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VERBATIM TRANSCRIPT OF:
PUBLIC HEARING FOR THE
BUREAU OF RECLAMATION & ARMY CORP OF ENGINEERS
HELD THURSDAY, OCTOBER 9, 2008, 7:00 P.M.
IN GRANBY, COLORADO

FOR THE MATTER OF:
PUBLIC HEARING FOR THE WINDY GAP
FIRMING PROJECT DRAFT EIS

A P P E A R A N C E S

For the Bureau of Reclamation:
William D. Tully

For the Army Corp of Engineers:
Chandler Peter

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OCTOBER 10, 2008, 7:04 P.M.

P R O C E E D I N G S

MR. TULLY: First off, I would like to thank everybody for coming tonight and taking the time out of your schedule to be here to help us out in this process.

Unbeknownst to us when we scheduled this meeting -- it was back in the middle of the August -- and the meeting that we had on Tuesday night conflicted with the -- I don't know whether we conflicted with the debates or the debates conflicted with us, but we heard there was a conflict. So, hopefully, there is no conflicts tonight, and I'm glad that there is such a good turnout.

My name is William Tully. I am with the Bureau of Reclamation, the Eastern Colorado Area Office. I'm the reclamation project manager for the preparation of this environmental impact statement. The impact statement that we're preparing is for the Windy Gap Firming Project, which is a proposal of the municipal subdistrict of the Northern Colorado Water Conservancy District, to develop a firm supply for the Windy Gap project.

The draft EIS which we're asking you all to comment on was released for public review and comment on August 29th of this year for a 60-day comment period.

1 Our purpose tonight is to conduct a public
2 hearing that will allow you to provide us with comments
3 on that draft environmental impact statement. Excuse
4 me.

5 The federal actions which precipitated this
6 environmental impact statement were the connection of
7 Windy Gap facilities to the CBT project and a contract
8 between the Bureau of Reclamation and the municipal
9 subdistrict for conveyance -- for storage and conveyance
10 of Windy Gap water through the CBT system.

11 The proposal that we have received from the
12 municipal subdivision -- can everybody hear me okay in
13 the back also?

14 AUDIENCE MEMBER: Not real well.

15 MR. TULLY: Not real well. Do I need to get
16 closer or turn the volume up?

17 AUDIENCE MEMBER: Volume up.

18 MR. TULLY: Is that better?

19 AUDIENCE MEMBER: Yes.

20 MR. TULLY: Yes? Okay.

21 The proposal that we received from the
22 municipal subdistrict is the construction of a
23 90,000-acre-foot reservoir on the Eastern Slope near
24 Carter Lake. Combined with that is the storage of both
25 CBT and Windy Gap water in that reservoir in order to

1 make space in Granby Reservoir for the storage of Windy
2 Gap water. Through a series of exchanges between CBT
3 and the Windy Gap project, the water would be moved from
4 the Windy Gap pumping plant to Granby Reservoir and then
5 to Chimney Hollow and ultimately be delivered to the
6 participants out of Carter Lake and Horse Tooth
7 Reservoir on the East Slope.

8 Again, the purpose of the Windy Gap Firming
9 Project is to develop and provide an estimated 30,000
10 acre-feet of firm water supply to the participants on an
11 annual basis. The water will be provided out of
12 existing water rights that were acquired by a municipal
13 subdistrict in the 1980s. They were originally applied
14 for in the 1960s and ultimately adjudicated, I believe,
15 in the early 1980s. So those water rights are in place,
16 and there is no proposal or -- there is no proposal to
17 modify or change those water rights.

18 Currently, there are 14 participants in the
19 project. They are -- 13 of them are municipalities and
20 rural water suppliers, and one of them is a power
21 company, the Platte River Power Authority, on the East
22 Slope.

23 The draft EIS was prepared for reclamation
24 by ERO Resources, who was a third-party contractor
25 working under our direction in preparation of the EIS,

1 the technical appendices, and all of the information
2 that's currently available on the project.

3 In addition, we have three cooperating
4 agencies that will be using the impact statement for
5 their purposes, the first one being the Army Corp of
6 Engineers, who is represented by Chalder Peter on my
7 left.

8 Chalder, do you want to say anything about
9 the 404 process?

10 MR. PETER: The Corp's involvement is
11 relative to 404 permit associated with construction of
12 the Chimney Hollow reservoir as proposed by the
13 applicant. The Bureau of Reclamation, being the lead
14 federal agency, is in charge of the EIS. The Corps is
15 utilizing this process to satisfy our regulatory
16 requirements, to be able to determine whether or not we
17 can issue a permit to the proposal.

18 So, in the context of this public hearing,
19 the Corps is also utilizing your comments to satisfy our
20 needs and regulatory mandates to be able to evaluate
21 input relative to issues with our permitting decision.

22 MR. TULLY: Thank you.

23 The next is the Western Area Power
24 Administration. There is the potential for the need to
25 relocate a major power line on the East Slope associated

1 with Chimney Hollow Reservoir, and Western Area Power
2 Administration would be using this EIS to serve their
3 needs also.

4 And, I don't know, is there a representative
5 from Western here tonight? Okay.

6 The next is Grand County. Grand County has
7 been a cooperating agency from the beginning on
8 preparation of this EIS. Grand County has special
9 expertise that we have used related to Grand County, and
10 then they also have permitting authority through the
11 1041 program -- or program for certain projects.

12 And I believe there are several
13 representatives here from Grand County tonight, one of
14 them being Jim Newberry, a county commissioner; and
15 Lurline Underbrink Curran, in the back, has been our
16 primary contact with Grand County throughout this
17 process.

18 I would also like to introduce Mike Collins,
19 who is the area manager of the Eastern Colorado Area
20 Office, the office that I work in and the office
21 responsible for the preparation of this environmental
22 impact statement. Mike will be one of the people who
23 will be helping shepherd the EIS through the signature
24 process and getting it signed -- the record of decision
25 signed within reclamation.

1 This hearing tonight is going to be
2 recorded. We have Rosie, court reporter, on my right
3 over here. She will be recording everybody's comments
4 as you come up and make them. The transcript with all
5 the written statements -- if you have a written
6 statement, I would ask you to provide a copy to Rosie.
7 And also, when you come to the podium, if you would
8 state your name and who you represent and then spell
9 your last name to be sure it gets entered into the
10 record correctly.

11 And in order for us to get through this
12 tonight, it's essential that I have the names of all the
13 people who are interested in speaking. If you have not
14 signed in at the front desk, Cara Lam (ph), our public
15 affairs person, is out at the front. If you would like
16 to speak, I would ask that you go out there and sign up
17 with Cara and have your name put on the list, and we'll
18 be sure that you get called up and afforded the
19 opportunity it make a statement tonight.

20 Again, the purpose of tonight's hearing is
21 to ensure that reclamation and the cooperating agencies
22 have the essential information that we need to properly
23 document and disclose the environmental effects of the
24 proposed action, as well as the alternatives considered
25 in the environmental impact statement.

1 This is your opportunity to provide us with
2 information that we may or may not have included in the
3 environmental impact statement. And it's an important
4 part of our process.

5 I would also like to remind everybody
6 tonight that this hearing is to receive statements on
7 the Windy Gap Firing Project we -- this is not an open
8 forum to comment on or provide information on the CBT
9 project. We would like to focus tonight, so that we can
10 get through this, and focus our comments on the Windy
11 Gap Firing Project.

12 Reclamation and -- neither reclamation nor
13 the Corps -- I think I'm speaking for Chalder here --
14 are either proponents of opponents of the proposed
15 project. Our role tonight is to -- our role tonight and
16 through the process is to ensure that the effects of the
17 proposed action and the alternatives are properly
18 disclosed in the environmental impact statements and
19 that our decision makers have all the necessary
20 information prior to making a decision on this project.

21 The hearing procedures. Shortly, I will
22 start calling names. As I go through -- I have a list
23 of names; Cara will bringing me the remainder of the
24 people here shortly. When I call your name, I will ask
25 that you come, again, to the lectern. If you have a

1 written statement, please provide it to Rosie. State
2 your name, who you represent, and spell your last name
3 clearly, please. As I call names out, I will also call
4 the next person in line so that, as the one person is
5 speaking, you will be able to get ready for your time at
6 the podium.

7 Because of the number of people we have here
8 tonight, we're asking that statements be limited to four
9 minutes. Monica, on my right here, will be keeping
10 track of time. And as your time goes on, we have a card
11 that shows 30 seconds; and then when your time is up, we
12 will have a card that shows time is up.

13 So for us to get through this tonight, we
14 would ask that you all honor those time limits. And as
15 we go through it, if you don't use up your full four
16 minutes, you may not pass that time on to the next
17 person. So use what you get, and that's it.

18 As I mentioned, the speakers will be called
19 in the order that you all registered outside. And ,
20 again, it's a public hearing, and we will be recording
21 everything. If you do not have a written record or a
22 written statement to present tonight and you want to
23 present, make your statement in writing, I would ask
24 that you forward those. Send them to my attention:
25 Will Tully at the Eastern Colorado Area Office, 11056

1 West County Road 18 E, Loveland, Colorado. ZIP code is
2 80537.

3 Since this is also a hearing for the Corps
4 of Engineers and their process, if you have comments on
5 the 404 permit or the application process, please send
6 your comments to: Chalder Peter, US Army Corps of
7 Engineers, Denver Regulatory Office, 9307 South
8 Wadsworth Boulevard, Littleton, Colorado, 80128.

9 And both of these -- both Chalder and my
10 address and contact information is on the handouts at
11 the sign-up table. So if you didn't get it down, stop
12 by the sign-up table, and that information is on the
13 handouts out there.

14 The public -- or the record, the official
15 record, for this public hearing will remain open until
16 October 20th of this year. That's ten days. It's
17 actually 11 days after tonight. And to be considered in
18 the written record of this public hearing, I would ask
19 that we have to receive your comments, your written
20 comments, by that -- by closing on that date. Again,
21 both Chalder and my contact information are on the table
22 outside, if you didn't get it.

23 This is separate and apart and different
24 from the comment period for the environmental impact
25 statement, which is open until October 28th of this

1 year. I would also mention that we have received a
2 number of comments for extension of the comment
3 period -- or a number of requests for extension of the
4 comment period on the environmental impact statement.

5 We are in the process of considering that
6 information. We will make a decision on that next week.
7 When we have decided, we will notify everybody that is
8 on our mailing list. And we will also have notices --
9 or not notices -- or notifications sent to local news
10 media so hopefully that information gets out to
11 everybody.

12 Administratively, again, we will ask
13 everybody to -- we will ask you to honor the four-minute
14 time limit. The restrooms are out this door, straight
15 across the hall, if you need to go. We will take breaks
16 at about 8:30 and 10 o'clock, if we go that long, and
17 ask everybody to -- we'll take ten-minute breaks and ask
18 everybody to be back on time.

19 So before we get started tonight, are there
20 any questions on the process that we'll be following
21 tonight, or any other questions that I can answer,
22 before we get started? Very good.

23 AUDIENCE MEMBER: Can we get some air
24 conditioning in here or something?

25 MR. TULLY: Perhaps if Cara is listening,

1 maybe Cara could go talk to the -- Mark, are you going
2 to talk to them?

3 AUDIENCE MEMBER: Yeah.

4 MR. TULLY: Okay. We've got somebody going
5 after the managers to ask them to turn the temperature
6 down a little bit.

7 Again, I would like to thank you for being
8 here tonight and taking time out of your schedule and
9 helping us get through this process. So, barring any
10 other questions, we will go ahead and get started with
11 the statements. First off will be Mike Bartleson,
12 followed by James Drewett.

13 MR. BARTLESON: My name is Mike Bartleson.
14 That's B-a-r-t-l-e-s-o-n. And I represent the city and
15 county of Broomfield.

16 Broomfield's drinking water supply consists
17 of a potable water contract with Denver water, and raw
18 water from the Colorado Big Thompson Windy Gap projects.
19 The Windy Gap water is a critical water supply in
20 Broomfield's planning. It will represent approximately
21 25 percent of Broomfield's overall water supply at
22 build-out.

23 When the city purchased -- when the city
24 purchased its 56 Windy Gap units, it fully understood
25 that it would require firming to make this a reliable

1 water supply. The project representing a collaborative
2 regionalized approach to address the growing needs of
3 the entities along the Front Range.

4 When the Windy Gap project is firmed,
5 Broomfield will have 5,600 acre-foot of firm water for
6 potable system and approximately 3,100 acre-foot for the
7 reuse system, which the first phase is completed in
8 2004. Taken together, the first and second use of the
9 water will yield 8,700 acre-foot of water to Broomfield
10 when it is firmed.

11 The city currently uses its Windy Gap water
12 when it's available, and we estimate that in 2008, 2,300
13 acre-foot of Windy Gap effluent will be used for
14 irrigation purposes. The city has implemented a number
15 of water conservation measures and is in the process of
16 updating and strengthening its water conservation plan
17 under the guidelines of the Colorado Water Conservation
18 Board's Office of Water Conservation and Drought
19 Planning.

20 One conservation program that Broomfield has
21 in place consists of a farm Broomfield purchased that is
22 now producing two drought-tolerant turfs, one for
23 high-impact areas, such as park and ball fields, and one
24 for right-of-ways. This turf uses anywhere from
25 three-quarters to one-half of the water requirement of

1 traditional bluegrass.

2 Other programs include restricting the turf
3 allowed on new residential developments and a water line
4 replacement program that has reduced losses upstream of
5 the customer's meter to less than five percent.

6 Broomfield recognizes that there is a
7 significant incentive to reducing water loss and
8 encouraging efficient use by its customers.

9 As I said, the Windy Gap water source is a
10 critical element to Broomfield's water supply, and the
11 firming project is absolutely necessary for Broomfield
12 and the other participants to fully utilize this
13 municipal source.

14 Thank you.

15 MR. TULLY: Thank you. Could everybody hear
16 Mike?

17 THE AUDIENCE: No.

18 MR. TULLY: Is that better? Yes or no?
19 Raise your hand if it's better. Could everybody hear me
20 if I speak up? If I call your name, can you hear me?

21 AUDIENCE MEMBER: There is an idea over
22 here.

23 MR. TULLY: Pardon me?

24 AUDIENCE MEMBER: She has an idea.

25 AUDIENCE MEMBER: You could move the podium

1 over to the side so that the sound will go both
2 directions.

3 MR. TULLY: We can do that. Would that be
4 better? Next is James Drewett, followed by Douglas
5 Smith.

6 MR. DREWETT: Hello, my name is James
7 Drewett, last name spelled D-r-e-w-e-t-t.

8 I speak for nobody but myself, but I think
9 that my views might represent those of some people that
10 live in Grand County.

11 Firstly, and matter of fact, is that
12 50 percent of the native flows at the upper Colorado
13 River are diverted to the Front Range. So I think,
14 going forward, we have to ask: When is enough, enough?

15 And I think a lot of people, myself
16 included, read a lot of the scientific studies, but I
17 just don't think, in good conscience, you can say that
18 an additional amount of river taken from our riparian
19 areas and our water systems is not going to have a large
20 environmental impact. It's not going to be minimal.
21 50 percent is already gone. An additional amount is
22 going to have an effect that is noticeable.

23 It's 100 CFS coming out of the Colorado
24 below Windy Gap during the pumping season. That's a lot
25 of water.

1 The negative effect to our community will be
2 massive, recreational, environmental, and economic.
3 It's going to effect our day-to-day life, the reason
4 that we all live here. This is water being diverted to
5 the Front Range for development and agricultural and
6 residential use. Can't we conserve some more water and
7 not divert any more from our county?

8 I favor the no-action alternative.

9 MR. TULLY: Next is Douglas Smith, followed
10 by Ed Clark.

11 MR. SMITH: My name is Douglas Smith; I am a
12 citizen. And Smith is spelled S-m-i-t-h.

13 Now that we have covered that part of the
14 program, I suggest -- or request that the comment period
15 for the DEIS be extended. It's an awful lot of
16 literature to take in in a short period of time. And
17 since I live over in Tabernash, I have to go all the way
18 to Grand Lake or Granby to get a copy of it because
19 there is none in the Fraser Valley library. So please
20 make an extension of the comment period for the DEIS.

21 I also favor the no-objection proposal or
22 option for what is being proposed.

23 And it seems to me that there are two sets
24 of laws in play here. One is water law, or water laws,
25 and the other are nature's laws. Anybody, like myself,

1 who wades the Colorado River with a fly rod in hand
2 knows that the flows as they exist now are insufficient
3 to move sediment on down the river and that this is
4 affecting spawning.

5 Now, there is a histogram on display in the
6 other room which shows a great explosion in brown trout
7 population. What's lacking is a histogram that shows a
8 contraction of the rainbow trout population. And I
9 would submit that browns are occupying the river in
10 place of rainbows. But that the overall trout
11 population may not be as rosy as what's shown on the
12 histogram.

13 Anybody who wades the river also knows that
14 you slip and slide more now thanks to what I call "frog
15 hair," and what a biologist would call "algae," than it
16 used to be.

17 So, again, I propose the no-action
18 alternative. I think that conservation on the Front
19 Range, including the use of gray water for purification
20 and following on to irrigation or even drinking water,
21 is a much better alternative than sucking more water out
22 of the Colorado River.

23 Thank you.

24 MR. TULLY: Ed Clark, followed by John
25 Erwin.

1 MR. CLARK: My name is Ed Clark, C-l-a-r-k,
2 and I'm the mayor of the City of Greeley. And I would
3 just request that all my supporters hold their applause.

4 I have enjoyed my drive up here today. I
5 want you to know that people along the Front Range
6 respect and appreciate natural resources and the
7 conservation of natural resources, but we also are a
8 growing state along the Front Range.

9 Greeley just celebrated, last year,
10 100 years of bringing high-quality water to the
11 residents of Greeley. And one of our first ordinances
12 with regards to water was actually to have even-and-odd
13 irrigation, crop irrigation, days way back when. And in
14 2003, we looked at a water master plan. And part of
15 that master plan -- can everybody hear me? Part of that
16 master plan was to go with what we have now and maximize
17 its benefits.

