

THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing And Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO

West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302 – Fax (970)259-8423

August 12, 2009

Rena Brand
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, Colorado 80128-6901



Re: Comments from Southwestern Water Conservation District on the U.S. Army Corps of Engineers Environmental Impact Statement process for the Regional Water Supply Project proposed by the Million Resources Conservation Group

Dear Ms. Brand:

The Southwestern Water Conservation District (SWCD) is a political subdivision of the State of Colorado authorized under Colorado statutes C.R.S. Section 37-47-107. Please accept these comments which are a few days past the July 27, 2009 comment period. SWCD has broad powers and responsibilities for planning and development including:

“perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said district”.

SWCD is concerned about the available water supply in the Upper Colorado River Basin to supply this project and provide water for the existing uses in Colorado. The Colorado Water Conservation Board has commissioned a study of water availability in the State of Colorado under the Colorado River and Upper Colorado River Compacts. The study will attempt to evaluate the realistic range of water that Colorado can develop. Until this study is completed, an evaluation of whether there are sufficient supplies to provide water for this project, without jeopardizing existing users, cannot be completed.

The diversion of additional Colorado River water to the east slope of Colorado for the proposed project may have minimal impacts to the western slope of Colorado but at this time any decisions on the project are premature.

Also please include SWCD on any notification list the COE may develop for the project. Please contact me if you have any questions.

Sincerely,

John Porter, President

YAMPA-WHITE RIVER BASIN ROUNDTABLE

PO Box 774968
Steamboat Springs, CO 80477

April 18, 2009

VIA MAIL AND EMAIL mcrgr.eis@usace.army.mil

Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 South Wadsworth Blvd.,
Littleton, CO 80128-6901

Re: Notice of Intent to Prepare an EIS for Proposed Regional Watershed Supply Project in Wyoming and Colorado; Applicant Million Conservation Resource Group; Notice in Federal Register, Vol 74, No. 53, Page 11920, March 20, 2009

Dear Ms. Brand:

The Yampa-White River Basin Roundtable (the "Roundtable") is an organization created by Colorado statute in HB05-1177, and consists of approximately 26 appointed representatives of water interests in the Yampa, White, and Green River basins in Colorado, together with additional non-voting members from industry and governmental agencies. I am the Chairman of such Roundtable.

Our Roundtable meets quarter-annually. Approximately a year ago, Aaron Million and his attorney and engineers made a presentation to our Roundtable regarding his proposed diversion and delivery project from Flaming Gorge Reservoir to the front range of Colorado via pipeline along the I-80 corridor, as noted in your Intent to Prepare EIS noted above (the "Million Project").

Based upon our understanding of the proposed project of the Million Conservation Resource Group, as noted in the Notice from your office appearing in the Federal Register as noted above, our Roundtable has the following concerns and suggestions regarding the scope of inquiry and investigation in the proposed EIS for the project:

1. The Roundtable is concerned that the priority date for the diversion from Flaming Gorge by the Million Project under an allotment contract from the Bureau of Reclamation, the owner of Flaming Gorge Reservoir, will be deemed to be the date of the water storage right for Flaming Gorge Reservoir under Utah law, which we understand to be in the 1950's. If such priority date is used, then if the Million Project reduces Colorado's share of unused Colorado River Water under the 1922 Colorado River Compact to near zero or below, such that in the future a lower basin call for water is delivered to the Upper Colorado River Commission, and enforced by curtailments under strict priority in Colorado, the effect would be that the new, previously unconceived Million Project

would cause the curtailment of most of the major non-agricultural storage rights and power plant rights within the Yampa River Basin, since such rights are virtually all later than the 1950's.

I note in passing that when the Roundtable members described this concern to Aaron Million during his presentation, he affirmed that he would seek to have a priority date for his Million Project as of a current year, not the 1950's. However, even if well intended, our Roundtable remains concerned that Mr. Million is unable to change the water right priority of a federal water right without an act of Congress, and that the 1950's priority will be enforced against the state of Colorado, and therefore against the post-1950's projects of the Yampa River Basin.

We request that your EIS examine the direct and indirect effects upon existing Colorado River water users in Colorado caused by the likely effects of a lower basin Colorado River call resulting from the considerable trans-basin depletion planned by the Million Project and the ability or inability of the Million Conservation Resource Group to utilize the senior water storage priority of Flaming Gorge Reservoir, rather than a current priority as of the date of any reservoir allotment contract.

2. We request an identification of the scope of the Million Project. This has not been done to date and is needed for an EIS. The EIS focus should look at all alternatives that get water to the Front Range. This means alternatives should include a diversion of surplus waters to the Front Range from the Missouri River system, a Blue Mesa Reservoir pump back project, a Yampa Maybell Pump back project, a Blue River pump back project, and whatever other practical solution that may have been proposed for delivering sizable quantity of water to the Front Range. The Million Project is one of several options. Merely using different diversion points from the Green as alternatives in an EIS is inadequate. Diversion point options are subcategories within an alternative of an EIS. "True alternatives" in an EIS look at all reasonable options to accomplish the same end task, i.e., delivering water to the Front Range. As currently depicted the only two alternatives in this EIS are the Million Project and a 'no effect' alternative, which is not practical because there will be an effect if the Million Project is not accomplished.
3. No end user is identified. Simply stating that the West End Reservoir, Cactus Hill Reservoir, Lake Hattie Reservoir, and T-Cross Reservoir are the end users is not adequate. Reservoirs are not end users. An EIS must also analyze the impacts to the environment and economy of communities that are impacted by the pipeline network and users who are benefitted. Without an end user, the Million Project is a speculative project that cannot meet the "Can and Will" test and "anti-Speculation" test of Colorado water law.
4. We request the EIS identify availability of undeveloped remaining Colorado River water under the compacts. The Colorado Water Conservation Board, by direction of the Colorado Legislature, has entered into a consulting contract to study whether and in what

amount Colorado has remaining undeveloped water from the Colorado River under the 1922 and 1945 compacts. Such study is not done and hence it is not known if there is Colorado River Water available.

