



## Town of Kremmling

P.O. Box 538  
Kremmling, CO 80459-0538

970/724-3249  
970/724-9409 Fax

RECEIVED  
PF  
AUG 02 2012

BY .....

Grand County Board of Commissioners  
308 Byers Avenue  
Hot Sulphur Springs, Colorado 80451  
August 2, 2012

Dear Commissioners,

Re: 1041 Permit - 2012 Windy Gap Firing Project

The members of the Kremmling Board of Trustees have received the Certificate of Recommendation for subject permit from the County Manager's Office and wishes you to know the following:

- We feel that it is very important that the Town be assured of the summer flows of the Colorado River. The summer tourism business is vital to our economy. Fishing and rafting are mainstays to our summer economy as is agriculture. We are also dependent upon the Colorado River as a source of drinking water in our community.
- While not in our immediate purview we are very much concerned about the Moffat Firing Project and how it may impact the flows into the Windy Gap source of our firing project. Low flows affect not only the volume of water coming into Windy Gap, but the temperature of flows downstream. Warming temperatures affect the nature of fishing to which we are accustomed.

We urge that the Grand County Board of Commissioners assure that adverse conditions be mitigated as promptly as possible should such adverse conditions arise. If these matters are all taken into consideration we support such actions as you deem appropriate.

Very truly yours,

EXHIBIT

A

**Kathy Etlar****AUG 01 2012**

**From:** Mike Collins [westernsales@comcast.net]  
**Sent:** Wednesday, August 01, 2012 10:53 AM  
**To:** grndcty1@co.grand.co.us; mayor@townofgrandlake.com; town@townofgrandlake.com  
**Cc:** 'Jane Tollett'; mwhiting@tu.org  
**Subject:** Windy Gap 1041 Permit Application  
**Re:** Colorado River above Shadow Mountain Reservoir

Dear Commissioners,

Congratulations, you have an opportunity to set 1041 conditions that will help mitigate the present and historic cumulative environmental impacts on the County resulting from the dry-up of our streams and rivers by the thirst of the Front Range communities. This pillage of our water has degraded our riparian habitat, destroyed the fisheries, and significantly reduced our property values. The mighty Colorado River above Shadow Mountain Reservoir has been reduced to a dry stream bed for 2 - 4 months a year through diversions of water by the Red Top Ditch owned and controlled by the Northern Colorado Water Conservancy District. This District is the same one now applying to continue their diversions of water impacting the Colorado River below the Windy Gap Reservoir.

The Mountain Meadows Home Owners Association (MMHOA) is very involved with the County in trying to protect and enhance this stretch of the Colorado River. We have invited representatives of the County to speak at our annual meeting and we sponsor a temperature gage on the Colorado River. This stretch of river is reduced to "no" flow many months a year so I am not sure why we are taking temperature measurements but hopefully, someday with your help it can be restored to its place as a World Class River. To do so will mean its flow needs to be restored. We have heard for far too long that because of the Colorado's water rights system of laws, Northern Colorado can divert all the water that is in priority and dry up the Colorado River. That is nothing but an excuse to allow Northern to degrade, deplete and ruin the County's water resources and environment.

As you are aware, the Town of Grand Lake also suffers from extreme water quality degradation because Northern diverts the Mighty Colorado River around Shadow Mountain. Rather than allow pristine water flowing out of Rocky Mountain National Park to flow into Shadow Mountain, Northern chooses to pump water from below Windy Gap Reservoir degrading the water quality in Lake Granby, Shadow Mountain Reservoir and Grand Lake. Essentially rather than being a good neighbor and helping enhance the Colorado River and the three lakes, Northern chooses to do what they feel is easiest for them. If they do not want to be a good neighbor and give the county the "sleeves out of their vests", why should the Commissioners work with them to grant a 1041 permit?

EXHIBIT

08/01/2012

**B**

The Commissioners have an ability to significantly enhance our environment, improve water quality, help the riparian habitat and save a fishery without any significant cost by simply adding a condition to the permit that requires leaving water in the Colorado River. This does not hurt Northern but only gives them an opportunity to be a good neighbor.

If you have any questions, please feel free to contact me.

Sincerely,

Mountain Meadows Home Owners Association

***Mike Collins: President***

***Jack Hibbert: Homeowner/MMHOA Member***

Phone: 303-884-1391

Fax: 866-452-0243

E-mail: [westernsales@comcast.net](mailto:westernsales@comcast.net)

RECEIVED  
AUG 01 2012

BY:.....

July 31, 2012

Grand County Commissioners  
P.O. Box 264  
Hot Sulphur Springs, CO 80451

Honorable Grand County Commissioners:

We are Board Members of the Ouray Ranch Homeowners Association, Ouray Ranch Angler's Club and a landowner in Grand County. The Ouray Ranch, approximately 400 acres bisected by 1.25 miles of the Colorado River, is halfway between Windy Gap and Granby Reservoirs. The Ouray Ranch was originally part of a YMCA camp which was purchased in 1981 and redeveloped into 49 home sites. As part of the redevelopment, extensive improvements were made to the river, adding 30 new pools and accompanying channels and riffles. A couple of years later, Lake Ouray, a 3.5 acre lake, was created to provide an additional high quality habitat for trophy trout. In 1984, we deeded a conservation easement on 234 acres of the ranch to help preserve the pristine beauty of the valley. The owners of the Ouray Ranch have invested and will continue to invest a great deal of time and money in creating and maintaining a beautiful and high quality trout fishing and wildlife habitat. We are obviously very interested in maintaining the value of our property and the world class trout habitat in the Colorado River that runs through our land.

