

Technical, Political, and Environmental Requirements of Transbasin Diversions

Brian Werner, Northern Water

Becky Mitchell, Colorado Water Conservation Board

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Colorado Water Congress EST 1958
THE LEADING VOICE OF COLORADO'S WATER COMMUNITY



Colorado Transbasin Diversions

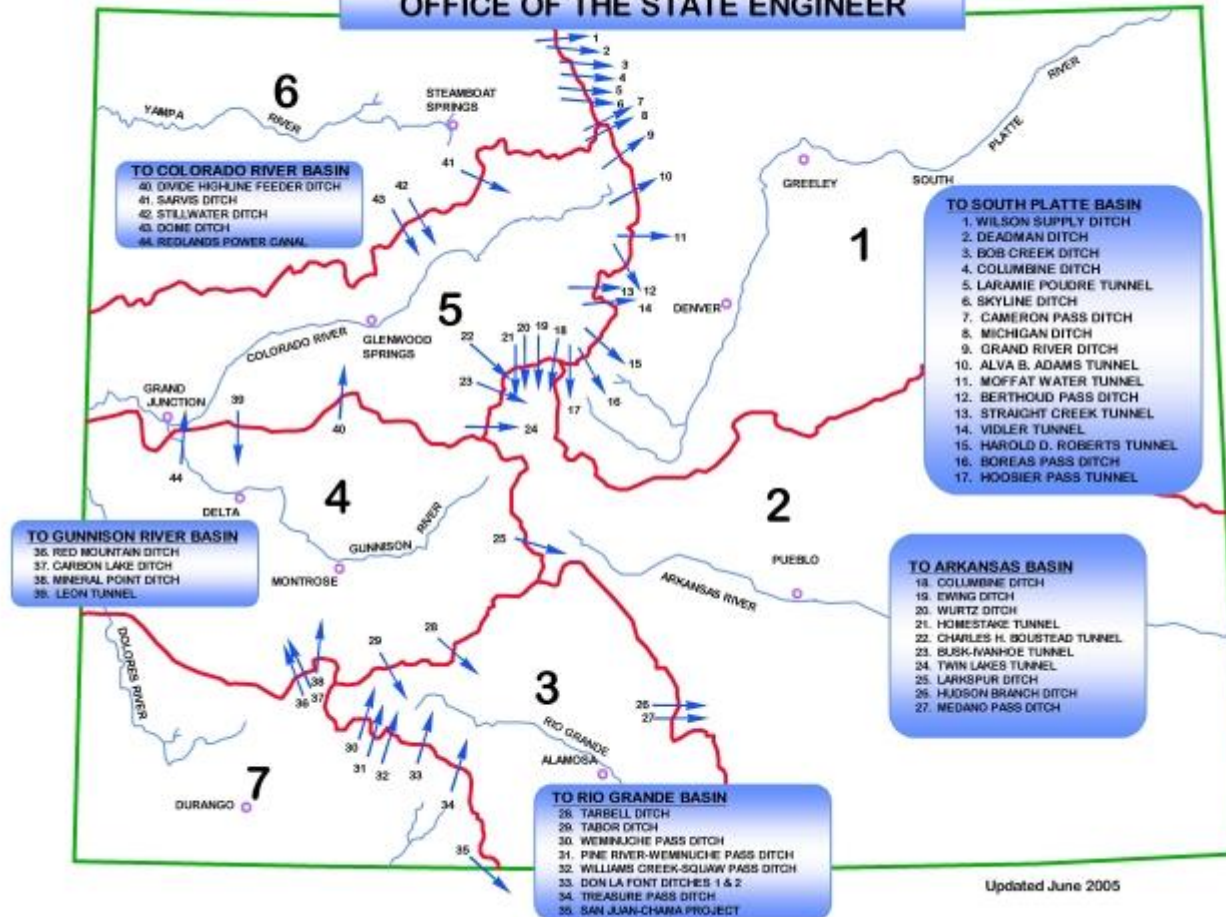
Historical Background

Brian Werner

November 2014

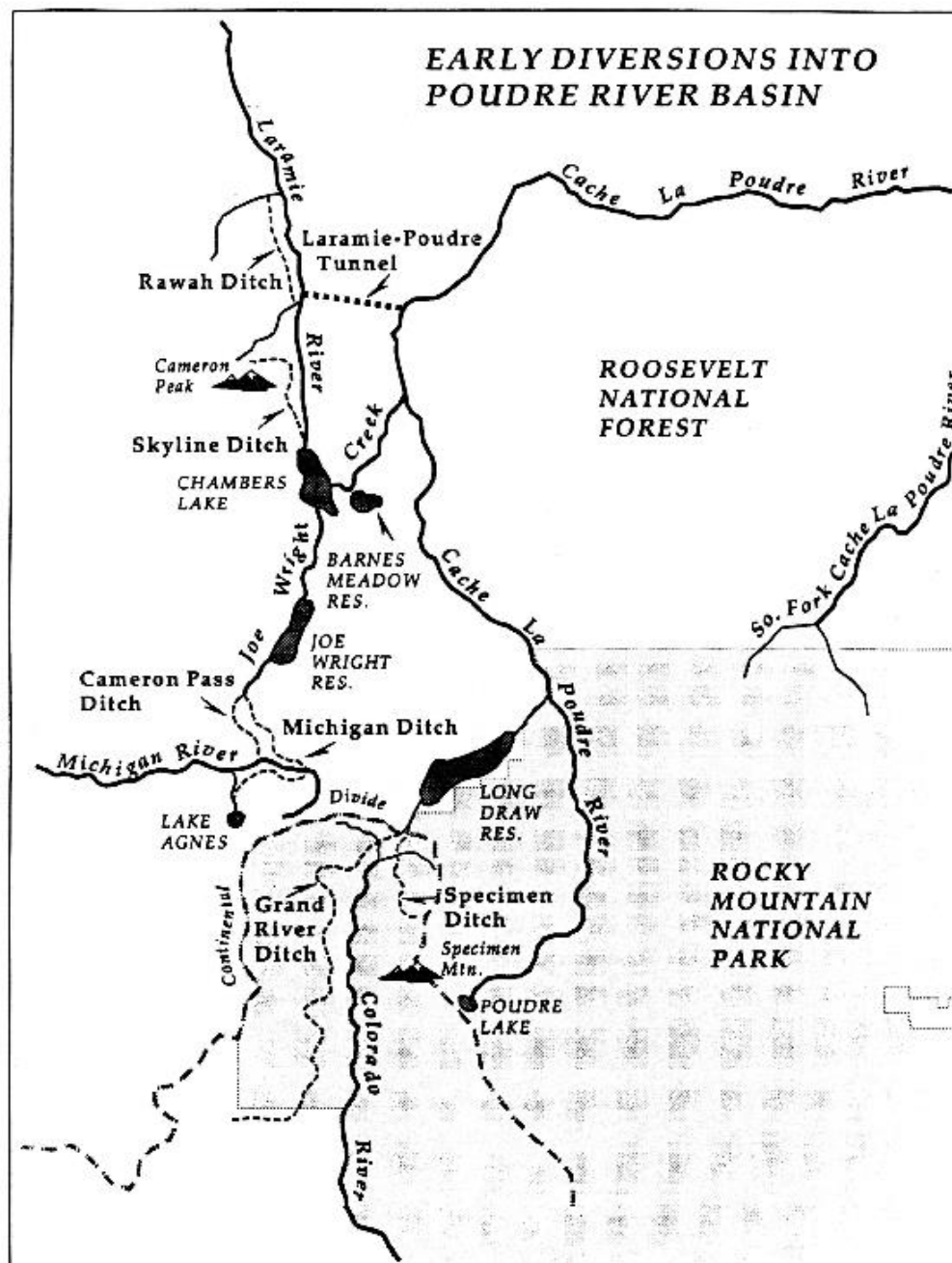
TRANSMOUNTAIN DIVERSIONS

OFFICE OF THE STATE ENGINEER



Updated June 2005

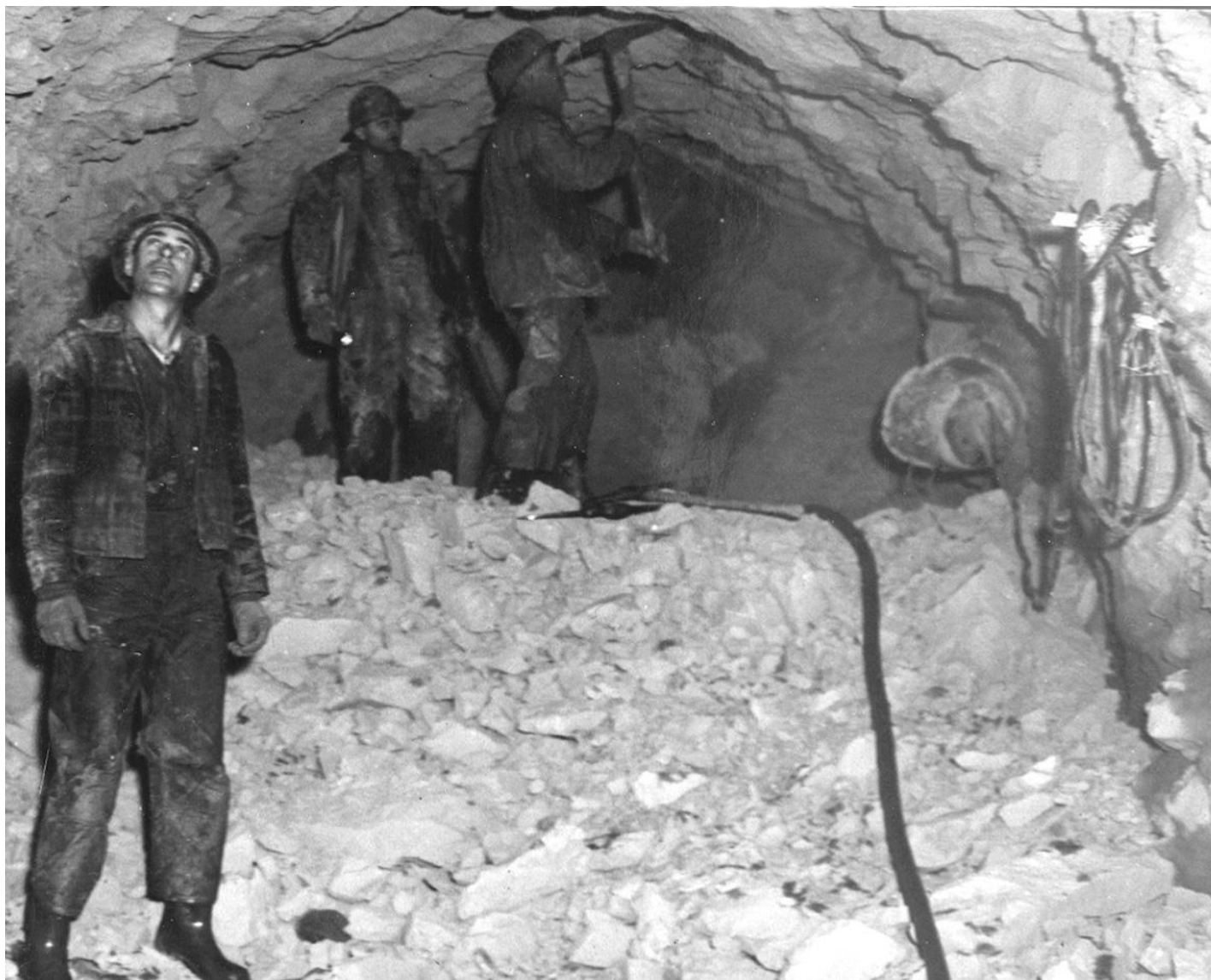
EARLY DIVERSIONS INTO POUDRE RIVER BASIN

