SavethePoudre.org
Poudre Waterkeeper

Mr. Chandler Peter
US Army Corps of Engineers
Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, CO 80123

Re: The Need to Use Reasonably Foreseeable Future Flows in the Cache la Poudre River in the NISP Supplemental DEIS, With Regards to Declining C-BT Inflows

Dear Mr. Peter,

You and I have spoken before about the complexity involved in assessing the cumulative impacts of multiple projects on a single ecosystem. According to the National Environmental Policy Act, the evaluating agency must consider both the direct and reasonably foreseeable indirect environmental impacts, and must factor in multiple, interacting project proposals when other actions may occur "in proximity to the proposed action" even if those other actions occur outside of the agency's immediate jurisdiction.

As you know, Save The Poudre is greatly concerned about the direct and indirect effects that the proposed Northern Integrated Supply Project (NISP) may have on the Cache la Poudre River (Poudre) and its environs through the City of Fort Collins and below. For example, the 2008 Draft Environmental Impact Statement (DEIS) estimated that streamflows during the spring runoff may be reduced up to 71%, based on changes from recently measured flow data, the apparent "baseline". Our organization, in concert with many others, remains greatly concerned with the long-term effects of such drastic hydrologic alteration, especially when weighed in concert with the other projects your agency is evaluating, including the Halligan-Seaman Reservoir expansions and the Greeley pipeline.

In addition, we contend that there are other "reasonably foreseeable" changes to the river that must also be examined by the SDEIS (as well as the DEIS for Halligan-Seaman, and the Greeley Pipeline) to address the impacts of the multiple project proposals currently being assessed. Specifically, we refer to the relentless conversion of Colorado-Big Thompson (C-BT) and other ditch company shares from agricultural to municipal ownership. Though the majority of C-BT and other irrigation water is still delivered to agriculture, it is clear that the majority of ownership, and ultimately consumption, at least in times of decreased water availability, is shifting to municipalities[1].

Rather than simply speculate on such a future, we have examined the flow records for water deliveries into the Poudre River above Fort Collins through the C-BT's Hanson Supply Canal, the outflow from Horsetooth Reservoir. The 42-year graph shown in Figure 1 estimates the trend in water deliveries into the Poudre from the C-BT system

[1] Pritchett, J. 2011. Quantification Task: A Description of Agriculture Production and Water Transfers in the Colorado River Basin. A Report to the CRB Water Sharing Working Group and the Walton Family Foundation. Colorado Water Institute, Special Report 21. 28 pages. Available on the Internet at http://www.cwi.colostate.edu/publications/sr/21.pdf

from 1970 through the current year. The linear trend illustrated estimates an average reduction in deliveries of 657 acre-feet per year, which would indicate a marked decline in deliveries should this trend continue over a 50-year planning horizon. Such a trend, of course, could be explained by changing climate, evolving storage and delivery policies, a reduction in agricultural deliveries, or some combination of factors. However, given that other consumptive agricultural water rights have been and will likely continue to be exchanged upstream for diversion from the river above Fort Collins, often to destinations outside the Poudre basin through the C-BT system and others, we believe that a reasonably foreseeable future for river flows through the City will be far different than the "baseline" used in the DEIS and result in legally significant impacts over and above those described in the DEIS.

We are aware that the review of the NISP hydrologic model[2], part of the DEIS, noted that varying and contradictory "baselines" (some past, some current, and some future) were used in the hydrologic modeling. Though many of the statements in the DEIS were confusing or contradictory to us, it would appear that at least some of the impact analysis was done using current conditions rather than future conditions, perhaps only because that was easier to do and might not have much bearing on investigating project yield. Yet we believe that project yield is very likely to be influenced by changing river conditions such as C-BT deliveries, perfection of conditional water rights and extinction of trans-mountain return flows. In fact, this same DEIS document mentions (page 56) that "records show a 42 percent drop in agricultural deliveries in the Cache la Poudre basin" and (page 77) that "C-BT ownership *may* be more significant for future projections, as M&I entities may retain water for their own use and cease renting/leasing water to agricultural users." We cannot tell for certain how, or if, these baseline issues were resolved in the DEIS. Page 4-21 of the DEIS, for example, describes baseline as "pre-project" flows, whereas page 4-24 just says "non-NISP". Today, what is more important is how the "Common Technical Platform" characterizes the baseline in the Supplemental DEIS.

To summarize, we believe the conversion of agricultural water rights, specifically through the C-BT system, will very likely lead to a further reduction in streamflows in the Poudre River in the reasonably foreseeable future. And, this conversion of agricultural water rights will also very likely lead to a change in project yield. Thus, this conversion of C-BT agricultural water to municipal uses must be thoroughly examined in the SDEIS, specifically with regards to its negative cumulative impacts on the Poudre River ecosystem over the 50-year planning timeline.

