



US Army Corps  
of Engineers®  
Omaha District

# Scoping Summary Report for the Regional Watershed Supply Project Environmental Impact Statement



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## List of Acronyms

AF	acre-feet
BLM	Bureau of Land Management
Corps	United States Army Corps of Engineers, Omaha District
CWA	Clean Water Act
EIS	Environmental Impact Statement
ESA	Environmental Site Assessment
I-25	Interstate 25
I-80	Interstate 80
MCRG	Million Conservation Resource Group
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOI	Notice of Intent
NWR	National Wildlife Refuge
ROD	Record of Decision
ROW	right-of-way
RWSP	Regional Watershed Supply Project
U.S.	United States
USFWS	U.S. Fish and Wildlife Service

## Executive Summary

The United States (U.S.) Army Corps of Engineers (Corps), Omaha District, Denver Regulatory Office is reviewing a request for permit authorization, pursuant to Section 404 of the Clean Water Act, from Million Conservation Resource Group (MCRG), to construct a proposed water supply pipeline project in Wyoming and Colorado, referred to as the Regional Watershed Supply Project (RWSP). The Corps has determined that the project must undergo the highest level of environmental review, an Environmental Impact Statement (EIS). The current study schedule is estimated to take 5 years (2014) before a permit decision is made. The Corps will not design, fund, or construct this project, but rather, as an unbiased federal agency, will objectively study the project's environmental consequences.

The RWSP is proposed by MCRG, a private water development entity. MCRG proposes to withdraw approximately 250,000 acre-feet (AF) of water annually from the Green River and Flaming Gorge Reservoir in Wyoming, and transport it by pipeline to existing and proposed new reservoirs in southeastern Wyoming and the Front Range of Colorado.

Scoping began on March 20, 2009, with the publication of a Notice of Intent in the Federal Register. The notice indicated the Corps' intent to prepare an EIS on the proposed project, briefly described the proposal, and provided dates and times of the public scoping meetings. The notice stated that written public scoping comments could be postmarked, faxed, or e-mailed no later than May 19, 2009. Due to public requests, the comment deadline was extended to July 27, 2009, and three additional public scoping meetings were scheduled. The comment deadline was extended for a third time to September 28, 2009, to allow for additional time to respond to cooperating agency requests. The Corps held nine open house style public scoping meetings in April and June of 2009.

Before and during the public scoping period, the Corps invited agencies and tribes to participate in the EIS. The Corps also received requests for cooperating agency status from various agencies and organizations. All requests were evaluated thoroughly under National Environmental Policy Act (NEPA) regulations. The Corps invited 32 tribes, and 17 federal, state, and local governments to participate. The Corps declined requests from 10 entities due to lack of jurisdiction or special expertise, as outlined in NEPA regulations.

The Corps held four agency scoping meetings as follows: April 14, 2009 with U. S. Bureau of Land Management and Seedskaadee National Wildlife Refuge; April 15, 2009 with U. S. Bureau of Reclamation, U. S. Fish and Wildlife Service, U. S. Forest Service, National Park Service, Moffat County, Colorado, and a consultant representing Utah Counties; April 21, 2009 with the Environmental Protection Agency; and August 3, 2009 with the State of Colorado. The purpose of these agency meetings was to identify issues and concerns by entities with jurisdiction and responsibility for resources potentially affected by the project. The agencies were asked to submit their official comments in writing, which are included in this report. As the EIS proceeds, the Corps will schedule additional agency meetings.

During scoping, 1,531 comment submittals were received and 571 comments were recorded during scoping meetings. From these 1,531 submissions and meeting notes, 7,409 substantive comments were obtained.

Based on the issues identified in the scoping comments, 30 categories of significant issues were identified, and are described in this report. Summary comment categories were divided into two groupings: EIS process/permitting and resource-specific issues. The EIS process grouping included general process, purpose and need, permit and approvals, project description, cumulative impacts, mitigation and monitoring, and alternatives. Within the resource-specific issues, comments were further grouped into subheadings consisting of water withdrawal, pipeline, storage reservoirs/water delivery, mitigation, and general.

## 1.0 Introduction

The National Environmental Policy Act (NEPA) is designed to ensure that open public participation and full public disclosure of potential environmental impacts occur throughout the Environmental Impact Statement (EIS) preparation process. The United States Army Corps of Engineers, Omaha District (Corps), is the lead agency overseeing the preparation of an EIS for the proposed Regional Watershed Supply Project (RWSP). As part of the scoping process, the Corps is reviewing public comments to identify issues to be analyzed in the EIS. This Scoping Summary Report provides a description of the RWSP proposed action, an overview of the RWSP scoping process, a summary of scoping comments, and a summary of issues and concerns identified during the scoping process.

### 1.1 Million Conservation Resource Group's Proposed Project Description

The Corps has received a Section 404 Permit request from Million Conservation Resource Group (MCRG), a private water development entity, to construct and operate a water supply pipeline system in Wyoming and Colorado. A Section 404 permit of the Clean Water Act (CWA) is administered by the Corps to regulate the discharge of dredged or fill material into waters of the United States (U.S.). MCRG proposes to supply approximately 250,000 acre-feet (AF) of water (new annual firm yield) from the Green River and Flaming Gorge Reservoir and transport it by pipeline to help meet projected water supply needs of southeastern Wyoming and the Front Range of Colorado through the year 2030 and beyond. The water would be obtained from the Green River Basin as part of the unused portion of water allocated to the States of Wyoming and Colorado under the Colorado and Upper Colorado River Basin compacts. This new water supply would be available for use by municipalities, agriculture, and industries.

MCRG's proposed action consists of buried pipeline (between 72 and 120 inches in diameter) that extends from two points of diversion in Wyoming (one from the Green River and one from the Flaming Gorge Reservoir) to a storage terminus near Pueblo, Colorado (see **Figure 1-1**). From the identified diversion points, water would be pumped through an approximately 568-mile-long pipeline. Water storage is currently anticipated at Lake Hattie, located west of Laramie, Wyoming; the proposed Cactus Hill Reservoir site, located northeast of Fort Collins, Colorado; and the proposed T-Cross Reservoir site, located north of Pueblo, Colorado. Water treatment facilities would be a part of the intake system and water storage reservoirs. Other project components include approximately 16 natural gas-powered pump stations; pipeline valves (air release/vacuum, isolation, and drain); access roads (temporary and permanent); electrical power for water withdrawal and storage reservoir facilities; and water delivery systems.

The following components are part of MCRG's proposed project:

- **Withdrawal Facilities** – Two water withdrawal facilities would be used: one on the east side of Flaming Gorge Reservoir in Wyoming; the other on the east bank of the Green River approximately 200 feet downstream of the Seedskaadee National Wildlife Refuge (NWR) in Wyoming. The total right-of-way (ROW) width would be 200 feet (100 feet construction and 100 feet permanent).
- **Withdrawal Volumes** – The total estimated annual volumes from the two diversion points are approximately 165,000 AF from Flaming Gorge Reservoir and 85,000 AF from the Green River during a dry year. The Green River volumes would increase to approximately 157,000 AF in an average year and 195,000 AF in a wet year.
- **Pipeline System** – The proposed pipeline route runs east along the Interstate 80 (I-80) corridor and veers south, terminating near Pueblo, Colorado.

- Regulating Reservoir – One new reservoir would be constructed within the western portion of the pipeline system to manage and regulate water withdrawals from the Green River.
- Pump Stations – Approximately 16 natural gas-powered pump stations would be located along the pipeline route. The total ROW width would be 20 acres (10 acres construction and 10 acres permanent).
- Valves – Three types of appurtenance valves (air release/vacuum, isolation, and drain) would be located along the pipeline route. All valves would be located within the permanent ROW.
- Access Roads – Temporary (construction phase) and permanent (operation and maintenance phase) access roads would be required. Proposed roads will be identified.
- Water Storage – Three water storage reservoirs – Lake Hattie (69,000 AF capacity) in Wyoming; proposed Cactus Hill Reservoir (185,000 AF capacity) near Fort Collins, Colorado; and a new reservoir (25,000 AF capacity) to be constructed near Pueblo, Colorado – would be utilized as storage reservoirs.
- Electrical Power – On-site transformers and overhead power lines from local electrical grids would be used as power sources for the water withdrawal and storage reservoir facilities.
- Water Delivery Systems – Specific water users and water delivery systems from the storage reservoirs will be determined.

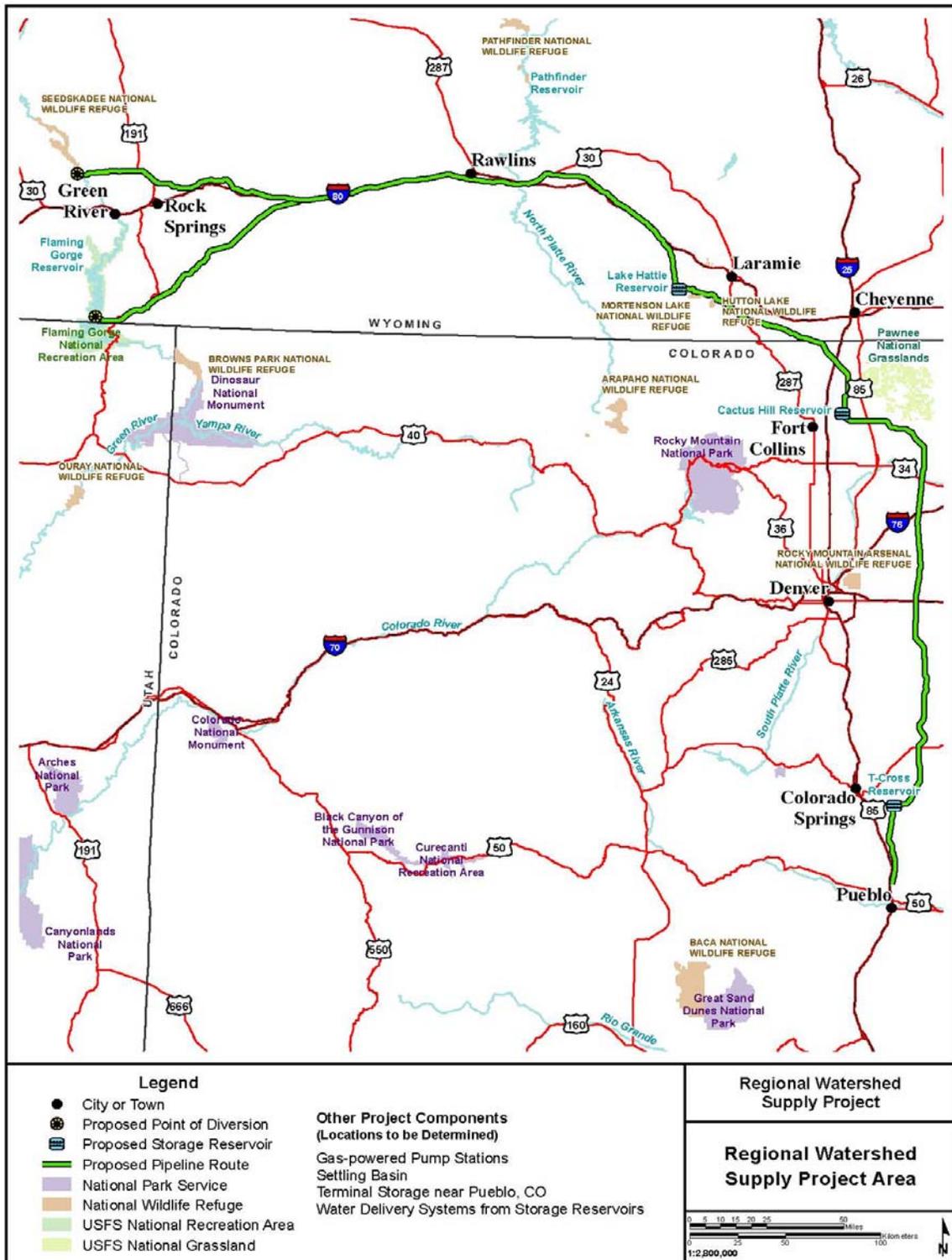
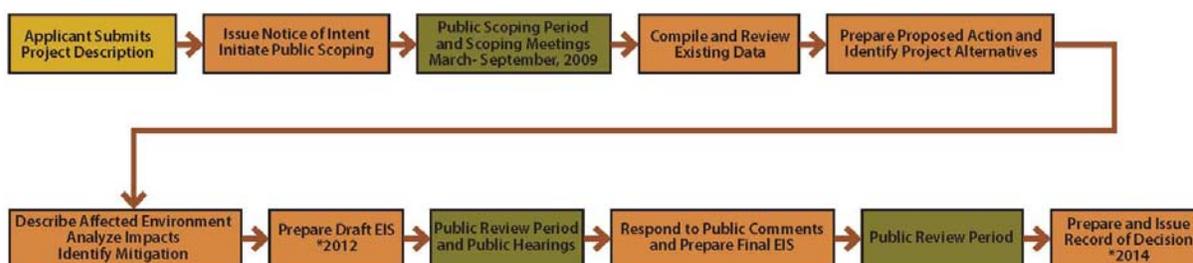


Figure 1-1 RWSP Proposed Action

## 2.0 Public Involvement Overview

### 2.1 EIS Process

The EIS preparation process occurs in four phases: Scoping, Draft EIS, Final EIS, and Record of Decision (ROD). As illustrated in the RWSP EIS process in **Figure 2-1**, public scoping is an important initial step in obtaining input from the public and agencies on the proposed project. Comments received during scoping are analyzed and considered as the Corps and cooperating agencies formulate alternatives, verify project need, conduct impact analyses, and select an Agency Preferred Alternative. The study will be summarized in a Draft EIS and released to the public. Once the Draft EIS is released, a 90-day public comment period would follow to provide the opportunity for public input. Comments received will be incorporated into the Final EIS, the document the Corps will use to assist in the outcome of the permit application. Following publication of the Final EIS, a minimum of 30 days must pass before the Corps can issue the ROD, which provides time needed to describe the selected alternative.



\* = Dates are estimates.

**Figure 2-1 RWSP EIS Diagram**

### 2.2 Notice of Intent

The initial step in the NEPA process is notifying the public, government agencies, and tribes of the lead agency's intent to prepare an EIS by publishing the Notice of Intent (NOI) in the *Federal Register*. The NOI for the RWSP was published in the *Federal Register* on March 20, 2009, and included a description of the RWSP proposed action; scoping meeting dates, times, and locations; a list of cooperating agencies; and Corps' contact information. Revised NOIs were published on May 8 and August 11, 2009, to announce additional scoping meetings and extensions of the comment period. The NOIs were made available on the Corps Omaha District website. Copies of the NOIs are included in **Appendix A**.

### 2.3 Project Website

The Corps' Denver Regulatory Office website for the Regional Watershed Supply Project EIS (<https://www.nwo.usace.army.mil/html/od-tl/eis/RWSP-EIS.html>) contains information and documents available to the public associated with the formulation of the EIS. The website will be periodically updated. The website contains information on RWSP, contact information, documents, and maps. Note that because this web site is a secure Army website, visitors may get a "Certificate Error" on the first visit. It is safe to click to continue, and this will link to the Corps EIS website.

## 2.4 Consultation and Coordination with Federal, State, and Local Government Agencies

Specific provisions in the NEPA require the lead federal agency to coordinate and consult with tribal, federal, state, and local agencies about potential environmental impacts associated with the proposed project. The coordination and consultation must be conducted in a timely manner and occur before the lead agency can make a final decision. The Corps formally initiated agency coordination and consultation through letters requesting agencies to participate in the EIS process. For a list of government agencies invited, accepted, or declined to be cooperating agencies, see **Appendix B-1**. For a list of Native American Tribes or Indian Affairs Offices invited to participate as cooperating agencies, refer to **Appendix B-2**.

## 2.5 Public Scoping

Scoping is intended to engage a diverse group of public and agency participants in the planning process; solicit relevant input; and provide timely information to the public throughout the NEPA process. Information received helps the Corps and cooperating agencies identify potential environmental issues, alternatives, and mitigation measures associated with the proposed project.

An outline of key dates and actions associated with the RWSP scoping process is provided below.

**March 20, 2009:** The NOI was published in the *Federal Register* and scoping for the RWSP officially was initiated with a deadline of May 15, 2009. Refer to **Appendix A-1** for a copy of this publication.

**March 23, 2009:** A Public Notice was submitted to local newspapers (**Table 2-1**) providing information on the proposed action; Corps' contact information; and scoping meeting dates, times, and locations. Refer to **Appendix C-1** for a copy of the notice.

**March 25, 2009:** A public scoping package was mailed to over 6,176 interested citizens; federal, state, and local agencies; tribes; and organizations. The package included a description of the RWSP proposed action; scoping meeting dates, times, and locations; key public involvement opportunities; comment period dates; Corps' contact information; and information on how to remain on the project mailing list. Refer to **Appendix C-2** for a copy of the package.

**May 8, 2009:** Additional scoping meetings were scheduled in Craig and Grand Junction, Colorado, and scoping for the RWSP was extended to July 27, 2009. An NOI was published in the *Federal Register* announcing the two meetings and comment period extension. The NOI also included information on the Corps' role and authority over the project; the project's purpose and need; the third-party contractor preparing the EIS; and the factors to be evaluated in the EIS. A Public Notice was submitted to local newspapers. In addition to the media contacts presented in **Table 2-1**, the notice was sent to *Fort Collins Now* and 9 News. Refer to **Appendix C-3** for a copy of the updated Public Notice.

**May 15, 2009:** A public scoping package was mailed to over 6,564 interested citizens; federal, state, and local agencies; tribes; and organizations notifying recipients about scoping meetings in Craig and Grand Junction, Colorado, and the scoping extension. The package included a description of the RWSP proposed action; the project website address; the locations, dates, and times for previous and new scoping meetings; the comment period extension date; key public involvement opportunities; Corps' contact information; and information on how to remain on the project mailing list. Refer to **Appendix C-4** for a copy of the package.

**May 27, 2009:** The Corps added a scoping meeting in Rock Springs, Wyoming. A Public Notice was issued to local media outlets. In addition to those presented in **Table 2-1**, the notice was sent to the following media outlets: the *Craig Daily Press*, *Grand Junction Sentinel*, *Fort Collins Now*, 9 News, and *Wyoming Livestock News*. Refer to **Appendix C-5** for a copy of the revised Public Notice.

**June 3, 2009:** An email notifying the public about an additional scoping meeting in Rock Springs was sent to over 650 individuals who expressed interest in receiving project updates electronically. This emailed Public Notice was identical to the revised Public Notice (**Appendix C-5**).

**August 11, 2009:** The Corps extended the comment period to September 28, 2009, to allow additional response time for agencies and organizations requesting cooperating agency status. A Public Notice was submitted to local newspapers announcing the extension (refer to **Appendix C-6**). The Corps also posted a revised NOI in the *Federal Register*. For a copy of the revised NOI, refer to **Appendix A-2**.

**August 17, 2009:** An email notifying the public about an additional comment extension was sent to over 650 individuals who expressed interest in receiving project updates electronically. This emailed public notice was identical to the revised Public Notice (**Appendix C-6**).

**Table 2-1 Media Contacts**

<i>Associated Press</i>	<i>Metro West Newspapers</i>
<i>Aurora Sentinel</i>	<i>North Forty News</i>
<i>Berthoud Recorder</i>	<i>North Weld Herald</i>
<i>Casper Star Tribune</i>	<i>Pueblo Chieftain</i>
<i>Colorado Hometown Newspapers</i>	<i>Rawlins Daily Times</i>
<i>Colorado Springs Gazette</i>	<i>Rocket Miner</i>
<i>Coloradoan</i>	<i>Salt Lake Tribune</i>
<i>Denver Post</i>	<i>The Park Record</i>
<i>Douglas County News Press</i>	<i>Uintah Basin Standard</i>
<i>Greeley Tribune</i>	<i>Vernal Express</i>
<i>Green River Star</i>	<i>Windsor Tribune</i>
<i>Johnstown Breeze</i>	<i>Wyoming Tribune Eagle</i>
<i>Laramie Boomerang</i>	

## 2.6 Public Scoping Meetings

Public comments, both verbal and written, were received during nine official public scoping meetings for the RWSP. Scoping meetings were conducted in an open house question and answer format where attendees had the opportunity to ask resource specialists questions and express concerns about the project. Display boards aided in the information exchange between specialists and meeting attendees, and showcased project information, including the proposed action location; preliminary alternative corridors; project background; purpose and need; engineering design requirements; construction activities and sequencing; pipeline and storage facilities; the NEPA process; public involvement opportunities; key resource issues; and the RWSP EIS estimated schedule. A facilitator was employed to manage and record verbal comments at each scoping meeting. Meeting dates, locations, and the number of attendees for the nine scoping meetings are provided in **Table 2-2**. Materials available at the scoping meeting are provided in **Appendix D**.

Comments received during the scoping period were compiled and incorporated into this Scoping Summary Report. The issues presented in this report will be analyzed and considered as Corps staff and cooperating agencies begin preparing the Draft EIS document.

**Table 2-2 Summary of Public Scoping Meetings**

<b>Meeting Location</b>	<b>Dates</b>	<b>Number of Signed-in Participants</b>
Green River, Wyoming	Tuesday, April 14, 2009	256
Vernal, Utah	Wednesday, April 15, 2009	58
Laramie, Wyoming	Thursday, April 16, 2009	84
Fort Collins, Colorado	Monday, April 20, 2009	106
Denver, Colorado	Tuesday, April 21, 2009	58
Pueblo, Colorado	Wednesday, April 22, 2009	30
Rock Springs, Wyoming	Tuesday, June 9, 2009	72
Craig, Colorado	Wednesday, June 10, 2009	55
Grand Junction, Colorado	Thursday, June 11, 2009	25

## **2.7 Agency Scoping Meetings**

During the timeframe of the public scoping period, additional meetings were held with cooperating agencies. The following meetings were held to provide an overview of the proposed project and identify issues.

- April 14, 2009 – Bureau of Land Management, Rock Springs Field Office, Rock Springs, Wyoming;
- April 15, 2009 – U.S. Forest Service (USFS), Bureau of Reclamation, National Park Service, Uintah County and Moffat County, USFS Office, Vernal, Utah;
- April 21, 2009 – U.S. Environmental Protection Agency, Denver, Colorado; and
- August 3, 2009 – Colorado Department of Natural Resources, Colorado Division of Wildlife, Colorado Water Board, Colorado, Colorado State Office, Denver, Colorado.

### 3.0 Results of Scoping

A total of 1,531 comment forms, letters, emails, and verbal comments were received by the Corps from agencies, non-governmental organizations, businesses, and individuals. In addition, 571 comments were recorded on easel note pads during the scoping meetings. Various federal, state, county, and municipal agencies submitted scoping comments. In addition, conservation, water, and other special districts; tribal groups; and non-governmental organizations submitted comments on the proposed project. **Table 3-1** lists agencies and organizations that submitted verbal or written comments.

