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Chief Deputy Attorney General
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**STATE OF COLORADO
DEPARTMENT OF LAW**

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Natural Resources and
Environment Section

AGENDA

Colorado Natural Resources Trustees Meeting

March 24, 2021

1:00 pm to 3:00 pm

Location: Zoom Meeting

Link to Meeting: <https://us02web.zoom.us/j/81049852200>

Meeting ID: 810 4985 2200

Note: A hyperlink to the meeting will be emailed to Trustees and staff and will be posted on the Trustee website:

<https://coag.gov/office-sections/natural-resources-environment/trustees/whats-new/>

Open Session

1. Approval of Minutes from December 10, 2020 and January 21, 2021 Meetings – 5 minutes

Action Items:

- (1) Review and approve minutes from December 10, 2020 meeting
- (2) Review and approve minutes from January 21, 2021 meeting

Documents:

- (1) Draft Minutes from December 10, 2020 meeting
- (2) Draft Minutes from January 21, 2021 meeting

2. Budgets Update – (Jennifer Talbert) - 5 minutes

Action Items: None

Document:

- (1) Budget Spreadsheet

3. Bylaws (Amy Beatie, Emily Splitek) – 5 minutes

Action Item:

- (1) Adopt Bylaws

Document:

- (1) Draft Bylaws

4. Paonia Foundry (Melynda May, David Banas) - 5 minutes

Action Items: None

Document:

(1) PowerPoint Slides

5. Small Spills Update (David Banas, Melynda May) – 5 minutes

Action Items: None

Documents: None

6. Shattuck – Update from Denver and Greenway Foundation (David Banas, Susan Newton, Ed Perkins) – 15 minutes

Action Items: None

Documents: None

7. Uravan Project Proposal (Jennifer Talbert, Doug Jamison) – 10 minutes

Action Item: Consider project proposal

Documents:

(1) Memo from Jennifer Talbert

(2) Uravan NRD Proposal

(3) Draft Resolution

8. California Gulch CCC Project (David Kreutzer, Ed Perkins, Susan Newton) – 5 minutes

Action Item: Consider CCC Proposal

Documents:

(1) Memo from David Kreutzer

(2) CCC Proposal

(3) Draft Resolution

9. California Gulch CPW and SPP Updates (David Kreutzer, Ed Perkins, Susan Newton, Eric Richer) – 20 minutes

Action Items: None

Documents: None

10. Rocky Mountain Arsenal – Bluff Lake Nature Center Proposal (David Banas, Susan Newton, Ed Perkins) – 20 minutes

Action Item: Consider Bluff Lake Nature Center Proposal

Documents:

- (1) Bluff Lake Nature Center Proposal
- (2) Draft Resolution

Executive Session

11. Bonita Peak Mining District

Action Items: None

Documents: None

Open Session

12. Report from Executive Session

Action Item: None

ITEM #1

Colorado Natural Resource Damages Trustees
Meeting Minutes
December 10, 2020
(Approved _____, 2021)

In Attendance:

TRUSTEES

Phil Weiser, Attorney General

Dan Gibbs, Director, Colorado Department of Natural Resources (DNR)

John Putnam, Director of Environmental Programs, Colorado Department of Public Health and Environment (CDPHE)

STATE TRUSTEE STAFF

Amy Beatie, Deputy Attorney General, Natural Resources and Environment Section (NRE)

David Kreutzer, First Assistant Attorney General, NRE

David Banas, Senior Assistant Attorney General, NRE

Jason King, Senior Assistant Attorney General, NRE

Emily Splitek, Assistant Attorney General, NRE

Jennifer Talbert, CDPHE

Doug Jamison, CDPHE

Ross Davis, CDPHE

Susan Newton, CDPHE

Melody Mascarenaz, CDPHE

Ed Perkins, Colorado Parks and Wildlife, DNR (CPW)

Mindi May, CPW

Rob Harris, CPW

OTHER STATE STAFF

Laura Kelly, Paralegal, NRE

Dan Graeve, Administrative Assistant, NRE

FEDERAL TRUSTEE REPRESENTATIVE

Laura Archuleta, U.S. Fish and Wildlife Service

PUBLIC

Chris Lidstone, Wenck Associates, Inc.

Chris Jaros, Wenck Associates, Inc.

Allen Law, Rio Grande Headwaters Land Trust

Kevin Terry, Trout Unlimited

Open Session

AG Weiser called the meeting (held via Zoom) to order at approximately 10:00 a.m. on December 10, 2020. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRD) projects, and to request direction and/or approval for various actions.

Minutes

AG Weiser presented the minutes from the September 24, 2020 Trustee Meeting. Director Putnam moved to approve the September minutes. Director Gibbs seconded the motion, and the motion was unanimously approved. AG Weiser presented the minutes from the October 12, 2020 Trustee Meeting. Director Putnam moved to approve the October minutes. Director Gibbs seconded the motion, and the motion was unanimously approved.

Quarterly NRD Fund Accounting for Third Quarter 2020

Jennifer Talbert presented the quarterly NRD fund accounting. She explained that, moving forward, a process for tracking when a reimbursement request is received and when it is issued has been implemented. That data will be compared to accounting records, so all reimbursements will be double tracked to ensure accountability.

AG Weiser inquired about federal funds that have been dedicated to Colorado, but are not held by the State, and requested those funds be included in future NRD fund accounting. Ms. Talbert stated that funds for the California Gulch Superfund site were split between Colorado and the U.S. Department of Interior (DOI), and funds for the West Creek site, which have all been allocated, were held entirely by DOI. Ed Perkins added that the Rocky Mountain Arsenal Foundation Fund is managed through DNR and he will coordinate with Ms. Talbert to include those amounts in future NRD fund accounting.

California Gulch

Ed Perkins reported on the previously approved acquisition of 11 parcels along the Arkansas River. The first phase included eight parcels which have been approved, and easements accepted, by the CPW Commission. CPW will next take the request to the Capital Development Committee at the Legislature for its approval, after which closing on the parcels, conservation easements, and access easements will proceed.

At this time, all attendees introduced themselves.

Idarado

Doug Jamison introduced the Project Manager for Idarado, Ross Davis, to showcase the recently completed work at the Society Turn site. Mr. Davis presented an overview of the project, explaining how CDPHE partnered with several other organizations that contributed funding for the project. He presented several maps and photographs to illustrate how the project reclaimed 23 acres of fluvial tailings and rehabilitated 4,600 feet of the San Miguel River by realigning the river away from the tailings. Mr. Davis provided technical details that demonstrated the extensive work made possible by NRD funds.

Summitville

Emily Splitek provided background information about the Alamosa River watershed which was damaged by a release of hazardous substances from the Summitville Mine, and noted that approximately \$545,000 remains in the NRD fund. She explained that, in response to a Solicitation for Project Proposals in May 2020, the Trustee Council received, reviewed, and ranked three project proposals: 1) the Alamosa River Watershed Restoration Project submitted by Wenck Associates, Inc. ("Wenck"); 2) the Lower Alamosa River Riparian Restoration Project submitted by Rio Grande Headwaters Land Trust ("RiGHT"); and 3) the Alamosa River

Instream Flow Project, Phase II submitted by Trout Unlimited. Ms. Splitek introduced all three proponents who presented detailed project proposals to the Trustees.

AG Weiser recommended the Trustees first discuss the RiGHT proposal because of its unique mission, and because the proposal included a cash match and a modest budget. Director Putnam inquired about how the staff ranked the projects. Ms. Splitek explained the process and noted that RiGHT and Wenck were extremely close in total points. Director Putnam moved to approve a resolution allocating \$44,120 to RiGHT for the Lower Alamosa River Riparian Restoration Project. Director Gibbs seconded the motion, and the motion was unanimously approved.

AG Weiser noted that the other two project proposals, presented by Wenck and Trout Unlimited, were impressive but did not include outside fundraising. He asked, if the Trustees decided not to approve those proposals, whether the Trustees could take some other action to encourage the proponents to obtain outside funding and re-submit their proposals at a future Trustee meeting. Director Gibbs agreed that both projects were worthy but noted there are perhaps other state resources or foundations to help bring costs down. Director Putnam also expressed a desire to support both projects because of regional needs and how the projects complement each other. Discussion ensued among Trustees and Trustee staff about whether it would be prudent to require a cash match for those two proposals, whether a smaller amount of funding now would provide leverage for additional fundraising, and how a potential delay might affect core project work. The Trustees discussed their interest in using NRD funds in the most efficient way, while acknowledging that fundraising is difficult, and resources are limited, in the San Luis Valley. AG Weiser summarized various options which included the possible approval of resolutions contingent on obtaining a specific cash match. While the Trustees expressed general support and enthusiasm for both projects, more discussion ensued about how to structure resolutions with respect to amount of funding, percentage of cash match requirement, and how to divide the funds between the two projects.

Director Gibbs moved that the Trustees approve funding in the amount of \$50,000 to Wenck, contingent upon submission of a revised budget showing an acceptable cash match and future approval of additional NRD funding. Director Putnam seconded the motion, and the motion was unanimously approved. Likewise, Director Putnam moved that the Trustees approve funding in the amount of \$50,000 to Trout Unlimited, contingent upon submission of a revised budget showing an acceptable cash match and future approval of additional NRD funding. Director Gibbs seconded the motion, and the motion was unanimously approved. AG Weiser thanked Wenck and Trout Unlimited for their efforts.

Uravan

Doug Jamison reported that approximately \$240,000 remains in the Uravan account which is currently dedicated to restoration/reclamation of smaller uranium mines scattered within the San Miguel and Dolores River basins, noting that CDPHE has contracted with DMRS to perform that work. In response to Director Putnam's previous request to research whether some of these funds could be redirected to restoration projects that also provided economic development, Trustee staff reached out to the West End Economic Development Corporation and other stakeholders in the region. Mr. Jamison explained that this coalition has drafted a project proposal for future Trustee consideration. Mr. Jamison shared his expertise regarding the restoration value of different categories of projects, and while this project is not purely restoration, he noted that it would impact a higher number of people than the current reclamation project. Mr. Jamison

requested feedback from the Trustees about their comfort level with this project so adjustments could be made prior to the next meeting. AG Weiser stated he was comfortable with this project proceeding; however, it would be an exception to NRD practice based on the needs and circumstances of the region. Director Putnam noted that this unique project is consistent with the State's overall objectives and the need to leverage resources to achieve both core NRD purposes and economic development. He also agreed that this potential approval should not set a precedent for projects in other contexts.

West Creek

Jennifer Talbert reported that projects at West Creek are moving forward on schedule, and she will provide a more detailed update at a future meeting.

Executive Session

Deputy AG Beatie recommended the Trustees make a motion to go into Executive Session to consider Agenda Item #8 on the Trustee Meeting agenda. She stated the Executive Session is authorized pursuant to section 24-6-402(3)(a)(II) and (III), C.R.S. and other laws that allow the Trustees to enter Executive Session for specific purposes. At approximately 11:55 a.m., Director Putnam moved to begin an Executive Session to discuss Agenda Item #8. AG Weiser seconded the motion, and the motion was unanimously approved. David Banas invited any members of the public to move to the Zoom waiting room and confirmed that all remaining attendees were State employees who are directly involved in the NRD program and could therefore remain in the Executive Session. The Executive Session was digitally recorded.

At approximately, 12:00 p.m., AG Weiser moved to end the Executive Session, Director Putnam seconded the motion, and the motion was unanimously approved, whereupon Executive Session was ended. It was noted that no members of the public were in the Zoom waiting room at the close of the Executive Session.

Open Session

Deputy AG Beatie stated that pursuant to statute, the Trustees went into Executive Session to consider Agenda Item #8. The discussion during Executive Session was limited to that item and no formal action was taken.

The Trustees confirmed that they would like to meet quarterly in 2021 and AG Weiser requested staff to schedule those meetings. At approximately 12:05 p.m., Director Putnam moved to adjourn the meeting. Director Gibbs seconded the motion, and the motion was unanimously approved.

Colorado Natural Resource Damages Trustees
Meeting Minutes
January 21, 2021
(Approved _____, 2021)

In Attendance:

TRUSTEES

Phil Weiser, Attorney General

Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and Environment (CDPHE)

Ginny Brannon, Director, Division of Reclamation, Mining & Safety, Colorado Department of Natural Resources (DNR)

STATE TRUSTEE STAFF

Amy Beatie, Deputy Attorney General, Natural Resources and Environment Section (NRE)

David Kreutzer, First Assistant Attorney General, NRE

David Banas, Senior Assistant Attorney General, NRE

Emily Splitek, Assistant Attorney General, NRE

Jennifer Talbert, CDPHE

Doug Jamison, CDPHE

Susan Newton, CDPHE

Melody Mascarenaz, CDPHE

Ed Perkins, Colorado Parks and Wildlife, DNR (CPW)

Rob Harris, CPW

OTHER STATE STAFF

Laura Kelly, Paralegal, NRE

Dan Graeve, Administrative Assistant, NRE

FEDERAL TRUSTEE REPRESENTATIVE

Laura Archuleta, U.S. Fish and Wildlife Service

PUBLIC

Chris Lidstone, Wenck Associates, Inc.

Chris Jaros, Wenck Associates, Inc.

Kevin Terry, Trout Unlimited

Open Session

AG Weiser called the meeting (held via Zoom) to order at approximately 11:00 a.m. on January 21, 2021. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRD) projects, and to request direction and/or approval for various actions.

Summitville

Regarding the Summitville NRD funds, AG Weiser noted that the Wenck Associates, Inc. (“Wenck”) and Trout Unlimited project proposals were before the Trustees for consideration. David Kreutzer and other Trustee staff suggested an alternative proposal to the original projects which would add a contingency to any approved funding. The new proposal encourages the proponents to complete the original scope of their projects with NRD funding and obtain a cash match but does not delay the 2021 construction season. Mr. Kreutzer explained that Wenck would receive 55% of its original request and Trout Unlimited would receive 45% of its original request, and they would be given additional time to make up the difference through continued fundraising. He clarified that, if those fundraising efforts fall short, the proponents could then approach the Trustee Council to request permission to change the scope of their projects. AG Weiser confirmed that the new proposal would be approval of the initial request but with a contingent level of cash match, and any additional approvals would be delegated to the Trustee Council.

Emily Splitek presented a proposed resolution for Wenck which made clear that the proponent must complete their project as outlined in its original project proposal by combining NRD funds with outside cash funds. She explained that any changes to the original project proposal will require review and approval by the Trustee Council. Laura Archuleta concurred with the path forward. Chris Lidstone raised questions about contracting for the full cost of the project when they would not yet have the cash in hand. Jennifer Talbert and Doug Jamison offered several options for contracting that would accommodate the new proposal. Kevin Terry agreed that the new proposal would work for Trout Unlimited.

Ms. Splitek explained that, while the Trustees had initially approved \$50,000 to both Wenck and Trout Unlimited at the December 10, 2020, Trustee meeting, Trustee staff realized that the relatively small amount of funding might present contracting difficulties. Therefore, Ms. Splitek explained that the proposed resolutions currently being considered would supersede the Trustee’s decision at the previous meeting and represent total funding amounts.

