



January 25, 2012

To: U.S. Army Corps of Engineers, U.S. Environmental Protection Agency

From: Save the Poudre: Poudre Waterkeeper

Re: City of Fort Collins Halligan Reservoir Expansion Project EIS process

Dear Mr. Peter and Director Martin,

Save the Poudre: Poudre Waterkeeper requests that the two videos below be inserted into the public record for the City of Fort Collins' Halligan Reservoir EIS process. These videos are of the January 10, 2012 City of Fort Collins City Council worksession discussing the Halligan project and the City's proposed "Water Supply and Demand Management Policy."

a. http://atlas.fcgov.com/2012_01_10_WSPresentations/index.htm#

b. http://atlas.fcgov.com/2012_01_10_Council/index.htm#

Various statements by Fort Collins City Staff and Councilmembers in these videos raise several questions that need to be addressed in the Draft Environmental Impact Statement (DEIS) in order for the Halligan project to comply with the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act.

1. For over an hour, the Council discusses the numbers inserted into the Halligan EIS process concerning the "planning demand level," the "current use level," and the "water conservation goal." Several councilmembers noted that the numbers inserted in the EIS process for the planning demand level – 162 gpcd – are "wrong," "not accurate," "not based in science," and "not up to date." Save the Poudre requests that you consult with the City of Fort Collins to ensure that they are using the most accurate, up-to-date numbers in the EIS process. Failure to use accurate, up-to-date data and science in the EIS process is a serious concern to Save the Poudre.

2. The Council also discusses the City's current use of water that it rents out to farmers in the North Poudre Irrigation District (NPIC). A Councilmember suggests that the City could much more efficiently use its current water supplies, including NPIC water, as a potential alternative to the Halligan expansion. Further, it is suggested that the City staffmember who represents the City on the NPIC board may be representing the NPIC farmers better than the interests of the City ratepayers by supporting the sole use of City-owned water for farming by farmers in Larimer County, rather than supporting the use of City-owned water by the ratepayers of Fort Collins. This is relevant to the EIS process – and compliance with the National Environmental Policy Act – for two reasons:

- a. In the “purposed and need” in the EIS, the City must substantiate a need for the water. It is likely not defensible that the City of Fort Collins can claim a need for this water so that the City can solely rent the water out to Larimer County farmers.
 - b. The City must show that it uses its current water supplies to the maximum extent in the EIS. That the City may not be doing so, and may not intend to ever do so – it may be intending to continue to keep NPIC water in agricultural rights and use – strongly suggests that it has not yet used its current supplies to the maximum extent and thus may not need additional supplies.
3. Several Councilmembers discuss the “price” of the Halligan expansion as compared to other water supply alternatives including purchasing additional firmed water through C-BT, NPIC, and WSSC. Because the price of Halligan appears to be cheaper, the City seems to think it is a justifiable alternative in the EIS process. The Clean Water Act requires that the National Environmental Policy Act evaluate the alternatives to the proposal and pick the “Least Environmentally Damaging Practicable Alternative” (LEDPA). Not only does the Clean Water Act not suggest that the cheapest alternative be picked, but there are numerous precedents of proposed water projects in the U.S. where the cheapest alternative was not allowed to be picked as the LEDPA. (Two Forks, as one example.) We suggest that the Corps advise the City of Fort Collins about the role of “price” in determining LEDPAs and compliance with the Clean Water Act so that the City has adequate time to consider this issue.
4. When the Council asks the staff about the impacts of Halligan on a federally listed species under the Endangered Species Act – the Preble’s Meadow Jumping Mouse (PMJM) – the staff responds that although the project will inundate and destroy PMJM habitat, the staff believes that through mitigation the proposal can “enhance” PMJM habitat. Save the Poudre suggests that the Corps inform the City of Fort Collins of examples where destruction of endangered species habitat has not resulted in successful construction of water projects, and has resulted in extremely long and expensive delays of water projects in the U.S. in order to comply with the Endangered Species Act. We encourage the Corps to fully examine ESA issues in the DEIS and to make sure, again as in #3, that the City of Fort Collins is aware of precedents where ESA issues have derailed water projects so that the City has adequate time to consider this issue.
6. Save the Poudre has inserted multiple “alternatives” to the Halligan expansion into the public record in previous communications to the Corps and the City, but none of these “alternatives” were presented to the Council by staff at the 1/10/2012 worksession. As noted above, the National Environmental Policy Act requires an “alternatives analysis” and the Clean Water Act requires that the LEDPA be chosen. Save the Poudre suggests that the Corps inform the City of Fort Collins of all of the alternatives that have been placed into the public record, and requests that the Corps analyze all of the alternatives, including but not limited to:

Water Supply Alternatives:

- a) Municipal water conservation, indoor and outdoor
- b) Agricultural water conservation, with transfer of consumptive use to the City
- c) Water recycling and reuse
- d) Water sharing with farmers -- interruptible supply agreements
- e) Water sharing with farmers -- rotational fallowing agreements
- f) Water sharing with farmers -- dry year leasing agreements
- g) Purchasing already stored water

- h) Purchasing senior direct flow rights
- i) Using the City's current water rights to the maximum, efficient level
- j) Making developers turn over already stored water or senior direct flow rights (rather than junior, un-stored water)
- k) Stopping sprawl. Adopting aggressive smart growth plans that minimize future water use.
- l) Lawns -- use lawns as dry year water supply.
- m) Stopping population growth.

Water Storage Alternatives (depending on the water supply alternatives considered above, new storage may not be needed, but if it is):

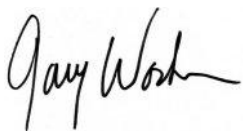
- a) More storage in C-BT system, NPIC system, or WSSC system
- b) New gravel pits
- c) Aquifer storage
- d) Confined aquifer storage
- e) Existing gravel pits
- f) Maximize storage in existing reservoirs
- g) Farms -- through water-sharing agreements
- h) Existing reservoirs (buy or lease new reservoirs that already exist)

7. The presentation provided to Council by staff failed to present a full range of environmental impacts to Council. Save the Poudre suggests that the Corps inform the City of Fort Collins of the full range of environmental impacts that will be caused by the Halligan expansion, and requests that the Corps examine that full range of environmental impacts, including but not limited to:

- a) Impact to peak streamflows in the North Fork and mainstem of the Poudre
- b) Miles of pristine canyon flooded in the North Fork of the Poudre
- c) Acres of wetlands flooded in the North Fork of the Poudre
- d) Acres of wetlands dried up in the North Fork and mainstem of the Poudre
- e) Acres of wildlife habitat flooded and/or impacted, including but not limited to fish
- f) Acres and miles of endangered species habitat flooded (Preble's Meadow Jumping Mouse)
- g) Dam construction (greenhouse gas emissions, noise, air quality, energy used)
- h) Dam and reservoir operation -- greenhouse gas emissions
- i) Impact to water quality in the North Fork and mainstem of the Poudre

Save the Poudre appreciates the opportunity to provide information to the Corps and the EPA regarding the ongoing Halligan expansion EIS process. We look forward to continuing to follow this process in the years ahead. If you have any questions about our suggestions, please feel free to contact us.

Respectfully,



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Gary Wockner, PhD, Director, Save the Poudre: Poudre Waterkeeper
<http://savethepoudre.org>, 970-218-8310