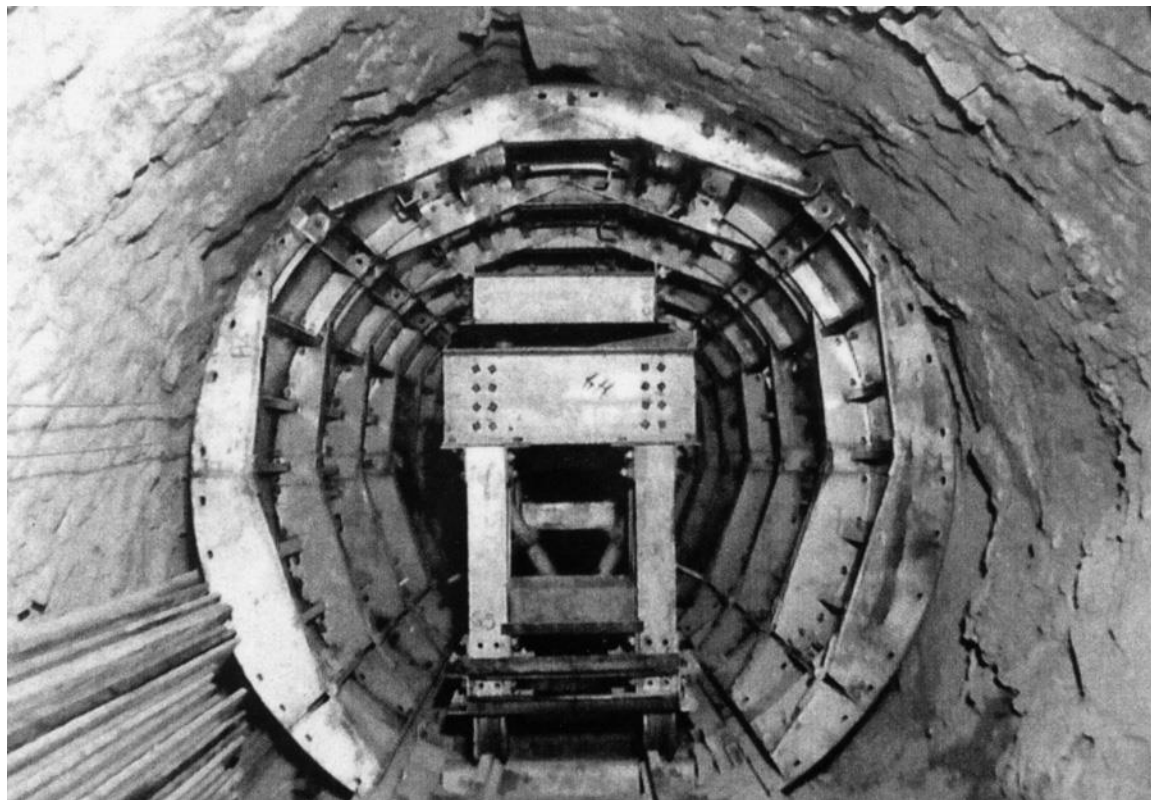
















Where does the State come in?