**Table 3-1 Agencies and Organizations Submitting Comments on the RWSP Project**

<p><b>Federal Agencies</b></p>	<p>Department of Agriculture, Natural Resources Conservation Service                  Department of Agriculture, U.S. Forest Service  <i>Arapaho-Roosevelt National Forest</i>  <i>Flaming Gorge Ranger District, Ashley National Forest</i>                  Department of Energy, Western Area Power Administration                  Department of Interior, Bureau of Indian Affairs  <i>Western Region</i>                  Department of Interior, Bureau of Land Management  <i>Colorado State Office</i>  <i>Rock Springs Field Office</i>  <i>Royal Gorge Field office</i>                  Department of the Interior, Bureau of Reclamation  <i>Upper Colorado Regional Office</i>  <i>Western Colorado Area Office</i>                  Department of Interior, National Park Service  <i>Dinosaur National Monument</i>  <i>National Historic Trails</i>                  Department of Interior, U.S. Fish and Wildlife Service  <i>Mountain-Prairie Region</i>                  Department of Interior, U.S. Geological Survey                  U.S. Environmental Protection Agency  <i>Region 8</i></p>
<p><b>Tribal Organizations</b></p>	<p>Cheyenne-Arapaho Tribes                  Comanche Nation                  Navajo Nation                  Pawnee Nation of Oklahoma                  Ute Mountain Tribe</p>
<p><b>State and Regional Agencies</b></p>	<p>Arizona Department of Water Resources                  Colorado Basin Roundtable                  Colorado River Board of California                  Colorado River District                  Colorado State Parks, Arkansas Headwaters Recreation Area                  Colorado Water Resources and Power Development Authority                  Kansas Division of Water Resources                  Little Thompson River Watershed Stakeholders Group                  Southern Nevada Water Authority                  South Metro Water Supply Authority</p>

**Table 3-1 Agencies and Organizations Submitting Comments on the RWSP Project**

<p><b>State and Regional Agencies (con't)</b></p>	<p>State of Colorado  <i>Attorney General</i>  <i>Cooperative Extension</i>  <i>Department of Natural Resources</i>  <i>Division of Water Resources</i>  <i>Division of Wildlife</i>  <i>House of Representatives</i>  <i>State Historic Preservation Office</i>  <i>Water Conservation Board</i></p> <p>State of Utah  <i>Cooperative Extension</i>  <i>Department of Natural Resources</i>  <i>Division of Wildlife Resources</i>  <i>Office of the Governor</i></p> <p>State of Wyoming  <i>Cooperative Extension</i>  <i>Department of Environmental Quality</i>  <i>Department of Transportation</i>  <i>Game and Fish Department</i>  <i>House of Representatives</i>  <i>Office of State Lands and Investments</i>  <i>State Engineers Office</i>  <i>State Geological Survey</i></p> <p>Utah Municipal Power Authority  Upper Green River Basin Joint Power Board  Wyoming Water Development Commission  Yampa-White River Basin Roundtable</p>
<p><b>Counties</b></p>	<p>Colorado  <i>Adams County</i>  <i>Arapahoe County</i>  <i>Boulder County</i>  <i>Chaffee County</i>  <i>City and County of Denver</i>  <i>Eagle County</i>  <i>El Paso County</i>  <i>Grand County</i>  <i>Jackson County</i>  <i>Lake County</i>  <i>Las Animas County</i>  <i>Moffat County</i>  <i>Morgan County</i>  <i>Pitkin County</i></p> <p><i>Pueblo County</i>  <i>Weld County</i></p> <p>Utah  <i>Carbon County</i>  <i>Daggett County</i>  <i>Duchesne County</i>  <i>Uintah County</i>  <i>Wasatch County</i></p>

**Table 3-1 Agencies and Organizations Submitting Comments on the RWSP Project**

<p><b>Counties (con't)</b></p>	<p>Wyoming  <i>Albany County</i>  <i>Lincoln County</i>  <i>Sublette County</i>  <i>Sweetwater County</i></p>
<p><b>Municipalities</b></p>	<p>City of Craig, Colorado  City of Denver, Colorado  City of Evans, Colorado  City of Fort Collins, Colorado  City of Fort Morgan, Colorado  City of Grand Junction, Colorado  City of Green River, Wyoming  City of Laramie, Wyoming  City of Longmont, Colorado  City of Loveland, Colorado  City of Pueblo, Colorado  City of Rawlins, Wyoming  City of Rock Springs, Wyoming  City of Thornton, Colorado  Colorado Centre Metropolitan District, Colorado  Colorado Springs Utilities, Colorado  Denver Water, Colorado  Fort Collins Utilities, Colorado  Greeley Chamber of Commerce, Colorado  Green River Chamber of Commerce, Wyoming  Livermore Fire Protection District, Colorado  Rock Springs Chamber of Commerce, Wyoming  Rock Springs Housing Authority, Wyoming  Town of Crowley, Colorado  Town of Erie, Colorado  Town of Firestone, Colorado  Town of Frederick, Colorado  Town of Hudson, Colorado  Town of Poncha Springs, Colorado  Town of Windsor, Colorado  Town of Manila, Utah  Vernal Area Chamber of Commerce, Utah</p>
<p><b>Water, Conservation, and Special Districts</b></p>	<p>Bridger Valley Water Conservancy District, Wyoming  Central Utah Water Conservancy District, Utah  Colorado River Water Conservation District, Colorado  Duchesne County Water Conservancy District, Utah  East Larimer County Water District, Colorado  Laramie River Conservation District, Wyoming  Left Hand Water District, Colorado  Lincoln Conservation District, Wyoming  Little Snake River Conservation District, Wyoming  Little Thompson Water District, Colorado  Lower South Platte River Conservancy District, Colorado  Lower Arkansas Conservancy District, Colorado  Medicine Bow Conservation District, Wyoming</p>

**Table 3-1 Agencies and Organizations Submitting Comments on the RWSP Project**

<p><b>Water, Conservation, and Special Districts (con't)</b></p>	<p>North Weld County Water District, Colorado                  Orchard Mesa Irrigation District, Colorado                  Park Center Water District, Colorado                  Security Water District, Colorado                  Southeastern Colorado Water Conservancy District, Colorado                  Southwestern Water Conservation District, Colorado                  Sublette County Conservation District, Wyoming                  Turkey Creek Soil Conservation District, Colorado                  Uintah County Conservation District, Wyoming                  Uintah Mosquito Abatement District, Wyoming                  Uintah Water Conservancy District, Wyoming                  Upper Arkansas Water Conservancy District, Colorado                  Upper Yampa Water Conservancy District, Colorado                  Ute Water Conservancy District, Colorado                  Washington County Conservation District, Colorado                  West Greeley Conservation District, Colorado</p>
<p><b>Organizations</b></p>	<p>American Fisheries Society – Utah Chapter                  Audubon Wyoming                  Biodiversity Conservation Alliance                  Bridger Valley Electric Association                  Cache la Poudre River Foundation                  Cherry Creek Stewardship Partners                  Clemson University                  Colorado Energy Distributors Association                  Colorado Environmental Coalition                  Colorado Farm Bureau                  Colorado Historical Society                  Colorado State University                  Colorado Water Institute                  Corral Bluffs Alliance                  Denver Museum of Nature and Science                  Duck Creek Grazing Association                  Earth Justice                  Environmental Defense Fund                  Flaming Gorge Pines                  Fountain Valley Authority                  Friends of the Yampa                  Grand Valley Water Users Association                  Green River Greenbelt Task Force                  Green River Outfitter and Guide Association                  Greenview Trust                  Growth Busters                  Intermountain Natural History Association                  Irrigation and Electrical Districts Association of Arizona                  Living Rivers                  Mummy Range Institute                  The Nature Conservancy                  National Outdoor Leadership School                  North Front Range Water Quality Planning Association                  North Sterling and Prewitt Reservoirs                  Northern Colorado Water Association                  Northwestern University                  Otero County Democratic Party                  Prairie Preservation Alliance</p>

**Table 3-1 Agencies and Organizations Submitting Comments on the RWSP Project**

<p><b>Organizations (con't)</b></p>	<p>Prescott College                  Rock Springs Grazing Association                  Sierra Club                  Southwest Wyoming Industrial Association                  Trona Subcommittee, Wyoming Mining Association                  Trout Unlimited – Colorado, Utah, Wyoming                  University of Colorado Law School                  University of Tennessee                  University of Utah                  University of Wyoming                  Upper Green River Valley Coalition                  Western Resource Advocates                  Western Wildlife Conservancy                  Wyoming County Commissioners Association                  Wyoming Outdoor Council                  Wyoming Stock Growers Association                  Wyoming Water Association</p>
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## 4.0 Scoping Comment Compilation

A comment management system was developed to efficiently and comprehensively process all written and verbal scoping comments. Each comment was individually reviewed to ensure that all public and agency concerns are properly incorporated in the environmental analysis. An electronic database was used to compile the comments. Each comment was summarized, labeled with the name of the author and the date sent and/or received, and categorized by topic. Comments were collected at public scoping meetings and received by facsimile, email, and U.S. mail. The following describes the process for reviewing and evaluating the large quantity of comments generated during the project scoping period.

### 4.1 Electronic Database

A Microsoft Access electronic database allowed the EIS project team to manage, categorize, and synthesize comments. A database is the ideal comment management system for a project of this size and complexity, as it can be modified and adapted as necessary to respond to project needs. Reports can be generated from the database, and the user can select or organize records based on topic, author, scoping meeting location, or date.

A large volume of comments can be systematically processed and referenced quickly within the database, and comments can be categorized by multiple topics. All comments are linked to a continuously updated project mailing list, which maximizes project efficiency. The comment database is linked to the Administrative Record for the project. A view of a comment entry form from the database, as well as an example comment summary, is displayed in **Figure 4-1**. The following describes how public scoping comments were processed within the comment management system.

### 4.2 Verbal Comments

Verbal comments were collected at the nine public scoping meetings for the project. Meeting attendees were given the opportunity to present comments, while representatives of the EIS project team recorded comments, concerns, and other notes.

Verbal comments captured from the scoping meetings were entered in the electronic comment database and labeled by meeting location and date. Comments then were categorized by topic, with some comments applying to several topic categories. The functionality of the database to categorize comments based on multiple applicable topics ensures that all comments are fully and appropriately addressed.

### 4.3 Written Comments

Written comment documents were submitted to the Corps by facsimile, email, and U.S. mail. All hard-copy documents were date-stamped and compiled for data entry into the database. All emails were electronically archived, stored by date, and entered into the database. A unique identification number was assigned to each document for tracking throughout the comment analysis process. Each comment author was assigned an identification number as well. Each written comment document was read, summarized, and evaluated by NEPA compliance and resource specialists. All comments were restated in the comment database to consistently capture public interest in the project and to facilitate comment analysis.

Letter Page	Line Num	Comment Summary	Agriculture	Air and Noise	Alternatives	Aquatic Sp
1	1	Opinion in support of No Action alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1	2	Impact of water withdrawal on water quality, quantity and wildlife in Southwestern Wyoming.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	6	Impact of project activities on Kokanee Salmon fisheries in the Green River and Flaming Gorge Rese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	8	Impact of project activities on endangered species recovery efforts in the Green and Colorado Rivers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	10	Impact of project activities on riparian systems and wildlife, including moose and mule deer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	12	Impact of project activities on fish-dependent species, including bald eagles, ospreys and pelicans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	14	Impact of project activities on crown jewels of the public lands system, including Seedskaadee Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	17	Impact of project activities on wildlife and fisheries.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	18	Impact of reduced flows in the Green and Colorado River on whitewater recreation, angling, hunting, :	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	21	Economic impacts of reduced flows on the recreation industry.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	25	Impact of project activities on water resources, wildlife, and quality of life in the Colorado River waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Figure 4-1 Example Comment Entry Page

Letters, emails, and comment forms typically contained multiple comments related to various issues and resources. Line numbers on each page of the comment submittal were used as a way to mark where unique comments were extracted from within the document. Each individual comment was included in the database under the same document number, and then categorized by topic. Comments often applied to several topics; therefore, they were placed under multiple topic categories to ensure that the entire comment was appropriately summarized and addressed.

#### 4.4 Comment Compilation

After all written and verbal comments were entered in the electronic database, spreadsheets were generated listing the comments for each topic category. A review of the topic spreadsheets removed duplicate comments and data entry errors. Some comments were eliminated from the summary analysis because they related to issues outside the scope of the EIS process, or stated an opinion (e.g., I oppose/support the proposed project) rather than presenting a substantive comment that can be addressed in the EIS. All comments, regardless of their inclusion in the comment compilation, are retained in the comment database.

Following the spreadsheet review, comments were grouped into broader, summarized comments to be addressed by the EIS. These condensed comment summaries were organized into two general comment types: EIS process components (e.g., Alternatives, Purpose and Need) or human and natural resource topics (e.g., Water Resources, Socioeconomics). Comments that were affiliated with more than one topic were re-examined and associated with the most suitable category. A comprehensive list of all summarized comments, categorized by topic, is included in **Appendix E**. Summarized comments in the appendix were restructured into a more associative collection of categories for organizational purposes and do not relate directly to the list of topics in **Table 4-1**.

**Table 4-1 Comment Summary by Topic**

<b>Topic</b>	<b>Number of Comments Associated with Topic<sup>1</sup></b>	<b>Proportion of Comments as a Percent<sup>2</sup></b>
Agriculture and Grazing	221	2.7
Air and Noise	21	0.3
Alternatives	473	5.7
Aquatic Species	583	7.0
Biology Resources	43	0.5
Climate Change	188	2.2
Cultural Resources	41	0.5
Cumulative	146	1.8
Geology and Soil	53	0.6
Industrial Resources	156	1.9
Insufficient Data	231	2.8
Land Use	92	1.1
Mitigation and Monitoring	113	1.4
NEPA Process	437	5.1
Permitting	131	1.6
Power	138	1.7
Project Description	297	3.4
Project Study Area	54	0.7
Public Safety	35	0.4
Purpose and Need	249	2.9
Recreation	578	7.0
References to be Considered	66	0.7
Socioeconomics	1,108	13.3
Special Designation Areas	176	2.1
Special Status Species	243	2.9
Vegetation	137	1.7
Visual Resources	31	0.4
Water Resources	1,482	17.8
Water Rights	418	5.0
Wildlife	395	4.8

<sup>1</sup> Number is based on all comments associated with each indicated topic. Many individual comments were associated with more than one topic; therefore, the comment numbers presented in this column are greater than the total number of comments received (8,336 versus the total comments entered 7,409).

<sup>2</sup> Proportion of comments for the indicated topic based on total number of associations for comments.

Note: All comments received from form letters during the scoping period were considered as if they had been provided by one source, although all individuals providing form letters were tracked.

#### 4.5 Comment Analysis

Individual comments were categorized by topic and geographical area (i.e., state), with results shown in **Tables 4-1** and **4-2**, respectively, below. Percentage splits of comment topics and geographical area are shown in **Figures 4-2** and **4-3**. Please see footnotes for explanations of calculations for given values. For clarification, the NEPA process does not consider the quantity of a particular comment, or who comments, but rather each unique comment. The Corps will evaluate unique comments as they are submitted throughout the NEPA process, but will not consider quantities of comments that identify the same concerns.

**Table 4-2 Comment Summary by State**

State	Number of Individual Addresses <sup>1</sup>	Percent of Total
Wyoming	841	62.8
Colorado	361	26.8
Utah	67	5.0
Arizona	12	0.8
Other U.S. States (CA, CT, FL, GA, HI, ID, IL, IN, MD, MN, MT, NM, NV, NY, OH, OK, TX, WI)	39	2.9
Unidentified Address	22	1.6

<sup>1</sup> Number is based on the unique addresses associated with comments that were submitted. The total number of addresses (1,320) is less than the total comment submittals (1,531) because of missing addresses and multiple letters received from the same address.

#### 4.6 Next Steps

Now that public scoping comments have been received, the Corps and cooperating agencies will consider these comments and begin to develop the purpose and need statement, which will be used to develop alternatives. Alternatives will then be studied to assess the affected environment. A draft EIS will be developed and released for public comment. Comments will be considered by the Corps in preparing the final EIS. Following the final EIS, the Corps will decide whether to issue, conditionally issue, or deny a Section 404 Clean Water Act permit.

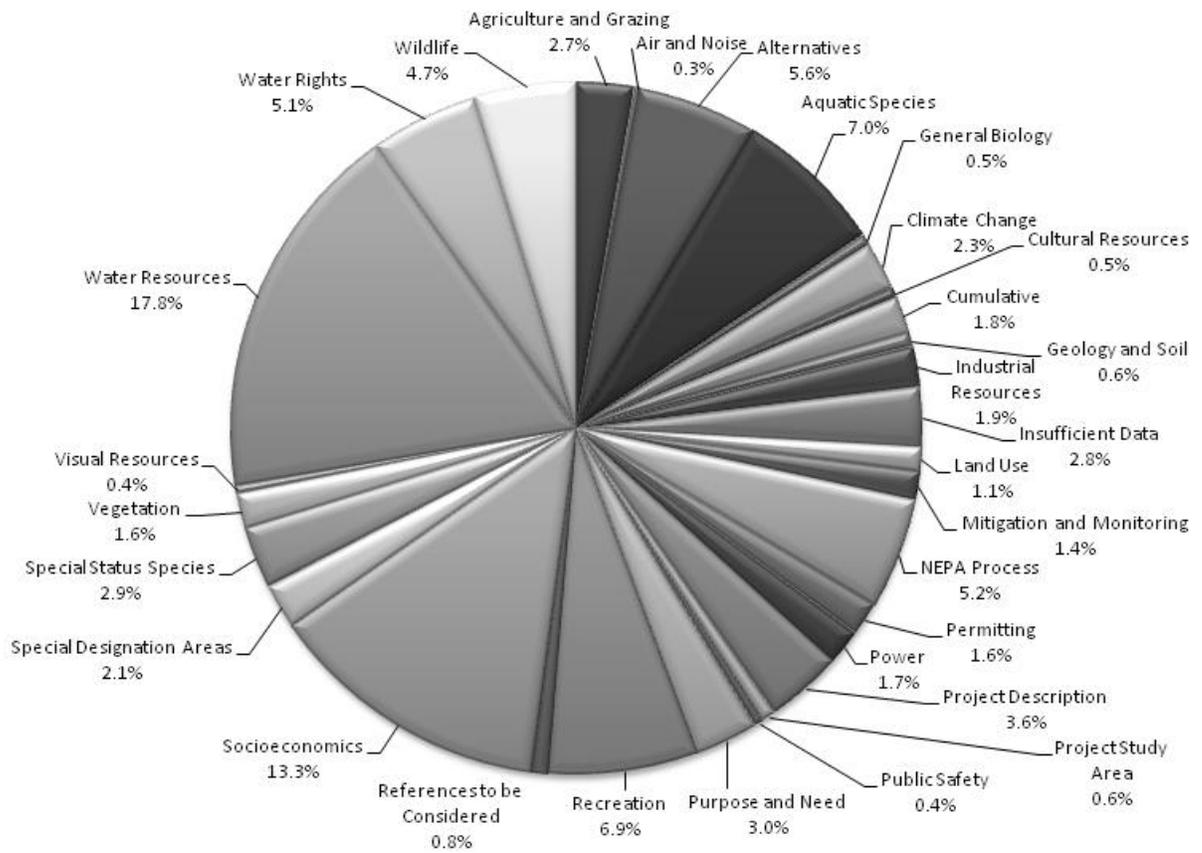


Figure 4-2 Proportional Distribution of Comment Topics

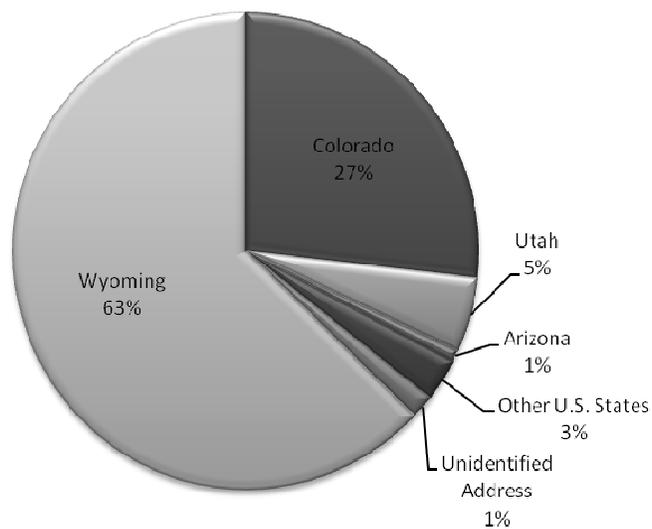


Figure 4-3 Geographical Distribution of Comment Letters

## 5.0 Preliminary Issues Summary

Based on the 1,531 comment submittals and easel pad notes, a total of 7,409 substantive comments were obtained from public scoping. Information gained during scoping assists the Corps in identifying the potential environmental issues, range of alternatives, and prospective mitigation measures associated with development of the proposed project, as offered by the public and public agencies who have participated in scoping. The process provides a mechanism for narrowing the scope of issues so that the EIS can focus the analysis on areas of high interest and concern.

Summary comment categories were divided into two groupings: EIS process issues and resource-specific issues. Within the resource-specific issues, comments were further grouped into five subheadings where relevant:

- **Water Withdrawal:** Comments concerning aspects of water withdrawal or relocation, independent of source location or quantity.
- **Pipeline:** Comments concerning the construction and maintenance of water transport systems, including land use/ownership topics.
- **Storage Reservoirs/Water Delivery:** Comments concerning the creation, use, or lack of use of water storage reservoirs and systems.
- **Mitigation:** Comments concerning aspects of mitigation or remediation actions, including concerns with the lack of description of mitigation actions in the project proposal.
- **General:** All other comments associated with the resource that did not align with one of the previous subheadings were placed in this group.

Due to the number of comments, the following provides a brief summary of several key issues within each category. Narratives review both the key issues and concerns by category within the EIS process issues grouping, and review the key issues common to all resource-specific categories within the resources grouping. A comprehensive list of summarized comments, organized by category, can be found in **Appendix E**.

### NEPA Process – General Process Issues, Insufficient Data, and Purpose and Need

A majority of the comments submitted, which were classified as NEPA process issues, dealt with the following topics: project and proponent information; identified potential environmental issues; alternatives; analysis methods; the consideration of past, current, or other proposed projects; examination and presentation of project details; or a defined list of stakeholders and water purchasers. A number of comments included requests for additional scoping meetings and involvement from other agencies and regional areas outside of Wyoming and Colorado, as well as requests for additional information. Comments in the NEPA process category also identified concerns on topics not directly related to this EIS (e.g., the process of land acquisition); however, due to the high level of concern expressed for all topics even tangentially related to this project, all potentially connected comments were retained in the comment database.

### Permits and Approvals

The majority of comments in this category were concerned with the permits and authorizations that would be required by the project proponent, including the Corps' permitting process for this project.

### Project Description

The majority of comments in this category were concerned with the lack of information provided to the public and cooperating agencies about the project, specifically, the details regarding the project's intent, components, use, delivery, construction and maintenance, and timeline.

### Cumulative

The comments in this category focused on identifying other cumulative actions and their effects associated with the project.

### Mitigation and Monitoring

The comments in this category focused on providing a range of mitigation concerns and restoration suggestions to be considered in the EIS.

### Categories of Alternatives

The alternatives comments addressed: policy alternatives, project components, alternatives to the entire proposed action including non-structural alternatives, and alternatives development. Comments in each of these subgroups provided a range of alternatives including locations, methods, sources, policies, and routes, as well as the No Action Alternative.

### Resource Categories

The majority of comments in the resource categories mentions a lack of information on potential impacts to resources, or suggests particular resource aspects to be considered in the EIS. The comments present a wide range of topics and interests, and are primarily concerned with the potential effects of water withdrawal, distribution, and storage; and pipeline construction, use, and maintenance.

Comments summarized in specific resource categories are similar in intent, although they are unique to the resource they are describing. The categories for resource-specific comments include:

- Aquatic Biology
- Vegetation
- Wildlife
- Special Status Species
- Water Resources
- Water Rights
- Agriculture and Grazing
- Air and Noise
- Climate Change
- Cultural Resources
- Geology and Soils
- Industrial Resources/Infrastructure
- Land Use
- Power/Energy
- Public Safety
- Recreation
- Socioeconomics
- Special Designation Areas
- Visual Resources

As shown previously in **Table 4-1**, a large number of comments within the resource categories were concerned with aquatic species, water resources, recreation, and socioeconomics. Primary concerns within the aquatic biology category were focused on aquatic biota such as fish, macroinvertebrates, and federally listed species; riparian vegetation and non-native plant species; terrestrial birds and wildlife; and potential transport and introduction of nuisance or invasive species. Comments in the water resources category were primarily concerned with the availability and distribution of water supplies, potential impacts to existing

ecological systems due to reduction and distribution of water, and the project's compliance with existing environmental standards and reliance on relevant existing water availability studies. Recreation comments were concerned with potential negative impacts to recreational opportunities and businesses that depend on the water resources in question. These dependencies include sport fishing, water and boating-based recreation, local tourism enterprises, and special designation areas. Comments in the socioeconomics category covered a wide range of concerns and had some degree of economic overlap with other resource areas, including recreation, industrial resources/infrastructure, agriculture and grazing, water rights, and power/energy. The balance of the comments was concerned with potential effects on current social and political structures, costs or benefits to local economies, future growth and development of local and potential water-receiving economies, and costs of mitigation.

