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December 29, 2008

Will Tully, Bureau of Reclamation
11056 W. County Road 18E
Loveland, CO 80537
(970) 663-3212 (fax)

SUBJECT: Windy Gap Firming Project Comments

Dear Mr. Tully:

I am writing on behalf of the Town of Fraser regarding the Windy Gap Firming Project and would like to offer the following comments:

Purpose and Need Statement

1. The Purpose and Need Statement is too narrow, thereby improperly limiting the range of alternatives analyzed.
2. It is so narrow that many less environmentally damaging alternatives that do not involve more diversions from the Colorado River are not brought forward.

Senate Document 80

Senate Document 80 is the legal foundation of the Colorado Big Thompson (C-BT) Project. Senate Document 80 describes C-BT facilities and conditions to protect the beneficiaries of those facilities, including Grand County and the west slope. Senate Document 80 contains requirements for use of C-BT water by the Northern Colorado Water Conservancy District as a supplemental supply on the east slope, use of Green Mountain Reservoir for west slope beneficiaries, and provisions that specifically protect the headwaters of the Colorado River system in Grand County.

1. The DEIS excludes consideration of Senate Document 80 requirements which protect Grand Lake and the Colorado River, including specific considerations about recreation, aesthetics and fish.
2. It should be noted that connection of WGFP facilities to C-BT facilities and storage of C-BT water in non-project facilities would require Congress to amend Senate Document 80.

3. Senate Document 80 imposes upon Reclamation an affirmative duty to operate the C-BT Project and its facilities in a manner that is protective of the Colorado River fisheries. Not only does the DEIS fail to provide the necessary analysis of impacts to aquatic resources within the reach of the Colorado River evaluated, it entirely fails to analyze the impacts of WGFP on the aquatic resources below Gore Canyon.

Permitting Authority

1. It should be recognized that Grand County will have 1041 permitting authority over all of the alternatives, not just those where there will be construction in Grand County. The Bureau has stated in the past that a new or amended 1041 permit may not be required for the WGFP. However, a new or amended 1041 permit is required for new facilities and operational changes.
2. Changes to C-BT operations demonstrate that this is a different project. Grand County issued permits for the original Windy Gap Project. Each of the proposed alternatives will result in a change in the operation of the permitted Windy Gap Project thereby triggering either amendments to the existing permits or new permits.

Cumulative Impacts

1. The DEIS should present a significant discussion of cumulative impacts and show much more detailed information regarding the full history of streamflows and stream depletions to this region, not just the flows averages before and after C-BT. The
2. The DEIS should include a more thorough discussion of C-BT and Windy Gap operations on the West Slope, particularly in terms of when water is being exchanged from where to where and how reservoir evaporation is being accounted for and managed.
3. A more detailed description of past water diversion projects and their resulting impacts (e.g., conditions before and after the C-BT, the Windy Gap Project, and Denver Water's Moffat Collection System project) is necessary to understand how these conditions came about.
4. Instead of using actual existing conditions as a baseline against which to measure impacts of the WGFP alternatives, the DEIS used a modeled stream flow regime. The modeled conditions show existing diversions from the original Windy Gap at an annual average of 36,000 a.f. on the average per year when in reality the diversions were only 11,000 per year. Consequently, the significance of the impacts of the additional diversions associated with the WGFP were greatly understated. Since all the impacts of concern in Grand County are caused by stream depletions (aquatics, boating, etc) the relative significance of all of those impacts are also under-stated.
5. The WGFP and Denver Water's Moffat Collection System project are cumulative actions. A single EIS analyzing the impacts of both projects is not a mere formality. Without such EIS, there can be no assurance that the Bureau of Reclamation and Corps of Engineers have, collectively, taken a hard look at alternatives to the simultaneous operation of the WGFP and Moffat Collection

System Project, the cumulative environmental impacts of those two projects (with emphasis on the hydrology, water quality, and aquatic resources of the Colorado River), and measures to mitigate those impacts.

6. The Shoshone call reduction needs to be examined more closely. When the agreement with Denver Water went into effect in 2003, that was also the greatest year of diversion by Windy Gap of 64,200 af. The DEIS is full of statements that Windy Gap will not divert during a dry year, but there is no analysis of the effects from the Shoshone call reduction.

