



United States
Department of
Agriculture

Forest
Service

Arapaho and Roosevelt
National Forests and
Pawnee National Grassland

2150 Centre Avenue, Building E
Fort Collins, CO 80526-8119
Voice: (970) 295-6600 TDD: (970) 295-6794
Web: www.fs.fed.us/r2/arnf
Fax: (970) 295-6696

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Scott Franklin
Moffat EIS Project Manager
US Army Corp of Engineers
Corps Denver Regulatory Office
9307 S. Wadsworth Blvd
Littleton, CO 80128

Dear Mr. Franklin:

The United States Forest Service (Forest Service) appreciates the opportunity to review and comment on the US Army Corps of Engineers (COE) Draft Environmental Impact Statement (DEIS) for the proposed Moffat Collection System Project (Project). This project is proposed by the City of Denver through its Board of Water Commissioners, Denver Water (DW). The Forest Service is very interested in the analysis for the Project as the majority of the potential impacts from the Project would occur on National Forest System (NFS) land. The scope of the proposed Project affects Forest Service administered resources on four national forests within the Rocky Mountain Region: (1) Arapaho National Forest (west side of the Continental Divide, location of the northern Moffat Collection System); (2) Roosevelt National Forest (east side of the Continental Divide, location of Gross Reservoir); (3) White River National Forest (location of several southern Moffat Collection facilities and the Blue River); and (4) the Pike National Forest (location of several southern Moffat Collection facilities and the South Platte River).

The proposed action includes enlarging the dam at Gross Reservoir to increase the height of the dam by 125 feet (to a total of 465 feet), increase the reservoir surface area by 400 acres (to a total of 818 acres), and results in an additional 72,000 acre-feet of storage. The proposed action diverts additional water from 35 streams west of the Continental Divide and transfers these flows via the Moffat Tunnel and South Boulder Creek to Gross Reservoir. Gross Reservoir and its facilities are located on lands withdrawn under the Federal Power Act and the project is currently licensed (P-2035), which means that the Project will require an amendment to the existing FERC license.

The Forest Service has participated as a stakeholder in the process leading up to issuance of both the COE DEIS and the related Draft License Amendment Application (DLAA), submitted simultaneously by DW to the FERC. The Forest Service respectfully submits general and specific comments to the DEIS as Enclosures 1 and 2 to this letter. The comments herein are applicable to both documents, because the DLAA cites and incorporates most of the DEIS by reference. To follow the procedure required by DW for review and comment on the DLAA, the Forest Service will also send all comments to that document (Enclosure 3) under separate cover letter to DW. Additionally, all of these comments will be directed to the FERC under separate cover, because: (1) the FERC is a cooperating agency on the DEIS; (2) the FERC is responsible for making the final decision on the DW license amendment for P-2035; and (3) the FERC has



also made determinations about required studies requested to supplement the environmental analysis supporting both actions.

The Forest Service has determined that the DEIS and the DLAA are inadequate and deficient in addressing the effects to resources on NFS lands. The previously filed study requests by the Forest Service remain valid as a means to supplement the record to determine the effects of the Project to NFS-administered resources and to develop commensurate mitigation. DW refused to complete a suite of study requests submitted by the Forest Service, stating that the studies were not part of the FERC license amendment process and that the COE DEIS would provide site-specific analysis sufficient to address all of the requested studies. The FERC concurred with DW and determined, in less than one month after publication, that the COE DEIS analysis provided the necessary information (FERC letter to DW and the Forest Service, November 30, 2009). The Forest Service respectfully requests that DW, the COE, and the FERC recognize the validity of the study requests and the need for these studies for proper disclosure of environmental effects. Although the Forest Service is providing summary comments on the study determination as Enclosure 4, consider our extensive comments, as included in all enclosures, part of the record for these proceedings. Based on an extensive review of the DEIS and the DLAA, the Forest Service has determined that neither document adequately discloses effects to NFS land and resources. Consequently, in order to develop the information needed to determine Project effects to NFS administered resources, we are resubmitting our revised study requests as Enclosure 5.

Gross Reservoir and the facilities that support project operations are located on NFS land, which the Forest Service manages on behalf of the people of the United States. As the responsible land management agency, the Forest Service has authority under Section 4(e) of the Federal Power Act (FPA) to impose mandatory conditions in the FERC license necessary to mitigate the effects to NFS lands and resources that are directly attributable to Project operations and maintenance. Direct effects occur on both sides of the Continental Divide and the Forest Service will assert 4(e) authority on all aspects of the Project.

Contrary to the past and current opinions of DW and the FERC, the Forest Service believes that the west-side diversions are a necessary and integral component supporting the operations and power generation for P-2035. The current operations of P-2035 and proposed future operations following reservoir expansion result in direct, indirect, and cumulative effects to NFS land and resources on both sides of the Continental Divide. The west side diversions substantially contribute to the current reservoir storage, provide virtually the only contribution to the increased reservoir storage, and thus are directly connected to a substantial projected increase in power generation at P-2035. DW estimates that the net increase in power generation is 16.5% (Table B-2, and text, Page B-5, DLAA). Thus, the west-side infrastructure, including all diversions, ditches, pipelines, tunnels, etc., is essential to the operation of P-2035, which occupies land withdrawn under the FPA for hydropower purposes. Additionally, the Forest Service has the authority under the Federal Land Policy and Management Act (FLPMA, 1976, as amended) to require a special use permit for use and occupancy of NFS lands on behalf of the people of the United States. We will reserve that authority through our 4(e) conditions.

The following list highlights our key concerns with the DEIS and the DLAA:

1. The level of detail in the DEIS and DLAA is insufficient to determine effects of the proposed reservoir expansion on NFS land and resources east and west of the Continental Divide and should not be accepted by the FERC as adequate to make a decision about the merits of the proposed Project.
2. The DLAA incorporates the DEIS by reference. The DEIS discusses compliance with the Arapaho and Roosevelt NF and Pawnee (ARP) National Grassland Land Management Plan in the discussion on Visual Resources. However, there is no discussion in the remainder of the document concerning compliance with other resource standards, guidelines, and objectives of the ARP Forest Plan, nor is there any mention of compliance with the Forest Plans for the White River NF and Pike San Isabel NF Comanche and Cimarron NG. This omission includes, but is not limited to federally listed species under the Endangered Species Act, fisheries and aquatic resources, wildlife resources, heritage and cultural resources, recreation, etc.
3. The DLAA, which incorporates the DEIS by reference, does not meet FERC licensing regulations at 18 CFR §4.41 because does not provide a relevant summary or synthesis of resource data and effects, nor is this information available in the DEIS.
4. The DEIS and DLAA have little or no discussion and analysis of Forest Service sensitive species and Management Indicator Species.
5. Comparisons and changes for the alternatives are impossible to make for many resources because baseline reference points change throughout the document.
6. The analysis in the DEIS is inadequate and needs supplementation so the Forest Service believes it is not ready to go to a Final EIS.

If you have any questions concerning the attached comments please contact Mike Johnson, Project Leader, at (303) 541-2534.

Sincerely,

/s/ Thomas A. Ford (for)
GLENN P. CASAMASSA
Forest Supervisor

Enclosures