

**COLORADO BASIN ROUNDTABLE**  
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9307 South Wadsworth Blvd,  
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**By email: [moffat.eis@usace.army.mil](mailto:moffat.eis@usace.army.mil)**

**Re: Moffat Collection System Project (NOW-2002080762 DEN)  
Request for Extension of Public Comments on the Draft EIS**

The Colorado River Basin Roundtable (CBRT) appreciates the opportunity to provide comments to the Army Corps of Engineers (ACOE) on the Draft Environmental Impact Statement (DEIS) for the Moffat Project.

The Colorado River Basin Roundtable was created in 2005 by the Colorado General Assembly through passage of House Bill 1177. Its membership consists of representatives of agriculture, industry, municipal water providers, counties, cities, environmental organizations and recreation organizations. The CBRT is one of nine Roundtables, representing similar interests in each of the river basins within Colorado. The Roundtables are mandated to develop water-demand analyses for consumptive and non-consumptive uses within their respective basins. The CBRT also is exploring the water demands of future energy development in western Colorado. Another role of the Roundtables is to collaborate with other Roundtables to resolve water-supply issues in Colorado.

The Moffat Project is a water-supply project of the Denver Water that identifies additional trans-mountain diversions from the headwaters of the Colorado River in Grand and Summit counties. The Project impacts headwater counties as well as downstream water interests represented on the CBRT. The CBRT is obligated to comment on the project and to urge the ACOE to fully describe the project, its alternatives, and resulting impacts. The CBRT believes that the resulting document will become the basis for negotiations among Roundtables over mitigation of this and other trans-mountain diversion projects.

A number of local governments and organizations with representation on the CBRT have written comment letters to the ACOE. Although the CBRT does not have the means to replicate the detail of these comments, it asserts that the questions and concerns being raised are important and should be adequately addressed. We believe that this will ensure that the real impacts and benefits from the Moffat Project are properly defined, providing a better foundation for future mitigation discussions and negotiations.

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The following issues are primary concerns of the CBRT and its members:

**1 – Compliance of the Draft Environmental Statement with NEPA and Council on Environmental Quality (CEQ) Regulations**

The CBRT questions whether the document fully complies with statutory requirements for a DEIS, in accordance with NEPA and the CEQ statutory and regulatory requirements. There is some question that the scope of this DEIS is so narrowly defined that it violates Section 102 of NEPA and CEQ Regulation 1502. The Environmental Protection Agency notes that “Section 102 requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic, interdisciplinary approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment.” In separate letters, members of the Colorado River Basin Roundtable are expressing that they do not believe many significant issues have been completely and comprehensively addressed. In some instances, no analyses have been provided for these issues. We share these concerns and ask that the ACOE addresses these concerns as required.

Also, the DEIS does not provide adequate and comprehensive information for making a determination as to whether the Moffat Project avoids, minimizes, or adequately mitigates environmental impacts, as required by the Clean Water Act.

**2- Cumulative Effects**

The DEIS opens its brief chapter on Cumulative Effects citing from NEPA the definition of cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions and regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7). It then continues, “The cumulative effects analysis for the Moffat Project evaluates past and present actions that continue to influence existing environmental conditions. The cumulative effects analysis also includes reasonably foreseeable actions that, when combined with one of the Project alternatives, result in a cumulative effect on the environment.”

The DEIS as currently written fails to follow through on this foundation for adequate consideration of past, present, and reasonably foreseeable actions. The entire cumulative

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impact and effect analysis needs to be reconsidered to be realistic. This DEIS does not comport with the intent and direction as given by NEPA and the CEQ.

### **3 – The Shoshone Hydro Power Plant Call**

The Shoshone Hydro Power Plant in Glenwood Canyon holds a 1902 water right for 1,250 cubic feet per second on a year-round basis and provides significant protections for water users downstream of the Moffat Project and other headwater diversions by virtue of its senior place in the priority system and its nonconsumptive nature. It is the linchpin of numerous agreements between the Front Range and West Slope, including the existing Moffat diversions as established in 1936. The Shoshone Call is also the foundation of several current and proposed projects being developed in the Colorado Basin.

The CBRT is concerned about the survival of the Shoshone call and the effects that the loss or permanent reduction of this call may have on operations of the existing and proposed Moffat diversions, in conjunction with other major trans-mountain diversions in the Colorado River headwaters.

The future plans of Xcel, the current owner of the power plant, are uncertain. Details of current negotiations occurring between Denver Water and western Colorado water interests are unknown to the CRBT and the ACOE. In 2002, Xcel and Denver Water agreed to temporarily reduce the call by one half so that diversions and storage needs could still be met upstream. Despite assurances that this was only temporary, Denver Water then negotiated a 25-year agreement on relaxation of the call under certain conditions and appears to be working to make that permanent.

The DEIS fails to consider the impact of permanent or temporary call reductions, or in the worst case, the complete loss of the Shoshone Call in its analysis of cumulative impacts or other impacts to future river-flow scenarios. The impacts and implications from a loss or reduction of the Shoshone Call must be addressed prior to the release of the Final EIS for the Moffat Project.

### **4 – Support for CBRT Member individual comments and concerns**

Finally, the CBRT is grappling with many water-supply issues and proposals within the Colorado Basin, some for consumptive uses and others for non-consumptive uses. The Roundtable wishes to ensure that the Moffat Project is fully evaluated so that cumulative impacts can be properly determined and mitigation provided.

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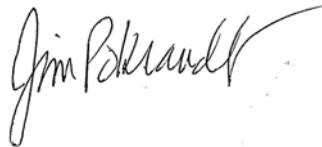
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The CBRT supports the more detailed comments submitted individually by its member organizations, such as Summit County, Grand County, the Colorado River District, Trout Unlimited and others. The CRBT requests that the ACOE fully analyzes and addresses each of the issues raised by those member comments as required under Section 102 of the Act.

The CBRT recommends that the ACOE follows a suggestion from several members that the Final EIS and Record of Decision process be “open ended” so that full consideration of these three studies can be incorporated into the environmental impact analysis and proper mitigations be devised based on the results.

The CBRT is sending these comments to the Colorado Department of Natural Resources, the Metro Basin Roundtable, the South Platte Basin Roundtable and Denver Water. The Bureau of Reclamation will also be copied. We hope that these comments can help to initiate meaningful discussions between the Roundtables toward a resolution of not only these issues, but also to promote equitable solutions that provide water to all needs for Colorado’s future.

Sincerely,



Jim Pokrandt  
Chair  
Colorado River Basin Roundtable