18 I only have a few quick talking points, and
19 they will go fast. As the birthplace for the CBT,
20 Greeley has always had a complex relationship with our
21 Western Slope neighbors. Greeley can appreciate West
22 Slope's passion of such an important resource as water.

23 As such, Greeley supports the negotiating
24 package offered to Middle Park Water Conservancy
25 District in Grand County last month that would help firm

1 their water supplies and make additional water available
2 for flow enhancement of the Colorado River. Greeley is
3 progressive, with strong agrarian roots that understands
4 the delicate balance of managing the land and our water.

5 That doesn't mean, however, that Greeley
6 can't do more to be wise stewards of our precious
7 natural resources. The city council, led by the mayor,
8 is challenging staff to evaluate and recommend growth
9 policies that will balance the use of that natural
10 resources, such as water, and still provide a healthy
11 economy and a quality of life.

12 As such, Greeley is currently updating its
13 comprehensive plan. Greeley's historic growth rates
14 could very easily become the size of Aurora. They are
15 projecting 250,000 people by 2050. The new
16 comprehensive plan will provide guidance on new ways for
17 Greeley to manage its growth. Furthermore, the Greeley
18 Water and Sewer Board will be given an opportunity in
19 November to adopt an aggressive new water conservation
20 plan to reduce the need for new water beyond 2050.

21 Even with additional conservation savings
22 and the new growth policies, Greeley clearly has a need
23 for the Windy Gap Firming Project, and it's only six
24 percent -- it's only six percent of our water portfolio
25 come 2050. But it's very, very important, because water

1 clearly is a finite resource.

2 Knowing Windy Gap Firming is only a small
3 piece of Greeley's overall water needs, Greeley is
4 actively building low-impact gravel pits, aggressively
5 conserving water, continuing to build non-potable
6 infrastructure, and reusing nearly all of the available
7 water. These projects are just a few examples of
8 Greeley's long history of maximizing its precious
9 resources. Greeley is great from the ground up. The
10 Windy Gap Firming Project is just one piece of the
11 overall strategy to keep Greeley a great place to live,
12 work and do business.

13 I am here today because I represent the
14 94,300 people that call Greeley home, and it's important
15 because we all know water is clearly important to us.
16 We're going to be smart. We're going to be fiscally and
17 environmentally responsible with our supplies.

18 It is for these reasons that I urge the
19 Bureau of Reclamation and the Corps of Engineers to
20 issue a record of decision approving Windy Gap Firming
21 Project.

22 Thank you.

23 MR. TULLY: Thank you.

24 MR. CLARK: And thank you for not
25 applauding.

1 MR. TULLY: Next is John Erwin, followed by
2 Jeff Browne.

3 MR. ERWIN: Thanks to the mayor of Greeley.
4 It's so nice not to have to wear a tie anymore.

5 My name is John Erwin. It's E-r-w-i-n. I'm
6 a full-time resident of Grand County.

7 I would like to preface my comments with a
8 quote I read in the New York Times this morning. "The
9 dry period has resulted in farm layoffs, restrictions on
10 residential and agricultural water use, and hard times
11 for all manner of ancillary businesses."

12 Some of you might take a wild guess at just
13 where that quote came from. It was in the New York
14 Times, but the quote came from the city of Los Angeles.
15 They are aware where we are liking to be in the coming
16 years.

17 I think we saw a good view of what is coming
18 just a few years back, as I observed the Denver news
19 reporting on conservation efforts. And, yet, yesterday,
20 thanks to the comments from Broomfield -- I appreciate
21 that, and maybe even looking at low sod (ph) water usage
22 -- I was in Broomfield. There were sprinklers running
23 everywhere in the middle of the day. Three years ago,
24 we learned that it's a waste of water to water at
25 midday. I don't think the conservation efforts and the

1 people get it yet. We have got to learn to conserve.

2 I favor the no-growth alternative or the
3 alternative -- the no-action alternative, because I
4 think everybody needs to go back to the table and
5 re-look at conservation.

6 As I look at 104th Avenue out in Adams
7 County, it is being xeriscaped, 100 percent of it. And,
8 yet, in Broomfield and many other parts -- and Greeley,
9 I'm sure, too -- there are beautiful green parks and
10 lots of new bluegrass lawn going in. We live in an arid
11 environment. Bluegrass is not indigenous to this area.
12 Other low-use water grasses are, but they are not being
13 used.

14 So I favor conservation, and I think that
15 needs to be what needs to be done now, just like Los
16 Angeles. Because the day is coming when there won't be
17 any more water.

18 Thank you.

19 MR. BROWNE: My name is Jeff Browne,
20 B-r-o-w-n-e. I live in Fraser, the town of Fraser.

21 My wife and I visited the Fraser Valley and
22 the Grand Lake area yearly beginning in 1987, and I have
23 been a resident of Grand County and the town of Fraser
24 since September of 2000.

25 The Windy Gap Firing Project is a concern

1 to me, especially in light of having witnessed
2 firsthand, over the past eight years, the impact that
3 has already taken place via Denver's water diversion and
4 the Moffat Tunnel.

5 The decision of my wife and I to move to
6 Grand County and the town of Fraser was based on mutual
7 attraction from the Western Slope. We were drawn to the
8 valley and the surrounding area, initially, as tourists,
9 and now as residents. Hiking, biking, rafting, birding,
10 hunting, fishing and the overall beauty of the Western
11 Slope was very important, not only to us as residents,
12 but acquaintances and friends owning and operating
13 businesses in the valley.

14 The small number of full-time residents and
15 the much larger number of visitors frequenting the area
16 for skiing season and all during the summer for outdoor
17 activities. It is obvious that the reason the valley
18 prospers and continues to grow is tourism based on the
19 grandeur and richness of the rivers, streams, wildlife
20 and mountains making up this area.

21 In trying to understand the issues
22 surrounding the water diversion, I found it very
23 interesting that most of the local residents were aware
24 of all the diversions taking place, including those by
25 the Northern Colorado Water Conservancy District as well

1 as the Denver Water Board. Additionally, all
2 conversations with local residents and neighbors
3 invariably turns to conservation, everybody talking how
4 to conserve water and how to lower the demand, as a key
5 factor of satisfying water demands for not only the West
6 Slope but also the East Slope residents.

7 As I continue to read articles and become
8 familiar with the health of Granby, Shadow Mountain and
9 Grand Lake being affected by the various layers of
10 diversion for transport of water via the Alva B. Adams
11 tunnel to the east, the effect of all the water movement
12 and diversion has an algae. And perhaps even the most
13 recent threat that I'm reading about were the mussels
14 that are being brought in, the transfer diversion of
15 waters taking the mussels from one lake or area to
16 another.

17 It's obvious that the Windy Gap Firming
18 Project diversion will further increase the impact on
19 the lakes, as well as the obvious impact of the
20 downstream flow of the Colorado River, with the lower
21 flows and the increased temperatures.

22 I'm concerned about further impact to the
23 Colorado River with the further diversions. I'm
24 concerned that it appears that there is little or no
25 coordination between Northern Colorado Water Conservancy

1 District and the Denver Water Board and their respective
2 diversions. I'm concerned about the preservation and
3 growth of our own communities here in the West.

4 Thank you very much.

5 MR. TULLY: Thank you.

6 We'll take a short break and see if we can
7 deal with this feedback problem that we're having. So
8 if you could all just bear with us for a few minutes,
9 please.

10 (A break was taken from 7:39 to 7:40 p.m.)

11 MR. TULLY: All right. Let's try this.

12 Next up will be Bob Johonnes, followed by
13 Cindy Southway.

14 MR. JOHONNES: Good evening, I'm Bob
15 Johonnes, J-o-h-o-n-n-e-s.

16 MR. TULLY: The microphone is not even on.

17 (A break was taken from 7:40 p.m. to 7:45
18 p.m.)

19 MR. JOHONNES: We're here to discuss this
20 diversion of water from an environmental standpoint.
21 And reading the environmental impact statement, there is
22 no option that doesn't significantly impact, negatively,
23 the environment of Grand County. There is zero. Even
24 the no-action one has significant environmental impact.

25 And all of this, unbelievably, is done

1 without any consideration for the upcoming environmental
2 impact, which we'll be back here in the same room again,
3 I'm sure, for diversions to Denver for the Moffat Tunnel
4 project.

5 How we can sit here and think we are
6 actually trying to judge the environmental impact of
7 water diversions in Grand County and not consider the
8 incremental impact that's coming from Moffat Tunnel is
9 unbelievable. How we got here, I don't know. I know
10 they are happening. I know both of their agencies know
11 they are happening. And why we aren't doing them both
12 at the same time, I don't understand.

13 To offset all of the environmental damage
14 here, what I read is the water storage area will be a
15 recreation site on the Front Range. That is a very
16 lousy trade-off of motor boats, fishing from motor
17 boats, versus the beauty, the landscape, the fishing,
18 the hunting, everybody that comes from the water flows
19 being diverted.

20 All of this to address a very small slice of
21 what the Front Range says they need. We're talking
22 about ten percent. What we're going to divert from here
23 represents ten percent of their shortfall. You have
24 another 34 percent shortfall, and they have no
25 solutions, no options, no ideas. And how we would step

1 forward, destroy this environment for ten percent,
2 without addressing the big mama, the elephant in the
3 room, which is 34 percent, which they say they need.

4 So I suggest we should delay the public
5 comment period until after we have all of the
6 environmental impact from Moffat Tunnel. But look at
7 the additive impact, and not take them as separate
8 issues.

9 Thank you.

10 MR. TULLY: Let's take about a ten-minute
11 break, and we will see if we can work out this system so
12 that it works properly. And if you will all be back in
13 ten minutes, that would be great.

14 (A break was taken from 7:49 p.m. to 7:57
15 p.m.)

16 MS. SOUTHWAY: My name is Cindy Southway,
17 S-o-u-t-h-w-a-y. I am a small-business owner in Grand
18 County. I have a consulting business that focuses on
19 open-space projects, and I have a small rafting supply
20 company. Both of my businesses are affected by Colorado
21 Rivers, their quality and their hydrology. I'm a former
22 employee of the Bureau of Reclamation, the Northern
23 Colorado Water Conservancy District, and was an EPA
24 coordinator for the Forest Service, so I certainly
25 understand the importance of public input on projects

1 like this.

2 I am here tonight to talk about some of the
3 mitigation measures in the draft EIS. Mitigation
4 measures are put into place to mitigate project impact
5 and are typically requirements, not suggestions. I find
6 many of the mitigation measures in the draft EIS to be
7 disappointing in their lack of accountability.

8 The first mitigation measure states, to
9 reduce potential draw-downs from Grand County reservoir,
10 it may be possible to modify operations to deliver less
11 water during dry years. Additional hydrologic
12 evaluations would be conducted to determine if changes
13 in timing can reduce impacts.

14 My point is: Why wait to do those
15 hydrologic situations as a mitigation measure? Why not
16 do them now and use the results in the final
17 environmental impact statement so their operation and
18 their impacts can be determined?

19 The second mitigation states, "The
20 subdistrict will commit to continued participation and
21 funding of the ongoing nutrient study to better
22 understand water quality issues."

23 My point is: The subdistrict should be
24 required to not only participate in these studies, but
25 also it should be required to follow the recommendations

1 that come out of these studies.

2 The third mitigation measure states that
3 "The subdistrict will work with Grand County and the DOW
4 and others to determine if increasing bypass flows from
5 the existing minimum flow of 90 CFS to 135 CFS while
6 Windy Gap is pumping will result in temperature
7 reductions in downstream which could then benefit
8 fisheries. If studies indicate that would be effective,
9 the subdistrict can consider increasing required bypass
10 flows."

11 My point is: Let's simulate the flows right
12 now, using computer hydrology modeling, and include the
13 results in the final EIS. And as a mitigation measure,
14 let's require the subdistrict to increase these bypass
15 flows if they are shown to be beneficial.

16 The last mitigation measure outlined in the
17 draft EIS states that "The subdistrict will curtail
18 Colorado River diversion during the annual Big Gore
19 race, typically held the third week in August, if flows
20 go below 2200 CFS."

21 So that would say that it means to me that
22 the only time that diversions need to be curtailed for
23 recreation is during the Big Gore race. Please work on
24 adding a few more to that list.

25 I would like to suggest that you revisit

1 those mitigation measures and add some teeth to them.

2 I would also like to recommend that you add
3 two additional mitigation measures. My first
4 recommendation is to place mandatory water conservation
5 restrictions on all subdistrict water users. Let me say
6 that again. Let's -- I recommend to place mandatory
7 water conservation restrictions on all subdistrict water
8 users.

9 The second, that the draft EIS frequently
10 mentions that the Middle Park Water Conservancy District
11 would benefit from this project; that 67 water providers
12 on the West Slope are represented by the Middle Park
13 Water Conservancy District, and that it is one of the
14 customers of the subdistrict.

15 So my point is: If it is one of the
16 subdistrict customers and it is within the service area,
17 then why don't we have a seat on the subdistrict board
18 of directors? All of us know that the decisions made by
19 the subdistrict board of directors affect the Western
20 Slope economy and environment. Wouldn't it be better if
21 there was some representation of the Western Slope on
22 the subdistrict board?

23 So my recommendation is to add a mitigation
24 measure that requires the Northern Colorado Water
25 Conservancy Subdistrict to add a representative of the

1 Middle Park Water Conservancy to their board of
2 directors.

3 Thank you.

4 MR. TULLY: Thank you.

5 Next is Malene Mortenson, followed by L.L.
6 Kourse.

7 MS. MORTENSON: My name is Malene Mortenson.
8 I'll spell my first name also. It's M-a-l-e-n-e,
9 M-o-r-t-e-n-s-o-n.

10 And I would like to second the additional
11 mitigation measures that were just proposed. I think
12 there are at least four issues which haven't been
13 addressed. I don't think that the downstream effects of
14 removing more water from the headwaters of the Colorado
15 River have been adequately represented in this proposal.

16 It looks at only a small area, but the
17 Colorado River has an impact on all of the southwestern
18 states. And I don't think anything has been looked at
19 in taking more water out of the Colorado River up here,
20 how that affects the downstream users and needs for
21 wildlife, for farming, for ranching, for all of the rest
22 of the things that depend upon the Colorado River.

23 The second thing is that I don't think that
24 anything was addressed in looking at climate change
25 projection. They have not been included in the

1 analysis, what impact does the projections and the
2 change in climate here have on your projected water,
3 taking water from Grand County.

4 Again, I understand that 50 percent of the
5 headwaters in the Colorado or the water in Grand County
6 already go over to the eastern side. Taking additional
7 water out of the headwaters here will have a severe
8 impact on the ecology of Grand County and also
9 downstream.

10 And I would like to second the mandatory
11 water conservation requirements for all participants.
12 There is no reason to take water from Grand County and
13 reduce our recreational opportunity and our beautiful
14 landscape to water golf courses, to water lawns, to
15 water side-of-the-road grasses and trees. That can be
16 done with xeriscape.

17 A golf course can be worked with artificial
18 turf or use recycled water only. If you want to have
19 those kinds of green plants that really are not made for
20 the area, use your reclaimed water, and only your
21 reclaimed water, for that purpose. Recycled water could
22 also be used for groundwater recharge, because I'm sure
23 there is pumping. Water in the water table is going
24 down in every metropolitan area that is pumping
25 groundwater.

1 I understand that there is no participation
2 of the various water districts in the approval processes
3 for development; that the developer gets approval from
4 the municipality or the county and then goes and says,
5 "I need X amount of water." I think that's doing things
6 in a backwards order.

7 If we're going to have development, and you
8 are going to use up a lot more water with this
9 development, then the water district should be included
10 in the analysis of the various development projects that
11 are being approved so that everybody knows what's
12 coming. And if there is not enough water, that should
13 stop the approval process for development.

14 And I haven't heard this proposed, but there
15 is no reason why, in an urban environment, houses can't
16 be either retrofitted or built, required to be built,
17 with a rain catchment process which can be used for the
18 landscaping in the house. It could be used for gray
19 water in the house for running the toilets. It could be
20 used to recharge the water table directly around the
21 house. Because water does not soak in now because of
22 all the -- because of all of the pavement, the houses.

23 There is not a good recharge for groundwater
24 because it all is running off into the streets from the
25 pavement. So use a rain catchment system on all the

1 houses in an urban area to help solve some of the local
2 water problems. That might have your -- take up part of
3 your 34 percent that isn't addressed.

4 Thank you.

5 MR. TULLY: Next is L.L. Kourse, followed by
6 Becky Long.

7 MS. KOURSE: L.L. Kourse, two "Ls",
8 K-o-u-r-s-e.

9 And I manage and operate Tabernash Meadows
10 Water and Sanitation District. I recently spent about
11 six months in Hot Sulphur Springs, helping them with
12 water issues that is directly related to the water
13 quality. What I found in the spring was that the flows
14 coming down the Windy Gap were very erratic. You
15 couldn't predict the best time to run the plant. And
16 nobody at the Windy Gap pumping station would address
17 the situation and give us any input.

18 I was also really surprised to find out that
19 the gauge to Hot Sulphur Springs, the USGS gauge, it was
20 taken off-line in the 1990s. And if you get on the site
21 and you look at gauges, basically every time there has
22 been a great project, you know, public-works project, to
23 benefit everybody by the people that live here, it's
24 just declining.

25 So with that said, I really don't think you

1 have all the data that you need to really review the
2 situation. I think the environmental impact statement
3 doesn't come close to really looking at the issues. And
4 everybody in this rooms knows this. I appreciate how
5 well everybody articulated in great detail what the
6 situation really is here.

7 One of the other things that I found is that
8 -- in government regulatory situations is, people don't
9 do what you expect; they do what you inspect. But I
10 really question whether or not you guys even have the
11 staff and the time to really appropriately review this
12 particular request. And I urge you to, number one,
13 review it carefully; number two, take no action on it at
14 this point, and extend the comment time.

15 Thank you.

16 MR. TULLY: Thank you. Next is Becky Long,
17 followed by Al White.

18 MS. LONG: Thank you. My name is Becky.
19 L-o-n-g, on the last name, as you might imagine.

20 And I am here today on behalf of the
21 Colorado Environmental Coalition. We are a state-based
22 citizens group including about 4,500-and-counting
23 individual members and approximately 100 member
24 organizations. We work statewide to advocate for
25 Colorado's clean air, plains and water.