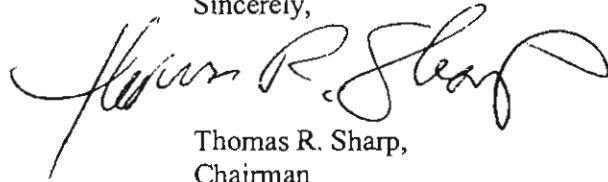
5. We request the availability of Wyoming water above Flaming Gorge Dam be analyzed. The Bureau of Reclamation may conclude that excess waters are not there at that location.
6. The Purpose and Need of the EIS is inadequate. We request a much more detailed description. The purpose reads: "As part of allocation to the States of Wyoming and Colorado under the Colorado River and Upper Colorado River Compacts, approximately 250,000 acre-feet per year of new annual firm yield would be withdrawn from Flaming Gorge Reservoir and the Green River and transported to help meet the projected water supply needs of southeastern Wyoming and the Front Range of Colorado."
7. We request a number listing the amount of Green River peak flows that would be used. The Park Service wants to keep the highest level of the peak flows for washing down sandbars in the Green and is requesting that the water just prior to peak flows be used for filling new projects such as the Million Project. We request the EIS address which part of the peak flow is available for projects and quantify it.
8. There are groups in Wyoming talking about taking hundreds of thousands of AF of water annually and dumping it into the river system after using Ion Exchange or other large scale purification techniques to clean the water from Coal Bed Methane gas well dewaterings. The EIS should determine the applicability of the CBM water to the Million Project or augmentation.
9. We request the EIS environmental and economic analysis extend downstream of the Flaming Gorge Dam. The environmental and economic analysis of the EIS currently ends at the Flaming Gorge Dam. It should go well beyond this to at least the confluence of the Yampa and Green if not the White River. Further, the Green River below Flaming Gorge and the Yampa River flows are required to maintain the habitat for the 4 endangered fish, and the EIS must assess whether the Million Project will cause the Yampa Plan and its Programmatic Biological Opinion to fail, thereby triggering re-consultation with all existing users within the Yampa River.
10. We request the EIS determine affects of the Million Project on Temperature, Flows, and Water Quality
11. At the presentation by Aaron Million to our Roundtable, Mr. Million represented that his Million Project would not upset or interfere with or adversely affect the approximate 54,000 AF of water in the Yampa River annually which was reserved under the Yampa Plan and Programmatic Biological Opinion for consumption within the Yampa River basin. Hence, we request on behalf of our roundtable that the EIS analysis include analyzing a subordination of the Million Project to the future 54,000 AF of annual

consumptive use water from the Yampa River System under the PBO. Further, we request that such subordination be included in any allotment contract with the Bureau of Reclamation for water from Flaming Gorge to the Million Project.

12. We request the EIS analyze the effect of the Million Project not receiving all the 160,000 AF the Bureau of Rec has stated it has available from Flaming Gorge when their CRSP water right is used to fulfill its primary purpose of meeting a lower basin call. When flows are low, analyze if that affects the firm yield of the Million Project.
13. We request that the EIS analyze the implications on the economy and environment of the Yampa, White, and Green River Basins if the Million Project takes the remaining unused Colorado river compact allocation and then energy or other industrial/municipal users have to buy and dry up agricultural water resources from the Yampa, White, and Green River Basins in order to continue or expand their respective operations. We further request that the EIS analyze what mitigation to the Yampa, White, and Green River Basins would be necessary to prevent the above.

Thank you for the opportunity to comment on the scoping of the Million Project EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas R. Sharp", written in a cursive style.

Thomas R. Sharp,
Chairman

INSTANT MAIL

TRANSMISSION FORM

3 Total Pages Follow

TO

Name Ms Rena Brand, Project Manager FAX # (303) 979-0602

Company U.S. Army Corps of Engineers

Street Denver Regulator Office Date 7/27/09

City 9307 S. Wadsworth Blvd.

State Littleton, CO Zip 80128-6901 Phone (303) 979-4120

FROM

Name Ken Eckrell

Company Boulder Valley Water Conservancy Dist. Phone (307) 782-3210

Street P.O. Box 177

City Mtn. View Return FAX # (307) 782-3210
(if any)

State WY Zip 82939

Special Instructions _____

Attn: Rena Brand -

re: comments & opposition to RWSP pipeline

Bridger Valley Water Conservancy District

P.O. Box 177
Mountain View, WY 82939
(307) 782-3210

July 20, 2009

Rena Brand, Project Manager
US Army Corps of Engineers, Omaha District
Denver Regulatory Office
9307 S, Wadsworth Blvd.
Littleton, CO 80128-6901

RE: Comments and Objections to Green River Trans-Basin Water Diversion

Dear Ms. Brand,

This correspondence is being filed as formal comments in objection to the proposal to construct a trans-basin water diversion pipeline from the Flaming Gorge Reservoir in the Green River Basin to undisclosed communities of the Front Range of Colorado.

Bridger Valley Water Conservancy District (BVWCD) began many years ago in southwest Wyoming and has formally been operating for the last fifty years on the drainages of Blacksfork River and Smithsfork River, tributaries to the Green River, tributary to the Colorado River. Meeks Cabin Dam and reservoir and Stateline Dam and reservoir were constructed and have been operating successfully in providing supplemental water for the public good for irrigation, municipal and industrial, fish and wildlife, recreation, and flood control.

As we are tributary to the Colorado we realize our valuable contribution to the dominate river system in the western United States with over 20 million people who rely on the river for irrigation, municipal water, industrial uses, recreation, and power generation. With this upstream contribution we also realize the downstream obligations and pressures which will continually come to bear on our area.

Some of our concerns and objections are the following:

1. The Colorado River has to be the most complex coordination of Federal and State laws, court decrees, interstate compacts, operating criteria's, and administrative decisions. Because of these issues it is also the most controversial system operated. Given this complexity, any one change could upset the balance that has been successfully maintained since the development of the River. This proposal of the Regional Water Supply Project (RWSP) to divert such a huge amount of water will tear at or destroy most all the balances placed in the River administration. Such reasoning includes:
 - a. The original estimated flow of the Colorado River at 17 million acre-feet has shown in more than 85 years of operation to be most likely 4 million acre-feet

over estimated. With this short-fall, diverting 250,000 acre-feet annually from the river above Flaming Gorge Dam would prove severe for the lower basin States, which in turn would be placed upon Wyoming and our existing upper uses and environmental enhancements of our project.

- b. Flaming Gorge Dam already operates at minimum flows and the reservoir is hardly ever full, with operators now only operating the releases solely to protect endangered fish on the river. The Bureau of Reclamations statistics show only 13 years out of 40 years of flow have produced 250,000 acre-feet. Pollution-free power generation which is sought after everywhere in the country is at mercy to releases to suit endangered fish, which undoubtedly would be affected by even shorter inflows from RWSP. The endangered species recovery program, as in the past, would curtail power generation and upstream uses even more.
 - c. The drought of 2002 showed how vulnerable Wyoming's water would be to a call for regulation of the Colorado at the 1922 priority. Most all priorities of storage in Wyoming including ours at BVWCD would be curtailed or eliminated by that call which unquestionably would have happened if 250,000 acre-feet of water had been taken from the river at that time. Many weather experts predict this dry cycle to go on for possibly 35 years, and with the permitting of RWSP it would not be a matter of if regulation would occur but when.
2. For the Corps of Engineers to agree to do an EIS for this project seems to be getting the cart ahead of the horse. The project proponents won't disclose any contracts or end users, any firm user costs, or definite purposes or water demands. The Big Sandstone Dam in Wyoming was refused to be permitted by the Corps of Engineers because the state could not identify a need and purpose for all the water that would be stored. It was later sized down and built as High Savory Dam and reservoir in the Little Snake River Valley. Wyoming has several projects which have fallen short of any approval due to opponents have indicated the state could never get a permit from the Corps for the reservoir. The State of Colorado has a study underway to determine how much of the Colorado River the State is entitled to. The EIS should not have begun before that basic amount was determined. Mr. Million and RWSP seem to have a fast track for the EIS and its credibility given their financing of the study.
 3. With the growing urban population base it appears agriculture is going to bear the brunt of the water gap. Mr. Million's indicated he intends on providing for municipal, irrigation, environmental, and recreation uses yet the end result will be too expensive for agriculture. It's admirable to believe his intent to help the shrinking agricultural base in Colorado but the farmer will be priced out by a "for profit, private company". The ripple affect upstream will certainly affect the agricultural base in our District as well, as the competition will mount for shortening supplies of irrigation water.
 4. We at the District have a real concern with projects such as RWSP which are for speculation. A project for the public good should be controlled by a public entity, not by a private water speculator. The Corps of Engineers still needs to identify the purpose

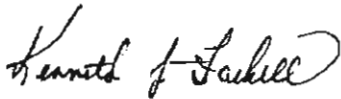
and need and only permit such projects on their own rules. The State of Colorado in its study would identify which projects to pursue and could eliminate any added costs for speculation.