Director Hunsaker Ryan moved to approve the resolution as presented allocating \$275,484 to Wenck Associates, Inc. for the Alamosa River Watershed Restoration Project. Director Brannon seconded the motion, and the motion was unanimously approved.

Ms. Splitek presented a similar resolution allocating \$225,396 to Trout Unlimited for the Alamosa River Instream Flow Project, Phase II. Director Brannon moved to approve the Trout Unlimited resolution as presented. Director Hunsaker Ryan seconded the motion, and the motion was unanimously approved. AG Weiser thanked Wenck and Trout Unlimited and expressed appreciation for the federal partnership which facilitated these vital projects.

Executive Session

Deputy AG Beatie recommended the Trustees make a motion to go into Executive Session to consider Agenda Item #2 on the Trustee Meeting agenda. She stated the Executive Session is authorized pursuant to section 24-6-402(3)(a)(II) and (III), C.R.S. and other laws that allow the Trustees to enter Executive Session for specific purposes. At approximately 11:30 a.m., Director

Hunsaker Ryan moved to begin an Executive Session to discuss Agenda Item #2. Director Brannon seconded the motion, and the motion was unanimously approved. It was confirmed that no members of the public were on the Zoom call and that the Executive Session was being digitally recorded.

At approximately, 11:55 p.m., Director Brannon moved to end the Executive Session, Director Hunsaker Ryan seconded the motion, and the motion was unanimously approved, whereupon Executive Session was ended.

Open Session

It was confirmed that no members of the public were in the Zoom waiting room. Deputy AG Beatie stated that pursuant to statute, the Trustees went into Executive Session to consider Agenda Item #2. The discussion during Executive Session was limited to that item and no formal action was taken.

At approximately 12:00 p.m., Director Brannon moved to adjourn the meeting. Director Hunsaker Ryan seconded the motion, and the motion was unanimously approved.

ITEM #2

Natural Resource Damages Accounts

| NRD Matter | California Gulch | Fountain Creek | Idarado | Lowry | Rocky Flats |
|--------------------------------|--|---|----------------|--|--|
| Total Settlement amount | \$10,000,000.00 | \$345,000.00 | \$1,000,000.00 | \$1,606,930.00 | \$10,000,000.00 |
| Total NRD dollars spent | \$7,080,017.41 | \$0.00 | \$1,444,106.00 | \$1,257,894.52 | \$10,000,000.00 |
| Account Balance as of 1/31/21 | CDPHE DOI \$7,166,365.85 \$1,200,000 | \$353,461.84 | \$315,064.94 | \$405,484.64 | \$3,744.82 |
| Trustee Resolution Date | 2/23/2010 | 4/23/2019 | 6/24/2019 | 7/11/2013 | 10/9/2018 |
| Current Trustee awarded amount | \$2,348,575.24 | \$353,461.84 | \$287,000.00 | \$1,606,930.00 | \$10,000.00 |
| Pending Contracts | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$10,000.00 |
| Current Contract Encumbrances | \$2,198,561.38 | \$0.00 | \$287,000.00 | \$116,013.44 | \$0.00 |
| Remaining available funds | \$4,967,804.38 \$1,200,000 | \$353,461.84 | \$28,064.94 | \$289,471.20 | \$3,744.82 |
| Settlement Restrictions | YES | NO | NO | YES | NO |
| Type of Restriction | Funds must be used in accordance with Restoration Plans developed by the State and USFWS | None | None | Lowry has 2 settlements - (1) revolving loan fund with 200K remaining and (2) groundwater nexus. | National Defense Authorization Act |
| Interest and explanations | Funds must be segregated. Interest is not earmarked for site. | Interest goes to CPW to include in Chilcott Diversion Project | None | None | \$7,500 being returned from City of Boulder. |

Natural Resource Damages Accounts

| NRD Matter | RMA Recovery Fund | RMA Foundation Fund | Shattuck | Standard Metals | Summitville | Suncor | Uravan |
|-------------------------------------|--|---|----------------|--|--|----------------|----------------|
| Total Settlement amount | \$17,400,000.00 | \$10,000,000.00 | \$1,250,000.00 | \$415,368.00 | \$5,000,000.00 | \$1,230,000.00 | \$1,000,000.00 |
| Total NRD dollars spent | \$10,090,159.40 | \$7,402,949.00 | \$1,272,904.00 | \$0.00 | \$4,536,158.50 | \$21,525.04 | \$1,023,554.09 |
| Account Balance as of 1/31/21 | \$8,687,924.09 | \$2,148,066.93 | \$22,927.40 | \$457,500.47 | \$822,603.58 | \$1,230,875.29 | \$341,791.46 |
| Most recent Trustee Resolution Date | 10/10/2019 | 10/10/2019 | 10/10/2019 | NONE | 12/18/2017 | 10/9/2018 | 4/2/2015 |
| Current Trustee awarded amount | \$5,707,087.93 | | \$80,000.00 | \$0.00 | \$1,171,620.00 | \$1,230,000.00 | \$270,000.00 |
| Pending Contracts | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00 | 0.00 | 0.00 |
| Current Contract Encumbrances | \$1,716,129.06 | \$1,250,000.00 | \$22,927.40 | \$0.00 | \$269,979.45 | \$1,208,474.96 | \$199,923.19 |
| Remaining available funds | \$6,971,795.03 | \$898,066.93 | \$0.00 | \$457,500.47 | \$552,624.13 | \$22,400.33 | \$141,868.27 |
| Settlement Restrictions | NO | NO | NO | NO | YES | NO | NO |
| Type of Restriction | Foundation Fund can only be used with NGC | Foundation Fund can only be used with NGC | None | Money received through settlement with insurance company - no NRD requirements | All money must be spent in the Alamosa River Watershed | None | None |
| Explanation | Recovery Fund- Trustees agreed to work with NGC for restoration projects | None | None | None | Interest must be used in the Alamosa River Watershed | None | None |

ITEM #3

Colorado Natural Resources Trustees

BY-LAWS OF THE COLORADO NATURAL RESOURCES TRUSTEES

By-Laws adopted _____

These By-Laws replace any existing by-laws adopted by the Trustees.

BY-LAWS OF THE COLORADO NATURAL RESOURCES TRUSTEES

PREAMBLE

For the purpose of providing for the orderly conduct and carrying on of the business, objects and affairs of the Colorado Natural Resources Trustees (“Trustees”), the Trustees hereby make, publish and declare these By-Laws.

ARTICLE I – THE COLORADO NATURAL RESOURCES TRUSTEES

Governor Roy Romer and Governor Bill Owens, in 1990 and 2006 respectively, designated the following individuals as Colorado’s Natural Resources Trustees:

- The Executive Director of the Colorado Department of Health¹
- The Executive Director of the Colorado Department of Natural Resources
- The Colorado Attorney General

These individuals, or their delegates, serve as Colorado’s Natural Resources Trustees.

The Natural Resources Trustees act on behalf of the public as Trustees for the natural resources within the State of Colorado or for resources belonging to, controlled by, or appertaining to the State of Colorado. This includes:

- Providing direction to Trustee staff related to the pursuit of Natural Resource Damages (“NRD”) claims;
- Providing direction to Trustee staff related to restoration of injured natural resources;
- Approving the initiation, litigation, and settlement of NRD claims; and
- Approving funding for restoration projects.

ARTICLE II – DEFINITIONS

When used herein, the following words, terms and phrases shall have the following meaning:

- A. The term “Trustees” shall mean the Colorado Natural Resources Trustees, as described in Article I of these By-Laws.

¹ In 1994, The Colorado Department of Health became the Colorado Department of Public Health and Environment

- B. The term “Open Meetings Law” shall mean section 24-6-401 *et seq.*, C.R.S., as it may be amended from time to time.
- C. The term “Open Records Act” shall mean section 24-72-201 *et seq.*, C.R.S., as it may be amended from time to time.
- D. Other terms shall have the same meanings as provided for in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (CERCLA) and the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq.* (OPA). 42 U.S.C. § 9607(f)(2)(B).

ARTICLE III – MEETINGS OF THE COLORADO NATURAL RESOURCES TRUSTEES

A. Frequency of Trustee meetings.

To the extent practicable, the Trustees shall meet quarterly. Additional meetings may be scheduled as required; meetings may also be canceled at the discretion of the Trustees.

B. Rules Governing Trustee Meetings.

1. Open Meetings.

The Trustees are a “state public body,” subject to the requirements of the Colorado Open Meetings Law.

2. Notice of Meetings.

The Trustees shall provide the public notice of upcoming Trustee meetings via the Natural Resources Trustees’ website.

3. Quorum.

Two Trustees or their delegates constitute a quorum.

4. Meeting Chair.

The Attorney General or his or her delegate shall chair Trustee meetings.

5. Trustee Decisions.

The Trustees shall make decisions by motion, second and vote. A majority is required to carry a motion.

6. Rules of Order.

Meetings shall be conducted generally in keeping with Robert's Rules of Order but shall be as informal as circumstances permit. If Board action is clear, such action is not invalid if the action failed to strictly adhere to processes spelled out in Robert's Rules of Order.

7. Trustee Resolutions.

The Trustees shall make decisions concerning expenditure of funds by formal Trustee Resolutions.

8. Executive Session.

The Trustees shall meet in executive session only pursuant to the Colorado Open Meetings Law.

C. Trustee Authority.

The Trustees shall operate within the limits of all applicable statutory directives, legislative intent, and any specific directions or laws related to their designation and their powers and duties.

D. Annual Training

The Trustees shall receive training the first quarter of each calendar year. This training shall cover:

1. The statutory and regulatory framework under which the Trustees operate, with specific focus on CERCLA and the OPA and any related guidance or directives which relate to their powers and duties as public representatives;
2. The Trustees' role in the oversight of projects or entities approved to receive public funding;
3. The goals of the Natural Resource Damages Program;
4. How to identify and manage conflicts of interest;
5. The requirements of the Colorado Open Records Act;
6. The roles and duties of Trustee staff and how those roles and duties relate to the Trustees' mission and goals;

7. The manner in which Trustee staff will ensure appropriate involvement of the Trustees in key communications and policy-making activities;
8. How Trustee staff will ensure the Trustees have sufficient data to make informed decisions;
9. The process for coordinating with other boards, commissions, industry, educational institutions, and state agencies where appropriate and where responsibilities and interests overlap; and
10. A review of these By-Laws and other management practices to ensure best practices are utilized.

ARTICLE IV – STAFF OF THE COLORADO NATURAL RESOURCES TRUSTEES

A. Trustee staff.

Staff of the Colorado Department of Law, Colorado Department of Natural Resources and Colorado Department of Public Health and Environment serve as staff to the Trustees.

B. Trustee Representatives.

Each Trustee agency shall assign a staff member to serve as Trustee Representative to act as the lead liaison between Trustee staff and the Trustees. The Trustee Representatives shall meet no less than monthly. Meetings with Trustee Representatives may include Trustee staff.

C. Legal Counsel.

The Deputy Attorney General of the Natural Resources and Environment Section of the Colorado Department of Law serves as legal counsel to the Trustees.

ARTICLE V: COLORADO OPEN RECORDS ACT

The Trustees are committed to transparency and open government. The Open Records Act applies to all public records kept by the Trustees. The Attorney General shall serve as the custodian of these records. Requests for records must be made in writing through the Colorado Department of Law. The Department of Law's office procedure for handling records requests will apply to all requests for Trustee records.

ARTICLE VI: CONFLICTS OF INTEREST

Trustees shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which they have a direct or substantial financial interest. *See* § 24-18-108.5(2), C.R.S. The Trustees may seek advice from legal counsel in order to ensure compliance with this Article.

ARTICLE VII: COMPLIANCE WITH SECTION 24-3.7-102, C.R.S.

HB 18-1198, codified in section 24-3.7-102, C.R.S., requires “each statutorily created board or commission in state government” to “implement written policies or bylaws and obtain annual training” concerning, generally, best practices for operating and complying with laws concerning public boards and commissions.

The Governor of each State has the authority to designate State officials who may act as trustees for natural resources under CERCLA and OPA. The Trustees were designated by letter and are not a “statutorily created board or commission in state government.” Therefore, they are not bound by HB 18-1198. However, because HB 18-1198 contains best practices for organizations like the Trustees sitting as a board, the Trustees are adopting these By-Laws.

ARTICLE VIII: EFFECTIVE DATE

- A. These By-Laws shall take effect immediately upon a vote of the Trustees.

- B. The By-Laws may be amended in whole or in part at a Trustee meeting by vote pursuant to Article III.B.5. Adopted amendments shall take effect immediately.

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It being the desire of the Trustees to meet their responsibilities to the people of Colorado, and, in the most efficient and conscientious way possible, to discharge their duties under the law, the Trustees do hereby adopt these by-laws.