### References

Multiple comments from the public identified references to additional information, other current and future projects, legal precedents, and articles that are of relevance to the project and were included as separate documentation in **Appendix F**. The majority of the references were traceable to the original citation; however, at the end of the appendix, references are listed that were too vague to locate.

## 6.0 Contact Information

### Lead Federal Agency

#### **U.S. Army Corps of Engineers, Omaha District**

Ms. Rena Brand, Regulatory Specialist  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd.  
Littleton, Colorado 80128-6901  
Phone (303) 979-4120  
Fax (303)-979-0602  
E-mail address: [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

RWSP EIS Website: <https://www.nwo.usace.army.mil/html/od-tl/eis/RWSP-EIS.html>. (Because this website is a secure Army website, visitors may get a “Certificate Error” on the first visit. It is safe to click to continue, and this will link to the Corps EIS website.)

## **Appendix A**

### **Notices of Intent**

## Appendix A-1: Notice of Intent

11920

Federal Register / Vol. 74, No. 53 / Friday, March 20, 2009 / Notices

**CONTESTING RECORD PROCEDURES:**

The general provisions for access, contesting contents, and appealing initial determinations by the individual concerned appear in 37 CFR part 102 subpart B. Requests from individuals should be addressed as stated in the notification section above.

**RECORD SOURCE CATEGORIES:**

Subject individuals and those authorized by the individual to furnish information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer, Administrative Management Group.*

[FR Doc. E9-6128 Filed 3-19-09; 8:45 am]

BILLING CODE 3510-16-P

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Intent To Prepare an Environmental Impact Statement for the Proposed Regional Watershed Supply Project in Wyoming and Colorado**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (COE) is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect, and cumulative effects of a proposed water supply project in Wyoming and Colorado, referred to as the Regional Watershed Supply Project (RWSP). Construction of the proposed RWSP is expected to require a Clean Water Act Section 404 permit. The Project is proposed by Million Conservation Resource Group (MCRG), which is a private water development group. The RWSP proposes to provide approximately 250,000 acre-feet per year of new annual firm yield to meet a portion of the projected water supply needs of southeastern Wyoming and the Front Range of Colorado on a perpetual basis through 2030 and beyond. The water would be obtained from the Green River Basin as part of the unused portion of water allocated to the States of Wyoming and Colorado under the Upper Colorado River Compact. The RWSP would be a non-Federal project constructed, owned, and operated by MCRG.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for meeting addresses.

**FOR FURTHER INFORMATION CONTACT:**

Questions and comments regarding the proposed action and EIS should be addressed to Ms. Rena Brand, Project Manager, U.S. Army Corps of Engineers, Denver Regulatory Office, 9307 S. Wadsworth Blvd., Littleton, CO 80128-6901; (303) 979-4120; [mcrg.eis@usace.army.mil](mailto:mcrg.eis@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The COE will be conducting public scoping meetings at six locations to describe the Project, preliminary alternatives, the NEPA compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments for scoping will be accepted until May 19, 2009. The COE has prepared a scoping announcement to familiarize agencies, the public and interested organizations regarding the proposed RWSP and potential environmental issues that may be involved. Copies of the scoping announcement will be made available at the public scoping meetings or can be requested by mail.

*Scoping meetings will be held on:*

1. April 14, 2009, 6:30 to 9 p.m., Green River High School, 1615 Hitching Post Drive, Green River, WY.
2. April 15, 2009, 6:30 to 9 p.m., Uintah High School, 1880 West 500 North, Vernal, UT.
3. April 16, 2009, 6:30 to 9 p.m., Laramie High School, 1257 North 11th Street, Laramie, WY.
4. April 20, 2009, 6:30 to 9 p.m., Fossil Ridge High School, 5400 Ziegler Road, Fort Collins, CO.
5. April 21, 2009, 6:30 to 9 p.m. West High School, 951 Elati Street, Denver, CO.
6. April 22, 2009, 6:30 to 9 p.m. Risley Middle School, 625 N. Monument Ave., Pueblo, CO.

*The proponent of the project, MCRG, proposes the following configuration of the RWSP:* Two water withdrawal facilities, one on the east side of Flaming Gorge Reservoir in Wyoming and the other on the east bank of the Green River in Wyoming approximately 200 feet downstream of the Seedskaadee National Wildlife Refuge; one water treatment storage reservoir located near the Green River intake system; water pipeline system (approximately 560 miles in length and a diameter of 72 to 120 inches) from the two withdrawal points to southeastern Wyoming and the Front Range of Colorado (Wyoming-Colorado State Line to Pueblo); one regulating reservoir located along the western end of the pipeline system;

approximately sixteen natural gas-powered pump stations located along the pipeline route; temporary (construction phase) and permanent (operation and maintenance phase) access roads; three water storage/flow-regulation reservoirs (Lake Hattie in Wyoming [available volume of approximately 40,000 acre feet]; proposed Cactus Hill Reservoir near Fort Collins, CO [185,000 acre-foot capacity]; and the proposed T-Cross Reservoir to be constructed near Pueblo, CO [25,000 acre-foot capacity]); outlet structures at each reservoir consisting of water treatment facilities; on-site transformers and overhead power lines from local electrical grids for the water withdrawal and storage reservoir facilities; and water delivery systems from the storage reservoirs to water users.

The potential water users for the proposed project would include agriculture, municipalities, and industries in southeastern Wyoming and the Front Range of Colorado. In Wyoming, approximately 25,000 acre-feet of water would be delivered annually to users in the Platte River Basin. The remaining 225,000 acre-feet of water would be delivered annually to the South Platte River and Arkansas River basins in Colorado.

The EIS will be prepared according to the COE's procedures for implementing the NEPA of 1969, as amended, 42 U.S.C. 4332(2)(c), and consistent with the COE's policy to facilitate public understanding and review of agency proposals. As part of the EIS process, a full range of reasonable alternatives, including the Proposed Action and No Action, will be evaluated. Additional alternatives defined at this time by the applicant include four alternative withdrawal points that would involve withdrawal only from the Green River (two separate points) or Flaming Gorge Reservoir (two separate points). A different pipeline segment would connect each alternative withdrawal point to the mainstem pipeline route. Alternative storage reservoirs in the Front Range of Colorado also may be considered for the Project.

The COE has invited the U.S. Bureau of Reclamation, U.S. Bureau of Land Management, the U.S. Forest Service, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service to be cooperating agencies in the preparation of the EIS. Other Federal and State agencies will participate in the EIS review process to ensure

compliance with relevant laws and regulations.

Timothy T. Carey,  
Chief, Denver Regulatory Office.  
[FR Doc. E9-6170 Filed 3-19-09; 8:45 am]  
BILLING CODE 3720-68-P

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before April 20, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 16, 2009.  
Angela C. Arrington,  
Director, IC Clearance Official, Regulatory Information Management Services, Office of Management.

### Office of Special Education and Rehabilitative Services

**Type of Review:** Extension.  
**Title:** Protection and Advocacy for Assistive Technology (PAAT) Program Performance Report, Form RSA 681.

**Frequency:** Annually.  
**Affected Public:** Not-for-profit institutions.

**Reporting and Recordkeeping Hour Burden:**

**Responses:** 57.  
**Burden Hours:** 912.

**Abstract:** The Annual PAAT Program Performance Report will be used to analyze and evaluate the PAAT Program administered by eligible systems in states. These systems provide services to eligible individuals with disabilities to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services. The Rehabilitation Services Administration (RSA) uses the form to meet specific data collection requirements of Section 5 of the Assistive Technology Act of 1998, as amended (AT Act). PAAT programs must report annually using the form, which is due on or before December 30 of each year. The Annual PAAT Performance Report has enabled RSA to furnish the President and Congress with data on the provision of protection and advocacy services and has helped to establish a sound basis for future funding requests. Data from the form have been used to evaluate the effectiveness of eligible systems within individual states in meeting annual priorities and objectives. These data also have been used to indicate trends in the provision of services from year to year.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edfcsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3920. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements

should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E9-6118 Filed 3-19-09; 8:45 am]  
BILLING CODE 4000-01-P

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before April 20, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

## Appendix A-2: Revised Notice of Intent

Federal Register / Vol. 74, No. 153 / Tuesday, August 11, 2009 / Notices

40171

On June 9, 2009, the Commission issued a notice in the **Federal Register** (74 FR 27290) requesting comments on its agenda, priorities, and strategic plan, with written comments due on June 26, 2009. The Commission stated that, if the analysis of any issues raised in the comments would benefit from a public hearing, it would hold a hearing. The Commission received several written comments. In addition, some commenters requested an oral hearing. Accordingly, the Commission will conduct a public hearing on August 25, 2009, to hear oral comments from these requesters or other interested parties concerning its current strategic plan, and agenda and priorities for fiscal year 2011.

Persons who desire to make oral presentations at the hearing on August 25, 2009, should send an e-mail, call, or write Todd A. Stevenson, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814, e-mail [cpssc-os@cpsc.gov](mailto:cpssc-os@cpsc.gov), telephone (301) 504-7923, facsimile (301) 504-0127 not later than 5 p.m. EST on August 18, 2009. Presentations should be limited to approximately ten minutes.

Persons desiring to make presentations must submit the text of their presentations to the Office of the Secretary not later than 5 p.m. EST on August 18, 2009. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on August 25, 2009, and will conclude the same day.

Dated: August 4, 2009.  
**Todd A. Stevenson,**  
*Secretary, Consumer Product Safety Commission.*  
 [FR Doc. E9-19114 Filed 8-10-09; 8:45 am]  
 BILLING CODE 6355-01-P

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Amended Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Regional Watershed Supply Project, Second Notice of Extension of Scoping Period**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The public scoping comment period for the Intent to Prepare an Environmental Impact Statement for the

Regional Watershed Supply Project by Million Conservation Resource Group, published in the **Federal Register** on Friday, March 20, 2009 (74 FR 11920), required comments be submitted May 19, 2009 following publication in the **Federal Register**. The comment period was later extended to July 27, 2009, to accommodate requests from entities that desired more time and from areas that desired additional public meetings. The comment period has now been extended to September 28, 2009. Due to number of cooperating agency requests received, the Corps is extending the comment period to allow for additional time to respond to these requests. During this time period, the Corps will communicate with certain entities regarding the possibility of consolidating participation through designation of a single point of contact to represent multiple entities.

**FOR FURTHER INFORMATION CONTACT:** Questions and comments regarding the proposed action and EIS should be addressed to Ms. Rena Brand, Project Manager, U.S. Army Corps of Engineers, Denver Regulatory Office, 9307 S. Wadsworth Blvd., Littleton, CO 80128-6901; (303) 979-4120; [mrcg.eis@usace.army.mil](mailto:mrcg.eis@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** None.

**Brenda S. Bowen,**  
*Army Federal Register Liaison Officer.*  
 [FR Doc. E9-19232 Filed 8-10-09; 8:45 am]  
 BILLING CODE 3720-59-P

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Plaquemines Parish, LA, Federal Hurricane Protection Levee**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Vicksburg District, in cooperation with the New Orleans District and the Louisiana Coastal Protection and Restoration Authority (the non-Federal sponsor), are undertaking studies to develop and evaluate possible alternatives to improve the storm damage reduction capability of the Federal levee system, Plaquemines Parish, LA.

**DATES:** Initiate Supplemental Environmental Impact Statement (SEIS) August 17, 2009.

**ADDRESSES:** Correspondence may be sent to Mr. Larry Marcy at the U.S. Army Corps of Engineers, Vicksburg

District, CEMVK-PP-PQ, 4155 Clay Street, Vicksburg, MS 39183-3435.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Marcy at the U.S. Army Corps of Engineers, Vicksburg District, telephone (601) 631-5965, fax number (601) 631-5115, or e-mail at [larry.e.marcy@usace.army.mil](mailto:larry.e.marcy@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

**Proposed Action.** It is the intent of the Vicksburg District to prepare an SEIS for the New Orleans to Venice (NOV) Federal Hurricane Protection levee. The NOV Federal Hurricane Protection project straddles the Mississippi River in Plaquemines Parish, Louisiana, between approximate River Miles 59 and 10. On the west bank, it includes 37 miles of back levee divided into four reaches (Reaches A, B-1, B-2, and St. Jude to City Price) and 34 miles of enlarged west bank Mississippi River levees. On the east bank, the project includes 16 miles of enlarged back levees (Reach C). This project is a Federal system designed to provide protection from hurricane tidal overflow in the lower Mississippi River delta region.

The purpose of the SEIS is to identify and evaluate structural and nonstructural storm damage reduction alternatives to address hurricane-related flooding problems in Plaquemines Parish. Additional work is needed to restore the Federal levees and floodwalls to the authorized level of protection where the levee and floodwalls are below grade due to subsidence and/or post-Katrina design changes.

**Alternatives.** Alternatives to address flooding problems will be identified and evaluated in cooperation with state and Federal agencies, local government, and the public.

**Scoping.** Scoping is the process for determining the range of the alternatives and significant issues to be addressed in the SEIS. A part of this analysis will include a letter sent to all parties believed to have an interest in the analysis, requesting their input on alternatives and issues to be evaluated. The letter will also notify interested parties of public scoping meetings that are being held in the local area. A meeting notice will be sent to the local news media. All interested parties are invited to comment at this time, and anyone interested in the study should request to be included on the mailing list.

Two public scoping meetings will be held on Saturday, September 12, 2009: one meeting will be held at the Woodland Plantation, 21997 Highway 23, West Point a La Hache, Louisiana,

## **Appendix B**

### **Cooperating Agencies**

Updated Oct 16 2009



US Army Corps of Engineers  
Omaha District

**REGIONAL WATERSHED SUPPLY PROJECT, SOUTHEASTERN WYOMING AND THE FRONT RANGE OF COLORADO  
404 PERMIT / ENVIRONMENTAL IMPACT STATEMENT (EIS)**

The U.S. Army Corps of Engineers (Corps) received numerous requests from agencies who were interested in being a cooperating agency on the Regional Watershed Supply Project EIS.

After reviewing all requests, the Corps has now invited the following agencies to participate as cooperating agencies:

**Corps Invited to be Cooperating Agencies:**

- Bureau of Reclamation**
- Bureau of Land Management**
- U. S. Forest Service – Ashley National Forest**
- Environmental Protection Agency**
- U. S. Fish and Wildlife Service** (invited, but they declined cooperating agency status)
- National Park Service**
- Department of Energy – Western Area Power Administration**
- State of Colorado**
- State of Wyoming**
- State of Utah**
- Moffat County, Colorado**
- Sweetwater County, Wyoming**
- Sweetwater County Conservation District, Wyoming**
- Daggett County, Utah**
- Uintah County, Utah**
- City of Green River, Wyoming**
- City of Rock Springs, Wyoming**
- 32 Native American Indian Tribes**

\*\*\*\*\*

The entities below were declined cooperating agency status because of lack of jurisdiction by law over the RWSP proposal and the Corps' determination that the entities do not have special expertise as defined by the National Council on Environmental Quality's (CEQ) guidance.

The CEQ's regulations at 40 C.F.R. §1508.15 state: "'Jurisdiction by law' means agency authority to approve, veto, or finance all or part of the proposal." Since the RWSP pipeline is not proposed to be constructed in these areas, these agencies would not have an action to approve, nor would they have veto authority, or financial authority over the proposed project. In addition, the proposed project has diversion point alternatives located outside and downstream of these areas, therefore, the proposal would not have any direct fill activities or diminished flow

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effects to streams in these areas. Regarding any concerns these entities have regarding the allocation or use of water rights, the States of Wyoming, Colorado and Utah have been invited to be cooperating agencies, as these agencies have the authority to allocate water, determine how much water is available, and determine how water will be administered within their respective states.

Relative to special expertise, the CEQ's regulations at 40 C.F.R. §1508.26 state: "Special expertise' means statutory responsibility, agency mission, or related program experience." The Corps agrees that these agencies have expertise with respect to socioeconomics, local land use plans, policies, and controls. However, the relationship between the proposed action and its effects to these areas are attenuated to a degree that does not warrant their assistance in preparing the EIS.

**Corps Declined Requests to be Cooperating Agency:**

- Uinta County, Wyoming**
- Uinta County Conservation District, Wyoming**
- Lincoln County, Wyoming**
- Lincoln County Conservation District, Wyoming**
- Sublette County, Wyoming**
- Duchesne County, Utah (request rec'd 7 Oct 09)**

\*\*\*\*\*

The entities below were declined based on lack of jurisdiction by law over the RWSP proposal and the Corps' determination that the River District does not have special expertise as defined by the National Council on Environmental Quality's (CEQ) guidance.

The CEQ's regulations at 40 C.F.R. §1508.15 state: "Jurisdiction by law' means agency authority to approve, veto, or finance all or part of the proposal." Since the RWSP pipeline is not proposed to be constructed in these district's boundaries, the District's would not have a permit action to approve, nor would they have veto authority, or financial authority over the proposed project.

CEQ regulations at 40 C.F.R. §1508.26 state: "Special expertise' means statutory responsibility, agency mission, or related program experience." CEQ Guidance further clarifies to say, "...cooperating agency status for specific purposes linked to special expertise requires *more than an interest* in a proposed action."

These entities have experience in water issues, but they don't have expertise to allocate water, determine water availability, or administer water rights with respect to preparing this EIS. The Corps has invited the States of Colorado, Wyoming, and Utah to be cooperating agencies as they are the agencies that have the authority and special expertise to allocate water, determine water availability, and administer water within their respective states.

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**Corps Declined Request to be Cooperating Agency:**

**Colorado River Water Conservation District, Colorado  
Duchesne County Water Conservancy District, Utah  
Uintah Water Conservancy District, Utah**

\*\*\*\*\*

The entity below was declined based on lack of jurisdiction by law over the RWSP proposal and the Corps' determination that the Chamber does not have special expertise as defined by the National Council on Environmental Quality's (CEQ) guidance.

The CEQ's regulations at 40 C.F.R. §1508.15 state: "Jurisdiction by law' means agency authority to approve, veto, or finance all or part of the proposal." It does not appear that Rock Springs Chamber of Commerce has statutory authorities related to the proposal.

The CEQ's regulations at 40 C.F.R. §1508.26 state: "Special expertise' means statutory responsibility, agency mission, or related program experience." CEQ Guidance further clarifies to say, "Cooperating agency status for specific purposes linked to special expertise requires *more than an interest* in a proposed action." The Corps has granted cooperating agency status to Sweetwater County and the City of Rock Springs, as these agencies have special expertise, due to the mission and program experiences of various County or City departments associated with impacts that may result from the construction of the pipeline.

**Corps Declined Request to be Cooperating Agency:**

**Rock Springs Chamber of Commerce**

\*\*\*\*\*

Other information:

- Invite or decline letters responding to local governments were mailed out by the Corps on September 24, 2009.
- 17 government agencies were invited, 32 Native American Tribes were invited, 10 requesting entities were declined.
- If and when a Draft of the EIS is issued, the Corps will solicit and would appreciate comments from all agencies, entities, and the public.
- The Corps also welcomes any data that any agency or individual may have which may be relevant to the RWSP study.
- Web Links on CEQ Regulations for implementing NEPA can be found here:  
[http://ceq.hss.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm)  
<http://www.nepa.gov/nepa/regs/cooperating/cooperatingagencymemoofactors.html>

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Contact:

- The Corps' point of contact and EIS project manager for the RWSP is Ms. Rena Brand. If you have any questions concerning this matter, please contact Ms. Brand at 303-979-4120 or [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil).

## **Appendix B-2: Native American Tribes or Indian Affairs Offices Invited to Participate as Cooperating Agencies**

### **Regional Watershed Supply Project EIS Native American Tribes or Indian Affairs Offices Invited to Participate July 2, 2009**

Apache Tribe of Oklahoma  
Assiniboine & Sioux Tribes  
Cheyenne Arapaho Tribes of Oklahoma  
Cheyenne River Sioux Tribe  
Colorado Commission of Indian Affairs  
Comanche Tribe of Oklahoma  
Crow Creek Sioux Tribe  
Crow Tribe  
Eastern Shoshone Tribe  
Flandreau Santee Sioux Tribe  
Fort Sill Apache Tribe  
Hopi Tribe  
Jicarilla Apache Tribe  
Kiowa Tribe of Oklahoma  
Lower Brule Sioux Tribe  
Navajo Nation  
Northern Cheyenne Tribe  
Northwestern Band of the Shoshoni Nation  
Oglala Sioux Tribe  
Oklahoma Office of Indian Affairs  
Paiute Indian Tribe of Utah  
Pawnee Nation of Oklahoma  
Pueblo Tribe  
Rosebud Sioux Tribe  
South Dakota Indian Affairs Office  
Southern Ute Indian Tribe  
Standing Rock Sioux Tribe  
Utah Division of Indian Affairs  
Ute Indian Tribe  
Ute Mountain Ute Tribe  
Wyoming Indian Affairs Council  
Yankton Sioux Tribe

## **Appendix C**

### **Public Scoping Documents**

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# News Release

April 14, 2009  
Release No.: 04-14-09 (mf)

Contacts: Rena J. Brand  
(303) 979-4120

Monique Farmer  
(402) 402-995-2417  
MCRG.EIS@usace.army.mil

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## **Corps preparing Environmental Impact Statement for the Regional Watershed Supply Project**

The U.S. Army Corps of Engineers, Omaha District, will prepare an Environmental Impact Statement (EIS) for the Regional Watershed Supply Project, a project proposed by the Million Resources Conservation Group (MRCG). The project would take water from the Green River in Wyoming and transport it, via a 560-mile pipeline, to southeast Wyoming and the Front Range of Colorado.

The Corps, through requirements contained in Section 404 of the Clean Water Act, regulates activities involving the discharge of dredged or fill material into waters of the U.S. Any individual or agency, public or private, must receive authorization from the Corps before conducting such discharges, and documentation of compliance with the National Environmental Policy Act (NEPA) must occur before a permit may be issued. For projects where the potential impacts to the environment are significant, an EIS is required.

Under Section 404, any person has the right, at any point in time, to apply for a permit. The Corps role in this process is to develop a thorough study that can guide the agency in making an informed decision about whether to approve or deny the permit. The Corps is neither an opponent nor a proponent of any project that must undergo the permit process.

In the case of the Regional Watershed Supply Project, many have questioned why the Corps began the EIS process without having definitively determined the amount of water available for use in Colorado under the Colorado River Compacts, or without definitively knowing who would use the water.

After working with MCRG, as well as coordinating with the Bureau of Reclamation and Bureau of Land Management, for more than one and a half years, the Corps determined that the project requires an EIS, and that now is the correct time to begin the NEPA process. Preparation of the EIS is being funded by MCRG, through payment of a third-party contractor who is under the direct supervision of the Corps.

In defining a project purpose, the Corps must comply with NEPA. The project purpose is commonly referred to as the purpose and needs statement. The NEPA process gives the public the opportunity to comment on the proposed project's impacts, potential mitigation measures and the potential alternatives to be analyzed during the development of the EIS. The Corps reviews and considers public comments when developing the purpose and needs statement. The Corps then uses that statement to evaluate alternatives, and independently verify the project's need. Critical questions, such as how much water is available and who will use the water, will be answered through the NEPA process. Those questions must be answered before the Corps determines whether to approve or deny the permit.

