

U.S. DEPARTMENT OF THE INTERIOR

**BUREAU OF RECLAMATION
FISH & WILDLIFE SERVICE**

FINAL SUMMARY OF SCOPING INPUT

***PLATTE RIVER
PROGRAMMATIC ENVIRONMENTAL
IMPACT STATEMENT***

**Prepared by:
Platte River EIS Office
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TABLE OF CONTENTS

CHAPTER ONE

DESCRIPTION OF THE SCOPING PROCESS	<u>2</u>
---	-----------------

CHAPTER TWO

SUGGESTED ALTERNATIVES FROM THE PUBLIC	<u>5</u>
---	-----------------

CHAPTER THREE

POSSIBLE IMPACTS OF PROPOSED PROGRAM IDENTIFIED BY THE PUBLIC	<u>10</u>
--	------------------

CHAPTER FOUR

GENERAL PUBLIC COMMENTS	<u>16</u>
--------------------------------------	------------------

CHAPTER ONE

DESCRIPTION OF THE SCOPING PROCESS

The Platte River Programmatic Environmental Impact Statement (PEIS) scoping process was initiated to receive public input on the scope of the Platte River Programmatic EIS, consistent with the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. This PEIS is being undertaken to evaluate the Recovery Implementation Program proposed by the U.S. Department of the Interior and States of Nebraska, Wyoming, and Colorado to address endangered species issues in the Central Platte River in Nebraska. This proposed program is described in the “Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitats along the Central Platte River, Nebraska,” July 1997, which can be obtained by contacting the Platte River EIS Office at PO Box 25007 (PL-100), Denver CO 80225, (303) 445-2096, or by visiting our website at <http://www.platteriver.org>.

The Department of the Interior’s Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (FWS) are co-leads for preparation of the PEIS.

Purposes of Public Scoping Meetings

The purposes were to:

1. Inform the public about the background, purpose, and features of the proposed program; and
2. Solicit suggestions regarding:
 - a. Ways to improve the proposed program;
 - b. Alternatives to the proposed program that should be considered in the PEIS; and
 - c. Types of impacts from the proposed program and alternatives that should be addressed in the PEIS.

Scoping Process and Meetings Preparation

Thorough effort was made to notify all potentially interested persons about the Platte River PEIS process and the array of opportunities to provide comment. Public notification of the scoping process was done through legal notices and newspaper display ads, mass mailings, posting on the Platte River EIS Office website, and contacts with news media, interested organizations, and the States of Wyoming, Nebraska, and Colorado.

The Federal Register Notice of Intent to Prepare a Programmatic Environmental Impact Statement and schedule for the scoping meetings was published February 10, 1998.

An initial mailing list was compiled using previously known mailing lists related to Platte River issues. Additional mailing lists were requested from the three states and water user, public power, and environmental organizations, and entered into the database mailing list. Approximately 2500 informational brochures were sent out during the month of January 1998, describing the Platte River issues, the Proposed Program, and the NEPA process. An additional mailing announcing the scoping meeting dates and locations was done in February 1998, to approximately 3100 persons and organizations.

Scoping Meeting Locations

Meeting locations and times were selected in cooperation with the state representatives to the Governance Committee to provide convenient locations and appropriate times for public comment by as many persons as feasible.

Scoping meetings were held at the following locations and dates. The number of people attending each meeting is also provided.

Loveland, Colorado, February 25, 5 p.m.; 39 attended.
Scottsbluff, Nebraska, March 2, 4 p.m.; 37 attended.
North Platte, Nebraska, March 3, 2 p.m.; 29 attended.
Grand Island, Nebraska, March 4, 4 p.m.; 52 attended.
Lincoln, Nebraska, March 5, 4 p.m.; 35 attended
Kearney, Nebraska, March 11, 3 p.m.; 70 attended.
Saratoga, Wyoming, March 17, 3 p.m.; 73 attended.
Casper, Wyoming, March 18, 4 p.m.; 35 attended.
Torrington, Wyoming, March 19, 2 p.m.; 46 attended.
Sterling, Colorado, March 26, 4 p.m.; 35 attended.
Denver, Colorado, April 7, 6 p.m.; 33 attended.

Scoping Meeting Procedures and Agenda

Each meeting was preceded by an hour-long “open house.” The public was encouraged to come during the first hour to ask questions of agency representatives, gather information, etc.

