

From: [Cindy](#)
To: [William Tully;](#)
Subject: Windy Gap Draft EIS Comment
Date: Wednesday, December 24, 2008 4:36:08 PM
Attachments: [Windy Gap EIS 12-08.doc](#)

Hello Mr. Tully,
Please find my comments for the Windy Gap Draft EIS attached to this message. Cindy Southway

December 23, 2008

Bureau of Reclamation
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Comments on the Draft Environmental Impact Statement – Windy Gap Firing Project

Dear Mr. Tully,

As a former NEPA Coordinator for the USDA Forest Service, I must state that I am disappointed with the analysis and quality of the Draft Environmental Impact Statement (DEIS) for the Windy Gap Firing Project. It appears that the consultants that wrote the DEIS formulated their conclusions first, then created the DEIS to support those conclusions. All of us know that this is the wrong way to create a solid, usable product. Statistics and numbers were used to prove points that were not logical. It seemed like some numbers were pulled out of thin air and others were not the most current data.

There are very serious flaws in the DEIS for the Windy Gap Firing Project. One of the most serious is the flawed approach to determining the impacts of the project – which is truly the purpose of an environmental impact statement. The impacts to water quality, water quantity and the economy of Grand County were seriously under estimated and under reported.

It is also clear that a single EIS for both the Moffat Tunnel Expansion Project and the Windy Gap Firing Project should have been created in order to ensure that the cumulative impacts from both projects were evaluated simultaneously and that appropriate mitigation measures could be required. It seems like the Northern Colorado Water Conservancy Subdistrict (NCWCSD) and the Denver Water Department (DWD) don't want the state or government hydrologists or the public to know the actual cumulative impacts of both projects.

The bottom line is that firming up the NCWCD Sub-district water rights and constructing another trans-mountain water diversion project will be hard on the environment, hard on wildlife, hard on the western slope economy, detrimental for the western slope water quality, detrimental for the rivers, detrimental for recreation, and detrimental for the people who live or own property on the western slope. The one thing firming these water rights is good for is for eastern slope city growth and sprawl.

As a former employee of the Bureau of Reclamation (BOR), I know that it is the responsibility of the BOR to be an unbiased steward of water resources. For too long, the

Bureau has favored the eastern slope water districts at the expense of the western slope water users and the environment. “Business as usual” as well as bureaucratic politics and cronyism has to stop.

The purpose and need of the Windy Gap Firming Project is that the cities on the eastern slope state that they need more water. What city or county in Colorado doesn't think they need more water? I don't believe that the Draft Environmental Impact statement determines or proves the “need” of this project. In fact, the firming project it is much more of a “want” than a “need”, and therefore the project is unwarranted and unnecessary and the “No Action” Alternative should be selected.

If the cities on the eastern slope want more water from the western slope, let them require permanent water conservation practices and permanent residential and commercial water restrictions, before they consider new reservoir construction. Let them embrace water conservation education. Let them require zero-scaping for new construction. Let's all admit that the eastern slope of Colorado is a desert and it doesn't need to look like Kentucky.

It is regrettable that so many western slope residents have been forced to sell their water rights to the NCWCSD and the Denver Water Department, but it is wrong that the political power of the eastern slope of Colorado has allowed these major trans-mountain water diversion projects to suck the western slope rivers dry.

I recommend that the following issues be addressed in the Final EIS for the Windy Gap Firming Process:

- The “Existing Conditions” figures against which impacts are measured are inaccurate and do not reflect actual conditions.

Throughout the DEIS, current Windy Gap diversions for Existing Conditions are listed as 36,352 AF as an average annual amount. This is a number that is over **three times** actual current diversions. This inaccurate number is repeated in every table, graph, and text and undermines all impact analyses. A more accurate number (closer to 10,000 AF) needs to replace this figure in all tables, graphs, text and analysis.

- The economic impacts to the Western Slope were not fully analyzed in the Draft EIS. Certainly, the economic impacts to the marinas and the boating/rafting businesses in Grand County were not properly analyzed or even discussed.

It is foolish to assume that lower water levels in the lakes and Colorado River will not have extremely adverse impacts on marinas and boating/rafting businesses. Is it unclear to the Bureau of Reclamation and Northern Water Conservancy Sub-District, that the economy of the Granby-Grand Lake area is based on the water resources of the Colorado River and water level of Lake Granby? When Lake Granby drops by eight vertical feet, hundreds of feet of shoreline can be exposed -

which doesn't help commercial or recreational boaters and leads to erosion of the shoreline.