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Philip J. Weiser  
Colorado Attorney General

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Date

ITEM #4

# *Paonia Foundry*

March 24, 2021

Mindi May  
DNR



LIVE LIFE  
OUTSIDE





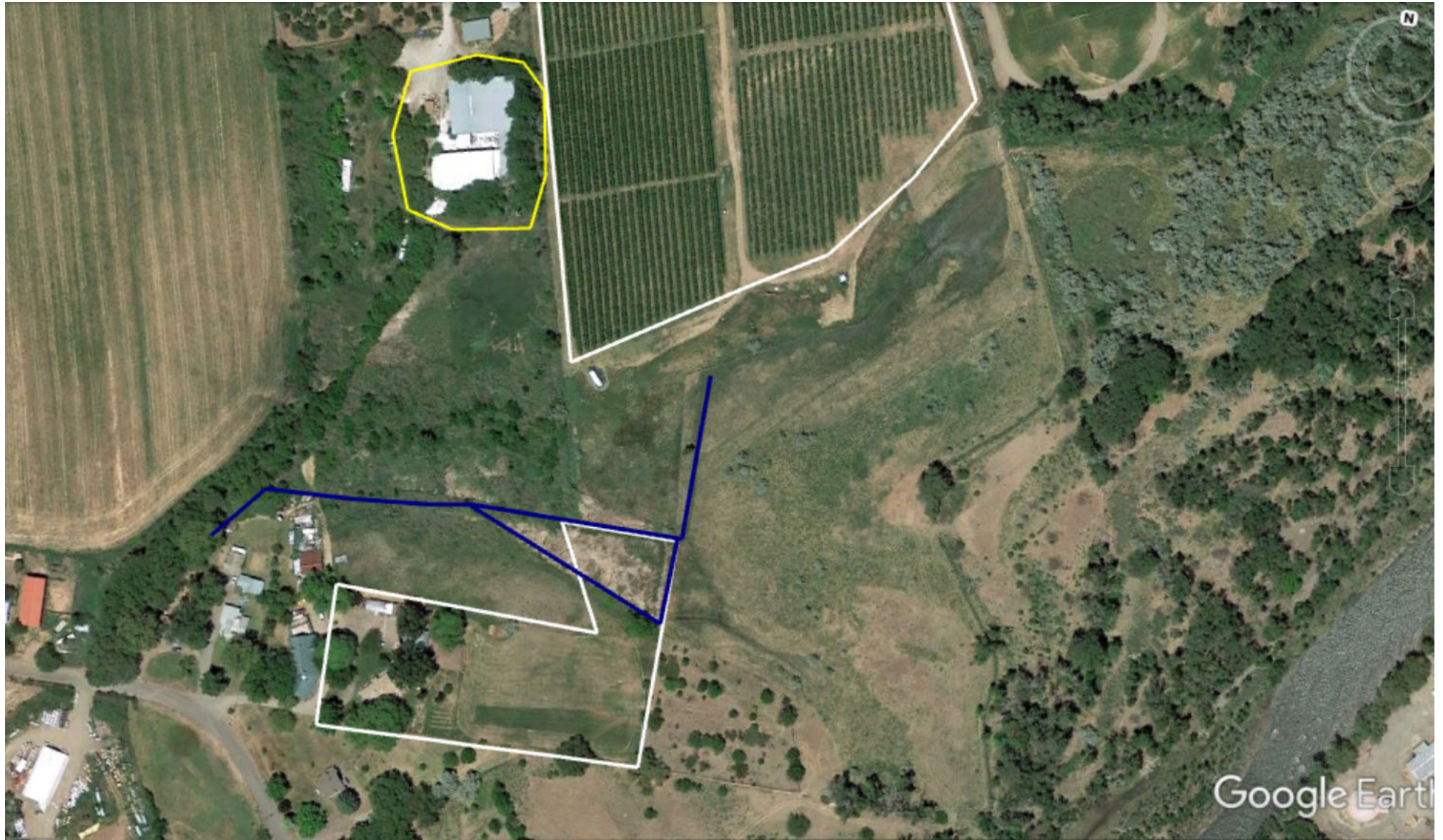
LIVE LIFE  
OUTSIDE





LIVE LIFE  
OUTSIDE





LIVE LIFE  
OUTSIDE



# Timeline

- Irrigation sprinklers suddenly clogged
- Animals began to show signs of illness (goats, donkey and ponies)
- Vet was concerned
  - all species were ill
  - illnesses were not common in the area
  - all animals were drinking city water. This suggested the illnesses were a result of food.
- Homeowner begins testing water, forage and soil
- Goat dies and necropsied



LIVE LIFE  
OUTSIDE

# Goat Necropsy

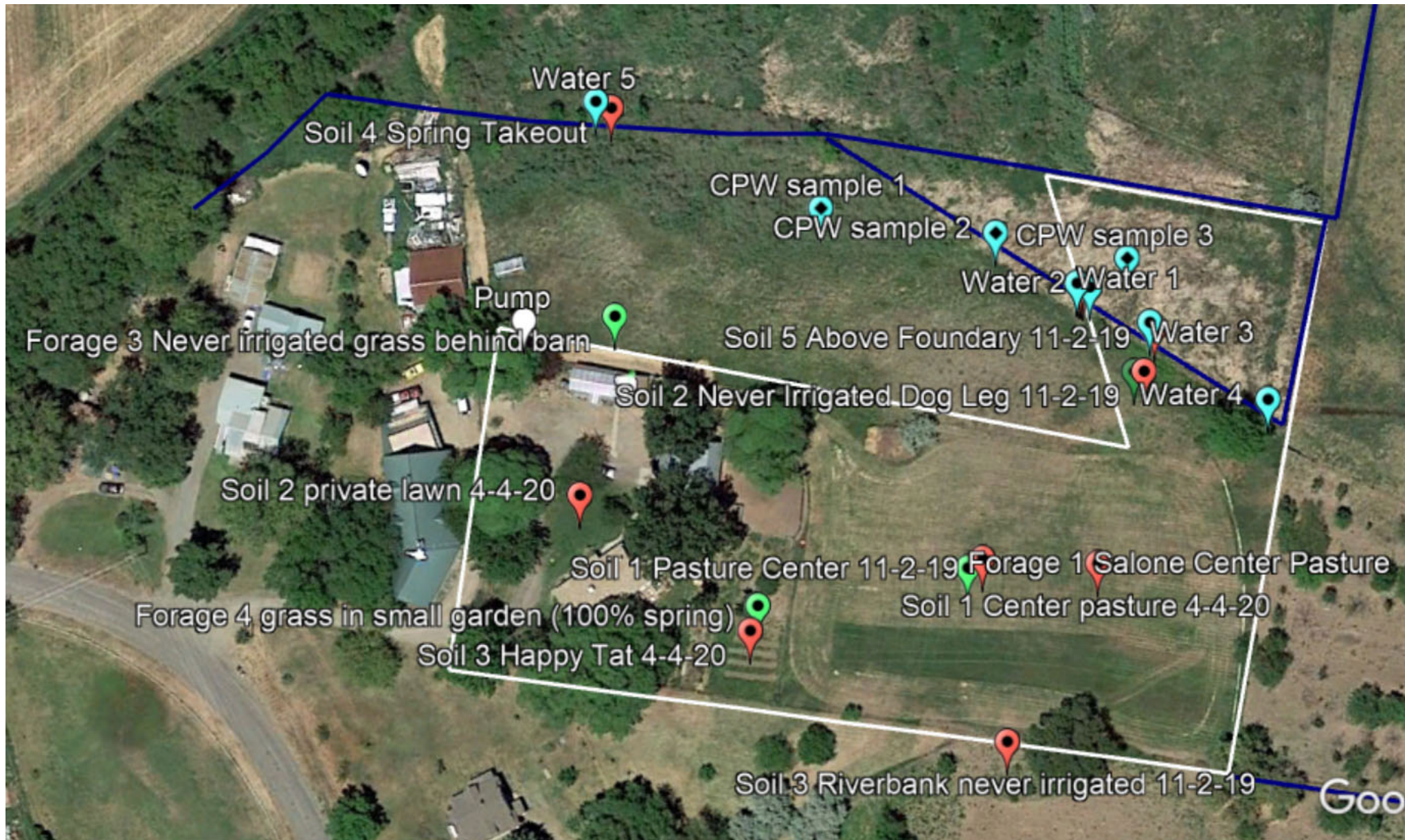
The animal was given nine separate diagnoses, one specifically noted as potentially attributable to chronic toxin exposure:

“The cause the myocardial necrosis and fibrosis is unknown. It may be secondary the abnormal hormones secretion from the ovarian mass or possibly chronic toxin exposure or vitamin E and selenium deficiency or toxicity [emphasis added]. Vitamin, mineral, and toxin evaluation would be necessary to attempt to determine an underlying cause.”



LIVE LIFE  
OUTSIDE





LIVE LIFE  
OUTSIDE

# Dry Weight Forage Analysis

CSU experts

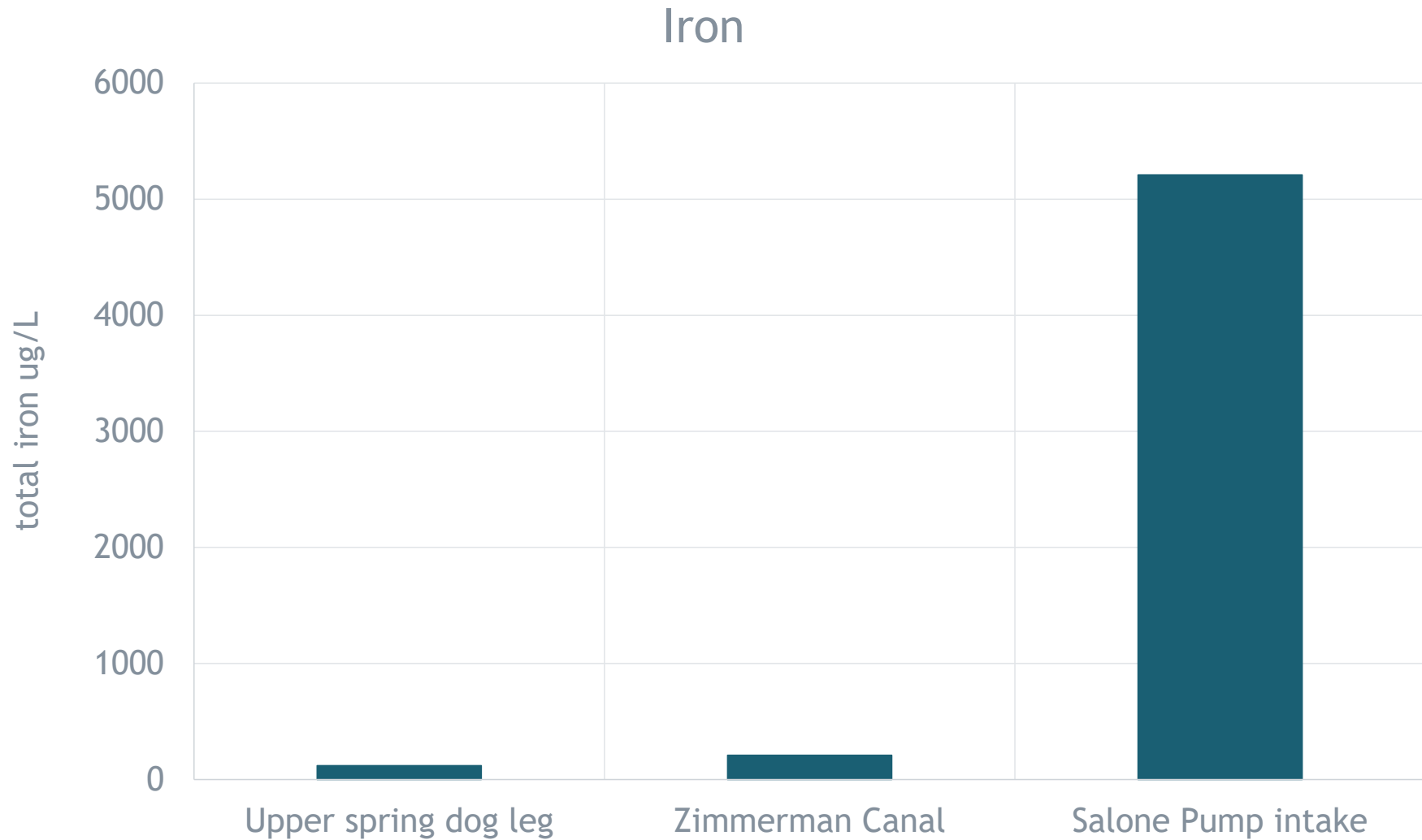
Iron, copper and zinc in crops irrigated with water from the wetland had highest concentrations CSU experts had ever seen.

| Total metals<br>(ppm) | Straw bales<br>veggie garden | Never irrigated<br>grass at dog leg |
|-----------------------|------------------------------|-------------------------------------|
|                       | 3/6/2020                     | 5/2/2020                            |
| iron, total           | 4470                         | 68.6                                |
| manganese, total      | 583                          | 37.3                                |
| copper, total         | 716                          | 5.5                                 |
| zinc, total           | 1800                         | 21.3                                |