An exhibit was displayed at the majority of the scoping meetings describing the endangered species issues, proposed program, Governance Committee, and NEPA process. Handouts included a list of the Governance Committee members, mail-in comment cards, brochures on the proposed program and endangered species, and an agenda. Attendees were encouraged to sign in and be added to the mailing list, and a separate sheet was available to sign up if they wished to make comments for the record at the meeting.

The formal scoping meeting began the second hour with welcoming remarks and an overview of the proposed program and its background. This portion of the meeting was conducted by State representatives (Mike Besson, Director, Wyoming Water Development Commission; Jim Cook,

Legal Counsel, Nebraska Natural Resources Commission; and Doug Robotham, Assistant Director, Colorado Department of Natural Resources). A question and answer period followed, with answers given by the appropriate official present.

The second portion of the meeting was conducted by Curt Brown, Platte River EIS Office Manager. Mr. Brown briefly described the NEPA process, including the “scoping” process, and encouraged all to offer comments and suggestions, but especially comments related to alternatives and possible impacts. He detailed the various ways that comments could be made, including speaking at the meeting; sending in written comments by letter, fax, or postage-paid comment cards; calling the EIS Office; or utilizing the Platte River EIS Office website.

The public comment portion of the meeting then began. Speakers gave their name and organization, and spoke into the microphone for recording purposes. Opportunity was given to any persons in the audience who wished to speak. The public comment portion was later transcribed.

Meetings averaged 3 hours in length. At the Saratoga, Wyoming, meeting, the Carbon County Commissioners had scheduled a Commission meeting later that same evening, so that Reclamation and FWS officials could attend and answer questions in that forum, also.

A total of 484 people attended the 11 meetings. This total included members of the public and agency representatives.

Basis for This Summary

This summary is based on the transcripts from the 11 scoping meetings, plus all other materials submitted to the Platte River EIS Office as of June 30, 1998. In addition to the comments received at the scoping meetings, we received approximately 154 written submissions. All suggested alternatives and impact categories have been included. The chapter on General Comments includes the range of comments and concerns offered, focusing on those most relevant to the proposed program. Minor editing may have been done for clarification and to avoid duplication of thoughts; however, much of the following has been copied verbatim to preserve the flavor and intent of the comments.

CHAPTER TWO

SUGGESTED ALTERNATIVES FROM THE PUBLIC

This chapter provides a listing of suggestions and recommendations made during the scoping process by the public for ways to improve or modify the proposed program and alternatives that should be considered in the PEIS. Order of suggestions does not imply order of importance.

Additional Water Through Conservation, New Supply, Other

- Raise Kingsley Dam in Nebraska.
- Enlarge Seminoe Dam in Wyoming.
- Study Birdwood Creek, Nebraska, as possible damsite.
- Construct reregulation reservoirs to more efficiently use and regulate both appropriated and unappropriated waters owned and controlled by the State of Wyoming.
- Build Deer Creek Dam, either in addition to, or as an alternative to the Pathfinder Modification project, as a mitigation measure to address future impacts and depletions associated with growth and development of Wyoming's North Platte River Basin.
- Management of existing impoundments for other than agricultural use, such as Cherry Creek and Chatfield Reservoirs in Colorado.
- Development of new impoundments specifically for environmental purposes.
- Construct small ponds for the cranes.
- Dredge the sediment from Pathfinder and other reservoirs to increase water storage.
- Increase bank storage of water at higher elevations in Wyoming to prevent evaporation.
- Build a dam in Nebraska.
- Restore Lake McConaughy to its former elevation.
- Buy 5,000 flagpoles and put a sandbox on top of each one of them and drive them in the river so the birds have a place to nest.
- Encourage reuse of imported water in the South Platte Basin, even if it results in diminished Platte River flow in contravention of the Colorado Plan. Maximizing the reuse of return flows from those imports serves to reduce the demand for incremental additional transmountain diversions, thereby reducing their negative impact on Western

Colorado generally and, specifically, on Colorado River endangered species. Denver's municipal diversions from the Blue River are encumbered by Federal court-mandated use restrictions requiring reuse of imported water to extinction. Adherence to the Colorado Plan cannot be allowed to interfere with obligations for reuse of return flows from imported water, and the ability of the Colorado Plan to perform as projected must be examined in this context.