Water resources and the local Grand County economy are completely linked, especially in our current economic crisis. The WGFP directly impacts the water quality of the Colorado River, Lake Granby, Shadow Mountain Reservoir, and Grand Lake, thus it will also impact the tourist and recreation industry, the lifeblood of Grand County's economy. However, very few of these impacts are measured in the DEIS – and those that are measured are underestimated through use of an inaccurate measure of “existing conditions,” an inaccurate measure of the “No Action Alternative,” inappropriate modeling techniques, false assumptions, outdated data, lack of quantification and omission of critical considerations. Impacts need to be further evaluated and addressed in the final documents

- DEIS remarks about water based recreation are based on changes in streamflow from 1950-1996. It is mind-boggling that the last 11 years of data (1997 – 2007), when the streamflow was reduced by man-made factors, including the original Windy Gap Project and severe drought (2002), are excluded from the analysis. If more recent information were included and this expanded information set baseline streamflow conditions lower, then the incidence of inadequate streamflow would surely increase.
- The recreation analysis excludes baseline information for any visitor but commercial boating and commercial fishing on only one reach of the Colorado River, excluding all other recreation activities in all other locations. The visual quality analysis excludes consideration of Granby Reservoir, Shadow Mountain Reservoir, Grand Lake and Willow Creek Reservoir, and the Colorado River as scenic assets that attract and extend the stay of visitors. The socioeconomic analysis excludes consideration of the local economies of the municipalities impacted, as well as property values. The socioeconomic analysis is also hindered by inadequate information in the land use, recreation and visual quality sections.
- The DEIS excludes economic impacts of recreational activities and tourists on lodging, restaurant sales, recreation equipment rental providers, guides, outfitters, and other retailers.

Impacts on property values resulting from diminished aesthetic and recreational assets in Grand County are also disregarded by the DEIS.

- The complications for the water treatment in the Towns of Hot Sulphur Springs and Kremmling were not properly analyzed in the draft EIS. Both towns are already having problems with their water treatment; this project will only increase

their problems. The costs, alternatives, and mitigation measures must be addressed in the draft EIS and additional mitigation measures must be required.

- The impacts to the ranchers downstream of Windy Gap were not properly addressed. The ranchers are already having problems because their pumps are frequently out of the water (because the water level is so low). The ranchers have had to choose between killing fish or refraining from irrigating. This shouldn't be a choice they have to make. If the water level is lowered further, how will these ranchers' water rights be protected? How will their fisheries be protected?
- Shadow Mountain Reservoir and Grand Lake are already having water quality and clarity issues. How can anyone think that adding more water to a system that is "broke" will not adversely affect the water quality and clarity of these two lakes?
- The overall approach to evaluating impacts to the Three Lakes system is flawed. The problem is that the assessment of impacts from WGFP is focused on eutrophication and does not consider the exacerbation of the existing problems associated with the discharge of pollutants into the 3-Lakes from C-BT pumping. The approach to analysis of projected impacts focuses on annual averages and fails to incorporate the real problem of seasonal impacts to the 3-Lakes from pumping, and so the DEIS fails to project how WGFP will really affect this existing water quality problem.

Given that the predicted changes for both Shadow Mountain Reservoir and Grand Lake for water quality parameters associated with algae growth and affecting clarity are slightly worsened for all WGFP alternatives on average, one can assume that the seasonal polluting of Grand Lake associated with pumping will get significantly worse. The Three-Lakes Water Quality Model does not account for this situation.

- The legality of the project needs to be discussed in the final EIS. How is it that a municipal sub-district (NCWCSD) is allowed to use federal facilities (CB-T) to transport their water? And what kind of fees are charged for this transport? Why are my federal tax dollars and federal facilities being used for an eastern slope water district?
- The recreation impacts to rafters and kayakers and the associated rafting industry are based on the incorrect assumption that the optimal water level for the Colorado River is between 1,000 cfs and 2,200 cfs. Where did the high-end number of 2,200 cfs come from? Most boaters, kayakers and the Bureau of Land Management would tell you that there is no high end number for an optimal flow on the Colorado River below Kremmling. Commercial river runners still run the river at higher levels and private boaters "live" for it. In fact, since the Windy

Gap Project went online, it is rare for the Colorado River below Kremmling to ever get “too high”.

