have the most senior water rights. Building drought resiliency infrastructure, such as long-crested weirs, will allow the Tribe to fully utilize their senior water rights. These modifications will prevent water conflicts from arising such as if junior water rights holders are using water that should be the Tribe's, but the Tribe is unable to access because of poor infrastructure.

## Evaluation Criterion D—Presidential and DOI Priorities (15 points)

**Disadvantaged or Underserved Communities:**

- *Please use the White House Council on Environmental Quality's interactive Climate and Economic Justice Screening Tool, available online at Explore the map – Climate & Economic Justice Screening Tool (https://screeningtool.geoplatform.gov) to identify the disadvantaged communities that will benefit from your project.*
  The Southern Ute Indian Tribe is a disadvantaged community, and Tribal irrigators will directly benefit from this project.

- *If applicable, describe how the proposed project will serve or benefit a disadvantaged or underserved community, identified using the tool described above. For example, will the project improve public health and safety by addressing water quality, add new water supplies, provide economic growth opportunities, or provide other benefits in a disadvantages or underserved community?*
  The Southern Ute Indian Tribe is considered a disadvantaged community. The project will improve the livelihood of Tribal irrigators because they rely on this water supply for their daily wellbeing. Most Tribal irrigators use agricultural production to feed their livestock which then feeds their families. This project will be a direct benefit to Tribal irrigators by creating a reliable water supply during drought years which promotes and provides agricultural economic growth opportunities and a reliable source of income and food for the Tribal members.

**Tribal Benefits:**

- *Does the proposed project directly serve and/or benefit a Tribe? Benefits can include, but are not limited to, public health and safety by addressing water quality, new water supplies, economic growth opportunities, or improving water management.*
  Yes, the proposed project will directly serve the Tribal members of the Southern Ute Indian Tribe who use irrigation water for agricultural purposes. This project will improve the management of the Tribe's senior water rights in the PRC and thus will improve the irrigation water delivery to Tribal members which then promotes agricultural economic growth opportunities.

- *Does the proposed project support Reclamation's Tribal trust responsibilities or a Reclamation activity with a Tribe?*
  This project will help improve Reclamation's tribal trust responsibilities because the Southern Ute Indian Tribe's senior water rights in PRC are stored in Vallecito Reservoir which is a Reclamation-owned project.

**Evaluation Criterion E—Readiness to Proceed and Project Implementation (10 points)**

- *Describe the implementation plan of the proposed project. Please include an estimated project schedule that shows the stages and duration of the proposed work, including major tasks, milestones, and dates. Milestones may include, but are not limited to, the following: design, environmental and cultural resources compliance, permitting, construction/installation.*

  Task 1: Project engineering design finalization.

  Milestone 1: Work with contracted engineer to finalize designs.
  Milestone 2: Coordination with PRC Company staff.

  Task 2: Permitting

  Milestone 1: Biological surveys for project location.
  Milestone 2: Cultural surveys for project location.
  Milestone 3: Work with Bureau of Reclamation on NEPA compliance.

  Task 3: Contracting

  Milestone 1: Draft contract with Tribe's Legal and Finance Departments.
  Milestone 2: Publicly advertise solicitation for Construction Bids.
  Milestone 3: Selection & award to qualified bidder with the lowest bid cost.

  Task 4: Construction

  Milestone 1: Commence Construction Phase in Fall 2024.

- *Describe any permits or approvals that will be required (e.g., water rights, water quality, stormwater, or other regulatory clearances). Include information on permits or approvals already obtained. For those permits and approvals that need to be obtained, describe the process, including estimated timelines for obtaining such permits and approvals.*

  This project requires written permission and approval from the PRC Company which has already been attained. This project has also received approval and support from the BIA who owns and operates the PRIIP. This project will require NEPA compliance; Reclamation will ultimately determine if this project will involve an Environmental Assessment or whether a Categorical Exclusion would apply. Archaeologist and Cultural Resource Compliance will be required. Biological surveys will also be required.