1 The Colorado River is one I particularly
2 hold near and dear, as I was born just down the road
3 from Kremmling, by Dr. Ceriani, as I imagine several
4 people in this room were.

5 Our vision on water is to develop and
6 advocate for a sustainable water supply and management
7 decisions that both sustain the environment and the
8 economy of Colorado in order to conserve, protect, and
9 restore Colorado's rivers.

10 In 2005, CC, along with Western Resource
11 Advocates and Trout Unlimited, released a report
12 entitled "Facing Our Future," which presents a
13 compilation of communities' vision for a balanced water
14 future. This looks at several methods that the Front
15 Range, specifically the South Platte and Arkansas Basin
16 on the Front Range, could utilize for new supplies.
17 This ranges from conservation and efficiency measures
18 all the way up to new supplies. That's right,
19 environmental groups advocating for building new supply.

20 Essentially, this report says maybe that
21 there is potential for certain projects to do better.
22 And one of the projects we highlighted with that report
23 was the Windy Gap Firing Project.

24 I have a few requests tonight, and I'll try
25 to be brief, as additional written comments will be

1 forthcoming.

2 First of all, I would like to underscore our
3 previous written request for a comment extension. We
4 feel it appropriate and would provide significant public
5 review and then more thorough review of the public
6 comment process and of the DEIS.

7 Secondly, I would like to speak a little
8 about the Front Range conservation measures. I was able
9 to attend the meeting in Loveland the other night, as
10 well, and heard quite a bit about what is being done on
11 the Front Range for conservation. Unfortunately, there
12 wasn't a lot of discussions about what is not being
13 done, so I assume they are doing quite a bit, as we
14 heard Greeley saying.

15 Not all of the participants in the Windy Gap
16 Firming process are. In fact, there is no single
17 standard that all participants meet to comply with this
18 project, when it comes to conservation. Some have very
19 good water rate structures that send a strong
20 conservation signal to their customers.

21 Others, like the City of Broomfield or the
22 City of Loveland, have a flat-rate structure, which
23 means you use as much water as you want and pay the
24 same, whether you are using a thousand gallons a month
25 or whether you are using 60,000 gallons a month. So

1 there is big difference between some of the water
2 conservation methods outlined by participants in this
3 project.

4 Next, I would like to speak a little about
5 the West Slope impacts that we have some strong concerns
6 with. As I noted earlier, we work on both economic
7 sustainability as well as environmental sustainability.
8 The economic analysis in the DEIS specifically regarding
9 recreation has some figures that are a little short,
10 perhaps.

11 Currently, the DEIS uses figures for an
12 average day of fishing in the area and then uses that
13 information to determine the average day of commercial
14 fishing. There is quite a bit of difference between
15 myself coming up to fish on the Colorado River, the
16 Fraser River, as myself, or if I'm going out on a
17 professionally guided service. I imagine I'm paying
18 significantly more than \$50 for a high-end guided tour.

19 Additional studies and assessments are
20 needed to look at what those figures really ought to be.
21 That goes for both recreation and fishing.

22 Additionally, the cumulative impact and need for
23 corporation amongst the Front Range diversion on that
24 stretch are important.

25 Next, the impacts on maintaining the

1 outstanding, remarkable values of the stream segments
2 below Windy Gap Firming that have been highlighted for a
3 while for an eligibility and suitability study.

4 And, finally, the environmental impact of
5 fisheries which will be impacted via a reduction of
6 flows and temperature increases.

7 Until meaningful conservation measures are
8 in place in all the participant cities and until
9 mitigation plans for the specific impacts are in place,
10 and, finally, until the Grand County Stream Management
11 Plan phase three is complete and those recommendations
12 can be taken into account, we would ask you to not
13 approve this permit.

14 MR. TULLY: Thank you.

15 Next is Al White, followed Kirk Klancke.

16 MR. WHITE: I'm Al White. I'm the state
17 representative from House District 57. W-h-i-t-e. I
18 represent the 60,000 citizens of northwest Colorado in
19 Grand, Jackson, Moffat, Rio Blanco and Garfield
20 Counties.

21 For 36 years, I have been a resident of
22 northwestern Colorado. For eight years, I sat on the
23 Grand County Water and Sanitation District before I ran
24 for office. And you know what? I'm mad as hell, and
25 I'm not going to take it anymore. I mean, you know

1 what? We have been pushed around by the federal
2 government, we have been pushed around by Northern, we
3 have been pushed around by Denver Water for as long as
4 I've been here.

5 And now we have a proposal from Northern --
6 and I'm not going to be critical of you guys, of your
7 entities. I'm not trying to be critical of Northern.
8 But how ludicrous is it to suggest that we are going to
9 firm up this conditional right and that there will be no
10 additional damage to any water users in northwest
11 Colorado? It's just unimaginable to me. And, beyond
12 that, we have Denver Water, who is going to stand in
13 line behind it.

14 And, by the way, none of you can vote for me
15 in the next election, so I'm not pandering to any of
16 you. I'm a private citizen here, and I'm upset, as I
17 know all of you are.

18 Yeah, we've got a lot of problems with EIS.
19 We've got cumulative impacts that we've heard about, and
20 we've got water quality impacts. We got clarity impacts
21 to Grand Lake. We got socioeconomic impacts that we
22 haven't discussed that aren't even brought up here.

23 But the reality is, we are faced with a
24 decision of: Do we cut off our nose, or do we cut off
25 our ear? No action hurts us; action hurts us. What do

1 we do? Where do we go?

2 I think, obviously, we need to extend the
3 comment period. But in the state legislature -- I serve
4 on the Water Resources Review Committee -- we consider
5 legislation. We always talk statewide water policy.
6 Well, any statewide water policy has got to offer a
7 win-win situation. Where is the win for Grand County in
8 this, Northern? I don't get it.

9 And you talk about a project that's going to
10 pump 200,000 acre-feet from northwestern Colorado, and
11 you suggest to us that that will reduce your need for
12 additional diversions in western Colorado. Well, let's
13 start here. Let's look down the road and do that other
14 diversion and give up on this firming project.

15 Honestly, I don't know how we in Grand
16 County or western Colorado come out ahead on this
17 situation. Until the rest of the state understands how
18 they need to benefit us before they can ask us to share
19 our additional water, we'll never have a statewide water
20 policy.

21 MR. TULLY: Thank you.

22 Next up is Kirk, followed by Dale Reed.

23 MR. KLANCKE: Thanks, Al.

24 That's a tough act to follow. I promised
25 myself I wouldn't get emotional. I did down in

1 Loveland. I want to just read my thoughts coherently
2 here.

3 So my name is Kirk Klancke, K-i-r-k
4 K-l-a-n-c-k-e. I'm from the headwaters community of
5 Fraser, Colorado, where I have lived for 37 years-plus.
6 Having lived in Grand County, pre-Windy Gap reservoir, I
7 have seen the muddy upper Colorado River go through a
8 series of changes that are very concerning to me. With
9 today's diversions, the health of the river is impaired.

10 I want to start my comments with the "need"
11 statement in the draft EIS. I personally believe that
12 there is a vast amount of water that Front Range
13 municipalities participating in this project can develop
14 through better conservation practices. The "needs"
15 section of this draft EIS should include conservation
16 plans from each of these project participants, at a
17 realistic number of acre-feet that can be developed
18 through better conservation practices.

19 If these municipalities are able to reduce
20 their consumption by 20 to 30 percent, as other
21 municipalities in the arid West have already done, then
22 the volume of water that they are seeking to this
23 project is probably already being delivered to them.

24 Without looking at this option, we really
25 will not know. Because present diversions have affected

1 the health of the upper Colorado River, additional
2 diversions should not be a viable alternative until all
3 possible conservation measures have been exhausted.
4 This includes reusing 100 percent of the reused water
5 rights. The health of this river is directly connected
6 to the health of our tourism industry and should be the
7 last water that we develop in this state. And water
8 conservation needs to be our first option.

9 My second comment concerns the weakness of
10 the proposed mitigation offered in the draft EIS. This
11 document states that there will be lower stream flows,
12 higher temperatures, a higher concentration of
13 nutrients, and a diminished aquatic habitat. If the
14 project cannot guarantee that these negative effects can
15 be eliminated through mitigation and commit to
16 implementing that mitigation, then this project should
17 not be approved.

18 Presently, the mitigation offered in the
19 draft EIS recognizes the need for mitigation but commits
20 to nothing. An important piece of mitigation that is
21 not mentioned is Grand County Stream Management Plan.
22 This plan will help establish guidelines needed to
23 assure that the mitigation required will be implemented.
24 Phase three of this plan will be completed in December,
25 so I request that the public comment period be extended

1 by 60 days so that we can have this valuable tool to
2 help determine if the mitigation proposed is adequate.

3 My third comment concerns the lack of
4 inclusion of the effects of the Moffat Firming Project
5 in this draft EIS. The Moffat Firming Project is
6 running simultaneously with the Windy Gap project, and
7 it will lower the stream flows in both the Fraser River
8 and the Colorado River. With lower flows, the water
9 quality in the Fraser will degrade and be added to the
10 lower flows in the Colorado River. Unless the combined
11 effects of both projects are included in the Windy Gap
12 Firming draft EIS, the true impact of the Colorado River
13 will not be disclosed. These cumulative effects must be
14 studied and included in the Windy Gap Firming EIS.

15 My fourth concern is for the state's largest
16 natural lake. This lake was known as Spirit Lake by our
17 Native Americans and has now been turned into a
18 conveyance ditch by our modern Americans.

19 I'm out of time, so I would like to just
20 conclude by closing with this. I would like to point
21 out that the water rights being firmed in this project
22 are conditional water rights. Nobody is entitled to
23 this water. Nobody has a guarantee of receiving this
24 water, and nobody deserves to take this water without
25 properly mitigating the impacts of taking this water.

1 These are my comments. However, I do
2 request that 60-day time extension.

3 Thank you very much.

4 MR. TULLY: Thank you. Next up is Dale
5 Reed, followed by Canton O'Donnel.

6 MR. REED: My name is Dale Reed, R-e-e-d.

7 We -- and my wife and I live on Shadow
8 Mountain Lake. My mother and step-dad acquired this
9 property in 1963, and we have enjoyed living on the lake
10 ever since then. We fished and fished and boated and
11 observed many other people fishing and boating on this
12 lake over the years. And we have also seen the lake --
13 and the Grand Lake and the Shadow Mountain Lake
14 deteriorate immensely.

15 By the way, I think golf is for people that
16 don't know how to fish.

17 When my stepfather passed away in 1990, I
18 inherited the property, and my wife and I built a new
19 home on Shadow Mountain Lake. We live right where the
20 northern -- where the Colorado River comes into Shadow
21 Mountain Lake. And we have noticed a deterioration of
22 the wildlife, and every year it just gets worse and
23 worse. I think we should take care of the problems that
24 we have before we introduce more problems into the Three
25 Lakes area.

1 We are concerned, if more water is taken
2 from the Colorado River and passed through the Windy Gap
3 Shadow Mountain and Grand Lake Front Range, that this
4 problem of silt, algae and odor will become intolerable.
5 We are concerned that we will not be able to enjoy our
6 dream home on the lake. We are also concerned, because
7 of the demise of the lake as we know it now, all
8 property values will decline.

9 Most of all, we're concerned that, if more
10 water is diverted, there will be no more water
11 recreation as we know it here in Grand County, including
12 the Colorado River and the Fraser River.

13 If Grand County -- in Grand County, we are
14 all dependent, one way or another, on the year-round
15 tourist industry. We will all be adversely affected.
16 The more water pass through our lakes, the more algae,
17 the more silt, and the more contaminating elements will
18 be introduced into our lakes, and the warming of the
19 water and other, more major problems. We would propose
20 that these problems be addressed and fixed before any
21 more water is diverted and before more problems occur.

22 The DOW is now in the tenth year of a
23 three-year study on the problems of the Three Lakes, and
24 no closer to a solution. Besides the draw-down and the
25 weed-eater, no moneys have been spent on any of the

1 lakes by the NCWC or any other people in this area.

2 As far as storage is concerned, they need
3 more storage. I have seen a lot of storage in Granby
4 residence. Since I've been up here, I think the
5 overflow has only occurred once.

6 Thank you.

7 MR. TULLY: Thank you. Next is Canton
8 O'Donnell, followed by J.P. Parker.

9 MR. O'DONNELL: Thank you.

10 I'm Canton O'Donnell, representing the
11 Shoreline Landing Homeowners' Association that's located
12 at the north end of Shadow Mountain Reservoir.

13 I've been around Grand County for the better
14 part of 78 years. My grandfather built a cabin there
15 110 years ago on Grand County. When I was a young lad,
16 we all drank water directly out of the lake, pumped it
17 up into a tank. It wasn't treated at all, and nobody
18 got sick.

19 The original design of the Colorado Big
20 Thompson project is faulty. It has resulted in
21 unintended consequences. Grand County and Shadow
22 Mountain Lake perform as canals to transport water to
23 the Adams Tunnel.

24 Shadow Mountain Lake comes filled with weeds
25 that severely impede any recreational use, wash up to

1 residential and commercial shores with unfavorable
2 impact, including offensive odors. The weed problem has
3 been mitigated by draw-downs, the last one as recent as
4 2006 for a period of six weeks.

5 The DEIS suggests that Adams Tunnel capacity
6 is such that the firming project will require a more
7 constant flow, which implies that future draw-downs may
8 not be possible.

9 Grand County is suffering silting near the
10 east end of the channel between it and Shadow Mountain;
11 has weed growth resulting from weeds transported from
12 Shadow Mountain during pumping; has seen algae blooms
13 that came close to a health crisis; and constantly
14 experiences vastly reduced clarity. Reclamation and
15 Northern experimented with a cessation of pumping this
16 year, which was successful in mitigating the algae
17 bloom. Again, the increased flow may imply that such
18 cessations will no longer be possible.

19 Prior to the advent of CBT, residents on
20 Grand County pumped from the lake for drinking water,
21 without treatment. Had there been such a thing as an
22 environmental impact study 70 years ago, the design of
23 the Colorado Big Thompson would have been rejected.

24 What the DEIS misses is that Grand County is
25 not just a body of water. It is a community, with

1 commercial enterprises, jobs, residents, visitors from
2 around the world, descendants of families that settled
3 there five and six generations ago, and is an adjunct to
4 Rocky Mountain National Park. The addition of 30,000 or
5 more acre-feet of flow through the two lakes will only
6 compound an already serious design flaw.

7 Colorado water conveys rights to water. The
8 law does not convey any rights to anyone to ravage the
9 environment of a community in order to transport the
10 water to the rights holder.

11 None of the DEIS proposals are acceptable.
12 Prior to any increase in the volume of water going into
13 Adams Tunnel, a method of transporting all of the
14 diverted waters around the two lakes must be
15 implemented. A study by an engineering firm suggested
16 that the best alternative would be a tunnel from Shadow
17 Mountain to the entrance of the Adams Tunnel. Such a
18 tunnel could easily be paid by several million users of
19 CBT water on the East Slope through a modest rate
20 increase.

21 Thank you.

22 MR. TULLY: Next is J.P. Parker, followed by
23 John Ehlen.

24 MR. PARKER: James Parker, P-a-r-k-e-r.

25 I run a couple of lodges. I don't have a

1 biologist or hydrologist or anything else attached to my
2 name. When I look out from behind my lodge, I see the
3 lake. And right now, I see the lake receded. I don't
4 see a storage problem for Granby Reservoir. We have
5 plenty of room. Please let the water build up.

6 If you look at the history of the lake, it's
7 been in recession for years. There is no need for
8 storage downstream. Let us store it here. When you
9 need it downstream, we'll let it go. It's what we're
10 doing now.

11 Very simply, have another large pump canal,
12 and that's the way the water moves from one lake to
13 another, currently. It doesn't make sense, what you are
14 proposing. It doesn't make sense to take recreation
15 dollars from this area and build another recreation
16 downstream so that this community gets choked out. You
17 don't move dollars from one community to another
18 community without asking these people first.

19 This is your water, Grand County. This is
20 our livelihood at risk. The proposal that you have,
21 when I read on page ten, where it says the water is
22 going to recede from eight feet to 23 feet as a result
23 of what you are proposing to do, to me this translates
24 to 1500 yards of open space, open field, where my
25 customers don't get to enjoy the water.

1 I would ask that there be no action taken on
2 this, that it's not approved, and that the public debate
3 time be extended. That's it.

4 Thank you.

5 MR. TULLY: We're going to do one more
6 person, and then we're going to take a short break.

7 MR. EHLEN: Do I get to be the
8 next-to-the-last person before the break?

9 MR. TULLY: You are the last person before
10 the break.

11 MR. EHLEN: Oh, okay. John Ehlen. Last
12 name is E-h-l-e-n.

13 And I'm representing myself. I live in
14 Winter Park Ranch, near Fraser. And basically, my
15 comments are -- go directly to the draft EIS. The point
16 I want to make is that I have a strong reason to believe
17 that the fundamental assumptions underlying the EIS are
18 flawed.

19 I had the opportunity to discuss a few
20 things with the representative and consultant from the
21 firm that was involved in this earlier, and we both
22 agree that the fundamental, basic assumptions that drive
23 the main scenario should be based on the most probable
24 events and the best scientific research. My point is
25 that the draft EIS does neither.

1 The issues are two things: The first,
2 variability of stream flows; the second is the emerging
3 consequences of global warming. Connie Woodhouse (ph)
4 for many years has done considerable research on
5 reconstructing stream flows for the Colorado River. In
6 a recent study, Connie and the rest of the parties
7 involved in the study concluded that their study
8 supports earlier findings that Colorado River
9 allocations were based on one of the wettest periods in
10 the past five centuries; and droughts more severe at any
11 point -- more severe than any 20th or 21st Century event
12 have occurred in the past.

13 The point that is made from these 500-year
14 studies is that the past century has been a very wet
15 century and that we have been very fortunate. The draft
16 EIS plans to bet on the continuation of this good
17 fortune and, therefore, bets against the odds.

18 The one drought, the worst drought, in the
19 past century has a very high probability of occurrence.
20 And that was the drought that occurred in the 1950s. A
21 drought like that could be expected to occur in this
22 century with greater frequency.