LIVE LIFE  
OUTSIDE

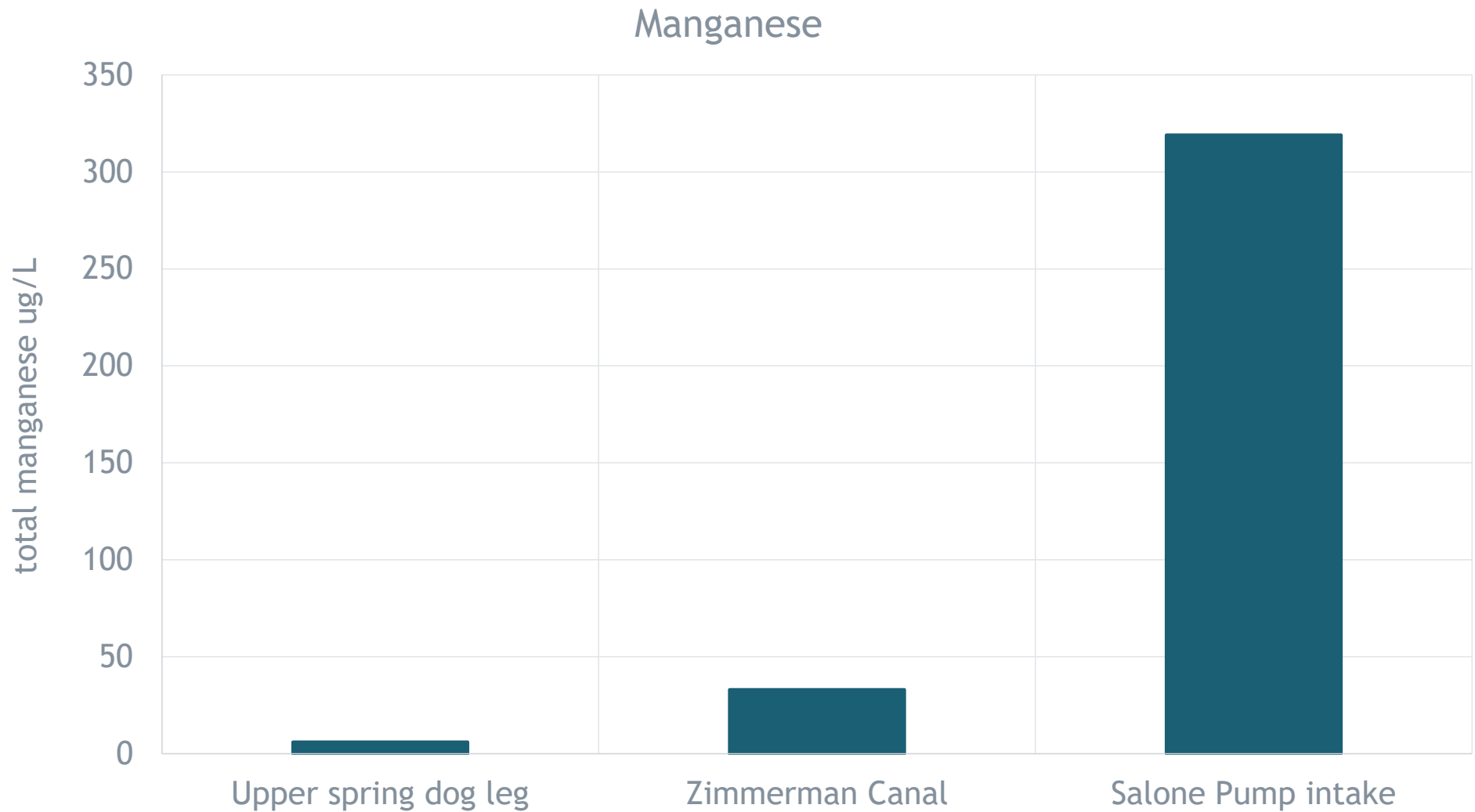
# Water Samples Oct 2020



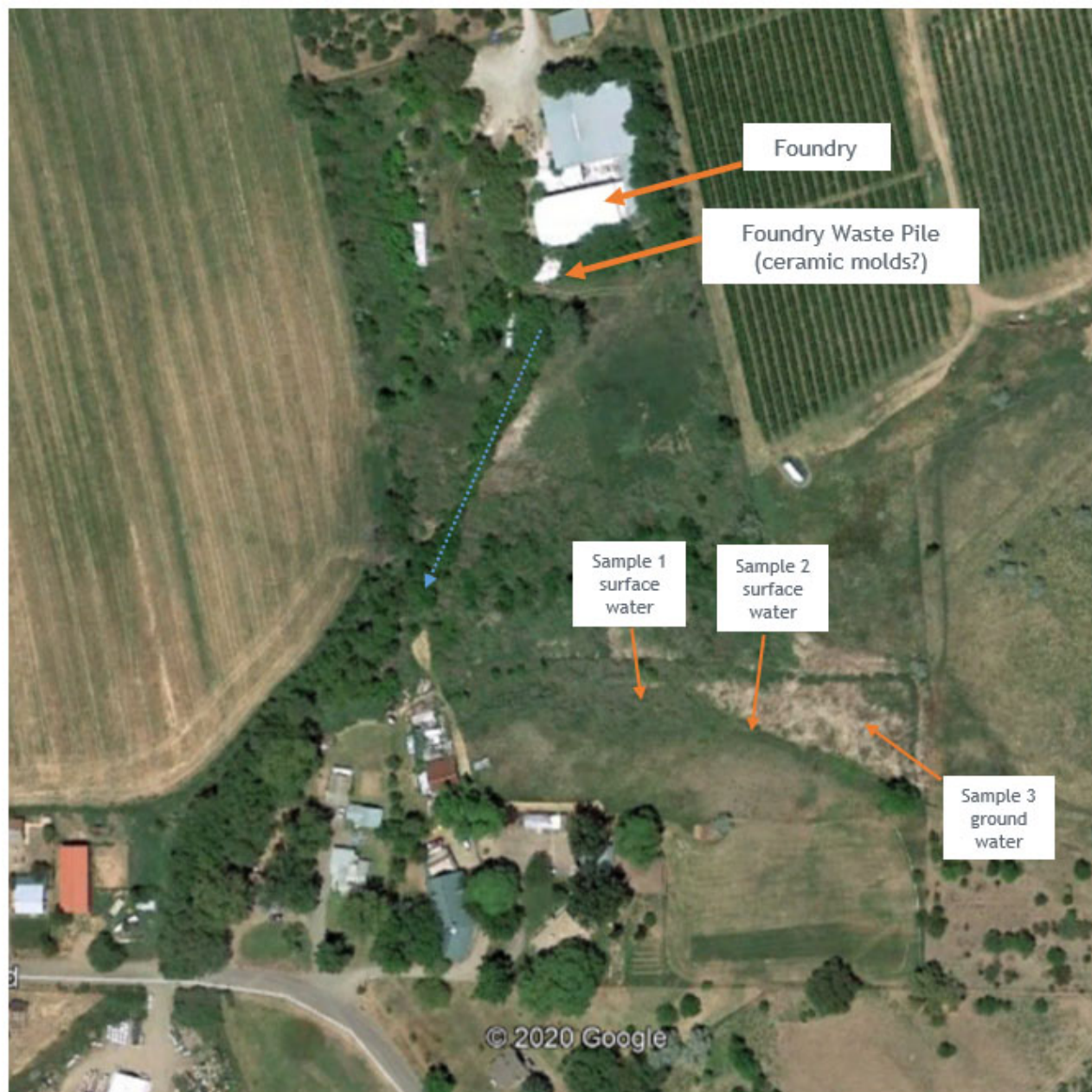
LIVE LIFE  
OUTSIDE



# Water Samples Oct 2020



LIVE LIFE  
OUTSIDE



LIVE LIFE  
OUTSIDE

## Summary of CPW Water Quality Data, ug/L.

| Parameter            | Site1 | Site 2 |
|----------------------|-------|--------|
| Aluminum, total      | 763   | 1940   |
| Copper, total        | 2     | 4      |
| Copper, dissolved    | 1.2   | 0.5    |
| Iron, total          | 13500 | 20300  |
| Manganese, dissolved | 490   | 1120   |
| Selenium, dissolved  | 11.8  | 2.0    |
| Zinc, total          | 15.8  | 34.7   |
| Zinc, dissolved      | 3.5   | 16.3   |



LIVE LIFE  
OUTSIDE

# *Conclusions*

Data shows elevated metals in the ditch adjacent to Foundry

Not enough evidence to prove foundry is the source

Need experienced staff to collect samples



LIVE LIFE  
OUTSIDE

ITEM #5

No Documents

ITEM #6

No Documents

ITEM #7



## COLORADO

**Hazardous Materials  
& Waste Management Division**

Department of Public Health & Environment

### Memorandum

To: Colorado Natural Resource Trustees  
From: Jennifer Talbert  
RE: Uravan NRD for March 24, 2021 Trustee Meeting  
Date: March 5, 2021

### BACKGROUND

The Uravan Uranium Mill Natural Resource Damage (NRD) settlement provided \$1,000,000 in Natural Resource Damages. The entire NRD settlement amount was expended on restoration projects to restore natural resources impacted by the operation of the Uravan Mill near Naturita, Colorado. The remaining balance from accrued interest has also been directed towards additional restoration by the Division of Reclamation and Mining Safety (DRMS) of abandoned mines within the San Miguel and Dolores Basins.

### UPDATE

During the September 2020 Trustee Meeting, the Trustees asked staff to investigate whether some of the remaining funds could be redirected to restoration projects that also support economic development in the Naturita and Nucla communities. In response, CDPHE received a proposal from the West End Economic Development Corporation to provide a variety of unique restoration opportunities in the community. Trustee staff presented the different restoration opportunities to the Trustees during the December 10, 2020 meeting, where it was determined the Trustees were comfortable moving forward with the proposal.

Specifically, the West End Economic Development Corporation is requesting \$216,037.00 from the Uravan NRD Settlement Fund. The proposal includes \$75,218.00 in matching funds to complete a variety of restoration projects that aid in the restoration of natural resources, support economic development, and improve recreational activities. The proposal identifies ten projects including the development of river access, replete with ADA compliant accessible fishing docks; invasive weed control and the planting of native species; the development of better restroom facilities; well development for potable water; and emergency services.





## RECOMMENDATION FOR ACTIONS

The Trustee staff has determined that these projects will enhance the natural resources and recreational resources impacted in the area around the Uravan Mill and support the economic development benefits requested by the Trustees during the September and December 2020 Trustee meetings. Accordingly, the Trustee staff recommend funding the ten projects identified in the attached proposal.

## ATTACHMENTS

1. West End Economic Development Corporation Proposal
2. Draft Resolution





**COLORADO NATURAL RESOURCES TRUSTEES  
RESOLUTION OF MARCH 24, 2021  
CONCERNING THE URAVAN MILL SUPERFUND SITE**

**WHEREAS**, the Colorado Natural Resources Trustees (“Trustees”) are responsible for the management and direction of Colorado’s natural resource damages program;

**WHEREAS**, the Trustees are responsible for administering State funds to restore, replace, or acquire the equivalent of injured natural resources;

**WHEREAS**, the Uravan Mill natural resource damages (“NRDs”) settlement established a fund of \$1,000,000.00 to restore natural resources impacted by the Uravan Mill Site near Naturita Colorado (“Uravan Mill NRD account”);

**WHEREAS**, the Trustees approved, in concept, the West End Economic Development Corporation proposal for ten small restoration and improvement projects during the December 10, 2020 meeting;

**WHEREAS**, the West End Economic Development Corporation proposal will act to aid in the restoration of natural resources, help support economic development, and improve recreational activities;

**WHEREAS**, the West End Economic Development Corporation restoration projects will cost approximately \$216,037.00 from the Uravan Mill NRD account plus an additional \$75,218.00 in matching funds; and

**WHEREAS**, the West End Economic Development Corporation requests the use of all the remaining Uravan Mill NRD account funds and interest accrued to implement their restoration projects.

**NOW THEREFORE**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release to the West End Economic Development Corporation all of the remaining available funds in the Uravan Mill NRD account plus any and all accrued interest to be applied towards the West End Economic Development Corporation restoration project in a manner approved by Trustee staff, subject to the following conditions:

1. This resolution will expire March 23, 2026, and the funds will no longer be available, unless a contract consistent with this resolution is executed by that date.
2. Release of the Funds is contingent on the West End Economic Development Corporation obtaining and contributing the matching funds identified in their

Colorado Natural Resources Trustees Resolution 2021-03-24-1

proposal. Additional funding may be obtained from other state and federal funding sources.

3. Release of the funds is contingent on compliance with all laws and regulations, including but not limited to: State and Federal laws, local ordinances, permitting and zoning requirements, and water rights requirements.

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Philip J. Weiser  
Colorado Attorney General

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Date

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Jill Hunsaker Ryan,  
Executive Director, CDPHE

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Date

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Dan Gibbs, Executive Director, DNR

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Date



# Historic Uravan Ball Park

## Restoration & Economic Development Project



West End Economic Development Corporation (WEEDC), Rimrocker Historical Society (RHS), Montrose West Recreation (MWR) and the West End Trails Alliance (WETA) would like to apply for funding from the Colorado Resources Damage Program (Uravan Mill Cleanup, Uravan, CO). We are respectfully requesting \$216,037.00 to complement the 35% match of \$75,218 (cash and in-kind) being put forth by the community.

All the groups mentioned above have been working diligently to improve the economy of the West End of Montrose County, and would like to focus our efforts on projects surrounding the historic Uravan Ball Park. The “Ball Park” is the former ball field for the Town of Uravan that was not contaminated by uranium activities. The area has seen a tremendous increase in the usage, creating not only an economic impact, but an impact on the natural resources and

water resources of the area. The primary goal is to protect these natural resources, while providing designated access to the San Miguel and Dolores Rivers.

The last two historical buildings in Uravan were promised and left for the Rimrocker Historical Society (RHS) to use for museums. They received a \$100,000 grant from History Colorado to preserve these buildings and were recognized with the Steven H. Hart Award for their efforts. The decision was made by Umetco/Dow to burn those buildings in 2007, and RHS was promised the Ball Park property. In 2012,



*Aerial view of Ball Park (area inside loop)*

Montrose County received the property from Umetco/Dow and signed a 50-year lease of the Ball Park over to RHS. The increase in usage of the Ball Park has created stress on the natural resources, and it is the goal of the stakeholders to address and mitigate risks and impact on the environment by providing designated areas for human use.

Volunteers have restored The Ball Park to its current use, a campground and day use area. The Ball Park has been seeing a tremendous increase in usage from campers coming to our area. Located adjacent to the San Miguel River, the Ball Park is a popular boat launch for rafters, kayakers and paddleboarders



*Volunteers setting up new sign*

floating the San Miguel through the historic Hanging Flume section, and taking out at either the Dolores/San Miguel confluence or on the Dolores River at Biscuit Rock. Recreation and tourism is one of the largest economic drivers for this region, and we would like to create some improvements that will continue this economic trend while protecting our natural resources and habitat, and financial assistance is needed to make them happen.

Projects at the Ball Park have long received significant volunteer support. Citizens who still live in the area with a history in Uravan, as well as former residents of Uravan, often volunteer their time to improve this area and keep the history alive. This very popular location sees extensive use during the

summer and fall and has hosted over 1,000 persons at annual Uravan Reunion events. The Rimrock Historical Society works hard to ensure the history of this legendary location is not lost forever.

During the recent COVID-19 shutdown throughout Colorado, the Ball Park saw a tremendous increase in visitation. With this visitation, while appreciated, several needs were identified. Further, a great deal of damage occurred in and around the Ball Park, and we believe several changes are needed to protect the health and safety of visitors to the area.



*Uravan Residents Picnic 2015*

Due to the remote location, cell phones generally do not work. In order to make the location safer for visitors, Nucla-Naturita Telephone Company has agreed to donate a landline and phone for emergency use at the park (in-kind value between \$7,500-\$10,000). This donation will aid in getting assistance to the park should there be an emergency in the area.



We are respectfully requesting funding for the following projects (estimated budget to follow:

**VAULT TOILETS AT THE BALL PARK & BISCUIT ROCK.** Presently, there are no restrooms located along Highway 141 on the Unaweep-Tabeguache Historic & Scenic Byway, between Gateway and Naturita, CO (approximately 56 miles), or along the Rimrock Trail between Montrose, CO and Moab, UT (160 miles). This is a long stretch for folks who are recreating, just enjoying a scenic drive, or who choose to camp at the Ball Park. Because there is no place to relieve themselves, visitors have “taken to the woods” to do their business, leaving a health hazard in their wake. Not only do they leave personal bodily waste, but they often leave their trash when they stop at the side of the road or use the river, causing further erosion of the riverbanks.



We propose that nice, well-maintained facilities would give visitors a location that they know is accessible and would encourage them to help keep our community clean and safe. (See attached design information). Rimrock Historical Society would maintain the facilities on a weekly basis, with a semi-annual pump-out of the vaults by a certified contractor.

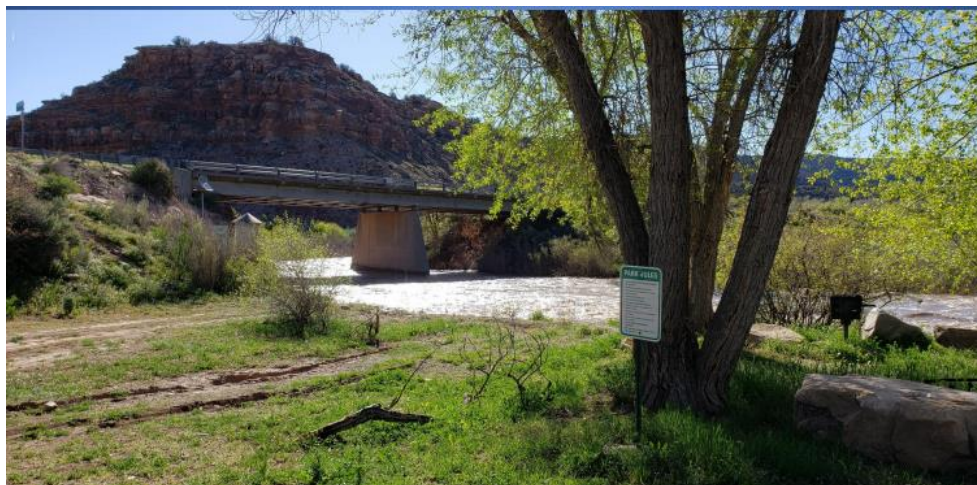
***Cost estimate: \$77,000 plus \$2,400 for 2 years of maintenance; In-kind contribution: \$18,643.***

**POTABLE WATER TO THE BALL PARK.** Due to its remote location, water must be hauled to the Ball Park from Naturita (approximately 14 miles) for the purpose of watering trees and native plants. The long drought of this area has put stress on both the trees and the volunteers and having access to well water at the site would help to maintain the beauty of the area.

In conjunction with the vault toilets, adding potable water to this location would help with natural resource improvements and reduce unnecessary usage of the river (further reducing the impacts on native species and water quality).