We would request that if the EIS continues it should address:

- The environmental impacts of any decreased water flow or use in our District due to shortages of the Colorado or any call for regulation.
- Consider the negative affects to our existing fish and wildlife projects.
- Consider the environmental impacts to Wyoming of the proposed pipeline construction thru already defined arid areas and riparian areas.
- Water Quality issues for decreased flows due to regulation.
- Consider the economic impacts to agriculture, fisheries, recreation.
- Lower basin states increased pressure on existing water rights.
- Consider increased pressure on already existing endangered species recovery.
- Consider conservation alternatives for urban uses.
- Consider allowing input along the 3 year expected completion time.

We at the District strongly feel that this trans-basing diversion would open up the door for more of these "water grabs " and would cause a continual shortage of our existing proven water rights and all the environmental benefits these rights provide for our District and others in the basin. We know how important water is to our area for maintaining our lifestyle and to continue to grow and develop our resources and continue to be a viable and productive community, and we request the Corps of Engineers to consider the same.

Sincerely,



Kenneth J. Fackrell

Manager, BVWCD



CREDA
Colorado River Energy Distributors Association

ARIZONA

Arizona Municipal Power Users Association

Arizona Power Authority

Arizona Power Pooling Association

Irrigation and Electrical Districts
Association

Navajo Tribal Utility Authority
(also New Mexico, Utah)

Salt River Project

COLORADO

Colorado Springs Utilities

Intermountain Rural Electric Association

Platte River Power Authority

Tri-State Generation & Transmission
Association, Inc.
(also Nebraska, Wyoming, New Mexico)

Yampa Valley Electric
Association, Inc.

NEVADA

Colorado River Commission
of Nevada

Silver State Power Association

NEW MEXICO

Farmington Electric Utility System

Los Alamos County

City of Truth or Consequences

UTAH

City of Provo

City of St. George

South Utah Valley Electric Service District

Utah Associated Municipal Power Systems

Utah Municipal Power Agency

WYOMING

Wyoming Municipal Power Agency

Leslie James

Executive Director

CREDA
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Phone: 602-748-1344

Fax: 602-748-1345

Cellular: 602-469-4046

Email: creda@qwest.net

Website: www.creda.org

May 19, 2009

Via Email: mcrq.eis@usace.army.mil

Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, Colorado 80128-6901

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Proposed
Regional Water Supply Project in Wyoming and Colorado

Dear Ms. Brand:

The Colorado River Energy Distributors Association is a non-profit corporation whose members are all contractors for the purchase of federal hydropower and resources of the Colorado River Storage Project (CRSP). CREDA members, and other CRSP contractors, have a direct interest in the above referenced proposal to divert water from Flaming Gorge Dam. As a carbon-free renewable hydropower resource, the generation produced at the CRSP's Flaming Gorge Dam is of critical importance to CREDA members. Any proposal to divert water from Flaming Gorge Dam could have annual and cumulative impacts to the production of hydropower.

Please ensure that CREDA is included on your mailing list of any information related to this proposal.

Sincerely,

/s/ Leslie James

Leslie James
Executive Director

Cc: Larry Walkoviak, Reclamation
Tim Meeks, Western Area Power Administration
CREDA Board

**IRRIGATION & ELECTRICAL DISTRICTS
ASSOCIATION OF ARIZONA**

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ELSTON GRUBAUGH
SECRETARY-TREASURER

ROBERT S. LYNCH
ASSISTANT SECRETARY-TREASURER

E-MAILED ONLY

(merg.eis@usace.army.mil)

May 20, 2009

Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, Colorado 80128-6901

Re: Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Regional
Water Supply Project in Wyoming and Colorado

Dear Ms. Brand:

In scoping the aforementioned environmental impact statement, we believe that the EIS analysis should include the impact on the generation of hydropower at Flaming Gorge Dam and the dams downstream on the Colorado River. Obviously, significant diversions from the Green River on an annual basis will affect the amount of water available for storage in Flaming Gorge Reservoir and consequently affect both the capacity available and the amount of energy that can be produced at its hydropower facilities. The same will be true downstream at Glen Canyon Dam, Hoover Dam, Davis Dam and Parker Dam. The amount of water diverted may or may not have severe impacts in any given year but, given the shortage criteria that have just recently been adopted and the forecast for a number of years in a continuing drought, the cumulative effect of these annual diversions will impact the downstream reservoirs, their operation and consequently, their ability to generate hydropower.

The members of our Association contract with the United States and with a state agency, the Arizona Power Authority, for power from these dams. The EIS analysis should be mindful that the downstream impacts of this project will potentially reach all the way to the Mexican border and beyond.

Please keep us on your mailing list so that we can continue to participate as this process develops.

Sincerely,

/s/

Robert S. Lynch
Counsel and Assistant Secretary/Treasurer

Ms. Rena Brand

May 20, 2009

Page 2

RSL:psr

cc: Tim Meeks, Administrator, Western Area Power Administration (WAPA)
J. William McDonald, Acting Commissioner, U.S. Bureau of Reclamation
Brad Warren, CRSP Manager, CRSP Office, WAPA
Larry Walkoviak, Regional Director, Upper Colorado River Region, USBR
Darrick Moe, Regional Manager, Desert Southwest Region, WAPA
Lorri Gray-Lee, Regional Director, Lower Colorado River Region, USBR
Joe Mulholland, Executive Director, Arizona Power Authority
Leslie James, Executive Director, Colorado River Energy Distributors Assn.
IEDA Presidents/Chairmen and Managers

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1594
add suite #

Ms. Rena Brand
Project Manager
US Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd,
Littleton, CO 80128-6901

April 22, 2009

Dear Ms. Brand,

South Metro Water Supply Authority (SMWSA) wishes to make the following comments relative to the EIS process now underway on a proposal by Million Resource Group (MRG).

- 3 SMWSA is a governmental entity comprised of thirteen water providers in the south metro Denver area.
- 4 We serve approximately 300,000 people. By 2030, we will serve a population of nearly 500,000. Our
- 5 adopted Master Plan for water service can be found on our web site at southmetrowater.org.
- 6 It has come to our attention that MRG has incorrectly identified service to SMWSA as part of its
- 7 "purpose and need". This is not the case. SMWSA, over a year ago, was considering MRG's project and
- 8 whether or not to pursue an agreement to become a project participant with MRG. However, for various
- 9 reasons, the Board decided in January of 2008, by unanimous vote, to suspend our interest in
- 10 negotiations. SMWSA is now pursuing water supply alternatives entirely separate from MRG.

