

1 Colorado-Big Thompson Windy Gap Firming Project

2 Heard at McKee Conference Center  
3 McKee Medical Center  
4 200 Boise Avenue  
5 Loveland, Colorado

6  
7 Tuesday, October 7, 2008  
8 7:10 p.m. - 8:50 p.m.

9

10 Bureau of Reclamation and Corps of Engineers Representatives:

11 Will Tully, Bureau of Reclamation  
12 Chandler Peter, Corps of Engineers  
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1           MR. TULLY: All right. Ladies and gentlemen,  
2 we'd like to get started. I appreciate you all taking  
3 the time to come out tonight. I realize there's a  
4 presidential debate going on tonight, and this may not  
5 quite compare to that, but when we set the date for this  
6 meeting, we set it back in the middle of August, and at  
7 that time, we did not realize or did not know that the  
8 presidential debates were tonight, so if you're missing  
9 something you'd like to be at tonight, I apologize, but  
10 I'd also like to thank you for being here tonight.

11           My name is William Tully. I'm with the  
12 Bureau of Reclamation. I work with the Eastern Colorado  
13 area office and I'm the reclamations project manager for  
14 preparation of the Windy Gap FIRMING Project  
15 Environmental Impact Statement. The Windy Gap  
16 Environmental Impact Statement, the draft EIS, was  
17 released for public review and comment on August 28th,  
18 29th of this year for a 60-day comment period and this  
19 meeting tonight is part of our information collecting  
20 process for that Environmental Impact Statement.

21           Our purpose this evening is to conduct a  
22 public hearing and receive comments on the draft  
23 Environmental Impact Statement. The impact statement  
24 was prepared based on a proposal that was presented to  
25 us by the municipal subdistrict of the Northern Colorado

1 Water Conservancy District on behalf of a number of  
2 water users and along the Front Range from Loveland  
3 south to -- south to the north Denver area and on --  
4 east to Greeley.

5           The federal action that triggered this  
6 Environmental Impact Statement was a proposal that was  
7 presented to Reclamation by the municipal subdistrict.  
8 The proposal is to connect Windy Gap Firming Project  
9 facilities to CBT facilities for the purpose of  
10 implementing the Windy Gap Firming Project. And for the  
11 construction of a 90,000 acre-feet capacity reservoir at  
12 Chimney Hollow which is just west of Carter Lake, if  
13 you're acquainted with Carter Lake.

14           Then through a series of exchanges, the  
15 Firming Project and use of CBT facilities would convey  
16 water from the Windy Gap pumping plant, which is on the  
17 Colorado River on the West Slope near Granby to the East  
18 Slope for delivery to the east municipalities and the  
19 participants from either Carter Lake or Horsetooth  
20 Reservoir.

21           The purpose of the Windy Gap Firming Project  
22 is to provide an estimated firm yield of about 30,000  
23 acre-feet of water annually on a year-in/year-out basis  
24 to meet the participants' current and future needs. It  
25 will not meet all of the participants needs, but it will

1 meet a portion of the future needs that are anticipated  
2 by the participants.

3           The water will be provided out of water  
4 rights that were acquired by the subdistrict in the  
5 1980s prior to the construction of the existing Windy  
6 Gap project and the firming project does not propose  
7 expansion or any changes in those water rights. The  
8 water rights are sufficient to meet the needs and, in  
9 fact, the firming project would -- the estimated  
10 diversions are actually less than what was anticipated  
11 from the original project.

12           There are currently 14 participants in the  
13 Windy Gap Firming Project. There are 13 municipal and  
14 rural water districts. And one water authority -- or  
15 power authority, the Platte River Power Authority, and  
16 those are the participants in the project right now.

17           In preparing the EIS, we have three  
18 cooperating agencies that have been working with us to  
19 help prepare the document. The Corps of Engineers is  
20 represented by Chandler here on my left, and I'll give  
21 him a moment to speak -- or opportunity to speak here in  
22 a moment.

23           The Corps is considering a 404 application  
24 from the subdistrict for a dam associated with the  
25 proposal for construction of a reservoir at Chimney

1     Hollow.  The Western Area Power Administration, there's  
2     a potential that -- need for relocation of a power line,  
3     and Western Area Power Administration has been a  
4     cooperating agency in preparation of the EIS to date,  
5     and Jim Hartman, who is with Western, is here  
6     representing Western.

7             And Grand County on the West Slope is also a  
8     cooperating EAC.  They were brought on because of or  
9     special expertise related to Grand County and Grand  
10    County also has permitting authority over certain  
11    projects under their 1041 program, and there is a  
12    representative here from Grand County tonight, Jana  
13    Hardy, is representing Grand County and Northwest Area  
14    Council of Governments.  Thank you for coming.

15            I would also like to introduce tonight Mike  
16    Collins, who is the area manager with the Eastern  
17    Colorado area office.  He's the manager of the office  
18    that I work in.  And one of the people that will be  
19    responsible for being -- signing the record of  
20    administration when we ultimately get to that point.

21            Chandler, would you like to say anything  
22    about the 404 program?

23            MR. PETER:  Just briefly.  Thanks, Will.  I  
24    am Chandler Peter with the Army Corps of Engineers and  
25    the project manager of the Windy Gap Firing Project for

1 the Corps. As Will indicated, we have an application  
2 from the subdistrict for the proposal of a construction  
3 at Chimney Hollow, and the Corps is utilizing the public  
4 hearings that the Bureau is holding to satisfy our  
5 procedural requirements associated with the permit. So  
6 I'm just hear to listen in and to take notes since we do  
7 have a comment period currently ongoing with that permit  
8 application.

9 MR. TULLY: Thank you. Can everybody hear  
10 okay? Speaking up loud enough? Okay.

11 The hearing tonight is also -- it's being  
12 recorded. We have a court reporter here to my right who  
13 will be transcribing all the comments and a transcript  
14 of the proceedings will be available at a later date,  
15 and it will be part of the administrative record for  
16 this decision.

17 In order for us to have an orderly hearing  
18 tonight, and I don't think we should have any problem,  
19 it's essential that everybody that would like to speak  
20 has signed in at the front where -- the sign-in desk.  
21 That way, we have a record of who's interested in  
22 speaking and we can call speakers to the front in the  
23 order that we receive -- that you all signed in.

24 The purpose of tonight's hearing is to  
25 ensure that Reclamation as well as the cooperating

1 agencies have all the essential information that we need  
2 to properly display the effects of the proposed action,  
3 which is the Chimney Hollow reservoir, as well as the  
4 alternatives to the proposed action, which are  
5 considered in the EIS. This is one of the opportunities  
6 that you, as a member of the public, have to present us  
7 with information that you think ought to be considered  
8 in the EIS by ourselves and the Corps.

9 I would also like to remind folks that this  
10 is not a open forum for discussion of the Colorado-Big  
11 Thompson project in general. It's intended to be  
12 specific to the Windy Gap Firing Project or as specific  
13 as we can make it, and we would like everyone to focus  
14 and concentrate their efforts tonight on providing us  
15 information on the Windy Gap Firing Project and the  
16 environmental effects of that project.

17 Reclamation nor the Corps is either a  
18 proponent or opponent of the proposed action. Our role  
19 in this whole process is to assure that the proposed --  
20 that the environmental effects of the proposed project  
21 are adequately disclosed and properly disclosed in the  
22 Environmental Impact Statement and that operation of the  
23 Colorado-Big Thompson project, which we are the  
24 operators of, is not adversely affected. So one of our  
25 main interests in this whole process is ensuring that

1 the CBT project is not adversely affected and that we  
2 are able to continue to deliver the water that we have  
3 historically delivered through the CBT project and  
4 anticipate delivering into the future.

5           The procedures tonight. How are we going to  
6 proceed here. Shortly, I'll begin calling speakers. I  
7 have a list here that Cara has given me in the order  
8 that you all signed up outside. When you step to the  
9 podium, we'd request that you provide your name, as well  
10 as who you are representing. If you're representing  
11 yourself, say so, please. If you're representing an  
12 organization, we would like to know who that is so that  
13 the recorder can record it and it'll be part of the  
14 record.

15           You'll be given -- we would like to limit  
16 comments tonight to five minutes. If you have written  
17 comments, we would like you to give them to the court  
18 recorder and they'll become part of the record, but we  
19 would like actual statements to be limited to five  
20 minutes, please. If you're going to read a prepared  
21 statement, again, please provide a copy to the recorder.

22           After all statements have been made and it  
23 appears that we may have some extra time, we will open  
24 the floor to anybody else that would like to make a  
25 statement.



1           As I mentioned speakers will be called in the  
2 order that you registered at the speaker table and  
3 please remember that your time will be limited to five  
4 minutes. And to assure that everybody has an  
5 opportunity to speak, please use your time and we're not  
6 going to allow time to be passed onto someone else. If  
7 you only have a one-minute statement, that's going to  
8 leave four minutes, and we're not -- you can't pass that  
9 on to the next person.