  For projects located on Tribal Trust Lands, the 401-certifying authority is the Tribe's Environmental Programs Division. For projects located within the exterior boundary of the reservation but not located on Tribal Trust Lands, the Environmental Protection Agency is the 401-certifying authority. Permits for ground disturbing activities, stormwater compliance, and dewatering will be obtained as needed by the Water Resources Division and/or Contractor. The timeline for all required permitting and approvals is estimated at 22 weeks.

- *Identify and describe any engineering or design work performed specifically in support of the proposed project.*
  The Tribe has worked with the Irrigation Training and Research Center (ITRC) at California Polytechnic State University to get 60% conceptual designs of long-crested weirs for the six Tribal diversions on PRC (Attachment A).

- *Describe any land purchases that must occur before the project can be implemented.*
  No land purchases will be needed before the project can be implemented.

- *Describe any new policies or administrative actions required to implement the project.*
  No new policies or administrative actions are required for this project.

**Evaluation Criterion F—Nexus to Reclamation (5 points)**

- *Does the applicant have a water service, repayment, or O&M contract with Reclamation?*
  Bureau of Indian Affairs, who owns and operates the PRIIP, pays storage O&M fees to Reclamation for the Tribe's storage water in Vallecito Reservoir which is a Reclamation facility.

- *If the applicant is not a Reclamation contractor, does the applicant receive Reclamation water through a Reclamation contractor or by any other contractual means?*
  The Pine River Irrigation District (PRID) is a contractor for Reclamation to manage and operate Vallecito Reservoir, and PRID coordinates releases of the Tribe's and other water users' decreed storage water.

- *Will the proposed work benefit a Reclamation project area or activity?*
  The Tribe's Federally Reserved senior water rights are stored in Vallecito Reservoir which is a Reclamation-owned project. The proposed work will benefit Vallecito Reservoir by facilitating more efficient releases of storage water.

- *Is the applicant a Tribe?*
  Yes, the applicant is the Southern Ute Indian Tribe applying as an applicant A.

**Evaluation Criterion G—Stakeholder Support for Proposed Project (5 Points)**

- *Describe the level of stakeholder support for the proposed project. Are letters of support from stakeholders provided? Are any stakeholders providing support for the project through cost-share contributions or through other types of contributions to the project?*
  The Pine River Canal Company is a nonprofit canal company overseen by a board of directors who fully support the project (Letters of Support).
- *Explain whether the project is supported by a diverse set of stakeholders, as appropriate, given the types of interested stakeholders within the project area and the scale, type, and complexity of the proposed project. For example, is the project supported by entities representing agricultural, municipal, Tribal, environmental, or recreation uses?*
  The project is supported by the Southern Ute Indian Tribe, BIA, and Pine River Canal Company.

## Project Budget

The Federal and Non-Federal shares are both 50%. The non-Federal share of project costs will be sourced from the Southern Ute Tribal budget. No third-party funding will be required or used. No other non-Federal funding has been requested or received for the project. No letters of commitment are required for this proposal, as the Southern Ute Indian Tribe plans to provide the non-Federal share of the project cost.

All costs associated with this project are costs incurred in the engineering design and construction of the six long-crested weirs. Costs include, but are not limited to, engineering design finalization, permitting, materials, and construction. No indirect costs and no other expenses are included in the Budget Proposal.

### Budget Proposal

The Southern Ute Indian Tribe's Water Resources Division (WRD) is seeking funding in the amount of $2,333,359.51 in the Federal Funding Group III to accomplish the proposed Long-Crested Weir project. Through a budget request, the WRD will meet the remaining cost share portion of $2,333,359.51. A project cost summary and funding source summary can be found in Tables 4 and 5. A more detailed estimate and associated cost structure can be found in the budget narrative.

