

6/25/2012

Governor John W. Hickenlooper
136 State Capitol Building
Denver, CO 80203

Dear Governor Hickenlooper,

We are in receipt of your letter dated May 21, 2012, to Colonel Robert J. Ruch regarding progress on the Northern Integrated Supply Project (NISP) and the Halligan-Seaman Environmental Impact Statements (EISs) or their Supplement.

The permitting process has been a drawn-out learning curve for the NISP proponents to advance from stating that their project would have no significant impact to acknowledging that there may indeed be significant environmental, social, and economic consequences for this project that accrue to the resources and people who would be affected along the Poudre River.

Yet it is the job of the USACE to carefully, accurately, and objectively document the full spectrum of impacts, singly and cumulatively, of these two projects. We believe that all stakeholders for these projects must agree that a thorough assessment is required by both the letter and the spirit of the law. We, and others, will insist on it regardless of the complexity.

Your May 21 letter, however, indicates that you may not be fully apprised regarding these two water projects and we feel we must respond to five specific points:

1. You state that these projects “would address significant water supply needs in this part of the state.” With respect to NISP, we have consistently questioned whether the 15 subscriber communities collectively have the water needs that they have asserted. Our calculations¹, which include what we believe are (a) more accurate and timely estimates of community growth; (b) opportunities for water conservation, efficiency, and reuse; and (c) the ability to use irrigation water from lands the communities expand on top of, strongly suggest that the NISP EIS greatly overstated the projected demand. We and others are in the process of revising our initial estimates and believe that there is even less need for water by the NISP communities than we initially calculated. Similarly, we continue to question whether Fort Collins has clearly demonstrated the need for an expanded Halligan Reservoir². Sustained progress on water conservation and efficiency appears to be fast eliminating the need for that project. We are monitoring this situation closely³.

¹ http://savethepoudre.org/docs/stp_healthy_rivers_alternative.pdf

² <http://savethepoudre.org/stp-correspondence/2010-02-18-stp-letter-to-corps-hs-rescope.pdf>

³ <http://savethepoudre.org/stp-correspondence/2010-07-18-stp-alternatives-to-halligan-seaman.pdf>

2. You say that NISP and Halligan-Seaman would “provide reliable and firm water supplies.” At least with respect to NISP, it is not at all clear that building Glade Reservoir would result in the firming suggested in the draft EIS. In fact, one study we commissioned⁴ examined call records affecting District 3 for the period May 2000 - November 2009, which revealed that since May 2000 and during the months of May – July, there have been only 66 days when the Glade Reservoir storage right would have been in priority. The call records indicate that the Glade Reservoir storage right may rarely divert in months other than May, June and July. In our comments on the NISP DEIS we submitted evidence from the historic climate record indicating NISP, *over the long term*, would fall significantly short of its stated firm yield objectives. We have not yet fully studied the reliability of the Halligan-Seaman proposal and await the draft EIS to learn more.

3. Your letter states that NISP and Halligan-Seaman would provide “restoration of riparian habitats.” Though we agree that Halligan-Seaman has the *potential* to at least partially restore riparian habitat between the two subject reservoirs, none of the project’s participants have committed the water, the funding, or the staff resources to achieve that objective other than to continue to study it as a possibility. In the case of NISP, there are virtually no riparian habitat restoration possibilities; in fact quite the opposite is true. The draft EIS clearly documented the expected reduction in peak flows all along the plains portion of the Poudre River⁵. Based on riparian science, it would be impossible to support an argument that losing these peak flows could in any way result in restoration of riparian habitats⁶ and wetlands⁷. Claiming that NISP would restore these habitats is completely irresponsible, especially given that the riparian resources along the Poudre are already known to be in decline⁸.

4. You state that NISP and Halligan-Seaman would “provide piscatorial and flat water recreational opportunities.” Such a statement is ripe for nuance. Yes, these two projects may provide “opportunities” but we stand by our assertion that such opportunities would be robbing from Peter to pay Paul. A careful reading of the comments that the USACE received regarding the draft NISP EIS⁹ shows that some of the most highly regarded fishery biologists in the nation, if not the world, located at Colorado State University were both clear and consistent in their damning of the project from an in-stream fishery perspective¹⁰. Their experience has been drawn from working on similar rivers with similarly harmful water projects all over the country. Removing any more of the remaining peak flows would essentially eliminate the now popular cold-water fishery. Further, expanding the two reservoirs would inundate at least 8 miles of a highly regarded trout fishery attracting thousands of angler days per year. Perhaps it is fortunate that carp fishing is seeing a rise in popularity because the long term sustainability of what is now a highly popular trout fishery in the Poudre, at least down to Fort Collins, is now in question. We also note that if NISP were built as advertised, opportunities for whitewater

⁴ <http://www.savethepoudre.org/docs/2010-12-01-water-supply-impacts-of-nisp.pdf>

⁵ <http://www.nwo.usace.army.mil/html/od-tl/eis/nisp-eis.html>

⁶ <http://treephys.oxfordjournals.org/content/23/16/1113.full.pdf>

⁷ <http://savethepoudre.org/stp-correspondence/2011-04-22-stp-wetlands-study-cover-letter-to-corps-epa.pdf>

⁸ http://www.fcgov.com/nispreview/pdf/ayres_preliminary_report.pdf

⁹ It is our understanding that the draft NISP EIS received more pages of public comments than any other single USACE project has ever received before or since. This should tell you something about how controversial this project is.