Public scoping meetings to describe the proposed Regional Watershed Supply Project, preliminary alternatives, NEPA compliance process, and to solicit input on other related matters, are in progress. All meetings will take place from 6:30 p.m. to 9 p.m. on the following dates:

**April 14:** Green River High School, 1615 Hitching Post Dr., Green River, Wyo.

**April 15:** Uintah High School, 1880 West 500 North, Vernal, Utah

**April 16:** Laramie High School, 1257 North 11<sup>th</sup>, Laramie, Wyo.

**April 20:** Fossil Ridge High School, 5400 Ziegler Rd, Fort Collins, Colo.

**April 21:** West High School, 951 Elati St, Denver, Colo.

**April 22:** Risley Middle School, 625 N. Monument Ave, Pueblo, Colo.

The Corps will accept written comments for scoping until May 19. For more information, visit: <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>

**Appendix C-2: First Public Scoping Package**



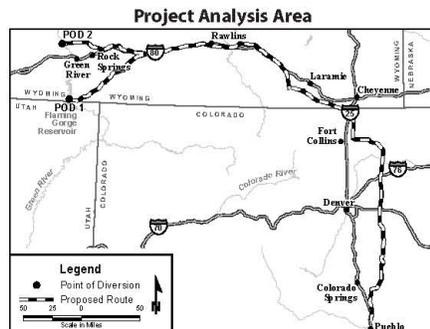
# PROJECT OVERVIEW

## Regional Watershed

SUPPLY PROJECT

The Million Conservation Resource Group (MCRG), a private entity, is pursuing construction of the Regional Watershed Supply Project (Project) designed to provide approximately 250,000 acre-feet (AF) per year of firm yield to meet a portion of the projected water supply needs of southeastern Wyoming and the Front Range of Colorado. In Wyoming, approximately 25,000 AF would be delivered annually to water users in the Platte River Basin. The remaining 225,000 AF of water would be delivered annually to the South Platte and Arkansas River basins in Colorado. The potential water users would be agriculture, municipalities and industries. Prior to construction of the proposed Project, MCRG is seeking Federal authorizations from the US Army Corps of Engineers, Omaha District (COE), US Bureau of Land Management, US Bureau of Reclamation, and US Forest Service. Preparation of an Environmental Impact Statement (EIS) is being completed by a third-party EIS contractor, AECOM. The lead Federal agency is the COE.

The water would be delivered via a large pipeline (between 72 to 120 inches in diameter) extending from two points of diversion (POD) in Wyoming to a storage facility at the end of the pipeline system near Pueblo, Colorado. The Project would involve water withdrawal from the Green River and the Flaming Gorge Reservoir using intake facilities at the diversion points. From the PODs, water would be pumped through an approximately 560-mile long pipeline. Water storage is currently anticipated at Lake Hattie Reservoir located west of Laramie, Wyoming; the proposed Cactus Hill Reservoir site located northeast of Fort Collins, Colorado; and a new storage reservoir site (T-Cross Reservoir) located near Pueblo, Colorado. A new regulating reservoir also would be located near the Green River-end of the pipeline system. Water treatment facilities would be part of the intake systems and water storage reservoirs.



\*\*To remain on the mailing list complete, stamp and submit the attached postcard OR email your information to MCRG.EIS@usace.army.mil to receive updates electronically. If you do not register and confirm your contact information by **May 19th, 2009**, your name will be removed from the mailing list.



**US Army Corps of Engineers**  
Omaha District

**For additional information contact:**  
Ms. Rena Brand, Project Manager  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd  
Littleton, Colorado 80128-6901  
(303)-979-4120  
MCRG.EIS@usace.army.mil

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U.S. Army Corps of Engineers  
Omaha District  
Denver Regulatory Office  
Attn: RW/SP  
9307 S. Wadsworth Blvd  
Littleton, CO 80128-6901

cut here

EDAW/AECOM  
 Attn: RWSP  
 240 East Mountain Ave  
 Fort Collins, CO 80524

**Public Meeting Dates and Locations**

- April 14  
6:30pm to 9pm  
Green River High School  
1615 Hitching Post Dr.  
Green River, WY
- April 15  
6:30pm to 9pm  
Uintah High School  
1880 West 500 North  
Vernal, UT
- April 16  
6:30pm to 9pm  
Laramie High School  
1257 N. 11th St.  
Laramie, WY
- April 20  
6:30pm to 9pm  
Fossil Ridge High School  
5400 Ziegler Rd.  
Fort Collins, CO
- April 21  
6:30pm to 9pm  
West High School  
951 Elati St.  
Denver, CO
- April 22  
6:30pm to 9pm  
Risley Middle School  
625 N. Monument Ave.  
Pueblo, CO

**How to Stay Involved**

- Attend scoping meetings  
 Visit the various information stations  
 Fill out a comment sheet  
 Review Project Purpose  
 Provide information on issues
- Review Draft EIS
- Attend Public Hearings
- Visit website: <https://www.nwo.usace.army.mil/html/od-ti/eis-info.htm>

**Regional Watershed Supply Project**

If you would like to remain on the RWSP mailing list, please complete and return this postcard OR email your information to MCRG.EIS@usace.army.mil to receive updates electronically. **Registration ends May 19th, 2009.**

Name \_\_\_\_\_

Representing \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

I would like to be contacted by:  US Mail  Email

**Appendix C-3: Second Public Notice**



**US Army Corps  
of Engineers**  
Omaha District

**PUBLIC NOTICE**

**Corps ID No:** NWO-2007-1337-DEN  
**Project:** Regional Watershed Supply Project  
**Applicant:** Million Conservation Resource Group  
**Issue Date:** May 8, 2009  
**Comments Due:** July 27, 2009  
**Additional Info:** <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>

**PUBLIC NOTICE**  
**Section 404 of the Clean Water Act - Permit Review**  
**ENVIRONMENTAL IMPACT STATEMENT**  
**U.S. ARMY CORPS OF ENGINEERS REGULATORY BRANCH**

**Regional Watershed Supply Project Proposed by Million Conservation Resource Group**  
**Additional Public Scoping Meetings and Extension of Comment Period**

The U. S. Army Corps of Engineers (Corps), Omaha District Regulatory Branch, Denver Office, is beginning to review a request for permit authorization, pursuant to Section 404 of the Clean Water Act, from Million Conservation Resource Group (MCRG), to construct a proposed water supply pipeline project in Wyoming and Colorado, referred to as the Regional Watershed Supply Project (RWSP). The Corps has determined that the project must undergo the highest level of permit review, an Environmental Impact Statement (EIS). The study is estimated to take five years before a permit decision is made.

At the beginning of the EIS process, the Corps is conducting public scoping meetings to introduce the project proposal to the public, describe the process of the EIS, and solicit input on the issues and alternatives to be evaluated.

Public Scoping meetings have already been held at the following locations:  
 April 14, 2009 – Green River, WY; April 15, 2009 – Vernal, UT; April 16, 2009 – Laramie, WY; April 20, 2009 – Fort Collins, CO; April 21, 2009 – Denver, CO; April 22, 2009 – Pueblo, CO.

Additional Public scoping meetings will be held on:

1. June 10, 2009, 6:30 to 9 p.m., Center of Craig, 601 Yampa Ave, Craig, CO.
2. June 11, 2009, 6:30 to 9 p.m., Mesa County Fairgrounds, 2785 US Hwy 50, Grand Junction, CO.

The comment period to submit scoping comments has been extended to July 27, 2009.

The Million Conservation Resource Group (MCRG), a private entity, is pursuing construction of the Regional Watershed Supply Project to provide additional water supply to southeastern Wyoming and the Front Range of Colorado. The water, which would be diverted from the Green River, would consist of the currently unused portion of the Upper Colorado River Compact waters allocated to Wyoming and Colorado.

Project: Regional Watershed Supply Project  
 Corps ID No: NWO-2007-1337-DEN

Applicant: Million Conservation Resource Group Pg 1 of 4  
 Comments Due: July 27, 2009

The states of Colorado and Wyoming will determine how much water is available to their respective states.

Scoping information will be made available at the public scoping meetings, can be requested by mail or e-mail, or can be found on the web at <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>. (Because this website is a secure Army Website, you may get a "Certificate Error" when first visiting the website. It is safe to click to continue, and this will link you to the Corps EIS website.)

#### **The Corps' Authority and Role:**

This application is being reviewed under Section 404 of the Clean Water Act, which regulates the placement of dredged or fill material into Waters of the United States, including wetlands. The Corps' role in this process is to develop a thorough, balanced study that can guide the agency in making an informed decision about whether to approve or deny the permit. The Corps is neither an opponent nor a proponent of this project and no Federal funds would be used to construct the project, if a permit is issued.

#### **Proposed Project Description**

The permit applicant, MCRG, proposes the following configuration of the RWSP: Two water withdrawal facilities, one on the east side of Flaming Gorge Reservoir in Wyoming and the other on the east bank of the Green River in Wyoming approximately 200 feet downstream of the Seedskaadee National Wildlife Refuge; one water treatment storage reservoir located near the Green River intake system; water pipeline system (approximately 560 miles in length and a diameter of 72 to 120 inches) from the two withdrawal points to southeastern Wyoming and the Front Range of Colorado (Wyoming-Colorado State Line to Pueblo); approximately sixteen natural gas-powered pump stations located along the pipeline route; temporary (construction phase) and permanent (operation and maintenance phase) access roads; three water storage/flow-regulation reservoirs (Lake Hattie in Wyoming [available volume of approximately 40,000 acre feet]; proposed Cactus Hill Reservoir near Fort Collins, CO [185,000 acre-foot capacity]; and the proposed T-Cross Reservoir to be constructed near Pueblo, CO [25,000 acre-foot capacity]); outlet structures at each reservoir consisting of water treatment facilities; on-site transformers and overhead power lines from local electrical grids for the water withdrawal and storage reservoir facilities; and water delivery systems from the storage reservoirs to water users.

#### **Applicant's Stated Purpose**

MCRG's stated purpose is to provide approximately 250,000 Acre Feet of water from the Green River basin to Colorado and Wyoming. Water deliveries from the project are needed to meet a portion of the projected future demands of Colorado Front Range and Wyoming users. The potential water users for the proposed project are expected to include agriculture, municipalities, and industries in southeastern Wyoming and the Front Range of Colorado. In Wyoming, approximately 25,000 acre-feet of water would be delivered annually to users in the Platte River Basin. The remaining 225,000 acre-feet of water would be delivered annually to the South Platte River and Arkansas River basins in Colorado. In Colorado, MCRG based its current and projected future water demand on the Statewide Water Supply Initiative (SWSI) and subsequent Phase II studies conducted by the Colorado Water Conservation Board in 2007. For Wyoming, MCRG's analysis is based on the Wyoming Water Development Commission's Platte River Basin Plan Final Report of 2006.

#### **The Corps' Role in defining the Purpose**

In defining a project purpose, the Corps must comply with the National Environmental Policy Act (NEPA) and the Section 404 (b)(1) guidelines. The project purpose is commonly referred to as the

purpose and needs statement. At the start of the EIS, the NEPA process gives the public the opportunity to provide comments on potential impacts and alternatives to be analyzed during the development of the EIS. The Corps reviews and considers public comments when developing the purpose and needs statement. The Corps then uses that statement to evaluate alternatives, and independently verify the project's need. Critical questions, such as how much water is available and who will use the water, will be answered through the NEPA process. Those questions must be answered before the Corps determines whether to approve or deny the permit.

#### **The Corps' use of a 3<sup>rd</sup> Party Contractor to Prepare the EIS**

The Corps is utilizing a 3<sup>rd</sup> party contractor, AECOM, to prepare the EIS. The EIS will be prepared according to the Corps' procedures for implementing NEPA, as amended, 42 U.S.C. 4232(2)(c), and consistent with the Corps' policy to facilitate public understanding and review of agency proposals. As part of the EIS process, a full range of reasonable alternatives, including the Proposed Action and No Action, will be evaluated. Alternative water source origins, pipeline alignments, and alternative storage reservoirs will be considered for the study.

#### **Funding for the preparation of the EIS**

Funding for this EIS is paid by the applicant, MCRG. As the lead federal agency of the preparation of the EIS, the Corps Regulatory Branch provides instructions and guidance to AECOM relative to the preparation of the EIS. The Corps determines the scope of work and analyses, data interpretation, and conclusions. AECOM is not allowed to request nor take direction from MCRG, participants and/or their contractors on any aspect of the EIS preparation. Billing for the work accomplished by AECOM is submitted directly to the MCRG for payment and is paid by MCRG.

#### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impacts will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

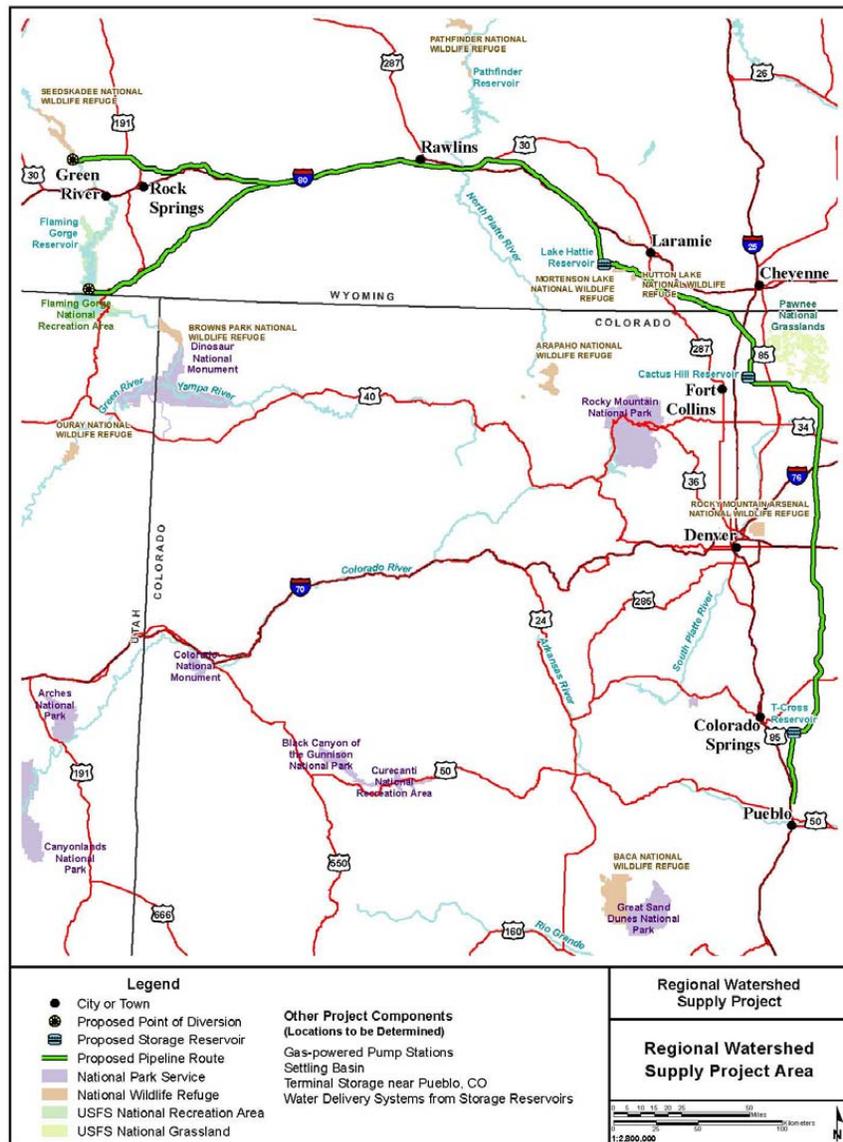
#### **Other Agency Involvement**

During this scoping period, the Corps is inviting other Federal, Tribal, State, local agencies and officials, and other interested parties to participate in the EIS review process to ensure compliance with relevant laws and regulations.

**Questions and scoping comments regarding the proposed action and EIS should be addressed to:**

Ms. Rena Brand, Regulatory Specialist  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd.  
Littleton, CO 80128-6901  
Phone (303) 979-4120  
Fax (303)-979-0602  
E-mail address to submit comments: [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

Check for updates on the Regional Watershed Supply Project proposed by Million Conservation Resource Group at <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>. (Because this website is a secure Army Website, you may get a "Certificate Error" when first visiting the website. It is safe to click to continue, and this will link you to the Corps EIS website.)



**Appendix C-4: Second Public Scoping Package**



# PROJECT INFORMATION UPDATE

## Regional Watershed

S U P P L Y P R O J E C T

The Million Conservation Resource Group (MCRG), a private entity, is pursuing construction of the Regional Watershed Supply Project (RWSP) to provide additional water supply to southeastern Wyoming and the Front Range of Colorado. The water, which would be diverted from the Green River, would consist of the currently unused portion of the Upper Colorado River Compact waters allocated to Wyoming and Colorado. The states of Colorado and Wyoming will determine how much water is available to their respective states. Additional project information on the proposal is available on the U.S. Army Corps of Engineers (Corps) Regulatory website at: <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>.

The U.S. Army Corps of Engineers Regulatory Program administers Section 404 of the Clean Water Act, regulating the discharge of dredged or fill material in wetlands, streams, rivers and other aquatic resources across the nation. Any individual or agency, public or private, must receive authorization from the Corps before conducting such discharges, and documentation of compliance with the National Environmental Policy Act (NEPA) must occur before a permit may be issued. The Corps has determined that the project must undergo the highest level of permit review, an Environmental Impact Statement (EIS). The Corps' role in this process is to develop a thorough, balanced study that can guide the agency in making an informed decision about whether to approve or deny the permit. The Corps is neither an opponent or proponent of this project and no Federal Funds would be used to construct the project if a permit is issued.



**US Army Corps of Engineers**  
Omaha District

**For additional information contact:**  
Ms. Rena Brand, Project Manager  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd.  
Littleton, Colorado 80128-6901  
(303)-979-4120  
Email address for comments: [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

**PUBLIC SCOPING UPDATE**

The Public Scoping Period for the RWSP has been extended. Written comments will now be accepted via mail or email until **July 27, 2009**.

**Additional Scoping meetings have been scheduled at the locations below:**

June 10 6:30pm to 9pm	Center of Craig 601 Yampa Ave Craig, CO
June 11 6:30pm to 9pm	Mesa County Fairgrounds 2785 US Hwy 50 Grand Junction, CO

Scoping meetings have already been held at the following locations, however comments can still be submitted via mail or email until **July 27, 2009**:

April 14, 2009	Green River, WY
April 15, 2009	Vernal, UT
April 16, 2009	Laramie, WY
April 20, 2009	Fort Collins, CO
April 21, 2009	Denver, CO
April 22, 2009	Pueblo, CO

Check for updates on the RWSP at <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>. Because this is a secure Army website, you may get a "Certificate Error" when first visiting the Corps website. It is safe to click to continue, and this will link you to the Corps EIS website.



U.S. Army Corps of Engineers  
Omaha District  
Denver Regulatory Office  
Attn: RWSP  
9307 S. Wadsworth Blvd  
Littleton, CO 80128-6901

cut here

cut here

EDAW/AECOM  
 Attn: RWSP  
 240 East Mountain Ave  
 Fort Collins, CO 80524

**REGIONAL WATERSHED SUPPLY PROJECT**

IF YOU HAVE NOT RESPONDED TO THE PREVIOUS MAILING and wish to remain on the mailing list, detach and complete the postcard, add first class postage, and return via U.S. mail. OR email your information to: [mrg.eis@usace.army.mil](mailto:mrg.eis@usace.army.mil). Please specify whether you prefer to receive project information via U.S. mail or email. Registration ends **July 27, 2009**.

Name \_\_\_\_\_

Representing \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

I would like to be contacted by:  U.S. Mail  Email

**PROJECT ANALYSIS AREA**



IF YOU HAVE NOT RESPONDED TO THE PREVIOUS MAILING and wish to remain on the mailing list, detach and complete the postcard, add first class postage, and return via U.S. mail, OR email your information to [mrg.eis@usace.army.mil](mailto:mrg.eis@usace.army.mil). Please specify whether you prefer to receive project information via U.S. mail or email. If you do not register and confirm your contact information by **July 27, 2009**, your name will be removed from the mailing list.

**HOW TO STAY INVOLVED**

- Attend scoping meetings
  - Visit the various information stations
  - Fill out a comment sheet
  - Review Project Purpose
  - Provide information on issues
- Review Draft EIS (estimated for 2012)
- Attend Public Hearings (estimated for 2012)
- Visit website: <https://www.nwo.usace.army.mil/html/od-1/eis-info.htm>

**Appendix C-5: Third Public Notice**

**US Army Corps  
of Engineers**®  
Omaha District

## News Release

**FOR IMMEDIATE RELEASE**

June 3, 2009  
Advisory No.: 05-22-09 (mf)

Contacts: Rena J. Brand  
(303) 979-4120

Monique Farmer  
(402) 402-995-2417  
MCRG.EIS@usace.army.mil

### **Corps adds Rock Springs (Wyo.) to Regional Watershed Supply Project public scoping meeting schedule**

DENVER, Colo. – The U.S. Army Corps of Engineers is adding Rock Springs, Wyo., to the June scoping meeting schedule for the Regional Watershed Supply Project.

The Corps' Regulatory Branch, Denver Office, is beginning review of a request from Million Conservation Resource Group (MCRG) for permit authorization to construct a proposed water supply pipeline project in Wyoming and Colorado. The proposed project is referred to as the Regional Watershed Supply Project.

The Corps has determined, pursuant to Section 404 of the Clean Water Act, that the project must undergo the Environmental Impact Statement (EIS) process. To begin the process, the Corps is conducting public scoping meetings to introduce the project proposal to the public, describe the EIS process, and solicit input on the issues and alternatives to be evaluated.

The updated public scoping meeting schedule is:

June 9, 2009 6:30 – 9 p.m.	Rock Springs East Junior High School Auditorium 831 Gobel St. Rock Springs, Wyo.
June 10, 2009 6:30 – 9 p.m.	Center of Craig 601 Yampa Ave. Craig, Colo.
June 11, 2009 6:30 – 9 p.m.	Mesa County Fairgrounds 2785 US Hwy. 50 Grand Junction, Colo.

Previous scoping meetings were held in April at Green River and Laramie, Wyo., Vernal, Utah., and Fort Collins, Denver, and Pueblo, Colo.

The scoping period for comment submission has been extended until July 27, 2009.

Questions regarding the proposed action and EIS may be addressed to:

Ms. Rena Brand, Regulatory Specialist  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd.  
Littleton, CO 80128-6901  
Phone (303) 979-4120  
Fax (303) 979-0602  
E-mail address to submit comments: [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

Or contact the Omaha District, Public Affairs Office:

Ms. Monique Farmer  
Phone: (402) 995-2417  
Toll free: 1-888-835-5971

Check for updates on the Regional Watershed Supply Project proposed by Million Conservation Resource Group at <https://www.nwo.usace.army.mil/html/od-fl/eis-info.htm>. (Because this Web site is a secure Army Web site, you may get a "Certificate Error" when first visiting the Web site. It is safe to 'click to continue,' and this will link you to the Corps EIS Web site.)

## Appendix C-6: Fourth Public Notice



**US Army Corps  
of Engineers**  
Omaha District

## PUBLIC NOTICE

**Corps ID No:** NWO-2007-1337-DEN  
**Project:** Regional Watershed Supply Project  
**Applicant:** Million Conservation Resource Group  
**Issue Date:** August 11, 2009  
**Comments Due:** September 28, 2009  
**Additional Info:** <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>

**PUBLIC NOTICE**  
**Section 404 of the Clean Water Act - Permit Review**  
**ENVIRONMENTAL IMPACT STATEMENT**  
**U.S. ARMY CORPS OF ENGINEERS REGULATORY BRANCH**

**Regional Watershed Supply Project Proposed by Million Conservation Resource  
Group**  
**Extension of Comment Period**

The U. S. Army Corps of Engineers (Corps), Omaha District Regulatory Branch, Denver Office, is beginning to review a request for permit authorization, pursuant to Section 404 of the Clean Water Act, from Million Conservation Resource Group (MCRG), to construct a proposed water supply pipeline project in Wyoming and Colorado, referred to as the Regional Watershed Supply Project (RWSP). The Corps has determined that the project must undergo the highest level of permit review, an Environmental Impact Statement (EIS). The study is estimated to take five years before a permit decision is made.

At the beginning of the EIS process, the Corps conducted public scoping meetings to introduce the project proposal to the public, describe the process of the EIS, and solicit input on the issues and alternatives to be evaluated.

Public Scoping meetings have already been held at the following locations:  
 April 14, 2009 – Green River, WY; April 15, 2009 – Vernal, UT; April 16, 2009 – Laramie, WY; April 20, 2009 – Fort Collins, CO; April 21, 2009 – Denver, CO; April 22, 2009 – Pueblo, CO; June 9, 2009 – Rock Springs, WY; June 10, 2009 – Craig, CO; June 11, 2009 – Grand Junction, CO.