[2] HDR Engineering, Inc. 2005. Northern Integrated Supply Project Hydrologic Model Review Report. Prepared for the U.S. Army Corps of Engineers, Cheyenne, WY. 99 pages.

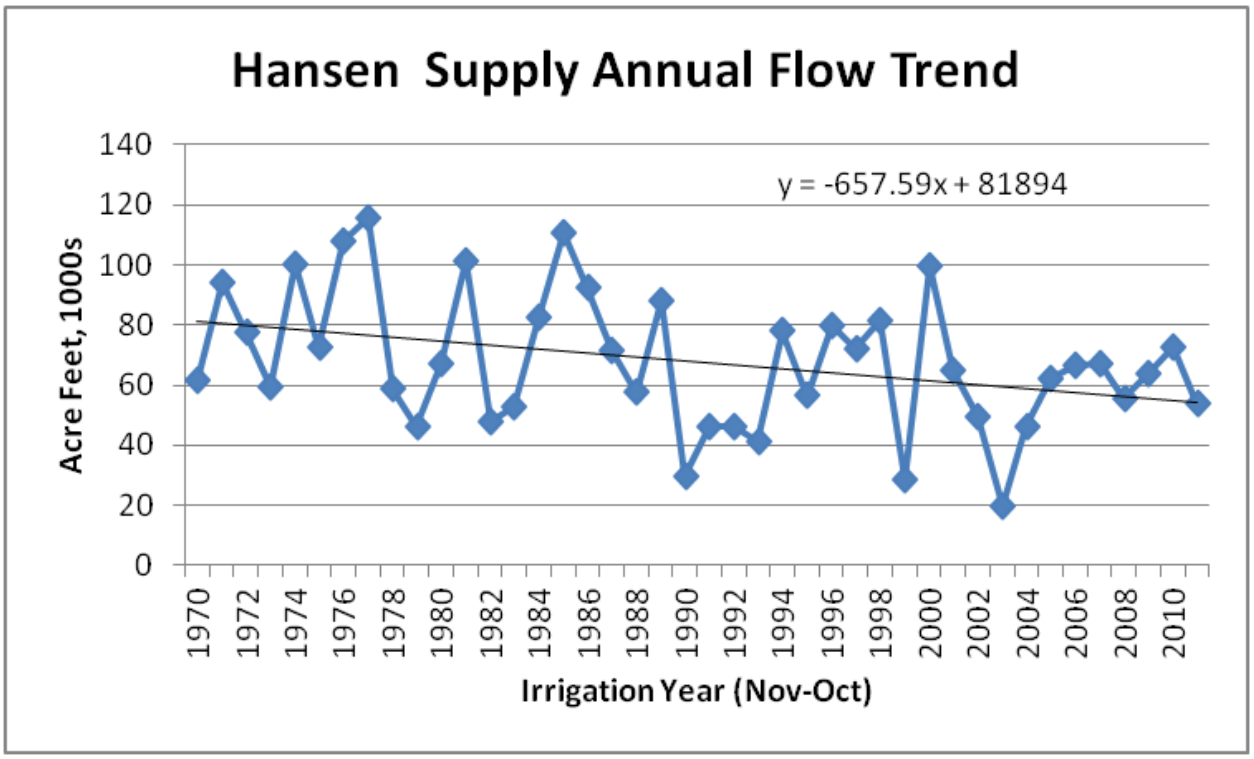


**Figure 1.** Estimated trend in C-BT deliveries into the Cache la Poudre River above Fort Collins. Data are from two different sources. Data for the years 1970 through 1991 were taken from Table G.6.2. Total Hansen Supply Canal Flow through 20 ft Flume (Ac-ft) *in* Northern Colorado Water Conservancy District, 1966 (draft), South Platte Water Conservation Project: Poudre River operation and exchange model. Data from 1992 through 2011 were downloaded from http://www.ncwcd.org/flowdata/Hansen_Supply_Canal_20Foot/HSC20fthist.txt. The few overlapping years of data from both sources (1992-94) agreed closely. Spreadsheet available on request.

Therefore, Save The Poudre requests that the upcoming Supplemental DEIS thoroughly evaluate the NISP proposal and its cascade of social, economic, and environmental impacts against the backdrop of reasonably foreseeable hydrologic changes to the Poudre River through Fort Collins to the S. Platte River, and further downstream if necessary. A failure to study these combined impacts would fail to comply with NEPA and the Clean Water Act.

If you have any questions regarding this request, please contact Gary Wockner at 970-218-8310.

Sincerely,

John Bartholow, for Save The Poudre: Poudre Waterkeeper
5402 Old Mill Rd. Fort Collins, CO 80528

Cc: EPA, State of Colorado, City of Fort Collins