

## Public Comments and Trustee Responses

The Trustees received comments during the January 13, 2010 to February 26, 2010 public comment period from two entities:

1. Lake County Conservation District
2. Aurora Water.

This section summarizes those comments and provides Trustee responses. The comment from Aurora Water is included at the back of this appendix. The comment from Lake County Conservation District was provided in a telephone conversation and is not included here.

### Comment

The Lake Fork Conservation District had three specific comments about the RP/EA. Two comments were specific to the Arkansas River In-Stream Habitat Restoration project. The first comment expressed concern that the proposed budget was insufficient for work to be completed on private land. The second comment suggested that the RP/EA language clearly indicates that restoration work will be designed to work within the confines of BOR releases from Turquoise Lake. The third comment pointed out that mountain goats were introduced to Colorado in the 1950s and should not be listed as historically present in the area; the comment also suggested that the scientific name for bears be limited to the genus only, since specific bear species were not listed.

### Trustee response

The budget for the Arkansas River In-Stream Habitat Restoration project has been increased in this final RP/EA to reflect the costs needed to complete the project on private land. The project summary also has been revised to address concerns about BOR releases from Turquoise Lake.

Chapter 4 has been revised to remove mountain goats from the list of native species and to note the scientific name for bear as *Ursus spp.* instead of *Ursus americanus*.

### Comment

The city of Aurora provided a comment indicating that the city receives a significant portion of its water supply from the Arkansas River Basin. The comment also noted that the city is an important landowner and manager in the 11-mile reach with water rights as well as building rights. The city of Aurora provided three specific comments recommending that the Trustees design restoration projects that will be successful under the flow-regimes allowed by law, that restoration projects should not conflict with future land management and water storage plans on land owned by the city of Aurora, and that restoration projects should not conflict with wetland credit banking plans to be completed on land owned by the city.

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### Trustee response

The Trustees will work with the city of Aurora and other government agencies as appropriate to ensure the success of restoration projects without violating the land ownership or water rights of other entities. In-stream restoration projects will be designed under the flow regimes that account for maximum withdrawal of water as permitted by law under the current Colorado water rights established for the stream. Restoration projects that include proposed modifications to the city of Aurora's land or streambank will be designed to account for the city of Aurora's land use plans, and will be approved by the city of Aurora prior to implementation. The Trustees have revised the descriptions of restoration projects potentially affected by the city of Aurora land and water uses to more clearly reflect these management decisions.

# Public Comments and Trustee Responses

## City of Aurora

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Administration  
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February 26, 2010

Submitted via email to [laura\\_archuleta@fws.gov](mailto:laura_archuleta@fws.gov)

RE: Comments on Draft Restoration Plan and Environmental Assessment for the Upper Arkansas River Watershed dated January 7, 2010

To Whom It May Concern:

Aurora Water has the following comments on the Draft Restoration Plan and Environmental Assessment for the Upper Arkansas River Watershed dated January 7, 2010 (EA), in particular the Tier 1 project titled *Arkansas River in-stream habitat restoration* located along the 11-mile reach:

1. The City of Aurora, with a population of over 310,000, receives approximately half of its water supply from the Colorado and Arkansas River basins. This supply is stored and transported to Aurora through its infrastructure and storage capacity in the Upper Arkansas River basin. Turquoise Reservoir and Twin Lakes Reservoir are integral to several water providers operations, including Aurora. The Bureau of Reclamation and water rights owners should be able to operate and manage their facilities according to their own operating principles and state water law. There should be no additional requirements or restrictions placed on water providers and operators due to any restoration project being proposed in the EA. The in-stream flow habitat restoration design should be engineered for the full range of natural and operated flow volumes, timing, and durations.
2. Aurora purchased the Hallenbeck Ranch for a future water storage site which lies inland and west of the 11-mile reach. Aurora also owns the Hayden River parcel that lies along the west side of the Arkansas River within the 11-mile reach. The design of the future water storage facility has not been completed and may include water intake and/or forebay structures on the Hayden River parcel or utilize the Derry 1 ditch that lies upstream in the 11-mile reach. The design of the structures and future operations should be considered in any proposed restoration project along those same reaches of influence.
3. Aurora may develop wetland mitigation credits on the Hayden River lands. On page 22 of the EA, goal (5) states "construction of riparian benches to extend the width of riparian zone". The "zone" should not include areas that Aurora may utilize for wetland credit banking.

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Existing water infrastructure and new water supply projects are absolutely necessary for the health, safety, and welfare of Colorado citizens. Turquoise Reservoir, Twin Lakes Reservoir and the Arkansas River are invaluable for water supply operations for both municipalities and agriculture. The in-stream habitat restoration should not eliminate water supply alternatives or create roadblocks to the maintenance, operation, and development of existing and conditional water rights and storage within the Upper Arkansas River basin.

Aurora staff met with Nicole Vieira with the Division of Wildlife (DOW) on February 25<sup>th</sup>, 2010 and discussed all three of the above comments. Aurora looks forward to working with DOW and others on development of the restoration plans. Should you have any questions or need clarification on these comments or Aurora's water system, please contact me at the phone number or email address below.

Sincerely,



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Senior Water Resources Engineer  
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cc: Joe Stibrich, Deputy Director of Water Resources  
Gerry Knapp, Arkansas/Colorado River Basin Manager  
Mike McHugh, Environmental Permitting Coordinator  
Nicole Vieira, Division of Wildlife.