The comment period has now been extended to September 28, 2009. The Corps is extending the comment period to allow for additional time to respond to requests for cooperating agency status, and desires to do so during the public scoping comment period. Specifically, the Corps intends to communicate with some entities on consolidating participation by appointing a single point of contact to represent multiple entities.

The Million Conservation Resource Group (MCRG), a private entity, is pursuing construction of the Regional Watershed Supply Project to provide additional water supply to southeastern Wyoming and the

Front Range of Colorado. The water, which would be diverted from the Green River, would consist of the currently unused portion of the Upper Colorado River Compact waters allocated to Wyoming and Colorado. The states of Colorado and Wyoming will determine how much water is available to their respective states.

Scoping information can be requested by phone, mail or e-mail, or can be found on the web at <https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>. (Because this website is a secure Army Website, you may get a "Certificate Error" when first visiting the website. It is safe to click to continue, and this will link you to the Corps EIS website.)

#### **The Corps' Authority and Role:**

This application is being reviewed under Section 404 of the Clean Water Act, which regulates the placement of dredged or fill material into Waters of the United States, including wetlands. The Corps' role in this process is to develop a thorough, balanced study that can guide the agency in making an informed decision about whether to approve or deny the permit. The Corps is neither an opponent nor a proponent of this project and no Federal funds would be used to construct the project, if a permit is issued.

#### **Proposed Project Description**

The permit applicant, MCRG, proposes the following configuration of the RWSP: Two water withdrawal facilities, one on the east side of Flaming Gorge Reservoir in Wyoming and the other on the east bank of the Green River in Wyoming approximately 200 feet downstream of the Seedskaadee National Wildlife Refuge; one water treatment storage reservoir located near the Green River intake system; water pipeline system (approximately 560 miles in length and a diameter of 72 to 120 inches) from the two withdrawal points to southeastern Wyoming and the Front Range of Colorado (Wyoming-Colorado State Line to Pueblo); approximately sixteen natural gas-powered pump stations located along the pipeline route; temporary (construction phase) and permanent (operation and maintenance phase) access roads; three water storage/flow-regulation reservoirs (Lake Hattie in Wyoming [available volume of approximately 40,000 acre feet]; proposed Cactus Hill Reservoir near Fort Collins, CO [185,000 acre-foot capacity]; and the proposed T-Cross Reservoir to be constructed near Pueblo, CO [25,000 acre-foot capacity]); outlet structures at each reservoir consisting of water treatment facilities; on-site transformers and overhead power lines from local electrical grids for the water withdrawal and storage reservoir facilities; and water delivery systems from the storage reservoirs to water users.

#### **Applicant's Stated Purpose**

MCRG's stated purpose is to provide approximately 250,000 Acre Feet of water from the Green River basin to Colorado and Wyoming. Water deliveries from the project are needed to meet a portion of the projected future demands of Colorado Front Range and Wyoming users. The potential water users for the proposed project are expected to include agriculture, municipalities, and industries in southeastern Wyoming and the Front Range of Colorado. In Wyoming, approximately 25,000 acre-feet of water would be delivered annually to users in the Platte River Basin. The remaining 225,000 acre-feet of water would be delivered annually to the South Platte River and Arkansas River basins in Colorado. In Colorado, MCRG based its current and projected future water demand on the Statewide Water Supply Initiative (SWSI) and subsequent Phase II studies conducted by the Colorado Water Conservation Board in 2007. For Wyoming, MCRG's analysis is based on the Wyoming Water Development Commission's Platte River Basin Plan Final Report of 2006.

#### **The Corps' Role in defining the Purpose**

In defining a project purpose, the Corps must comply with the National Environmental Policy Act (NEPA) and the Section 404 (b)(1) guidelines. The project purpose is commonly referred to as the purpose and needs statement. At the start of the EIS, the NEPA process gives the public the opportunity to provide comments on potential impacts and alternatives to be analyzed during the development of the EIS. The Corps reviews and considers public comments when developing the purpose and needs statement. The Corps then uses that statement to evaluate alternatives, and independently verify the project's need. Critical questions, such as how much water is available and who will use the water, will be answered through the NEPA process. Those questions must be answered before the Corps determines whether to approve or deny the permit.

#### **The Corps' use of a 3<sup>rd</sup> Party Contractor to Prepare the EIS**

The Corps is utilizing a 3<sup>rd</sup> party contractor, AECOM, to prepare the EIS. The EIS will be prepared according to the Corps' procedures for implementing NEPA, as amended, 42 U.S.C. 4232(2)(c), and consistent with the Corps' policy to facilitate public understanding and review of agency proposals. As part of the EIS process, a full range of reasonable alternatives, including the Proposed Action and No Action, will be evaluated. Alternative water source origins, pipeline alignments, and alternative storage reservoirs will be considered for the study.

#### **Funding for the preparation of the EIS**

Funding for this EIS is paid by the applicant, MCRG. As the lead federal agency of the preparation of the EIS, the Corps Regulatory Branch provides instructions and guidance to AECOM relative to the preparation of the EIS. The Corps determines the scope of work and analyses, data interpretation, and conclusions. AECOM is not allowed to request nor take direction from MCRG, participants and/or their contractors on any aspect of the EIS preparation. Billing for the work accomplished by AECOM is submitted directly to the MCRG for payment and is paid by MCRG.

#### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impacts will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

#### **Other Agency Involvement**

During this scoping period, the Corps is inviting other Federal, Tribal, State, local agencies and officials, and other interested parties to participate in the EIS review process to ensure compliance with relevant laws and regulations.

**Questions and scoping comments regarding the proposed action and EIS should be addressed to:**

Ms. Rena Brand, Regulatory Specialist  
U.S. Army Corps of Engineers, Omaha District  
Denver Regulatory Office  
9307 S. Wadsworth Blvd.  
Littleton, CO 80128-6901  
Phone (303) 979-4120  
Fax (303)-979-0602  
E-mail address to submit comments: [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

Check for updates on the Regional Watershed Supply Project proposed by Million Conservation Resource Group at <https://www.nwo.usace.army.mil/html/od-tl/cis-info.htm>. (Because this website is a secure Army Website, you may get a "Certificate Error" when first visiting the website. It is safe to click to continue, and this will link you to the Corps EIS website.)

## **Appendix D**

### **Public Scoping Meeting Materials**

**PUBLIC SCOPING COMMENT FORM**  
**Regional Watershed**  
 SUPPLY PROJECT



We need your input. Please take a few minutes to provide your comments or questions and return your completed form today or mail by July 27, 2009. Your comments help in the planning and implementation of the project. Thank you.

Completing this form will automatically add you to the mailing list. If you prefer to not be on the mailing list, please check the box to the right.  I do not wish to be on the project mailing list

How did you hear about this meeting?

- Newsletter       Radio       Internet  
 Newspaper       Word-of-mouth       Other - please specify \_\_\_\_\_

What key issues should be addressed in assessing the potential effects of this project?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

If you own property in the proposed corridor please indicate all the existing uses of your property:

- Grazing       Farming       Residential       Commercial  
 Industrial       Mineral Interest       Other \_\_\_\_\_





**THANK YOU FOR TAKING THE TIME TO PARTICIPATE.**

**Please submit comments by the following means:**

- Leave this form at the public scoping meeting.
- Mail the form or a letter to the address below.
- E-mail comments to [MCRG.EIS@usace.army.mil](mailto:MCRG.EIS@usace.army.mil)

Please submit scoping comments by July, 27, 2009.

FOLD HERE

---

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

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

TAPE HERE (DO NOT STAPLE)

**SIGN-IN SHEETS**  
Regional Watershed  
SUPPLY PROJECT

Grand Junction, Colorado  
JUNE 11, 2004

NAME <small>(please print and add company name or agency if applicable)</small>	ADDRESS <small>(please include street, city, and zip code)</small>	CONTACT INFORMATION (optional) <small>*The CCE will not share your contact information with others.</small>
		<small>(telephone number and/or e-mail address)</small>



**PUBLIC SCOPING**  
**AGENDA**  
**Regional Watershed**  
**SUPPLY PROJECT**



US Army Corps  
of Engineers  
Omaha District

**6:30 p.m.: Meeting Overview**

Please be seated in the auditorium for introductions by the Corps and other EIS team members, an outline of meeting goals, and an explanation of the speaker format. The overview will include the following topics:

- Meeting Welcome and Introductions
- Project Description
- Colorado River Compact
- The Corps' role
- NEPA process
- How can I speak at this meeting?
- What other ways can I offer my comments?
- What will be done with my comments?

**6:50 p.m.: Project Proponent (MCRG) Presentation**

**7:15 p.m.: Public Comments**

**After 9 p.m.: EIS team will remain to take additional public comments and discuss the EIS process**





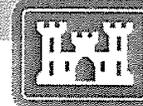
**Public Scoping Meetings:**

- April 14  
8:30pm to 9pm  
Green River High School  
1615 Hitching Post Dr.  
Green River, WY
- April 15  
8:30pm to 9pm  
Uintah High School  
1880 West 500 North  
Vernal, UT
- April 18  
6:30pm to 9pm  
Laramie High School  
1257 N. 11th St.  
Laramie, WY
- April 20  
6:30pm to 9pm  
Fossil Ridge High School  
5400 Ziegler Rd.  
Fort Collins, CO
- April 21  
8:30pm to 9pm  
West High School  
951 Elati St.  
Denver, CO
- April 22  
8:30pm to 9pm  
Risley Middle School  
625 N. Monument Ave.  
Pueblo, CO
- June 9  
6:30pm to 9pm  
Rock Springs East Junior High School  
831 Gobel St.  
Rock Springs, WY
- June 10  
8:30pm to 9pm  
Center of Craig  
601 Yampa Ave  
Craig, CO
- June 11  
8:30pm to 9pm  
Mesa County Fairgrounds  
2785 US HWY 50  
Grand Junction, CO

# PROJECT INFORMATION

## Regional Watershed

SUPPLY PROJECT



Newsletter #1

June 2009

The US Army Corps of Engineers, Omaha District, Regulatory Branch (Corps) has received a permit request from a private entity to construct a proposed water supply pipeline project in Wyoming and Colorado. The proposed project is referred to by the proponent as the Regional Watershed Supply Project (RWSP). The Corps' Regulatory Branch will evaluate the proposal under the highest level of permit review, an Environmental Impact Statement (EIS), to assess the environmental consequences of the proposal. The permit review is estimated to take 5 years.

The RWSP is proposed by Million Conservation Resource Group (MCRG), a private water development entity. MCRG proposes to withdraw approximately 250,000 acre-feet (AF) of water annually from the Green River and Flaming Gorge Reservoir in Wyoming, and transport it by pipeline to existing and proposed new reservoirs in southeastern Wyoming and the Front Range of Colorado.

### NEPA Process

1. Application Submitted to Corps
2. Public Scoping
3. Draft EIS (2012)
4. Public Meetings and Comments
5. Final EIS (2014)
6. Record of Decision (ROD)

### What is an Environmental Impact Statement ?

An EIS is a document required by the National Environmental Policy Act (NEPA) for federal government agency actions "significantly affecting the quality of the human environment."

Through the NEPA process, the Corps will evaluate a range of alternatives and identify those alternatives, including the No Action alternative, to be analyzed in detail in the EIS.

The EIS will provide a detailed discussion of the human and natural environments to be affected by the RWSP and its alternatives, and the potential adverse and beneficial effects related to constructing and operating the RWSP and its alternatives. The environmental effects or impacts to be analyzed can be positive or negative, have direct or indirect results, and can be of short- or long-term duration.

Mitigation measures, along with the appropriate monitoring and enforcement, will be identified to avoid or minimize

*The fact that the Corps has started the EIS process does not imply that the Corps supports the project or will issue a permit for the proposed project. The Corps Regulatory Program is neither a proponent nor an opponent of any project that must undergo the permit process.*

anticipated significant adverse impacts. Unavoidable adverse impacts that cannot be mitigated will be identified. The EIS also will evaluate the cumulative effects of this project when added to other past, present, and reasonably foreseeable future actions.

The environmental resources in the table below have been identified for possible analysis in the EIS. This list is not intended to be exhaustive or final, but contains resources that can reasonably be expected to require environmental analysis. Additional issues will be identified in the course of the scoping process and a determination will be made as to whether these issues are significant and warrant analysis.

Although the Corps is not proposing, designing, funding or constructing the RWSP, a Section 404 Permit, which is a federal permit under the Clean Water Act administered by the Corps, will be required. Because a Section 404 Permit is required, the Corps is the lead federal agency managing the EIS process.

The NEPA process is designed to involve the public and gather the best available information regarding the project so decision makers can be fully informed when they make their choices. An EIS describes the positive and negative environmental effects of proposed actions and recommends alternative actions.

The components of the EIS process are public involvement, scoping, preparation of a Draft EIS, and preparation of a Final EIS, and Record of Decision. The Draft EIS for the RWSP is estimated to be released in 2012 and the Final EIS in 2014.

Physical Resources	Biological Resources	Human Resources
<ul style="list-style-type: none"> <li>• Soils</li> <li>• Geology</li> <li>• Mineral Resources</li> <li>• Surface Water Resources</li> <li>• Groundwater Resources</li> <li>• Water Rights and Water Use</li> <li>• Air Quality</li> <li>• Noise</li> </ul>	<ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Wildlife</li> <li>• Aquatic Resources</li> <li>• Threatened and Endangered Species and Other Special Status Species</li> <li>• Vegetation</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation</li> <li>• Visual Resources/Aesthetics</li> <li>• Cultural and Paleontological Resources</li> <li>• Land Use</li> <li>• Recreation</li> <li>• Socioeconomics</li> <li>• Hazardous Materials</li> <li>• Health and Safety</li> <li>• Environmental Justice</li> </ul>

*The first step of the EIS process is scoping, in which the Corps notifies the public of the proposed project and solicits comments on what issues should be studied.*

## U.S. Army Corps of Engineers' Involvement with the EIS

The Corps, through requirements contained in Section 404 of the Clean Water Act, regulates activities involving the discharge of dredged or fill material into waters of the U.S. Any individual or agency, public or private, must receive authorization from the Corps before conducting such discharges, and documentation of compliance with the National Environmental Policy Act (NEPA) must occur before a permit may be issued. For projects where the potential impacts to the environment are significant, an EIS is required.

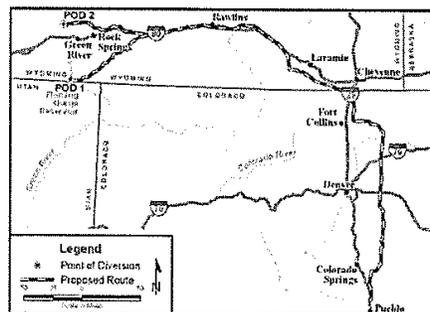
Under Section 404, any person has the right, at any point in time, to apply for a permit. The Corps' role in this process is to develop a thorough study that can guide the agency in making an informed decision about whether to approve or deny the permit. The Corps is neither an opponent nor a proponent of any project that must undergo the permit process.

## Proponent's Project Description

The RWSP proposes to provide approximately 250,000 AF per year of additional reliable water supply to meet the projected water needs of southeastern Wyoming and the Front Range of Colorado. The water would be used by municipal, agricultural, and industrial users in Wyoming and Colorado on a perpetual basis through 2030 and beyond. The water would be obtained from the Green River Basin as part of the unused portion of water allocated to the States of Wyoming and Colorado under the Colorado and Upper Colorado River Basin compacts. As a non-federal venture, the RWSP would be constructed, owned, and operated by MCRG.

The applicant's proposed action specifies that the water would

be delivered through a large buried pipeline (between 72-120 inches in diameter) extending from two points of diversion in Wyoming (one from the Green River and one from the Flaming Gorge Reservoir) to a storage terminus near Pueblo, Colorado (see Map). From the identified diversion points, water would be pumped through an approximately 578-mile long pipeline. Water storage currently is anticipated to occur at Lake Hattie, located west of Laramie, Wyoming; the proposed Cactus Hill Reservoir site, located northeast of Fort Collins, Colorado; and the proposed T-Cross Reservoir site, located north



of Pueblo, Colorado. Water treatment facilities would be a part of the intake system and water storage reservoirs.

Other project components include approximately 16 natural gas-powered pump stations, pipeline valves (air release/vacuum, isolation, and drain), access roads (temporary and permanent), electrical power for water withdrawal and storage reservoir facilities, and water delivery systems.

### **Water Rights Issues**

The Corps Regulatory Program does not have authority to grant any property rights or water rights. The States of Colorado and Wyoming will determine how much water is available for use in their respective states. By law, the Corps' evaluation of the environmental and economic impacts is based on the assumption that the project proponent can obtain such rights. However, the final decision on whether or not such rights are granted rests with the States of Wyoming and Colorado.

### **Federal, Tribal, State, and Local Agency Involvement**

During this scoping period, the Corps is inviting other Federal, Tribal, State, local agencies and officials, and other interested parties to participate in the EIS review process to ensure compliance with relevant laws and regulations. Some agencies which have already agreed to participate include:

- U.S. Bureau of Reclamation
- U.S. Bureau of Land Management
- U.S. Forest Service
- U.S. Environmental Protection Agency

Additional cooperating agencies may be added as the EIS process proceeds.

### **How to Get Involved**

The Corps initiated the scoping process for the EIS by publishing a Notice of Intent (NOI) to prepare an EIS for the RWSP in the Federal Register. The original NOI for this project was published on March 19, 2009 and a subsequent NOI was published on May 8, 2009 to identify additional meetings and extend the comment period. The Corps encourages you to participate in the EIS public process by attending scoping meetings and submitting comments prior to the close of the scoping period (July 27, 2009). Scoping meetings have or will



### Additional Scoping Meetings

June 9, 2009  
6:30pm - 9pm

Rock Springs East Junior High  
School Auditorium  
831 Gobel St.  
Rock Springs, WY

June 10, 2009  
6:30pm - 9pm

Center of Craig  
601 Yampa Ave.  
Craig, CO

June 11, 2009  
6:30pm - 9pm

Mesa County Fairgrounds  
2785 U.S. Hwy 50,  
Grand Junction, CO

be held at eight locations on the following dates in 2009: Green River (April 14), Vernal (April 15), Laramie (April 15), Fort Collins (April 20), Denver (April 21), Pueblo (April 22), Rock Springs (June 9), Craig (June 10), and Grand Junction (June 11). Project information was available for viewing and agency representatives and resource experts were present to answer questions. Meeting attendees and other interested parties were encouraged to submit written and oral comments on the RWSP.

Additional scoping comments will be considered if received by **July 27, 2009**. You can submit comments via U.S. Mail or e-mail to [mcrq.eis@usace.army.mil](mailto:mcrq.eis@usace.army.mil)

Additional information on this project is available at the following website:

<https://www.nwo.usace.army.mil/html/od-11/eis-info.htm>

(Note: Because this is a secure Army website, you may get a "Certificate Error" when first visiting the Corps website. It is safe to click to continue, and this will link you to the Corps EIS website.)

### Tips on Providing Scoping Comments:

The Corps needs your input regarding the RWSP proposal, and what issues should be studied. Considering the following questions can help to formulate scoping comments:

1. What are some possible benefits or detriments of the proposed project?
2. What key issues should be addressed in the EIS when assessing the potential effects of this proposal?
3. What should be considered with respect the applicant's proposed need for the project?
4. What alternatives to the proposed project should be considered?

### For More Information

Address questions and comments regarding the proposed action, applicant-identified alternatives, and the EIS to:

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

Phone: 303-979-4120  
[mcrq.eis@usace.army.mil](mailto:mcrq.eis@usace.army.mil)



US Army Corps  
of Engineers



U.S. Army Corps  
of Engineers

## Welcome



U. S. Army Corps of Engineers  
Regulatory Program  
Environmental Impact Statement  
Public Scoping Meeting

Regional Watershed Supply Project  
Proposed by Million Conservation Resource Group



U.S. Army Corps  
of Engineers

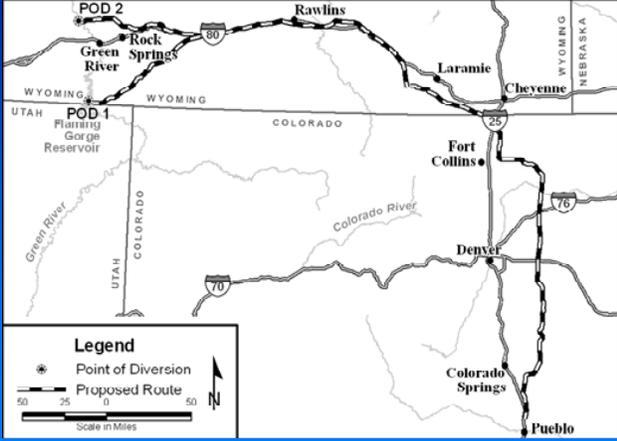
## Overview

- Describe Proposed Regional Watershed Supply Project.
- What is an EIS?
- Why is the Corps of Engineers doing EIS?
- How long will the EIS take?
- What factors will be studied?
- What about Water Rights?
- Submitting Comments / Contact Information



U.S. Army Corps of Engineers

## Regional Watershed Supply Project Proposed by Million Conservation Resource Group



Proposal will require a 5 year permit review.



U.S. Army Corps of Engineers

## What is an EIS?

- Environmental Impact Statement
- A detailed review of actions that may “significantly affect the quality of the human environment.”
- Required by the National Environmental Policy Act (NEPA).



 **Why is Corps of Engineers doing EIS?**  
U.S. Army Corps of Engineers

- **Corps of Engineers Regulatory Program administers Section 404 of the Clean Water Act.**
- **Regulates work in waterways and wetlands across the nation.**



  
Photo by: JoAnn Dunn

 **Corps of Engineers Regulatory Program**  
U.S. Army Corps of Engineers

- **Construction of Pipeline Requires a "404 permit".**
- **Corps Regulatory Program Mission: Protect Aquatic Environments and Balance Public Interest.**



  
Balancing the Public Interest...  
Protecting Aquatic Habitats



U.S. Army Corps  
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## Corps of Engineers Regulatory Program

- An EIS is the highest level of permit review.
- Corps is not designing or building project.
- Corps is not funding the EIS.
- Corps is not a proponent or an opponent of the proposed project.
- EIS started simply because the Corps received a permit application, therefore, must start the process.
- Before a permit could be issued, the project would need to identify specific users.
- Through the study process, Corps decides whether to issue or deny permit.

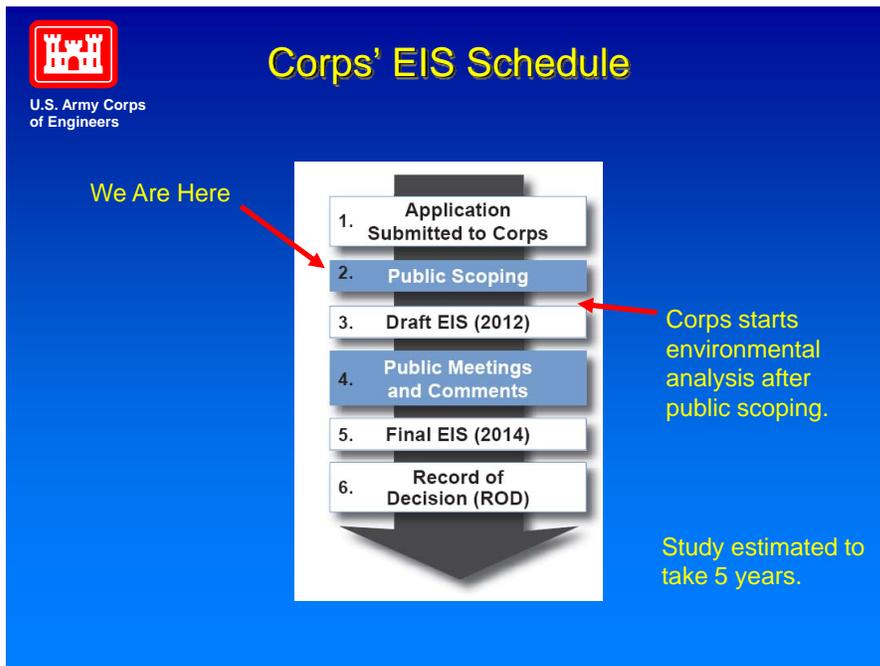


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## Corps EIS Preparation Assistance

- Corps utilizes 3<sup>rd</sup> Party Contractor to Assist with Preparation of EIS.
- Corps Selected "AECOM Environment".
- Scientists and Engineers specializing in impact assessment and permitting.
- Corps directs AECOM Environment scientists on what issues to study.





