



September 26, 2011

**To: Chandler Peter, US Army Corps of Engineers**  
**Cc: Jim Martin, U.S. Environmental Protection Agency**  
**From: Save the Poudre: Poudre Waterkeeper**

**RE: NISP SDEIS Needs to Address NISP Water Used For Oil/Gas Drilling and Fracking**

Hello Mr. Peter,

Recently we have learned that some NISP communities are currently selling water for oil and gas extraction activities, including fracking. Public records requests of NISP communities reveal the information in the chart below. The records we obtained suggest that the Central Weld

NISP Community	Selling Water For Oil/Gas Drilling and Fracking?
FCLWD	No
Windsor	No
Left Hand Water District	Not sure
Erie	Refused
Evans	No
Central Weld County Water District	Yes
Fort Lupton	Yes
Fort Morgan	No
Morgan County Quality Water	No response
Eaton	Yes
Severance	No
Lafayette	No
Firestone	Yes
Frederick	No
Dacono	No

County Water District (CWCWD) appears to be the largest seller of water for oil and gas activities, including fracking. Because NISP communities are selling water for oil and gas extraction activities, including fracking, we believe that this new, unique, and previously unanalyzed “industrial” use of water needs to be addressed in the NISP Supplemental Draft Environmental Impact Statement (SDEIS) your agency is preparing.

First, the Draft Environmental Impact Statement (DEIS) that was released in 2008 did not mention any potential industrial use of NISP water for oil and gas extraction activities, including fracking. It is now clear that there is some use by NISP communities and that more future use will likely occur. In fact, the oil and gas boom in Weld County – which is home to nine of the fifteen NISP participants – is very large and expanding, and thus may require significant amounts of future water from NISP participants. This likelihood needs to be addressed

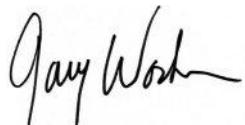
in the SDEIS – the “Purpose and Need” in the SDEIS should address this new and potentially larger industrial use of NISP water for oil and gas extraction activities, including fracking.

Second, the fate of NISP water that is used in oil and gas extraction activities, including fracking, needs to be examined in the SDEIS. It is our understanding that nearly all of the water that is pumped down into wells during the exploration phase and used for drilling and fracking is either 1) pumped back up and disposed of by evaporation or injection into deep disposal wells, or 2) remains in the well for permanent disposal. In either case, this NISP water would be “used to extinction” and would not provide any return flows for downstream users, for other more senior or junior water rights holders, or for streams. The NISP SDEIS needs to analyze the fate of drilling/fracking water that was bought from NISP communities and how that fate impacts other water rights, downstream users, and flows in streams including but not limited to the Cache la Poudre River and the South Platte River.

Third, if NISP communities sell NISP water to oil and gas companies for drilling and fracking, then the Corps must consider if this use of NISP water enables, further facilitates, or causes drilling and fracking and thus analyze the environmental impacts of drilling and fracking across the affected landscape. NISP water – and thus NISP – would potentially cause indirect impacts and cumulative impacts to the environment by its use in the drilling and fracking process including but not limited to drill pad impacts, air quality impacts, spill impacts, water quality impacts to groundwater or streams, impacts on wildlife, noise impacts, etc. The NISP SDEIS must thoroughly and completely analyze how NISP would impact the environment including the use of NISP water for drilling and fracking.

Thank you for your attention to this important matter. We look forward to reviewing the NISP SDEIS. Please contact me with any questions.

Respectfully,



Gary Wockner, PhD, Director  
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