10           If you'd like to submit a written statement,  
11 then and you don't have it prepared tonight, you may  
12 send it to me, Will Tully, at Eastern Colorado area  
13 office, at 11056 West County Road 18 E, Loveland,  
14 Colorado, 80527. And also because this is a hearing for  
15 the Corps of Engineers, if you have a comment on the 404  
16 public notice, you can send those to Chandler Peter,  
17 U.S. Army Corps of Engineers, Denver Regulatory Office,  
18 9307 South Wadsworth Boulevard, Littleton, Colorado,  
19 80128. And if you didn't get that information down,  
20 there's two handouts on the sign-in table that have that  
21 information on them so you can get them out there.

22           The official record of this meeting will  
23 remain open until October 20. That's 10 days, 11 days,  
24 actually, after the meeting that we'll have this  
25 Thursday, we're having this meeting and a second meeting

1 in Granby on Thursday of this week. That'll follow the  
2 same procedure. So the official hearing record will be  
3 open till October 20. So if you do not have your  
4 written records or written statement tonight and you  
5 want to admit it and made a part of this meeting, then  
6 send that to me, we'll get to the recorder, and it'll be  
7 included in the record. And we have to receive those by  
8 October 20th. And again, that's separate and apart from  
9 the comment period for the draft Environmental Impact  
10 Statement which, at this point in time, is open till  
11 October 28th.

12 We have received several requests for  
13 extension of that comment period on the EIS and we are  
14 considering those requests at this time. We're going to  
15 wait until after the meeting tonight and the one on  
16 Thursday until we actually make a decision, and we'll be  
17 making our decision on that next week.

18 When we make that decision, we will send out  
19 a notice to everyone who is on our mailing list, so if  
20 you're not on or didn't receive a notice of this meeting  
21 and you would like to be on the list, please give your  
22 name, address, and contact information to Cara at the  
23 sign-in desk and we'll make sure you get on that list.  
24 So at that time, once we make the decision to whether or  
25 not to extend the comment period, again, we'll send out

1 a notice to everyone on our list and there will be a  
2 notice in the Federal Register, which I'm sure everybody  
3 is going to eagerly anticipate and read and we'll also  
4 do news releases that will go out to all the news media  
5 in the area.

6 Administrative stuff, I don't think we'll go  
7 that long, but we're going to have a break at about  
8 8:30, and the rest rooms, if you don't already know, are  
9 out this door and down the hall to the -- that  
10 direction.

11 So before we get started tonight, does  
12 anybody have any questions on the process and the  
13 procedure that we're going to be going through tonight?

14 I guess we're doing good.

15 Did I hear a question? Okay.

16 Therefore, okay, then we'd like to get  
17 started. Again, I'm going to be taking and asking for  
18 people's comments and statements in the order that all  
19 signed in up front. As I name off the names, I'll name  
20 off the person that is up as well as the next person in  
21 line, so that the next person in line can start getting  
22 ready for their time at the podium. So if there are no  
23 questions, we will go ahead and get started.

24 And the first person up is John Chilson,  
25 followed by John Monson.

1           MR. CHILSON: Mr. Tully, members. I have two  
2 issues I would like to speak to tonight. The first is  
3 wildlife habitat. The second is the scope of your  
4 environmental impact study.

5           With regard to the wildlife impacts, my  
6 personal knowledge of that property comes from back in  
7 the 1940s and the early 1950s when I worked for a  
8 rancher by the name of Limon Linger, who used to own  
9 this ranch, this whole area, including the land  
10 underneath Carter Lake.

11           He owned a ranch that ran in contiguous  
12 blocks all the way to within 500 yards of Highway 36,  
13 coming out of Estes Park from Lyons. He ran a cow-calf  
14 unit, one cow-calf unit per 100 acres. That was his  
15 range of management for which he won many, many awards,  
16 both local and national.

17           Your 800 acres, if wildlife is managed near  
18 as well as Limon Linger managed his cattle, might defer  
19 eight animals to another area to graze. The  
20 environmental impact model is so minuscule, and I say  
21 this because the richest grazing area to the Linger  
22 Ranch underlies Carter Lake and what's over the hill  
23 from this to the south.

24           Averaging all of that land in with the rest  
25 of the Forest Service land that goes clear on up and

1 along with what he owned, the environmental impact on  
2 wildlife is extremely minimal.

3           The second point I'd like to make is,  
4 environmental impact studies are at best conjectural.  
5 We're trying to establish what's going to happen after  
6 an act is taken which has not yet occurred. Therefore,  
7 it's projection and prediction. And I have yet to find  
8 anybody who owns an accurate crystal ball.

9           I think the scope of your environmental  
10 impact study is woefully limited. It is a stated  
11 prediction that by 2030, participants in the Windy Gap  
12 project municipalities and water district will be short  
13 of adequate water to serve their current customers and  
14 projected growth by 64,000 acre-feet. Now, what is  
15 going to happen to the environment of this area should  
16 that occur? Should you not take into consideration  
17 what's going to happen in the future to this area if you  
18 deny this project?

19           Because let me tell you what will happen.  
20 We'll go back to the 1930s and '20s. I own water rights  
21 in the Handy Ditch, the Home Supply, and  
22 Greeley-Loveland. I can tell you other than the Home  
23 Supply, which had the best storage in the neighborhood,  
24 they had the number one right in the area, the Handy  
25 Ditch shut down generally about July 15th. The Greeley

1 Loveland often shut down. They weren't able to store in  
2 Lake Loveland. The Greeley-Loveland shut down by July  
3 20th.

4           If we go back to that process, and you deny  
5 this project, you're denying a supply to municipalities  
6 and domestic users who have a preferential right under  
7 the constitution to the use of waters of the state,  
8 which also have powers of condemnation.

9           Those powers of condemnation will be  
10 exercised, if necessary, if the water cannot be  
11 acquired, but by hook or by crook, tributary water  
12 running in the Big Thompson, the Little Thompson rivers,  
13 will be acquired to fill this 64,000 acre-feet shortage.  
14 When that occurs, I will not be able to farm. I will  
15 not have the water I have today. I will not be able to  
16 get water through the Handy, the Greeley-Loveland, and  
17 maybe even the Home Supply because the CBT water that  
18 now supports those deliveries will now have all gone to  
19 those municipalities, and if we have global warming and  
20 our time is short, which mine is, okay, you're going to  
21 basically dry up this area for agriculture.

22           Your Environmental Impact Statement says  
23 nothing about that. And it says nothing about what  
24 other impacts will occur to the people living in this  
25 area, the people. You're all wildlife and fish, but

1 you've got nothing in there about what's going to happen  
2 to the people, including the farmers. I think you're  
3 woefully short-sighted in not including them. That's  
4 what I have to say.

5 MR. TULLY: Thank you, Mr. Chilson. Next is  
6 John Monson, followed by Ken Huson.

7 MR. MONSON: Good evening. My name is John  
8 Monson. I'm the Water and Sewer Director for the City  
9 of Greeley. We celebrated in Greeley Water our  
10 hundredth anniversary last year. I got to ride on the  
11 float in the Greeley Stampede parade for the first time  
12 ever, and by the way, one of the first water ordinances  
13 that Greeley passed a hundred years ago was for even-odd  
14 irrigation. We've had water conservation in Greeley for  
15 over a hundred years now.

16 The Windy Gap Firing Project, of which we're  
17 a participant, is part of our next hundred years in  
18 Greeley. And I'd like to talk to you a little bit about  
19 why this Windy Gap Firing Project is important to us  
20 and it is really well described in our 2003 Water Master  
21 Plan.

22 We -- in that master plan, started talking  
23 about the near term method to meet our demands and the  
24 long term.

25 In the near term, there are probably about

1 four major parts to that. One was to use gravel pits.  
2 Another was to provide a lot of nonpotable water.  
3 Conservation was a third issue. And maximizing existing  
4 supplies was our fourth component of that master plan.

5           The existing supplies, I say, because Greeley  
6 is one of the original six cities that founded the Windy  
7 Gap project, and we still have one of the largest blocks  
8 of water in that project.

9           After implementation or -- while implementing  
10 that master plan, we are now using lined gravel pits for  
11 storage. We have an extensive ditch system going  
12 through the city. About 20 percent of all of our  
13 irrigation in the city is done with nonpotable water  
14 these days.

15           And conservation. The City of Greeley's  
16 budget for water conservation is about a half a million  
17 dollars a year now. We've got four full-time employees  
18 and lots and lots of seasonal people. We do all the  
19 usual things, rebates for toilets and front-load  
20 washers. We also do audits of residential irrigation  
21 systems, commercial developments. I even hired a  
22 contractor to go into the Swift meat packing plant and  
23 look for everything that leaked in that plant. They use  
24 an enormous amount of water and we thought we'd get the  
25 biggest bang for the buck by looking at conservation in



1 their system. We also do things like grants for lower  
2 water use landscape.

