June 5, 2012

President Barack Obama
The White House

Dear Mr. President:

Colorado is at a critical juncture in forging a more secure future for the development and management of water supplies critical to both our economy and the natural environment that makes our state so great. We face a significant gap in our supplies to provide water for future growth—a gap that cannot be met by conservation and efficiencies alone.

For nearly 100 years Colorado has been embroiled in conflicts over water, in particular the diversion of water from the Colorado River basin west of the Continental Divide to the South Platte River basin on the east side of the Divide. With over 80 percent of the state’s population east of the continental divide, and 80 percent of the state’s water west of the divide, that conflict was destined to become progressively more intense.

A key focal point in that conflict has been Denver Water—Colorado’s oldest and largest water utility serving 25 percent of our state’s population. Denver Water depends on the Colorado River for about half its water supply, through storage and diversion facilities located in Grand and Summit counties.

We are pleased to report that after years of discussions, we have come together as a state to articulate a common vision for sustainable water development across the Continental Divide. On May 15, 2012, leaders from Denver Water and Grand and Summit counties joined with Eagle County and a host of ski areas and municipalities to execute the Colorado River Cooperative Agreement. More Western Colorado water entities are expected to join this Agreement in the near future.

This historic Agreement sets forth a sweeping agenda—including enhancements to the environment in the upper Colorado River, settlement of long-standing legal disputes over the Blue River Decree, preservation of the historic flow regime in the lower Colorado River within Colorado, and an unprecedented agreement called “Learning by Doing” to leverage the operational flexibility of Denver Water’s systems for the benefit of the aquatic environment in the upper Colorado River.

The Agreement also ends a Colorado water war by removing Western Colorado opposition to Denver Water’s Moffat Collection System Project, which entails the proposed enlargement of
the existing Gross Reservoir on the east side of the Continental Divide. Unfortunately, the Moffat Project has been enmeshed in the federal permitting processes for nearly ten years.

The environmental and water supply enhancements committed by Denver Water to the Western Slope under the Agreement are in addition to any environmental mitigation required under federal law. Grand County and Denver Water continue to work with the U.S. Army Corps of Engineers to ensure the impacts identified in the NEPA process for the Moffat Project are fully mitigated. Our goal is to assure that when the Moffat Project is constructed with applied mitigation and the enhancements are implemented, the environment will be significantly improved over conditions today. But the implementation of the enhancements that are so important to the environmental, recreational, and municipal economy of Grand and Summit counties cannot occur without a successfully permitted and constructed enlargement of Gross Reservoir.

Therefore, we urge you to exercise your authority to coordinate your agencies and bring an expeditious conclusion to the federal permitting processes for this essential project, in order that we can have certainty moving forward as a state. Specifically, we urge your support for the release of the Corps of Engineers’ Final Environmental Impact Statement by the end of this year, followed by a Record of Decision early next year. We also ask that you direct all applicable federal agencies to cooperate in the timely and coordinated development of comments to the amendment application of Denver Water’s existing hydropower license through the Federal Energy Regulatory Commission. This is a separate, but related federal approval process for the enlargement of Gross Reservoir.

Colorado has achieved a historic collaborative Agreement, but our ability to implement that Agreement is now dependent upon the overlapping jurisdictional processes of multiple federal resource agencies. Therefore, we urge you to quickly and effectively coordinate your agencies to expedite the review and completion of these processes and reach decisions in compliance with federal law.

We look forward to assisting and supporting you in these efforts and appreciate the efforts of your agencies.

Sincerely,

John W. Hickenlooper
Governor

cc: Lt. Gen. Thomas P. Bostick
Administrator Lisa Jackson
Secretary Tom Vilsack
Nancy Sudley, CEQ
Secretary Ken Salazar