The Grand County Stream Management Plan ranked the Colorado River between Granby Reservoir and Windy Gap as the reach with the 3<sup>rd</sup> highest priority for restoration efforts and resource allocation of all the sections of the Upper Colorado River and its tributaries. Studies by Barry Nehring of the Colorado Division of Wildlife show that sculpin and stoneflies, which were in abundance at the Ouray Ranch following the stream improvements we made in 1982, are now "essentially gone" from our reach and others that are directly below dams on the Upper Colorado. Sculpins and stoneflies are, however, abundant, according to Nehring, upstream of Granby, Windy Gap, Willow Creek and Williams Fork Reservoirs. Prior to the historic run-off of 2011, the silt build-up in our stretch of the Colorado had choked the river, killing off many of the insects that the fish rely on for food and destroying the trout breeding habitat. These problems are compounded by an increasing level of algae and didymo in the river. Water pumped from Windy Gap to Granby Reservoir has resulted in increased nutrient loading to the reservoir and a reduction in water quality for the Colorado River below the dam. Clearly, the wildlife and fishery habitats in our reach have declined over the past 25 years. Finally, we are concerned that future climate changes could create other unforeseen problems for fish and wildlife in and along the Upper Colorado. According to a study by

EXHIBIT

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the Colorado Water Conservation Board, run-off in the Colorado River is expected to decline by 5 % to 20 % in the 21<sup>st</sup> Century. Given that approximately 73% of the Upper Colorado will be diverted if the proposed Windy Gap and Moffat firming projects are approved, the proposals have the potential for disastrous results if not monitored and managed properly.

We are concerned that the mitigation plan created by Northern Colorado Water Conservancy District is inadequate to address the impacts of proposed diversions from their Windy Gap firming project. In a recent review of the Windy Gap firming project, the EPA recommended "a more robust monitoring and mitigation plan" to protect the river. To improve the mitigation/enhancement plans and address the issues identified above, we would recommend:

1. Increasing the flows out of Granby Reservoir during the summer and early fall to maintain a healthy cold water fishery. The volume of water provided and the duration of these supplemental flows should be consistent with the best available information and scientific research. The Grand County Stream Management Plan provides a guideline based on their research.
2. Provide supplemental flushing flows out of Granby Reservoir during spring run-off to transport sediment and promote a healthy cold water fishery. In addition to benefiting our reach, both recommendations for increasing flows will benefit all reaches down the Colorado. Again, the Grand County Stream Management Plan provides a guideline for what these flows should be, but the results should be monitored to verify they are truly maintaining a healthy habitat.
3. Require Northern to take steps to improve the water quality in Windy Gap, Granby Reservoir and Grand Lake.
4. Require that any permits issued to Northern must include the adoption of an Adaptive Management Plan, such as that described in the Grand County Stream Management Plan. This plan should monitor the health of the river and adjust the operation to ensure that a healthy, world class, fish and wildlife habitat is maintained. For example, if future changes in the climate cause a reduction in the quantity of water available, then the quantity diverted should be reduced to a level necessary to maintain a healthy cold water fishery. We also believe that the committee created to oversee the Adaptive Management Plan should be diverse and represent the interest of all stakeholders, including the landowners along the Colorado River above Windy Gap.

Senate Document 80 requires that the operation of Granby Dam and the diversion of water to the east slope must preserve the fishing, recreation and scenic qualities of the Colorado River and Rocky Mountain National Park. Grand County should demand that the Bureau of Reclamation live up to its obligation and become part of the solution to restore the Upper Colorado River to the world class trout fishery that it was back in the 1980s.

Finally, we would like to thank Grand County for taking such a strong proactive role in working towards a positive solution for all the stakeholders. Ultimately, the solutions may require that Northern invest a bit more time and money, just as the owners of the Ouray Ranch have, but the result should be something we can all be proud of. Fortunately for Northern, they can recoup their investment through higher rates, which we, as customers, would be more than happy to pay.

Sincerely,

Stephanie J. Young  
Ouray Ranch Homeowner's Association

Brian T. Young  
Ouray Ranch Angler's Club

August 2, 2012

**To:** Grand County Permit Authority

**Re:** 1041 Permit – 2012 Windy Gap Firing Project

My name is Richard T. Sprague; my wife and I own Unit 7A in Lakeside Townhomes, a subdivision of the Pole Creek Valley development; I am also an elected member of the Board of Directors of Tabernash Meadows Water and Sanitation District. We plan to move our primary residence to Tabernash after our youngest son graduates from CSU, roughly in December of 2013.

Let me state for the record that I have previously commented on water both Moffat Tunnel and Windy Gap firing projects on both sides of the Continental Divide. Also let me state that I am a semi-retired engineering and environmental sciences consultant who has participated in environmental permitting projects here in Grand County, as well as throughout the state and nation.

I appreciate this opportunity to comment on the 1041 Permit for the 2012 Windy Gap Firing Project. I have given copies of my comments to the recording secretary and you should each have a copy in front of you. Please take any of these comments as mine alone, not associated with my elected or consulting positions.

Firstly, I want to commend staff for their diligence in reviewing the application together with all of its attachments and predecessors; and in developing thoughtful, well documented comments and recommendations. I support staffs' recommendations in their entirety, and ask the Permitting Authority to include each recommendation in the 1041 Permit unless the Permitting Authority's Counsel recommends against a recommendation(s). I strongly support several of the recommendations; I will return to those recommendations if time permits.

I would particularly like to highlight my comments on one of the staff recommendations: Recommendation #17 on page 46 discusses a requirement for the Applicant to "provide written documentation of how use of water for fracking satisfies criterion c of the Grand County 1041 Regulations, if at all." While I do not believe that the Applicant can document that this criterion is met, and I don't really want to get into the debate over fracking as a technology, I am adamantly opposed to allowing use of West Slope water to facilitate fracking on the Front Range. If we are going to use West Slope water to facilitate fracking, it should be a decision made on the West Slope by and for West Slope citizens. We need the high-paying jobs and economic spin-off jobs right here in Grand County or in our neighboring West Slope communities. In my opinion, this is an essential recommendation for our continued economic viability on the West Slope.