Becky Mitchell
Colorado Water Conservation Board

Flaming
Gorge
Supply
Project

Seaman/ Halligan
Expansion

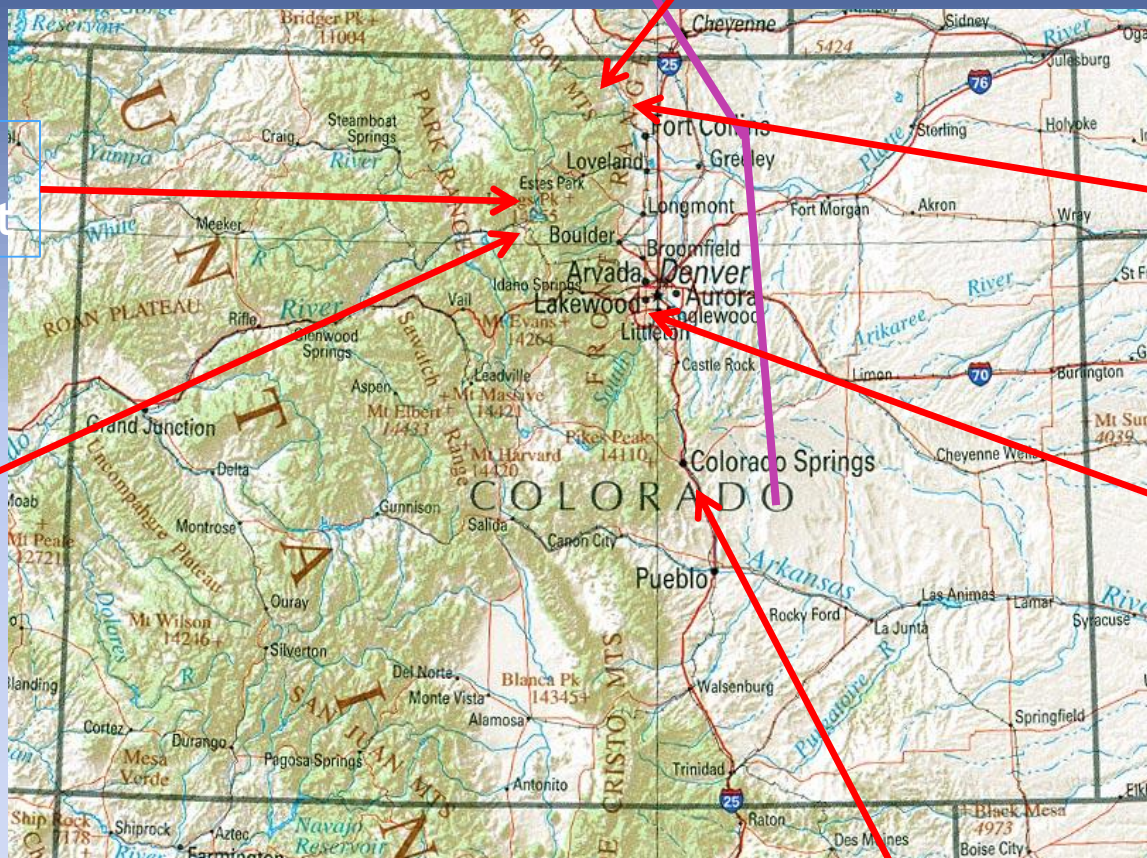
Northern
Integrated
Supply
Project

Chatfield
Reallocation

Southern Delivery
System

Windy Gap
Firming Project

Moffat
Firming
Project



Colorado Parks and Wildlife

Processes of the Federal NEPA EIS and CRS 37-60- 122.2



COLORADO
Department of Natural Resources

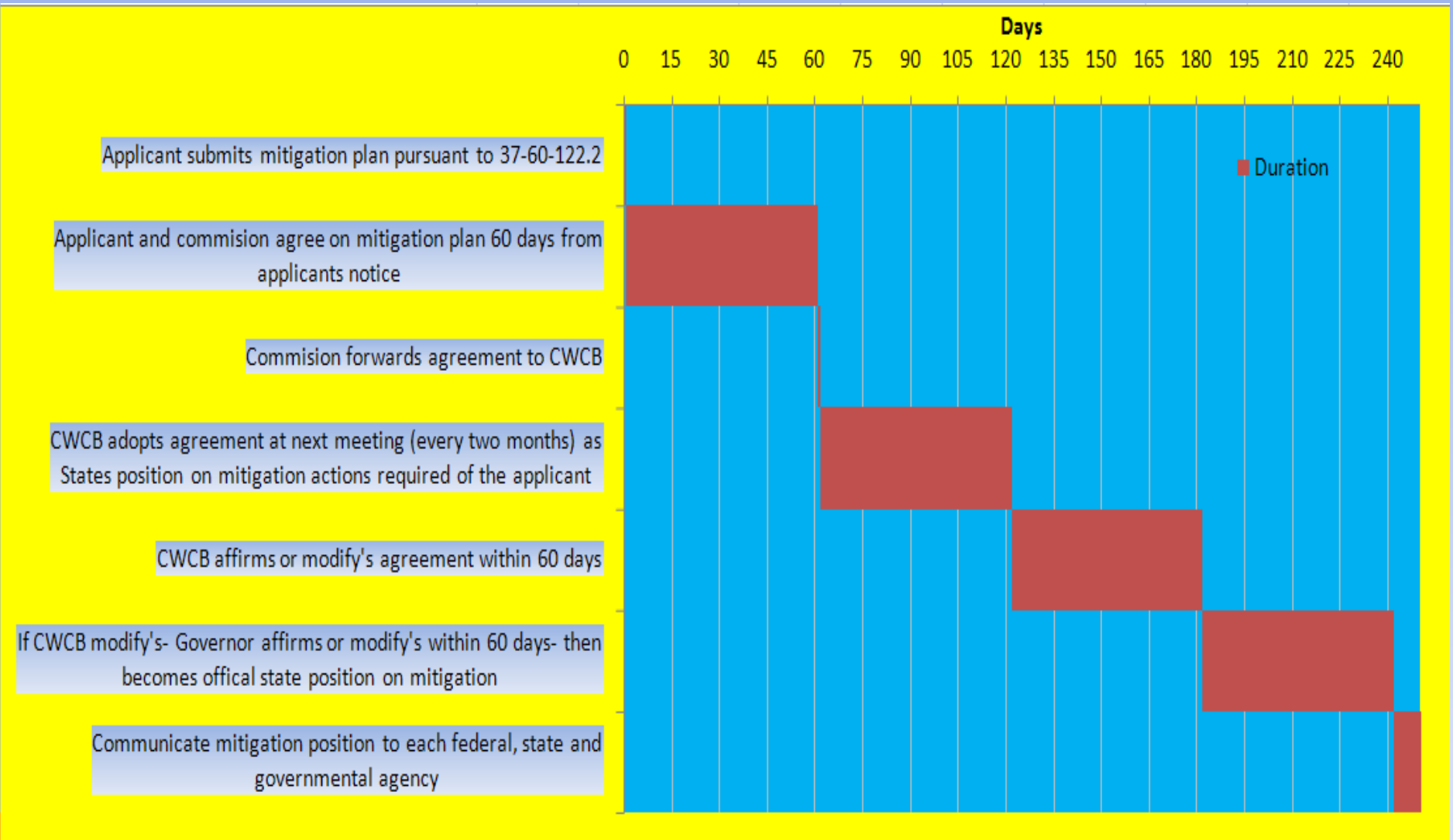
Mitigation

NEPA Requirements

Colorado Statute n(C.R.S. 37-60-122.2) Section (1) (a)

“The general assembly hereby recognizes the responsibility of the state for the fish and wildlife resources found in and around state waters are affected by affected by the construction, operation or maintenance of water diversion, delivery, or storage facilities. The general assembly hereby declares that such fish and wildlife resources area matter of statewide concern and that impacts on such resources should be mitigated by the project applicants in reasonable manor.”

Fish and Wildlife Mitigation Plan Timeline



Competing interests

Open space

Wildlife habitat

Rafting/ Kayaking flows

Winter flows for fish

Recreational

Native species

Terrestrial wildlife habitat

New aquatic habitat

What is a § 401 Certification?

Determination that there is reasonable assurance that a federal permit or action will not violate applicable water quality standards.

The Water Quality Control Division is required by section 25-8-302(1)(f) to review & certify, conditionally certify or deny requests for 401 certifications.



CWA § 401 Certification Requirements of Issuing Agency

Public Notice is required

Conditions placed on license or permit in order to insure compliance with applicable water quality requirements

One year to issue after receipt of a complete 401 Certification Application

Colorado Regulation No. 82

Project Review & Notice

1. Initial Project Review
2. Initial Public Notice
 - Draft Certification Determination
 - Preliminary Antidegradation Determination
3. 30 Day Comment Period

Colorado Regulation No. 82

Project Review & Notice (cont'd)

4. Final Project Review

- Water Quality Impacts (EIS, other WQ Reports, 303(d) listings, antidegradation review)
- Permit Conditions and Mitigation
- Public Comments and Additional Information from Applicant

5. Final Public Notice

- Final Certification Determination
- Final Antidegradation Determination

IBCC Conceptual Agreement



Six Things the Conceptual Agreement IS