¹⁰ <http://www.nwo.usace.army.mil/html/od-tl/eis/nisp.deis.comments.htm>

recreation along the Poudre near Fort Collins would likely be abolished, eliminating at least a \$750,000 per year benefit to Fort Collins¹¹. Regarding the flat water recreation opportunity that NISP would provide, we call to your attention a recent study that determined that the proposed Glade Reservoir would provide only low to marginal habitat for 10 regional game species¹². Halligan-Seaman may well enhance the piscatorial recreation potential for the almost completely private land between the two reservoirs, but it is our understanding that Halligan Reservoir would be closed to the public. We are unaware whether Seaman would be similarly closed, but it is clear from repeated visits that Seaman Reservoir receives very little fishing pressure because of the difficulty in getting boats to the site.

5. You state that NISP and Halligan-Seaman would “preserve agriculture.” We most definitely disagree with this statement when it comes to NISP. Our publication, *The Farm Facts about NISP*¹³, we believe remains an accurate forecast of why and how NISP would negatively affect irrigated agriculture: 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 and impact many existing water users; d) NISP would submerge and divide productive agricultural land; and e) The “Initial Fill” and ongoing diversions into Glade and Galeton Reservoirs are likely to come from northern Colorado and West Slope farm water.

We are gratified that the State stands ready to perform the required analyses. Wisely, Colorado’s Statewide Water Supply Initiative (SWSI) has recognized that the success rate for Identified Projects and Processes (IPPs) in the South Platte basin may be around 45%¹⁴. We firmly believe that NISP deserves to fail. The EPA has expressed several concerns which, if not properly addressed by the applicant and the Corps of Engineers, would be cause for an EPA veto under the Clean Water Act (CWA). For example, in their October 16, 2008 letter to the Corps¹⁵ sent as part of the required CWA consultation, 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))."

Save the Poudre believes that your leadership could prove pivotal in grappling with growth and water in Colorado’s future. The 20th Century got the low hanging fruit in terms of dam building and infrastructure. The 21st Century will be another story entirely. Science has carefully

¹¹ <http://savethepoudre.org/stp-correspondence/2011-04-09-stp-cover-letter-to-corps-economics-whitewater-park.pdf>

¹² <http://savethepoudre.org/documents/GladeFisheryLetter.pdf>

¹³ <http://savethepoudre.org/docs/farm-facts-april2011.pdf>

¹⁴ StateTradeOffTool.xls, February 2010 version

¹⁵ http://savethepoudre.org/docs/epa_nisp_letter_to_colonel_press.pdf

documented the host of negative effects dams and other water withdrawals have had on our ecosystems¹⁶, from endangered species to recreation to human safety¹⁷ and health concerns¹⁸. It is clear that continuing in this dam building path will impact the very reasons why Coloradoans are so proud to live here. We must adopt new ways of doing business.

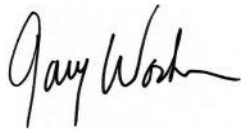
As our water resources become ever more fully appropriated and consumed, it is understandable that competition between in-stream and out-of-stream water resources will become ever more intense. It is our belief that some water projects can proceed if they include significant and meaningful environmental objectives as an explicit goal, make every effort to use the channel as a conveyance as far downstream as possible, set up cooperative and sustainable partnerships with the agricultural community, and acknowledge that dollar costs for treatment and transport will almost assuredly be far greater than the historic norm. The era of “drain it and to heck with it” is over. The era of growth paying the true cost is here. We ask for your leadership to put a stop to damaging dams and put a start to productive partnerships.

We look forward to meeting with you and your staff in the near future.

Sincerely,



John Bartholow, Boardmember, Save The Poudre: Poudre Waterkeeper



Gary Wockner, Executive Director, Save The Poudre: Poudre Waterkeeper

Save The Poudre: Poudre Waterkeeper is a coalition of 20 national, state, and regional groups including: Waterkeeper Alliance, National Wildlife Federation, Clean Water Action, River Network 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.

¹⁶ Postel, S. and B. Richter, 2003. Rivers for Life: Managing Water for People and Nature. Island Press, Washington, D.C., 253 pp.

¹⁷ <http://savethepoudre.org/stp-correspondence/2011-06-15-stp-letter-to-corps-nisp-caused-flooding.pdf>

¹⁸ <http://savethepoudre.org/stp-correspondence/2011-04-13-letter-to-corps-microbial-contamination.pdf>