- The proposed program should be changed to reflect a current priority date for additional storage gained by raising Pathfinder Dam. Under Wyoming water law, water right holders who fail to use the water during any five successive years, either intentionally or unintentionally, are “considered as having abandoned the water right and shall forfeit all water rights and privileges appurtenant thereto.” Therefore, the lost capacity in Pathfinder Reservoir has been “abandoned,” and any new storage should have a current water right.
- Study the fact that sandhill cranes are moving into Wyoming more and more and nesting and raising their young there all summer; keep water in Wyoming to help the sandhill cranes.
- Purchase some existing storage rights in Seminoe Reservoir from the Casper Alcova Irrigation District.
- Adjust power generation practices.
- Mitigate loss of power generation revenues at Kingsley Dam resulting from increased seasonally critical flows at the target area.
- Utilize the 15 million a/f groundwater mound created by Lake McConaughy for environmental purposes before any additional water from upstream sources is considered. (Measure and compensate Nebraska groundwater users for potential increases in pumping costs attributable to water table elevation changes.)
- Consider and evaluate transbasin diversion projects (under a willing buyer/seller basis only), in accordance with existing state water rights and transfers and according to the doctrine of prior appropriation and beneficial use. Parties from the source area must be involved in planning as early as possible.
- Purchasing or leasing water and/or water rights on a willing seller/buyer basis should be considered, only in accordance with existing state water rights and transfers and according to the doctrine of prior appropriation and beneficial use.
- Use cloud seeding to augment water supplies.
- Use snowfences or other water capture devices.

- Groundwater recharge is a viable option to provide increases in flows at critical times for the species.
- A “full protection” alternative, where all 417,000 average annual a/f of water shortages are considered and an evaluation made of the water management efforts needed to meet this level of protection.
- Implement a special tax, i.e., food services and/or lodging tax in all the states within the Platte River drainage area, over the time of the migratory flights to pay the costs of this plan.
- Adjust the term of regulatory certainty. Fifteen years is inadequate for agricultural interests in the Basin; business and estate planning for agricultural enterprise requires a longer period of regulatory certainty.
- Provide a fully-documented “No Action” alternative, showing the costs of failure. Benefits to the species are going to be piecemeal without a program.
- Use mechanical means such as bladder dams or other structural means to increase the stage of the river, as opposed to increasing flows in the river.
- Consider additional high-basin storage of Platte River waters and of Colorado River waters, for diversion to the Platte to augment flows in drought years. A Union Park reservoir is the answer for the Platte and Arkansas Rivers.
- Analyze the effectiveness of pumping water back upstream after it has traveled through the river stretch where the Whooping Cranes are said to exist. Economic costs and benefits would be weighed against other alternatives.
- Analyze benefits, as well as economic and environmental impacts on Colorado, of purchasing water rights in Colorado on the Platte, Illinois, and Michigan Rivers.
- The entity responsible for depletions to the Platte River should be given the opportunity to simply replace said depletions with water conservation efforts, with unconsumed transbasin water or nontributary water rights, senior consumptive use water rights, or such other measures that will mitigate any new depletions to the stream.
- The EIS should address individuals and entities whose proposals involve minor depletions and that require Clean Water Act Section 404 permits.
- “New water-related activities” should not include projects for which water rights have already been conditionally decreed; projects for which the appropriation date precedes the effective date of the CA; or projects that utilize water rights that have previously been

decreed as absolute.

- Implement cost-effective water conservation measures, such as:
 - drip irrigation vs. flood irrigation;
 - underground irrigation (buried irrigation tubes deliver surface water right to the root zone);
 - revise water rates to encourage irrigators to save unneeded water for future years through credits (without sacrificing their ability to use the water when needed);
 - alternate high-water use corn crops with lower-water use crop every other year (or every third or fourth years);
 - improved information and crop management - improve farmers' understanding of actual crop moisture needs;
 - M&I water conservation - more efficient plumbing fixtures, closed-loop cooling industrial processes;
 - account for water consumed for livestock operations. Trends toward fewer and larger feedlots is likely changing the location and quantity of water use, and the condition of water returned to the river system.
 - canal lining and sealing.
- The COE Tri-Lakes projects (Chatfield, Cherry Creek, and Bear Creek Reservoirs in the Denver metro area) are too far upstream from the Central Platte River to provide any meaningful reduction in flow shortages and should not be considered as a reasonable alternative to supply water to the Central Platte Valley in Nebraska.
- Expanded use of Denver Basin nontributary groundwater in areas currently or prospectively served from Platte River native sources and Colorado River Basin imported water should be encouraged, thereby reducing impacts to endangered species on both sides of the Continental Divide.
- Maximum re-use of all non-native Platte River resources should be required, thereby reducing the need for new projects and “new” depletions of native and transmountain sources.