Returning to staff recommendations, numbers 13, 15, 16, 17, 20 and 26 are particularly important to me. Each of these recommendations speaks to requirements that will ensure that a spirit of cooperation between the Applicant and the County is accepted by the Applicant. If the Applicant cannot accept these requirements, I believe that we are headed toward a massive legal confrontation, which the County must undertake for the benefit of our citizens.

EXHIBIT

D

**RT Sprague  
Consulting, LLC**

**Richard T. Sprague, LSS**

**537 Coventry Lane**

**Louisville, CO 80027**

**(303) 898-3125**

**[rtsprague.consulting@comcast.net](mailto:rtsprague.consulting@comcast.net)**

**Kathy Etler**

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**From:** mcranewood@q.com  
**Sent:** Thursday, August 02, 2012 1:39 PM  
**To:** grndcty1@co.grand.co.us  
**Subject:** Fwd: Windy Gap firming project, 1041 permit process

REC  
AUG 02 2012

BY:.....

This letter is all I came up with. If you are interested put your name & town on it and send to the grndcty1 e-mail address for the county commissioners; WOODY.

----- Forwarded Message -----

**From:** mcranewood@q.com  
**To:** grndcty1@co.grand.co.us  
**Sent:** Thu, 02 Aug 2012 15:23:29 -0400 (EDT)  
**Subject:** Windy Gap firming project, 1041 permit process

As a Fraser resident and avid fisherman I hope the county commissioners will stay strong in their demands in the 1041 permit process. Specifically the Windy Gap pumping restrictions, the Windy Gap bypass, flushing flow requirements and stream monitoring must all be required of and in major part funded by Northern. We all know the future of our river system depends on the County holding a tough line with those who would take our water. Jim Woodside; Fraser CO.

**Kathy Etler**

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**From:** Brad McDaniel [brad@rkymtnhi.com]  
**Sent:** Thursday, August 02, 2012 2:25 PM  
**To:** grndcty1@co.grand.co.us  
**Subject:** Windy Gap firming project, 1041 permit process