23 Further, global warming has and will
24 continue to decrease the western snow pack. A recent
25 paper by Phillip Mote (ph) and others looks into the

1 implications of global warming on the snow pack, as well
2 as trying to determine what is involved in decreases in
3 snow packs across the West.

4 They say it has become ever clearer that
5 these projected declines in snow/water equivalents,
6 which are already well under way, will have profound
7 consequences for water use in a region already
8 contending with a clash between rising demands and
9 increasing allocations of water for endangered fish and
10 wildlife.

11 So we have two factors here which were not
12 considered in the mainstream assumptions for the EIS --
13 the draft EIS. One is the potential variability, our
14 good fortune over the past century, because the
15 potential -- because the EIS uses the information from a
16 50-year period of the past decade. The second is the
17 known impact of global warming.

18 The issue here is very easily resolved.
19 What we need to do is basically determine what is the
20 best science and what are the most probable events. And
21 I'm sure the scientific community can help us out on
22 that. But I strongly believe, based on what I have
23 read, that the assumptions here are fundamentally
24 flawed.

25 Thank you.

1 MR. TULLY: All right. At this time, we'll
2 take a ten-minute break. If you would all be back in
3 your seats in ten minutes, we would appreciate it.

4 (A break was taken from 8:36 a.m. to 8:51
5 p.m.) .

6 MR. TULLY: All right. We would like to
7 thank everybody for your patience tonight, and let's go
8 ahead and get this started again. Next up will be
9 Charles Banks, followed by Pat Raney.

10 MR. BANKS: My name is Charles Banks,
11 B-a-n-k-s. I live in Winter Park, which is here in
12 Grand County.

13 As we speak here tonight, the Governor's
14 Conference on Managing Drought and Climate Risk is going
15 on in Denver. According to an article in today's Rocky
16 Mountain News, a study that was commissioned by the CWCB
17 -- that's the Colorado Water Conservation Board that Mr.
18 Bartleson from Broomfield mentioned in his presentation
19 as having a conservation plan.

20 Anyway , the CWCB commissioned a study that
21 has predicted that, during the next 40 years, Colorado
22 temperatures will increase by as much as four degrees
23 Fahrenheit. Man may be responsible for this warming, or
24 it may just be a normal cyclic weather range, but
25 temperatures will rise in the future.

1 The report went on to state that warming
2 trend will cause an increase in water demand. But at
3 the same time, stream flows in the upper Colorado River
4 basin are predicted to decrease by 20 percent. This
5 20 percent decrease in flow, combined with the
6 20 percent that Northern wants to take now, means that
7 there would no longer be a river below Windy Gap.

8 The article went on to say that the state's
9 largest water utilities, including Denver and Northern,
10 are gearing up to examine how warming will affect the
11 Front Range and its water supply.

12 I think these water suppliers should take a
13 closer look at the Western Slope and how to keep their
14 diversions from destroying a river and the tourism that
15 is such an important part of Grand County's economy as
16 well as Colorado's.

17 There are ways to mitigate the impact on the
18 river, such as coordinating diversions with other water
19 users and timing the diversions to minimize the increase
20 in stream temperature. The river itself can be modified
21 to reduce the damage from low flows, as we have
22 demonstrated on the Fraser River project.

23 Some of these mitigations will cost nothing,
24 and others can be paid for from the huge profits from
25 the sale of the diverted water to the Front Range.

1 The most common affected mitigation -- the
2 most effective mitigation is to develop water
3 conservation among the end users. The manager of one of
4 the districts that will be receiving this water said at
5 the hearing on Tuesday night, October 7th, that they are
6 predicting a need for over 300 gallons per capita per
7 day in the future. What in the world can a person do
8 with 300 gallons of water a day?

9 I feel very strongly that this firming
10 project is not needed at the present time, or in the
11 future, if proper water conservation measures are
12 undertaken. If this project is undertaken, please
13 include enforceable mitigation measures in the final
14 draft so as not to destroy our Western Slope recreation
15 economy.

16 Thank you for giving me the opportunity to
17 speak.

18 MR. TULLY: Thank you. Next is Pat Raney,
19 followed by Sharon Brenner.

20 MS. RANEY: Good evening. My name is Pat
21 Raney, R-a-n-e-y. I live in Grand Lake, and I'm a
22 member of the Grand Lake Shoreline Association.

23 I've been in Grand Lake since 1996. And
24 since that time, I have been doing volunteer water
25 sampling every week in the summer for the last 12 years.

1 And since I have lived in Grand Lake, the water quality
2 has been degrading. I think it's important to
3 understand that Grand Lake is Colorado's largest natural
4 lake. It is not a reservoir. It should not be treated
5 as a reservoir. And it should not be part of a study
6 where sometimes it's even referred to as Grand Lake
7 Reservoir. That is incorrect, and it is a very
8 unfortunate mistake on the part of the researchers.

9 The environmental impact study is to
10 investigate the impact of this project. Every impact on
11 Grand Lake is negative. There is not one good reason
12 that this project should be approved. The water -- the
13 impact includes increase in phosphorus, increase in
14 nitrogen, increase in chlorophyll A, according to your
15 own study. It also shows a decrease in depth reading.
16 That means a decrease in the clarity of Colorado's
17 largest natural lake. This is completely unacceptable,
18 to have an EIS with negative impacts and not consider
19 those very, very carefully.

20 Colorado's largest natural lake should not
21 be degraded by this project. We need to protect the
22 lake. We need absolutely more conservation on the Front
23 Range. You have already heard that. Colorado -- Grand
24 Lake, as Colorado's largest natural lake, is the most
25 important resource in the state, except for the Colorado

1 River itself. And the negative impacts of this project
2 should be seriously considered and the project not
3 continue until you have mitigated all of these potential
4 impacts.

5 Thank you.

6 MR. TULLY: Sharon Brenner, followed by Gay
7 Shaffer.

8 MS. BRENNER: I'm Sharon Brenner. I'm with
9 the Granby Chamber of Commerce. That's B-r-e-n-n-e-r.

10 I think when I was looking at this study --
11 and I haven't read through the whole thing, but from
12 looking at the study, I don't see where they really
13 looked at the economic impacts of the community. Granby
14 has long been -- Granby and Grand County have long been
15 a tourism area. And if you drop the flows in the river,
16 we ruin the fly fishing. If you drop the level in the
17 lakes, you lose the marinas and you lose the fishing in
18 the lakes.

19 People -- when we had our drought, we had --
20 people were not coming up. And, as a motel owner when I
21 was here, when I owned the motel, we saw less people
22 coming up to go fishing because there was no water in
23 the lake.

24 I think it's something that needs to be
25 checked. I think it's something that needs to be

1 studied. I haven't had anybody come to me and ask me,
2 what's going on? I haven't had my -- the members of the
3 chamber have all said that they have not heard from
4 anybody asking questions about what happened to them
5 economically when there was a drought.

6 So, with the impact of the lake and the
7 impact on the rivers, I think there is a serious impact
8 on the economy of this whole county. And I really
9 believe that that needs to be studied more before
10 anything is approved.

11 Thank you.

12 MR. TULLY: Thank you.

13 Next is Gay Shaffer, followed by Sylvia
14 Hites.

15 MS. SHAFFER: Gay, G-a-y, Shaffer,
16 S-h-a-f-f-e-r.

17 First of all, I would like to go on record
18 as applauding all the very important and critical points
19 that have been made here tonight by the Grand County
20 residents. I'm not going to elaborate on them. They
21 have done a beautiful job of expressing them.

22 What I am going to do is take a trip back on
23 Grand Lake. I just completed my 73rd summer,
24 consecutive summer, and I have spent much time on that
25 lake and in that lake. And I would like to take you all

1 on a boat ride a long time ago with me in a row boat.

2 Early morning, the lake is calm and quiet.
3 And we would go out and look down, down, down, until the
4 bottom dropped to blackened depths. It was clear,
5 crystal clear. It was as clear as any pool up the east
6 inlet or the north inlet is today. The entire lake was
7 that way. It was beautiful. It was awesome. You could
8 see the fish swimming in the water. You could see the
9 rocks and the boulders that the glacier left rising up
10 and getting closer and closer to the surface. In some
11 places, so close you thought you might run into them.
12 It was absolutely an awesome thing to get to experience.

13 There was a rock, a huge, flat, sloped rock.
14 We called it "Sucker Rock." And every morning, you
15 could go over and observe the suckers down under the
16 water, sunning themselves.

17 There were old sunken rowboats from -- now
18 that I've seen pictures , I realize they were from the
19 1880s, or perhaps 1900s, in that period. And you could
20 see them way, way down deep. And you could visualize
21 what the people that lived in Grand County then
22 experienced in those rowboats.

23 This water quality has been totally
24 degraded. And now there is another proposal, and it's
25 just ludicrous to think this proposal would admit and

1 say they are going to further degrade the water with
2 this project. It's a travesty. I have seen people on
3 Grand Lake, many of the people here, many who aren't
4 here, many who have died, that have worked hard to
5 improve the clarity of the water. It's been so
6 destroyed. And now they are talking about making it
7 even worse.

8 I thank you for your time. I hope you will
9 absolutely not follow through on this project and find
10 an entirely different way so that you will not further
11 damage, not only Grand Lake, but all the rivers in our
12 county.

13 Thank you.

14 MR. TULLY: Sylvia, followed by Henry
15 Kirwan.

16 MS. HITES: I'm Sylvia Hites, S-y-l-v-i-a
17 H-i-t-e-s. I'm a resident of Grand Lake. I live on the
18 north end of Shadow Mountain Lake.

19 And I, too, will attest to what Gay has
20 said, because I was a child, luckily, who came out from
21 Ohio every summer in the 1930s and got to play in Grand
22 Lake; and it was gorgeous, and it was clear and pure and
23 beautiful.

24 I also have lived in Ft. Collins for
25 36 years, so I understand the Eastern Slope. And I can

1 certainly say that a great deal more conservation needs
2 to be taking place on receiving end of the water and on
3 the Eastern Slope.

4 Others have covered the various other
5 aspects about the Denver Firming Project and the
6 diminished river flow downstream that is hurting the
7 fishing and the water temperatures and the various
8 things that way.

9 I can also say that we were here when the
10 pumping plant was being built, the Granby pumping plant,
11 and the water -- Shadow Mountain Lake had water in it at
12 that time, and it was very clear. And the water quality
13 diminishment didn't start until after the water flow was
14 reversed and started to go through the tunnel. And then
15 it took awhile for the weeds and so on to build up, but
16 it really went up -- the curve went up greatly after the
17 pumping did start. And each summer, by the end of the
18 summer, it was bad.

19 We definitely are in a drought in the
20 Southwest. There are some years that we will get good
21 snowfall, but other years we certainly won't, and we
22 can't count on there being the snowfall to fulfill the
23 water needs of both our county and to increase the
24 amounts to the Eastern Slope.

25 My last point is that I know, from living in

1 Ft. Collins, that -- and this may not be part of your
2 project, but it's part of the entire picture -- that the
3 Poudre River has a great deal of water in it that could
4 be used for Ft. Collins and for Northern Colorado.

5 Environmentalists in the past have blocked
6 putting more dams in the Poudre, but there really needs
7 to be more water taken out of the Poudre for the Eastern
8 Slope, and not taken out of Grand County.

9 Thank you.

10 MR. TULLY: Thank you.

11 Henry is next, followed by Paul Hollrah.

12 Is Henry Kirwan here? All right.

13 It looks like Paul. Paul will be followed
14 by Ray Miller.

15 MR. HOLLRAH: I'm Paul Hollrah,
16 H-o-l-l-r-a-h. I've been a resident of Grand County for
17 about ten years.

18 And could I ask the mayor of Greeley to
19 stand up? I would like to recognize the mayor. Just as
20 I thought, he was more interested in talking to us than
21 he was hearing about us. Isn't that strange.

22 Broomfield, I congratulate you for staying
23 here. You had a lot of guts to get up and talk about
24 water conservation, when you have a flat-rate water
25 system in Broomfield.

1 Anyway, I got about four points I want to
2 make. A 60-day extension is certainly a requirement.
3 2200 pages of poorly documented information, certainly,
4 in 60 days, is not an adequate time to review that
5 carefully; and I urge you to make an extension just on
6 that basis alone.

7 We have the Grand County Stream Management
8 Plan, with a major update coming within the next 30 to
9 45 days. Certainly, that needs to be in consideration
10 in this draft EIS.

11 And, last but not least, you can't evaluate
12 this thing without the impact of Denver Water's Fraser
13 firming project. This project does not exist in a
14 vacuum.

15 Secondly, we need a firm commitment to
16 conservation as the first step in meeting water needs on
17 the Front Range. I've been doing some research. There
18 has been at least \$10.8 million -- \$10.8 million --
19 expended on this firming project. And I probably have
20 missed something in my research, but I've been able to
21 document, since 2002, at least \$78,000 -- \$78,000 -- has
22 been spent on conservation by these 13 Front Range
23 communities.

24 If you are going to talk the talk, then you
25 need to walk the walk and move toward conservation.

1 A study completed by the Western Resource
2 Advocates in November of 2007 evaluated communities on
3 the Front Range. Most of these 13 communities got low
4 marks for water conservation. They say, "Opportunities
5 abound for conservation." Three cities -- Broomfield,
6 Fort Morgan, and Loveland -- still have flat-rate water
7 pricing structures. Evans had a water rate structure
8 that forced consumers to consider conservation, but
9 someone complained, so they removed that restriction.

10 Conservation does work. Highlands Ranch
11 started with a conservation program, a comprehensive
12 one. In 2003, they have saved, by their estimate,
13 20 percent on water in five years, just through
14 conservation efforts, without having to raise additional
15 funds.

16 So, you know, I can't imagine any of this
17 going on without conservation first taking place in
18 those communities that are trying to take the water out
19 of Grand County.

20 A lot of mitigation shortfalls in this
21 thing. Coordination is needed among all the water
22 rights holders and users. In the summer of 2006, a
23 senior water holder, Sky Lark Ranch, virtually ran the
24 river dry, taking water that was there, as their senior
25 water right. And why didn't somebody with Denver or

1 Northern, or whoever else is controlling the floodgates,
2 understand that there was senior water rights that
3 needed to be taken downstream?

4 There has got to be some coordination among
5 the users and the people with the water rights.

6 The existing algae problem in Shadow
7 Mountain and Grand Lake will just be negatively impacted
8 by this project. There is no mitigation for that.

9 Water temperatures, stating that the number
10 of fishing days will not change, at the same time
11 stating the average temperature could rise by four
12 degrees centigrade -- for those of you who aren't
13 European, that's seven degrees Fahrenheit -- it's
14 ludicrous to think we will have the same number of
15 fishing days.

16 I think they meant to say you will still
17 have 365 days in a year. The fishing days are
18 absolutely going to change, not to mention the
19 24 percent decrease in fish habitat above the confluence
20 of the Williams Fork. Do you think that will impact
21 fishing days and the economy in this county? You bet it
22 will.

23 Last but not least, this past Tuesday the
24 Rocky Mountain News reported results of a study
25 commissioned by the Colorado Water Conservation Board.

1 The increasing temperatures in the next 30 years will
2 result in up to 20 percent loss in the water in the
3 Colorado River Basin. Granting somebody a fixed
4 allocation of water based on recent history of snowfalls
5 is a recipe for disaster.

6 Thank you.

7 MR. TULLY: Thank you.

8 Next is Ray Miller, followed by Rick Bendel
9 (ph).

10 MR. MILLER: My name is Ray Miller. I live
11 in Grand Lake. I've been a resident of Grand Lake since
12 1979. I've been a conservation activist my entire adult
13 life and a public lands manager, in some profession,
14 that entire time as well.

15 A number of my concerns have already been
16 addressed by friends and neighbors, so I will not repeat
17 them. I would just ask that you not forget them, and I
18 will try to address some additional concerns.

19 Colorado River water is already
20 over-allocated, and the existing diversions have already
21 had devastating impact on the watershed, most of its
22 riparian zones, marine ecology, and physiography. This
23 profound alteration of this watershed has been
24 institutionalized so long that the East Slope
25 development interests have come to view it as a given.

1 It's been going on so long that we have lost sight of
2 how pristine and environmentally and ecologically
3 valuable this watershed is in its natural state.

4 The notion that further East Slope growth
5 and development should be facilitated by additional
6 diversion is fundamentally flawed. The benefits of
7 transversion pale in comparison to the benefits of
8 sustaining this native ecosystem. Rapidly diminishing
9 clarity in Grand Lake, rising temperatures in the river,
10 increased nutrient levels, and other symptoms are the
11 canaries in the coal mine that this marine ecosystem is
12 approaching critical-stress thresholds.

13 It cannot afford additional diversions at
14 this time in its natural history. The analysis failed
15 to consider the inevitable consequences of climate
16 change, which will exacerbate the impacts. The time has
17 come that we recognize and acknowledge that any new
18 diversion schemes are environmentally, ecologically,
19 culturally, economically, and morally wrong.

20 The East Slope must resolve its water issues
21 on its own turf through a fundamental change in its
22 lifestyle and cultural paradigm. The Colorado River is
23 one of the most important natural hydrological systems
24 in North America and the world.

25 The environmental impacts of this

1 incremental diversion proposal cannot, in reality, be
2 mitigated, notwithstanding the rhetoric in this
3 document. As a society, we cannot tolerate further
4 degradation. We have to look beyond the economics of
5 East Slope growth to the wider and more important
6 visions of regional landscape viability and
7 sustainability.

8 Thank you.

9 MR. TULLY: Thank you.

10 Next is Rick, followed by John Stahl.

11 MR. BENDEL (PH): My name is Rick Bendel
12 (ph). I'm here on behalf of the City of Fort Lupton
13 tonight.

14 The City of Fort Lupton is a participant in
15 the Windy Gap Firing Project. It's a small community
16 of about 7500 people in southwest Weld County. It's a
17 pretty small player in the water-rights business. And
18 as a small player, it's very difficult for small players
19 to develop their own storage. That's the kind of thing
20 that works better in a regional project.