Vegetation Management

- Clear the river of high water use vegetation, such as cottonwood trees.
- Clear the desired areas of the river of vegetation and loosen the soils to allow high flows when they occur naturally to restore as much habitat as possible.
- Move the habitat to where the water is, i.e., below Chapman, where water quantity is not as much of a concern, or to where habitat historically was, i.e., Illinois.

- Implement forest management techniques such as:
 - Environmentally sound patch-cutting, selective harvesting of trees, and other forest clearing methods to enhance streamflow and replenish water yields because decreased forest volume and lighter canopies would allow more rain and snow-melt runoff.
 - Curtail insect suppression to decrease forest volume, increasing water flows;
 - Curtail fire suppression to decrease forest volume, increasing water flows.
- Clear the river of driftwood and sand bars that cause flooding, destroy nesting grounds, sand bar nests, etc., to increase populations of endangered species as well as stopping encroaching on adjoining production lands during flood periods.

Target Species/Habitat

- Include predator control efforts as a means of providing the same protection which might be afforded through a more costly, disruptive proposal.
- Consider protecting 5,000 acres, or half the goal of the first increment during the same time period. The 5,000 acres should be managed intensively to restore the desired habitat characteristics as quickly as possible; then, if successful, another 5,000 acres could be obtained during the second increment of any program.
- Cloning of endangered species should be considered.
- Consider the potential for the USDA Conservation Reserve Program and the USDA Buffer Strip Initiative/CRP Continuous Signup for providing interested farmers with a fair rental for their lands while providing mixed native grass fields for wildlife.
- Consider the impact of existing and new bridges, which restrict the flow and narrow the channel, contributing to a reduction of the scouring effect needed to keep sand bars clear.
- Would coyote extermination work to protect the whooping cranes (as was done in the 1970s at Grey Lake, ID)?
- Develop a forest and stream conservation plan/program including wetlands, the sandhill crane, black-footed ferret, Eskimo curlew, western prairie white-fringed orchid, Ute ladies'-tresses, with special attention to the whooping crane and pallid sturgeon.

CHAPTER THREE

POSSIBLE IMPACTS OF PROPOSED PROGRAM IDENTIFIED BY THE PUBLIC

This chapter summarizes the types of possible impacts from the proposed program and alternatives that the scoping participants suggested should be studied in the PEIS.

Water

- Analyses should be conducted under the following three scenarios:
 - 1) above average/plentiful water supply;
 - 2) average water supply;
 - 3) below average/dry water supply.
- The EIS should clearly identify and fully disclose impacts in any area where water use is to be curtailed or terminated.
- A reduction in drought protection caused by changes in water storage in Lake McConaughy by the proposed environmental account of 104,000 acre-feet.
- Negative impacts on Wyoming water rights.
- Impacts to Winter Creek Lake and Lake Minatare in the Scottsbluff Valley.
- Water quantity and water quality should be carefully considered when assessing the net changes associated with water conservation projects related to the Cooperative Agreement or proposed program. For instance, seepage losses from the Dawson County, Gothenburg, and Kearney canals that may be targeted for water conservation measures provide direct benefits to area communities and agricultural interests. Their return flows replenish groundwater, and also help maintain lower nitrates in area groundwater, which is the source of domestic water for 45,000 people, as well as industry, livestock, and irrigation.
- Loss of water for irrigation and/or commercial and municipal use in Carbon County (Wyoming).
- Any conservation of surface water will impact the quantity of groundwater, resulting in no net savings.
- Increased delivery efficiencies or shifts in supplies available to irrigators could have a negative effect on downstream water users, wildlife, etc.
- Impacts on the Colorado River.

- Legal staff should research the suggested alternative of cloud seeding, as cloud seeding to divert water over the past years may have created legal precedents in court actions.
- The EIS should consider the geology of the Platte River corridor. Variations in rock composition and structure affects runoff and runoff prediction in various segments of the corridor.