3 Elaine Lai of the USEPA, a couple of years  
4 ago, looked at water conservation methods up and down  
5 the Front Range and came up with a list of about 50 that  
6 are in general use. Greeley has adopted over 80 percent  
7 of these water conservation programs that were in that  
8 list.

9 One of the best water conservation methods  
10 we've come up with is universal metering and a rate  
11 structure that encourages water conservation. We have  
12 been fully metered since 1996. And at that time, we  
13 moved from a flat rate to a uniform rate. The more  
14 water you use, the more you pay for. That has shown a  
15 dramatic water conservation of about 20 percent less  
16 demand than premetering days. So water conservation is  
17 a third aspect.

18 The fourth is to maximize the existing  
19 supplies we've got. Windy Gap, it is one of those  
20 supplies. And we urge you to approve this project as  
21 one of the components of our master plan for securing  
22 water supply for Greeley's future. Thank you.

23 MR. TULLY: Thank you, Mr. Monson. Next is  
24 Ken Huson, followed by John Brooks.

25 MR. HUSON: Good evening, gentlemen. My name

1 is Ken Huson. I'm the Water Resources Administrator for  
2 the City of Longmont, and I'd like to thank you for the  
3 opportunity to appear before you tonight and talk a  
4 little bit about the Windy Gap Firming Project. As  
5 you're aware, the City of Longmont is a participant in  
6 the Windy Gap Firming Project. And has utilized the  
7 Windy Gap project for a number of years now, both as its  
8 current direct flow and applications as well as planning  
9 for the eventual construction of a firming project for  
10 our proportionate share in that project.

11 Just a little bit of history. Longmont has  
12 been in the Windy Gap project since its first  
13 formulation. In fact, our former mayor, Ralph Price,  
14 went over to Hot Springs and filed the original Windy  
15 Gap application in water court for the project. We've  
16 been a strong proponent of that project since then, and  
17 have integrated it into our system and continue to  
18 utilize that as an integral part of our system.

19 One of the things I'd like to kind of  
20 highlight tonight is the fact that Longmont has done a  
21 couple of things in the area of both conservation and  
22 reuse of water that we feel is fairly unique and  
23 probably one of the front-runners in that area.

24 In our Longmont -- about every 10 years, we  
25 complete all of our master plan to look at what we need

1 to do to both project our future demand and our future  
2 supplies, outline our projects, and try to plan for  
3 those. In our last roll-out master plan, one of the  
4 things Longmont did was consciously put in this water  
5 conservation as a water supply strategy. So not only  
6 has Longmont for years practiced water conservation but  
7 we're actually planning on that as part of our water  
8 supply.

9           And it is one of the largest aspects of our  
10 future water supply. So we certainly -- I personally,  
11 as well as the City of Longmont, am committed to water  
12 conservation, because the importance that it plays in  
13 our plan and, quite honestly, without it, you know, we  
14 would have to amend our planning for the future.

15           The other area is the reuse of water.  
16 Longmont is very proactive in utilizing the water that  
17 it has reuse rights on. We have reached in some of the  
18 more recent years over 90 percent reuse of our reusable  
19 effluent water. We feel that's -- probably not a lot of  
20 areas can point that out as not only a goal that they  
21 have, but also an accomplishment that they have done.

22           So we don't take lightly either the  
23 conservation or the reuse areas and work very hard to  
24 see that those are happening.

25           That being said, Longmont does have firm

1 plans for its growth area. We have good estimates on  
2 the water we will need. And Windy Gap Firming Project  
3 fits in very, very closely with what one of the projects  
4 we need. There are other projects we'll need if -- if  
5 we can't do the Windy Gap Firming Project, it won't mean  
6 we'll use less Windy Gap water. In fact, Longmont --  
7 ever since the project was originally conceived and  
8 built, Longmont has always known that we've needed to  
9 build storage for this project. Everybody was aware of  
10 the time it takes to build projects and to build  
11 storage, so we've been looking at what it would take to  
12 do this project and a number of other projects.

13 We have other concurrent projects going on at  
14 the same time. So were it not to happen, we've  
15 identified in the EIS other projects we would do. So  
16 from Longmont's standpoint, we really -- there won't be  
17 additional West Slope impacts because we're going to  
18 need the water and we're going to need the storage and  
19 we'll go forward with that.

20 So I appreciate your time tonight and I would  
21 urge continuation of this project, and thank you.

22 MR. TULLY: Thank you. Next will be John  
23 Brooks, followed by Jim Wiegand.

24 MR. BROOKS: Good evening. My name is John  
25 Brooks, and I represent GGLSA, the Greater Grand Lake

1 Shoreline Association. We're just under a hundred  
2 members and have water quality and clarity of Grand Lake  
3 as our number one mission. We have several members that  
4 worked for the last several decades on water quality  
5 issues in Grand Lake.

6           Before I give my individual comments on the  
7 EIS, let me set a little background. In 1937, Senate  
8 Document 80 created Colorado Big Thompson project. It's  
9 been called the Bible of the project. There was a  
10 promise in that to Grand Lake, Grand County, and the  
11 people of Colorado that the project would be operated,  
12 quote, to preserve fishing, recreation, and the scenic  
13 attraction of Grand Lake, end of quote.

14           Before the project started pumping, clarity  
15 in Grand Lake was measured at over 9 meters, about 30  
16 feet.

17           Let's jump ahead to 2006. Because of  
18 continued degradation in clarity and to a little under 2  
19 meters, northern -- the City of Grand Lake, Three Lakes  
20 Watershed Association, and ourself, jointly funded a  
21 study to identify a less harmful means of moving water  
22 to the Adams tunnel. Less harmful than just using Grand  
23 Lake as a big ditch. The contractor was McKlackering  
24 (phonetic) out of Denver. They identified several  
25 alternatives, the preferred one being a tunnel bypassing

1 Shadow Mountain and Grand Lake.

2           Let's move ahead again to June 2008. With  
3 water quality and clarity of Grand Lake still a major  
4 concern, the Northwest Council of Governments and Grand  
5 County proposed to the State of Colorado that a 4-meter  
6 standard be established for Grand Lake. In fact, in a  
7 pretty historic setting, the Colorado Water Quality  
8 Control Commission issued a narrative water clarity  
9 standard, the first one that's ever been issued in the  
10 State of Colorado. That standard was the highest level  
11 of clarity obtainable with a goal of reaching a clarity  
12 of 4 meters by the year 2014.

13           With that as background, I have five specific  
14 comments on the EIS.

15           Number one: According to the EIS, the  
16 current proposed action will see a 4 percent degradation  
17 in the current level in Grand Lake. We think the EIS  
18 should address how it plans to meet not only the intent  
19 of Senate Document 80 but the specific goal as set by  
20 the Colorado Water Quality Control Commission.

21           Number two: The study uses annual averages.  
22 This is a little like the guy that drowned in a lake  
23 that was an average of an inch deep. The averages don't  
24 mean much when your real area of concern is July through  
25 September when the algae bloom and inflow from Shadow is

1 the biggest concern. We think the model needs to be  
2 rerun. In fact, the data is all there and easily done,  
3 in using that to see what the degradation would actually  
4 be during the time of prime concern.

5           Number three: The EIS strangely enough has a  
6 concept in this that increased flow through Grand Lake  
7 would somehow flush out the bad stuff and bring in the  
8 good stuff. Every study we've seen shows just the  
9 opposite. In fact, this year, Reclamation shut down the  
10 tunnel for a two-week period. During that time, clarity  
11 improved at a level of about 2 feet per week. As soon  
12 as the tunnel was turned back on, it degraded at about  
13 the same rate until it reached its original level of  
14 clarity.

15           We think that unless specific science can be  
16 quoted, that that should be taken out of the EIS.

17           Number four: There's a big Delta being  
18 formed at the entrance into Grand Lake, where Shadow  
19 Mountain pumps into Grand Lake. The addition of 30,000  
20 acre-feet of additional material coming through there  
21 will just add to that. We think that needs to be  
22 addressed.

23           Fifth and most importantly, we think the  
24 tunnel study of McKlacking needs to be included. At a  
25 cost of a little over 2 percent of total project costs,

1 this would ensure the clarity of Grand Lake not only for  
2 our generation but for generations to come. Thank you.

3 MR. TULLY: Thank you, John.

4 Next is Jim Wiegand, followed by Gary  
5 Hausman.

6 MR. WIEGAND: My name is Jim Wiegand. I'm a  
7 resident of 18E, approximately three miles west of the  
8 proposed site of your Chimney Hollow.

9 I personally can point out that I didn't do  
10 any kind of preparation for this statement. I've been  
11 hearing about this project on and off for a couple of  
12 years and my first thought when I heard about it, I  
13 thought, Hey, great, another lake where people can canoe  
14 and fish and so forth, and it was kind of nice to hear  
15 about the open space and lakes are sometimes pretty.