1. If a new transmountain diversion is proposed, this **IS** the snapshot of how the IBCC believes the discussion should look.
2. It **IS** a breakthrough on the state of this discussion. At this point, all river basins within the state are equals at the table. In a more dire situation, the negotiating stances may not as equal. In a drought or water supply emergency, a TMD that does not protect the western slope or environment could be hastily expedited. As folks have said before, the federal government is not going to let Las Vegas go dry. Similarly, the state legislature will not allow Douglas County or northern El Paso county go dry.
3. It **IS** a discussion that aims to serve as a starting point for risk management by protecting existing users from involuntary curtailment, the environment from degradation, the western slope from losing out on its economic potential, and Coloradans from a highly variable and potentially declining hydrology.
4. It **IS** an integrated suite of actions and discussions that work in concert, **with or without TMD development**, to plan for a more secure water future in Colorado.
5. A discussion of potential actions within the state to **protect existing uses**.
6. The Conceptual Agreement document itself **IS** a helpful compendium and list of references that inform the discussion.

Six Things the Conceptual Agreement is NOT

1. The Conceptual Agreement is NOT a legally binding, enforceable, document, ready for parties to sign on and break ground tomorrow on a new TMD.
2. An identification of a specific TMD project.
3. A finalized product. This is an example of ongoing Interbasin efforts and a snapshot of the IBCC discussion to this point. Stakeholders (represented by roundtables) still need to provide input to make it a more complete document. Luckily we have the entire draft CWP year to gather and synthesize this input.
4. A full, thorough description of every TMD issue, ever. Some that need more work:
 - conservation
 - addressing issues of “basin of origin”
 - hydrologic modeling of river health
 - triggers for operation
 - scheme for operation (wet & dry years, potential reoperation of project)
5. Does **NOT** supplant the CRCA or other existing agreements
6. It is **NOT** a sequenced or prioritized checklist. Each of the components are necessary to support Colorado’s future and are conditions that could allow for successful negotiation of a new cooperative and multi-purpose TMD project.