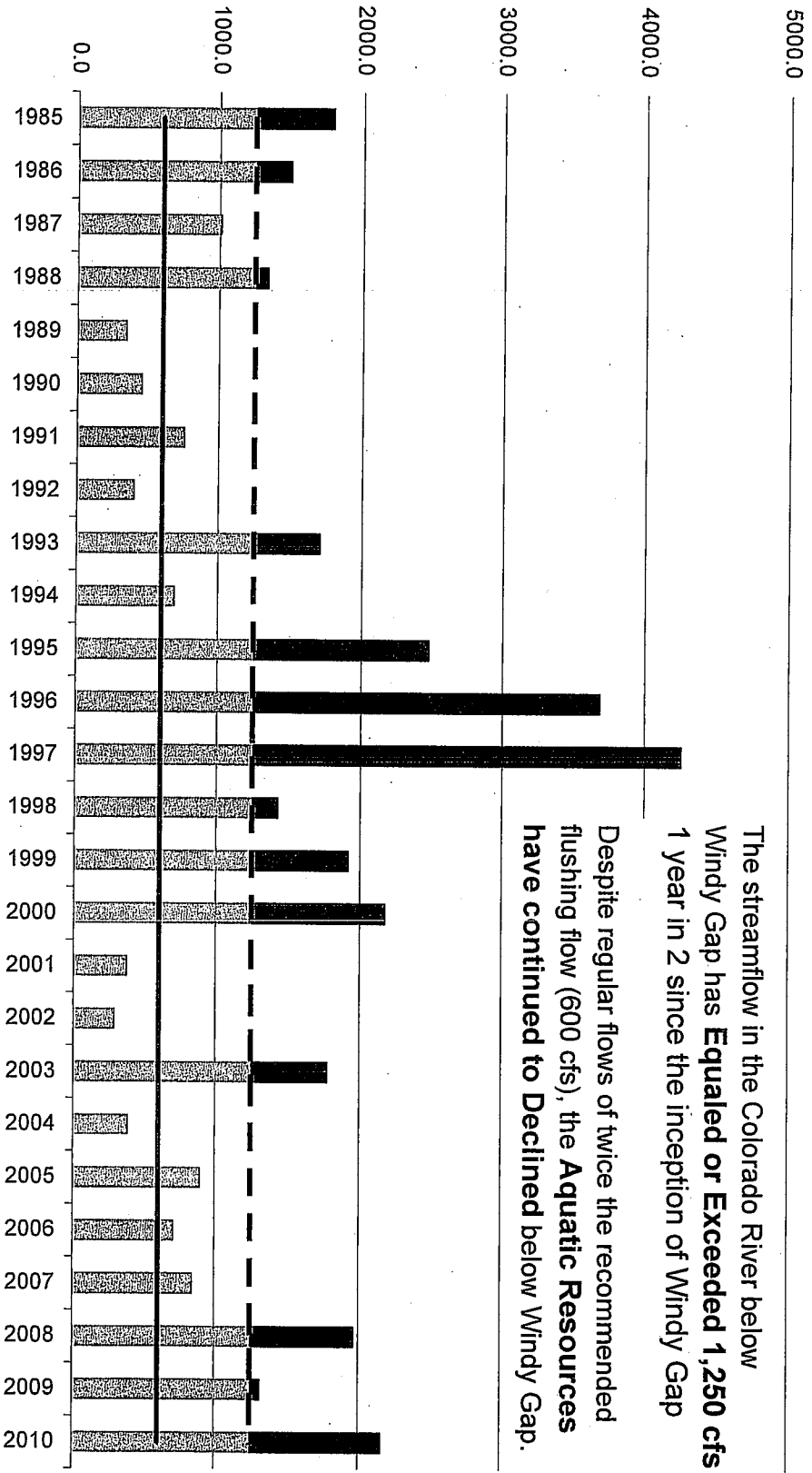
RECEIVED  
AUG 02 2012

Subject: Windy Gap firming project, 1041 permit process

As a Grand Lake and Grand County resident and avid fisherman, I hope the Grand County Commissioners will stay strong in their demands in the 1041 permit process. Specifically the Windy Gap pumping restrictions, the Windy Gap bypass, flushing flow requirements and stream monitoring must all be required of and in a major part funded by NCWCD. We all know the future of our river system depends on the County holding a tough line with those who would take our water.  
Thank You,  
Brad McDaniel  
Grand Lake, Co. 80447

# Colorado River below Windy Gap Peak Day Streamflow (cfs)

600 cfs Proposed Flushing Flow below Windy Gap  
 RESOURCE analysis at 1,250 cfs



The streamflow in the Colorado River below Windy Gap has **Equaled or Exceeded 1,250 cfs** 1 year in 2 since the inception of Windy Gap. Despite regular flows of twice the recommended flushing flow (600 cfs), the **Aquatic Resources** have continued to Declined below Windy Gap.





TOWN OF  
GRAND LAKE

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August 1, 2012

Grand County Board of County Commissioners  
PO Box 264  
Hot Sulphur Springs, CO 80451

RE: Windy Gap Firing Project, 1041 Permit Application

Commissioners,

The Town of Grand Lake appreciates the opportunity to comment today on this application at these public hearings.

As you are aware, the community of Grand Lake has been vocal about the short term and long term effects of the Windy Gap Firing Project on the water quality and clarity in Grand Lake, Colorado's largest natural lake. The Town of Grand Lake takes its stewardship role seriously and will continue to give our lake a voice, advocating for its protection. Looking to the future, we believe that our children, grandchildren, and great-grandchildren should enjoy the same special experiences that were enjoyed by the generations that preceded us.

Senate Document 80, the 1937 enabling legislation for the Colorado-Big Thompson Project, includes a list of five operational criteria. The second criterion reads:

**"2. To preserve the fishing and recreational facilities and the scenic attractions of Grand Lake, the Colorado River, and the Rocky Mountain National Park."**

We believe that this criterion has been neglected for decades and is the reason for the degradation of the water quality and water clarity of Grand Lake. It is of great interest to the Town of Grand Lake that this trend be reversed and that this criterion be given proper consideration as it relates to the design and operation of the Colorado-Big Thompson Project facilities.

Concerns about the adverse impacts that the Colorado-Big Thompson Project has had on Grand Lake are not new. In 1956, the Mayor of the Town of Grand Lake appointed a committee to investigate and make recommendations concerning the degradation of the

P.O. BOX 99, GRAND LAKE, COLORADO 80447-0099  
PH. 970/627-3435  
FAX 970/627-9290  
E-MAIL town@townofgrandlake.com

EXHIBIT

**H**

water quality in the lake. Attached to this letter is a Certificate of Resolution that this committee developed. It cites a number of water problems, including turbidity and the introduction of algae and other foreign substances. It was their conclusion that the waters of Grand Lake were no longer usable as a source of domestic water and was less attractive for recreational use. Even just a few years after operation of the Colorado-Big Thompson Project began, it seems clear that the above criterion was not being met.

Over the decades, the Town has been party to a number of local stewardship efforts to protect the waters of Grand Lake. These include the elimination of septic systems through the development of local sewer collection and treatment systems, the establishment of a regional sanitation district to further enhance the collection and treatment systems and eliminate septic systems, developing and implementing land development codes to control soil erosion during and after the construction phase of an improvement project, the development of a local storm water collection and filtration system for the downtown and lake front area to minimize contaminated runoff into the lake, becoming certified as a Clean Marina (one of only 6 in Colorado) and encouraging other marinas in the three lakes area to participate in that Clean Marina program.

The current Three Lakes Nutrient Study has confirmed that nutrients and non-algae particulates are currently contributing to the degradation of the water quality and water clarity in Grand Lake. The shallow depth, warm temperature and significant algae and weed growth in Shadow Mountain Reservoir all contribute to the water problems in Grand Lake.

The summer of 2011 served as clear and convincing evidence that the pumping of Colorado-Big Thompson Project water from Granby Reservoir through Shadow Mountain Reservoir into and through Grand Lake to the Adams Tunnel creates adverse effects and continues to degrade the water clarity of what was once the most pristine high mountain lake in Colorado. During the period that pumping did not occur (May through early September 2011), the clarity of Grand Lake's water was shown by testing to have increased to a depth of over 6 meters – a 50-year record. Immediately upon resuming pumping, the clarity degraded to a depth of slightly over 2 meters, similar to measurements prior to the no-pump period.

If the current pumping of Colorado-Big Thompson Project water has had such an adverse effect on our lake, we cannot help but ask the question: how can the pumping associated with the Windy Gap Firming Project do anything but make the situation worse? We know the answer – the Windy Gap Firming Project Environmental Impact Statement determined that the project, with the increased annual pumping of thousands of acre-feet of water through Grand Lake, will exacerbate the degradation of the water clarity and water quality in Grand Lake. Thus, we believe that the Windy Gap Firming Project will only continue to make the edict of the Colorado-Big Thompson Project less obtainable unless additional measures are taken to correct a decades-old problem.