16 Then I got to thinking more about the details  
17 of what is the impact on the area that we live and the  
18 first thing that comes to mind is, I've kind of gotten  
19 to like Loveland sort of the way it is. If you provide  
20 for a growth of 30 to 40 percent in the size of Loveland  
21 and, that's, I guess, made possible by extra firm  
22 water -- call it firm water.

23 I have a couple of concerns about it. First  
24 of all, Loveland may have the money in their treasury to  
25 pay for this, but I very much doubt, as the case when I



1 lived in Longmont and growth was occurring rapidly,  
2 there was no money for schools. The bond issues didn't  
3 pass rapidly. The roads were overused. The traffic was  
4 backed up. And in general, the growth was made  
5 possible, I think, by the fact that there was water  
6 available.

7           Now, I'm not saying that the Front Range  
8 shouldn't grow. But I often think that these water  
9 projects are designed to kind of make it possible for  
10 the Front Range to grow blindly. And that kind of  
11 bothers me.

12           I mean, I like the idea of a lake. I like  
13 the idea that maybe the open space that's not being used  
14 now could be used. But it doesn't really add open  
15 space, either. The open space is already there. In  
16 fact, I read in the Loveland paper that this would  
17 reduce the water level in Horsetooth by as much as 4 to  
18 6 feet.

19           That lake's already low most of the year. So  
20 I'm wondering at what time of the year we can endure 4  
21 to 6 feet. I'm wondering whether we really have a net  
22 benefit to the quality of life if we simply grow the  
23 Front Range blindly, because we now create water  
24 availability. And I'm wondering whether the \$270  
25 million could be spent by the respective cities in

1 something that increases the quality of life for their  
2 existing populations.

3           Those are my general comments, and you know,  
4 I'm an engineer, and I haven't had time to study the  
5 dynamics of how this would work wet years and dry years,  
6 but it seems to me if you want to fill this reservoir in  
7 wet years, but cannot fill it in dry years, that you are  
8 creating a one or two year storage that, in principle,  
9 would last, then, for two dry years? That part of it,  
10 I'm not quite sure I fully understand. And really, I'm  
11 not qualified to comment on it, but it appears to me  
12 that since I've been using Granby and Grand Lake for  
13 camping and recreation, I can only remember a few years  
14 when it was actually full.

15           So if Granby's not full, then what value is  
16 this project? In terms of fronting the water further  
17 east, when Granby's not full, you could simply store it  
18 in Granby, could you not?

19           So I think there's a number of issues, and I  
20 really appreciate the chance to talk about this, but I'd  
21 rather see us perhaps do something with the money that  
22 would benefit the existing residents of the Front Range,  
23 and that's basically why I have come to oppose this over  
24 a period of time. Thank you very much.

25           MR. TULLY: Thank you. Next is Gary Hausman,

1 followed by Mike Bartleson.

2 MR. HAUSMAN: My name is Gary Hausman, and  
3 I'm the Chairman of the Loveland Utility Commission.  
4 The Commission consists of nine Loveland citizens that  
5 make recommendations to the Loveland City Council on  
6 topics of water and power. We strongly support the  
7 proposal to approve the construction of the Chimney  
8 Hollow reservoir.

9 Few feasible alternatives exist and the  
10 future costs and impacts will almost surely increase if  
11 the project is not approved and built. The City of  
12 Loveland is striving to have a diverse portfolio of raw  
13 water routes, including native rights on the Big  
14 Thompson River from early decrees and transfer ditch  
15 shares; units in the Colorado Big Thompson project; and  
16 units in the Windy Gap project.

17 The Windy Gap project, Firming Project, is  
18 critical to achieving and maintaining this diversity.  
19 The project is essential to meeting the demands of  
20 additional growth and to protect our citizens with an  
21 adequate water supply during a drought period.

22 Loveland participating level of 7,000  
23 acre-feet of storage would occupy 7.7 percent of the  
24 proposed Chimney Hollow reservoir. Essential components  
25 of the Loveland emission for its water utility are to

1 provide high-quality service and reliability, to plan  
2 the future while being environmentally sensitive, and to  
3 offer citizens a competitive rate and fiscal  
4 responsibility.

5           It is the important community value that the  
6 City strives to provide high-quality water at a cost  
7 that everyone can afford while being environmentally  
8 responsible. Loveland uses the educational approach to  
9 implement and to request conservation measures, and the  
10 citizens demonstrated their commitment by reducing  
11 residential gallon per capita day, GPCD, consumption by  
12 16 percent between 2000 and 2006. The city's  
13 residential GPCD value in 2006 was actually lower than  
14 the compared values of Aurora, Boulder, Denver water,  
15 according to the staff analysis and information from  
16 other entities.

17           The City actually participates in community  
18 outreach efforts, such as making presentations at  
19 various civic groups and schools, participating in the  
20 annual children's water festival, and educating teachers  
21 through the project water -- or WET, Water Education for  
22 Teachers program, sponsored by the Colorado Watershed  
23 Network.

24           Loveland encourages participation in a  
25 voluntary xeriscape program that includes fiscal

1 incentives for developers and a garden in the box  
2 program providing reduced price planting and  
3 instructions for customers.

4 We wholeheartedly encourage those considering  
5 this permit proposal to allow the Windy Gap FIRMING  
6 Project to move forward as proposed. We believe that  
7 it's a reasonable, environmentally responsible solution  
8 that is best for the future and well-being, not only of  
9 Loveland but the Northern Colorado region and our state.

10 Thank you.

11 MR. TULLY: Thank you. Mike Bartleson,  
12 followed by Len Roark.

13 MR. BARTLESON: Mike Bartleson, representing  
14 the City and County of the Broomfield. Broomfield's  
15 drinking water supply consists of a potable water  
16 contract with the Denver Water Department and raw water  
17 from the Colorado Big Thompson and the Windy Gap  
18 projects. The Windy Gap water is a critical water  
19 supply in Broomfield's plan. It will represent  
20 approximately 25 percent of Broomfield's overall water  
21 supply at build-out.

22 When the City purchased its 56 Windy Gap  
23 units, it fully understood that it would require firming  
24 to make this a reliable water supply. The project  
25 represents a collaborative region-wide approach to

1 address the growing needs of entities along the Front  
2 Range. When the Windy Gap project is firmed, Broomfield  
3 will have 5,600 acre-feet of firm water for its potable  
4 system and approximately 3,100 acre-feet for its reuse  
5 system when the first phase was completed in 2004.

6 Taken together, the first and second use of  
7 this water will yield 8,700 acre-feet of water to  
8 Broomfield when it's firmed. The City currently uses  
9 it's Windy Gap water rights when it's available and we  
10 estimate that in 2008, 2300 acre-feet of the Windy Gap  
11 effluent will be reused for irrigation. The City has  
12 implemented a number of water conservation measures and  
13 is in the process of updating its water conservation  
14 plan under the guidelines of the Colorado Water  
15 Conservation Board's Office of Water Conservation and  
16 Drought Management.

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

24 Other programs including restricting the turf  
25 allowed in new residential developments and a water line

1 replacement program that has reduced losses upstream to  
2 the customer's water meter to less than 5 percent  
3 system-wide. Broomfield recognizes that there is a  
4 specific incentive to reducing water losses and  
5 encouraging efficient use by its customers.

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

11 MR. TULLY: Thank you. Len Roark, followed  
12 by Gina Hardin.

13 MR. ROARK: I'm Len Roark. I'm representing  
14 myself. And I live within the Northern Water District,  
15 and I'm a taxpayer of the district.

16 And I support this primarily because under  
17 Colorado water law, you've got to make beneficial use of  
18 your water in order to use that right. And we all know  
19 that our water is not delivered to us here on earth in  
20 Colorado on an even basis throughout the 12 months of  
21 the year. So you obviously have to have storage  
22 capacity so you can use it during the dry months. And  
23 it's evident from the information that for the Windy Gap  
24 water to be able to be utilized on an ongoing basis,  
25 year after year, they've got to have storage capacity.

1 Thank you.

2 MR. TULLY: Thank you. Gina Hardin, followed  
3 by Les Williams.

4 MS. HARDIN: Hi. It's Gina.

5 MR. TULLY: Okay.

6 MS. HARDIN: So I am Gina Hardin, an attorney  
7 in Denver, and I've been asked to present these comments  
8 on behalf of Grand County and Northwest Council of  
9 Governments who are unable to attend tonight. They will  
10 provide more detailed comments on Thursday night as well  
11 as written comments.

12 First, Grand County and Northwest Colorado  
13 are concerned that the description of the existing  
14 conditions in the DEIS does not adequately explain the  
15 degree to which existing water diversion projects  
16 already have affected the upper Colorado River.  
17 Estimates vary, but as much as 65 percent of the water  
18 is currently diverted from the upper Colorado River each  
19 year.