**Table 4. Total Project Cost Summary**

| Source | Percentage | Amount |
|---|---|---|
| Costs to be Reimbursed with requested Federal Funding | 50% | $2,333,359.51 |
| Costs to be paid for by the Applicant | 50% | $2,333,359.51 |
| Value of Third-Party Contributions | 0% | $0 |
| **Total Project Cost** | **100%** | **$4,666,719.02** |

**Table 5. Non-Federal and Federal Funding Source Summary**

| Funding Sources | Percentage | Amount |
|---|---|---|
| **Non-Federal Entities** | | |
| Southern Ute Indian Tribe | 50% | $2,333,359.51 |
| **Non-Federal Subtotal** | | **$2,333,359.51** |
| **Other Federal Entities** | | |
| None | 0% | $0.00 |
| **Other Federal Subtotal** | | $0.00 |
| **REQUESTED RECLAMATION FUNDING** | 50% | **$2,333,359.51** |

The project schedule includes the construction of one weir in 2024, two weirs in 2025, two weirs in 2026, and one weir in 2027. Due to the locations of the weirs and relative distance from one another, each weir will be constructed independently from another. Project construction will be implemented weather permitting.

The total cost of the Long-Crested Weir construction project is $4,666,719.02. This amount includes the engineering design finalization and construction of six weirs over the course of three years (2024-2027). All expenditures are associated with the "construction" budget category. A description of estimated construction costs is provided in Table 6 because the resulting contract will exceed the $250,000 threshold set by Reclamation.

The procurement method for the engineering contractor will be competitive proposals. Selections will be made using best value based upon qualifications and price. The procurement method for the construction contractor will be competitive proposals and the contract will be awarded to the qualified bidder with the least bid cost. Estimates presented in the Budget Proposal table below (Table 6) are based upon actual costs for the first Long-Crested Weir construction on the Ute Creek Lateral.

Costs for this project include 10% ($424,247.18) for the finalization of the engineering designs and engineering consultant fees for the three-year construction phase. The construction portion of the project is estimated at 90% ($4,242,472.00) of total project costs.

Construction costs have been broken out to show the unit cost and total cost for specific bid items. The bid items include Mobilization, Surveys, Clear and Grubbing, Excavation and Embankment (preparation for concrete work), Structural Concrete (Forming and pouring of six weir structures), Canal Gates, Miscellaneous Steel and Materials (walkways, handrails, and other safety components), Environmental Compliance (associated costs with Environmental/Stormwater Compliance and dewatering of site for the duration of construction) and Seeding and Reclamation following construction of each weir.

**Table 6. Contractual/Construction Costs: Budget Proposal**

| Budget Item Description | Unit Cost | Quantity | Unit | Total Cost |
|---|---|---|---|---|
| **Engineering Design Finalization and Consultant** | $424,247.18 | 1 | LS | $424,247.18 |
| | | | **Subtotal** | **$424,247.18** |
| **Construction of Long Crested Weirs** | | | | |
| 1. Mobilization | $17,160.21 | 6 | EA | $102,961.26 |
| 2. Surveys | $5,791.56 | 6 | EA | $34,749.36 |
| 3. Clear and Grubbing | $13,803.62 | 6 | EA | $82,821.72 |
| 4. Excavation & Embankment | $62,557.16 | 6 | EA | $375,342.96 |
| 5. Structural Concrete | $300,265.96 | 6 | EA | $1,801,594.14 |
| 6. Canal Gates | $64,041.97 | 6 | EA | $384,251.82 |
| 7. Miscellaneous Steel & Materials | $92,991.22 | 6 | EA | $557,947.32 |
| 8. Environmental Compliance & Dewatering | $147,528.36 | 6 | EA | $885,170.16 |
| 9. Seeding and Reclamation | $2,938.85 | 6 | EA | $17,633.10 |
| | | | **Subtotal** | **$4,242,472.00** |
| | | | **Total Estimated Construction Costs** | **$4,666,719.02** |

## Budget Narrative

A Budget Detail table (Table 7) and explanation of associated costs have been included in this Budget Narrative. The estimates presented are based upon the WRD's experience on a prior project of the exact same scope and size. It is acknowledged that construction material costs are volatile and subject to change due to supply chain unknowns and inflationary impacts.

All costs associated with this project fall under the contractual/construction budget object category. This project will be contracted as a "furnish and install" contract with the contractor responsible for all required equipment, materials, and personnel to complete and fulfill the contract obligations.

