



February 7, 2010

To: Tim Carey and Chandler Peter, Army Corps of Engineers; Wade Nofziger, FEMA

Cc: Boxelder Authority Board

From: Save The Poudre: Poudre Waterkeeper

Regarding: Federal permitting for work in the Boxelder Basin by the Boxelder Basin Regional Stormwater Authority

Dear Tim, Chandler, and Wade,

In a letter sent from Mr. Rex Burns (Boxelder Authority Manager) to the environmental community dated 8/31/09 (posted here:

<http://poudreriver.home.comcast.net/~poudreriver/Final%20response%20to%20Dr%20wockner%20083109.pdf>

Mr. Burns states that the Boxelder Stormwater projects have no bearing on the NISP/Halligan/Seaman projects because the Boxelder Stormwater projects will not reduce the overall flows moving towards and into the Poudre River. His quote is:

“As a flood control project, there is no relationship to the proposed Halligan, Seaman and NISP projects, all of which are storage related projects.”

We strongly disagree with Mr. Burns. Specifically, by storing high flows in reservoirs in the upper Boxelder basin and slowly releasing them to the Poudre River, rather than letting those high flows naturally move towards and into the Poudre, channel siltation in the Poudre River will be exacerbated. High flows are the ecological tool that scours the riverbed, creates habitat for spawning fish, and cleans out silt and debris from the river channel.

Further, due to the proposed NISP/Glade project – in addition to Halligan and Seaman – high flows will be so reduced that very little channel scouring will occur. In fact, this is one of the concerns expressed by the City of Greeley in their comments on NISP, that high flows will be so reduced that channel siltation will result in exacerbated flooding on the Poudre River downstream. Additionally, channel siltation is already a major problem downstream in the Poudre; it is our understanding that the City of Greeley is currently working with the Corps by spending significant money to try fix/dredge some of those problems. The Boxelder Stormwater projects will exacerbate those very problems in the Poudre River east of I-25.

Therefore, we believe that the Boxelder Stormwater projects are integrally linked to the NISP/Halligan/Seaman projects, and as such should be considered as a part of your “cumulative

impacts study” as well as included in the NISP and Halligan/Seaman EIS’. Further, because NISP/Halligan/Seaman will be removing high flows from the Poudre during peak runoff, that removal may overlap with high flow events in the Boxelder basin. The Authority’s own webpage states that these high flow events can occur as often as every three years, and can account for hundreds of CFS of flow moving towards and into the Poudre River.

In addition, the U.S. Environmental Protection Agency has listed a TMDL for selenium originating in the Boxelder Creek basin. At the present time, selenium contamination in Boxelder Creek and the Cache la Poudre River below Boxelder Creek exceeds water quality standards, and as such it represents a hazard for the Cache la Poudre River downstream from the confluence with Boxelder Creek. Loss of peak flows and altered winter flows associated with NISP and the Halligan-Seaman projects are likely to affect selenium concentrations downstream.

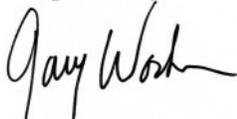
Because the Boxelder Stormwater projects are so integrally linked to flows in the Poudre River, and because each creek flowing into the Poudre (including Boxelder) performs necessary ecological functions for the river, we believe you should:

1. Create a separate, new Environmental Impact Statement for the Boxelder Stormwater Projects. These projects are a “major federal action” involving territorial waters of the U.S., Clean Water Act engagement, NEPA engagement, FEMA/federal money, wetlands issues, intersections with a federal highway, streamflows in the Poudre River which was defined by the U.S. EPA as an “Aquatic Resource of National Importance”, and increased water storage in the Cache la Poudre basin.
2. Include the Boxelder Stormwater project as a part of the NISP/Halligan/Seaman “cumulative impacts study”. We specifically request to see analyses representing the Boxelder project’s impacts on:
 - a. streamflows in the Cache la Poudre River
 - b. wetlands along the Poudre River
 - c. sediment load in the Poudre River
 - d. aquatic life in the Poudre River
 - e. the floodplain of the Poudre River
3. Halt the Boxelder Stormwater Projects from further progress until these studies are completed and impacts are understood, mitigated, or avoided.

The Boxelder Stormwater Projects are primarily designed to subsidize and fuel fast development and population growth along the I-25 corridor by using ratepayers’ money to pull developable land out of the 100-year floodplain. A large amount of that money comes from the citizen ratepayers of the City of Fort Collins. On behalf of our membership in Fort Collins, and our membership beyond Fort Collins, we request that you comply with our three requests above.

We look forward to hearing from you.

Respectfully,



Gary Wockner, PhD
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