

FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426

OFFICE OF ENERGY PROJECTS

Project No. 2035-099 – Colorado
Gross Reservoir Project
City and County of Denver, Colorado

Brian Gogas
Denver Water
Planning Division
1600 West, 12th Avenue
Denver, CO 80204-3412

February 1, 2017

Subject: Additional Information Request

Dear Mr. Gogas:

On November 25, 2016, the City and County of Denver, Colorado, acting through its Board of Water Commissioners (Denver Water), filed an application to amend the March 16, 2001 license for the Gross Reservoir Hydroelectric Project.¹ The requested amendment involves increasing the height of the project's Gross Dam, increasing the water elevation and storage volume of the project's Gross Reservoir, and a series of related changes to the project license.

We reviewed your November 25, 2016 application and are issuing a 60-day public notice today.² While we did not identify any deficiencies that would prevent us from issuing the public notice, we did identify some additional information we need to complete our review. Please provide, within 60 days of the date of this letter, the information identified in the enclosed Schedule A.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-2035-099.

¹ *City and County of Denver, Colorado*, 94 FERC ¶ 61,313 (2001).

² Notice of Application Accepted for Filing, Ready for Environmental Analysis, Soliciting Comments, Motions to Intervene, Protests, Recommendations, Terms and Conditions, and Fishway Prescriptions.

If you have any questions regarding this letter, please contact B. Peter Yarrington at (202) 502-6129 or peter.yarrington@ferc.gov, or Steven Sachs at (202) 502-8666 or steven.sachs@ferc.gov.

Sincerely,

/for/ Steve Hocking, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance

Enclosure: Schedule A

cc:

Anne E. Sibree, Attorney
Denver Water
Office of General Counsel
1600 West 12th Avenue
Denver, CO 80204-3412

Schedule A

ADDITIONAL INFORMATION

Engineering

1. Facilities included in Exhibit A. The Exhibit A included in your application does not conform to the Commission's requirements. Please revise the Exhibit A to include only proposed permanent project facilities. The Exhibit A should not include a description of temporary facilities used only during construction (*i.e.*, quarries, staging areas, temporary roads, or concrete production facilities). Additionally, the Exhibit A should not describe recreation sites or include a narrative description or justification for the amount of federal land included within the project boundary. Exhibit A should conform to section 4.41(b) of the Commission's regulations.

Recreation and Visual Resources

2. Description of flow changes. Changes in monthly flows resulting from the proposed amendment described in Exhibit E (p. E-277, Recreation; p. E-293 - E-294, Visual Resources) differ from changes described in the Final Environmental Impact Statement (FEIS) for the Moffat Collection System Project (p. 5-441, Recreation; p. 5-467, Visual Resources; and p. 4-569 - 4-570, Visual Resources). Please clarify which figures are accurate and why they are different.

3. Estimates of recreational use. Exhibit E does not provide estimates of existing or future overnight recreational use at the project. You provide estimates of annual visitation at the project for 2004 and 2005, though we note that more recent data is available in your Form 80 Recreation Report filed April 16, 2015. We also note your recreation monitoring plan, as approved in an order issued June 8, 2004, requires annual monitoring of visitor use and the filing of a monitoring report every six years concurrently with Form 80. However, we have no record that you have filed those recreation monitoring reports. To assist us in processing your application, please provide estimates of existing and future overnight recreational use at the project. Include with this information copies of your recreation monitoring reports or a plan and schedule for providing them. If you have not performed the monitoring required by the June 8, 2004 order, please provide an explanation along with a plan and schedule for monitoring and reporting in the future.

4. Boat launch and overlook at Peninsula Recreation Area. Exhibit E and as-built drawings filed August 30, 2016, indicate a hand boat launch is present at the Peninsula Recreation Area. The recreation plan addendum does not account for its inundation and relocation. Please clarify if you propose to relocate this boat launch in the recreation plan

addendum. Also, the table in the recreation plan addendum (p. 4) lists one overlook at the Peninsula Recreation Area; this is not included in Table 3.3.15-1 in your Exhibit E or reflected on as-built drawings filed August 30, 2016. Please clarify which overlook the addendum is referring to.

5. Access to proposed Scenic Ridge Trail. Please clarify whether and how recreationists would access the proposed Scenic Ridge Trail from the northern-most parking area of the proposed Dam Recreation Area Relocation (see sheet L-3 of the recreation plan addendum). A path at this site seems appropriate; otherwise, the parking area only appears to provide access to two individual picnic sites and a fishing access.

6. Recreation facilities on western side of reservoir. Project recreation facilities on the western side of the reservoir, excluding South Boulder Creek Inlet, are not included in the recreation plan addendum. Regarding these facilities, Exhibit E states, "While portions of Rocky Point, Winiger Gulch Inlet, Winiger Ridge, and South Boulder Creek Inlet recreation areas would also be inundated, relocation of facilities would be minor, consisting mainly of trail realignments, and, therefore, conceptual illustrations are not included." (p. E-276). In addition to trails, Table 3.3.15-1 in Exhibit E lists other recreation facilities at these sites, including campsites, boat access areas, and fishing access areas. We also note Table 3.3.15-1 appears inconsistent with the as-built drawings filed August 30, 2016.