***Cost estimate: \$10,000; In-kind contribution: \$2,000.***

**SAN MIGUEL RIVER ACCESS POINT.** With outdoor recreation and tourism as an economic driver, WEEDC has been promoting safe locations for river users to access the San Miguel River. This river is a slow-moving river that appeals to families looking to enjoy safe river activity. Visitors presently attempt to use



*Current river access point with damage*

the Ball Park to access the San Miguel River. As there is not a calm eddy or official launch point adjacent to the campground, boaters have inadvertently damaged the riverbanks, native plants, and wildlife



in the area by dragging their boats and rafts down the riverbank. We would like to propose a legal, designated location wherein they can safely access the river and not cause further damage to the riverbanks. This location would be adjacent to the Ball Park and maintained by RHS and Montrose County.

**Cost estimate: \$35,000; In-kind contribution: \$7,000.**



*Confluence of San Miguel & Dolores Rivers*

**CONFLUENCE CLEAN-UP.** The San Miguel River and the Dolores River meet approximately 4 miles from the Ball Park, and this beautiful area has seen tremendous damage from the COVID-19 overuse. This region of the two rivers is located in and controlled by Montrose County. This area became a dumping ground for folks, leaving old chairs, couches, and a tremendous amount of trash that needs to be cleaned up. Additionally, Beetle-killed Tamarisk and poison ivy and excessive growth have made clean-up exceptionally difficult. We would

like to propose restoring and strengthening the riverbank area, planting native plant species to provide habitat for threatened fish species, and cleaning up all the trash and overgrowth to make this beautiful area safe to recreate. This project would be done complementary to the Dolores River Restoration Partnership which focuses on invasive species removal, but not on clean up and bank restoration ([drrpartnership.org](http://drrpartnership.org)). This request would be a one-time restoration to protect habitat and protect water quality.

A river access point at the confluence would continue the river access program developed by the Town of Naturita (in conjunction with Back Country Hunters & Anglers) at the Naturita Town Park as well as complement an access location at the Ball Park, extending the river experience an additional 14 miles from the Town Park to the confluence.

**Cost estimate: \$40,000; In-kind contribution: \$10,000.**

**INTERPRETIVE SIGNAGE AT THE BALL PARK.** As part of the continuing efforts to improve the tourist experience, we would like to improve the area to include historical interpretive information. The Rimrocker Historical Society has a significant amount of antique mining equipment that would make a wonderful interpretive site, enabling visitors to learn “how it was done in the old days,” more about the historic significance of the Uravan community and surrounding geography. This site would require cementing in the equipment (to prevent theft) as well as the creation of



*Hanging Flume above San Miguel River*

interpretive signage(s). The location of the equipment would be distanced from the parking area, encouraging the visitor to walk around the equipment and learn its history.

**Cost estimate: \$11,637; In-kind contribution: \$3,000.**

#### **HANDICAP-ACCESSIBLE FISHING**

**DOCK.** One of the more challenging components of developing recreation activities in our “wild” region has been making the river accessible to handicapped individuals. We would like to propose the development of a handicap-accessible fishing dock at the Ball Park, providing access to the San Miguel River. This would be a “catch and release” location and would provide expanded recreation opportunities in our region.



*Example of fishing dock*

This dock would be located in Montrose County along the San Miguel River and would be maintained by RHS under their 50-year lease agreement.

**Cost estimate: \$35,000; In-kind contribution: \$26,075.**

**BETTER TRAIL ACCESS TO EXISTING TRAILS.** Although there are many existing trails in our region, we often find visitors creating “pirate” trails so they can access our most popular trails. We would like to propose improved trail access along the San Miguel River, and better access through “Mill Drive,” an existing road through the old Uravan town site, which would allow safer access to the popular Y-11 Trail.

Mill Drive is an existing road presently fenced off to prevent access, but users have found a way around the gate and have begun creating unapproved trails.

By creating a designated access, the goal is to protect wild habitats, reduce erosion due to rogue trails, and providing a safe route to designated trails.



**Cost estimate: \$5,000; In-kind contribution: \$1,000.**

Thank you for your consideration of this grant request.

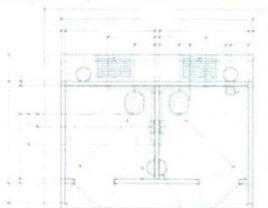
| HISTORIC URAVAN BALL PARK RESTORATION BUDGET                                  |                                                                                            |              |                          |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------|--------------------------|
| ACTIVITY                                                                      | DESCRIPTION                                                                                | BUDGET       | MATCH                    |
| Vault Toilet at Ball Park                                                     | Men/Women, 2-hole vault toilet                                                             | \$47,000.00  | \$11,643.00 <sup>1</sup> |
| Vault Toilet at Biscuit Rock                                                  | Single seat vault toilet                                                                   | \$30,000.00  | \$6,000.00 <sup>2</sup>  |
| San Miguel River Access Points<br>(Ball Park & Dolores/San Miguel confluence) | River access for boats, floatation                                                         | \$35,000.00  | \$7,000.00 <sup>3</sup>  |
| Confluence Clean Up                                                           | Cleanup and restoration of riverbanks; plant fish habitat/native species                   | \$40,000.00  | \$10,000.00 <sup>4</sup> |
| Interpretive Signage                                                          | Location for outdoor mining equipment & educational signage. Levelling, concrete & signage | \$11,637.00  | \$3,000.00 <sup>5</sup>  |
| Handicap Accessible Fishing Dock                                              | Concrete platform above SM River w/railings                                                | \$35,000.00  | \$26,075.00 <sup>6</sup> |
| Better Trail Access via Mill Drive                                            | Fencing along either side of road; provide better access to Y-11 Trail to Paradox          | \$5,000.00   | \$1,000.00 <sup>7</sup>  |
| Potable Water to Ball Park                                                    | Well development, pump                                                                     | \$10,000.00  | \$2,000.00 <sup>8</sup>  |
| Maintenance for toilets/2 years                                               | \$600 pump out 2x per year                                                                 | \$2,400.00   | \$1,000.00 <sup>8</sup>  |
| Emergency Telephone Service to the Ball Park                                  | Emergency phones located at entrance and at Camp Host location                             | \$0          | \$7,500.00 <sup>9</sup>  |
| PROJECT TOTAL                                                                 |                                                                                            | \$216,037.00 | \$75,218.00              |

### **In-Kind Match Breakdown (35% match)**

1. Thompson Builders/Rimrocker Historical Society Donors & Volunteers
2. Thompson Builders/Rimrocker Historical Society Donors & Volunteers
3. Montrose County/Rimrocker Historical Society Donors & Volunteers
4. Montrose County/Rimrocker Historical Society Donors & Volunteers
5. Southwest Construction/ Rimrocker Historical Society Donors & Volunteers
6. Montrose County/Rimrocker Historical Society Donors & Volunteers
7. West End Trails Alliance/Rimrocker Historical Society Donors & Volunteers
8. Rimrocker Historical Society Donors & Volunteers
9. Nucla-Naturita Telephone Company donation of materials and labor to install emergency phones. Value between \$7,500-\$10,000.



# TIOGA SPECIAL

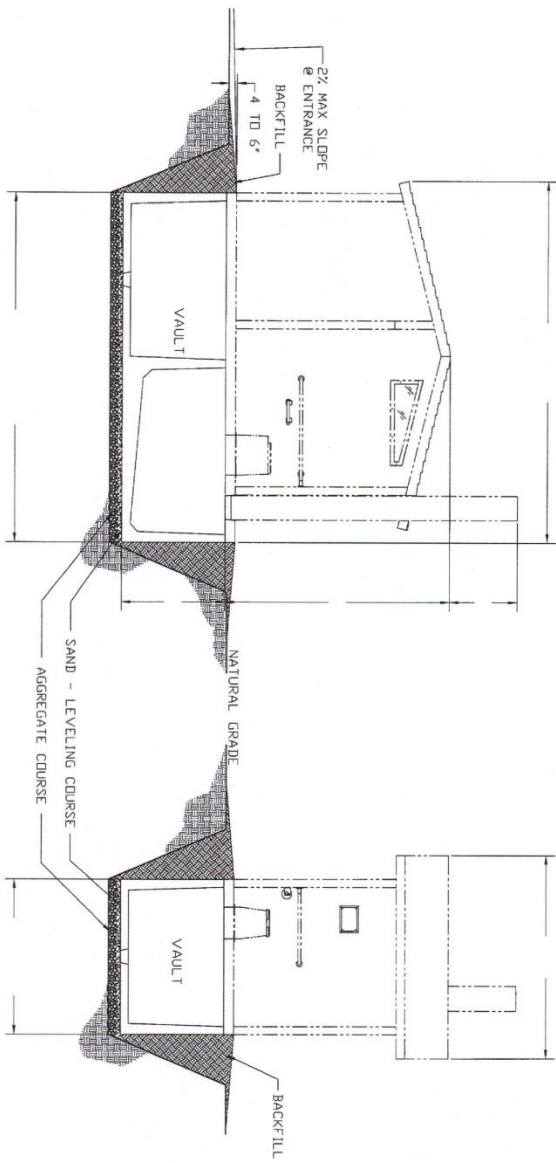


Tioga Special double vault. Standard features include two ABS lined concrete vaults, barnwood textured walls, cedar shake textured roof, off loaded and set up at site.

| Base Price                                                                                                          |        | Price per unit                                               | Click to select                     |              |
|---------------------------------------------------------------------------------------------------------------------|--------|--------------------------------------------------------------|-------------------------------------|--------------|
| <b>Tioga Special</b>                                                                                                |        | \$ 26,290.00                                                 |                                     | 26,290.00    |
| <b>Added Cost Options:</b>                                                                                          |        |                                                              |                                     |              |
| Installation                                                                                                        |        | \$ 3,280.00                                                  | <input checked="" type="checkbox"/> | 3,280.00     |
| Chase Option                                                                                                        |        | \$ 2,000.00                                                  | <input type="checkbox"/>            | 0.00         |
| Optional Wall Texture - choose one <input type="checkbox"/> Split Face Block <input type="checkbox"/> Struck Trowel |        | \$ 2,255.00                                                  |                                     | 0.00         |
| Optional Roof Texture - choose one <input type="checkbox"/> Delta Rib                                               |        | \$ 925.00                                                    |                                     | 0.00         |
| R-19 Roof Insulation                                                                                                |        | \$ 865.00                                                    | <input type="checkbox"/>            | 0.00         |
| Room Wastebasket                                                                                                    |        | \$ 120.00                                                    | <input type="checkbox"/>            | 0.00         |
| Owl Guard (each)                                                                                                    | Qty: 2 | \$ 34.50                                                     | <input type="checkbox"/>            | 0.00         |
| Hand Sanitizer                                                                                                      |        | \$ 70.00                                                     | <input type="checkbox"/>            | 0.00         |
| Marine Package for Extra Corrosion Resistance                                                                       |        | \$ 4,200.00                                                  | <input type="checkbox"/>            | 0.00         |
| Solar Light Kit                                                                                                     |        | \$ 1,340.00                                                  | <input type="checkbox"/>            | 0.00         |
| Solar Fan Kit                                                                                                       |        | \$ 1,290.00                                                  | <input type="checkbox"/>            | 0.00         |
| Conduit Junction Box (chase only)                                                                                   |        | \$ 200.00                                                    | <input type="checkbox"/>            | 0.00         |
| Electric Light Package (chase only)                                                                                 |        | \$ 5,650.00                                                  | <input type="checkbox"/>            | 0.00         |
| Paint Touch-up Kit - Single Color                                                                                   |        | \$ 55.00                                                     | <input type="checkbox"/>            | 0.00         |
| Paint Touch-up Kit - Two Tone Color                                                                                 |        | \$ 61.00                                                     | <input type="checkbox"/>            | 0.00         |
| Total Cost of Selected Accessories from Accessories Price List:                                                     |        |                                                              |                                     | \$ 3,280.00  |
| Estimated One-way Transportation Costs to Site (quote):                                                             |        |                                                              |                                     | \$ 15,000.00 |
| Custom Options: Stamped plans and CO inspections                                                                    |        |                                                              |                                     | \$ 2,000.00  |
| <b>Estimated monthly payment on 5 year lease \$ 936.06</b>                                                          |        | Total Cost per Unit Placed at Job Site: (excludes all taxes) |                                     | \$ 46,570.00 |

|                                                                                                                                                                                                                                                                           |                                                            |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>No Cost Options:</b>                                                                                                                                                                                                                                                   |                                                            |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                      |
| Single Color:<br>(select one)                                                                                                                                                                                                                                             | Two-Tone Color:<br>Walls (select one)<br>Roof (select one) | *Signage:<br><input type="checkbox"/> Men <input type="checkbox"/> Women<br><input type="checkbox"/> Unisex <input type="checkbox"/> Accessible                                                                                                                                                                                   | Wall Vent Location:<br>(upon entering door)<br><input type="checkbox"/> Right Side <input type="checkbox"/> Rear<br><input type="checkbox"/> Left Side <input type="checkbox"/> Door |
| *Building includes restroom signs in Braille and roman lettering.                                                                                                                                                                                                         |                                                            |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                      |
| Deadbolt Lock:<br><input type="checkbox"/> CXT Supplied (Schlage)<br><input type="checkbox"/> Customer Supplied Lock                                                                                                                                                      | Door Opener:<br>(select one)                               | Paper Holders:<br>(select one)                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                      |
| This price quote is good for 60 days from date below, and is accurate and complete.<br><div style="border: 1px solid black; height: 100px; width: 100%;"></div> <div style="text-align: right;">CXT Sales Representative</div> <div style="text-align: right;">Date</div> |                                                            | I accept this quote. Please process this order.<br><div style="text-align: right;">NJPA Member Number</div> <div style="text-align: right;">Company Name</div> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <div style="text-align: right;">Customer</div> <div style="text-align: right;">Date</div> |                                                                                                                                                                                      |





SIDE ELEVATION

END ELEVATION



**Precast Products Division**  
VAULT DETAIL  
CXT STANDARD BUILDING

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CXT Incorporated

| REV. | DESCRIPTION           | DATE    | BY |
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VAULT INSTALLATION

DWG. NO. SHEET 1 REV.

ITEM #8

**PHIL WEISER**  
Attorney General

**NATALIE HANLON LEH**  
Chief Deputy Attorney General

**ERIC R. OLSON**  
Solicitor General

**ERIC T. MEYER**  
Chief Operating Officer



**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

Office of the Attorney General

March 9, 2021

**M E M O R A N D U M**

**TO:** Colorado Natural Resources Trustees

**FROM:** David Kreutzer, 1<sup>st</sup> AAG

**RE:** California Gulch / Andrick Property Acquisition Resolution.

**BACKGROUND**

California Gulch was one of the original 1983 NRDs cases. The Trustees approved money to acquire several properties along the Upper Arkansas River in April 2020. Trustee staff moved forward on the basis that Colorado Parks & Wildlife would manage access with the parcels as a State Wildlife Area. Recently, Central Colorado Conservancy, the parcel buyer, expressed concerns with CPW's 2020 policy requiring a hunting or fishing license to access State Wildlife Areas.