21 It's very important to Fort Lupton to be
22 involved as a team player in a regional project that's
23 benefitting a lot of water users. It's the kind of
24 thing that most of our water-supply planning in Colorado
25 tries to encourage coordination of water projects rather

1 than a fragmentation. The Windy Gap FIRMING Project
2 does that for these 13 water providers and does a pretty
3 good job of that.

4 The City of Fort Lupton's water supply
5 consists of rights including local agricultural rights,
6 groundwater, CBT project water, and Windy Gap. Windy
7 Gap water is a key component to the City of Fort Lupton,
8 and, therefore, firming the yield of the Windy Gap
9 project is a key to Fort Lupton's future water supply or
10 present water supply.

11 It's a key because, in addition to providing
12 clean, high-quality water for our citizens to drink, it
13 unlocks the use of groundwater for Fort Lupton. Fort
14 Lupton uses groundwater and ditch water, raw water, for
15 irrigation of its parks, public open spaces, schools,
16 also on a golf course. We also use groundwater to serve
17 the largest water user in the City of Fort Lupton, an
18 electrical power generating plant.

19 But in order to use groundwater, you need to
20 have something called a "plan for augmentation" so it
21 uses other water rights to compensate for the use of
22 groundwater. And Windy Gap water, after it is first
23 used by all of the citizens of Fort Lupton, is reused by
24 taking the wastewater and using it to augment
25 groundwater use.

1 So Windy Gap water is used very efficiently
2 in the City of Fort Lupton, as are our other supplies.
3 And that reuse for augmentation is a key component of
4 all of our future water-supply planning in the City of
5 Fort Lupton. And that is why Windy Gap is one of the
6 keys to Fort Lupton's future water supply.

7 Fort Lupton has, as documented in the draft
8 EIS, shows Fort Lupton with very-low-water-per-capita
9 water use; it reuses Windy Gap water and uses it
10 efficiently and properly; uses groundwater and ditch
11 rights for its non-potable irrigation needs; saves its
12 high-quality, expensive CBT and Windy Gap first-use
13 water for the potable water needs of the system -- all
14 the things you would want a city to do before reaching
15 out to another basin to import more water to help
16 support its growth.

17 We're faced with a demographic tidal wave in
18 southwestern Weld County. We're growing very rapidly
19 down there. Like a lot of other places in Colorado, we
20 in Fort Lupton are looking at potential doubling of
21 population in the next 25 or 30 years. And we have to
22 reach out to a lot of sources in order to provide a
23 water supply for that growing population. It's a small
24 component, but, as I mentioned, a key one in Fort Lupton
25 planning.

1 The Windy Gap project is an existing project
2 that doesn't involve new facilities here in Grand
3 County. It's another plus for the times when you
4 consider some of the alternative projects that are out
5 there and other ways to get additional water. The Windy
6 Gap project actually is not -- does not have conditional
7 water rights. It has absolute water rights, final water
8 rights.

9 But Fort Lupton is using its water
10 efficiently. It is acquiring water rights locally. It
11 needs the Windy Gap Firming Project to firm up a key
12 linchpin of the city system, and that is why it is
13 essential to the future of the City of Fort Lupton, and
14 we urge you to approve the project.

15 Thank you very much.

16 MR. TULLY: Thank you.

17 John Stahl, followed by Maurice Kirwan.

18 MR. STAHL: I am John Stahl, S-t-a-h-l. I'm
19 a third-generation Coloradan and a permanent resident of
20 Grand County, fortunate enough to live on Grand Lake for
21 the last six years. I've owned property here for
22 20 years.

23 Like Pat Raney and Gay Shaffer, my wife,
24 Patty, was a volunteer this summer, doing water clarity
25 measurements on Grand Lake, and I was the chief

1 recorder. And I would like to shock you all by, first
2 of all, thanking the Bureau of Reclamation and Northern
3 Colorado Water for collaborating in evaluating an
4 alternate pumping scheme, in terms of moving water into
5 and through Grand Lake this year.

6 Last year, as many of you know, it was
7 probably -- in fact, documented -- the worst clarity in
8 Grand Lake in mid-August. Huge algae bloom resulted.
9 Pumping was going full bore at that time.

10 In October of last year, in a meeting
11 involving many different parties, the Bureau and
12 Northern agreed to try something different this year.
13 They agreed to a no-pumping period. The original
14 proposal that was made was to cease pumping in August
15 and September for a two-month period to see what
16 happened in terms of water clarity.

17 As time went on, by the time of the
18 beginning of the summer came, people realized that there
19 was going to be insufficient water to meet Front Range
20 needs, with a two-month cessation, so that time period
21 shrunk to three weeks. At the beginning of the time
22 period, when the work was in process, again, water
23 demand need curtailed the no-pumping period at two
24 weeks.

25 But let me tell you what we saw. We saw, in

1 that two-week period, with no pumping, a 50 percent
2 improvement in clarity in Grand Lake in two weeks, from
3 eight feet to 12 feet. When pumping resumed and went
4 full bore again, you can guess what happened. It
5 declined again from 12 feet to eight feet.

6 A year earlier, when pumping was in full
7 bore in August, it was roughly four and a half feet,
8 meaning that if you stood chest deep in the water, you
9 couldn't see your feet.

10 So Northern and the Bureau deserve some
11 credit for looking at operational improvements to affect
12 the clarity of Grand Lake. They have done a good thing.

13 But let me tell you why it's not such a good
14 thing to think about Windy Gap. Remember the time
15 period, two months, three weeks, two weeks? Every
16 week -- or I should say every day -- that Adams Tunnel
17 operates at full capacity, it takes a thousand acre-feet
18 through the tunnel. So if you want to add another
19 30,000 acre-feet to the supply of the Front Range, you
20 just cut one month out of the ability that Northern and
21 the Bureau will have, in terms of operating, to improve
22 clarity.

23 So this is -- really is a bad proposal,
24 figuring out how to take more water and removing
25 flexibility from operations to maintain clarity.

1 I want to mention one other thing. During
2 that time period when pumping ceased, two-week period,
3 eight feet to 12 feet, what's the average clarity? Ten
4 feet. During the full pumping period, when we went from
5 12 feet to eight feet, what was the average clarity?
6 Ten feet.

7 You cannot tell the difference by looking at
8 averages. If you look at all the charts on the back
9 wall here, every one of them was a yearly average.
10 Think about the fact that we're looking at trends here
11 that correlate pumping and operations to degraded
12 clarity. Think also about the fact that we have one
13 data point pre-CBT that correlates with the observations
14 that Gay and others made. Nine-meter clarity, that's
15 30 feet, in 1941.

16 We need plans to get back to that. And I
17 encourage the group here to spend more time evaluating
18 the data that the volunteers have gathered, and not rush
19 to do something in the absence of careful evaluation.

20 Thank you.

21 MR. KIRWAN: My name is Maurice Kirwan. You
22 may know me as Mitch. Last name is K-i-r-w-a-n. I am
23 an owner of Mo Henry's Trout Shop in Fraser, along with
24 my brother.

25 I would actually like to make my request

1 right up front. The 60-day extension, I think, is
2 mandatory. You can't go any other way. There is too
3 much involved with the issues.

4 I would also like to request no action on
5 the firming project.

6 I would also like to request that both
7 environmental impact statements be considered jointly.
8 I don't think you can consider one without the other.

9 I would also like to request that, on the
10 extensions made, so that the Grand County Stream
11 Management Plan can be considered as well.

12 I think it's important to note -- and much
13 of it has already been said -- but it's important to
14 note that the Colorado River system is already stressed.
15 I have been involved with recreation in one form or
16 another in most of the 20 years that I have been a
17 resident of Grand County, from rafting to fishing. Over
18 those 20 years, I have spent literally hundreds of days
19 on the water, seen the changes on a day-to-day basis.

20 A note, side note: We did actually have a
21 guide record some temperatures this year on the Colorado
22 River that are fatal to trout. Okay. This year has
23 been considered by many to be a good snow year, the
24 reality of which is probably average, compared to years
25 gone by over the last 20 years that I have seen.

1 I thought I would break this down to a very
2 civil way of explaining it. It's actually the way I
3 explained it to my five-year-old. No water means no
4 fish. No fish means no fisherman. No fisherman, there
5 is no need for a fly shop or an outfitter. We close.
6 Would you guys like me to hand you the keys now?

7 It doesn't stop there. The rafting
8 industry, kayaking, everything tied to water. Okay. I
9 see friends out here that are business owners. I've got
10 friends that have an opinion here that are landowners.
11 Okay. Their business dies. Okay. The landowners, the
12 value of their property dies. Very, very simple.

13 Secondary economy: Lodge, restaurants, gas,
14 groceries, shopping, real estate sales. I mean, this is
15 our economy. Our economy is tied to our ecology. You
16 cannot consider one without the other. We are a
17 destination resort. Our economy lives and dies with the
18 water that flows through our natural resources here.

19 I believe that it's unacceptable to destroy
20 one part of our state in favor of another. It is also
21 unacceptable to destroy an ecosystem, period. That is
22 just not an option.

23 Of the variables that are adversely
24 affecting our river basin, this is something we can do
25 something about. Okay. I say we do it. Okay. This

1 firming project cannot be allowed to go forward.

2 At the very least, any approved plan needs
3 to be mandated to adhere to the upcoming Grand County
4 Stream Management Plan. It just can't be allowed to go
5 without it.

6 Once again, I would like to request no
7 action. Actually, if we possibly could even do it,
8 reverse action.

9 Thank you.

10 MR. TULLY: Thank you.

11 Next will be Steve Paul, followed by Scott
12 Linn.

13 MR. PAUL: My name is Steve Paul. It's
14 P-a-u-l, and I'm president of the Greater Grand Lake
15 Shoreline Association. We're represented by 100 members
16 who live around Grand Lake.

17 As you consider this environmental impact
18 statement, which is going to add additional quantity to
19 the CBT project, it seems appropriate to me to go back
20 to the original crowning document, which was Senate
21 Document 80, which was passed by the United States
22 Senate in 1937.

23 In that legislation, they outline five
24 operating principles for the CBT, and the second one of
25 those was to preserve the fishing and recreational

1 facilities and scenic attractions at Grand Lake, Rocky
2 Mountain National Park, and the Colorado River. Let me
3 repeat that. Preserve the fishing and recreational
4 facilities and the scenic attractions of Grand Lake,
5 Rocky Mountain National Park, and the Colorado River.

6 As John mentioned, in 1941 Robert Penick
7 (ph), the famed lake scientist, measured the lake depth,
8 clarity depth, at nine meters, which is right around
9 30 feet. In 2007, last summer, a year ago, it went down
10 to one-and-a-half because of the algae growth. That's
11 not preservation; that's degradation.

12 In 2006, due to the decreasing clarity that
13 everybody was observing, the Greater Grand Lake
14 Shoreline Association, Three Lakes Watershed, the
15 Northern Colorado Water Conservancy District -- and
16 thank you to them for contributing -- as well as Grand
17 County contributed to a study, the Boston Marine Con
18 Study (ph). And their goal, their task, was to find
19 less harmful means of moving water from the West Slope
20 to the East Slope. And they came up with a couple of
21 things.

22 First of all, pumping water backwards
23 through Shadow Mountain Reservoir is always going to be
24 problematic because of the shallow depth of Shadow
25 Mountain Reservoir. They proposed two alternatives.

1 One was a pipeline; the other was a tunnel, both of
2 which would bypass both Shadow Mountain and Grand Lake,
3 thus returning it to the natural flow.

4 I'm losing my stance here.

5 And based on these concerns, the Northwest
6 Council of Government and Grand County, along with the
7 support of Greater Grand Lake Shoreline and the Three
8 Lakes Watershed Association, applied for a site-specific
9 clarity stand (ph) for Grand Lake. It's the first time
10 it's ever been done.

11 On June 10th of this year, a bunch of us
12 went over to Grand Junction before the Water Quality
13 Control Commission. Along with the water rights that
14 are being exercised by the Front Range users, there are
15 also responsibilities, and these responsibilities have
16 been abrogated for over 50 years.

17 They came up with two things. One, first of
18 all, is a narrative standing, which I will read to you:
19 "To the highest level of clarity attainable, consistent
20 with the exercise of established water rights and the
21 protection of aquatic life."

22 And the second thing was a hard four-meter
23 standard in 2014. So this basically means: Do the best
24 you can between now and 2014 --

25 30 seconds. Oh, goodness, I'm not finished

1 yet. Okay. And then a hard standard in 2014.

2 I'll go to my recommendations here. I think
3 sometimes in day-to-day life, things get lost in the
4 shuffle here. And I would like to read to you the
5 mission of the Bureau.

6 "The mission of the Bureau of Reclamation is
7 to manage, develop and protect water and related
8 resources in an environmentally and economically sound
9 manner in the interest of the American public."

10 Well, last time I looked, Grand County
11 residents are still part of the American public.

12 Thank you.

13 MR. TULLY: Next will be Scott Linn,
14 followed by Wendy Thompson.

15 MR. LINN: Hi, my name is Scott Linn.
16 That's L-i-n-n. And I am a resident of Granby and a
17 business owner in Winter Park and a board member of the
18 Colorado River Headwaters chapter of Trout Unlimited.

19 And since I've been involved with Trout
20 Unlimited, I've had the opportunity to help start the
21 temperature monitoring program that we're doing in the
22 county. I've also helped do some of the
23 macro-invertebrate studies in the county and helped with
24 some of the Division of Wildlife electro-fishing in the
25 county.

1 And I have spent many time in waders below
2 Windy Gap, and I can tell you, you don't have to be a
3 scientist to know that that's not a healthy river. You
4 just have to be a lover of nature to understand that.

5 I'm really proud of my fellow citizens
6 tonight, articulating all the holes that are in this
7 EIS. I'm not going to go through them all again. It's
8 pretty redundant.

9 But, basically, I think we have shown that
10 there is many problems with this EIS. And even the
11 no-action alternative, which will still take
12 7,000-acre-feet, how is that a no-action alternative? I
13 think you've got to send this back to the drawing board
14 unapproved.

15 You can't even accept the no-action
16 alternative at this point. How can you make mitigations
17 when you haven't considered the cumulative effects of
18 Moffat and Windy Gap together? Not to mention the BLM
19 potentially selling leased land for oil and gas
20 development along the river as well.

21 You know, there is a lot of impacts that
22 we're facing here. I think the Bureau definitely needs
23 to send more of it back to the drawing board on this
24 one.

25 Thank you.

1 MR. TULLY: Next is Wendy Thompson, followed
2 by Bill Thompson.

3 MS. THOMPSON: Hi, my name is Wendy
4 Thompson, T-h-o-m-p-s-o-n, and I live on the banks of
5 the Colorado River in west Grand County. And I actually
6 use the irrigation water out of the Colorado River.

7 Because of the low flows in the river the
8 past several years, not due to Windy Gap, per se, but
9 just the whole picture of the whole river, I cannot pump
10 water anymore easily. It's costing me labor. It's
11 costing me more money, as far as electricity, to pump
12 the water out. We have four pumps on the riverbank, and
13 one of them died this summer. It's going to cost
14 \$35,000 to replace it. We simply can't afford it. I
15 don't know what to do.

16 And I don't think the Windy Gap Firming
17 Project will help us in the least.

18 That's all I have. Thank you.

19 MR. TULLY: Next is Bill Thompson, followed
20 by Katherine Morris.

21 MR. THOMPSON: I'm Bill Thompson, spelled
22 T-h-o-m-p-s-o-n, and I'm the water commissioner on the
23 west end of the county down there.

24 And James Newberry and I, on the Labor Day
25 of 19 -- or 2006, excuse me, did watch West Palmer (ph)

1 take the water out of the Colorado River. And we got
2 down to 67 CFS at the KB (ph) gauge. And Art Bushay
3 (ph) was nice enough to turn off his KB ditch to put
4 more water in the river that day, because he had a
5 fisherman coming in that weekend.

6 I'm not going to talk too much, but
7 basically just a statement. The morphology of the
8 Colorado River changes dramatically from Windy Gap to
9 the Gore Canyon. It's a very dynamic resource we have
10 to deal with here. But the low flows and the deepening
11 of the channels have made my wife's irrigation project
12 awfully hard to deal with. And getting water to these
13 head gates, not even the pump, dealing with the moth
14 issues in the intakes, is very hard to deal with. And
15 just all the other water rights up and down the river
16 that I deal with are pretty hard to get water when there
17 is low flows.

18 And we are -- we want to make sure that
19 Senate Document 80 is not being ignored, and that's
20 going to be the guiding factor in this whole process,
21 I'm hoping, because that was a government document that
22 told CBT how they would run their project. And just --
23 excuse me, within that document, the protection of the
24 environment will be protected.

25 Thank you.

1 MR. TULLY: Next is Katherine Morris,
2 followed by Henry Kirwan.

3 MS. MORRIS: I'm Katherine Morris speaking
4 as a citizen tonight. M-o-r-r-i-s.

5 I'm a fourth-generation Coloradan. My kids
6 -- I have two boys, six and nine years old, that are
7 fifth-generation Coloradans. I'm wearing this ratty old
8 jacket tonight because it was my grandmother's
9 fly-fishing jacket, and she gave it to my mom. She
10 taught my mom to fly fish, my mom taught me, and I
11 taught my boys.

12 My folks live on the Colorado River between
13 the Granby dam and Windy Gap, an area that will be
14 severely impacted by Windy Gap Firing Project.

15 I want to talk about this -- I'm not going
16 to do technical comments tonight. Ray Kirwan (ph) will
17 be talking on behalf of the county this evening. I want
18 to talk about my own experience. My folks live on
19 the -- oh, I said that, sorry.

20 Colorado is special. It's a unique state.
21 Grand County is special. We have attributes here that
22 can't be found other places. The area of Grand County
23 is larger than Rhode Island. It's a huge recreational
24 resource. Our entire economy depends upon this
25 recreational resource, not just the fly fishing shop.

1 More importantly, this area serves as
2 recharge to thousands of people who come up here to
3 visit this natural resource -- all of these natural
4 resources. They are so critical to healthy human
5 populations and other populations. Fresh, clean water
6 is critical to the well-being of humanity.

7 The health of Grand County's diverted water
8 resources is already compromised. This is seen in the
9 Fraser and the Colorado and in Grand Lake, which was
10 once clear and, as already stated, the largest, deepest
11 natural lake in the state. The lake should be a state
12 gem, as should the Colorado River fishery.