Thank you for your time and consideration of this matter.

Sincerely,



Rod Kuharich

Executive Director





Central Utah Water Conservancy District

355 WEST UNIVERSITY PARKWAY, OREM, UTAH 84058-7303
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TOLL FREE 1-800-261-7103
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OFFICERS
Michael H. Jensen, President
Randy Crozier, Vice President

Don A. Christiansen, General Manager
Secretary/Treasurer

July 23, 2009



Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901

Re: Scoping Comments on the EIS for the Proposed Regional Watershed Supply Project in Wyoming and Colorado

Dear Ms. Brand,

The Central Utah Water Conservancy District (CUWCD) appreciates the opportunity to provide scoping comments based on the scoping information that was provided on the Environmental Impact Statement for the Proposed Regional Watershed Supply Project in Wyoming and Colorado.

CUWCD is a political subdivision of the State of Utah. It was formally established in 1964 to act as the local entity to contract with the United States of America in connection with the construction, operation, maintenance, and financing of the Central Utah Project (CUP).

The Central Utah Project - Bonneville Unit:

The CUP is a United States federal water project. It was authorized for construction under the Colorado River Storage Project Act of April 11, 1956 (CRSPA) (Public Law 485, [70 Stat. 105]) as a participating project. In general, the CUP develops a portion of Utah's share of the Colorado River as set out in the Colorado River Compact of 1922.

As originally planned and authorized, the CUP consisted of six units or sub-projects. The largest and most complex is the Bonneville Unit which diverts water from the Uinta Basin, a part of the Colorado River Basin, to the Bonneville Basin.

BOARD OF TRUSTEES

Gary J. Anderson
Randy A. Brailsford
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Jani Iwamoto
George R. Jackson
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Rondal R. McKee
Kent R. Peatross

Scott Ruppe
Mark Wilson
Boyd Workman

The Bonneville Unit is located in central and northeastern Utah and provides water for the following counties: Salt Lake, Utah, Wasatch, Summit, and Duchesne. Bonneville Unit water is developed by collecting and storing available flows of several streams (principally tributaries to the Duchesne River), purchasing water rights, using part of the existing water supply in Utah Lake, and using project return flows and high flows entering Utah Lake. The Bonneville Unit includes features that facilitate a trans-basin diversion of water from the Uinta Basin to the Bonneville Basin and development of local water resources in both basins. The completed Bonneville Unit will deliver a permanent supply of 42,000 acre feet (52,000,000 m³) of irrigation water and 157,750 acre feet (194,580,000 m³) of municipal and industrial water. It will provide sufficient stream flow to maintain fisheries in various streams in the Bonneville Unit area. It will also provide flood control, recreation, project power, leased power, and fish and wildlife improvements. Although not completed, a majority of the unit's water supply is under contract and being delivered.

Water Rights and Delivery Management:

Another CUWCD trust includes water right and water delivery management. All water course flows within the CUWCD's purview, and particularly within the Provo River, Spanish Fork River, and Duchesne River drainages, are heavily influenced by the daily decisions of CUWCD management. These decisions are made in compliance with State of Utah water right law and CUWCD water contract provision. The CUWCD has spent years developing working partnerships with other local, state, and federal entities to smoothly store, convey, and distribute waters for agricultural, culinary, recreational, and environmental purposes. At a given time, Provo River, Spanish Fork River, and Duchesne River water is being carefully balanced among the aforementioned uses.

The Green/Colorado River system play a significant role in the operation of the CUP. Diversions above CUP diversions are of concern to the future operations of the approximately \$3 billion CUP that include the Bonneville, Jensen, and Vernal Units. Infrastructure and economies of Utah rely upon the CUP deliveries which cannot be impacted by upstream diversions. Due to CUWCD's significant involvement in the Green/Colorado River system and the potential impact on the CUP from this proposed project, we would like the EIS to address the impacts the proposed project would have on the water users and water rights below Flaming Gorge and specifically on the CUP Units. How will this project impact Utah's ability to use its water allocation?

We would like the EIS to analyze the following additional concerns:

- The economic viability of the proposed project needs to be determined and presented. We believe this should at a minimum include the cost of the project, amount of water available, purchasers of the water, the purchase price of the water including relationship to price and point of delivery, length of purchase contracts, how the project will be financed and the finance period.
- As stated above, CUWCD has responsibility for the nearly completed CUP. Water supply for the CUP is a portion of Utah's Colorado River allocation. Utah's allocation is primarily available from or because of Flaming Gorge. The proposed project would impact Flaming Gorge water supply which could impact Utah's ability to develop its

allocation which in turn could impact the developed CUP water supply. Hydrology studies need to clearly show that Utah can develop its allocation and that the CUP water supply is secure while at the same time allowing Colorado and Wyoming to develop their respective Colorado River allocations.

- CUWCD receives CRSP energy for project purposes. Removing water from or above Flaming Gorge will reduce the energy generation at Flaming Gorge. An analysis of the impact on power generation will be necessary. The cost of water for the proposed project should include a power loss component. The impact of the proposed project should be rate neutral.
- The Reasonable and Prudent Alternative (RPA) for the operation of the CUP (as well as many other projects including development of Utah's allocation) is reoperation of Flaming Gorge Dam. Studies need to confirm the proposed project will have no impact on the ability of Flaming Gorge to serve as the PRA for the CUP.

If you have any questions concerning the CUP or if there is more information that you would like us to provide to help with this process, please contact me at 801-226-7147 or sarah@cuwcd.com.

Sincerely,

A handwritten signature in black ink that reads "Sarah Sutherland". The signature is written in a cursive, flowing style.

Sarah Sutherland
Environmental Programs Manager

cc: Uintah County Commission
Duchesne County Commission



Lincoln Conservation District

P.O. Box 98 - 110 Pine Street - Cokeville Town Hall, Room 1 - Cokeville, Wyoming 83114
Phone (307) 279-3256



July 24, 2009

Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, Colorado 80128-6901

RE: Objections to MCRG's proposed Regional Watershed Supply Project

Dear Ms. Brand:

The Lincoln Conservation District (LCD) board members reviewed the scoping comments on the Million Conservation Resource Group's (MCRG) proposed Regional Watershed Supply Project worked up by the Coalition of Local Governments (CLG) in southwest Wyoming at our July 21, 2009, board meeting.

We, as a board, feel the MCRG project would have huge impacts on water flow, water quality, fisheries habitat and vegetation, recreation values, and wetland habitat within the LCD boundaries.

We have requested cooperating agency status previously in conjunction with the CLG for this project. We will be looking forward to working with you in the development of an Environmental Impact Statement for the Project. We feel it would be best not to build the pipeline and subsequently explore other ways to provide water to the Colorado front.

