



COLORADO PARKS & WILDLIFE

1313 Sherman St. • Denver, Colorado 80203
Phone (303) 866-3437
wildlife.state.co.us • parks.state.co.us

Gwyn M. Jarrett, PMP
CENWO-PM-AA
1616 Capitol Avenue
Omaha, NE 68102-4901

RE: The Chatfield Reservoir Reallocation Final Environmental Impact Statement

Dear Ms. Jarrett,

The Colorado Division of Parks and Wildlife (CPW) would like to provide the following comments and suggestions to the United States Army Corps of Engineers (Corps) on the Chatfield Reservoir Storage Reallocation Final Environmental Impact Statement (FEIS). We appreciate this opportunity to provide these comments and hope you will find them useful in the issuance of a Record of Decision (ROD). The reallocation of any additional storage space within Chatfield Reservoir (the "Reallocated Space") will directly impact one of Colorado's most popular recreational areas, Chatfield State Park, as well as its associated environment. Its close proximity to both the Denver Metro area and the foothills provides a valuable and unique opportunity for the public to connect to the natural world through fishing, camping, boating, hiking, biking, horseback riding and wildlife viewing. Chatfield State Park is a vital component of CPW's State Parks system, attracting 1.6 million visitors annually. Further, the South Platte River and its associated riparian corridor, particularly that portion located downstream of Chatfield Reservoir, also provides valuable aquatic habitat and recreational opportunities in metropolitan Denver.

CPW appreciates the fact that you have included our earlier comments in Appendix DD of the FEIS and have taken the time to respond to our concerns. We are also pleased that you acknowledge the on-going state processes occurring between CPW and the Chatfield Water Providers, who will ultimately store water within any reallocated storage space. CPW has been actively involved with the Reallocation Project and the Project Participants for some time and have provided assistance in the development of their: (1) Fish and Wildlife Mitigation Plan required pursuant to C.R.S. § 37-60-122.2, which will include a Coordinated Reservoir Operations Plan regulating releases from the reallocated storage space; (2) Recreation Mitigation Plan, which will include the Chatfield Marina; and (3) Financial Mitigation Plan for the park. The formal presentation and approval of these plans as part of the State process will take place beginning in November and be completed by January 2014. CPW believes it would be appropriate to specifically reference the implementation of these plans in the ROD issued for this project due to the pre-existing

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Steven M. Yamashita, Acting Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Horne
Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
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contractual obligations between the Corps and CPW regarding the operation of Chatfield State Park.

We would like to clarify and reiterate a few concerns that CPW believes remain unresolved in the FEIS, and provide some suggestions on how they may be addressed.

- We are supportive of the effort of providing bypass flows (page 26 of the Adaptive Management Plan, Appendix GG) to the South Platte River below Chatfield Reservoir for the protection of water quality. The suggested bypass flow rates will not provide the protection intended and will be very difficult, if not impossible, to measure at the Chatfield gage on the South Platte River. We would suggest that additional flow amounts be required which would not only provide water quality protection, but also would provide some protection of the overall river environment. Based on prior CPW field work and examination of the downstream environment, we suggest a bypass flow of 2 c.f.s. in the winter and 5 c.f.s. in the summer, to protect against the impacts associated with any additional “no-flow” or “low-flow” days below Chatfield Reservoir. We would also like to suggest that these bypass flows could be routed through the Chatfield State Fish Unit on their way to the river. CPW is partnering with the Colorado Division of Water Resources to install and maintain equipment that will accurately measure and record low flows that are passed through the Fish Unit, which is a recognized outlet from the reservoir to the South Platte.
- The FEIS (page 38 of the Adaptive Management Plan) tasks CPW with monitoring the status of aquatic life and fisheries both within and downstream of Chatfield Reservoir. CPW cannot guarantee that it can or will continue these monitoring activities for the life of the Reallocation Project, although we are willing to assist in such monitoring activities as CPW’s budget and personnel allows. To that end, it may be better to incorporate monitoring as part of the overall implementation of the AMP by the Water Providers.
- According to the Adaptive Management Plan (AMP) within the FEIS, the Corps has determined “downstream aquatic habitat is not anticipated to be significantly negatively affected by reallocation”. We understand that this determination is based on the storage of the junior water rights listed in Appendix V (USFWS Biological Assessment, Attachment, Table 3) and, in that regard, CPW requests that the ROD specifically limit the type of

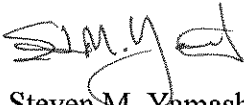
water rights that may be stored within the reallocated storage space to “junior water rights” decreed with a 1980 or more junior priority date. In addition and even if only “junior water rights” are stored within the reallocated storage space, CPW believes there is insufficient information on future operations within the FEIS to assess potential downstream impacts on fish and wildlife resources. CPW is currently working with the Project Participants outside of the federal process to identify and minimize the impacts on the downstream environment as part of the State required Fish and Wildlife Mitigation Plan.

- The AMP (pages 30, 34-35) suggests there may be an agreement with Denver Water that would allow their water rights to be stored within the reallocated space. The storage of more senior water rights, including those owned by Denver Water, would cause upstream, downstream and in-reservoir impacts that have not been evaluated in the FEIS. These impacts would not be mitigated under the current Compensatory Mitigation Plan because that plan assumes only “junior water rights” will be stored and therefore does not proposed any mitigation for the storage of “senior” water rights, i.e., those with a 1979 or more senior priority date. If senior water rights are stored in the reallocated space, we believe upstream, downstream and in-reservoir impacts need to be further analyzed and additional mitigation may be required.
- The preliminary operations plan in the AMP (page 30 of the AMP) appears to be similar to the plan presented in the CMP (Appendix K). It allows the Project Participants to use the reallocated space with few restrictions on the storage or release of water. If such operations are found to be detrimental the AMP only provided for additional “studies”, but does not require operational modifications to alleviate the identified negative impact. CPW is concerned that the limited direction provided on reservoir releases will not sufficiently protect the existing recreational experience at Chatfield State Park or the fish and wildlife resources. CPW is currently working with the Project Participants to structure the releases from Chatfield Reservoir so a more predictable reservoir fluctuation can be expected during the majority of the recreational season. In addition we are seeking agreements from the Project Participants that would protect against sport fish, such as walleye, from emigrating from the reservoir during key times of the year.
- The FEIS (Table 1-1) provides that if the Reallocation Project is approved, CPW will hold and use 1,000 acre-feet of the reallocated storage space. CPW and

CWCB, both agencies within the Colorado Department of Natural Resources, have conceptually agreed to an intra-department transfer of CPW's interest in the reallocated storage space to the CWCB. Therefore, CPW does not anticipate holding the 1,000 acre-feet at the time the ROD is issued.

Colorado Parks and Wildlife greatly appreciates this opportunity to comment on the FEIS. Thank you in advance for your time and consideration of these issues. Please contact Ken Kehmeier at 970-472-4350 if you require any additional information or clarification of the points made in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Yamashita". The signature is written in a cursive, somewhat stylized font.

Steven M. Yamashita
Colorado Parks and Wildlife-Acting Director