**EIS Evaluation Factors**

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Physical Resources	Biological Resources	Human Resources
<ul style="list-style-type: none"> <li>• Soils</li> <li>• Geology</li> <li>• Mineral Resources</li> <li>• Surface Water Resources</li> <li>• Groundwater Resources</li> <li>• Water Rights and Water Use</li> <li>• Air Quality</li> <li>• Noise</li> </ul>	<ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Wildlife</li> <li>• Aquatic Resources</li> <li>• Threatened and Endangered Species and Other Special Status Species</li> <li>• Vegetation</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation</li> <li>• Visual Resources/Aesthetics</li> <li>• Cultural and Paleontological Resources</li> <li>• Land Use</li> <li>• Recreation</li> <li>• Socioeconomics</li> <li>• Hazardous Materials</li> <li>• Health and Safety</li> <li>• Environmental Justice</li> </ul>

**During the analysis...**

1. Corps Examines Need for Project
2. Corps Examines Alternatives and "No Action" Alternative



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## Other Agency Involvement

- At this time the Corps is bringing on other Federal, Tribal, State and Local Agency involvement on EIS Preparation.
- So far:
  - U. S. Bureau of Reclamation
  - U. S. Bureau of Land Management
  - U. S. Forest Service
  - U. S. Environmental Protection Agency
- Estimated 30 to 40 more...
- Will take time to coordinate all entities...



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## Water Rights Granted by States

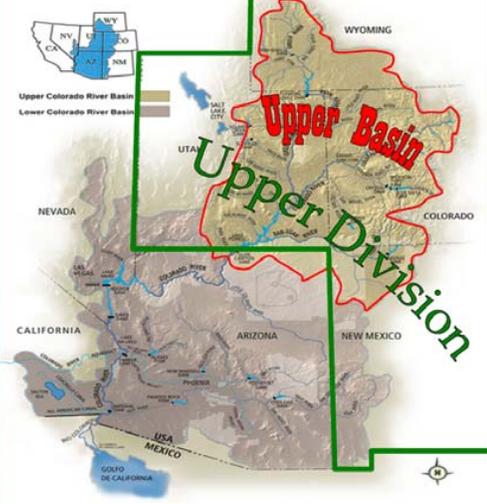
- Corps does not grant water rights.
- States (Wyoming / Colorado) grant water rights.
- If water right granted by States, Corps evaluates environmental impact of using water right.





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## State Water Rights Laws: Green River is tributary to Colorado River – Part of Upper Colorado River Basin



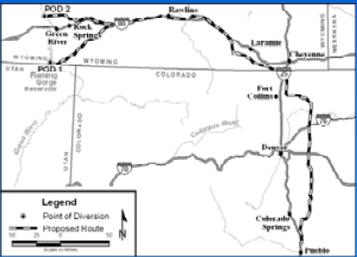
Upper Basin Water apportioned to Four States:  
Wyoming,  
Colorado,  
Utah,  
New Mexico.



U.S. Army Corps of Engineers

## State Water Rights Laws

### Green River and Flaming Gorge Reservoir

Regional Watershed Supply Project proposes:  
Colorado's water → Colorado  
Wyoming's water → Wyoming



U.S. Army Corps  
of Engineers

## Review

- **Proposed Regional Watershed Supply Project**
  - Corps has not evaluated proposal yet.
- **Corps Regulatory Program**
- **EIS – A detailed environmental review**
- **EIS Schedule**
  - Estimated to take 5 years.
- **Environmental Review Factors.**
- **Water Rights Granted by State.**
- **Scoping – Corps asks for input on what to study.**



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## How to Provide Scoping Comments

- Provide verbal comment tonight to the Corps.
- Submit written comments to the Corps.
- E-mail Comments to the Corps.

**Provide comments by  
July 27, 2009.**





U.S. Army Corps  
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## Tips on Providing Scoping Comments

- **What are benefits or detriments of the proposed project?**
- **What key issues should be addressed in the EIS?**
- **What alternatives could be considered?**

Purpose of this meeting:  
Corps gathering information on what to study.



U.S. Army Corps  
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## Corps EIS Contact Information Submit Scoping Comments

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EIS Project Manager  
U. S. Army Corps of Engineers  
Omaha District  
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Littleton, Colorado 80128-6901

Phone: 303-979-4120  
E-mail: [mcrgeis@usace.army.mil](mailto:mcrgeis@usace.army.mil)

Website  
<https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>



## **Appendix E**

### **Regional Watershed Supply Project Issue Summary**

## Regional Watershed Supply Project Issue Summary

This appendix summarizes, by category, the range of comments received during the scoping period for the Regional Watershed Supply Project EIS. Comments were received by email, in written form, and verbally during scoping meetings in Wyoming and Colorado. Comments were recorded, restated, and entered into a comments database for organization. The restated comments were then categorized and summarized into this appendix to present, in a simplified manner to reduce redundancy, the entire range of issues that were submitted as part of public scoping. The following comment categories include general issue comments: National Environmental Policy Act (NEPA) Process, Permits and Approvals, Project Description, Cumulative, and Mitigation and Monitoring. Resource-specific issues are listed in each respective resource category.

### NEPA Process

#### *General Process Issues*

- Identify and use the most current information available to make an unbiased decision on the required permits and analyses in the Environmental Impact Statement (EIS).
- Evaluate potential effects of the proposed project on environmental resources identified under NEPA guidance.
- Describe the approach and impact parameters to be used in the impact analysis.
- Consider the results of several studies being conducted by the State of Colorado concerning the availability and need for Colorado River water under the Colorado River Compact.
- Consider other Colorado River entitlements (e.g., Aspinall Marketable Pool).
- Consider water development within Colorado's compact entitlement in a manner consistent with three programs (Upper Colorado River Recovery Implementation Program, the San Juan River Recovery Implementation Program, and the Colorado River Salinity Control Program).
- Describe the sequence of events following completion of the EIS and issuance of the Record of Decision (ROD) that will be required to obtain a Bureau of Reclamation (Reclamation) water service contract.
- Evaluate a range of reasonable alternatives as part of the NEPA process, including the No Action Alternative, action alternatives, and cumulative impacts involving future actions.
- Consider whether the proposed project will be developed in stages.
- Ensure alternatives meet requirements as defined by NEPA.
- Define alternatives prior to finalizing public scoping and continuing with the EIS process.
- Conduct the EIS process similar to any other projects proposing water use from the Flaming Gorge Reservoir.
- Consider long-term water needs and availability in congruence with current projects that divert water from the Colorado River system as part of the EIS.
- Identify and consider other relevant projects located in the Front Range of Colorado such as the Northern Integrated Supply Project, Denver Moffat System, Halligan-Seaman Water Management Project, Reuter-Hess Reservoir, and Windy Gap Firming Project.
- Consider the need for additional project description information to evaluate the effects of the proposed project on environmental resources, including withdrawal facilities, pipeline system, storage reservoirs, and water delivery systems.

- Consider management direction defined in Resource Management Plans, state and local permitting requirements, and in relevant EISs and plans such as Reclamation's ROD for the Flaming Gorge Operation EIS and Recovery Implementation Program for Endangered Fish in the Colorado River System and Flaming Gorge National Recreation Area (NRA).
- Consider predominant land ownership categories in Wyoming and Colorado to assess pipeline right-of-way (ROW) issues (e.g., Bureau of Land Management [BLM] land in Wyoming, private land in Colorado).
- Consider results of privatizing water as a public resource in other parts of the world.
- Consider local entities, private landowners (including Wyoming and Colorado residents) located in the project study area, and federal and state agencies in the NEPA and scoping process.
- Concern regarding process of obtaining public input at the Green River public meeting and overall scoping process.
- Concern that public comments are not being considered as part of the NEPA process.
- Consider covering geographical areas potentially affected by the proposed project.
- Concern regarding lack of specific details in the Notice of Intent (NOI) and scoping on issues, alternatives, water users, and project schedule.
- Concern about the lack of detail on water rights at public scoping.
- Consider scheduling additional public scoping meetings if substantial changes in the project are proposed; another scoping period should be conducted or the NEPA process delayed until more information on the project has been provided.
- Consider providing additional scoping meetings in the Colorado River basin in Arizona, California, or Nevada.
- Concern that scoping materials did not reflect the importance of scoping to the NEPA process.
- Concern about the proponent not addressing questions at the scoping meetings.
- Consider involving downstream water users and special designated areas in the Green/Colorado River system as part of the EIS process.
- Consider involving cooperating agencies as part of the EIS process (e.g., Reclamation).
- Consider potential effects on energy supplies.
- Concern regarding the process of selecting cooperating agencies and the efficacy of the selection process.
- Explain the process for selection of the third-party EIS contractor.
- Concern regarding the lack of agency and public access to project information (e.g., GIS and baseline data) for resources being analyzed in the EIS.
- Concern regarding the EIS cost if legal issues are not properly addressed.
- Concern regarding the estimated 5-year timeframe for completing the EIS.
- Consider including copies of relevant documents such as the Colorado River Compact.
- Consider including growth-inducing impacts in Wyoming and Colorado.
- Provide additional and timely announcements to the public in regard to project updates and public involvement opportunities.
- Concern that the U.S. Army Corps of Engineers (Corps) may make a premature decision to grant a permit before the EIS is completed.

- Consider involving conservation groups in the EIS process to ensure the sufficiency and accuracy of the analysis.
- Coordinate the NEPA process with studies required under Section 106 of the NHPA.
- Consider initiating a programmatic basin-wide EIS instead of performing an individual EIS.
- Consider providing simplified project information to the public during public participation meetings.
- Concern about the amount of money spent on the EIS, and institutional, administrative, and opportunity costs to the Corps and the public that will not be covered by Million Conservation Resource Group (MCRG).
- Concern about the project lacking a No Action Alternative.
- Consider inviting the Mexican government and the U.S. Department of State to comment on the EIS.
- Request that the Corps ensure the integrity of data used and disseminated in the EIS.
- Concern that land management agencies on the eastern side of the Continental Divide have not been involved in the project process.
- Concern that an excessive review period for the EIS will result in outdated data when Final EIS and ROD are released.
- Suggestion to collaborate with the U.S. Fish and Wildlife Service (USFWS) to implement the Fish and Wildlife Coordination Act.
- Consider including background information on Wyoming's participation in the Upper Colorado Endangered Fish Recovery Program.
- Concern about the ability of the Corps to regulate privatization of water resources and prevent abuse of public resources.

#### *Insufficient Data*

- Need data on actual water capacity and water usage for the Green River and Flaming Gorge Reservoir.
- Need more information on MCRG, including how it is organized, ownership, and financial status.
- Provide background information on Wyoming's participation in the Upper Colorado Endangered Fish Recovery Program.
- Concern that predictions for precipitation patterns and climate make the Upper Basin Depletion Schedule inappropriate for use as a baseline for the EIS.
- Concern that project website presents different information than the scoping materials.
- Concern about the source of base data used by MCRG for the project.
- Concern that data being referenced is outdated, inaccurate, or hypothetical.
- Need for completion of the Colorado River study before project impacts, water supply, and energy demands can be studied.
- Concern that information is missing on maps for Kemmerer, Diamond, Star Valley, and Hams Fork River.
- Conduct field work to support stream modeling, especially related to sediment transport.
- Need for completion of the Yampa/White/Colorado energy needs study before project impacts and energy demands can be analyzed.

- Need for completion of the Colorado, Yampa, White, Gunnison, and San Juan/Dolores needs assessments established by HB 05-1177.
- Need for updates to data and models used in the Flaming Gorge Dam EIS.
- Consider using the Central Colorado Project (CCP) system-wide modeling system for water and energy needs.
- Need information on the 19 viable Aspinall Unit trans-mountain alternatives.
- Carrying capacity for people, businesses, wildlife, and agriculture needs to be determined on the Front Range and for the entire Colorado River Basin.
- Need data on the current economic value of recreation on Green River and Flaming Gorge Reservoir.

#### *Purpose and Need*

- Concern that a flawed Purpose and Need will lead to an incomplete EIS process.
- Concern that the proposed project is speculative with no end water users identified in the Purpose and Need.
- Concern regarding the lack of detail in the Purpose and Need.
- Identify specific need for water resources based on increasing population, water conservation, water use, and the current economic downturn.
- Identify details of future water demands in the Purpose and Need statement.
- Consider defining the Purpose and Need in a broader context to allow the consideration of a wider range of reasonable alternatives.
- Consider public interest in the development of the project's Purpose and Need.
- Concern whether there is sufficient water in the Green River under the Colorado River Compact to meet the Purpose and Need.
- Consider other alternatives to meet the Purpose and Need for water along the Front Range of Colorado, as listed in the issues for alternatives.
- Consider how other proposed water diversion projects along the Front Range of Colorado will meet future water demands.
- Concern about the rapid growth along the Front Range of Colorado and the proposed project meeting water needs on a temporary basis.
- Identify the carrying capacity of Front Range cities as it relates to water need.
- Consider increasing water utilization and storage in the Front Range of Colorado to reduce water demand.
- Consider limiting growth along the Front Range to reduce water demand.
- Consider the results of the needs assessments being conducted by the Colorado, Yampa/White, Gunnison, and San Juan/Dolores roundtables.
- Concern that the proposed project is motivated by financial gain rather than meeting water demand.
- Concern about the legitimacy of the data used to predict water shortages in Colorado.
- Concern about the manipulation of data to support the proposed project.
- Concern that a flawed Purpose and Need will lead to an incomplete EIS process.

- Concern about the project's financial viability with no end users identified.

### **Permits and Approvals**

- Consider, acknowledge, and support the required permits and approvals for the proposed project.
- Consult with the USFWS as part of compliance with Section 7 of the Endangered Species Act (ESA).
- Identify need for a water supply contract from Reclamation for water withdrawal from Flaming Gorge Reservoir, and their ability to meet requirements of the Flaming Gorge Operations ROD. Describe the duration of the water service contract.
- Comply with Section 106 of the National Historic Preservation Act.
- Ensure the Clean Water Act (CWA) 404(b)(1) requirements can be met in terms of alternatives evaluation (e.g., screening criteria and reasons for eliminating alternatives must be disclosed in the EIS).
- Effects of disposal of dredged material must be authorized by the US Environmental Protection Agency as part of CWA authorization.
- Need to confirm project funding and impacts to wetlands as part of the section 404 permitting process.
- Consider required ROW permits and approvals for pipeline, storage reservoirs, and other facilities with federal, state, and local agencies.
- Identify and supply a list of roles and responsibilities of all involved federal, state, and local cooperating agencies and project sponsors.
- Concern whether the proposed project conforms to the recovery plan criteria for federally endangered fish species.
- Comply with the Colorado River Compact by including the terms and conditions stated in the EIS Record of Decision in Reclamation's water service contract.
- Confirm project proponent has the right to sell the project water.
- Ensure the MCRG water application meets Wyoming water law criteria.
- Provide information on applications that have been submitted for the project.
- Consider federal environmental regulations.
- Explain the process, status, and terms of renewability for a Reclamation water services contract following the NEPA and EIS process. Identify whether a perpetual contract is possible for a project of this size.
- Clarify whether the Corps will permit a stand-by contract or a long-term water service contract for the project.
- Concern about a lack of government oversight during project operation and mitigation.
- Consider passing emergency legislation in Wyoming to prohibit diversion of Wyoming water resources trans-state and trans-river basin.
- Concern about the coordination between the Regional Watershed Supply Project and states of Wyoming and Colorado for compliance issues.
- Clarify what approvals from Colorado and Wyoming are needed for the transfer of water rights or obligations under the Upper Basin Compact.

## Project Description

- Discrepancies exist regarding “Upper” Arkansas River description; it should be referred to as the “Lower” Arkansas.
- Discrepancies exist regarding the total number of acre feet of water to be diverted.
- Discrepancies exist regarding the amount of water in the Green River and Flaming Gorge Reservoir that is available for diversion.
- Complete project descriptions and design criteria have not been provided.
- Additional information is needed regarding the need for, and design of, each water intake facility.
- Additional project information is needed to evaluate various impacts and for further review.
- Need clarification regarding current status of the project, the proponent’s source of and access to water, and ownership of water to be diverted.
- Clarify the legal basis of the proponent’s “protectable interest” in constructing a pipeline.
- Need to clarify the project footprint (pipeline route, PODs and ROW impact area) and specific locations of all project facilities.
- Define who will set the price for project water.
- Need details regarding the storage reservoirs, including purpose, location, size, management, and treatment of co-mingled water.
- Need to clarify where the water will return after use.
- Need to clarify if the pipeline will be above or below ground and if it will be transporting raw or treated water.
- Need clarification regarding how much water will be diverted and when, will this be influenced by wet or drought years, and who will control the flow rates for the project.
- Need to clarify where the water will be stored prior to diversion.
- Need to provide specific information regarding water rights for the project.
- Need to provide the source of funding, total cost estimates, project budget, and financial viability for the lifetime of the project.
- Need to define the energy needs for the project.
- Provide additional information regarding pipe delivery points.
- Discrepancies exist regarding the filing design and final design, including the diameter of the pipeline and proposed points of diversion.
- Need clarification regarding all potentially impacted rivers and tributaries.
- Need to define the term “new firm annual yield” and the source of this yield.
- Need to define the construction schedule.
- Need information regarding where the pipeline will cross other facilities and associated impacts.
- Need to define the pipeline capacity.
- Need information regarding maintenance and repair activities and schedules.
- Need to define the short and long-term use of the pipeline, the expected life of the project, and the size (pipeline diameter) and type of construction materials.
- Request details regarding recipients of profit from the project.

- Request information regarding the end cost of the project's water.
- Consider reducing ROW width to minimize effects on environmental resources.
- Consider following existing energy corridors to avoid additional environmental impacts.
- Correction that water stored in Lake Hattie would be located in the Big Hollow Basin, not the Laramie River Basin.
- Recommendation to estimate the operating costs associated with complying with greenhouse gas regulations.
- Recommendation to estimate the range of costs required to meet the project's energy needs.
- Identify any opportunities for the state of Colorado to provide input on the project and decision, other than the NEPA process.
- Clarify pipeline route, proposed storage areas (reservoirs), and area of disturbance during construction.
- Describe total area of impact and project operations at Cactus Reservoir, Flaming Gorge Reservoir, Green River, Colorado River, and South Platte River.
- Consider the Arkansas River Basin, the upper and lower Green River basins, and the water supply projects within, as part of the affected environment.
- Identify impacts outside of the immediate project area and the river system to generate the project study area boundary and scope of evaluations.
- Evaluate effects of easement negotiations and intrusions of pipeline construction on private property in the study area.
- Include maps that display all pertinent rivers and tributaries, including the Green, Colorado, Platte, and Arkansas rivers and their tributaries.
- Define which public lands will be affected by the project, including BLM land and State Land Board (SLB) protected areas.
- Provide the name of the regulating agency overseeing project flow rates.

### **Cumulative**

- Need to assess the cumulative effects to wetlands due to flooding from reservoir expansion.
- NEPA assessment of cumulative impacts will have to consider other Colorado and Yampa river projects and water rights filings.
- Cumulative effects scenarios need to be analyzed to study adverse impacts, including coordination with other proposed projects.
- The Corps needs to address all (direct, indirect, and cumulative) environmental impacts.
- Need to consider future consequences of the project.
- Assessment of cumulative impacts will have to consider Wyoming, Utah, and Colorado water, mineral, energy, and oil and gas development projects.
- Consider legislation for the Flaming Gorge NRA and its three management goals as part of the cumulative impact analysis.
- The Corps should use hydrologic modeling to evaluate cumulative impacts of the project.
- The Central Colorado/Aspinall Pool water/energy storage solutions need to be omitted from the Southern Delivery System EIS before the EIS is evaluated as a cumulative effect to this project.

- All pipelines, agriculture, and industrial activities in the vicinity of the project will have to be assessed as part of cumulative impacts.
- The analysis of cumulative impacts needs to be extended to aquatic species, wildlife, wildlife habitat, riparian, wetland, and upland vegetation communities, noxious weeds, livestock, and biologically sensitive areas.
- NEPA assessment of cumulative impacts will have to consider the future water needs of Reclamation as defined in the Flaming Gorge Dam ROD.
- The analysis of cumulative impacts needs to include drought conditions and foreseeable future water withdrawals.
- The analysis of cumulative impacts needs to consider effects to recreational activities.
- The analysis of cumulative impacts needs to be extended to downstream water resources and lower basin states.
- The project's own energy demands, and the energy demands of other projects in the vicinity, will need to be assessed as a cumulative impact.
- The analysis of cumulative impacts needs to be extended to include a study of population growth in the project area (Wyoming, Utah, and Colorado).
- All cumulative impacts need to be examined in the long term (beyond 10 years).
- Need to analyze the interaction between the project and the Southern Delivery System EIS cumulative effects and operations.
- The analysis of cumulative impacts needs to be extended to include greenhouse gasses produced by energy sources that will be supplementing the loss of hydroelectric power generation.
- Additional information is needed to assess cumulative impacts.
- Trout Unlimited requests that it be allowed to analyze a cumulative impact scenario, which includes all reasonably foreseeable actions.
- Consider cumulative impacts of continuous pumping from the Green River if the Regional Water Supply Project reaches full capacity.
- Consider construction cost and cumulative impacts during pipeline removal in the event of pipeline abandonment.

### **Mitigation and Monitoring**

- A complete discussion of mitigation, monitoring, reclamation, and compensation for the proposed action and all alternatives should be included in the EIS.
- Consider a compensation mitigation plan as part of the EIS and 404 permitting.
- A mitigation plan for changes in hydrology and water availability due to water withdrawal needs to be included in the EIS.
- Compensatory mitigation should only be allowed if adverse environmental impacts are unavoidable.
- Concern regarding mitigation of adverse environmental impacts due to construction and operation.
- Reclamation, maintenance, and abandonment procedures need to be defined, and evidence of sufficient funds for the life of the Purpose and Needs produced.
- Effects of water withdrawal on mitigation efforts, designed to maintain water quality, needs to be discussed in the EIS.

- Mitigation measures, designed to reduce the impacts of water withdrawal on Reclamation's ability to provide adequate flows below Flaming Gorge, need to be discussed in the EIS.
- Consider the reduction of pipeline miles as mitigation.
- A mitigation method needs to be addressed for constructing in areas where total avoidance of migratory birds is not possible.
- Mitigation and compensation for affected businesses and displaced entities needs to be addressed.
- Adequate stream flow needs to be maintained to mitigate the impacts of the Mustang fire.
- All proposed alternatives need to include mitigation, monitoring, reclamation, and compensation plans.
- Mitigation for future water development by the State of Wyoming should not be increased due to impacts of the project.
- Mitigation of construction impacts to wildlife can be accomplished through timing avoidance restrictions and length and duration of open trenches.
- Consider mitigation for loss of water through evaporation, spillage, and leakage.
- Reclamation activities need to replace salvaged topsoil as soon as possible, make use of native plant species suitable for wildlife, and utilize the best available soil conservation practices.
- The EIS needs to analyze mitigation to the Yampa, White, and Green rivers in the event that agriculture water is bought up by industries and municipalities.
- Need to review literature pertaining to the creation of Flaming Gorge Reservoir, Fontanelle Reservoir, and Seedskadee NWR as it relates to mitigation for habitat loss.
- Evaluate cost of remediation to Flaming Gorge Reservoir in relation to Purpose and Need.
- Monitoring needs to be conducted for potential impacts to natural resources, including erosion control, native vegetation, invasive weeds, wildlife, and wetlands.
- Post-construction monitoring needs to be implemented to ensure site stability of water crossings.
- Need specific restoration, monitoring, and remediation plans for each waterbody crossing.