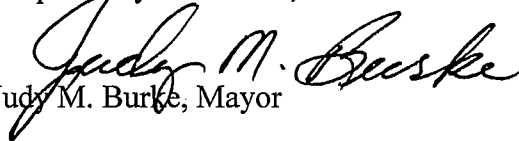
The Northwest Colorado Council of Governments has submitted comments to you on this application based on the region's 208 Plan. Their comments support the Town's concerns about water clarity and quality in Grand Lake.

This application should not be approved by you unless commitments to the following can be obtained from the appropriate parties in an appropriate legally binding format:

- The application must be in full compliance with Senate Document 80.
- The issue of water quality and water clarity in Grand Lake must receive an ongoing focus.
- An ongoing program of water quality monitoring and compliance accountability must be established.
- Applicable state standards for water quality and water clarity in Grand Lake must be met, with provisions for compliance accountability.
- The existing Bureau of Reclamation study to evaluate water quality and water clarity problems in Grand Lake and identify solutions to those problems must be completed.
- Any future studies necessary to evaluate water quality and water clarity problems in Grand Lake and identify solutions to those problems must be completed.
- Any future project that has been determined as the appropriate solution to the water quality and water clarity problems in Grand Lake must be completed and operating successfully.

We thank you in advance for the careful consideration that you, as the permit authority, will give to these points as you deliberate prior to rendering a decision on this application. We will make ourselves available during your deliberations to further clarify any point relevant to our concerns.

Respectfully Submitted,

  
Judy M. Beeske, Mayor

Certificate of Resolution of Committee  
on Grand Lake Water Problems

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The undersigned, John P. Akolt, Jr., Secretary of the Committee on Grand Lake water problems, certifies that the following resolutions were adopted by said Committee at a meeting duly called and held on September 15, 1956, at Grand Lake, Colorado:

BE IT RESOLVED THAT:

WHEREAS, this Committee was appointed by the Mayor of the Town of Grand Lake to investigate and make recommendations concerning the domestic water supply affecting the inhabitants of the Town of Grand Lake and territory contiguous thereto, and consists of representatives of town residents, summer residents and visitors, Chamber of Commerce of the Town of Grand Lake, business people and members of the Town Council of the Town of Grand Lake, and

WHEREAS, this Committee cannot, in all fairness to those affected, make recommendations concerning the water supply to the town and contiguous territory without considering the turbidity in the waters of Grand Lake and the apparent cause thereof, and

WHEREAS, prior to the construction of the Alva Adams Tunnel and Shadow Mountain Reservoir, the waters of Grand Lake fed by mountain streams and flowing westward to the Colorado River were free of contamination and were generally used as a source of domestic water supply, and

WHEREAS, subsequent to the construction of said Tunnel and Shadow Mountain Reservoir by the Bureau of Reclamation, the waters of Shadow Mountain Reservoir are comingled with the waters of Grand Lake resulting in the introduction of a vast amount of algae and other foreign substances into the waters of Grand Lake and so contaminating the waters of Grand Lake that they can no longer be used as a source of domestic water supply and that the turbidity of the water is rapidly lessening the use of Grand Lake for recreational purposes, and

WHEREAS, it is the concensus of this Committee that the responsibility for the contamination and pollution of the waters of Grand Lake lies with the Bureau of Reclamation and it necessarily follows that the obligation to correct the situation lies with the Bureau of Reclamation.

NOW, THEREFORE, this Committee sincerely and urgently requests the Colorado Senatorial and Congressional delegation to immediately contact the proper authorities in the Bureau of Reclamation for the purpose of causing said Bureau of Reclamation to take immediate steps to eliminate the growth of algae in the waters of Grand Lake and insofar

as practicable in the waters of Shadow Mountain  
Reservoir.

DATED this 17th day of September, A. D. 1956.

COMMITTEE ON GRAND LAKE WATER PROBLEMS

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Secretary

## RECORD OF PROCEEDINGS

Sept. 19, 1956

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES, TOWN OF GRAND LAKE, COLORADO.

The regular meeting of the Board of Trustees, Town of Grand Lake was called to order at 7:30 P.M. September 19th., in the Fire Hall by Mayor Woods. Trustees Eslick, Blasongame, Thompson, Negri and Spitzmiller were present.

The minutes of the meeting of Sept. 5th. were read and approved as read.

The Clerk read a letter from Mr. Lester Piper in which he offered his help on a zoning commission.

The Clerk read a letter from Mrs. Grace Eslick, Secretary of the Juniper Club, thanking the Council for the use of the New Community Building for the Juniper Club Square dances.

The Clerk read a letter from Pat Lovett Kane in which she ask for copies of "The Legend of Grand Lake" a poem, so that she might approach movie and television companies on the possibility of making a movie of the "legend". Clerk was ask to write to Mrs. Kane, approving the plan that was proposed.

The Clerk read a letter informing the Town of the change made in the Social Security law as of Jan. 1, 1957. The new payment will be 2½% for each employer and employee, making 4½% in all.

Clerk reported that the unpaid licenses had been turned over to the Town Marshal for collection.

★ Jeff Snider was present to report on the meeting of the Committee on Grand Lake Water Problems. Mr. Snider presented a Certificate of Resolution of Committ on Grand Lake Water Problems which was read by the Clerk.

✓ Mayor Woods reported that the cost of a survey on the Water Problems by an Engineering firm would probably run \$800 or more. Mayor Woods ask Mr. Snider if he would contact Carl Breeze of Kremmling to ask what firm Kremmling had employed and that other information be obtained from Dick Davis. Mayor Woods ask that this information be cleared thru a committee ( namely Don Negri, Art Thompson and Clyde Eslick) who will determine the Engineering firm hired and ok the fee.