13 Some of you may have heard of the story of
14 the frog in the pot. If you put a frog in a pot on the
15 stove, you don't turn on the heat right away, it might
16 sit there comfortably. And you slowly turn up the heat,
17 crank it up, it might get a little warm, but it will
18 still sit there comfortably, and it won't move until it
19 realizes it's too late. Whereas, if you toss that frog
20 in the pot in boiling water, if they could find the
21 bottom, it would jump out fast. I would like to suggest
22 that we in Grand County are frogs, and that water is
23 nearly boiling.

24 People have talked about having water to
25 drink in Grand Lake that you could drink without

1 treatment, the remarkable clarity and the remarkable
2 fishery. And in exchange, the current conditions, that
3 boiling water that we have now, are algae-laden rivers
4 and lakes, Whirling Disease, degraded clarity,
5 microsystem toxins, diversion problems for irrigators,
6 high temperatures, delta formations, choking sediment.

7 I wonder why Grand County should have to
8 suffer all the losses to our physical environment,
9 economy, wildlife, aquatic life, for the benefit of the
10 Front Range. I think we have already suffered enough.

11 I want to point out that the House just
12 banned diversions to the Great Lakes, and I think they
13 have a lot more water than we do.

14 Something not mentioned that should be
15 accounted for in the draft EIS is reduction of flow due
16 to climate change. Oops. Okay. A lot of these things
17 have been said already, to a 60-day extension, all kinds
18 of things.

19 I wanted to say, with the fishing jacket,
20 this is my heritage from my grandma. I would like to
21 pass that on to my kids. These rivers, the Colorado,
22 formerly known as the Grand, and the largest natural
23 lake in Colorado, are Grand County's heritage.

24 And to borrow from Granby's slogan a little
25 bit, I would like to ask you not to cut the heart out of

1 something grand.

2 Thank you.

3 MR. TULLY: Henry Kirwan, followed by Peter
4 Ralch.

5 MR. KIRWAN: Name is Henry Kirwan. Last
6 name, K-i-r-w-a-n. I'm co-owner of Mo Henry's Trout
7 Shop with my brother, who just spoke very well, for
8 once.

9 I would just like to cover a few topics. We
10 have covered a great many things tonight that are very
11 important, and it's amazing that we've had such turnout
12 in this valley.

13 First of all, I would like to say that the
14 60-day extension is very viable, especially when we have
15 at least a thousand clients that are very involved in
16 the valley and just recently found out about the topic
17 that they would like to be more involved in and have a
18 say in, not only in asking us where to send their
19 written comments, but also what politicians they need to
20 contact to solve this problem and maybe see different
21 ways.

22 Other aspects that we're looking at, of
23 course, is conservation. You know, in this valley,
24 right now we're looking at invasive species, such as New
25 Zealand Mud Snails, the Quagga Mussels, the Didymo

1 issue. I would say probably the most important invasive
2 species that we have to deal with right now are the
3 grasses in the desert on the Front Range that you are
4 spending 50 percent of our water watering. We need to
5 solve that issue, and conservation is a big portion of
6 that.

7 You know, many of your people representing
8 Greeley and Fort Lupton and other places, I understand
9 that there is issues for water, and we need to address
10 that. But right now, you are looking at short term.
11 What we need to look at is a 30, 40, 50-year solution.
12 Our water is going to -- your taking our water from us
13 is going to destroy our ecosystem, destroy our economy.

14 Directly, my brother and I's fly shop, as
15 well as the other fly shop, and some of the rafting
16 companies, they go down immediately. And then I spend
17 all day talking to businesses that we send all of our
18 clients to. Sharky's Restaurant, I asked them, I said,
19 "Do you realize what your business in the summer, where
20 it comes from?" And they said, "Well, yeah, from the
21 fisherman, from rafting companies." They didn't realize
22 that this issue could encompass them.

23 I'm talking to the gas stations. Fewer
24 people are going to buy gas. Fewer people are going to
25 be in the valley attending their gas station, their

1 convenience stores, their restaurants, at night. This
2 is a major issue that entails much more than just
3 fishing, much more than just our ecosystem.

4 I would rather stand up here and say, "Save
5 our ecosystem. Don't kill it." But that's not enough.
6 We have to stand up here and say it's economy, it's many
7 other issues.

8 You are talking about the growth in the
9 Front Range. Those people come up here to recreate,
10 right? So you are talking about the growth on the Front
11 Range. Where are those people going to go when we're
12 gone? Are you planning on the growth of us moving down
13 there? Because that's where our water is going to be.

14 You know, I spoke to my daughter about this.
15 She's six years old and smarter than all of us. And I
16 told her about this issue today and told her what her
17 dad was doing, told her what her Uncle Mitch was doing.
18 And we talked about things. And, you know, at one point
19 in time, I told her about moose. And I said, "They are
20 not really smart. When you see a moose, don't run.
21 Stand behind a tree." And she said, "Yep, they think
22 pigs can fly."

23 And I can say that this project is like
24 "lipstick on a pig," which has been used quite a bit
25 lately. But I talked to my daughter about this. And

1 you know what she said? She said, "Dad, it sounds like
2 they are looking for a Band-Aid for a short-term
3 solution, whereas they should be looking for something
4 to solve their solution long term."

5 So what she did is, she gave me a pack of
6 her Band-Aids. She loves Scooby Doo. Here is the
7 Scooby Doo Band-Aids, \$2.89. If you want a Band-Aid,
8 it's right here. It's from my daughter. Her name is
9 Calista Kirwan.

10 Thank you.

11 MR. TULLY: Next up would be Judy Burke,
12 after Peter.

13 MR. RALCH: My name is Peter Ralch,
14 R-a-l-c-h.

15 I feel -- I've got a couple of problems with
16 the EIS. I really feel that Grand County is being
17 short-changed here. Last November, the Bureau issued an
18 interim report on drought in the Lower Colorado Basin,
19 and the final EIS for that report deals extensively with
20 the effects of climate change. This is a direct quote
21 from that report:

22 "The preponderance of the scientific
23 evidence suggests warmer future temperatures will reduce
24 future stream flow and water supplies and contribute to
25 increased severity, frequency and duration of future

1 droughts. Climate models project that the temperatures
2 will increase globally by one to two degrees celsius."

3 So that's November of 2007 from the Bureau
4 of Reclamation. But moving forward to this draft EIS,
5 all of a sudden, they have decided to ignore the effects
6 of climate change because there is no consensus as to
7 what these effects might be. I suggest there is a
8 pretty big consensus. Several people have mentioned the
9 documents that were presented at the governor's
10 conference in Denver, and the consensus is a significant
11 fall in supply and a significant increase in demand.

12 What this means is that the historical
13 analysis that the Bureau has been using is probably
14 inappropriate. And this is a direct quote from someone
15 talking to -- some scientist talking to the governor
16 today: "You can't assume the past is going to be your
17 best guide to the future."

18 If you don't take into account climate
19 change, then, yes, you are looking at the past and
20 assuming everything going is hunky-dory, but that's no
21 longer a reasonable assumption.

22 And I think, in an environmental impact
23 statement that goes on for 600 pages, they spent less
24 than half a page dealing with the potential effects of
25 climate change, and conclude that potential impacts have

1 not been qualitatively estimated in the EIS because of
2 the uncertainties associated with predicting change and
3 the effects. I think that's just not good science.

4 Going on, on that same page, they just spent
5 half a page talking about climate change; then they
6 spend half a page talking about mountain pine beetle.

7 If you come back up here when this project
8 is due to go on line in four to five years, this whole
9 county is going to look totally different. We have gone
10 through a cosmic level of change. It's not a
11 generational level of change. It's a level of change
12 that no one in living memory has ever seen. And it's
13 clearly going to have a huge effect on the hydrology in
14 this area.

15 Once again, the EIS wants us to ignore this
16 phenomenon, but this time for a different reason. And
17 this is a quote directly from the EIS, per your draft
18 EIS: "Because the hydrologic and water quality
19 irritations of the pine beetle kill trees would be
20 somewhat similar for all alternatives, and because
21 evaluating the effects would require a detailed
22 analyses, the effect of this regional project were not
23 conducted."

24 In other words, because it's going to be the
25 same amount of alternatives, we're going to ignore.

1 That, to me, is certainly not a reasonable course of
2 action. You can't say, because it could have the same
3 effect, we're not going to even quantify that effect.

4 And I think what concerns me -- going on
5 from these two points, what concerns me very much,
6 everyone today here is talking about the surface water
7 impacts and the subsurface water impacts. This EIS
8 includes no research, really, whatsoever, with regards
9 to the hydrogeological issues that we're facing here.

10 What happened with the aquifers? When you
11 make sure that the Colorado River will no longer provide
12 any wet years to Grand County, the natural reservoirs
13 that we're dealing with, the aquifers, are going to be
14 drained. And I think that is going to be -- have
15 massive -- that's going to have massive implications.

16 And the I think that the only research you
17 are looking at is 40 years out of date. All the other
18 hydrogeological stuff is guesswork.

19 MR. TULLY: Next is Judy Burke, followed by
20 Mike Wageck.

21 MS. BURKE: Good evening. My name is Judy
22 Burke -- that's B-u-r-k-e -- and I am the mayor-elect of
23 the town of Grand Lake.

24 I think you can tell from those who have
25 already spoken this evening that the town of Grand Lake,

1 the people around the lake of Grand Lake, and the people
2 of Grand County are passionate about their water. And I
3 think that you will see that most of the comments this
4 evening point out that we are passionate about that
5 water and how it's used.

6 Grand Lake is a very small community. I
7 represent 469 people, as well as many of the other
8 residents of the county of Grand. Grand Lake was
9 established back when the Indian tribes camped around
10 the crystal-clear waters of what they called then
11 "Spirit Lake," which is now called Grand Lake. From
12 those early days, the residents of Grand County knew and
13 appreciated the value of clear, deep mountain waters of
14 Colorado's largest natural lake.

15 You know, things really haven't changed much
16 from those days, except that our lodge pole forests have
17 been decimated by the mountain pine beetle, our lakes
18 are now home to invasive mussels, and our climate is now
19 as windy as is the Kansas prairie. Each of these things
20 have affected our tourist industry, our economy, and our
21 quality of life.

22 The death of our forests have created the
23 threat of catastrophic wildfires, which in turn will
24 leach soils into our watershed and destroy our quality
25 of life, while our lakes are turned into green sludge by

1 algae created by water being pumped through our lakes.
2 Now the Windy Gap Firming Project promises to pump more
3 of our water through Grand Lake, further reducing its
4 clarity.

5 Many have mentioned this evening the 1937
6 Senate Document 80, which actually set forth the
7 regulations for the CBT project. And since the Windy
8 Gap Firming Project proposes to utilize the CBT
9 facility, and, therefore, it too should comply with the
10 terms of Senate bill -- or Senate Document 80, including
11 the preservation of the scenic attractions of Grand
12 Lake.

13 The draft EIS that we have heard about this
14 evening uses a so-called Three Lakes Water Quality Model
15 to evaluate the project's impact on Grand Lake water
16 quality, including its clarity. The model concludes
17 that there will be mostly minor negative changes in
18 Grand Lake quality. In other words, less than a four
19 percent reduction in the secchi depth. How can
20 this be a logical conclusion, when already we see
21 significant reductions in clarity when pumping takes
22 place and this project would increase pumping? We see
23 -- not by models, what it does to our lakes, but by
24 walking out to our lake's edge and looking into the
25 clear waters -- that the models are wrong, asking wrong

1 questions that lead to wrong conclusions.

2 The Town of Grand Lake asks the 60-day
3 extension be granted.

4 Thank you.

5 MR. TULLY: Next is Mike Wageck, followed by
6 Jim Peterson.

7 MR. WAGECK: Good evening. My name is Mike
8 Wageck. It's W-a-g-e-c-k, just like it sounds. I'm the
9 district manager for Winter Park Water and Sanitation
10 District, and we serve the Winter Park ski area. We
11 serve the Winter Park ski area and residential community
12 right near the base. It's a pretty small district.

13 We divert water from Fraser River, and we
14 operate a wastewater treatment plant that discharges the
15 water back from the Fraser River.

16 I've been hearing through the process,
17 through the years when we have been coming to these
18 meetings, that those discharges from the wastewater
19 treatment plants on the Fraser River are part of the
20 problem for the water quality up in the Three Lakes
21 area.

22 My friend's, Bruce's, reaction to that is:
23 If you don't like the water, don't pump it. Don't take
24 it. Leave it in the river. It's not a problem for the
25 river.

1 My reaction to that is: If they don't like
2 the water, maybe they should fix the problem. You know,
3 if there is an issue over there with the wastewater
4 treatment plants, they should pay to improve the
5 treatment to whatever quality of water they feel
6 comfortable with leaving the river.

7 Now, we have spent enough money up there
8 lately. The last eight years, we spent like \$15 million
9 in the community improving the wastewater treatment
10 plant. If you include Granby's latest expansion, we're
11 over \$20 million that we have spent in the last eight to
12 ten years to improve the wastewater treatment plants in
13 the Fraser River. So we have spent enough.

14 Now, looking at this draft EIS, I see there
15 is a lot of impacts across the board, but not very much
16 in the way of mitigation. There is no mitigation --
17 very little mitigation measures in place. Now, I
18 understand that the mitigation measures for the Windy
19 Gap project were put in place with the original project.

20 I think we have a unique opportunity right
21 now to look back at those mitigation measures and see if
22 they are working; you know, see if we have missed
23 anything. Based on the comments I am hearing tonight,
24 we have missed water quality. You know, maybe back when
25 the original permit was put in place, water quality

1 wasn't an issue, but it certainly is an issue now.

2 And I think that we need to put some real
3 strong measures in place to protect the water quality,
4 improve the water quality, and protect the water quality
5 in the Three Lakes area, before any more additional
6 water is pumped from the Windy Gap project.

7 And that's all I have, thanks.

8 MR. TULLY: Thank you.

9 Next is Jim Peterson, followed by Shane
10 Hale.

11 MR. PETERSON: My name is Jim Peterson,
12 P-e-t-e-r-s-o-n. I am the town trustee in Grand Lake,
13 and it's kind of nice going last, because everybody said
14 most everything they was going to say.

15 I ditto the comments by the people talking
16 about our clarity of Grand Lake. I do like the comments
17 made about the mitigations that are needed. Considering
18 the mitigations that we probably already have, I'm not
19 real confident that they would mitigate anything that
20 was further taking place.

21 I believe the 60-day extension is very
22 necessary. The passion you heard tonight I think almost
23 demands that.

24 As far as the impact study, the conclusions
25 I have read, it basically says there will be little or

1 no impact. So why is it called an "impact study"? It
2 seems -- it doesn't seem to fit the bill. We have
3 already seen impact and what's happened, and you are
4 going to do half again as much water and say there will
5 be no impact to our community? That's ridiculous.

6 I moved to Colorado 40 years ago. And it
7 may be a long time ago, but as I remember, it wasn't the
8 pictures of the lawns on the Front Range that drew me to
9 the state; it was the mountains and the streams and the
10 beauty, is the natural beauty of our community.

11 I don't want to take a picture now and show
12 grand kids, hey, this used to be a great place to live.

13 So, please, I demand no action on this.
14 And, perhaps, go back and work out some of those bugs
15 that, although they weren't intended, have happened. So
16 before you do any more pumping, please fix what's been
17 addressed.

18 Thank you.

19 MR. TULLY: Shane Hale, followed by Elmer
20 Lanzi.

21 MR. HALE: Hello, I'm Shane Hale, H-a-l-e.
22 I'm the town manager of Grand Lake, and I stand here
23 tonight, not only in that official capacity, but also,
24 like most people here, as a citizen in this county.

25 In addition to thanking you for this

1 opportunity, I would like to start out by asking you for
2 the 60-day extension to the comment period. The
3 document is 572 pages long; it is very complicated; and,
4 given the fact that this project began in 2003, I don't
5 see what harm 60 more days will do.

6 Grand Lake does want to work with our East
7 Slope neighbors, Broomfield and Fort Lupton. We
8 certainly understand their need to provide water for
9 their constituents, but we also believe that common
10 ground can be found in achieving these goals without
11 negatively impacting Grand Lake and Grand County.

12 With that as a background, I believe this
13 draft EIS seems woefully incomplete in addressing the
14 negative impacts that this firming project will cause.
15 Specifically, there are four areas that I want to touch
16 upon, one of which have already been touched upon:
17 Grand Lake water quality, the socioeconomic impact,
18 recreational impacts, and impacts to the fisheries.

19 For the water quality impact, the DEIS used
20 a model called the Three Lakes Water Quality Model,
21 which we have already talked about. It did conclude
22 that that it will have a four percent reduction in
23 seddid (ph) depth. That does defy common sense. We
24 know that, in 1941, Grand Lake had 9.2 meters of
25 clarity. In 2006, we had 2.7 meters of clarity, 85th

1 percentile. And even more recently, as Mr. Stahl
2 alluded to, we saw no noticeable difference immediately
3 when the Bureau pumped and when the the Bureau stopped
4 pumping. So to say that there is only a four percent
5 reduction just defies common sense.

6 Next, this only measures impact of fishing,
7 camping and boating when it talks about the
8 socioeconomic impacts. And all three of these even seem
9 downplayed. For fishing, it only looked at the pump
10 house reaches, and it only applied to commercial uses.
11 I can tell you that I have fished many times this
12 year -- and if my mayor is here, I'm not going to say
13 tons of times -- but I have fished this year.

14 Not once have I fished in the pump house
15 reach, not once with a commercial outfitter, and, yet --
16 let's see. I'm fairly sure that I bought these glasses,
17 I think I bought this hat, and I'm pretty sure I bought
18 these Band-Aids that you still see up here, so I have
19 spent some money there this year. And, yet, none of
20 those impacts are captured in this. It only talks about
21 outfitters and a region of the river that I don't think
22 I have ever fished.

23 Next, for boating, the EIS concedes the
24 impact of Grand Lake and Shadow Mountain may create
25 diminished recreation experience, but has no data as to

1 whether this will lead to less visit days, no economic
2 losses attributed. I can tell you that this is an
3 incorrect assumption. Less water quality in Grand Lake
4 absolutely has a downward impact.