**Table 7: Budget Detail**

| Summary | | | |
|---|---|---|---|
| **6. Budget Object Category** | **Total Cost** | **Federal Estimated Amount** | **Non-Federal Estimated Amount** |
| Personnel | $0 | | |
| Fringe Benefits | $0 | | |
| Travel | $0 | | |
| Equipment | $0 | | |
| Supplies | $0 | | |
| Contractual | $0 | | |
| Construction | $4,666,719.02 | | |
| Other Direct Costs | $0 | | |
| Total Direct Costs | $4,666,719.02 | | |
| Indirect Charges | $0 | | |
| **Total Costs** | **$4,666,719** | **$2,333,359.51** | **$2,333,359.51** |
| **Cost Share Percentage** | | **50%** | **50%** |

**Personnel: Salaries and Wages**

Not applicable

**Fringe Benefits**

Not applicable

**Travel**

Not applicable

**Equipment**

All equipment purchases are included in the Construction section.

**Materials & Supplies**

All materials and supplies purchases are included in the Construction section.

**Contractual/Construction**

It is anticipated that there will be two contracts implemented in support of the project. The first contract will be with an engineering consultant for the design finalization of the six Long-Crested Weir (weir) draft design sets and for consultation throughout the duration of the construction phase of the project. The second contract will be for the construction of the six weirs on the Pine River Canal at the Tribal Diversions. The construction contract will include all on-the-ground labor and the contractor will be responsible for furnishing and installing all items in the engineering design. The

contractor will be responsible for all necessary project items such as permits, equipment, materials, and supplies.

The procurement method for the construction contract will be procured through publicly advertised solicitation of sealed bids and the contract will be awarded to the qualified bidder with the lowest bid cost. Estimates presented in the Budget Proposal table (Table 6) are based upon actual costs for the first Long-Crested Weir construction on Ute Creek Lateral.

**Third Party In-Kind Contributions**

Not Applicable

**Environmental and Regulatory Compliance Costs**

Environmental and Regulatory Compliance Costs have not been included in the budget proposal for Reclamation's required documentation and approvals. Costs have been included in the construction contract for construction specific work such as compliance with U.S. Army Corps of Engineers (USACE), Colorado Department of Public Health and Safety (CDPHE), and/or the Environmental Protection Agency (EPA) to ensure ground disturbance, ground water, stormwater, and any other environmental impacts are properly mitigated.

The Southern Ute Indian Tribe acknowledges that Reclamation may withhold part of an award for Reclamation's Environmental and Regulatory Compliance costs and intends to coordinate with Reclamation on the required documentation and approvals.

**Other Expenses**

All the required expenses for implementation of the project have been identified as part of the cost estimate.

**Indirect Costs**

Not applicable

**Total Costs**

The total cost of the proposed project is $4,666,719.02.

## Section H: Other Information

### Environmental and Cultural Resources Considerations

- Will the proposed project impact the surrounding environment (e.g., soil [dust], air, water [quality and quantity], animal habitat)? Please briefly describe all earth-disturbing work and any work that will affect the air, water, or animal habitat in the project area. Please also explain the impacts of such work on the surrounding environment and any steps that could be taken to minimize the impacts.
  Construction activities are not anticipated to impact the surrounding environment negatively or adversely at the project location(s). All work will be completed post-irrigation when water is shut off during the fall/spring. All environmental and stormwater best management practices will be adhered to minimize potential impacts on the environment. Dust abatement will be performed daily with the use of water trucks. Vehicle tracking control (tracking pads) will be used to ensure sediment does not leave the project site. Stormwater control measures including erosion control logs, silt fence, compacted earthen berms, and soil compaction techniques will be employed to prevent sediment and potential contaminants from leaving the project site. Concrete washouts will be placed on site to contain any concrete waste from the rinsing of trucks and excess waste materials. The concrete washouts will be prefabricated plastic or metal basins that will be emptied off-site when they are 75% or less full. Post-construction seeding and reclamation of project area will be conducted to ensure minimal impacts to area. All construction will be performed during normal working hours and buffer zones will be created if necessary to mitigate any adverse impacts to wildlife or critical habitat.

- Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?
  The Southern Ute Water Resources Division is not aware of any threatened or endangered species within the project area; this project is not anticipated to have any impact or negative affect on wildlife or habitat. The construction area for the project will occur in a previously disturbed irrigation canal. Mitigation measures such as pre-construction surveys and assessments will be utilized to ensure no negative impacts to the ecosystem.

- Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as “Waters of the United States?” If so, please describe and estimate any impacts the proposed project may have.
  With the recent announcement from the EPA and Department of the Army amending the definition of protected "Waters of the United States" in light of the May 2023 ruling (*Sackett v. EPA*), only wetlands and surface water with a “continuous surface connection” are protected by the CWA. This project does not have any such wetlands or surface waters that would fall under the jurisdiction as “Waters of the United States.”

- When was the water delivery system constructed?
  Initial construction activities on the PRIIP started in 1884 with the first tribal irrigation ditches like the Buckskin, Severo, La Boca, and Nannice ditches being constructed off the Pine River. Around 1911, the Bureau of Indian Affairs began planning the Pine River Indian Irrigation Project. In 1920, the Bureau of Indian affairs began collecting O&M fees on the Pine River Indian Irrigation Project. The Pine River Canal was first known as the Spring Creek Ditch and was constructed at the turn of the twentieth century. The Pine River Canal, as it is known today, was constructed in the 1950's.

- Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.
  This project will not result in any modification to individual features of the Pine River Canal irrigation system. This project consists of designing and constructing six Long-Crested Weir (weir) structures within an open, earthen canal. The Tribal diversions off the PRC were constructed from 1960-1966 and have not been modified or altered since that time. The Weir structures will be free-standing within the canal and will not restrict or alter any other structures or system operations.

- Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? *A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.*
  There are no other buildings, structures, or features within the irrigation district that are listed or eligible for listing within the National Register of Historic Places. The Project Area occurs within the exterior boundary of the Southern Ute Reservation; information is currently well-documented and recorded.

- Are there any known archeological sites in the proposed project area?
  There are no known archeological sites within the proposed project area. Archeological and Cultural Resource Surveys will be conducted to ensure compliance with Reclamation. Southern Ute Tribal Historic Preservation Office will also be consulted for this project.

- Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?
  This project will **not** have a disproportionately high and adverse effect on low income or minority populations. This project will have a positive impact on low income or minority populations. The proposed project directly serves a federally recognized tribe that is a disadvantaged and historically underserved community. The Tribe benefits economically from agricultural production on tribal lands. The project will increase the reliability of available irrigation water delivery to the tribal membership.

- Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on Tribal lands?

The proposed project will not impact or limit the access to and ceremonial use of Indian sacred sites on Tribal Lands.

- Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?
  This project will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species. The Southern Ute Water Resources Division manages the Southern Ute Indian Tribe's Noxious Weed Program and will ensure construction complies with regulations in place for limiting and controlling noxious weeds. The contract will ensure the construction contractor complies with certified weed free materials, submits a Clean Equipment Statement (certifying that equipment has been cleaned and is free of organic material before entering the project site), and that proper post-construction techniques are employed to limit the spread of weeds.

## Official Resolution

**RESOLUTION NO. 2023-179**

**RESOLUTION**
**OF THE**
**COUNCIL OF THE SOUTHERN UTE INDIAN TRIBE**
**October 24, 2023**

**WHEREAS,** authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

**WHEREAS,** under Article VII, Sections 1(h) of the Constitution, the Tribal Council manages "all funds within the control of the Tribe"; and

**WHEREAS,** under Articles X, Section 1(c), the Tribal "Chairman shall serve as contracting officer of the Southern Ute Indian Tribe executing all contracts and agreements to which the Tribe is a party following approval by the Tribal Council"; and

**WHEREAS,** the Southern Ute Indian Tribal Council and its Water Resources Division (WRD) are committed to providing for the management, conservation, and utilization of the Tribe's water resources; and