### **Categories of Alternatives**

The following categories were identified from public scoping comments:

- No Action Alternative.

#### *Policy Alternatives*

- Modify Colorado River Compact.
- Coordination with other proposed water supply projects.
- Consider non-private project or partnership project.
- Establish priorities for Front Range water use (e.g., water allocation, water sharing, etc.).
- Federal and state cooperation/coordination to meet water needs.
- Policies to set minimum flow; only allow excess for development.
- Source or transfer water rights from existing agricultural water rights.

### *Project Components*

- Alternative water sources.
  - Divert water to Green River.
  - In-basin water projects.
  - Surface water diversions from Colorado or Wyoming river systems (e.g., Big Thompson, North Platte, Platte, Poudre, Powder, South Platte, White, Yampa).
  - Surface water diversions from large regional river systems (e.g., Arkansas, Columbia, Mississippi, Missouri, Red River).
  - Surface water diversions from local or regional lake systems (e.g., Great Lakes, Two Forks).
  - Water diversions from undefined sources (e.g., Alaska, Glenwood Springs, Granby, Grand Junction, Las Vegas, Nebraska).
  - Utilize groundwater aquifers.
  - Other existing projects and proposals to supply water within Colorado or for downstream purposes (e.g., Natural Energy's Central Colorado Project (CCP) high altitude pumped-storage concept; raising existing dams in the South Platte basin; the Colorado Department of Natural Resources' request in August 2008 to contract 200,000 acre-ft of Reclamation's undeveloped Aspinall Pool water for unspecified, non-consumptive, downstream purposes).
- Alternative diversion points from the Green River or Flaming Gorge Reservoir (e.g., in Colorado or Utah).
- Pipeline route alternatives.
  - Consider an alternative or another project component to develop a north-south pipeline artery to supply western Colorado.
  - Routes through Colorado instead of Wyoming.
  - Routes outside the I-80 corridor.
  - Routes outside of the Mountains-to-Plains project area.
  - Consider routes with shorter lengths to minimize potential effects on landscape.
- Alternative pump station locations.
- Water conveyance alternatives.
  - Ditches.
  - Tunnels in Colorado.
- Water storage alternatives.
  - Storage dams on Colorado rivers.
  - Storage dams in other states.
  - Expansion of existing storage reservoirs.
  - Underground storage.
  - Alternative water discharge sites other than proposed reservoirs.

*Alternatives to the Entire Proposed Action, including Non-structural Alternatives*

- Water conservation.
- Water restriction.
- Recycle/reuse facilities.
- Growth limitations.
- Desalinization facilities.
- Pump/treat coal bed methane water.
- Small-scale water projects.
- Agricultural water transfers.

*Alternatives Development*

- Concern that the current Action Alternatives are not sufficiently described to define differences in potential impacts and diligently examine other alternatives.
- Examine cost of project compared to alternatives.
- Consider the effects of alternatives on the Aspinall yield, as recommended by the Colorado Water Conservation Board's 2004 EIS Scoping Statement.

**Aquatic Biology***Water Withdrawal*

- Effects of water withdrawals on aquatic species (native and non-native fish, macroinvertebrates, and algae), their habitat, and ecological processes in Flaming Gorge Reservoir and the Green River upstream and downstream of the Flaming Gorge Dam.
- Effects of changes in releases from Flaming Gorge Reservoir on aquatic communities in the tail water area.
- Effects of water withdrawals on fisheries near special designated areas (e.g., Seedskaadee National Wildlife Refuge[NWR], Dinosaur National Monument, Desolation Canyon, Grey Canyon, Glen Canyon National Recreation, Brown's Park, Ouray NWR, Lake Mead National Recreation areas, and Lincoln Conservation District boundaries).
- Effects of entrainment of aquatic organisms from water withdrawals.
- Target flows in the Green River should be considered as part of the annual operating plan to minimize effects to fish species.
- Consider alternative withdrawal points to reduce impacts to fisheries in the Green River.
- Effects on Reclamation's responsibility to provide adequate flows to maintain fisheries and minimize introduction of invasive species in the Green River.
- Effects on operation of Fontanelle Dam and spawning runs of brown trout and Kokanee salmon.
- Effects of reduced water levels in Flaming Gorge Reservoir on algal blooms.
- Effects of water withdrawal and increased temperature and salinity on aquatic species.
- Effects of water withdrawals on winter flows that may cause greater ice formation and loss of winter trout habitat.

- Effects of water withdrawals on in-stream flows and fish and wildlife habitats, and the flow regimes necessary to support them.

#### *Pipeline*

- Effects of pipeline construction, including hydrostatic testing, on streams containing fish species.
- Consider directional drilling for perennial stream crossings to minimize effects on fisheries.
- If trenching is proposed for perennial streams with fisheries, consider avoiding periods of ice cover, fish spawning, and early fry development. The suggested construction period is July and August.

#### *Storage Reservoirs/Water Delivery*

- Effects of flow changes on aquatic species in the Front Range of Colorado water transport systems (e.g., Fountain Creek and South Platte Basin).
- Effects of water withdrawal, transport, and hydrostatic testing on the introduction and transport of nuisance aquatic species (e.g., burbot, crayfish, zebra and quagga mussels, New Zealand mud snail, whirling disease, aquatic vegetation).
- Effects of water quality changes on aquatic biology resources in storage reservoirs.
- Characterize aquatic biology resources in storage reservoirs and consider their use as sports fisheries.
- Effects of water diversion on aquatic nuisance species and native fisheries in Cactus Hill Reservoir.
- Effects of water diversion on native fish communities and aquatic species in tributaries to the South Platte River.

#### *Mitigation*

- Describe treatment measures, including compensation, for nuisance organisms and invasive species.
- Consider mitigation measures such as a Kokanee fish hatchery.
- Consider threshold habitat mitigation standards on an annual basis to protect aquatic species and their habitat.
- Consider avoiding net loss of aquatic biology resources rather than implementing mitigation.
- Consider mitigation and monitoring of wetlands.

#### *General*

- Effects of water quality changes on aquatic species and their habitat.
- Inventory of current stream habitat conditions and coldwater fish species should be described in the EIS.
- Concern of project impacts on conservation and habitat restoration efforts in the Green River.
- Consider pipeline route modifications to avoid Colorado cutthroat trout watersheds.
- Consider project design features to minimize effects on migration routes for brown trout and Kokanee salmon in the Green River.
- Compliance with Resource Management Plan objectives, including aquatic habitat and species.

## Vegetation

### *Water Withdrawal*

- Effects of water withdrawals on vegetation communities (riparian, wetlands) in shoreline areas of Flaming Gorge Reservoir and along the Green River upstream and downstream of the Flaming Gorge Dam.
- Effects of water withdrawals on wetland areas in off-channel and side areas of the Green River drainage, upstream and downstream of the proposed diversion points.
- Effects of water withdrawals on vegetation, including riparian and wetlands in special designated areas (e.g., Seedskaadee NWR, Brown's Park, Ouray NWR, and Stewart Lake Wildlife Management areas).
- Effects of water withdrawals on water elevations in Flaming Gorge Reservoir and potential invasion of noxious weed species and growth of nonnative vegetation such as tamarisk, Russian olive, and salt cedar.
- Effects of water withdrawals on potential reductions in germination of riparian species.
- Effect of water withdrawals on Reclamation's responsibility to provide adequate flows to maintain riparian systems in the Green River.
- Effects of flow changes on bank and shoreline stability and riparian vegetation on source waterway systems (e.g., Fountain Creek and South Platte Basin).

### *Pipeline*

- Effects of pipeline construction and maintenance on vegetation, including sagebrush, willow, cottonwood, wetlands, and riparian communities.
- Concern about possible introduction and spread of invasive weed species such as cheatgrass and kochia within the entire construction ROW, including sensitive areas (e.g., the Little Mountain ecosystem and Soapstone Prairie).

### *Storage Reservoirs/Water Delivery*

- Concern regarding the potential trans-basin transport of vegetation.
- Effects of flow changes on bank and shoreline stability and riparian vegetation on receiving waterway systems (e.g., Fountain Creek and South Platte Basin).
- Effects of water diversion on riparian and stream corridors and vegetation in tributaries to the South Platte River.
- Analyze impacts of water diversion on vegetation at Cactus Hill Reservoir.
- Effects of constructing new storage reservoirs on existing vegetation communities.

### *Mitigation*

- Concern about the potential effects of drought conditions and poorly developed soils on vegetation reclamation efforts.
- Consider mitigating and monitoring for erosion control, reclamation success, and control of noxious weed species.
- Consider reseeding with native species and best available soil conservation practices (e.g., topsoil salvage) as part of reclamation.

- Consider wetland restoration work being done by the Green River Greenbelt Task Force.

#### *General*

- Survey needs to inventory current noxious weed populations in the Flaming Gorge area.
- Effects of noxious weed introduction on competition with native plant species and wildfire hazard.
- Consider hydrologic modeling for any receiving waterway systems and their associated riparian vegetation.
- Systematic surveys (from mid-June to early July) for Blowout penstemon are warranted in all lower elevations in Wyoming where sand blowout features are located.

#### **Wildlife**

##### *Water Withdrawal*

- Effects of water withdrawals on wildlife species (e.g., big game, fur bearers, other mammals, shorebirds, waterfowl, migratory birds, raptors) and their habitat (e.g., riparian, wetlands, shorelines) near Flaming Gorge Reservoir and the Green River upstream and downstream of the Flaming Gorge Dam.
- Effects of water withdrawals on spread of invasive animal species.
- Effects of water withdrawals on wildlife habitat in special designated areas such as Killdeer Wetlands Restoration Project, Seedskaadee NWR, Brown's Park NWR, and Ouray NWR.
- Consider flow regimes recommended by USFWS regarding releases from Flaming Gorge Dam for protection of downstream biological resources, including wildlife.

##### *Pipeline*

- Effects of project construction and operation on wildlife habitat, including habitat loss or alteration, animal entrapment in trenches, fragmentation, displacement to adjacent habitat, migration or movement corridors, nesting raptors and passerines, increased poaching by construction crews, noise, noxious weed development, use of lighting, breeding grounds, and leks.
- Concern with effects of construction and operations on sagebrush-community obligates.
- Effects of construction and operations on fish dependent species, including bald eagles.
- Effects of pipeline construction on special designated areas that contain wildlife species (e.g., Soapstone Prairie in Colorado).
- Effects of continuous disturbance for pipeline maintenance on wildlife and habitat.
- Effects of constructing new roads on wildlife species.
- Effects of transmission lines on migratory birds.
- Consider restricting pipeline construction within 1-mile of rock outcroppings where midget faded rattlesnake could be present.
- Consider avoidance of big game crucial winter ranges during project construction, particularly from November 15 through April.
- Consider restrictions on open trenches during big game fall migration periods from September 15 through November 15.

- Consider limiting construction in the Red Rim/Daley Wildlife Habitat Management Area from November 15 to April 30 to protect pronghorn antelope winter range.

#### *Storage Reservoirs/Water Delivery*

- Effects of flow changes on wildlife species near water transport systems (e.g., Platte River Basin).
- Effects of constructing new storage reservoirs on wildlife species, including waterfowl.

#### *Mitigation*

- Consider identifying thresholds for wildlife populations as part of impact analysis and mitigation planning.
- Consider monitoring, restoration, and mitigation of effects on wildlife habitat.
- Consider a plan for wildlife escapement from open trenches.
- Consider mitigation efforts to assist in prairie dog conservation and protection of other special status species.
- Mitigation and monitoring need to be implemented for the protection of midget faded rattlesnake.
- Consider off-site mitigation for wildlife species and their habitat.

#### *General*

- Effects of project activities on management agreements for wildlife species (e.g., big game species).
- Cumulative effects of proposed project and other past, present, and future actions on wildlife species and their habitat, including sensitive biological areas.
- Consider implementation of a cooperative wildlife inventory plan for crucial big game habitat.
- Surveys results from baseline and monitoring studies should be shared with the state wildlife agencies.

### **Special Status Species**

#### Aquatic

##### *Water Withdrawal*

- Effects of water withdrawals on federally endangered fish species (Colorado pikeminnow, razorback sucker, humpback chub, and bonytail) and their critical habitat and Kiwi sucker in the Green River downstream of the Flaming Gorge Dam.
- Effects of water withdrawals on water quality, food availability, competition with nonnative fishes, flushing flows, and flooded off-channel areas inhabited by federally listed fish species in the Green River.
- Effects of water withdrawals on potential bioaccumulation of contaminated food sources for federally listed fish species in the Green and Colorado rivers.
- Concern regarding withdrawal effects on native fish species that may require listing as a result of reduced river flows.

### *Mitigation*

- Consider adaptive management involving flow releases from Flaming Gorge Reservoir to meet requirements for federally listed fish species in the Green River.

### *General*

- Concern regarding downward trends in federally listed fish species populations in the Green and Colorado rivers.
- Concern regarding proposed project's ability to meet Endangered Species Act compliance, target flows established in the Flaming Gorge Operation EIS, and objectives of Colorado River Endangered Fishes Recovery program particularly in drought years.
- Effects of all project activities on special status aquatic species (i.e., federal or state listed, federal candidate or petitioned species, BLM and Forest Service sensitive) in Wyoming and Colorado drainages.
- Effects of climate change on water available for federally endangered fish species in the Green and Colorado rivers.

### Wildlife

#### *Water Withdrawal*

- Effects of water withdrawals on special status wildlife species (i.e., federal or state listed, federal candidate or petitioned species, BLM and Forest Service sensitive) (e.g., Wyoming pocket gopher, white-tailed prairie dog, black-footed ferret, pygmy rabbit, Preble's jumping mouse, greater sage grouse, yellow billed cuckoo, burrowing owl, other raptors, midget faded rattlesnake, and Wyoming toad).

#### *Pipeline*

- Effects of pipeline construction on special status wildlife species (i.e., federal or state listed, federal candidate or petitioned species, BLM and Forest Service sensitive) (e.g., Wyoming pocket gopher, white-tailed prairie dog, black-footed ferret, pygmy rabbit, Preble's jumping mouse, greater sage grouse, yellow billed cuckoo, burrowing owl, other raptors, midget faded rattlesnake, and Wyoming toad).
- Consider protection measures for greater sage-grouse involving avoidance of breeding (March 15 to June 30) and wintering areas (November 15 to March 14), and buffer distances of 0.25 mile from sage grouse leks and 0.6 mile from leks in core conservation areas during project construction.

#### *Storage Reservoirs/Water Delivery*

- Effects of storage reservoirs and water delivery on special status wildlife species (i.e., federal or state listed, federal candidate or petitioned species, BLM and Forest Service sensitive) (e.g., Wyoming pocket gopher, white-tailed prairie dog, black-footed ferret, pygmy rabbit, Preble's jumping mouse, greater sage grouse, yellow billed cuckoo, burrowing owl, other raptors, midget faded rattlesnake, and Wyoming toad).

### *Mitigation*

- Identify mitigation measures to protect special status species.

*General*

- Recommend surveys for wildlife species (e.g., greater sage-grouse, white-tailed prairie dog) where occurrence information is lacking.
- Consider avoidance strategy of riparian areas to protect yellow-billed cuckoo.
- Consider implementation of a cooperative wildlife inventory plan for sage grouse habitat.
- Effects of project activities on management agreements for special status wildlife species.

Plants*Water Withdrawal*

- Effects of water withdrawals on federally listed Ute ladies tresses orchid within the Green River watershed.

*General*

- Recommend surveys for special plant species (e.g., blowout penstemon, Ute ladies tresses orchid) where occurrence information is lacking.

**Water Resources***Water Withdrawal*

- Effects of project withdrawals on water supplies in the Green River basin.
- Effects of project withdrawals on existing uses and conditions at Flaming Gorge reservoir.
- Effects on existing beneficial uses, flow regimes, and water quality of the Green River upstream and downstream of the reservoir.
- Effects of climate change on the amount of water available in the basin, and further impacts of withdrawals on existing water users when droughts occur.
- Effects of flow reductions in the Green River on nearby groundwater supplies and water table recharge.
- Effects of water withdrawals on stream stability, flushing flows, wetlands, and floodplains in Green River Basin areas.
- Effects of decreased flows on water quality in the Green and Colorado River systems.
- Effects of water withdrawals on existing users and beneficial uses, including in-stream flows, wildlife refuges, endangered fish, tribal rights, industries, municipalities, and others.
- Effect of water withdrawals on winter ice formation in water bodies.

*Pipeline*

- Concern regarding potential groundwater contamination (e.g., trichloroethylene) during project construction.
- Effects of construction on water quality.
- Effects of construction on existing ditches and irrigation canals.

- Effects on water release from Flaming Gorge Dam during construction and operation.

#### *Storage Reservoirs/Water Delivery*

- Effects of project deliveries on water management and on storage and distribution systems in delivery regions (e.g., Lake Hattie, Fountain Creek).
- Concerns that stream stability, water quality, wetlands, fisheries, and floodplains in Front Range delivery areas may be impacted.
- Concern that building or using additional storage in southeastern Wyoming or along the Front Range will increase evaporation losses of water.
- Effects in the Laramie River basin, due to connecting Lake Hattie to the Colorado Front Range.
- Effects on existing water supply entities in Colorado from a water supply and facilities perspective.
- Effects of water diversion on flows, water quality, sediment transport, riparian and stream corridors, and vegetation in receiving streams and reservoirs.

#### *Mitigation*

- Consider the costs of mitigating increased salinity.

#### *General*

- How will the amount of water available be determined in light of the 2006 Flaming Gorge EIS ROD, what other factors or uses will be considered, and what modeling inputs will be used or changed?
- Concern that because of potential Lower Basin calls, the project will limit state and regional water supply planning and development efforts in the Upper Basin.
- The EIS efforts should review, discuss, and apply studies relevant to water availability and need, as available from the various states (especially Upper Basin states) and interstate agencies involved in water management in the Colorado River Basin under the river compacts and agreements.
- The EIS should describe the authority, process, and studies relied upon by the Corps to verify the availability of water for the RWSP under each of the Upper Basin state's compact apportionments.
- The EIS should clarify whether Reclamation will rely on the same authority, process, and hydrologic determination when contracting for Flaming Gorge water as part of any state's compact apportionment.
- Concern that all water development projects, whether public or private, need to be held to the same environmental compliance standards, including those specific to the management of the Colorado River and its tributaries.
- The EIS must address possible dewatering of aquifers.
- Effects of project on the headwaters of Colorado streams.
- Need for modeling of the impact of water withdrawal scenarios on water temperature.
- Consider using Reclamation's Riverware model to analyze impacts to the Colorado River Basin.

#### **Water Rights**

- Consider the effects of the project in the light of other water supply projects and their water rights filings.

- Consider the effects of trans-state diversions in terms of legislative requirements/ timetables that may affect the project and set precedents for future water supply projects.
- Consider adverse impacts to both existing and future water rights and uses in Wyoming and Utah.
- Explore the effects of privatizing water supply in relation to cost and legality.
- Concerns that the project may not be legal. For example, Wyoming/Colorado laws prohibit diversion of water for idle or speculative purposes (*White v. Boards of Land Commissioners*, 595 P.2d 76, 83 (Wyo. 1979).
- Identify how much water is available for diversion in the Green River and Upper Colorado River Basin from a hydrologic and climatologic standpoint and ensure the states still meet their Colorado River Compact obligations.
- Concern over the priority date of the proposed diversion rights with respect to existing rights, both senior and junior, to the Green River and the Upper Colorado basin.
- Discuss and clarify any need for storage rights associated with the project.
- Consider adjusting the project's water allocation to respond to limitations of water availability under various hydrologic conditions. Any water service contract should include provisions to allow for water administration and any necessary limitations on annual diversions due to hydrologic conditions.
- The EIS must make an independent finding of economic feasibility or require the project proponent to show that it has the water, financing, and sales necessary to prove up water rights.
- Effects on the US treaty with Mexico in terms of Colorado River salinity control and other existing and potential treaty obligations.
- Cumulative effects on Lower Basin states and affected water rights.
- Effects on Yampa River Basin water rights and projects.
- Effects on industries, municipalities, and agriculture if agricultural water rights are transferred to supply towns and industries. There could be costs to industries/municipalities to buy up the rights in the Yampa, White, and Green river basins, and losses to agriculture as water for irrigation and other agricultural uses becomes unavailable when the Project takes the remaining unused Colorado River allocations.
- The EIS must address water rights issues and impacts contemporaneously with other resource assessments.
- The Corps should not wait to address water rights issues until after the states have ruled on appropriations.
- Concern that water calls from the Lower Basin states per the Colorado River Compact could jeopardize the project and roll over to jeopardize existing water rights and uses.
- Concern that the project could impact existing water rights and agreements upstream and downstream on the Green River in the Upper Colorado River Basin, and within the Colorado River system as a whole.
- Concern that the project could affect existing industrial and municipal users along the Green, Lake Powell, Native American tribes (e.g., Ute Tribe), Grand Canyon National Park, and our international treaty with Mexico.
- Concern about the federal government intruding on states' autonomy to manage water supplies.

## **Agriculture and Grazing**

### *Water Withdrawal*

- Concern that water could be taken from agriculture for growth demands.
- Prioritization of water use should be considered.
- Water shortage/loss could adversely affect agriculture in Yampa Basin; along the Front Range; Wyoming; southwestern Wyoming; Green River Basin; Western Slope; downstream water users; Duchesne County; Uintah Basin; Western Wyoming; downstream of Seedskadee NWR.
- Concerns about the availability of water in the Green River to support existing agriculture in addition to a diversion.
- Concern regarding combined effects of drought on agriculture.
- Effects of water withdrawal impacts on livestock.
- Concern about competing interests in water for eastern agricultural communities.
- Potential beneficial effects on agriculture from increased water supplies.
- Potential increased concentrations of agricultural wastes in water.
- Concerns regarding loss of irrigation return flows.
- Concern that groundwater levels could be impacted and affect agriculture.
- Effects on aquifer and watershed protection program at Meadow Springs Ranch.
- Agricultural growth requires dependable supplies of water.
- Additional growth on the Front Range could have adverse effects on agriculture.
- Colorado needs to secure its ability to add population to the Front Range without taking water from agriculture.

### *Pipeline*

- Agriculture benefits the environment by absorbing carbon dioxide; consider maintaining agriculture as the primary land use along the pipeline corridor.
- Impacts to livestock and grazing routes on public lands from habitat alteration.
- Impacts to agriculture and grazing due to pipeline construction (e.g., ROW and continuation to the Front Range).
- Impacts of changes in water chemistry on agriculture and agricultural productivity.

### *Storage Reservoirs/Delivery System*

- Concern about impacts to irrigators in the upper North Platte drainage due to expansion of Pathfinder Reservoir.
- Concern regarding impacts to existing agricultural water infrastructure.

### *Mitigation*

- Consider installing water taps along the pipeline for agricultural use and mitigating impacts to irrigators.

- Agriculture community in eastern Colorado will need water to compensate for wells closing.
- Consider compensation for agricultural economic losses due to increased salinity levels.

#### *General*

- Carrying capacity for agriculture needs to be determined on the Front Range and for the entire Colorado River Basin.
- Concern about the affordability of water for agricultural uses; costs to future customers should be identified.
- EIS should include an evaluation of economic impacts on agriculture.
- Concern about beneficial economic uses of unused water allocations (e.g., flood-irrigated hay on Western Slope is a low-value crop).
- Assessment needed for energy demand and greenhouse gas emissions resulting from water treatment and end-use of water for agricultural purposes.

#### **Air and Noise**

##### *Water Withdrawal*

- Effects of water withdrawals on soil moisture and potential wind erosion.

##### *Pipeline*

- Effects of fugitive dust and vehicular emissions during construction.
- Effects of new roads associated with the project on previously undisturbed areas and noise/light pollution.

##### *Storage Reservoirs/Water Delivery*

- Effects of continuous pumping operations on noise levels if the Regional Watershed Supply Project reaches full capacity.

##### *Mitigation*

- Consider mitigation measures for effects of pump station emissions on air quality.
- Consider mitigation measures on effects of construction on noise and air quality.
- Consider maintaining agriculture as the primary land use along the pipeline corridor to offset CO<sub>2</sub> emissions from the I-80 and I-25 corridors.

