

# **ENHANCEMENTS (NOT MITIGATION) OFFERED IF MOFFAT PROJECT APPROVED**

**From the beginning of the negotiations, Grand County has focused on the resource of the Fraser and Colorado River and their tributaries. The goal was to make the resource (the rivers) better than it is today and to put in place procedures that would, to the greatest extent possible, preserve and protect the resource for the future. That is what has been called enhancements.**

## **Water (West Slope Benefits)**

Limit ability to reduce USFS bypass flows – can only reduce when Denver goes on in-house only restrictions (never done to date) and if that makes any Grand County entity go on in-house only restrictions Denver will not reduce.

1000 af. bypass from Denver's yield to be used in Fraser River or its tributaries if available when call by Grand County (in addition to USFS bypass flows) for the environment.

Future west slope water rights development – Denver will not undertake any future water development projects or appropriations or acquisitions of water rights located in Grand County without the prior approval of the Grand County BOCC and River District.

Municipal Use of Denver's facilities – may, on case by case basis, allow water treatment plants on Fraser to convey water as a temporary source of supply, if back up supply available.

Use of unused capacity – explore, case by case, possibilities of using Denver's system to benefit Grand County or other public entities or the environment in transport of water.

Shoshone outage protocol; support for possible west slope purchase of Shoshone; support negotiation with Xcel for donation of Shoshone water right to in-stream flow when call could be on but plant is not in operation; establish an outage protocol to replicate release when power plant is down and in priority.

375 af consumptive water to WPRA, Winter Park Water & Sanitation, Grand County #1, Town of Fraser, Town of Granby. (100 af to WPRA – 275 af to be decided between other entities).

Year-round delivery of Clinton By-Pass water. (currently delivered November through May)

20% water for WPRA (important for snowmaking) – allows WPRA to leverage water based on return flows

Study how Denver's rights in Hammond, Rich might be used to enhance streamflow (in addition to 1000 af).

Study how Denver's Big Lake Ditch (feeds into Williams Fork Reservoir) can remain in agricultural use while providing Denver with yield it paid for. Is there a balance? Return flows helps Reeder Creek which flows into Colorado River below Williams Fork.

Vail Ditch Shares – Allow Grand County Mutual Ditch & Reservoir Co. (Grand County, Town of Winter Park, Winter Park Water & Sanitation, Grand County #1, Town of Granby, River District) to trade shares for like amount of water in Denver's system (Meadow Creek Reservoir) for release into Fraser River Basin. Denver will not oppose changes of Vail Ditch shares for this use.

Storage in Williams Fork – if portion of 1000 af made available during Shoshone call or when outage protocol in place – Denver agrees to make available for release a like amount from Williams Fork up to 1000 af for environmental flows – can carry over and increase up to 2500 af.

**\$11M provided for aquatic environment, nutrient loading, projects that will provide benefits to Fraser River.**

## **Aquatic Habitat**

\$1M but for aquatic habitat (swing \$)

\$1M for aquatic habitat upon issuance and acceptance of permit by Denver for project

\$2M for future environmental enhancements (to be used in Learning by Doing)

Cooperative Effort for Aquatic Environment –IGA for Learning by Doing to protect, restore, and when possible enhance aquatic environment in the Upper Colorado, Fraser, and Williams Fork River basins. Request that Corps of Engineers acknowledge Learning by Doing IGA in Record of Decision. This will bind Denver to forever stay engaged and participatory in dealing with issues in Grand County.

## **Nutrient Loading**

\$2M to reduce nutrient loading if Denver is required to mitigate (could be directed to a wastewater plant). Wastewater providers are being consulted. If \$ not needed for nutrient removal, then committee of wastewater providers will decide how to use the money to help reduce nutrient loading and improve water quality.

## **Projects - \$4M**

\$50,000 – added to grant \$ to construct Berthoud Pass sediment removal pond above Denver's intake on Fraser River . This allows sediment to be removed before it can be released into the Fraser River. (Denver will own and operate in conjunction with disposal by CDOT & Grand County).

\$3.95M - Winter Park Recreation and Winter Park Water & Sanitation District have pump back and storage projects that will help the flows in the Fraser Rivers. Grand County will work with these entities to decide the proper split based on their ability to design and construct and within what timeframe.

## **Additional Funds**

\$1M to pay one-half of annual pumping costs to Grand County if water available to pump from Windy Gap to Lake Granby for late summer release to Colorado River.

Denver will add a 12.5% charge to the sale of any future water sold outside its combined service area (short term and in cases of emergency) and place that money in a fund for use on the west slope. 2.5% of that revenue will be dedicated for forest health activities in Grand County and Summit County. The remainder will be for water projects, water quality and/or environmental programs on the west slope. The River District will be the steward of the funds.

## OTHER

No storage in environmental pool in Gross Reservoir for Boulder & Lafayette from water from west slope, directly or by exchange, unless agreed to by River District, Middle Park, Grand County.

Denver lands for Habitat and Access – Study which lands in Denver ownership that may have potential value for wildlife habitat and public fishing access without impacting Denver's operational needs.

Support CWCB filing (could help protect the 1000 af for the stream)

Support for RICD (recreational in-stream channel diversion)

Geographic Caps on area Denver can serve with west slope water.

Administration issues on Green Mountain Reservoir.

Settlement of Blue River Decree Issues (IMPORTANT TO MIDDLE PARK & ITS contractees).

Denver will not divert any water for storage in Gross enlargement until such time as water committed by Denver is legally available for use by Grand County.

5412 ½ af. of water for endangered fish in 15 mile reach being released from Granby Reservoir.

THERE ARE A VARIETY OF LEGAL ISSUES ASSOCIATED WITH THE AGREEMENT. ALL SIGNATORIES TO THE AGREEMENT MUST COOPERATE TO IMPLEMENT THE ENHANCEMENTS. NOTHING IS A DEAL UNTIL EVERYTHING IS A DEAL.

THERE MAY BE THINGS IN THIS AGREEMENT YOU LIKE AND THINGS YOU DON'T LIKE, BUT WHAT IS IMPORTANT IS IF THE BALANCE OF ALL THE ENHANCEMENTS IS POSITIVE FOR THE RESOURCE OF THE FRASER AND COLORADO RIVERS.

# WHAT ABOUT MITIGATION?????

Grand County has made extensive comments on the DEIS, pointing out what we think are inadequacies, supporting our comments with science, studies, etc. As a consulting agency, we have met with the Corps and EPA numerous times explaining, clarifying and providing additional information (when requested) to support the position for proper mitigation.

WE HAVE STRUGGLED TO KEEP ENHANCEMENTS AND MITIGATION SEPARATE – BECAUSE DENVER IS OFFERING ENHANCEMENTS TO ADDRESS CURRENT CONDITIONS – THEY SHOULD NOT GET, NOR DOES GRAND COUNTY WANT THEM TO GET CREDIT FOR THE ENHANCEMENTS ALSO AS MITIGATION. DENVER HAS AGREED.

GRAND COUNTY CONTINUES TO SUPPORT ITS COMMENTS AND POSITION TO THE PERMITTING AGENCIES – DENVER DOES THE SAME. IN THE END, THE AGENCIES WILL MAKE A DECISION BASED ON ALL INPUT AND THEIR CRITERIA FOR A DECISION.

GRAND COUNTY AND DENVER WATER HAVE SUBMITTED A LETTER TO THE CORPS OF ENGINEERS, EPA AND THE STATE WILDLIFE COMMISSION EMPHASIZING THAT FACT.