It appears that a high-end cap of 2,200 cfs for the optimal flow of the river was “created” for this DEIS and has been used to reduce the true impacts of all the project alternatives. It seems to be an arbitrary number pulled out of thin air.

I have discussed the “optimal flow” with the Kremmling BLM Recreation Specialist who is responsible for river recreation below Kremmling and he has never seen or used the 2,200 cfs figure and the BLM has never considered “capping” the optimal flow. The BLM considers the optimal level for the Colorado River below Kremmling to be “over 1,000 cfs” and that is what they use for their calculations. The DEIS should use the same optimal flow calculation as the managing agency for recreation. It is ludicrous that the DEIS used a different figure than the BLM uses for an optimal river flow.

By using the 2,200 cfs figure as a cap for the optimal river flow, the writers of the DEIS were able to offset the number of days under 1,000 cfs with the number of days over 2,200 cfs. Using figures this way made it appear that there would hardly be any impact to rafters and kayakers under all of the alternatives. Any rational person knows this is impossible. You can’t lower a river level and not impact boaters and rafters. The way these figures were manipulated is absolutely unacceptable. The “cap” on the optimal river level must be eliminated, especially considering that it has no relevance to the figure and it obscures the true impacts and adverse affects.

Mitigation measures should also be required anytime the Colorado River below Kremmling goes under 1,000 cfs. I would like to recommend a mitigation measure that requires the NCWCSD to release water into the Colorado River anytime the Colorado River below Kremmling goes under 1,000 cfs.

- Grand County is preparing a comprehensive scientific study and analysis, the Grand County Stream Management Plan, to identify a preferred flow regimen for streams and rivers in Grand County. This Plan will take into consideration cumulative impacts of past, present and future projects that have affected the Upper Colorado River System. It will view the river system as a whole and it will seek to avoid the worst impacts of further diversions. The end result is a compilation of scientific data identifying stream flow needs that will protect aquatic life and the environment, while meeting the needs of both the East Slope and West Slope water supply needs. The DEIS fails to acknowledge this Plan. It is If the WGFP is approved, the Plan should be used to define the mitigation needed for the project, and compliance should be monitored.

The mitigation measures were ridiculous in the Draft Environmental Impact Statement. When I worked for the Forest Service, I never wrote mitigation measures that were

suggestions, because they would never have been implemented. It is standard in the industry that mitigation measures are requirements. Shame on all of you involved with this draft to have allowed these mitigation measures to have so little accountability or enforcement capability.

I recommend that all the mitigation measures be re-written as requirements, not suggestions.

I recommend that the following changes to mitigation measures in the Final EIS for the Windy Gap Firming Process:

I recommend that the following mitigation measures be added to the Final EIS:

- Require mandatory water conservation restrictions and measures for all Sub-District water users.
- Require that a representative of the Middle Park Water Conservation District Grand County is appointed to on the Municipal Sub-district of Northern Colorado Water Conservancy District Board of Directors.

Since the Middle Park Water Conservancy District stands to receive up to 10% of the water from this firming project, it only makes sense that they would be entitled to a seat on the Board of Directors.

The Western Slope obviously needs to be better represented in decisions that affect water being transported out of the Colorado River drainage. A more balanced approach and decisions would be made with a Grand County Representative on the Sub-district Board. At least the appearance of representation for the Western Slope citizens and environment would be achieved.

I don't understand how this Board was allowed to originally establish without a Grand County Representative and believe strongly that this is more than time to fix this issue.

- Require mitigation measures for the impacts to the water treatment facilities in Hot Sulphur Springs and Kremmling.
- Require mitigation measures for the ranchers downstream of the project that already are unable to draw their water out of the river because the river is too low.
- Require releases from Windy Gap Reservoir anytime the water level dips below 1,000 cfs at Pumphouse from May to September.

- Require mitigation measures if (and when) water quality and clarity in Granby Reservoir, Shadow Mountain Reservoir and Grand Lake worsens as a result of this project.
- Combine mitigation measures to actually offset the cumulative impacts of both this project and the Moffat Tunnel Expansion Project.

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