Esther Tracy as spokesman for a group consisting of John Shay, Dean Clark, Stan Williams, Ed Beck, Mr. Spencer and others, ask the Council to do something about the Town Dump, to eliminate the fire hazard. After much discussion on what best could be done, Mayor Woods appointed a committee consisting of Dick Blasongame and Gus Spitzmiller to meet with the Fire Department and see what can be done in the matter.

The Council then worked out a Budget to be presented at the October meeting for consideration.

A general discussion was had on the possibility of opening up the road to Highway 34 that runs past the Southway Lodge. The Clerk was ask to write to A.C. Manley and ask him if he would make an estimate on the cost of this roadway.

A discussion was had on whether to install the oil furnace that was purchased for the New Community Building or whether to install gas. Clerk was ask to write to Independent Oil & L.P. Gas and Grand-Routt Gas Co., for estimates on the installation of a gas heater etc., also to write to Ralph Wescott asking for an estimate on the building of a brick chimney.

Adjournment 10:30 P.M.  
Accepted: Oct 3 1956.

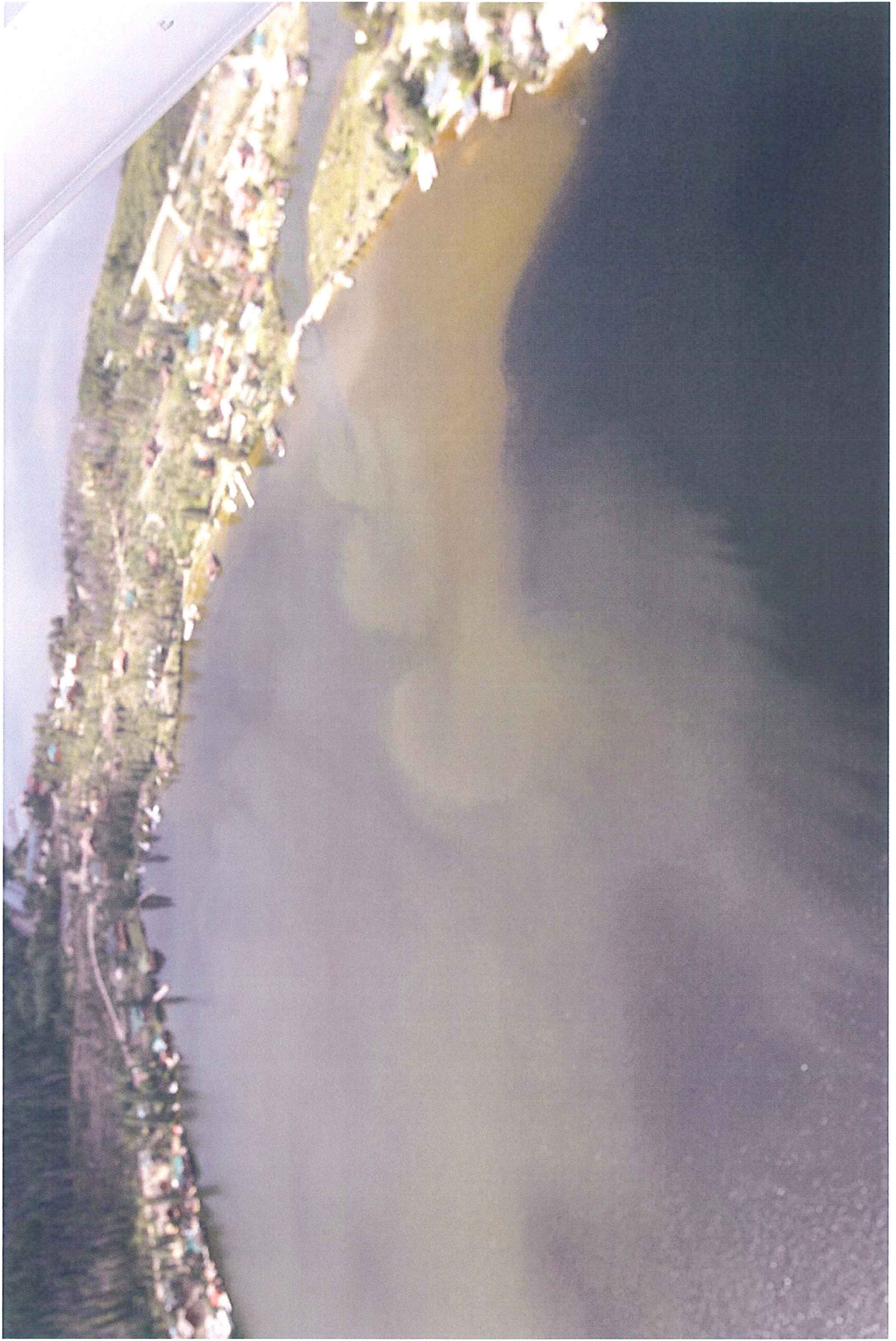
Attest: Elsie H. Baker Town Clerk

H.L. Woods  
H.L. Woods, Mayor.



August 30, 2011 Grand Lake at Shadow Mountain Connecting Channel

EXHIBIT **I**



September 8, 2011 Grand Lake at Shadow Mountain Connecting Channel, 2 days after pumping resumed.

PRESENTATION TO GRAND COUNTY BOARD OF COMMISSIONERS  
AUGUST 2, 2012  
CONCERNING WINDY GAP FIRING PROJECT, 1041 PERMIT

Good Morning Commissioners: I am Canton O'Donnell, AKA Scally O'Donnell. I am the president of the THREE LAKES WATERSHED ASSOCIATION. Our mission is the maintenance and improvement of the quality of life in the area of, and including, Granby and Shadow Mountain Reservoirs, and Grand Lake. Our Association has been active in one form or another for over forty years. In the past, we were, among other efforts, instrumental in the creation of the Three Lakes sewer district, in the opposition to gambling in Grand Lake, and in effecting the drawdowns of SMR in order to control weed growth. We currently have over 200 dues paying members, all from our area of interest.