#### *General*

- Consider an inter-agency air quality workgroup to discuss air quality analysis and appropriate mitigation measures.
- Consider effects on air quality from conventional energy sources, including carbon and other pollutants that may be released into the atmosphere.
- Effects of project-related population growth on air quality in cities on the Front Range of Colorado.

## Climate Change

- Effects of glacier reduction and changes in precipitation patterns from climate change on water availability in Flaming Gorge Reservoir and the Green River, and reliability of water resources for the project both currently and in the future.
- Cumulative effects of climate change, drought and water withdrawal on the Green River, Flaming Gorge Reservoir, and the Colorado River Basin.
- Technical feasibility of water withdrawal, considering impacts of climate change.
- Potential magnification of project impacts due to climate change, including impacts to water levels, fisheries, habitat and flows for endangered species.
- Cumulative effects of water withdrawal and climate change on water availability for industrial, agricultural, and municipal needs, as well as other diversions and obligations downstream.
- Effects of both micro and macro changes in climate on water availability for the project and other water needs.
- Effects of the need for additional power sources in response to reduced hydroelectric power generation, and the carbon and greenhouse gas emissions of these power sources.
- Effects of carbon sequestration on water availability for the project and other uses.
- Concern that previous studies of water availability have not considered the effects of climate change.
- Consider basing predictions for water availability resulting from climate change on the lower estimates of availability.
- Effects of project activities, including construction, operations, maintenance, and energy needs on carbon and greenhouse gas emissions and climate change.
- Effects of project on future development that further contributes to climate change.
- Compliance of project activities with federal mandates related to climate change.
- Consider the Palmer Drought Severity Index, the Colorado Division of Water Resources book on climate change, and the expertise of Wyoming State Climatologist Dr. Stephen Gray when analyzing the effects of climate change and drought.
- Consider consulting with the National Oceanic and Atmospheric Administration to properly analyze the effects of potential climate change scenarios on the project.

## Cultural Resources

### *Water Withdrawal*

- Effects of water withdrawals and other project activities on historic, cultural, archaeological, and paleontological resources along the pipeline route (e.g., Dinosaur National Monument, Canyonlands, Soapstone Prairie, the Laramie Foothills Mountains to Plains Conservation Area, Expedition Island, National Monuments, and other significant sites).
- Effects of water withdrawal and pipeline construction on the North Ute Indian Tribe.
- Effects of water withdrawal and other project activities on potential future Wild and Scenic designation of the Green River, based on historic and cultural resource values.
- Effects of water withdrawal on environmental and cultural education offered by recreation opportunities.

*Pipeline*

- Effects of pipeline construction and other project activities on historic trails, including the Overland, Cherokee, and Oregon Trails.

*Mitigation*

- Define the mitigation plan for impacts to cultural and historic resources.

*General*

- Effects of project activities on the historic value of the Green River.
- Effects of project activities on Uintah, Northern Ute, and Navajo Tribes and culturally significant sites.
- Effects of project on traditional cultural properties and activities.
- Compliance of project with the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and State Historical Preservation Offices.
- Effects of project activities on opportunities for cultural education afforded by recreational activities.
- Cultural environmental justice and other issues need to be addressed.
- Impact of project activities on historic trails, native Traditional Cultural Properties, and historic sites.
- Consider the ethnography of Wyoming and the Colorado Front Range.

**Geology and Soil***Water Withdrawal*

- Effects of water withdrawals on unstable formations and soils, resulting in faults, sinkholes, and landslides.
- Effects of water withdrawals on river geomorphology and channel incision downstream of the Green and Colorado rivers, including in Dinosaur National Monument and Flaming Gorge NRA.
- Effects of water withdrawals on soil moisture and potential wind erosion.
- Effects of water diversion and low peak flows on sediment loading and transport in the Green River.
- Effects of water diversion and construction on overland water flow, groundwater infiltration, erosion, and ice scour in water bodies.
- Effects of water diversion on sedimentation in Flaming Gorge Reservoir, the Green River, and its tributaries.

*Pipeline*

- Effects of pipeline alignment and construction activities on unstable formations and soils, resulting in faults, sinkholes, and landslides.
- Concern with the pipeline's structural integrity during geological events.
- Consider excess spoil and soil displacement during pipeline construction.
- Consider the need for cathodic protection on the pipeline.
- Consider mineral rights along pipeline corridor.

- Effects of construction on dust emissions, soil displacement, compaction, and contamination, and surface disturbance.
- Effects of surface disturbance of soil on the establishment of invasive species.

#### *Storage Reservoirs/Water Delivery*

- Consider geological dangers and unpredictable events, such as earthquakes, caused by project reservoirs.
- Effects of project activities on streambank stability, erosion, suspended sediment, riparian integrity, streamside vegetation, and water quality on delivery basins and streams, including Fountain Creek, South Platte River, and Cactus Hill Reservoir.
- Consider effects of the existing soil type in the project area on pipeline construction.
- Impact of surge ponds on sedimentation.

#### *Mitigation*

- Describe plan for monitoring and mitigating soil erosion and stability.
- Consider how soils will be restored in the event of a spill.

#### *General*

- Consider the effects of geological processes on water quality.
- Effects of project activities on soil alkalinity in restored wetlands.

### **Industrial Resources/Infrastructure**

#### *Water Withdrawal*

- Concern regarding the dependence on Green River water by industries.
- Concern about water availability for industrial uses and impacts of water loss/withdrawal.
- Concern about potential impacts to existing industries and industrial development and growth due to water loss/withdrawal (e.g., coal; natural gas; trona; phosphate; power generation; fertilizer; mineral extraction; uranium, in Sweetwater County; southwestern Wyoming; Colorado River Basin; Green River Basin).
- Concern about potential impacts to future industrial development and growth due to water loss/withdrawal (e.g., nuclear power; oil-shale; Jim Bridger power plant; Simplot; Shute Creek; tar sand; oil and gas; Colorado River energy projects; general resource development).
- Concern about potential impacts to industrial jobs and economics due to water loss/withdrawal (e.g., southwestern Wyoming; project-wide; Duchesne County; Uintah Basin).
- Concern about potential impacts to industries located downstream of withdrawal points.
- Concern about potential impacts to existing structures or infrastructure due to water loss/withdrawal.
- Concerns regarding water levels dropping below industrial intake structures.

#### *Pipeline*

- Concern about potential impacts to existing natural gas pipelines.

*Storage Reservoirs/Water Delivery*

- Concern regarding water being transferred to the Front Range for industrial uses.

*General*

- Concern about effects of drought on water availability for industry.
- Concern with potential changes in water chemistry due to industrial uses/processing and toxins/byproducts.
- Assessment needed of energy demand and greenhouse gas emissions resulting from water treatment, natural gas pumping stations, and end-use of water for industrial purposes.

**Land Use***Water Withdrawal*

- Beneficial water allocations in other downstream states are already being utilized.
- Some counties' land use plans don't support actions that restrict local development of water rights, divert water out of the state, or impact water quality and flow rates.

*Pipeline*

- Project proponent must contact landowners regarding ROWs across their property and secure easements (e.g., Anadarko; Rock Springs Grazing Association).
- Concern regarding the purchase of private land for development, the fair payment for land, and potential condemnation of private land.

*Storage Reservoirs/Water Delivery*

- Concern about compensation for local landowners (e.g., near Cactus Hill Reservoir).
- Concern regarding impacts to public land (e.g., state land near T-Cross Reservoir).

*General*

- A landscape analysis addressing water development impacts should be developed.
- Concern regarding potential overdevelopment due to availability of water, natural gas, and other resources.
- Concern regarding private use of a public resource (e.g., public land).
- Consider new land use controls.
- Land use authorizations and ROW issues and permitting should be done at the local level.
- Involve local landowners in planning.
- Consider a balance between the multiple uses of public land and resources.

**Power/Energy***Water Withdrawal*

- Effects of water withdrawals on hydroelectric power generation at Flaming Gorge Reservoir.

- Effects of water withdrawals on dam storage and hydroelectric power generation downstream of the water diversion in Wyoming, Utah, and Colorado along the Green and Colorado rivers, including Glen Canyon Dam, Hoover Dam, Davis Dam, and Parker Dam.
- Effects of water withdrawals and reduced hydroelectric energy production on the reliability of power for Western Area Power Administration customers in Wyoming, Utah, Colorado, Nebraska, and New Mexico.
- Define the source and amount of energy needed for water diversion.
- Effects of continuing drought and diversions on the operation of hydroelectric power generation and facilities.
- Effects of water withdrawals on the development of new energy sources, such as oil shale, nuclear energy and the construction of water-cooled power plants.
- Effects of water withdrawals on hydroelectric energy production, supply, and water treatment costs at the Jim Bridger Power Plant and Spring Power Plant.
- Effects of water withdrawals on revenue produced by hydroelectric power generation.
- Concern with the cost of purchased power needed to replace lost hydroelectric power resulting from reduced stream flows.

#### *Pipeline*

- Define the source and amount of energy needed for construction, operations and maintenance.
- Effects of pipeline construction on the development of new energy sources (e.g., oil shale, nuclear energy, and the construction of water-cooled power plants).
- Define the total power generating capacity of the pipeline.
- Concern regarding the energy needs for continuous pumping from the Green River will be necessary if the RWSP reaches full capacity.

#### *Storage Reservoirs/Water Delivery*

- Concern regarding the consumption of natural gas, clean coal, and fossil fuels at pumping stations.
- Define the source and amount of energy needed for water transport, operations, and maintenance.
- Request to describe requirements for water pumping and transport in Wyoming and Colorado.

#### *Mitigation*

- Describe plan for mitigating impacts to hydroelectric power generation.
- Consider the possibility of reimbursing federal government for loss of revenue.

#### *General*

- Effects of reduced hydroelectric power generation on costs to Western Area Power Administration customers.
- Consider the use of renewable and clean energy sources (wind, water, solar) to supply project activities.
- Effects of reduced hydroelectric power generation on the regional economy and jobs.
- Consider temporal patterns of energy use and consumption.

- Effects of project activities on energy use, efficiency, and demand.
- Consider the energy demands of other water supply projects compared to this project.
- Describe any hydroelectric power generation benefits for the Western Slope of Colorado.
- Effects of project activities on PacifiCorp, Arizona Power Authority, and the Western Area Power Administration, who supply and transport power in the western states, including the need for additional water treatment and added costs.

### **Public Safety**

- Concern with potential impact of construction activities on safety along the 287 corridor.
- Concern about presence of uranium (e.g., Cactus Hill reservoir site).
- Concern with potential effect of in-situ uranium mining on local water supply.
- Concern that lower water levels could expose natural hazards (e.g., Lake Hattie).
- Concern about potential impact of project activities on mosquito control.
- Concern about potential impact of project activities on clean and safe drinking water.
- Concern about potential direct and indirect impacts to public health.
- Concern about potential impacts of the privatization of water resources on environmental pollution.

### **Recreation**

#### *Water Withdrawal*

- Concern regarding potential impacts of diversions on recreation/tourism (e.g., swimming, boating/rafting, fishing, and waterskiing; in southwest Wyoming: on Flaming Gorge Reservoir, Green River, below Fontanelle Dam, Dutch John, Browns Park and Seedskaadee NWA lands, and southwest Wyoming).
- Concern regarding the potential impacts to recreation-based economies and businesses that are financially dependent on the resources (e.g., local businesses, Uintah Basin, Daggett County, eastern Utah, and southwestern Wyoming).
- Concern regarding potential impacts of diversions on existing outfitting operations, outdoor education programs, related businesses, special use permit holders, and local economies (e.g., Duchesne County).
- Concern regarding potential impacts of diversions on surrounding land-based recreation/tourism, specifically preservation of opportunities such as camping, hunting, and hiking.
- Concern regarding potential impacts of diversions on surrounding land-based recreation/tourism, specifically the effects of withdrawal on non-native woody vegetation and impacts to sportsmen's access to the shoreline at Flaming Gorge Reservoir.
- Concern regarding the effects on flow rate prioritization for recreation during drought years.
- Concern regarding potential impacts of diversions on downstream recreation/tourism (e.g., Lake Powell, Colorado River, Red Canyon, Gates of Lodore to Split Mountain, Grand Canyon, Grey Canyon, Dinosaur National Monument, Desolation Canyon Recreation Area, Dead Horse Point State Park, Glen Canyon NRA and fishery, Lake Mead NRA and fishery, and Mexico).
- Concern regarding potential impacts to on-going recreation investments/construction of new recreation and whitewater facilities in the town of Green River and along the Green River greenbelt.

### *Pipeline*

- Concern regarding potential impacts of construction, operation, and maintenance on recreational opportunities.

### *Storage Reservoirs/Water Delivery*

- Concern regarding potential impacts of diversions on water levels and recreation at Lake Hattie.
- Concern regarding potential impacts or benefits to sport fishing (e.g., Lake Hattie, Twin Buttes).
- Concern regarding potential impacts of T-Cross and Cactus Hill reservoirs on public fisheries and recreation facilities and opportunities.
- Concern regarding the potential impacts of increasing water recreation on reservoirs in Colorado.

### *Mitigation*

- Consider future mitigation to recreation-based businesses for potential loss of business due to water withdrawal (e.g., fishing licenses, marina operators, cost of relocating boat ramps and marinas, river and reservoir outfitters, resorts, concessionaires, shuttles, and others).

### *General*

- Concern regarding potential impacts to Wild and Scenic River designation opportunities.
- Concern regarding potential impacts to recreation for future generations.
- Concern regarding potential impacts to scenic and recreational values of Flaming Gorge NRA.
- Concern that less future recreational development could occur as a result of this proposed project.
- Concern that all proposed alternatives could potentially impact recreation and tourism.

## **Socioeconomics**

### *Water Withdrawal*

- Effects of water withdrawal and project activities on the economic value of recreation and tourism in Wyoming and Utah, including boating, fishing, bird watching, hunting, and whitewater recreation.
- Effects of water withdrawal on the economic value of recreation and tourism on Flaming Gorge Reservoir, the Green River, Lake Hattie, Lake Powell, and Hams Fork River.
- Effects of water withdrawal on the affordability of water for domestic, business, municipal, and agricultural use.
- Effects of water withdrawal on future socioeconomic growth (agricultural, commercial, industrial, residential, municipal) in southwestern Wyoming, Sweetwater County, and Colorado's Front Range.
- Effects of water withdrawal on the cost of hydroelectric power for Western Area Power Administration customers.
- Effects of water withdrawal on landowners, private land, and property rights in Wyoming.
- Effects of water withdrawal on local events, such as Flaming Gorge Days and annual bass fishing tournaments.
- Effects of water withdrawal on domestic water restrictions.
- Effects of water withdrawal on private domestic wells and groundwater supplies.

- Effects of water withdrawal on funding and costs of current and previous restoration efforts in the project area.
- Effects of water withdrawal on current and past local investment in recreational facilities.
- Effects of water withdrawal on revenue from fishing license sales, hydroelectric power generation, and National Wildlife Refuges in Wyoming and Utah.

#### *Pipeline*

- Effects of pipeline construction and easement negotiations on landowners, private land, and property rights in Wyoming.
- Effects of construction on traffic, commerce, and safety in the pipeline corridor.
- Impact of pipeline construction and maintenance on affordable housing and future development in project area.

#### *Storage Reservoirs/Water Delivery*

- Short and long-term effects of transporting natural resources to areas where resources are scarce, including potential shortages, interruptions in service, and pipeline damage and repair.
- Concern about the effects of the project on economically and environmentally unsustainable growth on the Front Range of Colorado.
- Effects of water diversion on growth, economies, and quality of life on the Front Range of Colorado.

#### *Mitigation*

- Consider compensation for relocating recreation facilities, such as marinas, as a result of lower water levels.
- Costs of monitoring and mitigating impacts, including water treatment, from invasive species, increased salinity, increased sedimentation, and reduced water quality.
- Define any compensation to landowners, taxpayers, businesses, and governments in the project area and Colorado River Basin for impacts of water withdrawal, pipeline construction, water treatment, and other project activities.
- Consider requiring MCRG to cover all construction costs.
- Costs of monitoring and mitigating impacts to private land, conservation areas, land restoration projects, and habitat and fishery restoration projects.

#### *General*

- Consider socioeconomic benefits and adverse impacts of project on residents and local economies of southwestern Wyoming, the western slope of Colorado, northeastern Utah, and Colorado, Wyoming, and Utah as a whole.
- Effects of project activities on economic diversity in the project area.
- Consider socioeconomic benefits and adverse impacts of project on Sweetwater County, Sweetwater County Airport, Daggett County, Duchesne County, Sublette County, and the towns of Green River, Rock Springs, Mountain View, Dutch John, Manila, Kemmerer, and Diamondville.
- Define any profits that could result from the project for private entities, public entities, and local communities.

- Consider the economic effects of the privatization of public water resources.
- Temporary and long-term effects of project activities on local jobs and economy, recreation-based businesses (guiding, marinas, etc), tourism-based businesses, local property values, coal, oil, mining, gas, fertilizer, soda ash, trona, and hydroelectric industries.
- Define cost of project overruns, unexpected scenarios, the EIS study, and project operations to taxpayers, governments, the Army Corps of Engineers, and end water users.
- Consider costs of purchasing other forms of power as a result of reduced hydroelectric power generation.
- Consider costs of litigation resulting from the project.
- Concern about number of people the project could impact in the project area and the Colorado Basin.
- Consider costs of emergency services related to project activities on local communities.
- Concern that federal, state and local governments cannot afford project.
- Effects of project on power differentials on the Front Range versus the Western Slope and Wyoming.
- Effects of project on affordability of water for small municipalities and agriculture compared to larger or more powerful municipalities.
- Concern that project is politically and financially motivated, rather than based on practicality or need.
- Effects of project activities on food and fuel sources, including agriculture, subsistence hunting, and fishing.
- Effects of project activities on families, lifestyle, quality of life, and future generations in the project area.
- Effects of project on public and private investment capital.
- Analysis of demands, needs and impacts should be updated to reflect current economic conditions.
- Concern that project economics are not well-defined and both legal and economic issues cannot or will not be addressed.

### **Special Designation Areas**

#### *Water Withdrawal*

- Effects of water withdrawal on potential future Wild and Scenic designation on the Green River.
- Effects of water diversion on national parks, wildlife refuges, wilderness areas, and other special designation areas downstream of the diversion (e.g., Grand Canyon National Park, Ouray NWR, Canyonlands National Park, Dinosaur National Monument, Glen Canyon NRA, Lake Mead NRA, Desolation Canyon Recreation Area, Dead Horse Point State Park, Desolation Canyon, Grey Canyon, Labyrinth Canyon, and Cataract Canyon).
- Effects of water withdrawal on special designated sites in the project area (e.g., Seedskaadee NWR, Flaming Gorge NRA, Browns Park NWR, Mortenson Lake NWR, Hutton Lake NWR, Red Rim/Daley Wildlife Habitat Management Area, Stewart Lake Wildlife Management Area, Adobe Town, Red Desert [potential National Conservation District], Soapstone Prairie Natural Area, Meadow Spring Ranch, and Pawnee National Grassland).
- Effects of water withdrawal on the recreational, tourist, and economic value of Flaming Gorge NRA.

- Effects of water withdrawal on the ecosystem, recreation and economic value of Seedskadee NWR and Important Bird Area.
- Effects of water diversion on the Killdeer Wetlands Restoration Project.
- Effects of water withdrawal on the ecosystems and recreation in Dinosaur National Monument and Grand Canyon National Park.
- Effects of water withdrawal on restoration projects and dewatering the ground at Seedskadee NWR.

#### *Pipeline*

- Effects of construction on potential future Wild and Scenic designation on the Green River.
- Effects of construction, operations, and maintenance on special designated sites in the project area (e.g., Seedskadee NWR, Flaming Gorge NRA, Browns Park NWR, Mortenson Lake NWR, Hutton Lake NWR, Red Rim/Daley Wildlife Habitat Management Area, Stewart Lake Wildlife Management Area, Adobe Town, Red Desert [potential National Conservation District], Soapstone Prairie Natural Area, Meadow Spring Ranch, and Pawnee National Grassland).
- Effects of construction on the ecosystem, recreation, and economic value of Seedskadee NWR and Important Bird Area.

#### *General*

- Effects of project activities on wetlands, phytoplankton production, vegetation, migratory birds, waterfowl, shorebirds, colonial water birds, and wildlife habitat in wildlife refuges and other special designated areas.
- Review the guiding/creative legislation for Flaming Gorge Reservoir, Fontanelle Reservoir, and Seedskadee NWR, particularly in relation to the legal importance of Seedskadee for the mitigation of habitat loss.
- Effects of project activities on National Historic Sites, including Expedition Island.
- Effects of project activities on breeding habitat for Trumpeter swans in Seedskadee NWR, Wyoming, Idaho, and Montana.
- Effects of project activities on Larimer County conservation easement lands.
- Effects of project activities on the economic and ecological value of National Wildlife Refuges.
- Effects of project activities on natural and cultural resources within the Laramie Foothills Mountains to Plains Conservation Area.
- Effects of project activities on the Upper Colorado RIP, Glen Canyon Dam Adaptive Management Program, and the Lower Colorado Multi-Species Recovery Program.
- Consider the management goals of Flaming Gorge NRA.
- Concern that there is no alternative to the point of diversion near Seedskadee National Wildlife Refuge.

### **Visual Resources**

#### *Water Withdrawal*

- Aesthetic impacts of reduced water levels on the Green River and Flaming Gorge Reservoir, including a potentially visible "water ring."

- Effects of water withdrawal on potential future Wild and Scenic designation on the Green River based on scenic values.
- Effects of water diversion on the economic value of scenery on the Green River and Flaming Gorge Reservoir.

*Pipeline*

- Effects of pipeline construction and presence on scenery and landscapes.
- Effects of pumping station construction and presence on scenery and landscapes.
- Effects of road construction and presence on light pollution and scenery.
- Consider impacts of pipeline construction and maintenance on scenic values.

*General*

- Effects of project activities on unique scenery and landscape.
- Effects of project activities on Outstanding Resource Values, including scenery.

## **Appendix F**

### **References to be Considered in the EIS**

## References to be Considered in the EIS

Many comments were received during the scoping periods that contained references to additional studies, commentaries, and publications, which were suggested to be considered during the EIS process. Where references could be researched and cited, they are included in this appendix. Those references that were mentioned but were missing information to locate a citation, or references of a general nature, are also included at the end of this appendix.

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- Wyoming Statutes, Title 41 – Water, Chapter 3 – Water Rights; Administration and Control, Article 2-Rights to Foreign Waters, Section 41-3-205. Rights of owner; priority of claims; subject to appropriation and diversion.

**General References Provided with Limited Information**

- Reference to a Utah Division of Wildlife study on the effects of low base flows on the fishery being completed below the dam.
- Reference to a previous Wyoming study on diverting water from the Green River at Sweetwater River, and related literature.
- Reference to the Colorado River Supply Project.
- Compare the proposed project to other proposed water supply projects, including the Southern Delivery System, the Central Colorado Project, project proposed by the Colorado-Wyoming Coalition, Two Forks, Glade Reservoir, and other projects on the Western Slope, Aspinall, Flaming Gorge Reservoir, and the Poudre River.
- Consider data from Reclamation on excess water.
- Consider Reclamation's recent ROD guidelines.
- Consider the recommendations of Reclamation's climate technical group.
- Reference made to Aspinall Unit's primary 1956 Congressional purpose to help Colorado beneficially use its entitlements.
- Reference made to Colorado Department of Natural Resources August 2008 request to contract 200,000 acre-ft of Reclamation's undeveloped Aspinall Pool water for unspecified, non-consumptive, downstream purposes.
- Reference made to Resolution No. 09-33 opposing the project.
- Reference made to previous studies by University of Wyoming researchers.
- Reference to recent study by the Bureau of Reclamation by the Water Resources Group in Salt Lake City on water availability in the Green River.
- Reference to CEQ regulation 40 C.F.R. § 1502.14(a), Alternatives including the proposed action.
- Reference to previous and current NEPA process issues experienced by the Northern Integrated Supply Project.