Best regards,

Erick Esterholdt, Chairperson
Lincoln Conservation District



Duchesne County Water Conservancy District

855 East 200 North (112-10)
Roosevelt, Utah 84066

General Manager: Randy Crozier
Assistant Manager: Dex Winterton
Admin. Assistant: Adrienne S. Marett

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Max Warren, Member

Upper Chain Lake

July 25, 2009

Ms. Rena Brand, Project
Manager, U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901



Dear Ms. Brand,

The Duchesne County Water Conservancy District (DCWCD) appreciates this opportunity to express concerns in regard to the Million Conservation Research Group's (MCRG) plan for development of Colorado River water rights on the upper stretches of the Green River. As we are sure that you are aware there are many problems that are anticipated to arise from the proposed development. First and foremost of the concerns in regard to DCWCD is that the proposed development will more than likely jeopardize our Green River water rights which we have plans to develop. According to the supply analysis performed by the United States Bureau of Reclamation, there is only 165,000 acre feet of water available annually for future development and use. It then becomes obvious that there is not enough water in the Green River to supply the nearly 250,000 acre-feet annually proposed by the MCRG, let alone enough water to meet the needs and plans of the downstream users.

The use of that much water so far upstream of the Green River also presents many environmental concerns. One concern being the issue of temperature of the water. Lower flows will naturally raise the temperature of the water in the upper reaches which will greatly affect the downstream fisheries. The other concern relating to the fish is the amount of water available for flow requirements in the river. Currently, the releases from Flaming Gorge total about 1,439,000 acre-feet annually and about 1,340,000 of that is released to meet the general fish flow demand in Reach 1 of the Green River.

Beyond water supply and environmental impacts, it is conceivable that the MCRG's proposed project could have a severe impact on the economy of Duchesne County and the Uintah Basin as a whole. The loss of this water could greatly affect industries such as agriculture and oilfield development. There is also the many people that come to the area to enjoy the recreational aspects of the Green River.

Based on the few arguments listed above, DCWCD believes that the MCRG's proposed project could be detrimental to the water rights and economy of Duchesne County and the state of Utah in general. There is simply not enough water in the Green River to accommodate both Utah and Colorado's needs. We hope you take these impacts seriously as this project moves forward.

Sincerely,

Dex Winterton
Assistant Manager
Duchesne County Water Conservancy District

COLORADO BASIN ROUNDTABLE
P.O. BOX 1120
GLENWOOD SPRINGS, CO. 81602

JIM POKRANDT, CHAIR
970-945-8522 x236
JPOKRANDT@CRWCD.ORG

LORLINE CURRAN, VICE CHAIR
JIM CARTER, VICE CHAIR

July 27, 2009

TO: Rena Brand, Project Manager
U.S. Army Corps of Engineers, Omaha District
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901

FR: Colorado Basin Roundtable
RE: Million Conservation Resource Group Scoping/Regional Watershed Supply Project

Dear Ms. Brand:

The Colorado Basin Roundtable is one of nine "Basin Roundtables" created by the Colorado General Assembly (C.R.S. 37-75-101, et seq.) as a grassroots mechanism to discuss, propose and comment on solutions developed to address the State of Colorado's water supply challenges. Our representatives attended a number of the Corps' public scoping sessions on the Regional Watershed Supply Project (RWSP) proposed by the Million Conservation Resource Group. This project would divert water in Wyoming, from both the Flaming Gorge Reservoir and the Green River, for use along the Front Range corridor of Colorado.

The Colorado Basin Roundtable is concerned that this project is being proposed in the face of a number of uncertainties and cannot be adequately reviewed at present.

1. It is not clear that the RWSP has any customers, which is curious since so many Front Range water utilities and sister Front Range Roundtables are adamant about finding new water supplies for a growing population base. At this point, the project appears to be speculative, which is contrary to Colorado water law. We have fundamentally relied on protection against water rights filings that cannot prove beneficial use without waste. This project proposes to divert water that will cost other potential water users the ability to file for water for proven beneficial uses.
2. The project, by virtue of its diversion points in Wyoming, circumvents Colorado water law. We stated our concerns about speculation in the aforementioned. As well, the water would not be administered under the Colorado water rights system, including administration for compact compliance in the Colorado River system. This promises chaos. The project should not be evaluated until these issues are subject to agreement by the Bureau of Reclamation, Colorado and Wyoming.
3. Water planners do not know for sure how much water can be developed in Colorado under the Colorado River Compacts of 1922 and 1948. The RWSP, if approved, prematurely lays claim to what could be the last increment of water development under the compacts before the state can learn the results of the Colorado River Water Availability Study commissioned by the Colorado Water Conservation Board. The Colorado Basin Roundtable believes this is a threshold issue for this project or any other project that might be proposed. One of our goals is to avoid administration on the Colorado River system under the Colorado River Compacts. Uncoordinated water project development is a sure-fire way for this to occur.

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LURLINE CURRAN, VICE CHAIR
JIM CARTER, VICE CHAIR

RE: Millon Conservation Resource Group Scoping /Regional Water Supply Project/pg. 2

4. With respect to the above-mentioned concerns about water availability, the Colorado Basin Roundtable and the Yampa-White-Green Basins Roundtable are in the middle of a study on the potential water demands that might be created by a viable oil shale industry. Consideration of the RWSP in the absence of this study's findings is premature and not in the interest of the State of Colorado or its water users.

5. Our sister organization, the Yampa-White-Green Basins Roundtable, wrote a comment letter voicing its concerns on April 18, 2009. We support the Yampa-White-Green's concerns and stipulate so by Incorporation of its letter.

6. The Colorado River Water Conservation District, chartered by the Colorado General Assembly in 1937 to protect Western Colorado water, wrote a comment letter on July 27, 2009. We support its concerns and stipulate so by Incorporation of its letter.

Thank you for this opportunity to comment, and thank you for expanding the scoping hearings schedule to include the West Slope of Colorado.

Sincerely,



Jim Pokrandt,
Chair
Colorado Basin Roundtable



Colorado River District

Protecting Western Colorado Water Since 1937

July 27, 2009

Rena Brand
Regulatory Specialist
U S Army Corps of Engineers
Omaha District
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901

RE: Scoping Comments of the Colorado River Water Conservation District on the U S Army Corps of Engineers Environmental Impact Statement process for the Regional Water Supply Project proposed by the Million Resources Conservation Group

Dear Ms. Brand:

The Colorado River Water Conservation District is a political subdivision of the State of Colorado created in 1937 "...to safeguard for Colorado all waters to which the state of Colorado is equitably entitled under the Colorado river compact." Under CRS §37-46-101 thru 151 the Colorado River Water Conservation District (River District) has been given broad powers and responsibilities for planning and development for the waters the State of Colorado is entitled to from the Colorado River and its tributaries. Among the specific powers given the River District is the power to cooperate with Federal agencies in the development of water resources. In pursuit of this charge the River District has requested Cooperating Agency status for the preparation of the subject EIS. As consideration of our request has been delayed, please accept these written comments on the scoping process:

A. The Regional Water Supply Project proposal is not ripe for USACOE action:

1. No specific need has been identified for the project other than a general reference to future water demands in Colorado. The State of Colorado currently is in the process of reviewing those demand numbers. Without a more specifically identified demand, alternatives to the proposed project (including a No Action alternative) cannot be formulated and evaluated in the NEPA process. Moreover, there would be no way to determine the least environmentally damaging alternative from a Section 404 permit perspective.

