

PRESS RELEASE: Coalition Files ‘Notice Of Intent To Sue’ Against Denver Water’s Gross Dam Project

[Gary Wockner](#) August 24, 2018

August 24, 2018

For Immediate Release

Contact:

Gary Wockner, Save The Colorado, 970-218-8310

Dan Estrin, Waterkeeper Alliance, 212-747-0622 x132

Jen Pelz, Wildearth Guardians, 303-884-2702

Conservation Coalition Sends ‘Notice Of Intent To Sue’ Alleging Denver Water’s Gross Dam Project Violates Endangered Species Act



Green Linneage Cutthroat Trout. Photo: USFWS

Denver, CO: Yesterday, a coalition of conservation groups warned the U.S. Fish and Wildlife Service (Service) that Denver Water’s proposed expansion of Gross Dam in Boulder County, Colorado, would violate the U.S.

Endangered Species Act. The group's 60-day notice letter details how filling the enlarged dam would require increased diversions of water out of small headwater streams tributary to the Colorado River in Grand County that contain the "green lineage cutthroat trout", a imperiled species listed under the Act. The result of operating this new project is that thousands of trout would be killed. The Service failed to properly analyze the threat and ensure that the loss of these native species would not doom the population when combined with the host of other challenges facing the river and the fish including climate change.

The notice letter ([posted here](#)) which references, and is supported by, an expert scientific opinion ([posted here](#)) gives the Service 60 days to "reinitiate consultation" (make a new plan for protecting the trout) or face potential litigation by the conservation coalition which includes Save The Colorado, Waterkeeper Alliance, The Environmental Group, Wildearth Guardians, Living Rivers, and Sierra Club.

"In its rush to allow even more water to be withdrawn from the already-depleted Colorado River, the federal government has issued an utterly unreliable 'Biological Opinion' that Denver Water's Moffat Collection System Project will not jeopardize the continued existence of greenback cutthroat trout," explained Daniel E. Estrin, Waterkeeper Alliance's General Counsel and Advocacy Director. "In the face of its own admission that the project will result in the death of hundreds of fish each year, the government concludes that the project will not put this already threatened species in jeopardy. This opinion is an extreme embarrassment and cannot withstand even light scrutiny as it is based upon ancient, inaccurate and incomplete information. We all count on the government to protect species from extinction as required by the federal Endangered Species Act. We hope and expect that the Trump administration will cure the gross defects in this opinion, but we are prepared to go to court to force it to do so if it does not voluntarily comply with the law."

“We are squandering the heritage of our namesake river,” said Jen Pelz, Wild Rivers Program Director at WildEarth Guardians. “People don’t love Colorado for our green lawns, but rather our majestic mountains, native trout, and the reinvigorating experiences our wild landscapes and rivers provide.”

“Just about everything that can go wrong has gone wrong with Denver Water’s proposal to build the tallest dam in the history of Colorado in Boulder County,” said Gary Wockner, Director of Save The Colorado. “The project would cause massive negative impacts on both sides of the continental divide, further drain the Colorado River, and further imperil endangered species. We will fight to protect the rivers and its fishes, and we will enforce the law.”

The organizations are represented in this matter by the public interest environmental law firm Meyer Glitzenstein & Eubanks LLP.

This press release is [posted here](#).

end