**UPDATE**

CCC has discussed the access issue with Lake County. Lake County is willing to hold the access easement. The attached resolution replaces last April's resolution to allow Lake County to hold the access easement. Staff propose no other changes from previous decisions on the merits. CCC will discuss their revised project at our meeting.

**RECOMMENDATION FOR ACTIONS**

Sign the attached resolution to allow Lake County to hold the access easement.





**COLORADO NATURAL RESOURCES TRUSTEES  
MARCH 24, 2021 RESOLUTION  
CONCERNING CCC ANDRICK PROPERTY ACQUISITIONS**

**WHEREAS**, the Colorado Natural Resources Trustees (“Trustees”) are responsible for the management and direction of Colorado’s natural resource damages program;

**WHEREAS**, the Trustees are responsible for administering State funds to restore, replace, or acquire the equivalent of injured natural resources;

**WHEREAS**, the Central Colorado Conservancy has requested \$760,050 from the State’s California Gulch NRD fund to help acquire ten properties and establish conservation easements and public access easements for fishing, hunting, and wildlife watching on eleven parcels comprising 160 acres along the Arkansas River in Lake County; and

**WHEREAS**, the State and Federal NRD Trustee Council has determined: (1) that acquisition and protection of the 160 acres, including public access, is consistent with the Restoration Plan and Environmental Assessment for the Upper Arkansas River Watershed; (2) that the project has a strong nexus to the injury because it provides the opportunity to protect parcels that provide resource benefits for the same type of resources as those that were injured; and (3) that existing planning processes have identified land acquisition as a high priority in the Arkansas River Valley and in the watershed.

NOW THEREFORE, the Trustees resolve as follows:

The Trustees do hereby approve allocation of \$760,050 from the California Gulch NRD fund to fund the “Central Colorado Conservancy Proposal to the Natural Resource Trustees for the California Gulch Superfund Site for the Arkansas River Community Preserve Acquisitions in Lake County, Colorado.” This resolution replaces the April 9, 2020 resolution regarding the same subject and reflects a revised March of 2021 proposal.

This approval is subject to the following conditions:

(1) This resolution will expire March 23, 2026, and the funds will no longer be available, unless a contract consistent with this resolution is executed by that date.

(2) Release of the funds is contingent on compliance with all laws and regulations, including but not limited to: State and Federal laws, local ordinances, and permitting and zoning requirements.

(3) Release of the funds is contingent on the public's physical and legal access to the parcels.

(4) Release of the funds prior to closing on the fee of any of the ten (10) properties and prior to conveyance of the conservation easement and the public access easement is contingent on the following for each parcel:

- a. Review and approval by Trustees' staff of the purchase and sale agreements and the due diligence materials including but not limited to: a Phase 1 Environmental Assessment, an appraisal, a Baseline or Present Conditions Report, title work, and a Minerals Remoteness report in the event minerals have been severed.
- b. If necessary, a survey to resolve any discrepancies or concerns pertaining to the legal description of the property or issues raised in the title commitment.
- c. Review and Approval by Trustees' staff of the proposed conservation easement and proposed public access easement.

(5) Release of the Funds is further conditioned upon:

- a. Restatement and amendment of the conservation easement presently encumbering the "Arkansas Preserve" parcel to include the additional ten (10) parcels or an alternative mechanism to provide for a unified easement encumbering all eleven (11) parcels.
- b. Subsequent to the acquisition of any of the parcels, the parcels shall be placed under the conservation easement and the public access easement without waiting for further parcel acquisitions. The failure to acquire any single parcel shall not result in the inability to continue the project for acquiring and placing an easement on all other parcels and the budget as revised reflects three phases which allocate funding for parcels accordingly.

(6) Except as funds are required for closing the acquisition of a parcel(s), release of the funds is on a reimbursable basis or as conditioned in the funding agreement between the Central Colorado Conservancy and the Colorado Department of Health and Environment.

Colorado Natural Resources Trustees Resolution 2021-03-24-2

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Philip J. Weiser  
Colorado Attorney General

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Date

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Jill Hunsaker Ryan,  
Executive Director, CDPHE

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Date

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Dan Gibbs, Executive Director, DNR

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Date

DRAFT



## Central Colorado Conservancy Proposal to the Natural Resource Trustees for the California Gulch Superfund Site for the Arkansas River Community Preserve Acquisitions in Lake County, Colorado

| Proposal Dashboard |             |
|--------------------|-------------|
| Proposal Request   | \$760,050   |
| Matching Funds     | \$891,450   |
| Total Project Cost | \$1,651,500 |
|                    |             |
| Acres Protected    | 160 acres   |
| Public Access      | Yes         |
| Duration           | 3 years     |



### Executive Summary

The Central Colorado Conservancy (Conservancy) is **requesting funding from the Natural Resource Trustees for the California Gulch Superfund Site (Trustees) in the amount of \$760,050 over three (3) years to protect eleven (11) parcels containing 160 acres along the Arkansas River in Southern Lake County, Colorado (see Map 1).** The funding will be used to establish a conservation easement and public access easement on all 11 parcels, allowing for public fishing, hunting and wildlife watching. The easement will be managed by a 3<sup>rd</sup> party, Colorado Open Lands (COL), and the public access easement will be held by Lake County Government Colorado Parks and Wildlife (CPW). This project already has several years of work and support behind it, and has been tentatively named the Arkansas River Community Preserve (Preserve).

The first major leg of the Preserve project will be complete with funding from the Trustees, and will be completed in two phases:

1. Phase I: Purchase of eight parcels (one landowner); donate conservation easement on eight parcels plus additional Conservancy property (Arkansas River Preserve) to Colorado Open Lands (COL).
2. Phase IIA: Purchase parcel 11 and donate conservation easement to COL.
3. Phase IIB: Purchase parcel 10 and donate conservation easement to COL; establish a public access easement with Lake County on all 11 parcels.

The funding of acquisitions, conservation easement and public access easement appraisals, and transaction and stewardship costs will allow the Conservancy to move forward purchasing Phase I parcels and result in this section of the Arkansas River being open to public fishing, hunting access and wildlife watching. Also, a critical natural resource will have permanent protection.

This project is a partnership among the Conservancy, Lake County Open Space Initiative (LCOSI), Lake County Commissioners and citizens, Great Outdoors Colorado (GOCO), Colorado Parks & Wildlife (CPW), COL, Gates Family Foundation (Gates), Trout Unlimited (TU), Climax Mine, Upper Arkansas River Restoration Partnership, and the Stage and Rail Trail Partner Board. LCOSI represents a diverse array of

partners (e.g. Federal and State agencies, local governments, nonprofits, Colorado Mountain College, Aurora and Pueblo Water, individual landowners, and local businesses) that work collaboratively to set priorities for open space, natural resource and outdoor recreation for the County, as well as identifying strategies for addressing these priorities. These parcels are all high priority ranked lands by LCOSI, the Conservancy, and the Trustees. The Preserve also comprises the last substantial remaining stretch of undeveloped private parcels on the Arkansas River in Lake County within the Cooperative Management Agreement boundary of the Arkansas Headwaters Recreation Area (AHRA).

In this project, LCOSI, Colorado Parks and Wildlife, AHRA, Lake County, Colorado Open Lands and the Central Colorado Conservancy are bringing a cooperative management approach that combines resources and skills of public agencies and non-governmental land trusts. This is a model project for other land trusts and agencies throughout Colorado. Together these entities have set forward a unique vision to see the river corridor protected for the people of Colorado. Ultimately, the Preserve will help protect land, wildlife habitat and public enjoyment through the following:

*Wildlife Habitat Protection.* The parcels considered for the Preserve lie along a section of the Arkansas that is prime fishing and is part of the 102-mile stretch of Gold Medal Trout Waters (see Map 2). The parcels are important year-round or winter habitat for elk, deer, bighorn sheep, and moose. The riparian/wetland habitat provide critical migratory and breeding habitat for a variety of birds, including: Osprey, Bald Eagle, songbirds and several species of waterfowl. Neotropical migrants, such as the Yellow Warbler and Olive-sided Flycatcher depend upon the riparian vegetation. The upland slopes are habitat for the “Granite” herd of bighorn sheep.

*Regional Plans.* Protecting the parcels with a conservation easement and public access easement will support local and regional conservation plans related to Lake County, Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Five of the parcels border BLM lands and two border USFS. Two of the parcels border the already protected Arkansas River Preserve managed by the Conservancy.

*Public Access and Recreation.* Passing through the parcels is Lake CR 55 (historic Leadville Stage Road). This road is proposed as the Stage and Rail Trail, one of the Governor’s top 16 trail projects. The trail will help disperse fishing use along this section of river. State Route 24, running along the west side of the Arkansas is where the Top of the Rockies National Scenic Byway and the Collegiate Peaks Scenic and Historic Byway come together. The conservation easement will help ensure the scenic value of the byways are maintained.

*Project Goal:* Forever protect and enhance a priority stretch of land along the Upper Arkansas River by conserving natural resources and providing community enjoyment in Southern Lake County, Colorado.

*Objective 1:* Protect 160 acres (the Preserve) in perpetuity through conservation easement

*Objective 2:* Develop a Land Management Plan for the Preserve

*Objective 3:* Establish a public access easement agreement with Lake County Government

This proposal briefly discusses the background and need for this project, describes the diverse set of ecological and social values, provides an overview of current legal parcel information and status of

acquisition, highlights key activities and associated timelines, and details a 3-year project budget with secured matching funds and in-kind support from partners and collaborators.

## **Background and Population Pressure**

Lake County is growing. The State Demographer has indicated the Upper Arkansas Valley will see 31% growth by 2030. Second home development, outdoor enthusiasts and retirees are increasing the pressure on our natural lands. Real estate along the Arkansas River is a highly desired location and is becoming more difficult to find. This will continue to increase development pressure along this stretch of river. With the bighorn sheep use, steep slopes, sensitive riparian habitat, these parcels are better suited to resource protection and defined public use.

In addition, outdoor recreation in this region is growing between 5 to 13% a year. As river uses increases, having additional locations to spread out use will become more important. This will help maintain the quality of the fishing experience on the Upper Arkansas.

## **Parcel and Project Values**

### *Ecological and Strategic Connectivity*

The Arkansas River is the main connector for this project. The river creates a ribbon of riparian/wetland habitat, helping to nourish life in this otherwise dry environment. The river also provides a ready movement corridor for large game and other wildlife species such as: black bear, bobcat, mink, river otter and others. The Central Colorado Conservancy and our partners are focusing on the Arkansas River and these lower elevation lands in Lake County because of their importance for winter habitat, breeding habitat for birds, aquatic life and for the human use. Just upstream the river was protected by the Lake County Open Space Initiative, Lake County, and Colorado Parks and Wildlife. This area is managed as Hayden Meadows. Upstream of this area, the Conservancy has a conservation easement (with a public access easement held by Colorado Parks and Wildlife – Reddy Fishing Easement), the same situation is repeated further upstream on the Headwaters Ranch, off of State Route 91, along the Arkansas River.

These eleven parcels are not all connected. All of the parcels are in a two-mile stretch of the Arkansas River. Many of the parcels directly adjoin public land (BLM or USFS). The Conservancy already owns an additional parcel and has an agreement with a landowner to purchase a parcel after the completion of this project. The plan is to have this entire section of river open to public fishing and access, while protecting the important natural resources.

### *Wildlife Habitat*

Lake County is fortunate to have large, healthy populations of many species of Colorado wildlife. Significant reasons for these populations are: the availability of suitable habitat, functioning movement corridors, and intact riparian systems. This section of southern Lake County has meaningful numbers of elk, moose and mule deer. The riparian area of the Arkansas attracts many other species, such as

American badger, marten, black bear, lynx, bobcat, red fox, coyote, mountain lion, ground squirrels, jackrabbits, skunks, raptors, songbirds, waterfowl, and trout.

Managing these parcels as a natural preserve will help achieve the goals of the Colorado State Wildlife Action Plan and for organizations/agencies priority species plans such as the Intermountain West Joint Venture, Partners in Flight, and Audubon's Watchlist.

### *Big Game Use*

Elk use the Preserve for severe winter range and the parcels serve as part of a migration corridor. Bighorn Sheep use the Preserve year round, and for severe winter range. Mule Deer also use year round use, and for severe winter range. Moose use the Preserve for winter range, and transitional habitat. Pronghorn will use the Preserve as a migration corridor

### *Wetlands and Riparian Areas*

The Arkansas River flows through 10 of the 11 parcels. Along the river is a rich mosaic of willow and other shrubs providing important habitat for many species of wildlife. Several slow-moving side channels provide nursery areas for fish and additional habitat for waterfowl and other wildlife. Two-bit Gulch is located on the northernmost parcel (Part of SE ¼ of SE ¼ of 11-11-80) flows into the Arkansas River creating additional wetland habitat. This small stream provides water for an area of wet meadow. Dabbling ducks, such as Cinnamon Teal, utilize the quiet backwaters for feeding and loafing. Possible boreal toad breeding could take place on some of these smaller channels and impounded water. Bald Eagles use the river in winter and also in summer (nearby is a nesting pair). Northern leopard frogs prefer the grassy, wet meadow areas associated with the river and smaller order streams.

The Preserve's riparian areas provide some of the best habitat for the greatest diversity of wildlife in the State. The riparian area is key for both aquatic and terrestrial wildlife. The plant community and resources found along the river provide food, shelter and movement corridors for wildlife. This area of Lake County is below 10,000 feet and provides both summer and winter habitat.

### *Species of concern (CPW State Wildlife Action Plan - SWAT)*

Priority waterfowl species using the parcels include: Mallard, Gadwall and Cinnamon Teal. Use is seasonal focused on spring and summer. These species of duck prefer the back channels with calmer water. Priority nongame species include: Bald Eagle, Red-naped Sapsucker, River Otter (possible), Boreal Toad (possible, historic habitat) and Northern Leopard Frog. There are many SWAT Tier 1 and 2 species that may benefit from protection of the Preserve (see Table 1).