**WHEREAS,** the drought vulnerability of the Pine River Indian Irrigation Project (PRIIP) laterals off the Pine River Canal (PRC) was identified in the 2019 Southern Ute Indian Tribe Drought Management Plan; and

**WHEREAS,** the WRD seeks to reduce the drought vulnerability of the Indian Spring Creek, Julian, Weaver, Phetteplace, Cloud, and East Side laterals, which are served by the PRC, by constructing long-crested weirs; and

**WHEREAS,** the Bureau of Reclamation (BOR) is accepting grant applications for funding up to $5,000,000 for WaterSMART Drought Resiliency Projects for Fiscal Year 2024 (Notice of Opportunity Number R24AS00007); and

**WHEREAS,** the WRD has prepared an application for the BOR WaterSMART Drought Resiliency in the amount of $4,666,719.02 for construction on long-crested weirs on the Indian Spring Creek, Julian, Weaver, Phetteplace, Cloud, and East Side laterals, with a required 50% participant cost share totaling $2,333,359.51; and

**WHEREAS,** Tribal Council has reviewed the WaterSMART Drought Resiliency application and finds it in the best interest of the Tribe to submit the application in the amount of $4,666,719.02 with a 50% cost-share match in the amount of $2,333,359.51 from FY25 or subsequent fiscal year budget Tribal funds.

**NOW, THEREFORE, BE IT RESOLVED,** that the Southern Ute Indian Tribal Council hereby approves the WRD to apply for the BOR WaterSMART Drought Resiliency application in

the amount of $4,666,719.02 for construction of long-crested weirs on the Indian Spring Creek, Julian, Weaver, Phetteplace, Cloud, and East Side laterals.

**BE IT FURTHER RESOLVED,** that the Tribal Council approves a 50% participant cost share in the amount of $2,333,359.51 that will be funded by the Tribe and included in the FY25 tribal budget of subsequent fiscal year budgets as necessary.

**BE IT FURTHER RESOLVED,** that the Tribal Council authorizes the Contracts & Grants Manager to submit the required documents after legal review to the Bureau of Reclamation Native American Affairs Program and authorizes the Water Resources Division Head to manage the grant funds in accordance with the tribal and federal agency requirements.

**BE IT FURTHER RESOLVED,** that the Chairman of the Southern Ute Indian Tribal Council or, in his absence, the Vice Chairman, or, in the absence of both the Chairman and the Vice Chairman, a duly appointed Acting Chairman is hereby authorized to sign the necessary documents and take all necessary actions to carry out the intent of this resolution.

This resolution was duly adopted on the 24th day of October, 2023.

Mr. Melvin J. Baker, Chairman
Southern Ute Indian Tribal Council

**CERTIFICATION**

This is to certify that there were ( 5 ) of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting, at which ( 4 ) voted for, and ( 0 ) against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision.

Ms. Sunshine M. Whyte, Recording Secretary
Southern Ute Indian Tribal Council

## Letters of Support and Letters of Partnership

1) United States Senators Michael F. Bennet and John Hickenlooper
2) Pine River Canal Company
3) Bureau of Indian Affairs Southern Ute Agency

# United States Senate
**Washington, D.C. 20510**

November 3, 2023

Commissioner Camille Calimlim Touton
U.S. Bureau of Reclamation
1849 C Street NW
Washington, DC 20240-0001

Dear Commissioner Touton:

We write in support of the proposal submitted by the Southern Ute Indian Tribe (the Tribe), to the U.S. Bureau of Reclamation (BOR) for funding from the FY2024 WaterSMART Drought Resiliency Projects grant program. If selected, the Tribe will complete the construction of six Long-Crested Weirs (LCW) on the Pine River Canal (PRC) in Southwest Colorado.

The PRC diverts irrigation water off the Pine River and carries a significant amount of water to Tribal lands within the Pine River Indian Irrigation Project (PRIIP). Funding through a FY22 BOR Native American Affairs Program Drought Mitigation grant enabled the Tribe to design and construct one weir, downstream of the Ute Creek Lateral. The Tribe now aims to finalize designs and construct weirs on the six remaining PRC Tribal laterals. The additional weirs will allow the laterals to divert the allocated water, even during drought years when the PRC is out of priority on the Pine River, benefiting both Tribal and non-tribal irrigators who depend on water delivery through the following PRIIP Tribal Diversions: Indian Spring Creek, Julian, Weaver, Phetteplace, Cloud, and East Side Lateral.