Economic

- Impacts on local tourism revenues -- crane tourism brings in approximately \$25 to \$53 million to the local economy each year.
- Monitoring future water-related activities will be costly.
- Loss of revenues and recreation in Carbon County, Wyoming, as a result of proposed loss of water from Seminoe Reservoir.
- Social and economic impacts on agriculture, municipal, and industrial water users throughout the Basin.
- Flood impacts:
 - 1) Excess flows in the spring raises already high groundwater table--floods crops and residences;
 - 2) Loss of income from crop production; and
 - 3) Increased flows in fall hinder harvesting.
- Significant negative repercussions on local and/or regional tax bases and economies due to possible large-scale reductions in irrigated agriculture, reductions in project groundwater recharge due to Program mitigation, offset, water conservation, water supply activities, and/or the acquisition of ultimately as many as 29,000 acres of habitat lands.
- Costs of requiring on-farm conservation measures could be prohibitive and would not be considered “reasonable and prudent.”
- Raising Pathfinder Dam will be costly.
- Possible loss of water to the Upper North Platte River users and the economic impact to them.
- Impacts on power rates to customers.
- Impacts on recreation and the fishery in Lake McConaughy.

- Reduced water storage in Lake McConaughy lessens drought protection with potential negative impacts on agriculture and the social and economic infrastructure.
- Communities in Western Colorado strive to develop and maintain diversified economies not based solely on tourism. Valid, existing economic uses of water, as well as private and public land, are critical to the ability of communities to develop/maintain such economies.
- The EIS should consider the effects that projects might have on the valuable mineral resources (e.g., sand and gravel) located within the Platte River corridor.
- In evaluating the economic impact of generation lost by changes in the hydroelectric dam operations, the cost of building new coal-fired or other generation is not the proper gauge to measure against when more cost-effective energy conservation measures are available that would offset the lost generating capacity without the need for building new generation, or where existing available generation can meet the need.

Species/Habitat

- Negative impacts to the target species by a “No Action” alternative, such as:
 - measures for the target species and associated habitat would proceed on a piecemeal basis, the location and timing of which would be dictated by where and when a given water-related activity triggers the need for individual review and consultation under Section 7 of the ESA;
 - the extent of those measures would be defined by what is necessary for each such activity to avoid jeopardy to the continued existence of the target species, not by a higher goal of species recovery;
 - effects of other future (non-Federal nexus) activities in the Platte Basin would likely go unaddressed on a coordinated programmatic basis by all of the States;
 - lack of assurance that any water made available through management within one state would reach the critical habitat and species in another.
- Too much water in the Platte River will destroy nesting turkey nests, along with several birds and animals.
- Diverting Wyoming water could result in drying up existing wetlands, streams, and bogs. This could result in more concentrated migratory flocks in the remaining wetland areas, increasing the threat of disease and affecting other animals in the food chain.
- Restoring wetlands could cause a mosquito infestation which could spread sleeping sickness, killing people and livestock.

- Need provision to equitably credit the various water using interests in the Basin for potential successes in recovering the target species. Target species are showing evidence of recovery under current management of Basin.
- Individual impacts/benefits of the three proposed projects—McConaughy, Pathfinder, and Tamarack—need to be assessed, as well as the combined impacts/benefits of the three projects (case-by-case Section 7 analysis). If such projects do not have net positive benefits for the target species in the habitat area where they are needed, they should not be included in an enhancement program, especially considering that the proposed program is only designed to incrementally meet species needs.
- Impacts to sensitive ecosystems in the North Platte Basin would result from major changes in hydrology.
- Impacts on the sandhill cranes. The Platte is the only major staging area for sandhills on their northward migration.
- Impacts on fish, other aquatic organisms, water quality, and water temperature also need to be considered in the EIS, as these are important food sources for the target species.
- Benefits to the target species could be negatively impacted if forest management allows for a continued decline in water yield from the National Forests. Current management trends--such as fire suppression, which increases forest density, decreasing water runoff--result in reduced water yields from the National Forests.
- Agriculture, wildlife, and municipal water uses are currently delicately balanced on the South Platte River. The development of any program intended to recover and protect the habitat of threatened and endangered species in Central Nebraska should not jeopardize the balance already achieved in northeastern Colorado. The existing irrigated agriculture practices provide habitat and feed for an abundance of wildlife and waterfowl along the South Platte River in Colorado. Taking water away from the existing uses would diminish agriculture production, municipal uses, and the ability of existing wildlife populations to survive.
- By taking water out of the irrigation canal system in Eastern Wyoming and Western Nebraska that recharges underground aquifers and wetlands above Lake McConaughy, wetlands and streams would dry up or have decreased flows and deprive wildlife of habitat, and people of scenic and recreational uses.
- Impacts on species and habitat in other areas of the Basin.
- Will noxious weeds and poisonous plants gain a foothold in these wetland areas if they are dried up?