2. Any contract from Flaming Gorge Reservoir that would provide the theoretical water supply for the proposed pipeline will necessarily be the subject of a separate NEPA process. No decision has been made by the United States Bureau of Reclamation on when (if ever) to initiate the NEPA analysis for a water supply contract. In fact, recent information suggests that Reclamation must wait until the States of Colorado, Wyoming, and Utah (and

perhaps New Mexico) have agreed that a water service contract is even a subject appropriate for NEPA study.

Absent a contract with the USBOR for delivery of water from Flaming Gorge Reservoir the project cannot be completed.

3. The impacts to the human environment from the proposed project cannot reasonably be assessed because there is no identified end-user of water proposed to be delivered from the pipeline.

For the reasons outlined above, the River District believes that any NEPA analysis for the proposed pipeline project is not ripe, cannot be completed within the statutory and regulatory requirements for NEPA, and constitutes a waste of public resources. Trying to analyze the impacts to the environment from a proposed pipeline project against unknown alternatives that are required to meet an unidentified water demand simply does not make sense. It is akin to studying the proposal to build a major large-scale power plant when the type of power plant (coal-fired, gas-fired, nuclear, etc.) has not been identified, the source of fuel has not been identified, and no demand for additional power needs have been identified.

B. Ongoing processes within the State of Colorado must be completed before the "need" for water and water available to serve the need, from anywhere in the Colorado River basin, can be identified and any further NEPA analysis of alternatives can be considered.

The River District Board adopted the following position at its July 2007 quarterly meeting:

"The Colorado River District is opposed to any further consideration or NEPA analysis of the Flaming Gorge Reservoir water service contract and pipeline project proposed by Aaron Million until satisfaction of the following items:

1. Completion of the Senate Bill 07-122 Colorado River water availability study.
2. Completion of the needs assessments of the Colorado, Yampa/White, Gunnison and San Juan/Dolores Roundtables established by House Bill 05-1177.
3. Completion of the Yampa/White/Colorado energy needs study.
4. Agreement on the appropriate administrative priority and curtailment criteria for any water supply contract for the current project proposal.
5. Full evaluation of the amount of water available for contract from Flaming Gorge Reservoir and the commensurate risk of other Colorado River water users in Colorado from using that potential source of water."

C. Further evaluation of the water supply available to the project to meet any identified need is necessary.

The project proposes to develop 250,000 acre-feet of annual yield, identifying 165,000 acre-feet available annually from Flaming Gorge Reservoir (USBOR modeling cited) and 85,000 acre-feet of dry year (157,000 af avg. yr., 195,000 af wet yr.) yield to be derived from the inflow to Flaming Gorge Reservoir. In the alternative(s) proposed the availability of the water supply is not clear. All alternatives must have complete and clear analysis of water supply availability.

D. Impacts to the "human environment" potentially resulting from all alternatives which meet the identified "need" must be considered. These impacts include:

Uses of the waters of Wyoming and Colorado have developed in an orderly manner under the various state and Federal statutes which form the water law of each state. The importation of water stored in one state by another state may disrupt the application of state water law.

Contracting directly to private users for large water deliveries from a CRSP facility such as Flaming Gorge may impact the ability of the CRSP to meet other authorized purposes. The ability of the entire CRSP to meet all authorized purposes must be considered.

Potential impacts to flatwater recreation and regional economic activity resulting from reduced levels in Flaming Gorge Reservoir must be considered.

Impacts to hydropower generation at Flaming Gorge Dam must be considered.

Impacts to flows below Flaming Gorge Reservoir through the entire Colorado River system must be considered, including any impacts to state or federally listed species.

Water quality impacts in the Green River below the proposed diversion points and resulting from water diversion points in alternative sources must be considered.

Economic viability of any alternative considered will affect the water supply cost and security of those relying on the project permitted by the USACOE action. While the proposed project is a private enterprise, the purported end use is yet unidentified providers of water supply to the public. Cost and potential success of alternatives will affect water supply costs and security and must be considered.

E. A reasonable "No Action" alternative must be considered.

The "No Action" alternative to meet the gross need identified in the State of Colorado State Water Supply Investigation (SWSI) process (generally, the cited "need" for the project) to meet the future development demand of the Front Range in Colorado must be reasonable. The

Ms. Rena Brand

Scoping Comments for Regional Watershed Supply

Project EIS

July 27, 2009

"No Action" alternative must consider that other processes are underway to identify ways of meeting the need identified in SWSI including "Strategies for Colorado's Water Supply Future", DRAFT June 2009, Colorado Water Conservation Board. Several projects currently in the permitting and development process would meet a portion of the need which the subject proposal reports to serve. Those projects include:

Denver Water Moffat System Improvement
Halligan-Seaman Water Management Project
Northern Integrated Supply Project (NISP)
Rueter-Hess Reservoir
Windy Gap Firming Project

The environmental documentation for NISP in particular describes in detail actions which the entities identified as beneficiaries of the NISP project might take to meet their demands if the NISP project were not permitted and developed¹. Likewise, actions similar to those above and others described in the NISP "No Action" alternative will continue to occur as the entities on the Front Range of Colorado work to meet their water supply needs. The "No Action" alternative for the Regional Watershed Supply Project necessarily must consider the impacts of the actions that are at least "reasonably foreseeable" to meet the "need" which the proposed project and all alternatives would meet and show that the "No Action" alternative is cumulatively more damaging than the proposed action. This would include the impacts to resources within the source basins in the case of utilization of waters from another basin. All the impacts of "No Action" must be included in the analysis of alternatives.

The Board of Directors of the Colorado River District is familiar with this project having met with Mr. Million on more than one occasion. The River District appreciates the opportunity to provide the above scoping comments and will continue to participate in the evaluation of the project proposal and alternatives through the NEPA process. We look forward to your favorable consideration of our request to serve as a cooperating agency to address the many issues related to the project proposal and alternatives. Please contact me should you have any questions.

Respectfully submitted,



R. Eric Kuhn
Secretary/General Manager

¹ NORTHERN INTEGRATED SUPPLY PROJECT EIS, 2.2 ALTERNATIVE 1—NO ACTION ALTERNATIVE



#3683

Form letter, see #1234

Sublette County Conservation District

July 27, 2009

FILED VIA EMAIL MRCG.EIS@usace.army.mil

Rena Brand Rena.J.Brand@usace.army.mil

Project Manager

U.S. Army Corps of Engineers

Denver Regulatory Office

9307 S. Wadsworth Blvd.

Littleton, CO 80128-6901

Re: Scoping Comments for Project: Regional Watershed Supply Project, Corps *Id* No: NWO-2--7-1337-DEN

Dear Ms. Brand:

Please find the enclosed scoping comments prepared by the Coalition of Local Governments, which address the scoping issues and the underlying facts that support these issues. As a member of the Coalition, the Sublette County Conservation District strongly objects to the project as it is currently proposed and adopts the Coalition comments.

We believe that the trans-basin diversion proposal will mean a perpetual shortage of water for the Green River Basin users. For 30 years Green River users have opposed the leasing of water to the lower basin state of California so that we might develop our rights under the compact. The transbasin proposal seems to be the latest in a growing parade of outside political maneuvers that would deprive us of our rights on the Green River. We will continue to encourage the viability of growth within and oppose any plans to divert water out of the Basin.

