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## **Suit Filed to Protect Colorado River and Prevent Dam Expansion in Boulder County**

### **Conservation Coalition Seeks to Halt Denver Water's Moffat Project**

Denver – A coalition of conservation groups filed suit today in federal district court seeking to halt Denver Water's proposed expansion of Gross Dam in Boulder County and to protect flows in the Colorado River. The groups' complaint details how federal agencies charged with permitting the project failed to comply with environmental laws including the Clean Water Act, and failed to ensure the health of the Colorado River, its native and imperiled species, and communities across Colorado that will be negatively impacted by the project.

At the exact moment in history when flows in the Colorado River need to be protected, Denver Water's reckless irresponsible project is trying to further drain the river said Gary Wockner, Director of Save The Colorado. "Our goal is to stop this project in its tracks."

Denver Water's Moffat Collection System Project involves diversion of additional water from the headwaters of the Colorado River, transport in the existing Moffat Tunnel through the Continental Divide, and release into South Boulder Creek for storage in the proposed expansion of Gross Dam and Reservoir. The project will triple the storage capacity of Gross Reservoir and the dam will become the tallest dam in the history of Colorado. "Denver Water's proposal to build the largest dam in Colorado history will hurt the 40 million people in 6 states and 2 countries who depend on the Colorado River - a critical but disappearing, resource - for their water supply," said Daniel E. Estrin, general counsel and advocacy director at Waterkeeper Alliance. "Waterkeeper Alliance stands united with our many Colorado River Basin Waterkeepers who are fighting to protect their waterways and their communities from this senseless and destructive project."

The legal filing names the Secretary of the Interior, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service as the officials and agencies that failed to meet their legal obligations under the Clean Water Act, Endangered Species Act, and National Environmental Policy Act. The lawsuit follows through on the conservation coalitions' warning to the federal agencies in the 60-day notice letter the groups submitted in October. That letter described how filling the enlarged dam would require increased diversions of water out of small headwater streams tributary to the Colorado River in Grand County that would further imperil the endangered

“green lineage cutthroat trout.” While Denver Water and the federal agencies acknowledged the notice, actions were not taken to remedy the concerns of the groups.

This litigation comes at a time when the basin states are working to put together a Drought Contingency Plan to address falling levels in Lake Mead and Lake Powell due to extensive drought and climate change. Scientists predict that climate change will further drain the river in the coming decades, thus further imperiling water supplies and river health in the future. The Moffat Project is just one of a series of proposed water projects that look to develop the last bit of water left to sustain the already compromised Colorado River. These projects include the Windy Gap Firming Project, Lake Powell Pipeline, the Fontenelle Dam Re-Engineering, and others.

“The Colorado River is in crisis,” said Jen Pelz, Wild Rivers Program Director at WildEarth Guardians. “The most obvious solution to sustain our namesake river is to start living within our means, not doubling down on what got us here in the first place—more reckless dams and diversions.”

The project, which would be the biggest construction project in the history of Boulder County, Colorado, would also have enormous negative impacts on the County and its citizens. Further, Boulder County is one of the most pro-environment communities in the U.S., “For those of us who live close to Gross Reservoir, we will lose everything we moved here for: wild pristine beautiful scenery, clean air, clean water, boating, fishing, peace and quiet,” said Celena Collins who is president of The Environmental Group, a citizens’ groups in southern Boulder County. “It is imperative that preserve the pristine beauty of our mountain range and protect all that dwell within it, but this project would make that impossible. The construction associated with the expansion of the reservoir will bring explosives, big trucks and machinery, pollution, toxic coal fly ash, and will destroy more than 200,000 trees which provide critical wildlife habitat and ecosystem services like erosion prevention.”

The organizations participating in this litigation are represented by the public interest environmental law firm Meyer Glitzenstein & Eubanks LLP.

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About the co-plaintiffs:

**Save the Colorado** is a grassroots nonprofit organization whose mission is to protect and restore the Colorado River and its tributaries. For more information please visit:

[www.savethecolorado.org](http://www.savethecolorado.org) .

**WildEarth Guardians** is a non-profit organization working for over 25 years to protect and restore the wildlife, wild places, wild rivers, and health of the American West. For more information please visit: [www.wildearthguardians.org](http://www.wildearthguardians.org).

**Waterkeeper Alliance** is a global movement uniting more than 300 Waterkeeper Organizations and affiliates around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.5 million square miles of rivers, lakes and coastlines in the Americas, Europe, Australia, Asia, and Africa.

For more information please visit: [www.waterkeeper.org](http://www.waterkeeper.org).

**Living Rivers** is a nonprofit organization working to revive the Colorado River. For more information please visit: [www.livingrivers.org](http://www.livingrivers.org) .

**Sierra Club** is the most enduring and influential grassroots environmental organization in the United States. We amplify the power of our 3.5+ million members and supporters to defend everyone's right to a healthy world. [www.SierraClub.org](http://www.SierraClub.org)

**The Environmental Group of Colorado** opposes Gross Dam Expansion to Save Boulder County and Protects our National Environment. [www.SaveBoulderCounty.org](http://www.SaveBoulderCounty.org)