- Impacts on other endangered species, i.e., the bald eagle, American Peregrine falcon, black-footed ferret, Eskimo curlew, western prairie white-fringed orchid, Wyoming toad, and the Ute ladies' tresses orchid. Also, impacts on the nearly 20 candidate species for listing.
- Will migratory birds continue to decrease in population because these wetland areas will no longer be there?
- Trees along the river create habitat for turkeys, ducks, deer, beaver, etc. Also create transpiration of water. These are factors to analyze.
- Diversion of large volumes of Colorado River water destroys or adversely modifies the habitat and jeopardizes the continued existence of native endangered Colorado River fish populations in Colorado.
- What impact does vehicular travel have on the nesting birds? Have the travel and nesting patterns of the birds changed over time?
- Some management systems favoring one species might be detrimental to another species. We request that the EIS contain a section on the ramifications of various proposed alternatives or enhancement methods so that there is a complete analysis of the benefits and risks posed by each proposed solution.
- Other efforts dealing with threatened/endangered species issues (including fishes of the Upper Colorado) must be considered. The ongoing Colorado River Recovery Plan and the emerging Platte River Recovery Implementation Program are likely to conflict over much of the same water.
- Suggestions such as forest management to reduce forest volume and removing cottonwood trees neglect the beneficial effects of trees (stabilizing river banks, provide shelter and nesting sites); do not account for water usage by ground cover plants; ignore the evaporation of water from unvegetated soil; and fail to acknowledge that a well-managed forest minimizes soil loss from erosion and shade trees slows down evaporation from soil and actually produces more water table recharge than the same area covered by grass.

Cultural

- Impacts on the culture and traditions of Basin communities.
- Creating controversy or polarity among people living in different basins as a result of transbasin diversions.

- Impacts on waterfowl hunting--too much water in October. If hunting is impacted, waterfowl numbers will increase too much.
- Possible loss of flexibility to accommodate future growth population and to maintain existing water quality and quantity.
- Follow the procedures established in Section 106 of the National Historic Preservation Act and the Advisory Council regulations 36 CFR, Part 800.

Power

- The proposed program only covers the first increment, namely 13-16 years. However, several of the regulatory processes being streamlined under the program, including the Kingsley re-licensing, fall under Federal licenses or permits covering a 30-50 year period. Therefore, the EIS should consider impacts for the full length of these permit and license periods. A supplemental EIS will need to be conducted for additional phases of the program.
- Impacts on power generation.
- Changes to the operation of some or all of the Federal dams on the North Platte River may affect the timing of power generation and may result in actions such as: construction of new alternative generation sources; contracting to purchase power from existing facilities such as coal-fired powerplants. This could produce environmental affects related to air quality, land disturbance, and other effects. These effects would need to be considered under direct, indirect, and cumulative effects analysis in the EIS.

CHAPTER FOUR GENERAL COMMENTS

This chapter summarizes comments from the public that do not fit into the categories of “Alternatives” or “Impacts.” They were taken directly from transcripts of the public scoping meetings or written comments sent to the Platte River EIS Office. The majority of this section has been copied verbatim to preserve the flavor and intent of the commentor; however, there may have been some slight paraphrasing done in the interest of space.

Water

- Wyoming has already donated way too much water to Nebraska; let them come up with their own water. A lot of water does come from Federal land, but a lot comes from private land as runoff. We have been sharing our private runoff and a time has come to say “no more.”
- 150,000 a/f of additional water down the Platte under the current proposal is not realistically attainable.
- State water law should take preference in any endangered species concerns.
- If not for the beneficial effect of the water imported from the Colorado River, the Platte River at the Colorado/Nebraska line would be greatly reduced from the rates of flow observed over the last 50 years of importation.
- A comparison of the flows on the River for the past 60+ years shows that the target flows the FWS is requesting have never occurred.
- No current water right holder should lose any of their allocation either directly or indirectly by new water rights being established with earlier appropriation dates.
- Any actions affecting Wyoming water right holders must be under the jurisdiction of the Wyoming State Engineer and abide by Wyoming Water Law in all areas.
- Colorado does not, and will not, relinquish its ability to fully develop and utilize water from any source within the State of Colorado.
- The logic behind these target flows is twisted, the science flawed, the assumptions impossible, and a failure to comport with common sense complete. Note page 4 of Attachment 3, footnote 3, of the Cooperative Agreement, “The states have not agreed that these target flows are biologically or hydrologically necessary to benefit or recover the target species.”
- The water flows requested are not necessary nor advisable and damage any credibility that

Fish and Wildlife, Interior, or other governmental agencies may have had.