Our interests were described in the request for cooperating agency and our correspondence of July 21, 2009. We look forward to working with the Corps as a cooperating agency.

Sincerely,

Darrell Walker (Chairman Board of Supervisors)

PO Box 36 - Pinedale Wy, 82941

1625 West Pine Street

Website: sublettecountycd.com

Natural Resource Conservation - Development - Self-Government



SWEETWATER COUNTY CONSERVATION DISTRICT

Mary Thoman, Chairman Thomas Burris, Vice-Chairman Jean Dickinson, Secretary Doug Harmel, Treasurer Bob Slagowski, Member

79 Winston Drive, Suite 110
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July 27, 2009

FILED VIA EMAIL MCRG.EIS@usace.army.mil

Rena Brand Rena.J.Brand@usace.army.mil

Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901

Re: Scoping Comments for Project: Regional Watershed Supply Project, Corps Id No: NWO-2--7-1337-DEN

Dear Ms. Brand:

Please find the enclosed scoping comments prepared by the Coalition of Local Governments on behalf of its local government members, including the Sweetwater County Conservation District (District or SWCCD). The District endorses the enclosed comments as a member of the Coalition.

The District opposes the transbasin project as it is currently presented. There are too many questions regarding the priority date of the water rights and the impacts on water flows and upstream and downstream water rights.

These comments identify the most significant scoping issues and relevant facts. The District concludes that work on the Section 404 permit should cease until the questions regarding water flows and related impacts are answered and the identified impediments, including possible harm to endangered fish critical habitat and adverse impacts to downstream water quality, are resolved.

We believe that the trans-basin diversion proposal will mean a perpetual shortage of water for the Green River Basin users. For 30 years Green River users have opposed the leasing of water to the lower basin state of California so that we might develop our rights under the compact. The transbasin proposal seems to be the latest in a growing parade of outside political maneuvers that would deprive us of our rights on the Green River. We will continue to encourage the viability of growth within and oppose any plans to divert water out of the Green River Basin.

The jurisdictional interests and special expertise of the District are set forth in the request for cooperating agency and later correspondence. We look forward to working with the Corps as a cooperating agency.

Sincerely,

/s/ Mary Thoman

Mary Thoman, Chairman
Sweetwater County Conservation District

Upper Green River Basin Joint Powers Board

Lincoln County

Stan Cooper
Tom Crank

Sublette County

Randy Belgiano
John Andrikopoulos

Sweetwater County

John A. Zebre
Alan W. Harris

At Large - Don Hartley

June 30, 2009

Ms. Rena Brand
Project Manager
US Army Corps of Engineers, Omaha District
Denver Regulatory Office
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901



Re: Issues which must be addressed in the Environmental Impact Statement pertaining to Aaron Million's proposal for a transbasin diversion from Wyoming's Green River Basin to the front range of Colorado

Dear Ms. Brand:

This letter is written on behalf of the Upper Green River Basin Joint Powers Board. This entity is comprised of the three largest counties in the Green River Basin in Wyoming, Lincoln, Sublette and Sweetwater. Under Wyoming law, a joint powers board is a creature of statute and in this case was created by the three counties with a stated mission of exploring and developing new storage projects and other appurtenant water infrastructure in the Upper Basin.

At the outset, the board wishes to communicate to you its sincere and serious reservations as to why it finds itself at this juncture; and why the Corps wishes to conduct an environmental impact statement on a project which is at best a speculative concept with no defined or demonstrated need and appears to be constantly changing. While our Board has many questions or reservations regarding the potential issues that may arise from this "project", rest assured that we do support Colorado's right to develop its water pursuant to Compact allocations.

Your office is well aware of the response and reception you received from Basin residents at the scoping meetings in Green River and more recently Rock Springs; and of course are already in receipt of the letters of objection from the three county commissions. While the project remains to be defined, we expect that the Corps and its consultants will render a full accounting and analysis of the following issues for each and every alternative diversion point proposed by Mr. Million. We will identify these issues in the categories you set forth during your initial presentation in Green River, Wyoming

at your "scoping meeting". That event certainly cannot be categorized as a public hearing but rather, at best a bureaucratic effort to simply comply with a legal requirement so that it could be said that it was done.

1. BIOLOGICAL ISSUES

- a. How would the implementation of the various alternatives ensure compliance with the Endangered Species Act and in particular with respect to Section 7 Consultations?
- b. Will the removal of water from the stream(s) in the basin result in a change in water temperature and a change in the biology of the stream(s) then resulting in impacts to the species mix which are heretofore been characteristic of that stream. With regard to the above, we expect a full analysis of what changes in water temperature will have upon the biological chemical and physical characteristics of each of the stream(s) and how that temperature change will impact various vegetations and species through the entire natural food chain.

2. SOCIOECONOMIC ISSUES

- a. By whom and by what means will upper basin water resources depletion impacts be mitigated and are there any realistic alternatives by which this mitigation can be accomplished?
- b. By whom and by what means will the impacts of depletion on the agricultural, recreational, industrial, power generation, fisheries and educational sectors be mitigated? These impacts will in all likelihood be different for each geographic, population, and economic area within the basin. Each such area must be identified, and an analysis undertaken and completed with respect to the differing characteristics of each area and as to each type of impact.

3. WATER QUANTITY ISSUES

- a. It will be necessary to evaluate any and all data provided by the Bureau of Reclamation to ensure its credibility and that the bureau is complying with its own mandates to include climate change in its analysis. Evaluations should indicate the impacts of depleted water quantity on the long term future quality of water within the basin.
- b. Will there be sufficient water volume to maintain Green River Basin ecosystems and ESA flows?
- c. Since such a pipeline project is characterized as 100% depletion, what are the impacts to downstream water users and the various socioeconomic categories?

- d. What are the impacts of such depletion not only as to surface waters but also as to the hydrologic connections between surface and ground water and interflow and recharge?

4. **WATER QUALITY ISSUES**

- a. How will such a proposed diversion and depletion change the water chemistry within various areas of the Green River Basin to include the impacts on salts, metals and nutrients and organics that currently exist?
- b. How will the proposed depletion and diversion change the biochemistry of the stream(s) including organic and pathogenic micro-organisms especially when considered in conjunction with temperature change?
- c. How will the proposed diversion and depletion change or impact the DEQ TMDL (salts, metals, nutrients and organics) standards and regulations?
- d. How does diversion and depletion from the various proposed alternative diversion sites change salinity with respect to the stream(s)?

Lastly, it is illogical and self defeating for the Corps and its consultants to even attempt to undertake this kind of analysis and EIS based upon a defined budget or contractual amount where the Corps and its consultants have yet to identify the issues that they will be asked to account for and analyze.

Very truly yours,



John A. Zebre, Chairman
Upper Green River Basin Joint Powers Board

JAZ/cb

cc.