Table 1. List of SWAT Tier 1 & 2 species benefitting from the Preserve project.

| <b>Species of Greatest Conservation Concern Need</b> | <b>CPW SWAT Tier Level</b> | <b>Benefit from Preserve</b>             |
|------------------------------------------------------|----------------------------|------------------------------------------|
| Boreal Toad                                          | 1                          | Possible breeding area, historic habitat |



|                           |   |                                                                                     |
|---------------------------|---|-------------------------------------------------------------------------------------|
| Northern Leopard Frog     | 1 | Possible breeding area, historic habitat                                            |
| Brown-capped Rosy Finch   | 1 | Important winter habitat, large flocks observed                                     |
| Golden Eagle              | 1 | Nesting area                                                                        |
| Greenback Cutthroat Trout | 1 | Some of the small streams included in the parcels are possible reintroduction areas |
| Lynx                      | 1 | Habitat and corridor                                                                |
| Wolverine                 | 1 | Possible habitat and corridor if reintroduced into CO                               |
| Little Brown Myotis       | 1 | Occurs to 11,000 feet                                                               |
| Townsend's Big-eared Bat  | 1 | Possible habitat                                                                    |
| American Peregrine Falcon | 2 | Habitat – breeding and migration                                                    |
| Bald Eagle                | 2 | Habitat – breeding and winter                                                       |
| Barrow's Goldeneye        | 2 | River is migratory and winter habitat                                               |
| Black Rosy Finch          | 2 | Winter habitat                                                                      |
| Boreal Owl                | 2 | Possible winter habitat                                                             |
| Brewer's Sparrow          | 2 | Breeding and migratory habitat                                                      |
| Cassin's Finch            | 2 | Year-round habitat                                                                  |
| Flammulated Owl           | 2 | Possible summer hunting habitat                                                     |
| Northern Goshawk          | 2 | Habitat for hunting – summer and winter                                             |
| Olive-sided Flycatcher    | 2 | Migratory habitat                                                                   |
| Pinyon Jay                | 2 | Habitat                                                                             |
| Prairie Falcon            | 2 | Breeding habitat                                                                    |
| Rufous Hummingbird        | 2 | Migratory habitat                                                                   |
| Swainson's Hawk           | 2 | Summer habitat                                                                      |
| American Marten           | 2 | Migration corridor                                                                  |
| Bighorn Sheep             | 2 | Important year-round habitat                                                        |
| River Otter               | 2 | River is habitat                                                                    |
| White-tailed Jackrabbit   | 2 | Possible habitat                                                                    |

### *Conservation and Management Plans Supported*

These parcels were identified as top conservation priorities by a 2010 report on “Arkansas River Land Acquisition Priority Evaluation” completed by Stratus Consulting for the State of Colorado and the U.S. Department of the Interior.

All of the parcels were ranked by the Lake County Open Space Initiative as having the highest priority for open space protection. This is a consensus driven process established by its members.

The conservation easement and public access easement of these parcels is supported by the Lake County Comprehensive Plan in the two of the vision statements and in the following statements in the action plan – “Promotion of conservation easements as a private-public method of preserving open space and assuring public access to public domain lands” and “Promotion of land conservation easements, land exchange and/or subdivision clustering incentives for the protection of wildlife and its critical habitat and for public access to that habitat”.

The parcels are identified in the management plans for both the Top of the Rockies National Scenic Byway and the Collegiate Peaks Scenic and Historic Byway as important scenic resources, calling for the protection of the viewshed to help maintain the purpose and designations of the Byways.

The parcels are within the Cooperative Management Agreement area of Arkansas Headwaters Recreation Area.

This section of the Arkansas River is part of the Colorado Parks and Wildlife designated 102-mile stretch of the Gold Medal Trout Waters.

The Conservancy has identified this stretch of the Arkansas River and the associated parcels as its highest priority project in Lake County.

### *Public and Community Benefits*

The public benefits from this project in having public access to the land and river in perpetuity. This would be for fishing, hunting access, wildlife watching, hiking, nature study and environmental education. In addition, keeping the viewsheds from the Byways helps protect our scenic resources. The public also benefits by reducing development in areas better suited for resource protection and by maintaining high quality wildlife habitat.

The Arkansas River is the heart of local biological and human communities in the upper watershed. The Arkansas River, sixth longest river in the U.S., starts in Lake County and provides irrigation water, municipal water, recreational opportunities, wildlife habitat, and economic commerce for four states before reaching the Mississippi River. This headwater river is part of the very fabric of Colorado and a cornerstone to our ecological integrity.

The state-designated waters which flow along or over these lands are part of Colorado's longest, 102-mile Gold Medal trout fishing waters, a hard-won distinction which certifies highest-order ecosystem health. Riparian resources including streamside willows and other shrub species provide shoreline stability while offering shade to feeding and breeding habitat for vibrant, fishable, populations of trout, and are an integral habitat component which assures ecosystem health celebrated by Gold Medal status. Seasonal river overflows and high water tables support healthy wetlands that contribute to attractiveness of the river and shore, creating habitat for bighorn sheep, mule deer, elk, moose, black bear, mountain lion, lynx, bobcat, foxes and less-apparent mammals and rodents and other species for wildlife viewing.

Other recreational values are varied and currently or potentially highly attractive: although downstream reaches of the Upper Arkansas are more heavily used by commercial and private rafters and kayakers, Class 1 and 2 rapids and quiet stretches associated with these parcels provide intermediate or in-training boaters with a skills-appropriate experience. Gold Medal status means this stretch, combined with others, offers what many consider the finest trout fishing in the state, and contributes to its huge popularity.

On the land, and passing through six of the parcels, is an historic stage coach road used in the mid-1800's as a route between Salida and Leadville. Later the Midland Railroad occupied some of the same route. A proposed regional trail, Stage and Rail Trail (S&RT) is currently being planned for the area. This

proposed 64-mile long hiking, bicycling, equestrian and some driving trail from Salida to Leadville has a completed feasibility study. In this section, the proposed alignment will be a non-motorized natural surfaced trail. Already on the prestigious statewide list of Colorado's 16 highest priority trails, the "S&RT" has been formally recognized in Lake and Chaffee Counties and the towns of Salida, Buena Vista and Leadville, and is currently finalizing its draft Master Plan.

These eight parcels, plus another 13 (only six along the River) that are also undeveloped which may ultimately be pursued for acquisition, provide a 2.2-mile-long undisturbed natural scenic backdrop for users passing by in all possible modes of transportation: river rafters and kayakers, float and wader fishermen, and hikers, cyclists, and horseback riders on the S&RT if developed. Annually tens of thousands of visitors along US 24, the Top of the Rockies National Scenic Byway along the west bank are presented with this long stretch of natural riverine landscape.

## **Parcel Descriptions and Current Stewardship Activities**

### *Phase I Parcels*

Below lists the full accurate and legal parcel descriptions of the Phase I acquisitions (see also Map 2). Expected sale price is \$890,000 for all 8 parcels. NRDA Trustees request is \$415,050, of which \$338,050 is for land acquisition. Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$77,000. The total project acquisition cost is \$415,050.

#### **1. Parcel – Part of SE ¼ of SE ¼ of 11-11-80**

That portion of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 11, Township 11 South, Range 80 West of the 6th Principal Meridian, lying East of the Arkansas River, County of Lake and State of Colorado.

#### **2. Parcel – Tract 2, Parcel 7**

A parcel of land located in Section 13, Township 11 South, Range 80 West of the 6th P.M., being part of the Edward E. Hill Land Partition as described below:

A tract of land within the Dipper Placer (M.S. 2255), being that portion of the North Half of the Northwest Quarter of the Northwest Quarter (N ½ NW ¼ NW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Northwest corner of said Section 13; thence South 89°34'50" West along the North line of said Section 14 in said township and range 57.33 feet to the Easterly right of way boundary of the D&RGW Railroad; thence South 31°41' East along said right of way 250.00 feet to the Point of Beginning; thence continuing South 31° 41' East along said railroad right of way 526.28 feet; thence South 89° 50' 48" East along the South line of the said N ½ NW ¼ NW ¼ a distance of 936.28 feet; thence North 00° 27' 47" West along the East line of the said N ½ NW ¼ NW ¼ a distance of 657.22 feet to the North line of said Section 13; thence North 89° 43' 13" West along said North line 654.18 feet; thence South 70° 06' 20" West 617.03 feet to the point of beginning.

#### **3. Parcel – Tract 3, Parcel 7**

Tract 3, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Dipper Placer (M.S. 2255), being that portion of the South Half of the Northwest Quarter of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Northwest corner of said Section 13, thence South 89° 34' 50" West along the North line of Section 14 in said township and range 57.33 feet to the easterly right of way boundary of the D&RGW

4. Parcel – Tract 4 Parcel 7

Tract 4, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

That portion of the Dipper Placer (M.S. 2255) being the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado.

5. Parcel – Tract 6 Parcel 7

Tract 6, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Starlight Placer (M.S. 2257) being that portion of the Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) and the Northeast Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, described as follows:

Commencing at the Center  $\frac{1}{4}$  corner of said Section 13; thence South 89° 46' 14" West along the South line of the said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  a distance of 649.18 feet to the point of beginning; thence North 00° 21' 19" West 655.75 feet; thence South 89° 53' 54" West 650.44 feet; thence South 00° 27' 47" East 264.39 feet to the Northeasterly right of way boundary of the D&RGW Railroad; thence South 31° 41' East along said right of way 263.33 feet to the point of tangency of a curve to the right, said curve having a radius of 1245.0 feet; thence along the arc of said curve continuing along said railroad right of way 231.06 feet to a point that is South 84° 21' 52" West of the point of beginning; thence North 84° 21' 52" East 413.59 feet to the point of beginning.

6. Parcel – Tract 10 Parcel 7

Tract 10, Parcel 7 of the Edward E. Hill Partition located in Sections 12, 13 and 14, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for record June 24, 1982 in Book 459 at Page 895, Reception No. 280799, more particularly described as follows:

A tract of land located within the Starlight Placer (M.S. 2257) being that portion of the West Half of the Northeast Quarter of the Southwest Quarter (W ½ NE ¼ SW ¼) of Section 13, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado described as follows:

Commencing at the Center ¼ corner of said Section 13; thence South 89° 46' 14" West 649.10 feet to the point of beginning; thence South 00° 00' 43" West along the East line of the said W ½ NE ¼ SW ¼ a distance of 1315.53 feet; thence South 89° 44' 35" West along the South line of the said W ½ NE ¼ SW ¼ a distance of 155.08 feet to the Easterly right of way boundary of the D&RGW Railroad; thence North 10° 25' West along said right of way 1071.19 feet to the point of curvature of a curve to the left, said curve having a radius of 1245.0 feet; thence along the arc of said curve continuing along the said railroad right of way a distance 231.06 feet to a point that is South 84° 21' 52" West of the point of beginning, thence North 84° 21' 52" East 413.59 feet to the point of beginning.

7. Parcel – Tract 6A Parcel 8

Parcel 8, Tract 6-A of the Edward E. Hill Land Partition. The portion of the Starlight Placer (M.S. 2257) located in the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of Section 24, Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado, being more particularly described as follows:

Commencing at the North ¼ corner (brass cap) of said Section 24; thence South 00° 29' 39" East 623.47 feet; thence North 88° 50' 08" East 656.31 feet; thence South 00° 03' 51" East 613.48 feet; thence North 87° 57' 04" East 651.89 feet to the east line of the said SW ¼ NE ¼; thence South 00° 22' 49" West along said east line 603.52 feet to the Point of Beginning; thence continuing South 00° 22' 49" West along said east line 603.52 feet to the south line of said SW ¼ NE ¼; thence South 86° 08' 48" West along said south line 778.86 feet to the easterly right of way boundary of the D&RGW Railroad; thence North 23° 15' 37" West along said right of way 655.63 feet; thence North 87° 03' 18" East 1041.40 feet to the point of beginning.

8. Parcel – Tract 4 Parcel 9

A portion of Tract 4, Parcel 9 of the Edward E. Hill Land Partition located in Sections 24 and 25, Township 11 South, Range 80 West of the 6th Principal Meridian as shown on the plat filed for recorded June 24, 1982 in Book 459 at Page 897, Reception No. 280801, more particularly described as follows:

A parcel of land located within the Grubstake Placer (M.S. 2245) in the Northeast Quarter (NE ¼) of Section 25 and the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 24 both in Township 11 South, Range 80 West of the 6th Principal Meridian, Lake County, Colorado being more particularly described as follows:

Beginning at the Northeast corner (brass cap) of said Section 25, thence South 00° 32' 34" East along the East line of said Section 25 a distance of 1462.12 feet to the Northerly right of way boundary of the D&RGW Railroad; thence North 43° 32' 46" West along said Northerly right of way 525.51 feet; thence North 43° 28' 56" West continuing along said Northerly right of way 505.72 feet; thence leaving said Northerly right of way North 43° 46' 52" East 228.15 feet; thence North 00° 50' 50" East 178.50 feet; thence North 20° 35' 22" East 365.97 feet; thence North 27° 30' 30" East 261.70 feet; thence North 66° 27' 15" East 216.45 feet; thence North 52° 42' 20" East 100.38 feet to the East line of said Section 24; thence South 01° 13' 03" East along said East line 350.00 feet to the point of beginning.

## 9. Parcel – Conservancy Arkansas River Preserve

Twelve (12) acres currently owned by Conservancy to be donated and connected to the Phase I parcels listed above (nos. 1-8).

### *Phase II Parcels*

1. The first parcel is referenced as AHRA parcel 6 in the Stratus Consulting report.

This is a 40-acre parcel and the landowner has indicated a willingness to sell as a potential bargain sale. The estimated market value of the parcel in 2019 is \$200,000. Expected sale price is \$200,000. Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$22,500. The total project acquisition cost is \$222,500.

2. The second parcel is not covered by the Stratus Consulting report but is identified as a LCOSI priority parcel (parcel ID 21 on LCOSI Land Acquisition Feasibility Analysis Map 6).

The Stratus Consulting report stopped just upstream of this location. The landowner has verbally agreed to a bargain sale of the parcel with the Conservancy. Total parcel size is 18.05-acres with an approximate market value of \$120,000. The expected sale price is \$100,000 (though still negotiable). Transaction costs, including appraisal, phase I environmental review, attorney costs, title policy, closing costs, etc. are \$22,500. The total project acquisition cost is \$122,500.

### *Current Management (Phase I & II)*

No grazing or farming is currently taking place on the Preserve. The parcels are managed as natural area. The Conservancy will develop a management and stewardship plan, approved by the Conservancy Board's Land Committee, for each parcel it owns. The management and stewardship plan spells out current conditions, surrounding uses, wildlife and plant species found on the parcel, allowed uses, and management considerations. Parcels are monitored annually. The Conservancy plans to develop a stewardship plan identifying land and resource enhancement projects that could be implemented on the Preserve.

### *Past Wildlife enhancement and restoration projects*

The following parcels: Part of SE ¼ of SE ¼ of 11-11-80; Tract 2 Parcel 7; and Tract 3 Parcel 7 had river restoration work completed in the summer of 2017. This work carried out by the Upper Arkansas River Restoration Project focused on improving fish habitat and reducing any erosion issues. On these northern parcels, 14 major river restoration structures were designed and constructed in the river. These structures are made from natural rock and log and increase the fish habitat for brown and rainbow trout. The work was paid for by remaining funds in the upstream superfund site work. The Conservancy planted willows (250) in the spring of 2018 along these parcels and will complete this work in the spring of 2019 with the addition of 150 native alders.

The Conservancy has an active ecological restoration program. We have carried out stream/river restoration on various waterways in Central Colorado. The plan is to carry out river restoration work for fisheries improvement on Tract 6 Parcel 7, Tract 10 Parcel 7, and Tract 6A Parcel 8. The Conservancy also has been monitoring these parcels for wildlife use and movement through a volunteer program using remote cameras. To date we have captured extensive use of the parcels by bighorn sheep, mule deer and elk. Other species captured on the cameras include: coyotes and bobcats. This program is still new and we hope to continue to document other species of wildlife.

