



December 26, 2008

Mr. Will Tully
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Mr. Chandler Peter, PE
Project Manager
Denver Regulatory Office
U.S. Army Corps of Engineers
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Littleton CO 80126-6901
chandler.j.peter@usace.army.mil

RE: Windy Gap Firing Project Draft Environmental Impact Statement
Transmitted by Email

Dear Mr. Tully and Mr. Peters:

Thank you for the opportunity to provide comment on the draft Environmental Impact Statement (DEIS).

The Colorado Wildlife Federation has decided to endorse and join with Trout Unlimited in its comments and those of the Colorado Environmental Coalition, reflected in the attached letter. Our discussions with wildlife and fisheries biologists are in accord with those comments.

We are deeply concerned with the future of the upper Colorado River and believe that the water needs of the Front Range populations must achieve a balanced outcome that accommodates the needs of fish and wildlife, as they are valued by Coloradans, contribute to the economy and are a fragile resource. In our view, the parties must reach an outcome that reflects the unique character of Colorado, our increasingly scarce water resource and importance of fish and wildlife. The DEIS fails to achieve such balance. We hope that by continuing serious work to shape the outcome, the process and result can serve as a model.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne O'Neill", is positioned above the typed name.

Suzanne O'Neill
Executive Director, Colorado Wildlife Federation

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December 23, 2008

VIA EMAIL: WTULLY@gp.usbr.gov

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**Re: Windy Gap Firing Project Comments
Draft Environmental Impact Statement
CWA § 404 Permit Application**

Dear Mr. Tully and Mr. Peters,

We are pleased to offer the following comments on the Windy Gap Firing Project Draft Environmental Impact Statement (DEIS) and on the U.S. Army Corps of Engineers (USACE) notice of CWA § 404 permit application. The undersigned organizations represent thousands of Coloradoans statewide, and share a collective vision to work towards the adoption of water supply and management decisions that are environmentally and economically sustainable in order to conserve, protect and restore Colorado's rivers.

In addition to these comments, these organizations join the separate comments provided by Trout Unlimited, Western Resource Advocates, National Wildlife Federation, and Grand County.

Our organizations have been following this project for several years, we continue to have a number of concerns. Our concerns as they relate to the DEIS follow.

1. The Purpose and Need Statement is too narrow, thereby improperly limiting the range of alternatives analyzed and precluding the Corps' required selection of the least environmentally damaging alternative:
 - a. Early on, in the Public Scoping phase of this project, numerous groups, including ours submitted comments noting that the Purpose and Need Statement for this project is very narrow. This narrow statement has created an artificial comparison of this project to other alternatives. There cannot be a fair analysis of this project as it stands because many suitable alternatives have been cast aside due to this flawed and narrow Purpose and Need Statement.

- b. Many of the rejected alternatives would have provided less damaging alternatives to meet water supply needs and serve the public interest.
 - c. The Supplemental EIS and should look at non-structural alternatives to WGFP, such as water conservation programs and dry-year leasing of irrigation water, which would not deplete the Colorado. These types of alternatives were filtered out under the narrow Purpose and Need statements, but could be viable alternatives to meet future demands.
2. Conservation and Efficiency Measures have not be adequately assessed or implemented by project participants:
- a. Like other issues addressed in this letter, we have had many concerns about the lack of conservation and efficiency since early on in this project. Currently there is no meaningful discussion of conservation and efficiency in this DEIS. Conservation and efficiency measures do require an investment of time and resources to be successful, these investments however would be far less than the money to be spent (and spent to-date in many cases) on the Windy Gap Firing Project.
 - b. Many of the participants are doing the bare minimum for conservation, some less than that. Only one community, Greeley, seems to have actively sought to implement strong measures towards conservation and efficiency, and they too could see increases in success with additional investments. Many communities on both the West Slope and Front Range would appreciate having additional water supplies, such as those potentially gained from this project. Ensuring responsible and efficient use of those supplies should be a top priority for Northern, the individual participants and the permitting agencies.
 - c. In a recent presentation, the Colorado Water Conservation Board assumed a 25% reduction in average per capita water use between 2000 and 2030. WGFP communities must adopt, at a minimum, the State's conservation objectives. With this level of reduction, the project participants' existing supplies will meet demand through 2030. When the other proposed projects in the region are considered – NISP and its alternatives, Broomfield Reservoir, and Halligan/Seaman Reservoir expansion – firm supplies could exceed participants' demands through 2050, alleviating the need for the Windy Gap Firing Project.
3. Socio Economic and Recreation impacts inadequately assessed:

- a. The Colorado River and tributaries provide not only recreational and cultural amenities to the western slope but also sustain the local communities and economies. These local economies ebb and flow with the River. Impacts felt on the stream will also be felt in economic terms, which are not only felt at the local level but at the state level as well. Tourism in Colorado generates more than \$8 Billion annually, according to conservative estimates of the Colorado Tourism Board. In 2003 tourism generated \$170 Million to Grand County alone. Significant amounts of tourism dollars, especially during summer months come from whitewater based recreation, these funds are vital for our entire state.
 - b. The DEIS falls short of adequately assessing what these impacts will look like, and in many cases underestimates the impacts by using average figures not specific to the area or in some cases to the sector of the economy in question- as is the case with the assessment of impacts to commercially guided fishing.
4. Lack of assessment on impacts to downstream environments:
- a. There is little information in the DEIS on what the impacts of the project will be on the Colorado River below the confluence with the Blue River. . How will the Windy Gap Firming Project impact federal agencies abilities to manage areas which are eligible for designation under the Wild and Scenic River Act?
5. Incomplete assessment of direct, indirect and cumulative impacts:
- a. The DEIS fails to adequately assess the cumulative impacts of multiple projects relying on the same river. The DEIS fails to evaluate the impacts projects like the Colorado Big Thompson (CB-T) and Moffat Tunnel, which currently take over 50% of the river flows, have already had on the river resources. An analysis of the impacts of past water diversion projects is needed to understand whether the additional diversions of WGFP will push the river system over the brink, irreversibly damaging its resources.
 - b. The DEIS should look closely at how WGFP and the anticipated Denver Water's Moffat Collection system expansion will change the river's hydrology and what impacts the change will have on its resources. These projects will reduce peak flows, extend periods of low flows, and create more drought-like conditions. The DEIS does not look at the extent and frequency of these changes, or at how these changes will impact the river's resources.
 - c. The DEIS models anticipated stream conditions based on averages that mask important changes that could have a devastating effect on aquatic resources. Using a daily-step hydrological model would have

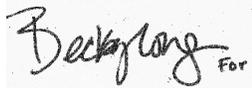
prevented this problem. Such model is used by Denver Water. Scoping comments and EPA letters strongly recommended that WGFP and the anticipated Moffat project be reviewed together in a single DEIS. Failure to do so results in a deficient WGFP analysis. Moreover, the DEIS' model significantly overestimates existing Windy Gap project diversions, as reflected by the Colorado State Engineer's records. In doing so, projected stream depletions and impacts associated with WGFP are grossly underestimated.

- d. The DEIS also fails to adequately assess the impacts on water quality of Lake Granby, Shadow Mountain Reservoir, and Grand Lake. Nutrient concentrations into the Three lakes are underestimated in the DEIS. As these concentrations contribute to high levels of algae growth, which also coincides with the pumping of Colorado River water into the Three Lakes, significant impacts will be seen. The DEIS under estimates these impacts, by using annual averages rather than a seasonal, monthly or daily average. The DEIS should evaluate impacts of the WGFP on Three Lakes by weighted by pumping schedules rather than averages.
6. Disregard of anticipated state stream temperature standards violation
 - a. The DEIS acknowledges that operation of WGFP will cause violation of stream temperature standards established by the state to protect aquatic life. However, it proposes no firm mitigation measures to prevent such violations.
 7. Mitigation of impacts and inclusion of the Grand County Stream Management Plan:
 - a. The DEIS discussion of mitigation measures is insufficient. Mitigation for identified impacts is not offered and where it is, the benefits are not explained and commitments to implement them are not made.
 - b. Grand County has developed a Stream Management Plan that identifies flows needed to preserve the Colorado River's fisheries and recreational values. The DEIS fails to evaluate information provided in the plan to assess impacts on those resources or to consider it for mitigation purposes.

We appreciate the opportunity to comment on this project, though overall are dissatisfied with the DEIS analysis and believe it fails to provide critical information needed for the Bureau of Reclamation and the USACE to make their respective decisions. A great deal more work needs to be done before this project should move forward. The fact that the Bureau of Reclamation's first duty is to operate the C-BT Project so as to accomplish its primary goals, including preservation of the Colorado River fisheries and recreational value, should be carefully weighed before

decisions that will have impacts on those values are made. The upper Colorado River is truly a resource for all, and it is crucial for our state to ensure that we are protecting it and balancing the needs of its environment in the face of demands for additional water is crucial for our state.

Sincerely,

A handwritten signature in black ink that reads "Becky Long" with a small "For" written below the name.

Becky Long

Colorado Environmental Coalition

Bart Miller

Western Resource Advocates

Robyn Fugett

Rocky Mountain Chapter of the Sierra Club

Gary Wockner

Clean Water Action

Nathan Fey

American Whitewater

Cc:

Honorable Senator Ken Salazar

Honorable Senator-Elect Mark Udall

Honorable Governor Bill Ritter

Harris Sherman, DNR

Jim Martin, CDPHE

Larry Svoboda, EPA Region 8

Gene Reetz, EPA Region 8