20 These existing diversions have reduced stream  
21 flows, causing a great deal of environmental and  
22 socio-economic impact, such as reductions in water  
23 quality. Impacts to agriculture irrigators. Impacts to  
24 water. And waste water treatment plants. And lots of  
25 boating opportunities.



1           Recreation and tourism are the backbone of  
2 Grand County's economy, and water is the backbone of  
3 recreation and tourism. Every single drop matters. In  
4 some sections of the stream, the difference of 1 or 2  
5 cubic feet per second can be critical. It is not  
6 possible to understand the impact of the WGFP unless we  
7 understand the condition. The Federal agencies charged  
8 with permitting this project need that information to  
9 make an informed decision.

10           Second, the mitigation proposed in the DEIS  
11 is not specific. Grand County and Northwest Council of  
12 Governments have been working on a stream management  
13 plan that will identify the streams -- the flow patterns  
14 and stream improvements that are needed to protect the  
15 health of the river system.

16           Recently, both municipal subdistrict and the  
17 Denver Water Board have agreed to participate in phase 3  
18 of the plan. Mitigation imposed in the -- in the Windy  
19 Gap Firming Project should follow the findings and  
20 recommendations of the stream management plan to ensure  
21 that no more harm is done to the upper Colorado River.

22           One area of the state should not grow at the  
23 expense of another. The stream management plan is a way  
24 to ensure that this does not happen.

25           Third, Grand County has been asked by many,

1 many constituents, to seek an extension of time to  
2 respond in detail to the DEIS. This document is very  
3 complicated and requires hours and hours of study to  
4 understand. We have requested an additional 45 days  
5 from the October 28th deadline. Others have asked for  
6 more. Please give this request your serious  
7 consideration. The project is far too important and  
8 complex for the public to limit the time for public  
9 comment.

10           And finally, we are hopeful that Grand County  
11 and other West Slope interests will be able to find a  
12 way that the East Slope can get the water it needs  
13 without harming the West Slope. The Bureau of  
14 Reclamation's decision documents should form a basis for  
15 this outcome. Northwest Council of Governments and  
16 Grand County will provide various detailed comments in  
17 writing. Thank you.

18           MR. TULLY: Thank you. Les Williams,  
19 followed by Gary Behlen.

20           MR. WILLIAMS: My name is Les Williams. I'm  
21 the President of the Board of Directors of Municipal  
22 Subdistrict of Northern Colorado Water Conservancy  
23 District. I've served on the Board of Directors of the  
24 Northern Water and its subdistrict for nearly 20 years.  
25 During that time, I've watched this region change and

1 grow. I've seen rows of houses sprout up where there  
2 used to be rows of corn.

3           The secret is out. This is a great place to  
4 live, and a whole lot of people are going to continue to  
5 move here. As our population has grown, and then grown  
6 some more during the past two decades, I've seen new  
7 hospitals built, I've seen new schools constructed, I've  
8 seen roads paved. But there hasn't been a major water  
9 project constructed to serve this region since the  
10 mid-1980s, when the original Windy Gap project was  
11 built.

12           We need more water. And we need the  
13 infrastructure to make it happen. I'm proud to stand  
14 here and speak to you tonight in support of the Windy  
15 Gap Firming Project. It's environmentally sensitive and  
16 economically sound. And it'll help Northern Colorado  
17 get some of the water it desperately needs.

18           Windy Gap Firming Project will help complete  
19 an existing project, which is the Windy Gap Firming --  
20 the Windy Gap project, which finished construction in  
21 1985. The Environmental Impact Statement for the  
22 original project envisioned more storage would be added  
23 to the project in the future. That's what the Windy Gap  
24 Firming Project is. That extra storage that was part of  
25 the plan all along.

1           Also, it's important to understand that when  
2 this project was built, it's always been the plan that  
3 the cities who own Windy Gap water would grow in their  
4 demand for it. This has always been intended as a  
5 future supply, and the future is now.

6           The Windy Gap Firming Project will use the  
7 same Colorado River water rights which the subdistrict  
8 filed on in the 1960s and 1970s. It's not going to  
9 divert more water from the Colorado River than the  
10 amount allowed under those original water rights.

11           The subdistrict spent more than \$10 million  
12 dollars to mitigate the impacts from the expected  
13 diversions. That money helped build or forward mountain  
14 reservoir which provides water to a lot of people on the  
15 West Slope.

16           Windy Gap Firming Project is a great example  
17 of how to build a much-needed water project in a way  
18 that makes sense economically and environmentally. And  
19 that's through regional collaboration. Instead of each  
20 of the participating water providers going out and  
21 pursuing their own projects, they have come together to  
22 cooperate and build one reservoir. A reservoir that has  
23 the potential to offer wonderful recreational  
24 opportunities.

25           During the past five years, the subdistrict

1 and the participants explored more than 200 options for  
2 making the Windy Gap Firing Project a reality. We  
3 chose Chimney Hollow reservoir because we believe it's  
4 the most economically and environmentally responsible.

5           The subdistrict board isn't naive. We know  
6 that a water project like Windy Gap Firing Project has  
7 impacts on the environment. As a board member and a  
8 life long resident of Colorado who cares deeply about  
9 our rivers and the natural resources that make our state  
10 the tremendous place it is, I want you to know that  
11 we're committed to addressing the environmental concerns  
12 on the West Slope. We have presented an offer to Middle  
13 Park Water Conservancy District and Grand County to  
14 provide water for West Slope residents and help address  
15 the low flow concerns on the Colorado River.

16           Everyone who is here tonight to make comment  
17 is an important part of the process, because it's only  
18 when we understand what concerns there are that we can  
19 work to address them. There's no such thing as a  
20 perfect project. But there are darn good projects, and  
21 this is one of them. It'll help provide water that we  
22 really need, and I firmly believe it can do so in a way  
23 that respects the needs of our neighbors on the other  
24 side of the mountains as well. Let's communicate and  
25 collaborate to get this built and make this the best

1 project it can be. Thank you.

2 MR. TULLY: Thank you.

3 Gary Behlen, and Jeff Thompson will be next.

4 MR. BEHLEN: Thank you, Mr. Tully and  
5 Mr. Peter. My name is Gary Behlen. I'm the Director of  
6 Public Works for the Town of Erie, Colorado. The Town  
7 of Erie is a town of over 16,000 in population. The  
8 Town is very pleased that the draft EIS impact statement  
9 has been published for the Windy Gap Firing Project.  
10 We have been an active participant in the project with  
11 our neighboring municipalities and districts since its  
12 inception. It is a vital to the Town to assure that our  
13 citizens will have water supplies needed for a  
14 sustainable future.

15 Like others, the Town of Erie actively  
16 conserves water and has recently had its conservation  
17 plan approved by the Colorado Water Conservation Board.  
18 It also has a reuse water program for nonpotable  
19 irrigation of its parks and open space. It also -- the  
20 Town has acquired 14 Windy Gap units to-date to generate  
21 its reuse of water. The project is an integral  
22 component of its program because it will firmly yield  
23 those Windy Gap units to provide a reliable amount of  
24 reuse water on an annual basis.

25 Erie has investigated numerous alternatives

1 to the Windy Gap Firming Project. And it is the firming  
2 project that is a cooperative effort which is both  
3 environmentally responsible and affordable. It is  
4 located off-stream and will firm the yield of an  
5 existing water right. It has always been contemplated  
6 as a necessity -- as a necessary component of the Windy  
7 Gap project.

8 Erie's portion of the project will be funded  
9 through the water dedication fees payable to the Town  
10 for development under its comprehensive plan. Erie  
11 encourages the issuance of a final Environmental Impact  
12 Statement and the record of decision authorizing the  
13 Windy Gap Firming Project. Thank you.

14 MR. TULLY: Thank you. Next we have Jeff  
15 Thompson followed by Curt Langley.

16 MR. THOMPSON: Jeff Thompson, and I live in  
17 Longmont. Longmont, system-wide water use, in 2006,  
18 was -- came out to 195 gallons per capita per day.  
19 Compared this to Longmont's projected need of 327  
20 gallons per capita, which it uses to justify its need  
21 for the Windy Gap Firming Project.

22 Ken Huson from Longmont was up here speaking  
23 as a proponent of this project, but this is just an  
24 example of what's going on here. The impact statement  
25 itself and what Ken Huson said, it's pure -- it's all

1 well and good, but it's obfuscation. It doesn't get to  
2 the real issues.

3           The only part of this impact statement that  
4 I've had a chance to read has been the first chapter on  
5 need, and that chapter is incomprehensible. You cannot  
6 get an answer to your question of, is this project  
7 needed by, reading that first chapter. And I know that  
8 in submitting comments on it, you're supposed to  
9 actually comment on what is written. But that is not  
10 possible. Because what is written, it does not have the  
11 information that you would need to make a decision, and  
12 of course, it does not present the information that you  
13 would need in a way that would allow you to understand  
14 the subject matter.