In recent years, our Association has focused primarily on efforts to mitigate the degradation of the waters in SMR and Grand Lake. We have contributed to the funding of an engineering study regarding solutions to the problems, have contributed substantially to legal fees for an amicus brief—even found the law firm to file that brief, and have supported financially studies by various groups including GCWIN. And we were able to arrange a meeting with the Assistant Secretary of Interior last year to educate her on these issues.

It is obvious that the design of CBT is flawed, and that the problem is pumping water through SMR with its lengthy residence time, shallow depth, and silt laden bottom. Proof of that came last year when there was no pumping during summer, and clarity improved exponentially. Further proof comes from my history of drinking water from Grand Lake without treatment for years of my early life. Not many others are still around who remember that. And no one would dare to do that today!

This is not a new problem. I have had occasion recently to read all of the minutes of meetings of the Grand Lake Yacht Club since 1902. The minutes of the annual meeting in 1953 include remarks about the pollution of GL resulting from the CBT project. Pumping started in 1947. In 1956, the mayor of the Town of Grand Lake appointed a committee to "investigate and make recommendations concerning the domestic water supply of the town and territory contiguous thereto." That committee filed a certificate of resolution urging the "Colorado Congressional Delegation to contact the proper authorities of the Bureau of Reclamation for the purpose of causing said Bureau of Reclamation to take immediate steps to eliminate the growth of algae in the waters of Grand Lake, and insofar as practicable in the waters of Shadow Mountain Reservoir." WE ARE STILL WAITING. And we are still awaiting recognition by USBR of their obligations under Senate Document 80 with which you are all familiar. A copy of that Certificate of Resolution is attached to my remarks that I will leave with you.

Because introduction of up to an additional 30,000 acre feet of water through this ill designed system can only exacerbate the degradation of our waters with more turbidity, reduced clarity, and addition of other pollutants, THREE LAKES WATERSHED ASSOCIATION has opposed the Windy Gap Firming Project. We will continue our opposition until such time that we see real progress toward a solution for the two lakes. The appraisal study that you funded along with Northern Colorado Water was due to be released on March 21. One could assume that it might be released prior to the time you make your decision. That study, connected with other steps by USBR and Northern that take the process to another level could cause us to remove our opposition.

We recognize that a long term solution will involve many environmental studies, serious questions regarding funding, and years of design and construction. The only leverage that you have in forcing the start of that long process is in not issuing the 1041 permit for Windy Gap Firming until such time that all of us see the right kind of progress from USBR, and Northern, that has been totally absent for at least 60 years.

I thank you for your time and consideration.

Certificate of Resolution of Committee  
on Grand Lake Water Problems

---

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WHEREAS, this Committee cannot, in all fairness to those affected, make recommendations concerning the water supply to the town and contiguous territory without considering the turbidity in the waters of Grand Lake and the apparent cause thereof, and

WHEREAS, prior to the construction of the Alva Adams Tunnel and Shadow Mountain Reservoir, the waters of Grand Lake fed by mountain streams and flowing westward to the Colorado River were free of contamination and were generally used as a source of domestic water supply, and

WHEREAS, subsequent to the construction of said Tunnel and Shadow Mountain Reservoir by the Bureau of Reclamation, the waters of Shadow Mountain Reservoir are commingled with the waters of Grand Lake resulting in the introduction of a vast amount of algae and other foreign substances into the waters of Grand Lake and so contaminating the waters of Grand Lake that they can no longer be used as a source of domestic water supply and that the turbidity of the water is rapidly lessening the use of Grand Lake for recreational purposes, and

WHEREAS, it is the consensus of this Committee that the responsibility for the contamination and pollution of the waters of Grand Lake lies with the Bureau of Reclamation and it necessarily follows that the obligation to correct the situation lies with the Bureau of Reclamation.

NOW, THEREFORE, this Committee sincerely and urgently requests the Colorado Senatorial and Congressional delegation to immediately contact the proper authorities in the Bureau of Reclamation for the purpose of causing said Bureau of Reclamation to take immediate steps to eliminate the growth of algae in the waters of Grand Lake and insofar

as practicable in the waters of Shadow Mountain  
Reservoir.

DATED this 17th day of September, A. D. 1956.

COMMITTEE ON GRAND LAKE WATER PROBLEMS

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Secretary

**Windy Gap Firming Project 1041 Permit Comments**  
K. John Stahl, Grand County Resident, August 2, 2012

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I believe that the request for opinions on the Windy Gap Firming Project is premature, given the activities of the Alternatives Development study still being carried out by TetraTech for the Bureau of Reclamation, funded by Grand County and Northern Water. Only those participating agencies, not the citizens of Grand County, have any idea what will be recommended or whether any potential follow on activities will actually be funded.

Originally scheduled for completion in March 2012, it is now August and we have seen no Alternatives proposals on which to comment. Those studies may find that there are less harmful means of moving water to the Front Range. If so, and if funding is identified to implement the suggested improvements, then the additional degradation in water quality brought about by the Windy Gap Firming Project could perhaps be regarded as a temporary setback to be alleviated with longer term permanent physical change. The stated degradations described in the EIS might possibly be offset over time by structural improvements. In the absence of such information, the only thing that we can do is to voice opposition to an ongoing record of ignored preservation. The Commissioners are well acquainted with the Senate Document 80, which was crafted to preserve the scenic attractions of Grand Lake, the Colorado River, and Rocky Mountain National Park. Four other purposes were also identified, all of which seem to trump the scenic attraction requirement, year after year after year, decade after decade.

