



April 9, 2011

The Honorable Colorado Governor John Hickenlooper
Office of the Governor
136 State Capitol Bldg.
Denver, CO 80203-1792

RE: Recent Town of Frederick memo regarding the Northern Integrated Supply Project (NISP)

Save The Poudre is writing to you in response to a memo sent to you dated March 14, 2011, from Derek Todd, Town of Frederick, Colorado. (That memo is posted here:

[http://poudreriver.home.comcast.net/~poudreriver/Frederick letter to Governor-Hickenlooper-3-14-2011.pdf](http://poudreriver.home.comcast.net/~poudreriver/Frederick%20letter%20to%20Governor-Hickenlooper-3-14-2011.pdf)) Unfortunately, we believe that this particular memo contains numerous inaccuracies and erroneous statements that collectively require an immediate and detailed response.

Please allow us to enumerate our responses one by one. But first let us welcome you, Governor Hickenlooper, and your administration, as well as your commitment to balancing the needs of the communities of Colorado with the environment that gives our great state the reputation it so well deserves.

1. Although it is true that former Colorado Senator Hank Brown led the charge to craft a bill that resulted in the Wild and Scenic designation in the upper Poudre River, it is absolutely incorrect to state that this bill “assured” water development in the Poudre River below the mouth of the canyon and that an off stream reservoir would be universally supported. News outlets have interviewed at least one environmental representative involved in that 20 year-old negotiation, Gary Kimsey, reporting that “the

construction of Glade Reservoir was never guaranteed.”¹ We would be happy to provide you with the other environmental witnesses present at the time this bill was crafted. Most telling, however, is an article² co-authored by today’s spokesperson for the Northern Colorado Water Conservancy District, which clearly states, “Environmentalists agreed that a reservoir site below Poudre Park and the Rockwell site on the South Fork would be left undesignated and open to possible future development” [emphasis added], a statement confirmed by a similar scholarly article³.

In fact, there was no agreement regarding a downstream reservoir. Further, any proposed water development project of this nature and scope would automatically trigger both the Clean Water Act (CWA) and the National Environmental Policy Act (NEPA), the very processes that are ongoing today. And any such water development project would always be evaluated on its own merits—or demerits as the case may be.

2. Mr. Todd misleadingly stated that “NISP, including the Glade Reservoir and associated improvements, has been shown to be the least environmentally damaging practicable alternative.” This is incorrect because the first Draft Environmental Impact Statement (DEIS) was deemed deficient in so many areas, especially regarding environmental impacts, that no one can say whether NISP has been designated as the least environmentally damaging practicable alternative or not. We will not know, no one will know, what the Corps of Engineers’ final decision will be until they make it, and that will be after the process has run its course, including the Supplemental Draft Environmental Impact Statement, a detailed mitigation plan, at least one more round of public comment, a Final Environmental Impact Statement, and the Record of Decision, all of which will take several more years.

Furthermore, it is critical to realize that the Environmental Protection Agency (EPA) has already enumerated several serious concerns which, if not properly addressed by the applicant, could be cause for an EPA veto under the Clean Water Act. Specifically, in their October 16, 2008 letter⁴ to the Corps sent as part of the required CWA

¹ <http://rmholla.blogspot.com/search?q=compromise>

² Laflin, R. and B.Werner, Cache La Poudre River, In Citizen’s Guide to Colorado’s Environmental Era. Colorado Foundation for Water Education. <http://cospl.coalliance.org/fez/eserv/co:3453/nr32en82005internet.pdf>

³ Laflin, R. 2005. Irrigation, Settlement, and Change on the Cache la Poudre River. http://www.fortnet.org/PRHerCor/Laflin_manuscript.htm

⁴ http://savethepoudre.org/docs/epa_nisp_letter_to_colonel_press.pdf

consultation, and which we referenced to the Town of Frederick and other NISP participants in early 2010⁵, the EPA said, and we quote:

"Based on the currently available information, EPA believes the proposed action fails to comply with the Clean Water Act Section 404(b)(1) Guidelines (Guidelines) due to:

- 1) availability of less environmentally damaging practicable alternatives (230.10(a)),
- 2) potential for violations of state water quality standards (230.10(b)),
- 3) potential for the proposed action to cause or contribute to significant degradation to waters of the U.S. (230.10(c)), and
- 4) lack of a detailed mitigation plan (230.10(d))."

3. Mr. Todd characterizes our coalition as "some small but vocal minority". We are vocal, but we are not small. Save The Poudre: Poudre Waterkeeper is a coalition of 19 national, state, and regional groups including: Waterkeeper Alliance, National Wildlife Federation, Clean Water Action, Wild Earth Guardians, the Xerces Society, Defenders of Wildlife, American Rivers, American Whitewater Association, Western Resource Advocates, Colorado Environmental Coalition, Lighthawk, Environment Colorado, Sierra Club – Rocky Mountain Chapter, Fort Collins Audubon Society, Citizen Planners, Wolverine Farm Publishing, Poudre Paddlers, Friends of the Poudre, and the Cache la Poudre River Foundation. Membership in these groups totals over 3 million American citizens. The number of Northern Colorado businesses that support Save The Poudre is large and growing weekly.

