

# Northern Colorado BUSINESS REPORT

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## EPA criticizes NISP impact statement

By Steve Porter

DENVER - The U.S. Environmental Protection Agency is throwing some stumbling blocks in front of a proposed giant water storage and supply project that opponents are hoping will stop the project.

Supporters, meanwhile, are saying the EPA's issues can all be addressed without derailing the planned \$400-plus-million Northern Integrated Supply Project, which includes the construction of Glade Reservoir northwest of Fort Collins and Galeton Reservoir northeast of Greeley.

The NISP, proposed by the Northern Colorado Water Conservancy District, would divert Cache la Poudre River water for storage in Glade Reservoir and South Platte River water for storage in Galeton. Twelve cities and water districts are lined up to buy water from the project if it receives approval from the U.S. Army Corps of Engineers.

But EPA's Region 8 office in Denver recently sent a letter to the Corps of Engineers criticizing the project's draft Environmental Impact Statement on a number of issues.

"It is EPA's opinion, based on currently available information, that the project as proposed will have substantial and unacceptable impacts to aquatic resources of national importance," said the Oct. 16 letter written by Carol Rushin, acting regional administrator.

"EPA is concerned that the proposed action ... will have substantial and unacceptable impacts to the water quality, stream morphology, aquatic life and riparian systems associated with 55 miles of the mainstem Cache la Poudre River and the mainstem South Platte River below the confluence with the Poudre River."

The EPA cites many areas of the draft EIS that it feels do not sufficiently address water quality concerns and possible impacts to wildlife. Concerning water quality, Rushin noted that the draft EIS "does not adequately address the project's potential to exacerbate water quality impairments to the Poudre and South Platte Rivers."

Rushin notes that portions of both rivers are already "impaired" following analysis by the Colorado Water Quality Control Division, which found two segments of the Poudre with levels of pH, copper, selenium and E. coli in excess of state water quality standards and excessive levels of selenium in the South Platte.

### Warning issued

The NISP project proposes to divert water during high river flows so as to minimize the effects on downstream water users and aesthetics. But the EPA "is concerned that mitigation for adverse and unavoidable impacts associated with an altered flow regime will not be feasible, and therefore inadequate to offset these extensive losses."

The EPA is calling for a mitigation plan that will address the concerns listed in the letter and additional analysis of several of the draft EIS's conclusions.

In summation, the EPA warns against the Corps of Engineers moving forward to a final EIS without addressing its concerns. "If the Corps does not choose to accept these comments ... EPA may further consider its next steps for review of this project based upon the significance of potential adverse environmental impacts to waters of the U.S.," the letter states.

Chandler Peter, Corps of Engineers spokesman, said his agency plans to address the concerns. "We're working with the EPA to clarify their comments and address the issues they've raised," he said.

Peter acknowledged that the EPA can have the last word. "They can still veto the decision the Corps ultimately makes," he said. "They can do it on any decision we make."

Peter said some of the EPA concerns have already been dismissed. "Some of the comments they've made we've found were not germane or at issue and nothing will be done about it," he said. "I'm trying to evaluate which comments require further analysis and which have been addressed in reports. All of that determines if a supplemental EIS may be needed."

Peter said it will be "well into December or possibly January" before his office can respond fully to the EPA's concerns and decide if the project can proceed to a final EIS.

#### Negative impact

Gary Wockner, spokesman for Save the Poudre Coalition opposing the project, said the EPA concerns underscore what the group's position that NISP could have a negative impact on the region's environment.

"The cities of Fort Collins and Greeley, the state of Colorado and finally the EPA are roughly saying the same thing: that the environmental impacts are extremely damaging," Wockner said. "The project participants should be paying very close attention and the water district should be paying very close attention because the EPA has the ultimate power in this process."

Carl Brouwer, the water district's project manager for NISP, said the district is addressing the EPA concerns. "Every one of the points they've raised is being analyzed right now," he said. "We feel confident that every one of the issues we will be able to address."

Brouwer said the district budgeted about \$5 million for studies for the EIS and permitting phase of the project but recently added another \$1 million to cover additional studies during the draft EIS public comment period.

"We've spent many millions thus far and we'll probably spend a little more," he said. "A lot of the issues we're addressing right now it would have been tough to have foreseen. But we'll deal with it all. Thus far we do not see any fatal flaws."

Brouwer said despite EPA's concerns about the project, he doesn't believe it will use its veto power to stop it. "I know they have concerns, but it seems they're committed to working that out," he said.

Brouwer said the water district now hopes to build the project by 2016 instead of 2015 because of delays in the EIS process. "We've been saying 2015, but it's gotten shifted again," he said. "Presently, our plan is to start in 2012 and end by 2016."