The PRIIP is a critical resource for the Tribe which has suffered from decades of neglect, never living up to the commitments from the U.S. government to provide water irrigation.The restoration of this Tribal infrastructure has long been a priority, and WaterSMART funding will provide a meaningful step in supporting the necessary improvements to ensure the PRIIP functions as intended. We respectfully encourage you to give the application from the Southern Ute Indian Tribe your full and fair consideration consistent with all applicable laws and regulations.

Thank you for your review, and please notify our offices of any funds awarded.

Sincerely,

Michael F. Bennet
United States Senator

John Hickenlooper
United States Senator

**Pine River Canal Company**

PINE RIVER CANAL COMPANY
PO BOX 1728
Arboles, CO 81121

December 1, 2022

Pine River Canal Company
Tribal Long Crested Weir Project

Southern Ute Indian Tribe/ Bureau of Indian Affairs,

We are writing this letter in regards to the proposed plans for the Tribal Long Crested Weir Project proposed for seven locations within the Pine River Canal. After viewing plans and discussing the structure, we as directors agree to the project and have no issues with the structure or plans.

However, with all structures on the canal or new installations, we want to ensure work is done properly and done in the off season. Our bylaws, state that structures: head gates, weirs and repairs have to be made and completed ten days prior to irrigation season starting. In addition, we request that we are informed when a project starts and work is completed.

The Pine River Canal Company Board agrees to the Tribal Long Crested Weir design and project.

Thanks,

PRCC Board of Directors

Jake A. D[illegible]
PRCC Secretary
Approved and documented in Regular Meeting Minutes 12/1/22

## Bureau of Indian Affairs Southern Ute Agency

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Southern Ute Agency
P.O. Box 315
Ignacio, Colorado 81137-0315

IN REPLY REFER TO:
Irrigation

September 8, 2023

**MEMORANDUM**

To: U.S. Department of Interior: Bureau of Reclamation

From:: Priscilla Bancroft, Superintendent
DOI, BIA, Southern Ute Agency

PRISCILLA BANCROFT
Digitally signed by PRISCILLA BANCROFT
Date: 2023.09.08 13:58:25 -06'00'

Cc: Southern Ute Indian Tribe: Water Resources Division

Subject: Water Resources Division Application for Bureau of Reclamation WaterSMART Drought Response Program: Drought Resiliency Projects for Fiscal Year 2024

The Bureau of Indian Affairs (BIA) owns and operates the Pine River Indian Irrigation Project (PRIIP) which delivers irrigation water to Southern Ute Indian Tribe's land within the Pine River watershed which is in the Upper San Juan Watershed (HUC 14080101).

The BIA is pleased to provide full support for the Southern Ute Water Resources Division's (WRD) grant proposal for the Bureau of Reclamation's WaterSMART Drought Resiliency Projects for Fiscal Year 2024. If awarded, this funding would allow the Southern Ute Tribe to complete the construction of six (6) Long Crested Weir's on the Pine River Canal. This infrastructure improvement project is aimed at improving resiliency to drought by increasing the Tribe's access to irrigation water during times of drought.

The proposed Long Crested Weir Project will benefit both Tribal and non-tribal irrigators who depend on water delivery through the following PRIIP Tribal Diversions: Indian Springs Creek, Julian, Weaver, Phetteplace, Cloud, and the East Side Lateral. The preliminary engineering designs were created through partnership with BIA, the Irrigation Training and Research Center (ITRC), and the Southern Ute Tribe. The preliminary engineering designs are included in the BIA PRIIP Modernization Plan.

Should you have any questions, please contact Vickie Begay, Supervisory Civil Engineer, Branch of Roads/Irrigation at (970) 563-9484 or email vickie.begay@bia.gov.

Thank you for your time and consideration.

Attachments