Species/Habitat

- There is too much money spent on the endangered species at the expense of taxpayers. Besides the cost of saving the endangered species, the taxpayers have to foot the bill for the legal fees of Government agencies fighting amongst themselves.
- I'm concerned about a news article in which Tom Stehn, National Whooping Crane Recovery Coordinator for FWS, stated that whooping cranes don't "stage" in Nebraska; they just go directly from Aransas to Canada (Denver Post, 3/15/98). So, why are we spending money for whooping cranes in Nebraska?
- The end goal they want from this process is to turn Nebraska and this area along the Platte, which was built and sustained by irrigated agriculture, into an endangered species flyway over time. It's to weaken agriculture. . . for the benefit of tourism and to appease environmentalists.
- Over 150,000 sandhill cranes "stage" for 6 weeks near Hershey, Nebraska. Habitat appears to be quite adequate, considering this is 150 miles from Grand Island. I question the Whooping Crane Trust hypothesis that ALL cranes come through Grand Island.
- Lincoln and Omaha are scheduling wells of millions of gallons a day for domestic use. So, water going down the river for the sturgeon is really being used for domestic use, so this whole thing seems to be a sham.
- It is important that the Platte River Recovery Implementation Program provides regulatory certainty and provides the assurance that the need to list more species is prevented by this program.
- Nebraska should not bear the entire burden for recovery of threatened or endangered species. The recovery program must require Colorado and Wyoming to do their fair share.
- Revise the Endangered Species Act.
- Birds and animals will survive with humans.
- The environmentalists have turned prime farmland into a stinking mess of dying vegetation, animals, and so forth, all in the name of "wetlands" and wildlife.
- The sandhill crane expansion is proof the habitat is satisfactory.

- I tend to believe, after having animals for many years on the farm, that they will adapt; they can survive under less than ideal conditions, and that, to me, we're just sending money down the river.
- There are already plenty of pallid sturgeons in the United States.
- The designation of critical habitat from Lexington to Chapman for the whooping crane is lunacy at its best! Tens of thousands of acres for what is, so far in the Spring of 1998, two birds! It is such an abuse of our tax money that it is pitiful.
- Prior to the construction of Kingsley Dam, the Platte would dry up nearly every year. It would appear that the baseline population of the plover and tern for this area should be close to zero.
- Decreasing habitat for many species to try to add to habitat for a couple of species (that are immigrants) does not make sense at all.
- Why is there a concentrated effort to affect the Platte River between Lexington and Chapman when the whooping crane stops in Nebraska, but is not particular where it stops?

Cooperative Agreement/General

- The Riverside Irrigation District supports the Agreement in its present form.
- The Central Wyoming Regional Water System Joint Powers Board strongly supports the program as proposed.
- The City of Brush, Colorado, supports the three-state Agreement for the recovery of species of concern or endangered in the Platte River Basin. We support the efforts being made by Colorado in the Tamarack area. We also realize streamflows in Nebraska are important to the program but, at this time, we do not endorse any quantitative amount. We think an ongoing program will help us determine what these amounts should be for the best interests of all water users in the three-state area.
- The Lower South Platte Water Conservancy District and the Advisory Committee of the South Platte Lower River Group support the Cooperative Agreement. We are also aware of the Colorado-Nebraska Compact. The Compact was signed on the 27th date of April, 1923, and it affects water rights junior to the 14th of June 1897. We strongly feel that the Colorado-Nebraska Compact and the proposed Platte River Recovery Implementation Program are two separate issues.
- The Lower South Platte Water Conservancy District basically supports the Cooperative Agreement and the proposed Platte River Recovery Implementation Program.

- Nebraska Public Power District supports the Cooperative Agreement and the basinwide Program and believes it is the most equitable means for addressing threatened and endangered species habitat in the Central Platte River.
- The Platte River Whooping Crane Trust supports this basinwide approach to water management in the system.
- The North Platte Natural Resources District supports a balanced approach to ensure that protecting some of the Basin’s resources does not cause damage to other resources.
- The Platte River Project [an arm of the Colorado Water Congress] fully supports the negotiated agreement.
- The Nebraska Public Power District supports the Cooperative Agreement and the Proposed Program with its basinwide resolution.
- The Northern Colorado Water Conservancy District supports the Cooperative Agreement and the Recovery Program as proposed.
- The National Audubon Society greatly supports a basinwide effort.
- The Central Colorado Water Conservancy District opposes the proposed program.
- All county and local governments as well as any other governmental agency, such as conservation districts, should be invited to participate as cooperating agencies to insure that all factors are thoroughly considered and assessed. All information developed and considered should be made available to all who are directly affected and impacted.
- The Governance Committee does not equitably represent agricultural stakeholders in the Platte River Basin.
- Costs are not equitably shared by parties to the Agreement. Federal mandate needs to be accompanied by Federal funding.
- You need to view all your decisions through the eyes of the 7th generation. There is NO sense of future in your presentations. No sense of urgency that we really DO NOT have an option to fail. This is Do-or-Die time when it comes to cooperation for the future of this area and the tremendous incomprehensible pressure on all land, water, and wildlife from increased human population. In your handout, page 4, “the 1st phase of proposed program (10 to 13 years). . .” Do you realize in 10 to 13 years, the USA will have approximately 22 million more people?
- Your program is a land grab and government control. The government doesn’t own the land; it is on loan from God.