15           Anybody who knows a little bit about the  
16 subject matter here would know that. And I understand,  
17 and the same thing goes for the impact statement on  
18 this. If you think that either of those impact  
19 statements would allow you to answer the question, Are  
20 these projects needed, then you are not competent to be  
21 making a decision on this.

22           And what I -- this -- I would like to help  
23 you to become competent. It will take many, many hours  
24 of eye time, but I've studied this a lot, and I'm an  
25 engineer. I'm concerned about these things. I think



1 even Ken can vouch for that.

2           But I need more time. I really need you to  
3 extend the time on that, because I can't comment on  
4 what's in that first chapter. I basically feel that  
5 somebody has to tell you, and I'm afraid it's going to  
6 come down on my shoulders, to actually show you what you  
7 need to know and how you need to analyze need. And I  
8 don't know, but just because I know what Longmont is,  
9 Longmont's claim for need on this project is fraudulent.  
10 You know, I have no problem saying that I think it's  
11 just an outright lie.

12           And I also know a little bit about Platte  
13 River Power Authority and how they operate. And I think  
14 that when you get the information that you need and  
15 actually get this analyzed properly, you'll see that the  
16 Platte River Power Authority's claims are completely  
17 false also.

18           And I guess the next thing we have to look  
19 at -- that's the number two. And number three,  
20 participants in this project, and then the big one is  
21 Broomfield, and I haven't even looked at that. But  
22 anybody -- anybody looking at the chapter one, purpose  
23 and need discussion, would -- would come up with  
24 absolutely no clue about this.

25           I mean, instead of asking why -- why on earth

1 does Longmont -- you just heard Ken talking about all of  
2 our great water conservation measures, and that's all  
3 well and good, but then why are they saying that our  
4 gallons per capita per day are going to go up from 195  
5 all the way up to 327? So please give us -- please give  
6 us more time to help you really understand this project.

7 MR. TULLY: Thank you. Kirk, followed by  
8 Charles Banks.

9 MR. LANGLEY: My name is Kirk Langley. I'm  
10 from the Colorado River headquarters down in Fraser,  
11 Colorado. I'm a municipal water supplier like most of  
12 the people you've heard from tonight. I didn't come to  
13 speak in that capacity. I came to speak as a citizens  
14 of Grand County, but I do know that the Colorado  
15 Department of Health and Environment tells us municipal  
16 suppliers that we have two important missions. One is  
17 public health and the other is environment.

18 This project, the way it's written in the  
19 draft EIS is not good for the environment. Gina  
20 referred to 65 percent of the river being missing. When  
21 it was only 60 percent and this project took another 20,  
22 you're taking half of the water that's left in the  
23 Colorado River.

24 It's very important that the Front Range gets  
25 its municipal water. As a water provider, I'm a firm

1 believer in that. But I believe that the draft EIS has  
2 projected future water development being done through  
3 conservation. That draft EIS should have conservation  
4 as their number one choice and the death of the Colorado  
5 River as a last choice.

6           And I believe that when there's only 20  
7 percent of the native flows left in the river, you've  
8 just killed the stream, not just a stream, the lifeblood  
9 of environment that feeds the tourist industry in the  
10 State of Colorado.

11           So I'm requesting that conservation be put  
12 into the final draft EIS. Every one of these  
13 communities should have a conservation plan that is  
14 implemented before you take another drop from an  
15 environment that I've lived in now since I was a  
16 teenager, and I'm not young anymore.

17           I've seen this river deteriorate before my very  
18 eyes and would really appreciate people protecting the  
19 Colorado River in any way possible, and if it's as  
20 simple as conservation first and diversion second, then  
21 I would love to see that conservation added to the EIS  
22 so we at least could make a decision and know what we  
23 were gaining. If we're gaining 30,000 acre-feet through  
24 conservation, let's drain the Colorado River when my  
25 grandson is worried about it and I'm no longer here.

1 Thank you.

2 MR. TULLY: Thank you. Charles Banks  
3 followed by, I believe, Charles McConnell.

4 MR. BANKS: Good evening. My name's Charles  
5 Banks. I'm a resident of Winter Park in Grand County.  
6 Winter Park's economy is primarily based on winter and  
7 summer recreation and tourism. Summertime recreation is  
8 largely based on fishing, rafting, camping along the  
9 rivers and streams of Grand County.

10 Without adequate flow in the river, we will  
11 see a dropoff in the number of visitors to our county  
12 and corresponding drop in the number of dollars spent in  
13 our county on gasoline, food, and other supplies. Our  
14 economy is definitely going to suffer.

15 I live on a half-acre lot in Winter Park, and  
16 our homeowner association covenants limit us to  
17 irrigation on 1,000 square feet of our yard. By using  
18 native grasses and drought-resistant plantings, I have a  
19 beautiful yard and seldom use over 4,000 gallons a  
20 month, including our household use.

21 Water is meant to be used, but it should be  
22 used wisely. Front Range bluegrass lawns that are still  
23 green in August of a dry year is not a smart use of a  
24 precious resource. I feel that conservation measures by  
25 the communities that are to be served by this project

1 should be implemented before any more water is removed  
2 from the Colorado River.

3 I walk or bike along the Fraser River almost  
4 every day. This past Sunday I watched two beavers  
5 building their own water project. Yesterday morning, a  
6 bull moose strolled out of the wetlands and gave me  
7 quite a start. Without a healthy river, we are all  
8 going to lose these wonderful experiences. The Idlewild  
9 campground along the river is full of campers almost  
10 every weekend. Who would want to camp along a dry  
11 stream bed?

12 I understand that the Front Range water  
13 suppliers have conditional water rights for our Grand  
14 County water. I just ask them to be considerate of the  
15 people who will be impacted by irresponsible taking of  
16 this water. I ask that this commission extend the  
17 process for an additional 60 days so that we can have  
18 more meaningful mitigation in place. Thank you very  
19 much.

20 MR. TULLY: Thank you.

21 MR. McCONNELL: Hello. My name's Charles  
22 McConnell. I'm representing myself.

23 I am a 30-year resident of Fraser, Colorado.  
24 During this time, I have seen dramatic negative impacts  
25 to the Fraser and upper Colorado Rivers. I understand

1 that the Front Range needs its water. I'm sure that the  
2 people of the Front Range can understand that we also  
3 need healthy rivers. Currently, the Fraser River is  
4 impaired. I don't know how taking more water will help  
5 our already desperate situation. Please consider  
6 waiting until the Grand County Stream Management Plan is  
7 completed in mid-December. This plan can then be  
8 considered from your EIS. Without firm conservation, I  
9 strongly oppose this project. Thank you.

10 MR. TULLY: Thank you. Next is Rhonda French  
11 followed by Jason Sorter.

12 MS. FRENCH: My name is Rhonda French. I'm a  
13 resident of Loveland. My grandparents owned part of  
14 Blue Mountain at one time.

15 I just thought I'd just have a few comments  
16 on, what are you going to do to protect this water to  
17 stay in the state of Colorado? I know that some of our  
18 waters from the state of Colorado is going to Arizona  
19 and California, who do not conserve their water. They  
20 don't have the restrictions of water like we do here.  
21 What's going to protect it to stay here? We've put this  
22 much money into a project to protect our kids and the  
23 water gets shipped to other states.

24 I guess that's about all I want to know. And  
25 protect us. We're paying for the project. We ought to

1 make sure it stays here and protect the stuff around it.  
2 I hear a lot of comments from people who are  
3 representing towns. Where did all the letters go to --  
4 like the residents of Lyons, who have property around  
5 this? Who never even knew this meeting was coming  
6 forward? I hear from the ones that are going to benefit  
7 from it the most because the towns that are talking and  
8 cities are gaining water payment from the residents.  
9 Take it into consideration.

10 MR. TULLY: Thank you. Jason Sorter,  
11 followed by David McComb.

12 MR. SORTER: My name is Jason Sorter. I'm  
13 currently contracted with Colorado Trout Unlimited and  
14 serve as their West Slope organizer. More importantly,  
15 I'm a third generation native Coloradoan.

16 Rather than speak to you tonight about the  
17 lack of proper mitigation in the current Environmental  
18 Impact Statement for the Colorado Windy Gap project and  
19 the reasons that Trout Unlimited cannot currently  
20 support this project based on this lack of proper  
21 mitigation -- there will be plenty of time for you to  
22 hear our specifics. I want to speak to you about my  
23 Western heritage and what makes Colorado one of the few  
24 special places left in the United States for an active  
25 sportsman to hunt and fish.

1           Other the years, I've spent a great deal of  
2 time recreating from Grand County and the headwaters  
3 region of the Colorado River. I cannot stress to you  
4 enough how important this place is to the state of  
5 Colorado and the \$1 billion that is injected into the  
6 Colorado state by hunters and anglers. Please protect  
7 this place so that future generations can realize their  
8 western heritage and what it means to be a true  
9 Coloradoan. Thank you.

