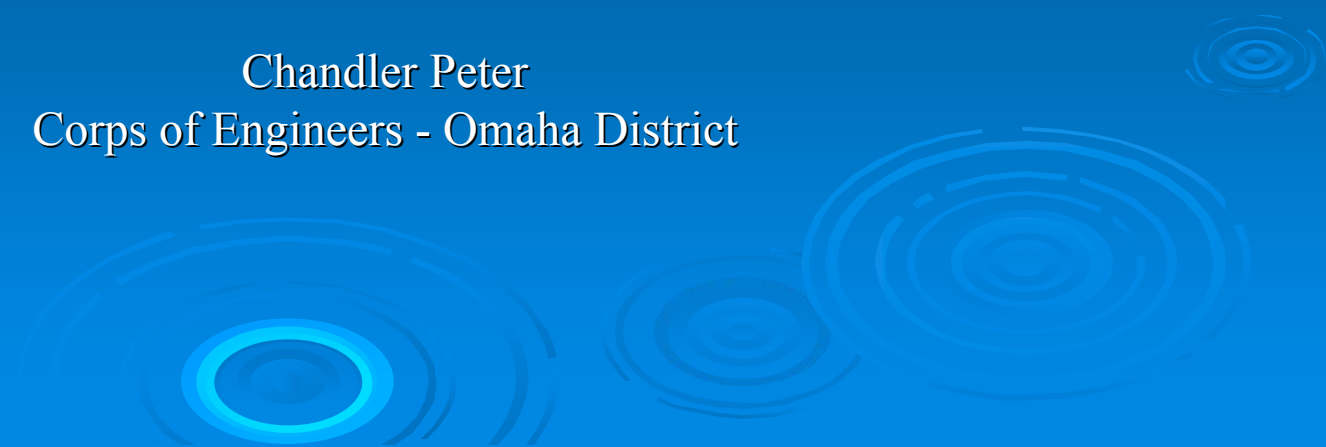


# Navigating 404 Waters

A Water Supply Update

Chandler Peter  
Corps of Engineers - Omaha District



# 404 and NEPA

- Actions to “Soak the Urban Sponge” typically involve authorization from the Corps under Section 404 of the Clean Water Act
- Due to “Major Federal Action” by the Corps, compliance with National Environmental Policy Act (NEPA) required (EA/EIS)
- Corps implements an integrated process

# South Platte River Projects Currently Caught in 404 Waters

Moffat Collection System Project

Northern Integrated System Project

Halligan-Seaman Water Management Project(s)

Windy Gap Firming Project

Rueter-Hess Reservoir Expansion Project\*

\* Reviewed by other Corps personnel

# Common Themes (thus far)

- Appropriate substantiation for and definition of Purpose and Need
- Alternatives to the proposed action(s)

# Purpose and Need

- Important to Process
  - Definition sets the stage for EA/EIS
  - Critical to alternative analysis (practicability)
- Project Specific
  - Context/Applicant sensitive (one size does not fit all)
- Corps defines from applicant's and public's perspectives

# Purpose and Need

- Moffat – “...to develop 18,000 acre-feet per year of new, annual firm yield to the Moffat Treatment Plant and raw water customers upstream of the Moffat Treatment plant pursuant to the Board’s commitment to its customers.”
- Windy Gap – “...to deliver a firm annual yield of approximately 30,000 AF of water by 2010 from the existing Windy Gap Project to meet a portion of the water deliveries anticipated from the original WGP and to provide up to 3,000 AF of storage to firm water deliveries for the Middle Park Water Conservancy District. Firm water deliveries from the WGP are needed to meet a portion of the existing and future demands of the Project Participants.

# Purpose and Need Reports

- Moffat
- <http://www.nwo.usace.army.mil/html/od-tl/eis-info.htm>
- Windy Gap  
[http://www.ncwcd.org/project\\_features/wgp\\_firmi\\_nq.asp](http://www.ncwcd.org/project_features/wgp_firmi_nq.asp)
- <http://www.usbr.gov/gp/nepa/quarterly.cfm#ecao>
- NISP and Halligan-Seaman - Not Available

# Alternatives

- NEPA requires all “reasonable” alternatives be evaluated in detail
- Clean Water Act (404b1 guidelines) requires Corps approve only the Least Environmentally Damaging Practicable\* Alternative (LEDPA)

\*Practicable – costs, logistics, technology in light of project purpose. 404b1 analysis can be more restrictive than NEPA

# Alternatives

- What is being considered for alternatives?
  - Components – structural elements associated with water projects (e.g. dams, pipelines, treatment plants, pumps, etc.)
  - Concepts – potential water sources or strategies (e.g. storage, surface flows, groundwater, reuse, conservation, dry-year leasing, etc.)

Components + Concepts = Alternatives

# Alternatives

- Moffat, NISP, H-SWMP involve Components and Concepts
- Windy Gap involves components only\*
- Key Distinction is based on definition of Purpose and Need

\*Concepts were generally considered but dismissed

# Purpose and Need

- Moffat – “...to develop 18,000 acre-feet per year of new, annual firm yield to the Moffat Treatment Plant and raw water customers upstream of the Moffat Treatment plant pursuant to the Board’s commitment to its customers.”
- Windy Gap – “...to deliver a firm annual yield of approximately 30,000 AF of water by 2010 from the existing Windy Gap Project to meet a portion of the water deliveries anticipated from the original WGP and to provide up to 3,000 AF of storage to firm water deliveries for the Middle Park Water Conservancy District. Firm water deliveries from the WGP are needed to meet a portion of the existing and future demands of the Project Participants.

# Other Common Issues

- Addressing Other Agency Needs/Desires
  - CDOT/County Road Depts – Road Relocations
  - USFWS – Endangered Species Act Compliance
  - Local Governments – Land Use Regulations
- Cumulative Effects
  - Differing hydrology models
  - Reasonably foreseeable actions
  - Scope of Analysis

# Contact Information

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