

December 10, 2013

Colorado Parks and Wildlife Commission
6060 Broadway
Denver, CO 80216

Dear Commission Members:

I appreciate the opportunity to provide comments on the Fish, Wildlife and Recreation Mitigation Plan for the proposed Chatfield Reallocation Project. I should note that I spent much of my professional career with EPA Region 8 dealing with western water issues including reviewing projects under the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA) as well as representing EPA on national water policy matters. Consequently I fully recognize how complex and controversial water projects can be. For folks who have not dealt with water issues on a routine basis I can well imagine the complexities can seem rather daunting.

There has been some grumbling over the cost of the mitigation plan. I have little sympathy with that concern as it is the project proponents who have selected to pursue **the most environmentally damaging alternative** (see Table 2-9 in the Corps of Engineers' Final Environmental Impact Statement [FEIS]) and hence the need for extensive mitigation.

The mitigation plan has some improvements over that in the Corps' FEIS. Most noticeable is the proposed reclamation on Plum Creek, which is similar to what has been successfully done on Cottonwood Creek in Cherry Creek State Park. Another plus is the proposal for the providers to fund the hire of an engineer thru Colorado Parks and Wildlife to assist in the implementation of the proposed mitigation.

Despite these improvements the proposed mitigation plan has MAJOR deficiencies. It is critical to recognize that some of the impacts cannot be mitigated, particularly the loss of the mature cottonwoods which pre-existed the dam and the inundation of reaches of the South Platte and Plum and Deer Creeks. Furthermore, even if the other proposed mitigation is successful (and environmental mitigation is problematic) much of the proposed mitigation will occur OUTSIDE of the Park. Consequently there will be a significant net loss of wildlife habitat and wildlife related recreation opportunities in Chatfield State Park if the reallocation proceeds as planned.

The mitigation plan relies heavily on "adaptive management". In order for such an approach to achieve any degree of success it is vital to have objective monitoring, enforceable commitments, and on the ground implementation. I have a number of recommendations that I hope the Commission would require in the mitigation plan to help ensure that Chatfield State Park and its environmental and recreational resources are not devastated by the proposed reallocation.

- < In addition to providing for an engineer, the project proponents should pay for a temporary “restoration ecologist” in the Parks and Wildlife Department to assist in the mitigation.
- < Objective monitoring of project impacts is essential and therefore the project proponents should pay for an independent entity to conduct the monitoring and I would recommend that this be done by the Colorado Natural Heritage Program. CNHP has considerable monitoring expertise and has a record of resource monitoring for the Colorado Division of Wildlife.
- < Given that enforcement of mitigation requirements is critical, and the historic track record on implementation of mitigation is not encouraging, I recommend that attorneys for the Commission ensure the enforceability of all mitigation.
- < It is critical that subject experts from the Division of Parks and Wildlife and staff from Chatfield State Park be on the Project Coordination Team and all other decision-making and advisory entities associated with this proposal.
- < Given that the proposed Reallocation will impact critical public resources, the Commission should require addition of public representation on the Project Coordination Team as well as on all other decision-making and advisory entities associated with the reallocation.
- < The project proponents should be required to provide, and make available to the Commission and the public, an annual report on project impacts and status of all mitigation.
- < Given that the reallocation will effectively remove 587 acres of valuable wildlife habitat and recreational land from Chatfield State Park, the project proponents should acquire, from willing sellers, 587 acres of land adjacent to the Park and transfer ownership to the State.
- < While it is clear that .7 mile of the South Platte River (which provides very unique and valuable wildlife habitat and recreational opportunities) in the Park will be adversely impacted, it is very uncertain what could be done to “enhance” the reach above the 5,444 elevation, as currently proposed, or if that reach is even in need of enhancement. Therefore the Commission should require that any and all resource values lost in the .7 miles be fully replaced and that additional mitigation be implemented beyond the proposed “enhancement.”
- < The Chatfield Reallocation Project was originally sold as an “environmental enhancement” project with improved flows in the South Platte below Chatfield Reservoir. However it is now clear that there will be less water (FEIS, Fig. 4-12, p. 4-54) with a significant increase in zero flow days (Chatfield Reallocation Update, Presentation by Scott Roush and Ken Kehemeier to the Commission, Sept. 13, 2013). To ensure that the South Platte remains a viable ecological and recreational resource, the Commission

should require that the mitigation plan include a firm commitment from the project proponents to maintain appropriate (to be determined by Parks and Wildlife staff) minimum flows below the dam.

As mentioned above, even with successful mitigation Chatfield State Park and its wildlife and recreational resources will be adversely impacted. However, I believe that the addition of the above recommendations would further reduce some of the negative impacts and be fully consistent with the Commission's mandate to protect, preserve, and enhance the public wildlife and recreational resources.

Thank you for this opportunity to comment,

Gene R. Reetz, Ph.D.