Furthermore, the Corps of Engineers received over 700 comments on the first draft DEIS, most of which were negative and came from many sources other than those coordinated by Save the Poudre, including very serious negative comments from the cities of Ft Collins⁶ and Greeley. All of these comments may be easily located on the Corps' NISP website⁷. As has been widely reported⁸, the nature and complexity of these comments regarding the shortcomings of the DEIS are the very reasons the Corps mandated a Supplemental Draft Environmental Impact Statement. Further, in 2008, the City Council of Fort Collins unanimously voted to oppose NISP as it was described in the DEIS – this council represents 140,000 citizens in Fort Collins which is the largest city in

⁵ <http://savethepoudre.org/stp-correspondence/2010-03-18-frederick-response-letter.pdf>

⁶ <http://www.fcgov.com/nispreview/>

⁷ <http://www.nwo.usace.army.mil/html/od-tl/eis/nisp.deis.comments.htm>

⁸ <http://www.ncbr.com/article.asp?id=98516>

northern Colorado and the 5th largest city in Colorado. Even further, the Northern Colorado Business Report – the region’s only business newspaper – editorialized against NISP, saying “NISP is a mistake we can’t afford to make.”⁹

4. Mr. Todd described a poll by Floyd Ciruli claiming that the majority of people in our region support NISP. We are certain that you, Governor Hickenlooper, are all too aware of the biases induced by so-called push pollsters. Our longstanding critique of this push poll clearly aimed at deceiving those contacted by not being forthcoming about the nature and severity of the impacts may be found on our website¹⁰. The poll told people that there was “excess water in the Poudre River” – a very misleading statement given the current state of the river¹¹. Mr. Todd also cites additional polls that he believes show that most people support ways to meet long-term water needs without obtaining the water through dry-up of agricultural land. Save the Poudre, too, decries excess dry-up of agricultural land – and dewatering the Poudre for that matter. That’s why we have put together our Healthy Rivers Alternative that we believe clearly shows that there are viable water supply alternatives to NISP that do not dry up as much agricultural land as that proposal. Our Healthy Rivers Alternative, which we continue to refine, is readily located on our website¹².
5. Mr. Todd states that NISP is supported by the large number of agricultural organizations in the state. This may be true today, but that support is crumbling as more and more farmers are learning the facts about NISP. The reasons are many, including:
 - a. NISP would accelerate the buy-up and subdivision of irrigated farms in Northern Colorado;
 - b. NISP would accelerate salinization of productive crop lands;
 - c. NISP would end most “free river” diversion opportunities;
 - d. NISP would inundate and divide productive agricultural land;
 - e. The “Initial Fill” of Glade Reservoir is likely to come from Front Range and West Slope farm water; and
 - f. NISP is not another Colorado-Big Thompson Project – it would remove C-BT water from the Poudre Basin.

⁹ <http://savethepoudre.org/news-articles/region-needs-to-prepare-for-life-after-nisp-ncbr-2009-01-05.pdf>

¹⁰ <http://www.savethepoudre.org/news-articles/stp-press-release-bogus-push-poll-2008-09-15.pdf>

¹¹ <http://savethepoudre.org/photo-gallery-2010-07-19b.html>

¹² <http://savethepoudre.org/healthy-alternatives.html>

Rather than explain each of these points here, we invite you to read the details of “The Farm Facts About NISP.”¹³

6. We sympathize with the Town of Frederick’s and the other NISP participant communities’ frustration in committing great sums of their citizens’ dollars to develop an Environmental Impact Statement for NISP. The high cost and lengthy time required to prepare an assessment for such a complex project is indeed daunting. There is truly no end in sight, and there are simply no guarantees on the outcome. Yet it is grossly disingenuous to blame our coalition for Frederick’s dilemma; the NISP subscribers must assume the risks that attend all proposed projects of this magnitude, that have far-reaching and extremely significant economic and environmental impacts region-wide. It seems likely that the Northern Colorado Water Conservancy promised Frederick and the other NISP communities a slam-dunk; what they have gotten so far is the real world.

We have no desire to deny any of the NISP communities water if the need is unequivocally demonstrated, all other options have been thoroughly explored and exhausted, and the beleaguered Cache La Poudre River is not further dewatered and degraded. We do not believe that these conditions have been met in the present case. If the Town of Frederick is serious about developing water resources in an environmentally responsible way, we respectfully ask them to consider prudent alternatives to NISP: downstream gravel pit storage, acquiring and using the irrigation water from the lands that they will grow onto, win-win partnerships with agriculture, and appropriate land use regulations that ensure a continued emphasis on effective water conservation. Again, we direct your attention to our Healthy Rivers Alternative where these attributes are elaborated.

7. Mr. Todd continues by implying that we, Save The Poudre, believe that Colorado can meet the demands of future growth solely through conservation. We do indeed believe that conservation can cost-effectively supply a very large portion of the water supply gap, and we applaud any and all NISP communities for developing or strengthening their water conservation plans. But as emphasized above, we do not necessarily expect that conservation will be the sole solution for all Front Range communities. Gravel pit and aquifer storage, or possibly surface storage farther downstream that protects valuable upstream reaches, may be required in some cases.

As stated above, we do sympathize at least in part with the Town of Frederick’s frustration over sunk costs, seemingly endless delays, and knowing that they have assumed enormous, tangible

¹³ http://poudriver.home.comcast.net/~poudriver/STP_The_Farm_Facts_About_NISP-3-15-2011_lo-res.pdf

risks beyond the expectations they were led to believe. (We, too, have experienced considerable frustration with the process, though perhaps for different reasons.) But frustration is no excuse for inaccurate or false statements to and from those in positions of power. Our coalition is committed to objective, scientific assessment backed by our nation's and our state's laws, and we will pursue that end to the best of our abilities.


In closing, we have a standing invitation to the town of Frederick or any other of the NISP subscriber community to meet with us, listen to our concerns, show them our river, and have a sensible dialogue about responsible alternatives. We extend that invitation to you as well.

Thank you so much for your time and your commitment to a healthy, sustainable Colorado.

Sincerely,



John Bartholow, Save the Poudre: Poudre Waterkeeper Board of Directors



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