Mitigation/Grand County Stream Management Plan

1. Although the DEIS describes mitigation for the original Windy Gap Project, it does not analyze what additional mitigation would be required due to operational and other changes resulting from the WGFP.
2. Many of the proposed west slope mitigation measures for the Proposed Action are too vague and uncertain to enable the Bureau, Grand County, or other interested groups and individuals to evaluate "the severity of the adverse effects."
3. The DEIS fails to consider or discuss Grand County's Stream Management Plan (GCSMP). Grand County has been involved in an ongoing effort to provide a scientific study for the analysis and recommendation for preferred flow regimen for streams and rivers in Grand County. The GCSMP takes into consideration the concerns with cumulative impact and looks at the river system and various project operations as a whole. The DEIS needs to include information from the GCSMP and mitigation needs to be based on the findings in the Plan.

Modeling

1. There are significant concerns regarding the modeling used to evaluate West Slope impacts.
    - Because fish need water on a daily basis rather than a monthly average basis, the use of a monthly model may mask great fluctuations in water levels. A detailed daily model should be used to evaluate the projected new water yield from additional facilities and additional diversions, and then a separate monthly model should be used to evaluate the effects to the source area of the water supplies. The upper Colorado River basin can experience dramatic flow changes due to daily changes in water administration and the operations of several large-scale water facilities within the modeling reach.
    - The DEIS says the model ends in 1996, and ignores the recent dry years like 2002 and following. This is a flaw in being able to determine the impacts, because the year of highest diversions by Windy Gap was in 2003, which followed the 2002 dry year.
    - The use of the long-term average daily flows to generate the factors to represent daily flows in all years, wet, average or dry, is inappropriate and may be highly inaccurate. The daily pattern of streamflows within a given month is not the same from year to year.

2. The Kremmling gage was chosen as the downstream end of the Study Area because the majority of the effects to the Colorado River are expected upstream. While this is largely true for the WGFP, it is not true for some of the cumulative effects, such as Eagle County growth, Homestake diversions and the potential construction of Wolcott Reservoir. These would affect the WGFP area due to changes to the Eagle River flows and Shoshone calls. The active modeling area should be extended downstream to the Dotsero stream gage. This would incorporate the anticipated depletions upstream of Shoshone from projected growth in the Eagle River basin, and would allow for an evaluation of the effects from the construction of Wolcott Reservoir as a source for the 10,825 water.

Water Quality

1. In most instances, inappropriate modeling was used when evaluating WGFP impacts on water quality, leading to seemingly minor adverse impacts.
2. Extremes, not averages are the concern for water quality, which is why the State uses 85%-percentile statistical value of the available relevant data to define existing water quality, not the average, as was used in the DEIS.
3. Pine-bark beetle infestation and climate change should also be considered as part of the cumulative impacts for lake and reservoir water quality report and for stream water quality.
4. The report provides absolutely no evidence of any ground water investigations, but states "no substantial effects to ground water quality." Is statement founded and true?

Hydrologic Impacts

1. Some of the most significant impacts to Grand County result from hydrologic changes associated with flow depletions. The analysis of hydrologic conditions in the DEIS must document changes in magnitude, frequency, duration, timing, and rate of change before the impacts of flow depletions on the aquatic environment can be adequately understood.
2. Actual changes in daily flows and daily water quality, including temperature need to be evaluated, versus changes in annual or monthly flows or water quality. Reporting average annual or monthly flows and ignoring other flow factors can mask significant impacts that may occur on a given day or series of days, thereby creating the false impression that environmental impacts are insignificant.

Aquatic Life

1. There is an inadequate discussion of mitigation for the aquatic environment.
2. Not only does the DEIS fail to provide the necessary analysis of impacts to aquatic resources within the reach of the Colorado River evaluated, it entirely fails to analyze the impacts of WGFP on the aquatic resources below Gore Canyon. This is particularly disturbing in light of the ongoing stakeholder effort to develop a stream management plan to protect the fishing values of the river down to State Bridge, as an alternative to Wild & Scenic Rivers Act designation by Congress.