Sweetwater County Board of Commissioners
80 Flaming Gorge Way
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Green River, WY 82935

Lincoln County Board of Commissioners
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Sublette County Board of Commissioners
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Rock Springs Chamber of Commerce
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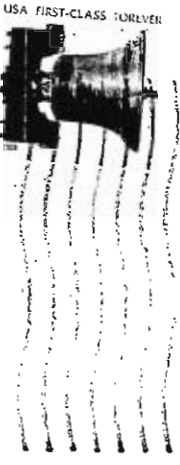
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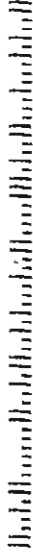
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Upper Green River Basin Joint Powers Board
John A. Zebre, Chairman
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Ms. Rena Brand
Project Manager
US Army Corps of Engineers, Omaha District
Denver Regulatory Office
9307 S. Wadsworth Boulevard
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8012887319 0057





Front Range Water Council

220 Water Avenue
Berthoud, CO 80513



July 9, 2009

Ms. Rena Brand, Project Manager
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901



Re: Million Conservation Resource Group – Regional Watershed Supply Project

Dear Ms. Brand:

This letter is written on behalf of the members of the Front Range Water Council (FRWC) which includes: the City of Aurora, Colorado, acting by and through its Utility Enterprise; Colorado Springs Utilities; the City and County of Denver, acting by and through its Board of Water Commissioners; the Municipal Subdistrict, Northern Colorado Water Conservancy District; Northern Colorado Water Conservancy District; the Pueblo Board of Water Works; the Southeastern Colorado Water Conservancy District; and the Lakes Reservoir and Canal Company. These entities serve a total of approximately 3.8 million people on the front range of Colorado. Each of these entities uses water from the Colorado River Basin for municipal and other beneficial uses, and thus has a vital interest in any project which could affect their use of Colorado River water under the Colorado River Compact.

The FRWC submits the following scoping comments for the administrative record in accordance with the requirements of the March 20, 2009, notice and the May 8, 2009, amended notice in the Federal Register.

The FRWC understands that the Million Conservation Resource Group (MCRG) intends to develop the Regional Watershed Supply Project (RWSP) for the delivery of 250,000 acre-feet of water per year of new annual firm yield to Wyoming and Colorado. Of the total firm yield, 90 percent (or 225,000 acre-feet) is proposed to be delivered to Colorado for use in the South Platte and Arkansas River Basins. Substantial infrastructure to deliver this water is proposed by MCRG including: two large reservoirs of 85,000 and 125,000 acre feet; a pipeline extending from, or near, Flaming Gorge Reservoir in western Wyoming, east across southern Wyoming and then proceeding south along Colorado's front range from the Colorado/Wyoming border to near the City of Pueblo; gas-fired pump stations; water treatment facilities; roads for construction, operation and maintenance; and undisclosed water delivery systems from the storage reservoirs for distribution to unidentified water users. If the RWSP is constructed, clearly the impact on existing water supply entities in Colorado, both from a water supply and a facilities perspective, could be significant.

Members – City of Aurora; Colorado Springs Utilities; Denver Board of Water Commissioners; Municipal Subdistrict, Northern Colorado Water Conservancy District; Northern Colorado Water Conservancy District; Pueblo Board of Water Works; Southeast Colorado Water Conservancy District; Twin Lakes Reservoir & Canal Company

Ms. Rena Brand
Page 2
July 9, 2009

All of the entities represented in this letter hold water rights appropriated under Colorado law from the Colorado River and its tributaries, and own and operate infrastructure associated with the diversion, storage, and delivery of the water represented by those rights. These entities may be affected by the infrastructure and operational aspects of the RWSP. The following comments address several specific concerns raised by the proposed RWSP.

Speculation.

The preparation of an Environmental Impact Statement (EIS) requires that the “proposal” be sufficiently defined to allow a meaningful evaluation of the proposed agency action. 40 C.F.R. § 1508.23 provides that a “[p]roposal” exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated.” MCRG has no ability itself to use water from the proposed RWSP, and there are no entities that have contracted with MCRG for the use of water from this proposed project. The proposed RWSP is therefore completely speculative. The speculative nature of the proposal makes it impossible to identify the alternatives that must be considered or the effects of the proposal.

The speculative nature of the RWSP also makes it impossible for the U.S. Army Corps of Engineers to comply with a number of mandatory requirements for an EIS. First, it will be impossible to properly “scope” the EIS because it will be impossible to identify the impacts of any alternatives. Second, 40 C.F.R. § 1501.7(a)1 requires that affected “local entities” be invited to participate in the EIS. The complete absence of meaningful information about the specific place of use of the water from the RWSP makes it impossible to identify the “local entities” that may be affected by the proposal. Finally, the speculative nature of the proposal means that any EIS that is prepared based on this speculative proposal will be fatally flawed. 40 C.F.R. § 1508.25 requires that the scope of an EIS consider “3 types of actions [connected, cumulative, and similar], 3 types of alternatives [no action, other reasonable courses of actions, and mitigation measures], and 3 types of impacts [direct, indirect, and cumulative].” It will be impossible to scope the EIS to identify, let alone analyze, the 3 types of actions, alternatives, and impacts which are required for an EIS by 40 C.F.R. §§ 1508.25 and 1508.8.

Lack of Purpose and Need

The states of Colorado and Wyoming both have some form of anti-speculation doctrine in their water laws and regulations. Certainly much federal law is devoted to preventing speculation in the development and use of water supply projects, particularly in the Western states where drought and water scarcity are a constant concern. Moreover, the lack of any defined end user(s) makes it impossible to define an appropriate “purpose” for the project, or to identify any “need” for water from the project as required by applicable laws and regulations. The U.S. Army Corps of Engineers should determine that it cannot proceed with the preparation of an EIS unless and until the project is in a position to establish a legitimate purpose and need statement. Until the

Ms. Rena Brand
Page 3
July 9, 2009

project identifies both specific end user(s) and uses for the RWSP, as well as the specific location of each Project component, the impact of the Project cannot be determined.

Colorado River Compact Issues.

The RWSP must not diminish, in any respect, the ability of the Upper Colorado River Basin to fully comply with its obligations under the Colorado River Compact. As you well know and understand, Colorado River system storage levels dropped to historic lows during the 2001-2004 drought. Water stored in Flaming Gorge Reservoir provides irreplaceable storage capacity that allows the Upper Colorado River Basin states to comply with the requirements of the Colorado River Compact. We are concerned how a water service contract from Flaming Gorge Reservoir to provide water to the RWSP would be administered in the event of compact enforcement. This issue needs to be resolved by the affected states, in the context of the governing law, before any definite conclusions concerning project impacts can be drawn and any water service contract can be executed.

Inadequate Notice of Proposed RWSP

The notice in the Federal Register and the materials provided on the website and at the public scoping meetings fall far short of providing adequate disclosure to the public of a proposal which can be meaningfully reviewed and analyzed. The Federal Register notice also makes vague reference to "water delivery systems from the water storage reservoirs to water users," yet no data whatsoever is provided on these proposed water delivery facilities. The potential wetland and other resource impacts cannot be evaluated. Territory where the proposed pipeline may be built may be critical habitat for endangered species as well. None of these considerations are described in the RWSP material, nor can they be the subject of meaningful comment by the public, due to the lack of information provided. In short, no meaningful evaluation of fundamental considerations can be had based on the rough outline of the project proposed by the MCRG.

Please accept this letter as a formal comment for the administrative record.

Sincerely,



Eric W. Wilkinson
Chairman, Front Range Water Council