10           MR. TULLY: Thank you. David McComb,  
11 followed by Robin Holks.

12           MR. McCOMB: I'm David McComb. I'm the  
13 executive director of Colorado Trout Unlimited. A lot  
14 of the issues that I was going to share with you have  
15 been raised but I will try to highlight a couple of key  
16 things.

17           First, some of the river segments that would  
18 be impacted by this diversions were found relatively  
19 recently to be eligible for wild and scenic protection  
20 by the Bureau of Land Management as part of their study  
21 process. I would encourage you to try to look carefully  
22 at this project and be sure that it does not impact this  
23 study through the remarkable values that were identified  
24 through those study.

25           And secondly, I'd like to respectfully



1 disagree with one of the statements that was made in  
2 framing the discussion today. By speaking about impacts  
3 of the Colorado Big Thompson project. I think it's  
4 critical that those impacts are looked at, as much as  
5 already noted earlier, to understand the condition of  
6 the Colorado River baseline and how this cumulatively  
7 with those existing past, present, and reasonably  
8 important final future projects will affect that  
9 resource. Stress on fishery resources, specifically my  
10 primary interest, is additive, and you have to  
11 understand those existing stresses in order to  
12 understand that additional increment of stress, that  
13 additional impact, and what it's really going to mean.

14 My organization has members on both sides of  
15 the Divide, and we would like nothing better than to get  
16 to the point where we could support this as a reasonable  
17 project that can move forward but we believe that those  
18 issues of addressing the impacts on the Colorado River  
19 really need to be addressed more thoroughly. There  
20 needs to be more specific mitigation measures laid out,  
21 and we hope there will be some opportunity as those are  
22 better refined for the public to get a look at some of  
23 those and provide feedback to you in the process.

24 And hopefully, through that kind of a vote we  
25 can get at the end to a project that addressing Front

1 Range water demands while still respecting the needs of  
2 our state's namesake river. Thank you.

3 MR. TULLY: Thank you. Robin, followed by  
4 Mary Ann Weston.

5 MS. HOLKS: Hi there. I'm Robin Holks. I'm  
6 from Broomfield. And I'm representing myself tonight.

7 I'm an owner of the Colorado Ranch Network,  
8 environmental network with citizens throughout the  
9 nation. One of my main goals is to help Broomfield grow  
10 in an environmentally friendly way. I've been working  
11 on the subject of water conservation in Broomfield since  
12 I moved here from DC two years ago.

13 When I was made aware of this project and  
14 where the water for the new Broomfield reservoir was  
15 coming from, I realized I needed to come here tonight to  
16 speak. It amazed me that we are devastating one prairie  
17 ecosystem in my back yard, full of wildlife and native  
18 plants, and at the same time devastating another  
19 ecosystem further west, while not looking at the  
20 conservation efforts or lack thereof in Broomfield.

21 As we have gotten the word out where  
22 Broomfield water will be coming from, people started  
23 asking, why weren't we conserving? We've asked our HOA  
24 and the City to help with water conservation in our  
25 community but have gotten little to no resolution in

1 this matter.

2           Currently, Broomfield offers a flat rate  
3 water structure. We've no incentives for water  
4 conservation. We don't have a rebate system. Citizens  
5 have asked for a different plan but so far, City Council  
6 prefers a flat rate structure. I hope we can move  
7 forward to a plan of conversation.

8           Overwater in my own neighborhood has become a  
9 major problem. Just tonight on the community website,  
10 seven people discussed water issues and who to turn to.  
11 This creates problems such as dead trees, large standing  
12 puddling of water in our back yards, breeding thousands  
13 of mosquito larvae. Turf side requirements have  
14 decreased, but we are finding we don't have our Kentucky  
15 bluegrass green during times of drought.

16           As a homeowner, I've expressed my concerns  
17 about water in my yard. After a year and a half of  
18 complaining about overwatering, a French drain was put  
19 in place but the overwatering didn't stop.

20           Kentucky bluegrass is still being installed  
21 in medians and along the sidewalks instead of  
22 xeriscaping. We continue to ask for this. We water  
23 common areas during rainy days. Broomfield has one of  
24 the highest flows, and is one of the largest  
25 participants in this project. I believe if conservation

1 efforts are employed, we can significantly reduce our  
2 needs.

3 I know there are many concerned citizens in  
4 Broomfield that would like to be here tonight to give  
5 comments who, however, had other conflicts, especially  
6 the debate. I hope that more time is granted to comment  
7 on this issue and allow the citizens of Broomfield and  
8 other Front Range communities to have an opportunity to  
9 share our concerns. At this time in our community, many  
10 more conservation techniques need to be discussed and  
11 employed before making a plea for more water. Thank  
12 you.

13 MR. TULLY: Thank you. Mary Ann Weston,  
14 followed by Mel Hilgenberg.

15 MS. WESTON: Good evening. My name is Mary  
16 Ann Weston. My husband and I own the property that  
17 would be directly south of the project were it to be  
18 built in the Chimney Hollow area, and so that means that  
19 we also own property that would be inundated if the  
20 alternative number 5 discussed in the Environmental  
21 Impact Statement, the Dry Creek Project, were to be  
22 chosen instead.

23 I'm not here to urge that the project be  
24 approved or disapproved or that the comment period be  
25 extended. I would -- I came tonight in part just to

1 hear what people had to say, and I've learned a lot, and  
2 I'm grateful for that.

3 I want to thank Rhonda French for her concern  
4 about the citizens of Lyons and whether they were  
5 notified of this hearing. I will say I got adequate  
6 notice as an adjoining landowner. I can't speak to  
7 other citizens of Lyons, but I know some of my other  
8 neighbors are here and they were notified about this.

9 So perhaps I should have said something when  
10 you asked if someone had questions about the process,  
11 but I actually have some questions. I would like to get  
12 information, but I'm unclear whether this is the  
13 appropriate time for me to do that. If it's not, I can  
14 wait until later.

15 MR. TULLY: I'd be happy to speak to you  
16 after the meeting.

17 MS. WESTON: All right. That sounds good.  
18 Then I only have one comment. I believe there's a  
19 small, probably a clerical error, in the summary of the  
20 draft Environmental Impact Statement. Let's see if I  
21 can find it here. On Page 8, ES8, of the executive  
22 summary, in the discussion of Alternative 5, on the  
23 last -- in the last sentence, it now says, When Grandby  
24 Reservoir is full or the Adams tunnel is at capacity,  
25 Windy Gap water would be diverted and stored in Rockwell

1 Reservoir until there are is sufficient water to  
2 transfer water to Chimney Hollow. I believe that should  
3 read Dry Creek reservoir, since under this alternative  
4 proposal, which would not be a Chimney Hollow reservoir,  
5 there would be a Dry Creek reservoir.

6 Thank you so much for listening, and I'm  
7 looking forward to talking to you when you're done and  
8 getting some answers to some questions then.

9 MR. TULLY: Thank you. Mel Hilgenberg?

10 MR. HILGENBERG: My name's Mel Hilgenberg  
11 from Fort Collins. And that's only recently. I'm  
12 previously Denver.

13 And I am very, very appreciative of being  
14 here tonight, because I've felt like the little Dutch  
15 boy with his finger in the dike, commenting on the Glade  
16 Reservoir and the Environmental Impact Statement there.

17 I think everyone here tonight has some very  
18 rational, civilized things in terms of all of our needs.  
19 I hear conservation, environmental concerns, et cetera.  
20 And I'm not speaking for or against this project. But I  
21 do want to just as an educational thing, there's been a  
22 lot of talk about water reuse.

23 And I have been privileged to know a guy  
24 named Dr. James Grew who actually was born and grew up  
25 on the Poudre River. He invented the oil skimmer that's

1 used to clean up oil spills in the ocean, and he  
2 currently has the patent on an invention called a  
3 vertical tube reactor, which takes treated waste water a  
4 minimum of a mile deep in the earth and a combination of  
5 heat, pressure, and oxygen, when that water comes back  
6 to the surface, it's about the quality of distilled  
7 water, and the heavy metals in the water go out into a  
8 felt-like cloth that can either be used in roadways to  
9 prevent potholes or it can be reconstituted and used  
10 chemically.

11 I want everybody that's involved, because  
12 here in Colorado in particular, I believe we really need  
13 an all-of-the-above water; water storage, water  
14 conservation, water reuse, and in addition to reservoir  
15 storage of water and diversion of water, I want to  
16 advocate that there be some efforts made to store water  
17 in the aquifers and incorporate particularly city water  
18 sanitation plans, vertical tube reactor.

19 In the City of Denver, with three vertical  
20 tube reactors, one for redundancy, to be used when the  
21 others had to be cleaned or maintained, could treat all  
22 of Denver's water every day, and it would save having to  
23 take all the solid waste goop out to the aptly named  
24 Last Chance, Colorado.