3. Elevated stream temperatures are a significant concern in the upper Colorado River. As the DEIS indicates, stream temperature at various locations periodically exceed levels deemed to be safe for the fisheries. The DEIS fails to evaluate:
    - How incremental increases in stream temperatures caused by operation of the WGFP and other reasonably foreseeable projects will impact aquatic life;
    - How stream temperatures will increase over a series of days
    - The potential for stream temperature conditions that have chronic impacts on aquatic resources
4. The water quality model on which the DEIS relies generates predictions based on conditions for the single modeled day. It does not predict what conditions will be at other times. As a result, the DEIS fails to take a hard look at the potential impacts of WGFP and reasonably foreseeable projects on the aquatic resources of the Colorado River.
5. The DEIS's surface water quality analysis attempts to compare modeled stream temperature increases due to operation of WGFP and other reasonably foreseeable projects to the State Standards. Unfortunately, it uses the interim standards of 2006, not the final standards adopted in 2007 by the Water Quality Control Commission. As a result, the DEIS entirely fails to evaluate the extent and frequency with which operation of WGFP and other projects will increase temperature levels beyond the acute, lethal tolerance levels reflected in the Commission's regulation adopted in 2007.
6. The DEIS fails to evaluate aquatic life impacts below the confluence of the Blue River.

Socioeconomic

1. Water resources and the local Grand County economy are inextricably linked. The WGFP directly impacts the environmental 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. Impacts need to be further evaluate and addressed in the DEIS.
2. There is no acknowledgement in the DEIS of the relationship between water and land use. There are potential negative relationships between WGFP water impacts and land use including impacts to agriculture through irrigation ditch failures and impacts to development directly dependent on river and reservoir views and usage. The Land Use Section of the DEIS does not acknowledge a relationship between Colorado River hydrology and agricultural land use.
3. In the visual, land use, recreation and socioeconomic impacts, the DEIS provides very few mitigation solutions because it quantifies very few impacts.
4. The Economic Impact of Travel on Colorado report estimates that in Grand County, the direct impact of spending by visitors equaled $169.7 million in 2003. Local businesses as well as municipal governments are highly dependent on retail

sales (see adjacent graph). Recreation and tourism is the lifeblood of Grand County and many of our mountain communities. Water and simultaneous scenic beauty is the lifeblood of its recreation and tourist industry.

Recreational Impacts

1. The only recreation activities quantified in the DEIS are commercial kayaking and commercial rafting on selected portions of the Colorado River and related camping. This is narrow and inadequate. There are other recreational activities that occur in other areas that need to be evaluated as well that bolster the Grand County economy. Additionally it should be noted that recreational activities have related impacts on lodging, restaurant sales, recreation equipment rental providers and guides or outfitters, and other incidental purchases. Gradually, tourism has grown to become the primary economic driver in Grand County, like most of our mountain communities. Unlike other more urban environments, tourist activities in mountain communities rely directly on the natural flow of water.
2. The DEIS acknowledges a 20 mile segment of the Colorado River as having Gold Medal designation, but does not discuss whether WGFP or the cumulative effects would threaten this designation. This designation is made by the Colorado Wildlife Commission for it's outstanding trout fisheries. The reputation of Gold Medal draws fisherman nationally and internally, providing a huge boost in tourism dollars. Overall, there is little discussion of the impacts to fishing. Most of the discussion relates to float boating.

Wild and Scenic

All reaches of the Colorado River in Grand County are under consideration by the Bureau of Land Management (BLM) for "Wild and Scenic River Designation." For a segment that has been identified as "eligible" for inclusion in the Wild and Scenic River System, federal policy requires agencies to "evaluate all actions within their control through the filter of the river's potential for designation. Some specific authorities for protecting river-related values include the Clean Water Act for free flow and water quality, the Endangered Species Act for plant and animal species within a river corridor, the Archaeologic Resources Protection Act for cultural resources, the National Environmental Policy Act, and the Federal Lands Policy and Management Act."

1. The DEIS specifically states that it excludes consideration of whether the WGFP would impact BLM's determination of Wild and Scenic Designation. This is a potentially significant designation that could generate substantial visitor revenues for Grand County. While not usurping BLM's analysis, the DEIS should compare eligibility requirements against anticipated effects of the WGFP and the cumulative effects.

Water Conservation

1. Although the DEIS rejects water conservation as an alternative, it does not explain why water conservation should not be proposed as an additional mitigation measure. The DEIS does, after all, recognize that "[t]o meet future water requirements will require continued improvements in water conservation in addition to the proposed WGFP."

2. In order to minimize the amount of water removed from the Colorado River at the Windy Gap Pumping Plant and Reservoir, each of the eastern slope participants should be required, to the maximum extent feasible, to implement reuse programs and make successive use of the foreign water.
3. WGFP participants should also be required to have "measurable" water conservation plans in place.

We appreciate the opportunity to comment.

Sincerely,

Jeffrey L. Durbin
Town Manager

Town of Fraser
PO Box 370, Fraser, CO 80442 office 970-726-5491 fax 970-726-5518
www.frasercolorado.com