Until the Commissioners helped push for the C-BT stop pump experiments of 2008 and 2009, there are no records of ANY attempt at preservation of scenic attraction, either through operational changes or structural modifications. In fact, no agency even bothered to document the physical conditions of Grand Lake prior to the construction of the C-BT, against which preservation could be measured. Indeed we see that the delivery of water, the continued generation of power, new industrial development, and other purposes ALWAYS trump any opportunity to maintain Grand Lake in a state that is comparable to other high mountain glaciated lakes. Apart from sporadic early studies and the more recent intensive studies (which have only confirmed hypotheses generated by citizens as early as the 1950s) there have been no physical changes to the project to address Grand Lake clarity. The only documented attempts to improve clarity in any way were those two 2-week stop pump exercises conducted in 2008 and 2009, both of which produced notable increases in clarity. Of course Mother Nature provided the longest stop pump period in 2011, confirming that if left to her own devices Grand Lake would return to a state more comparable to similar high altitude glaciated lakes.

To Commissioner Stuart's question yesterday, it has already been conceded that the particulates moved into Grand Lake are driven by the water transfer from Shadow Mountain reservoir. Additionally, the EIS states that further nutrient degradations in Grand Lake would occur in the Proposed Action, above and beyond the No Action alternative for chlorophyll-a, phosphorus and nitrogen. Secchi depth is forecast to degrade further under both cases. While the amounts in the EIS may not sound like much, remember that Grand Lake will be impacted by these changes for a longer period of time each year too. It is not just that the water is worse, the water will be worse longer. The Subdistrict is asserting that "only" 9,000 to 10,000 acre-feet of additional water will be moved through Grand Lake in the Firming Project. Since the capacity of the Adams tunnel is about 1000 acre-feet per day, this corresponds to a minimum of 9 to 10 days of additional degradation to Grand Lake. Even if the nutrient neutral plans are

**Windy Gap Firing Project 1041 Permit Comments**  
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put into effect, it is hard to understand how an additional 9 to 10 days of predicted water quality degradation in Grand Lake is in any way consistent with the preservation promises made in SD80, under which Northern has agreed to operate.

Further, these 9 to 10 days may seem small compared to 365 days in a year, but they will replace 9 to 10 days equivalence of stop-pump operation, during which clarity in Grand Lake has been shown to recover substantially. The County has helped immensely by pushing for stop pump periods to evaluate the effect on clarity, but these periods have been very difficult to achieve. The first proposals from USBR for 2008 stop pump periods shrunk from two months to six weeks to four weeks and finally to two weeks. Two weeks was also the best that could be negotiated in 2009, and no stop pump period could be accommodated in 2010. Mother Nature cooperated with her own stop pump period in 2011, resulting in the best clarity observed since 1941. With this year's drought, full pumping will be necessary in 2012. So over a five year period of trials, a total of four weeks of stop pump operations were negotiated corresponding to an average of less than 6 days annually. It seems likely that with an additional 9 to 10 days of full pumping requirements for the WGFP, the ability to conduct further stop pump experiments will be curtailed in the future. If operational changes will be ruled out by the GFP, the only alternatives for real improvement will be some sort of structural change.

*To Commissioner Newberry's point, the only way to effectively see if the proposed nutrient reductions are really helping is not to measure what happens downstream of some ranch, but to measure what happens as that water enters Granby reservoir from the Windy Gap pumps and from Willow Creek reservoir. Nutrient reductions obviously will help locally, but it is not obvious that these calculations will translate into real benefits in the Three Lakes or in Grand Lake in particular.*

We are hearing promises of further studies, but committing to preservation and assuring it are quite another. Writing in response to the concerns of citizens of Grand Lake, the Assistant Commissioner for the United States Department of Interior, Bureau of Reclamation said this:

*"We assure you that we are very much concerned with this problem, and there is no intention on the part of the Bureau of Reclamation to shirk its duties or responsibilities. We will do everything within our authority to remedy the situation." This communication is attached, and is dated March 22, 1954.*

Absent commitments to real physical change, it should be obvious to the Commissioners that the only control mechanisms possible are to limit the volumetric flow of water into and through Grand Lake, which means denying the permit for the WGFP. However, if the Alternatives Study assures us that funded structural improvements are not only feasible but are also funded and shall occur, my objection could be reconsidered. One possible action could be taken to alleviate my concerns until such improvements are made. The Sub-district could go further and agree to maintain the average quarterly flow observed over the last decade from July through September, for all future water transfers, be they C-BT or Windy Gap. This would protect Grand Lake from further degradation during the peak tourism period, and move any new WGFP water transfers to a less harmful time of the year. Later, when structural change is implemented, this requirement would be lifted.

UNITED STATES

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DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Washington, D.C.

Mar. 22, 1954

Mr. Robert L. Coon  
1757 Bellaire Street  
Denver 7, Colorado

My Dear Mr. Coon:

We are pleased to reply to your letter of March 11 in which you stress the importance of the Bureau of Reclamation taking responsibility for solution of the Algae problem on Grand Lake rather than dividing this responsibility with other agencies.

We assure you that we are very much concerned with this problem, and there is no intention on the part of the Bureau of Reclamation to shirk its duties or responsibilities. We will do everything within our authority to remedy the situation. The purpose of calling a committee for consultation was to obtain assistance in formulating the most practicable and effective methods of control of Algae, considering all other uses of the area and water and without serious impact on fishery values.

We note your statement that Mr. George J. Turre, Sanitary Engineer, Board of Water Commissioners, City of Denver, is an expert on the control of Algae. We are therefore requesting officials of the Bureau at Denver to confer with Mr. Turre and obtain any information which he may have which will be helpful in the solution of this problem.

Sincerely yours,

Signed H.F. McPhail

Assistant Commissioner