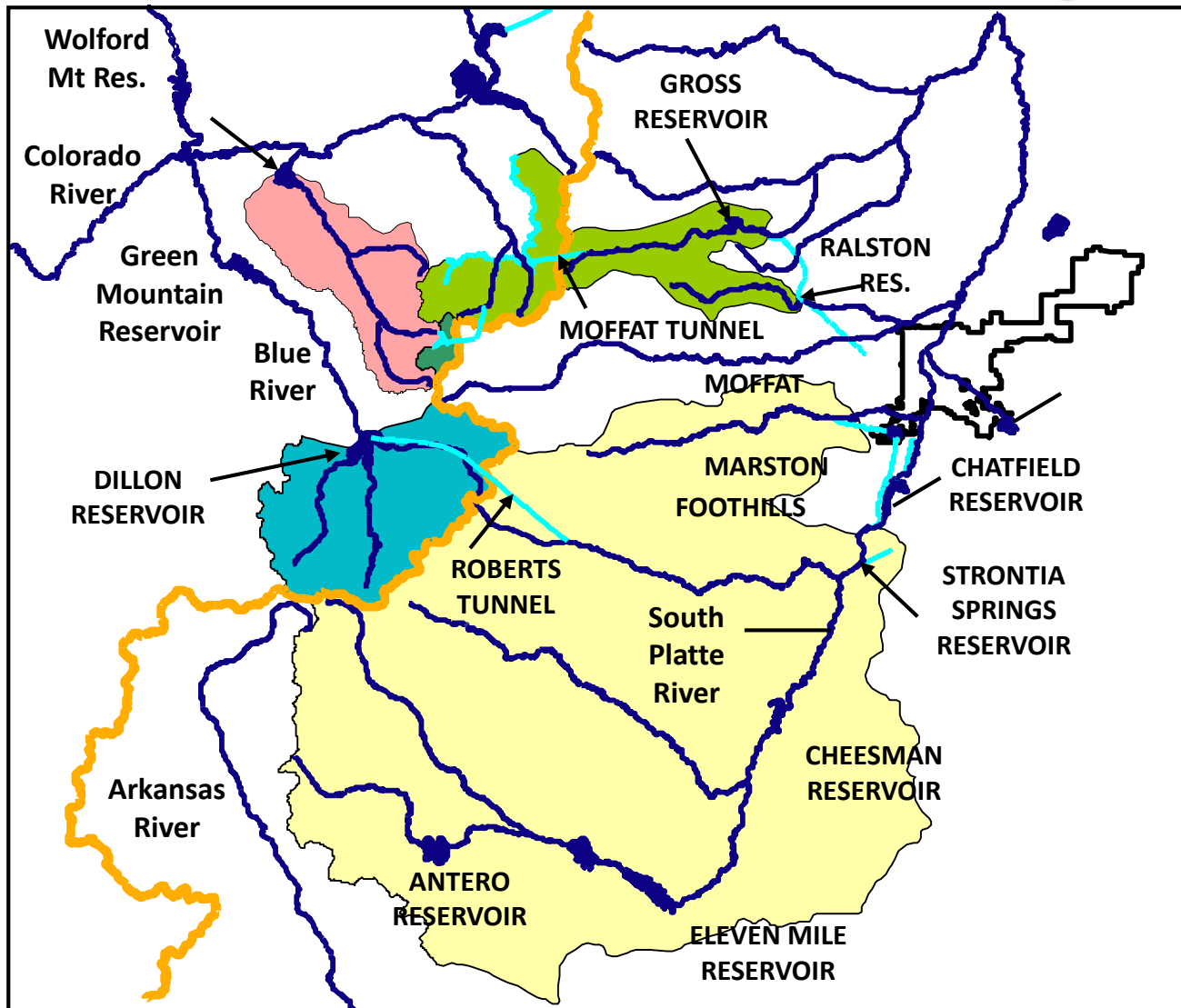
Questions?

How do we currently interact with the requirements of Transbasin Diversions?

