



March 10, 2010

Mr. Scott Franklin, Moffat EIS Project Manager
U.S. Army Corps of Engineers
9307 South Wadsworth Boulevard
Littleton, CO 80128

RE: Moffat Collection System Project Draft Environmental Impact Statement Comments

Dear Mr. Franklin:

We are writing on behalf of the Town of Fraser and the Fraser Town Board to provide our comments regarding the Moffat Collection System Project Draft Environmental Impact Statement ("Moffat DEIS").

General

- The Moffat Project will have significant impacts on water, water quality, environmental resources, and the economy throughout the Colorado River Basin and the Moffat DEIS does not adequately disclose, identify, and address project impacts. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA (40 C.F.R. 1500.1 (b)) and the Moffat DEIS falls short of this standard which makes it a very difficult document to analyze and leaves us questioning many of the conclusions.
- The cumulative impacts of the Moffat Project, prior Denver Water projects that divert water from the Colorado River Basin, and the Northern Windy Gap Firming Project must be considered given the magnitude and scale of the projects and their impacts. Independent review of each project fails to identify the real social, economic, and environmental impacts resulting from implementation of these projects.
- Throughout the document the Moffat DEIS states that there will be little to no impact caused by the project; however, there is very little factual basis presented for these statements. Additional information and analysis is necessary to confirm these positions and the Corps of Engineers should consider conditioning any approvals with enforceable assurances that such statements prove true.
- We all choose to live in Colorado for quality of life and economic reasons that are all tied directly to our water resources. While we are concerned about the impacts to our local tourism based economy, it is important to note that the environmental health of west slope rivers is of critical importance to the economic health of our entire state.

Impacts

- The Moffat DEIS does not examine the ongoing cumulative impacts on the natural ecosystem due to Denver's current operations. In 2006 we completed aquatic habitat enhancements in the Fraser River that were necessary due to Denver's current operations, the proposed operations will only increase the scope and magnitude of impacts.
- The Moffat DEIS suggests that the impacts from the project are negligible; however, the Upper Colorado River basin – and especially the Fraser River – is already severely stressed. Even a minor impact can result in severe impacts to the ecosystem when all cumulative impacts (existing diversions as well as future ones) are considered. The scientific basis for the numerous suggestions regarding negligible impacts should all be disclosed.
- The Moffat DEIS acknowledges there are fragile environmental conditions in 2016 (low flows, substantial effluent, etc.); however, the Moffat DEIS concludes that past water-related projects may have had an adverse effect but future water projects would have limited new effects. NEPA guidelines say that the EIS should state whether resources are healthy, deteriorating or considerably compromised. Conditions in the Fraser River may be at such a seriously compromised condition that any further impacts could prevent the river from returning to any reasonably healthy state.
- The Moffat DEIS claims that additional water will only be diverted during runoff months and the impact to be negligible to the existing ecosystem. However, annual high water flows which naturally occur with runoff are necessary to clear sediment from spawning beds and maintain stream channel structure. If unmitigated, increased water diversions may prevent such “flushing flows” from occurring, and this in turn causes negative impacts to aquatic life and to the natural function of wetlands in mountain areas. A natural hydrograph (high spring flows) is necessary to allow wetlands to serve as natural reservoirs and to filter and recharge alluvial aquifers. This project removes the natural hydrograph, and the Moffat DEIS ignores the important ecological services that flushing flows and channel maintenance flows provide to the ecosystem.
- The Moffat DEIS states that only 1.95 acres of wetlands will be impacted by new diversions (specifically around Gross Reservoir). This understates the potential wetland impacts of the Moffat Project. At no time does the Moffat DEIS contemplate the existing degradation of wetlands caused by existing diversions, nor the degradation and loss of existing wetlands that would result from additional diversions that remove of the semi-natural but still impacted hydrograph that currently occurs in the Fraser River. The loss of this wetland habitat has significant environmental, cultural, and water quality impacts to the residents of Grand County.
- The Moffat DEIS Proposed Action calls for water to be diverted in wet years following dry years, specifically in the spring and early summer months. Under this scenario, water will be diverted exactly when the overall environment (both aquatic and terrestrial habitat) has an opportunity to replenish water from the previous dry year(s). This only extends dry conditions when the impacted habitat is already severely stressed, which may create a tipping point beyond which no habitat may be able to recover. Further, the Moffat DEIS fails to consider the impacts on expected yield should changes in climate result in earlier and more-concentrated spring runoff as well as reduced water supplies in the Colorado River basin.

- Our local communities rely on recreation-based economies, and the riparian habitat is integral to our local businesses. Our local economies rely on fishing, rafting, kayaking, and alpine skiing (snow-making), and may all be significantly impacted by reductions in flows in the Colorado River, and, every drop of water in the river has a significant financial benefit. The Moffat DEIS states that no impact to sales-tax collection would occur; however, it is clear that if these industries cannot operate (or must reduce operations as a result of lower flows) then a significant impact is felt in our local communities that are dependent on water resources for environmental and aesthetic (and not consumptive) purposes.
- The natural ecosystem and economy of the Fraser Valley is integral to the economic health of the entire State of Colorado. Yet the socioeconomic impacts to Grand County communities have not been given serious and thorough consideration in the Moffat DEIS.