Please provide a detailed description of all recreation facilities at project recreation sites not addressed in the recreation plan addendum and identify all facilities at each of these sites that would be inundated and replaced due to the proposed reservoir expansion. You should revise Table 3.3.15-1 in Exhibit E to reflect this description and your description should be consistent with your August 30, 2016 as-built drawings. Please also confirm whether you intend to designate Rocky Point a project recreation site, as it appears this site is closed.

7. Trail to Forsythe Falls. The recreation plan addendum states, "Some stakeholders also expressed concern that Forsythe Falls would be inundated. This addendum includes a proposed relocation of the trail." (p. 3). It is unclear exactly how the addendum provides for the relocation of the trail to Forsythe Falls as it is not discussed elsewhere in the addendum or shown on any of the addendum's drawings. Please provide a description of how the trail to Forsythe Falls would be relocated.

8. Clarification of recreation related to U.S. Forest Service Condition No. 24. Please clarify, to the extent possible, the recreation sites that are the subject of U.S. Forest Service Condition No. 24, *Dispersed Recreation Management at Winiger Ridge*. For example, is the condition limited to the Winiger Ridge Recreation Area, or does it also apply to other sites on the western side of the reservoir (e.g., Winiger Gulch Inlet, Winiger Ridge Access, etc.)?

9. Recreation sites and project boundary. Two recreation sites for which you would continue to have license obligations under the proposed amendment, Winiger Ridge Access and South Boulder Creek Outlet, are not included in the project boundary. Your amendment application appears to indicate these recreation sites are required for project purposes. Please verify that you plan to include these sites in the revised project boundary and Exhibit G drawings, or provide justification why these sites are not needed for project purposes and should not be included in the project boundary.

Consultation on Article Amendments

10. Agency consultation on amendment of Article 403. Article 403 identifies specific ramping rates which cannot be exceeded when project flow releases are within certain ranges, and it indicates that you may temporarily vary from the ramping rates under certain conditions, or for short periods upon agreement with the U.S. Fish and Wildlife Service (FWS) and Colorado Division of Wildlife (Colorado DOW).³ In your application, you propose amending Article 403 to include a ramping rate tolerance of 5 cubic feet per second per hour. However, it's not clear from the information in your application whether you consulted with the FWS and Colorado DOW regarding this change. Please describe your consultation with these two agencies specific to your proposed amendment to Article 403, provide copies of any comments or recommendations these agencies provided, and explain how any agency responses were incorporated into your application.

Environmental Pool

11. Clarification regarding Environmental Pool. In the introduction section of your application, you indicate that a 5,000 acre-feet Environmental Pool is included in the 77,000 acre-feet of additional storage that would be created by the dam raise. You explain that the water rights for the Environmental Pool are held by the City of Boulder and/or the City of Lafayette, not by Denver Water, and that the release of this water would be governed by the February 2010 Intergovernmental Agreement (Boulder-Lafayette IGA) to benefit aquatic resources in South Boulder Creek during times of low flow. You indicate that the Boulder-Lafayette IGA would supersede the current Denver-Boulder Agreement (which involves an Environmental Pool of 2,500 acre-feet that is released at the request of the City of Boulder). We note the current agreement is discussed under *Other Issues* in the project license. In that section, the Commission explains that the Denver-Boulder Agreement involves mitigation for Denver Water's water supply operations and therefore, is not included as a license requirement.

³ Colorado DOW merged with Colorado State Parks to form Colorado Parks and Wildlife in 2011.

You explain in your application that the proposed Environmental Pool would be a mitigation component for impacts identified in the U.S. Army Corps of Engineers' Environmental Impact Statement which reviewed Denver Water's entire Moffat Collection System project, of which the enlargement of Gross Reservoir is one component. We note that the Colorado Department of Public Health and Environment, in its June 2016 Water Quality Certification (WQC) for the Moffat Collection System project, including the enlargement of Gross Reservoir, explains that the Environmental Pool is not the subject of any conditions in the WQC because other parties are responsible for securing water for the Environmental Pool and for managing its releases.

Based on the above, and on other information provided in the application, it appears the Environmental Pool and its management are not being included in your application for specific Commission approval as part of any amended license. Our concern is that in Table 5.1-1 of your Exhibit E on page E-342, the Commission's jurisdiction is identified as one enforcement mechanism regarding the Environmental Pool: "The Environmental Pool will be mandated by FERC because it is included in the design of the Proposed Project for the amended FERC license." This statement appears inconsistent with other information in your application. Please clarify whether you seek specific Commission approval of the Environmental Pool and its management in any amended license or whether the Environmental Pool is not for Commission approval - similar to the current license.