- I am aware of Fish & Wildlife’s heavy-handedness in North Dakota, South Dakota, and Minnesota. So, I live in dread that this might be, in spite of all the efforts of many good people, that as far as the FWS, it might be a PR effort and that the heavy hand of the bureaucracy will ultimately come down on those of us who reside in this area.
- The Wyoming Water Development Office supports the Pathfinder Modification project, the proposed basinwide recovery program, and the adaptive management approach.
- The Platte and Prairie Audubon Society (Greeley CO) supports the Cooperative Agreement.
- The Aiken Audubon Society (Colorado Springs CO) supports the basinwide approach.
- The City of Lincoln, Nebraska, generally agrees with the Cooperative Agreement, while favoring an agreement which recognizes human needs as first priority while acknowledging the other legitimate needs along the Platte River.
- Southwest Consolidated Sportsmen (15 clubs, 1500 members) supports the CA and encourages wise water management.
- The Audubon Society of Omaha supports a basinwide program.
- In general, the Nebraska Wildlife Federation supports a basinwide approach to address fish and wildlife resources in the Platte River Valley.
- Why isn’t the threatened *Ute Ladies’ Tresses Orchid* one of the species in the proposed plan? It occurs along tributaries of the Platte River.
- Photographs from the 1960’s show a stretch of river completely void of vegetation. Any ecosystem that changes that drastically in such a short time is headed for a certain and irreversible disaster. The basinwide approach needs to be implemented.
- I am in favor of protecting the Central Platte River ecosystem for wildlife and keeping the natural surroundings in its current condition. We do not need any commercial development near the Platte River or alter the natural flow of the river and its streams.
- Price of water in Wyoming is excessive, considering the short growing season. I think the real endangered species are the farmers and ranchers that rely on the river for all or part of their living.
- **Equal** consideration between consumptive vs. survival of ecosystems must be a priority. A river should never be allowed to go dry!

- The people of Nebraska should be ashamed of themselves; what I heard loud and clear is a typical “me first” attitude in all concerns about Nebraska’s jewel, the Platte River. All I can say, is they had better sharpen up.
- The Central Wyoming Regional Water System Joint Powers Board strongly supports the program as proposed. The municipal component of the Pathfinder modification project is especially critical. Our agreement not to push for construction of Deer Creek Dam is contingent on the Pathfinder modification. We also believe you should focus your water supply and conservation studies to identify the additional 60,000 acre-feet of water on areas near the endangered species habitat, for example, the groundwater mound in the critical reach.
- It will be absolutely necessary that local people manage the direction of this program with governmental people acting as nonvoting advisors. Local support of the program is critical and will not be there unless locally controlled. Consultants and advisors had better have knowledge of this specific area with a local address. The East coast and the West coast “consultants” do not carry credibility when it comes to our area (Lexington NE).
- Nebraskans should not have to bear the full burden for recovery of the threatened and endangered species along the Platte. As the birds know no state or national boundaries, so sound stewardship must also go beyond the borders of Nebraska.
- The Cooperative Agreement and the Proposed Program will have no effect, directly or indirectly, on water use activities that will otherwise occur in the Colorado River Basin. The CA and the Proposed Program do not modify, in any respect, the Colorado River Compact of Upper Colorado River Compact, the Blue River decree, or other water rights decreed for the diversion of water from the Colorado River Basin for beneficial use within the South Platte River Basin.
- Local land plans must be considered in the planning process. It is the responsibility of Reclamation and FWS to be aware and coordinate with such plans.
- Decisions that will impact the use and management of natural resources in the area must be based on sound, scientific information and input from local residents.