Water Quality

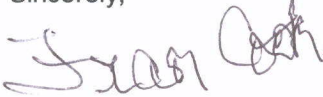
- For municipal water providers on the Western Slope, the impact of increased diversions is two-fold: it impacts drinking water treatment systems and wastewater treatment facilities. Decreased flows combined with changes to state and federal requirements have resulted in requirements for system improvements, the cost of which have been exclusively borne by local communities. The Corps has an obligation to take into account the total impacts of the project on the public, and therefore should consider the entire costs of the Moffat Project, including those costs on the local communities that would be affected by the Moffat Project – not just the monetary cost to the Denver Water Board.
- Additional depletions of quality water from the Fraser River and its tributaries will tend to lower the quality of water pumped at Windy Gap, which will tend to decrease the quality and clarity of water in Grand Lake. This was not addressed in the Moffat DEIS even though conditions in Grand Lake are already visibly stressed.
- The Fraser River already faces significantly elevated water temperatures seasonally, and removal of flows will only exacerbate the river's ability to sustain itself ecologically during the seasonal fluctuation of temperature. Stretches of the Fraser River and the Colorado River below Windy Gap have been listed as a 303(d) impaired stream requiring Total Maximum Daily Load (TMDL) regulations. It is easy to correlate the impairment with the existing diversions of Denver Water, and the Moffat DEIS needs to include mitigation for further impairment that will surely occur due to increased diversions. The Moffat DEIS should be modified to analyze this listing and the additional impacts that will be created by the proposed actions of Denver Water.
- Approval of the Moffat DEIS would result in the depletion of flushing flows, which significantly improve the Fraser River's ecosystem (as identified in Grand County's Stream Management Plan). Removal of flushing flows will also result in an increase in deposits of additional materials in the river from traction materials placed on local roads and highways. The Moffat DEIS fails to provide for any mitigation of this impact. Any new diversions should be limited to prevent further long-term degradation in these demanding periods.

Mitigation

- The Moffat DEIS needs to comply with the requirements of the Clean Water Act (CWA). The CWA has a substantive requirement that impacts must be avoided, minimized, or adequately mitigated. None of these requirements are addressed in the Moffat DEIS. It is difficult to avoid, minimize, or truly mitigate when the real past actions and cumulative impacts are not identified or disclosed.
- The Moffat DEIS provides little information on potential mitigation of increased diversions and no mitigation for existing diversions. All diversions should be offset by effective mitigation.
- The Moffat DEIS does not consider Grand County's Stream Management Plan. Grand County and its municipal water providers have been involved in an ongoing effort to provide a scientific study for the analysis and recommendation for preferred flow regimen for streams and rivers in our area. The Stream Management Plan takes into consideration the concerns of cumulative impact and looks at the river system and various project operations as a whole. The Moffat DEIS should include information from the Stream Management Plan, and mitigation needs to be based on the findings in the Plan.
- Denver Water has discussed an opportunity to include bypass flows as part of mitigation for increased diversions as part of the Moffat DEIS. The bypass flows would undoubtedly provide great relief for municipalities in Grand County that struggle to treat wastewater during times of low flows. Any mitigation proposed or approved as part of the permit process should include bypass flow usage for Grand County municipalities.
- The Moffat DEIS considers the impact of population growth and need only until 2030. Denver Water's charter requires that any need be met for any required amount with no concern for where the water comes from. The Moffat DEIS should contemplate a solution where a realistic limitation on Denver's growth that relies on Diversions of Colorado River Basin water is put in place to reflect that this water resource is finite.
- Denver Water has not adequately considered the opportunities for reuse of existing water resources, which Denver is required to implement under the Blue River Decree.
- The Moffat DEIS process should identify a plan for enforcement to ensure the provisions in the permit or any other Intergovernmental Agreement (IGA) that may be procured as part of this process. Enforcement needs to be a requirement of all of the participants in this process as it is simply not fair or sustainable for Grand County to solely protect the water resources that are owned and enjoyed by all residents and guests of the state of Colorado (including the Front Range). Active management by the Corps of Engineers, beyond just the permitting process, is essential to a sustainable solution.

Thank you for this opportunity to comment on the Moffat Collection System Project Draft Environmental Impact Statement. Our community is concerned about the significant potential impacts of this project, and would appreciate your consideration of this letter. Thank you for your time in this matter.

Sincerely,



Fran Cook
Mayor



Jeffrey L. Durbin
Town Manager

CC: Grand County Board of County Commissioners
Town of Grand Lake Board of Trustees
Town of Granby Board of Trustees
Town of Kremmling Board of Trustees
Town of Hot Sulphur Springs Board of Trustees
Town of Winter Park Town Council
Grand County Water and Sanitation District No. 1
Winter Park Water and Sanitation District
Winter Park Ranch Water and Sanitation District