Casey Funk
Denver Water

Denver Board of Water Commissioners

Water Collection System



COLLECTION SYSTEMS

SOUTH
PLATTE

MOFFAT
TUNNEL

ROBERTS
TUNNEL

WILLIAMS
FORK
WATERSHED



TREATMENT
PLANT



CONTINENTAL
DIVIDE



STREAM OR
RIVER



TUNNEL, CANAL
OR DITCH

GRAND COUNTY

Grand
Lake

Adams Tunnel

Wolford Mountain
Reservoir

Lake
Granby

Granby

Hot Sulphur
Springs

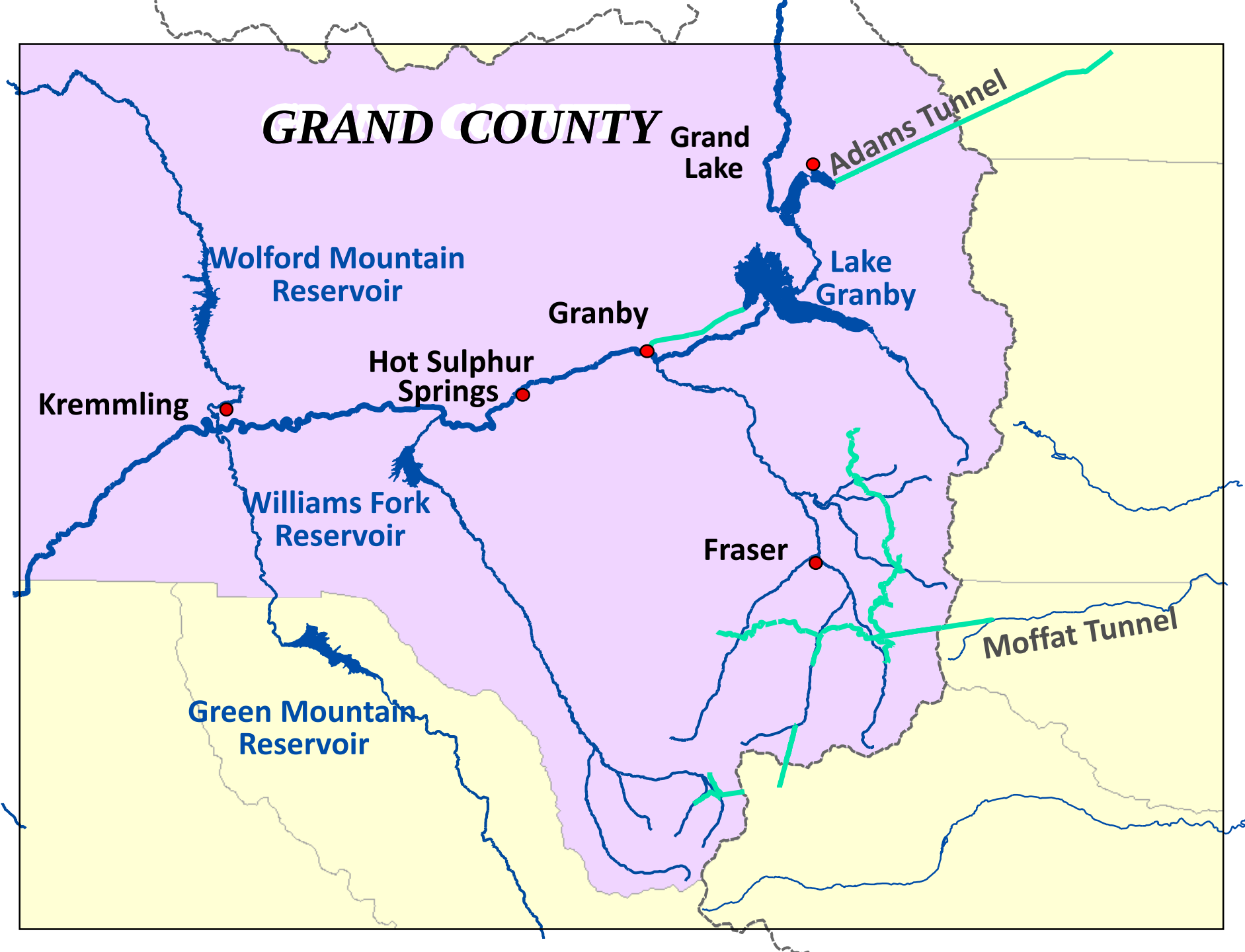
Kremmling

Williams Fork
Reservoir

Fraser

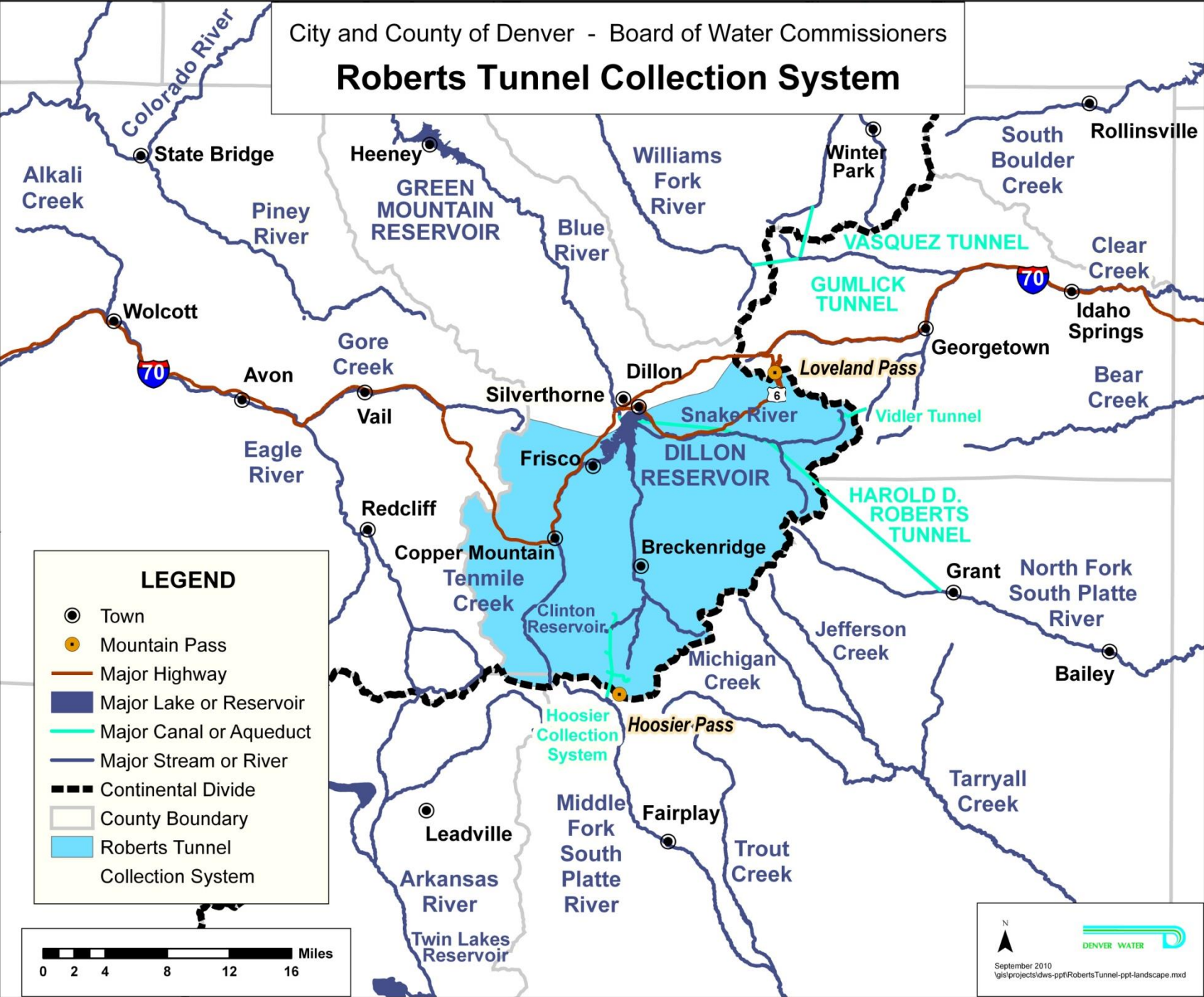
Green Mountain
Reservoir

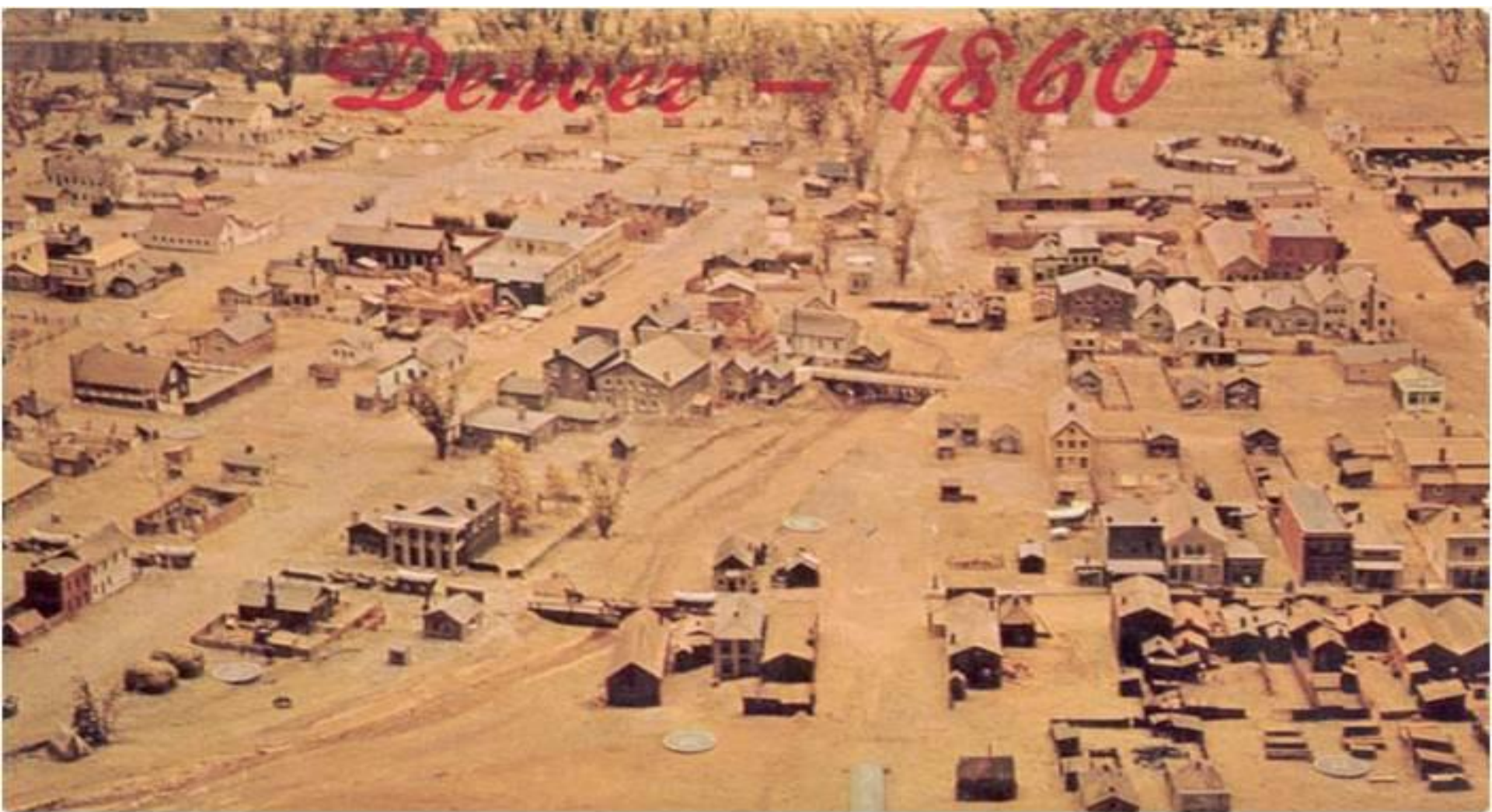
Moffat Tunnel



City and County of Denver - Board of Water Commissioners

Roberts Tunnel Collection System







IBCC Summary Points

- 1) The East Slope is not looking for firm yield from a new TMD project and would accept hydrologic risk for that project.
- 2) A new TMD project would be used conjunctively with East Slope interruptible supply agreements, Denver Basin Aquifer resources, carry-over storage, terminal storage, drought restriction savings, and other non-West Slope water sources.
- 3) In order to manage when a new TMD will be able to divert, triggers are needed.
- 4) An insurance policy that protects against involuntary curtailment is needed for existing uses and some reasonable increment of future development in the Colorado River system, but it will not cover a new TMD.
- 5) Future West Slope needs should be accommodated as part of a new TMD project.
- 6) Colorado will continue its commitment to improve conservation and reuse.
- 7) Environmental resiliency and recreational needs must be addressed both before and conjunctively with a new TMD.