5 Last year, we had a water advisory posted.
6 In addition to urging people not to drink the water, it
7 also stated, "Do not swim in areas with visible scum.
8 Babies, toddlers and dogs may be more vulnerable to the
9 microsystem in the scum. Do not let them play or drink
10 the scum."

11 I can tell you that the word "scum" repeated
12 about 30 times will not ingratiate tourists to Grand
13 Lake. We had numerous phone calls to town hall from the
14 Front Range. We had reporters. We had visitors. I had
15 people calling me personally, cancelling their trips.
16 It was pandaemonium.

17 And I can tell you that Grand Lake brings in
18 approximately 70 percent of our sales tax revenue
19 between the months of Memorial and Labor Days. Grand
20 Lake is our largest natural asset. It's reflected time
21 and again through everything that we do, through the
22 chamber, through our master plan, through every bit of
23 advertising. And ignoring the impacts of this lake in
24 our economics, I think, is unfair and illogical.

25 In 2003, tourist spending equaled

1 \$169,700,000 in Grand County. It was \$23 million in
2 Grand Lake, and \$900,000 in sales taxes in that amount
3 of time. So our entire economy is contingent upon Grand
4 Lake being clear.

5 And since I'm out of time -- I'm sorry about
6 that. In conclusion, I would ask that you grant 60 more
7 days. I would ask that you address issues that have
8 been brought up, all these issues. And finally that the
9 Windy Gap Firing Project comply with Grand County
10 Stream Management Plan.

11 Thank you.

12 MR. TULLY: Thank you.

13 Next up is Elmer, followed by Bill Emslie.

14 MR. LANZI: My name is Elmer, E-l-m-e-r,
15 Lanzi, L-a-n-z-i. I'm a town trustee. I'm the most
16 junior trustee of the Town of Grand Lake. We have a
17 quorum here tonight. A public speaker, I'm not.

18 But I would at this time, after listening
19 and learning, I would like to declare the 1937 Big
20 Thompson project a complete and utter failure,
21 ecologically. It should be shut down. I would like to
22 also be brief.

23 The conspicuous consumption of the Eastern
24 Slope is a thing of the past. The thing of the future
25 is the Western Slope. This is the front yard for the

1 Eastern Slope. You need to preserve it. I have to say
2 no, no to this project. Clean up what you already have.

3 Thanks very much.

4 MR. TULLY: Bill Emslie, followed by Bud
5 Isaacs, please.

6 MR. EMSLIE: My name is Bill Emslie,
7 E-m-s-l-i-e.

8 I'm a fourth-generation Coloradan. I live
9 in Ft. Collins. I'm also a farmer in Colorado, but
10 tonight I'm here as a representative of Platte River
11 Power. Platte River is a project participant, with its
12 headquarters in Ft. Collins.

13 Now, Platte River supplies wholesale
14 electric power to nearly 300,000 Coloradans in the
15 communities of Estes Park, Ft. Collins, Longmont and
16 Loveland. Responsible stewardship of natural resources,
17 including air, land and water, is embodied in our
18 commitment to provide customers with a reliable supply
19 of electric energy.

20 Windy Gap -- well, since 1985, Platte River
21 has relied on Windy Gap to supply cooling water and
22 processed water to Platte River Rawhide energy station
23 for use in power generation, and also to the city of Ft.
24 Collins. Rawhide is a generating facility comprised of
25 natural gas, fire and combustion turbines, in addition

1 to unit one, which is a full-fire generator requiring
2 water as a major part of its generating process.

3 Platte River relies on Windy Gap heavily for
4 water for the operation of Rawhide. The Windy Gap
5 Firming Project is significant to Platte River and to
6 our customers in Northern Colorado who use the
7 electricity generated from Rawhide. Firming Windy Gap
8 will provide increased reliability to that water.

9 Now, Platte River is aware of the importance
10 of conserving existing water use. We have heard a lot
11 of comments tonight about water conservation. At
12 Rawhide, we use 100 percent of the water provided to the
13 site as a source of cooling water and processed water.
14 Some of processes recycle water to maximize the use of
15 this valuable resource. For example, water to a boiler
16 used to make steam is recycled. So is the water used
17 for the emission control system.

18 The largest water used at Rawhide, which is
19 cooling of the spent steam back into water, is through
20 an arrangement with the City of Ft. Collins, where the
21 Windy Gap water is delivered to the city in exchange for
22 reusable effluent that goes to Rawhide. This makes
23 efficient use of water that is first used by the city.
24 And, I might say, this is a concept which was suggested
25 here tonight. Overall, Rawhide is a zero-discharge

1 facility.

2 I would like to close by saying that the
3 pioneers living in the West were bound by unwritten
4 rules, commonly referred to as the "Code of the West."
5 This was first chronicled by Zane Gray in 1934. These
6 homespun laws, that boiled down to a gentleman's
7 agreement to certain rules of conduct for survival,
8 centered on hospitality, fair play, loyalty and respect
9 for the land.

10 We appreciate the opportunity to work
11 cooperatively with our neighbors here in western
12 Colorado to firm the Windy Gap water supply in an
13 environmentally responsible manner and look forward to
14 working with you. Your comments tonight have been
15 helpful for me, for Platte River, to better understand
16 our neighbor's perspective, and we thank you for those
17 sincere comments. I have three pages of notes I'm
18 taking with me back home tonight.

19 Thank you.

20 MR. ISAACS: My name is Bud Isaacs,
21 I-s-a-a-c-s. Bud is like the beer.

22 I'm a co-owner of five-and-a-half miles of
23 river, Chimney Rock Ranch, Sheriff Ranch. We have -- we
24 are directly affected by this and the Denver Water
25 Moffat project. We think that the EIS fails to address

1 -- has been mentioned earlier -- Senate Document 80.

2 Because the Windy Gap Firming Project will
3 rely on the Colorado Big Thompson facilities,
4 Reclamation must determine whether Windy Gap Firming
5 Project complies with Senate Document 80. The federal
6 statute that authorizes construction of the Colorado Big
7 Thompson project, Senate Document 80, contains
8 requirements for the use of the CBT water on the East
9 Slope, use of the Green Mountain Reservoir for the West
10 Slope beneficiaries, and provisions that specifically
11 protect the headwaters of the Colorado River system.

12 The question is: Doesn't this determination
13 need to be made now? Isn't it putting the cart before
14 the horse to do all the analysis of an EIS and then
15 decide later whether the firming project can comply with
16 Senate Document 80?

17 Given the reduction in flows, water quality
18 degradation, the impacts of the fishing are all contrary
19 to the five guiding principles of Senate Document 80,
20 how can the firming project possibly comply? If
21 complying with Senate Document 80 means providing
22 mitigation, don't -- those mitigation measures need to
23 be specified and studied as part of this environment
24 impact statement.

25 The DEIS fails to adequately consider the

1 impacts of climate change. Don't you have -- the
2 question then goes to the reclamation. Don't you have
3 to consider and attempt to quantify these warming trends
4 in your analysis? You don't now. Don't you have to
5 consider the most recent studies, of which there is the
6 IPCC of 2008 technical paper, climate change? October
7 6th, 2008, scientists of NOAA, the University of
8 Colorado, Colorado State University. October of 2007
9 EIS. All these are current. You don't even think about
10 them.

11 Not to mention that our governor, on October
12 8th, is hosting a three-day conference on drought and
13 climate change. The EIS uses an inadequate period of
14 record, 46 years, between 1950 and 1996. The most
15 recent 12 years, 1997 to 2008, should have been
16 included. They are generally dry years and most
17 significant for predicting future conditions. You just
18 completely -- why haven't you considered this most
19 recent 12 years? Why haven't you used tree-ring studies
20 too, or paleoclimate, to develop an accurate baseline
21 against which to measure the impacts of the proposal?

22 The DEIS failed to account for impacts on
23 land values of the Colorado River Basin. Did you study
24 the effect of reduced stream flow and loss of habitat on
25 land values on most ranches adjacent to the Colorado

1 River? Where are the results? Where are those studies?
2 This should be part of the DEIS.

3 I mean, it doesn't make any sense, the way
4 that Northern, they have given no action. A no action
5 that takes -- that basically increases 7500 acre-feet.
6 Like, a proposal that -- proposed alternative just asks
7 for 9500 acre-feet. So no action is not a solution.
8 It's leave it as it is.

9 I mean, we talked and thought we had a deal
10 with Northern.

11 My time is up.

12 Look at the graphic of what goes back from
13 pre-Moffat after Windy Gap and where it is today. And
14 we will submit very formal comments with all of the
15 graphics on this.

16 MR. TULLY: Before I go on, we have 11
17 people left to speak that I have names of. We can
18 either do it and proceed on with this or take a short
19 break.

20 AUDIENCE MEMBER: Get it done.

21 AUDIENCE MEMBER: Get it done.

22 MR. TULLY: Get it done. All right.

23 Next up is Eldon Crabtree, followed by Will
24 Arguino (ph).

25 MR. CRABTREE: My name is Eldon Crabtree.

1 That's C-r-a-b-t-r-e-e. I'm president of the Three
2 Lakes Watershed Association. We have a membership of
3 about 170 persons in and around Grand Lake. We work in
4 concert with the greater Grand Lake Shoreline Owners
5 Association. It's a small community. We work in
6 concert with everyone, including the Town of Grand Lake.

7 I have two points. I'm not going to belabor
8 those, because it's been said before, but: One, we
9 vehemently believe that Grand Lake has to be removed
10 from the CBT system; that it should no longer be used as
11 a conduit as part of that transmountain water diversion
12 project. I can't emphasize that enough, and it's for
13 all the obvious reasons. They have been stated before.

14 The second point here is that we are really
15 concerned about the degradation about the Colorado River
16 itself, ranging from adverse temperature conditions to
17 algae growth, moss, and all of the other bad things that
18 are happening to that river as a consequence of too much
19 water being removed from it. That's why the firming
20 project should not be allowed to proceed.

21 That's all I have. Thank you.

22 MR. TULLY: Next is Will, followed by
23 Lurline.

24 MR. ARGUINO (PH): Thank you. My name is
25 Will Arguino (ph). I'm a Granby resident. I've had the

1 opportunity to live here in Grand County for seven
2 years, 30 years total in Colorado.

3 Others have spoken much more eloquently than
4 I tonight about the need for more time to review this
5 two-and-a-half-inch-thick document. I want to support
6 that comment and make sure that the impact of the Moffat
7 takings are included in the overall study of this
8 process.

9 Others have spoken more eloquently about the
10 need for additional mitigation. But let me voice in
11 support of the requirement for increased guaranteed
12 minimum stream flows. And I would suggest a
13 possibility, as a mitigating element in this, perhaps,
14 that, as a local community banker, one of the things
15 that I see clearly missing from this study is any
16 assessment of economic impact to Grand County.

17 As I look out into the audience tonight, I
18 see a number of my customers, people who are involved in
19 outdoor recreation, people who are involved in ranching,
20 people who are involved in retail. All of them stand to
21 be adversely impacted by this -- by this project. The
22 economy of Grand County is fragile enough. With our
23 strong reliance on tourism, the last thing that our
24 economy needs is to have further depletion of our
25 natural resources.

1 But the primary issue that I don't see
2 addressed in the EIS is: What is the need for this
3 additional conversion? I understand the tremendous
4 growth on the Front Range. I lived there for 25 years
5 in Ft. Collins. When I moved there, there were 50,000
6 people; today, there is 150,000 people.

7 The years I lived there, my front yard was
8 rocks and shrubs, not a blade of bluegrass in my entire
9 yard. I go down to visit friends now; I am astounded at
10 the growth that continues, and every one of them has got
11 a beautiful green lawn in our arid western desert.

12 The EIS says the need for this project is
13 that participants in the proposed project have a need to
14 firm Windy Gap water delivery to meet existing and
15 future water demands. What about the existing and
16 future water demands here in Grand County? Where is
17 that taken into account in this study?

18 But back to my topic about the -- what's
19 missing is, there is no demand for increased
20 conservation. Let's remember why all these people moved
21 to Colorado in the first place. What attracted them
22 here? It's our natural beauty, our clear streams, our
23 excellent hunting and fishing. That's what draws so
24 many people here in the first place.

25 I would like to see a requirement for

1 increased conservation as a part of this EIS before you
2 even consider the recommendation for increased
3 diversion. I don't favor the no-action alternative. I
4 favor not approving this EIS at all. Because the
5 no-action comments still take additional water out of
6 the Colorado River Basin.

7 Thank you very much.

8 MR. TULLY: Lurline, followed by Shanna
9 Koenig.

10 MS. CURRAN: My name is Lurline Underbrink
11 Curran, C-u-r-r-a-n. I'm the county manager for Grand
12 County, and I'm also the designated representative for
13 the county under Senate Document 80.

14 The Windy Gap Firing Project is being
15 reviewed in a vacuum. Denver's Moffat Firing Project,
16 coupled with the Windy Gap Firing Project, if approved,
17 we will see almost 80 percent of the water originating
18 above the confluence of the Fraser and Colorado River
19 leaving the county via trans mountain diversion.

20 Grand County has requested several times
21 that these two projects be reviewed together so that the
22 cumulative impact can be studied appropriately. It is
23 impossible to make informed comments on the cumulative
24 impact of these two projects when taken one at a time
25 and when each project impact has been assessed under

1 different modeling projects.

2 For the record, Grand County, under its 1041
3 regulations, holds local permitting authority over the
4 Windy Gap Firming Project and will exercise those
5 powers.

6 Windy Gap Firming Project utilizes the CBT
7 facilities to transport water to the Front Range. The
8 transportation route takes water from Windy Gap through
9 the pipeline to Granby Reservoir, Shadow Mountain, and
10 finally Grand Lake, the largest natural lake in
11 Colorado.

12 The CBT project is governed by federal
13 legislation, referred to as Senate Document 80. Under
14 the governing document, there are several protections
15 given to Grand County, which are referred to as "primary
16 purposes." I won't go into those. Those have been
17 articulated this evening and are of record, and we will
18 make them of record again in our technical comments.

19 In order to accomplish those purposes, the
20 project should be operated by an unprejudiced agency in
21 a fair and efficient manner equitable to all parties
22 having interest therein, and in conformity with
23 particular stipulations.

24 These include: Protection of the irrigation
25 rights near Kremmling; preservation of a live stream in

1 that section of the Colorado River between the new
2 reservoir, which would have been Granby, and the mouth
3 of the Fraser River; and to ensure an adequate supply
4 for irrigation, sanitary purposes, and the preservation
5 of scenic attractions and fish life.

6 The current water quality issues in Grand
7 Lake are not in compliance with Senate Document 80. The
8 clarity of Grand Lake, algae issues -- which, in 2007,
9 reached toxic levels -- and the transportation of
10 nutrients are all associated with pumping of water from
11 both the CBT project as well as the Windy Gap.

12 There are ongoing studies to determine the
13 specific causes of these problems, but those studies are
14 not yet complete. However, the EIS has stated several
15 impacts from nutrients which have been described here
16 this evening, chlorophyll-A, dissolved oxygen, all
17 things that increase the degradation of Grand Lake.

18 Temperature and dissolved oxygen will
19 continue to exceed state standards in Granby Reservoir,
20 and magnesium will increase in the overall entire Three
21 Lakes area -- Three Lakes system due to this lower
22 dissolved oxygen. All of these nutrient issues are
23 thought to contribute to clarity, algae, weed and
24 temperature issues.

25 Prepositioning, which is the linchpin of the

1 Windy Gap Firing Project, would allow more pumping of
2 water to the CBT system, which will only exacerbate the
3 present water quality issues.

4 While Grand County is working closely with
5 the Bureau of Reclamation to formulate a plan to protect
6 Grand Lake and reestablish this condition, this plan has
7 not been formulated, agreed upon and implemented. While
8 there has been much cooperation in the last couple of
9 years with Northern and other participants, these have
10 to be formulated and put into place before this project
11 can go forward.

12 The water quality below Windy Gap also must
13 be addressed, and the DEIS has to address these issues.

14 I see my time is up, but I'm not going to
15 stop.

16 The hand of the corporation has been
17 extended from the project proponents, which is
18 encouraging. There are several proposals under review
19 that could help address these issues discussed, one of
20 which is the Grand County Stream Management Plan, which
21 could ensure water is available for environmental,
22 domestic, agricultural, and recreation purposes.

23 The Bureau of Reclamation, in its position
24 as a lead agency for the Windy Gap Firing Project, as
25 well as the unprejudiced agency under Senate

1 Document 80, has an obligation to protect Grand County
2 and the citizens of the state from the impacts from the
3 Windy Gap Firming Project that cannot fully be assessed
4 until past environmental and operating problems have
5 been resolved and a full understanding of the cumulative
6 impact of both firming projects have been presented.

7 Grand County is asking for the additional
8 time to assess these impacts. This document is large,
9 and we ask that we be given time to assess it properly.

10 Thank you for the additional time.

11 MR. TULLY: Next will be Shanna, followed by
12 Lane Wyatt.

13 MS. KOENIG: Hi, my name is Shanna Koenig,
14 and the last name is spelled K-o-e-n-i-g. And I am here
15 on behalf of Northwest Colorado Council of Governments
16 Water Quality and Quantity Committee.

17 And a lot of what I was going to speak to
18 tonight has already been said, so I'll just reiterate a
19 few points.

20 I think we all have heard tonight and
21 understand that Grand County is in a critical situation.
22 We have already heard about the amount of water being
23 diverted to the East Slope, and we have heard about
24 insufficient flows for agricultural irrigators to pump
25 water from the Colorado River. We have also heard about

1 insufficient flows for Hot Sulphur Springs for public
2 water use and insufficient flows to protect fishing in
3 the Colorado River. Additional diversions will only
4 exacerbate the problem.

5 We have concerns, the Northwest COG, that
6 the description of the existing conditions outlined in
7 the draft EIS does not adequately explain the degree to
8 which existing water diversion projects already have
9 affected the upper Colorado River.

10 The Applicant alleges that there will not --
11 that there not be any significant new impacts. If that
12 is the case, then the Bureau of Reclamation and Army
13 Corp of Engineers should be sure to condition their
14 approvals on that basis so, if there really are new
15 impacts, they will be addressed.