25 I want to thank the Army Corps of Engineers

1 and Northern Colorado Water Conservancy District for  
2 some visionary -- very good work, and that's all the  
3 people in this room, because water is our great blessing  
4 here in Colorado, being a watershed state, so I just  
5 want to urge everyone to give consideration to all of  
6 the above water, and I appreciate the opportunity to  
7 address this group tonight.

8 MR. TULLY: Thank you. Have I missed anybody  
9 that wanted to speak or that signed up outside? Our  
10 apology.

11 MS. STOCKLEY: I was the last one in, so I  
12 was running late from work. I'm Karen Stockley. I am  
13 on the executive committee of the Sierra Club Poudre  
14 Canyon group. However, to be safe this evening, I think  
15 I'll just be representing myself. And forgive my voice.  
16 I'm having some throat troubles this evening.

17 I've lived in Colorado almost my entire life,  
18 and I think most of us who have lived here over 40-some  
19 years know that we have a finite amount of water in  
20 Colorado. We've been seeing a lot, lately, with this,  
21 and I think there's a lot of similarities between the  
22 NISP project and this project.

23 I remember it was four or five years ago when  
24 we had the same meeting in this building and it was a  
25 different group of people. It was mostly a position



1 from some people in the alliance community, the Lyons  
2 and Boulder community, that reservoir went away and now  
3 we're looking at Chimney Hollow.

4           The first question I have, would be to  
5 question the project's need. I think, again, as with  
6 the NISP project, that we really do have stock in the  
7 project need.

8           And I think if you look at the communities  
9 that are wanting the water, you look at Broomfield, you  
10 look at Greeley, you look at Loveland, a lot of these  
11 communities did not have adequate or even close to  
12 adequate conservation programs, and I submit that before  
13 beginning to move forward on this reservoir that every  
14 single one of these communities needs to reduce their  
15 per capita uses to at least what Boulder or something  
16 along the lines of what Boulder did. They do a great  
17 job with water conservation, and to move forward, before  
18 doing as much as we can to conserve as much water as we  
19 can, living in a desert, I think that is short-sighted.

20           I think there are other alternatives that  
21 need to be looked at in addition to conservation,  
22 realizing conservation is not going to give us all the  
23 water we need in the future. I think that one thing, if  
24 we take Chimney Hollow off the table and we look at  
25 things like fallowing agreements. I think fallowing

1 agreements are a wonderful, wonderful tool. We need to  
2 start looking outside the box for water in Colorado.

3           Following agreements are a win-win situation  
4 for farmers. They're a win-win situation for  
5 communities to get less expensive water, to keep  
6 communities farming, to keep people employed.

7           We need to look at gravel pits. We need to  
8 look at smaller reservoirs. I think Little Thompson did  
9 a great job in building the reservoir -- I forget what  
10 it's called on the east side of Carter Lakes and I'd  
11 like to see smaller reservoirs built like that. I  
12 believe in the small reservoirs. I believe it's  
13 unfortunate, because I believe that's the way of the  
14 future, and I think that's where some of these  
15 communities need to look at.

16           I do live west of Berthoud. I actually live  
17 right off Highway 56, so this will directly affect me.  
18 I will tell you during the summer that along Highway 56,  
19 we do have heavy, heavy traffic going to Carter Lake,  
20 and I know that some traffic is coming in and going out  
21 of West 34, but they will also be coming in Highway 56.  
22 It is a very narrow two-lane road, and I think this  
23 should not be built unless it's widened to four lanes.  
24 You're talking a lot of homes on the north side. You're  
25 talking a very large expanse there. I would like to see

1 extensive traffic studies done in that area to ensure  
2 the safety of everyone in the region.

3 I won't talk a lot about the increased  
4 diversions from the Colorado River except to say that I  
5 think as Coloradoan that what we are doing to the good  
6 folks on the Western Slope, it's just not right. I  
7 think we are looking at drying up the Colorado River.  
8 It's our rivers that are the lifeblood of Colorado.

9 I grew up in those mountains. I love these  
10 mountains. And what we are doing to the river is not  
11 right, not to keep growing and growing without any plan  
12 for where we're going to stop. We, as an arid state,  
13 cannot continue to grow at this rate.

14 We have to start thinking sustainability, and  
15 we have to start thinking of other plans, because a  
16 hundred years from now, if Colorado is building, in 10  
17 or 20 years, you'll have another reservoir going to be  
18 proposed, and how much water is going to be allowed to  
19 be taken out of our rivers? Is 90 percent going to be  
20 good enough? It's at some point, the State needs to  
21 look and say, We can't do this anymore.

22 Again, I won't address the flushing of the  
23 river issues or the trout issues, but of course, they  
24 are huge environmental issues that need to be looked at.

25 The other and final thing I would like to

1 talk about a little that I haven't heard tonight is the  
2 actual site of Chimney Hollow. I have toured that. It  
3 is, you know, obviously, a very beautiful piece of  
4 property, lovely rec area, and you look at all the  
5 cottonwoods down there, and I think you have some  
6 jurisdictional and some nonjurisdictional wetlands if  
7 I'm correct. It's been a few years since I looked at  
8 some of that.

9           When you flood a big area like that, I think  
10 you go in and chop down all the trees. The birds have  
11 nowhere to go. You know, you are losing all of that  
12 habitat. You are losing all that habitat to the elks  
13 and moose for the year.

14           I know a gentleman earlier this evening said  
15 that's not a lot of habitat for folks. You look at what  
16 we've done in the foothills, all the fences we've put  
17 in. You look at the migration patterns. It's getting  
18 harder and harder to view in Colorado these days.

19           I think also, when we talk about mitigating  
20 wetlands, you've got to build for a wetland to be the  
21 way it is that God created it. So I think -- and  
22 chronic wasting, too. That's another thing I would like  
23 to mention. We keep ushering all the deer and elk into  
24 smaller and smaller areas, and it's been shown that  
25 chronic wasting diseases certainly increase when do you

1 that to the animals. I don't see any way to mitigate  
2 that, and I would like Northern to come up with some  
3 better solutions.

4 I guess in conclusion, I would also ask for  
5 an extension. I have not had time to clearly read the  
6 document. I believe at this point, you should do the  
7 do-nothing alternative until the communities can  
8 conserve as much as they can, and I think you need to do  
9 everything possible to protect the river. Thank you.

10 MR. TULLY: Thank you very much. Karen was  
11 the last speaker that signed up at the sign-in desk to  
12 actually speak. Are there any other -- would anybody  
13 else like to make a statement? Yes, ma'am.

14 MR. BOWMAN: Good evening. My name is Rudy  
15 Bowman. I'm a citizen of Longmont.

16 I oppose the Windy Gap Firing Project. I  
17 agree with the others who previously said this project  
18 will be detrimental to wildlife habitat and it will  
19 encourage more uncontrolled development along the Front  
20 Range.

21 I'm originally from a town in the Sonoran  
22 desert of the southwest where water was scarce. The  
23 town I lived in was not a large town at the time, but  
24 then Colorado River water came accessible to the Sonoran  
25 desert. Residential development took off. Urban

1 development became rampant and everyone built swimming  
2 pools.

3 I don't want that to happen here. I don't  
4 want to see more wildlife habitat destroyed in order to  
5 enable rampant development along the Front Range and  
6 that's what I'm afraid of -- and that's what I am afraid  
7 will happen. We should look to more water conservation  
8 and limit growth before considering this project. Thank  
9 you.

10 MR. TULLY: Thank you very much. Is there  
11 anybody else out there that would like to make a  
12 statement?

13 If not, then I would like to -- we would like  
14 to thank you all for taking the time out of your  
15 schedules to be here tonight. And that's all we have  
16 unless you have some questions. I hope you all drive  
17 safely going home.

18 (Matter was concluded at 8:50 p.m.)

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1 STATE OF COLORADO )  
 ) REPORTER'S CERTIFICATE  
2 COUNTY OF LARIMER )

3 I, Jason T. Meadors, RPR, CRR, and Notary  
4 Public, State of Colorado, hereby certify that the  
5 foregoing proceedings, taken in the matter of The Big  
6 Thompson Windy Gap Firing Project, was taken on  
7 Tuesday, October 7, 2008, at McKee Conference Room,  
8 McKee Medical Center, 2000 Boise Avenue, Loveland,  
9 Colorado; that said proceedings were taken down by me in  
10 stenotype notes and reduced under my supervision to the  
11 foregoing 62 pages; that said transcript is an accurate  
12 and complete record of the proceedings so taken.

13 I further certify that I am not related to,  
14 employed by, nor of counsel to any of the parties herein  
15 nor otherwise interested in the outcome of the case.

16 Attested to by me this 18th of November,  
17 2008.

18

19

20 \_\_\_\_\_  
Jason T. Meadors, RPR, CRR  
Meadors Court Reporting, LLC  
315 West Oak Street, Suite 710  
21 Fort Collins, Colorado 80521  
(970) 482-1506  
22 My commission expires January 26, 2009.

23

24

25