16 And just really quickly, we have already
17 touched a lot on socioeconomic impacts, but I just want
18 to throw some additional numbers out there. In 2003,
19 the direct economic impact of spending by tourists --
20 including travel, lodging, food and beverage, recreation
21 and other visitor-related commodities -- equalled nearly
22 \$170 million. This directly accounted for 39 percent of
23 employment in Grand County and contributed \$7.1 million
24 in local government taxes.

25 However, the EIS only measures the impacts

1 of the Windy Gap Firing Project related to the value of
2 fishing, camping and boating, without including
3 additional revenues generated by the activities. Even
4 in the three limited activities the DEIS does measure --
5 boating, fishing and camping -- the analysis is limited
6 to a very narrow segment of activities and grossly
7 underestimates the potential economic impacts that
8 could -- that could be caused by Windy Gap Firing
9 Project.

10 And I think Becky Long did an excellent job
11 of explaining that through her testimony as well.

12 We would also ask that this comment period
13 be extended so that we may have the time we need to
14 thoroughly review the vast amount of information in the
15 draft EIS.

16 Thank you.

17 MR. TULLY: Thank you. Lane, followed by
18 Tom Weydert.

19 MR. WYATT: I'm Lane Wyatt with Northwest
20 Colorado Council of Governments. W-y-a-t-t for the last
21 name.

22 Northwest COG is the designated water
23 quality management agency under the Clean Water Act for
24 this region, originally including Grand County and the
25 upper headwaters of the Colorado.

1 Northwest COG has adopted what's called a
2 "water quality management plan," a 208 plan. The plan
3 has been approved by the EPA, the Water Quality Control
4 Commissioner, the governor. Grand County uses it in
5 their -- recognizes it in their land-use code.

6 In that plan, it specifically identifies
7 transmountain diversions as one of the largest pollution
8 sources in the Upper Colorado. And in the Clean Water
9 Act, hydrologic modifications are recognized as the
10 source of the pollution. In your draft EIS, you sort of
11 tacitly recognize the situation as far as the hydrologic
12 modifications.

13 There is a policy in the Northwest COG plan
14 which states, "Project developers shall mitigate the
15 impact of water quality in the aquatic environment
16 caused by water projects." So, in order to be in
17 compliance with the plan, the water quality impacts need
18 to be mitigated. The purpose for the NEPA project is
19 basically to disclose water quality impacts and other
20 impacts. So it really becomes a question of, what are
21 those impacts?

22 So that brings me to my first point,
23 recognizing the need to extend the review period.
24 Because there is -- if you look at the technical
25 documents as well, there is a couple thousand pages to

1 get through, and that's a lot to ask, for people working
2 during the day and to review it at night and to get
3 through that much paperwork, to identify even what the
4 impacts.

5 But once you get through there a little bit,
6 the EIS concludes, really, that, at least from a water
7 quality standpoint, the impacts, on average, really
8 aren't that dramatic. But if you dig a little bit
9 further, however, you will see that those are really
10 based on averages, averages that are included in
11 modeling projections, averages like an average change in
12 Grand Lake clarity, as Dr. Stahl talked about,
13 predictions based on average flows and average pumping
14 rates.

15 Even where the draft EIS evaluates a
16 worst-case condition for temperature, the inputs in the
17 model are based on median temperature conditions, median
18 data temperature conditions. So a conclusion based on
19 averages is a little bit like trying to explain to a cop
20 who just pulled you over for going 80 in a 45: On
21 average, I really don't speed. It just doesn't fit into
22 context very well. It's really too important of a
23 situation to base decisions based on experts' guesses,
24 potentially.

25 So that brings me to the second point.

1 Mitigation should really be based on actual
2 circumstances. And we would recommend that there be a
3 monitoring mitigation link as part of a condition if you
4 decide to approve this project. The link would be to
5 appropriate action.

6 For example, if temperature is increased
7 beyond projections below Windy Gap, then bypasses would
8 be increased. Or if clarity is degraded in Grand Lake,
9 then some of the measures that the Bureau and the
10 Northern are looking at, operational optimization or
11 piping be implemented. If there is a trigger system in
12 place, to address those real impacts from the project
13 itself.

14 The third point is we would like to -- also
15 to delay the decision that you make to include some of
16 the information that's being developed through the Grand
17 County Stream Management Plan, but also some of the work
18 that's being done by the Bureau and Northern in trying
19 to figure out how to optimize operations.

20 And there is other kinds of new information
21 that could be very useful in developing mitigation.

22 Thank you.

23 MR. TULLY: Next would be Tom, followed by
24 Matt Sugar.

25 MR. WEYDERT: My name is Tom Weydert.

1 That's W-e-y-d-e-r-t. I am a trustee for the Town of
2 Grand Lake.

3 And I don't want to go through a lot of
4 information that's already been covered this evening.
5 One example that I do want to emphasize is that, in
6 California, there are two wonderful examples of what
7 we're dealing with here in Colorado. One is called
8 Owens Lake, and the other one is called Lake Tahoe.

9 Owens Lake is now a dry desert bed because
10 all the water was taken by the city of Los Angeles.

11 Lake Tahoe, in the 1960s and 1970s, had many
12 of the same water clarity issues that Grand Lake is
13 facing. If you take a look at that now, because of the
14 interstate between California and Nevada and the federal
15 government, it is one of the clearest, most pristine
16 lakes that you will find, and which Grand Lake used to
17 be, and we can get it back.

18 I do want to emphasize that I believe that
19 we should extend for 60 days for all written comments.
20 I think that we need to make it imperative that
21 conservation by East Slope recipients be mandated and
22 that we wait until we find out the final information on
23 the Moffat Firming Project and the Grand County Stream
24 Management Plan.

25 And at this time, in all fairness, I will

1 yield the rest of my time for any overages that
2 Ms. Curran might have had.

3 MR. SUGAR: My name is Matt Sugar,
4 S-u-g-a-r, just like it sounds.

5 I'm here representing Congressman Mark
6 Udall. The congressman looks forward to reviewing the
7 comments made here and in Grand County and Loveland on
8 Tuesday night.

9 It's clear from the testimony heard tonight
10 and from the Loveland hearing that there is a lot of
11 unanswered questions and concerns that need to be
12 addressed. Therefore, the congressman is also -- joins
13 with many other entities, requesting an extension of the
14 comment period to make sure all those concerns are
15 heard.

16 He appreciates the time and energy put into
17 this, those putting together the EIS, those putting
18 together all this information that you have brought, and
19 is pleased to hear that there is so many people involved
20 in this and that the concerns are being heard.

21 I want to shift gears a little bit. I also
22 have a statement from State Senator Dan Gibbs. I'm just
23 going to go ahead and read this into the record. It's
24 short, hopefully, and we can enter that into the record.
25 Again, from State Senator Dan Gibbs:

1 "I apologize for not being able to attend
2 tonight's public hearing, as I was participating in a
3 previously scheduled debate in Summit County. I
4 appreciate having the opportunity to have a quality
5 statement read into the record.

6 "As we all know, water is our most precious
7 resource. We must work together to ensure that this
8 resource meets the needs of the citizens of our state
9 while protecting what we value most.

10 "Whether living on the West Slope or on the
11 Front Range, we all enjoy the beauty of our mountain
12 community. Some enjoy boating or fly fishing on our
13 mountain streams and rivers, while others enjoy getting
14 lost in the woods, hiking or mountain biking.

15 "In the winter, we flock to the ski areas
16 and take advantage of some of the best skiing in the
17 country.

18 "Tourism is essential to the economic
19 stability of our State. In 2003, tourism generated
20 close to \$170 million in Grand County alone. Tourism is
21 an engine that feeds Colorado, especially our mountain
22 communities.

23 "It is in these fragile economic times that
24 tourism is vital, not only to smaller mountain
25 communities, but to our state as a whole. We must do

1 what we can to protect what drives these dollars in
2 Colorado.

3 "Before moving water from one part of the
4 state to the other, we must first make sure that the
5 rigorous conservation efforts have taken place. It is
6 my understanding that some of the participants in the
7 Windy Gap Firming Project are doing better than others.
8 Shouldn't we all be doing everything possible to
9 conserve the water that we do have?

10 "The State of Colorado has made great
11 efforts over the past couple of years to look at what is
12 being done and what can be done with conservation. The
13 resources and models to develop rigorous conservation
14 plans are readily available.

15 "Next, we should ensure that Windy Gap
16 Firming Project, and the existing Windy Gap project,
17 Colorado Big Thompson project, and the existing proposed
18 Moffat Tunnel projects are operating in a manner that
19 keeps water in the streams when it is desperately needed
20 to protect the health of those streams.

21 "It is my understanding that it is possible
22 to take the water at certain times from certain places,
23 while not taking it at other times and other places.
24 This would allow a particular section of a stream to be
25 protected at a critical time, and the system would still

1 deliver the water needed. Coordination among these
2 large projects is not only vital to protecting our
3 streams, but is the key tool in doing so.

4 "Should this process prove that there is a
5 need for the project, then the mitigation must match the
6 impacts created by the project. I realize that the
7 proponents of the Windy Gap Firing Project feel there
8 will not be a significant impact directly caused by the
9 project; however, others disagree.

10 "Therefore, I would ask the Bureau to
11 continue their search for information needed to analyze
12 the environmental and economic impact and that the
13 mitigation for any impacts are clearly defined as we
14 move forward in this process.

15 "Lastly, as all of my constituents can
16 attest, we are smack in the middle of a crucial election
17 cycle. I would ask for the support -- the other -- and
18 support the other requests for additional time for a
19 comment period. I need to get through my own election
20 before I can sit down with my advisors and digest the
21 information found in the EIS."

22 State Senator Dan Gibbs, Senate District 17.

23 Thank you.

24 MR. TULLY: Thank you.

25 Next would be Helena Powell, followed by

1 Andy Arnold.

2 MS. POWELL: Hi, my name is Helena Powell,
3 P-o-w-e-l-l. I'm representing my business, Adventures
4 in White Water Rafting. I am also the director from the
5 Headwaters Institute for the Colorado River headwaters.

6 I would love to stand here this evening on
7 my soap box and talk about the environment, but I think
8 everybody has done that much more eloquently that I
9 possibly could.

10 Since the Front Range focuses on their
11 dollars, and the dollar seems to drive our economy,
12 let's talk about money this evening.

13 In front of me from the Colorado River
14 Rafting Association, I have statistics on economic
15 impacts of commercial river rafting in Colorado. Our
16 statistics actually go up to the year 2007. I would
17 like to make a proposal that you all well should deal
18 with your hydrological data and your sociological
19 economic impacts up to this current year, if at all
20 possible. I do not believe that, in only addressing the
21 time period up to 1996, that you can adequately deal
22 with what we're dealing with. Especially because those
23 of us around here know in 2002 was the worst drought
24 year that we have probably ever seen in many decades up
25 here.

1 So as far as our economic impact, right now
2 in the year 2007, direct expenditures for river rafting
3 in the entire state of Colorado was almost \$60 million.
4 I know we have talked a lot about economic impact and
5 the multiplier factor, but nobody has had any
6 statistics.

7 To give you an idea, on \$60 million, our
8 economic impact for last year was \$153 million-plus
9 dollars. Basically, that's all sorts of tourism dollars
10 coming in, and we don't even have any kind of say in
11 this EIS statement. So I would like you to take into
12 consideration that, as well.

13 For the section of water that we are dealing
14 with right here, the Upper Colorado River, last year we
15 had 32,000 river users days for commercial use only.
16 That was direct expenditures of \$3.4 million on our
17 little section of river alone, which led to an economic
18 impact multiplier of \$8,725,000.

19 You know, that's a huge, huge standing. I
20 mean, there are 52 river outfitters, including myself,
21 that are permanent through the Bureau of Land Management
22 on the Upper Colorado headwaters. That's a lot of
23 businesses. We're looking at -- you know, in 2002, when
24 we had a drought -- which was basically we're looking at
25 just below minimum flows of what you guys are looking at

1 -- in 2002, the river rafting industry, which is the
2 number one tourism industry in the summertime in the
3 state of Colorado, we dropped 40 percent in total user
4 days. That's 206,000 people that didn't come down the
5 river with us that year. Why? Because there is no
6 water. Who wants to take their family out into the
7 wilderness when there is no water?

8 So, basically, I'm saying, you know, if this
9 firming project goes through and we wind up without
10 water here, there is half my industry. Not just me, not
11 just the 52 up here on the Colorado, but it has a
12 massive impact on our state and our industry as a whole.
13 So I would ask that you take that into your
14 consideration.

15 I also see some additional flaws in there,
16 as far as socioeconomic study. You know, the rafting
17 prices per day that you guys are looking at through
18 commercial outfitters are completely outdated. You know
19 , looking at the \$72 average trip through Gore Canyon,
20 if you go ahead and look at river outfitters throughout
21 the state, it's two to three times more than that for
22 present-day dollar.

23 Another thing that I had an issue with was
24 minimum flows on the Colorado for a sustainable
25 business. 400 CFS is not a river to float on, I'm

1 sorry. 800 was the next level. That's barely skimming
2 the bottom.

3 I appreciate the time, and I especially
4 appreciate everybody who stayed for the entire meeting.
5 I would recommend a 60-day extension as well.

6 Thank you.

7 MR. ARNOLD: Hi, I'm Andy Arnold,
8 A-r-n-o-l-d.

9 In a nutshell, I agree pretty much with
10 all -- most of the comments we have heard tonight about
11 why we shouldn't do this. To me, this is nuts.

12 But I would like to take it from a different
13 point of view. If I lived, still lived, in Denver or in
14 Greeley, I would still say it's nuts. And the reason
15 is -- you know, it's been brought up: Why do we want to
16 do -- why is this there?

17 And from what I read, it seems to be a given
18 that there has to be continued growth on the Front
19 Range. Why? And how many people on the Front Range
20 would really want that? You know, to me, this is part
21 of what almost seems like a giant Ponzi scheme, a big
22 chain letter.

23 It's good for the guys on the front end.
24 You build it, you get the water, you have the
25 development on the other end. Wonderful. But looking

1 down the line, beyond my lifetime, even now, we are
2 wrecking Grand County. You can see that.

3 Look at the Front Range. You know, I lived
4 on a farm northeast of Greeley that my grandfather
5 bought in the 1880s, irrigated farmland, beautiful.
6 Look at the irrigated farmland that has just absolutely
7 been destroyed throughout the Front Range. We're never
8 going to get that back.

9 What are we going to have? Are we all going
10 to just wait until we get to the point of China and then
11 say, oh, my, we should have done something different?

12 This is just a little part of that big thing
13 that I see. But, to me, why? Do we really want -- you
14 know, you don't get development without water. And if
15 you were to agree that it doesn't make sense to keep
16 expanding on the Front Range, people don't move where
17 there is not water. You don't put your ranch house
18 where you can't get water. And it's not a given. And I
19 think people could think about it and maybe say, we
20 don't really want to do this. We have done too much
21 already.

22 And we just -- I was out just last week with
23 a fellow, a Realtor, near Brighton. He was helping to
24 train my dog, and he just made the comment, my, gosh, we
25 have screwed this earth up so bad. Why do we have to

1 keep doing it?

2 Thanks.

3 MR. TULLY: Next would be Hershel Deputy,
4 followed by Ron Jones.

5 MR. DEPUTY: My name is Hershel Deputy,
6 D-e-p-u-t-y. I'm the mayor of Hot Sulphur Springs.

7 I would like to start by saying that in 2008
8 our town has endured a spring and a summer of no water,
9 bottled water, boiled water, and no outdoor water use.
10 And I can tell you that we understand what life without
11 water is, and it's not very pretty.

12 I left a meeting earlier this evening where
13 we are trying to explain to our residents of our town
14 why we need to raise the sewer and water rate
15 47 percent. It's so that we can continue to meet the
16 state safe-drinking regulations and the discharge
17 regulations. And this is increasingly difficult to do
18 given the additional diversions and the subsequent
19 reductions in flow of the Colorado River.

20 It is also increasingly difficult to treat
21 our drinking water given the sporadic fluctuations of
22 the water quality in the Colorado River.

23 In addition to recreation and wildlife
24 needs, our town relies solely on the Colorado River for
25 our drinking water. We live and work in Grand County,

1 and we take the stewardship of the Colorado River very
2 seriously. And the continued reductions in flow of the
3 river and the reduced quality threaten our town's
4 ability to provide safe drinking water for our
5 community.

6 We would respectfully ask for an extension
7 for the review period so that we can comment on this
8 further.

9 Thank you.

10 MR. TULLY: Next is Ron Jones.

11 Is Ron Jones not here? Ron is the last one
12 on my list. So is there anybody else that would like to
13 make a statement tonight?

14 MR. HARRELSON: Sure. I will. Gary
15 Harrelson, H-a-r-r-e-l-s-o-n.

16 I've heard some pussyfooting about what --
17 a few things there. It probably needs to be said: I
18 think the economic impact -- or the study of what could
19 happen on the Front Range hasn't really been covered.

20 I mean, there -- what's the difference
21 between Topeka, Kansas, and Broomfield? And it's the
22 mountains. It's the recreation we have here. And so I
23 think taking away the water, the recreation that we have
24 here, makes us no different from Topeka. So your
25 projections on growth really don't count if you take

1 away that recreation.

2 And that's it.

3 MR. TULLY: Thank you.

4 Would anybody else like to say anything?

5 With that, I would like to thank you all for
6 coming out tonight. As I mentioned previously, this is
7 an important part of our process. And, again, thank you
8 for coming out.

9 Again, if you have written comments that you
10 would like to submit as part of the record for this --
11 for this meeting, we will be accepting them until
12 October 20th of this year. And remember that, as of
13 now, the comment period for the draft impact statement
14 ends on October 28th. And if there any change in that,
15 we will let everybody know.

16 Again, thank you all for coming out, and
17 please drive carefully on your way home.

18 (The hearing was concluded at 10:54 p.m.)

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1 REPORTER'S CERTIFICATE

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The above and foregoing is a true and accurate transcription of my stenotype notes in my capacity as a Registered Professional Reporter.

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Dated at Kremmling, Colorado, this 15th day of November, 2008.

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Rosie Stahl, Certified Court Reporter

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