Additional river restoration is planned. All eleven parcels are anticipated to be opened for fishing, hunting access and wildlife watching.

#### *Mineral Remoteness Assessment*

While no Mineral Remoteness Assessment was conducted for these parcels, the legal office representing both the Conservancy and COL in this deal has reviewed the title work for Phase I parcels and has determined that the mineral rights remain with the parcels, and that no mineral remoteness letter would be needed. A separate review will be conducted for Phase II parcels in 2020.

#### *Past Appraisals*

*Phase I:* The appraised full and fair market value of the parcels as of December 17, 2016 (by Joseph Davis, Certified Residential Appraiser, Colorado Springs, CO) for all 8 Phase I parcels was \$955,000.

*Phase II:* Appraisal not done for additional two parcels. Anticipated Year 2 of funding cycle.



### Proposed Activities and Timeline

Table 2. Matrix of activities for Preserve acquisitions, easements and stewardship.

| Activity                                                                                                          | Year 1 |    |    |    | Year 2 |    |    |    | Year 3 |    |    |    |
|-------------------------------------------------------------------------------------------------------------------|--------|----|----|----|--------|----|----|----|--------|----|----|----|
|                                                                                                                   | Q1     | Q2 | Q3 | Q4 | Q1     | Q2 | Q3 | Q4 | Q1     | Q2 | Q3 | Q4 |
| Conservancy purchases Phase I parcels (8) w/appraisals, baselines and environmental reviews complete              | X      | X  | X  |    |        |    |    |    |        |    |    |    |
| Donate conservation easement for Phase I parcels and Arkansas River Preserve to Colorado Open Lands               | X      | X  | X  |    |        |    |    |    |        |    |    |    |
| Develop and write management and stewardship plan for Phase I parcels and identify potential stewardship projects |        |    | X  | X  | X      | X  |    |    |        |    |    |    |
| Conservancy purchases Phase II parcels (2) w/appraisals, baselines and environmental reviews complete             |        |    |    |    |        | X  | X  | X  |        |    |    |    |
| Donate conservation easement for Phase II parcels to Colorado Open Lands                                          |        |    |    |    |        |    | X  | X  |        |    |    |    |
| Finalize management plan and stewardship projects for Phase I & Phase II parcels                                  |        |    |    |    |        |    |    | X  | X      | X  |    |    |
| Easement monitoring                                                                                               |        |    |    |    |        | X  | X  |    |        | X  | X  |    |
| Implement at least one (1) stewardship project on Preserve                                                        |        |    |    |    |        |    |    |    |        | X  | X  | X  |
| Finalize public access easement for CPW                                                                           |        |    |    |    |        |    |    | X  | X      | X  | X  | X  |

### *Description of activities*

1. Conservancy purchases Phase I parcels (8) w/appraisals, baselines and environmental reviews complete.  
The landowner (John Andrick) for the 8 Phase I parcels is ready to sign a contract for bargain sale (contract drafted by Conservancy), and asking for final funding for acquisition and transaction costs from the Trustees. Appraiser has been hired (Bill Boortz) and appraisals will be complete by February 2020.
2. Donate conservation easement for Phase I parcels and Ark Preserve to COL.  
COL has agreed to easily amend the current easement language to include the Ark Reserve Preserve in with the other Phase I acquisitions.
3. Develop and write Land Management Plan for Phase I parcels and identify potential stewardship projects  
It is standard procedure to develop a Land Management Plan for easements. This will be done in collaboration with COL (who will manage the easement) and Lake County Government (managing public access). There is an opportunity to leverage other activities and funding sources across the Conservancy to support conservation stewardship practices on the Preserve. The Land Management Plan will identify the specific public uses allowed, and will provide partners with a clear roadmap for managing access and impacts using an adaptive management framework for determining future management actions.
4. Conservancy purchases Phase II parcels (2) w/appraisals, baselines and environmental reviews complete.  
As listed above, discussions are ongoing with both landowners for Phase II parcels, and as they are smaller purchases, an anticipated closing date in 2022 is reasonable.
5. Donate conservation easement for Phase II parcels to COL.  
COL has agreed to easily amend the current easement language to include Phase II parcels in with the other Phase I acquisitions.
6. Finalize Land Management Plan projects for Phase I & Phase II parcels.  
Ongoing integration of Phase II stewardship opportunities for the Preserve plan
7. Easement monitoring  
Ongoing and annually after acquisition and easement placement (COL leads)
8. Implement at least one (1) stewardship project on Preserve  
Management and stewardship plan will identify one stewardship project with appropriate funding from proposed support for Stewardship and Management Fund that can be used to leverage across federal and state programs.
9. Finalize public access easement for CPW  
Appraiser (Bill Boortz) has been contracted and will perform the public access easement appraisal for all Preserve parcels (Phase I & II) and will be given to CPW.

**Proposed Budget***Budget Detail*

Please see attached spreadsheet for full budget and matching funds supporting this project.

**Contact (any time with any question):**

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# CENTRAL COLORADO CONSERVANCY

Protecting the Lands and Waters that Sustain Us

## Project Budget - Arkansas River Community Preserve Acquisitions, Southern Lake County

3/9/2021

| Request to Trustees                     |                  |                  |                          |                          |                            |                                    |                  |                                      |                    |                 |                      |                       |                    |
|-----------------------------------------|------------------|------------------|--------------------------|--------------------------|----------------------------|------------------------------------|------------------|--------------------------------------|--------------------|-----------------|----------------------|-----------------------|--------------------|
| Matching Funds                          |                  |                  |                          |                          |                            |                                    |                  |                                      |                    |                 |                      |                       |                    |
| Total Project Cost                      |                  |                  |                          |                          |                            |                                    |                  |                                      |                    |                 |                      |                       |                    |
| ITEM                                    | Total            | Phase I          | Phase IIA<br>(parcel 11) | Phase IIB<br>(parcel 10) | Gates Family<br>Foundation | Central<br>Colorado<br>Conservancy | GOCO             | Freeport<br>McMoRan (Climax<br>Mine) | Trout<br>Unlimited | Lake<br>County  | Landowner<br>Phase I | Landowner<br>Phase II | Totals             |
| Land Acquisition                        | \$638,050        | \$338,050        | \$100,000                | \$200,000                | \$39,000                   | \$15,650                           | \$470,000        |                                      | \$12,300           | \$15,000        |                      |                       | \$1,190,000        |
| Appraisals                              | \$34,000         | \$20,000         | \$7,000                  | \$7,000                  |                            |                                    | \$1,000          |                                      |                    |                 | \$3,000              |                       | \$38,000           |
| Baseline Documentation                  | \$3,500          | \$1,500          | \$1,000                  | \$1,000                  |                            |                                    | \$4,500          |                                      |                    |                 |                      |                       | \$8,000            |
| Closing Costs                           | \$3,000          | \$1,000          | \$1,000                  | \$1,000                  | \$1,500                    |                                    |                  |                                      |                    |                 |                      |                       | \$4,500            |
| Environmental Assessment                | \$4,000          | \$2,000          | \$1,000                  | \$1,000                  |                            |                                    | \$5,000          |                                      |                    |                 |                      |                       | \$9,000            |
| CCC transaction costs and<br>legal fees | \$35,000         | \$25,000         | \$5,000                  | \$5,000                  | \$2,500                    |                                    |                  | \$32,500                             |                    |                 |                      |                       | \$70,000           |
| Mapping/Survey                          | \$2,000          | \$0              | \$1,000                  | \$1,000                  |                            |                                    |                  | \$2,500                              |                    | \$2,500         |                      |                       | \$7,000            |
| Stewardship Fund                        | \$33,000         | \$25,000         | \$4,000                  | \$4,000                  | \$12,000                   |                                    | \$10,000         |                                      |                    | \$12,500        |                      |                       | \$67,500           |
| Storytelling &<br>Communication         | \$0              | \$0              | \$0                      | \$0                      |                            |                                    | \$10,000         |                                      |                    |                 |                      |                       | \$10,000           |
| COL transaction costs and<br>legal fees | \$7,500          | \$2,500          | \$2,500                  | \$2,500                  | \$20,000                   |                                    |                  |                                      |                    |                 |                      |                       | \$27,500           |
| <b>Subtotals</b>                        | <b>\$760,050</b> | <b>\$415,050</b> | <b>\$122,500</b>         | <b>\$222,500</b>         | <b>\$75,000</b>            | <b>\$15,650</b>                    | <b>\$500,500</b> | <b>\$35,000</b>                      | <b>\$12,300</b>    | <b>\$30,000</b> | <b>\$3,000</b>       | <b>\$0</b>            | <b>\$1,431,500</b> |
| <b>In-kind items</b>                    |                  |                  |                          |                          |                            |                                    |                  |                                      |                    |                 |                      |                       | \$0                |
| Bargain Sale (donation)                 | \$0              | \$0              | \$0                      | \$0                      |                            |                                    |                  |                                      |                    |                 | \$60,000             | \$100,000             | \$160,000          |
| Donated staff time                      | \$0              | \$0              | \$0                      | \$0                      |                            | \$60,000                           |                  |                                      |                    |                 |                      |                       | \$60,000           |
| <b>In-kind Subtotals</b>                | <b>\$0</b>       | <b>\$0</b>       | <b>\$0</b>               | <b>\$0</b>               | <b>\$0</b>                 | <b>\$60,000</b>                    | <b>\$0</b>       | <b>\$0</b>                           | <b>\$0</b>         | <b>\$0</b>      | <b>\$60,000</b>      | <b>\$100,000</b>      | <b>\$220,000</b>   |
| <b>Totals</b>                           | <b>\$760,050</b> | <b>\$415,050</b> | <b>\$122,500</b>         | <b>\$222,500</b>         | <b>\$75,000</b>            | <b>\$75,650</b>                    | <b>\$500,500</b> | <b>\$35,000</b>                      | <b>\$12,300</b>    | <b>\$30,000</b> | <b>\$63,000</b>      | <b>\$100,000</b>      | <b>\$1,651,500</b> |

|                        |             |
|------------------------|-------------|
| Total Proposal Request | \$760,050   |
| Total Matching Funds   | \$891,450   |
| Total Project Cost     | \$1,651,500 |

ITEM #9

No Documents

ITEM #10

**Rocky Mountain Arsenal NWR Recovery Fund  
Project Proposal  
Bluff Lake Aquatic Habitat Improvement  
March 2021**

**Project Proponent:** Bluff Lake Nature Center (BLNC)

**Project Name:** Bluff Lake Aquatic Habitat Improvement

**Project Description:** This project proposes using remaining Natural Resource Damages (NRD) funding that Bluff Lake Nature Center (BLNC) received from the Natural Resource Damages Trustees in winter 2015 for continuing projects that were funded and approved in the original project. Specifically, as per Phase 3 of the original proposal, BLNC seeks to use these remaining funds to secure augmentation water and annually purchase augmentation water from Denver Water which would allow BLNC to maintain water levels in Bluff Lake (“Lake”) for habitat and educational purposes, while also complying with the requirements regarding stormwater flows and downstream water rights associated with those flows. In addition, BLNC proposes using the remaining allocated funds for continued revegetation activities associated with improvements to the Lake’s dam. As the project has taken longer than anticipated, and because BLNC has not expended all of the funds that were originally granted for these projects, BLNC is making this revised proposal so as to create a new contract for use of these funds for these two remaining projects as per the original funding.

**Anticipated Benefits to Environment and Public:** The project will establish water levels in the Lake that will help native plant and tree species, stabilize the Lake shore and basin to reduce erosion, and maintain wildlife habitat. The project will allow BLNC to continue to provide outdoor and environmental educational activities for over 8,000 Denver-metro school kids each year, and provide a natural open space amenity for the 80,000 general visitors who use the site for public recreation.

**Anticipated Time Frame for Completion:** March 2021 – March 2031

**Original Project Cost:** \$3,040,463

**Original NRD Funding Received 2014:** \$1,102,821

**Proposed Project Cost:** \$891,129

**Requested NRD Funding Extension:** \$290,907

**Matching Fund Sources: Value, Status, and Type of match:**

- a) Denver Water’s Water Court Filing, \$100,000 in-kind, committed, not yet completed
- b) Water Use Fees, \$237,546 cash match, BLNC will purchase over 15 years and pursue other funding sources, committed
- c) Supplemental Water Use Fees, \$80,000 cash match, BLNC will purchase over 15 years and pursue other funding sources, committed
- d) Probono Legal Support, \$103,400 in-kind, committed over 20 years, not yet performed
- e) Volunteer time, \$38,842 in-kind, mostly committed, not yet performed
- f) Staff time for oversight, coordination, and administration, \$40,434 in-kind match, committed, not yet performed



### **Proposal: Completion of Phase 3**

**Water Augmentation Plan:** The funds from this proposal will be utilized to cover part of the expenses associated with Phase 3, which will include re-vegetation of the wetlands and the disturbed areas surrounding the Lake, as well as working with Denver Water to secure a Water Augmentation Plan and the ongoing purchase of this augmentation water. This Augmentation Plan will allow BLNC to maintain a level of water in the Lake for habitat and environmental education purposes, and also to address any issues that would arise regarding stormwater compliance and water rights obligations.

Phase 3 is intended to last for 20 years, with NRD funds fully supporting BLNC's water costs for years 1-5, and then for BLNC to take over full water costs for years 6-20 (see budget for additional details). This structure will allow for BLNC to get everything in place and apply for additional funding sources, which will ensure that we can be self-sustaining after the NRD funds are extinguished.

In the original proposal, Phase 3 involved seeking recycled water from Denver Water, but after extensive investigation of this approach, it was determined that the augmentation approach was preferred due to the costs and CDPHE permitting complications regarding the importation and use of recycled water into our lake.

--*Timed Objective 1:* File an application in water court with Denver Water for augmentation and exchange within one year of the award.

--*Timed Objective 2:* Sign agreement with Denver Water for an ongoing augmentation plan within one year of the award.

--*Timed Objective 3:* Secure additional funding to support ongoing water costs after NRD funds are extinguished within 5 years of the award.

While the above provides a general overview, the specific, detailed steps anticipated to accomplish the timed objectives are explained in more detail below:

- Water Court:
  - As co-applicants, Denver Water and BLNC will file an application in water court for a plan for augmentation water and exchange. Denver Water will assume responsibility for securing a decree from the water court adjudicating the plan for augmentation.
  - Denver Water will take the lead in obtaining water court approval of the application. Except as described below, Denver Water will assume all litigation costs and attorney's fees that may be assessed in the case.
  - Should BLNC decide to additionally file a storage right, BLNC assumes all litigation costs and attorney's fees that may be assessed in the case. BLNC will be responsible for any attorney's fees or legal costs that it may incur as a co-applicant for filings that it may have to file (e.g. entry of appearances, 26a1 disclosures).
- Engineering:
  - BLNC will provide the following engineering support for adjudication of the plan for augmentation: quantification of the timing, amount, and location of depletions and operation of the plan for augmentation.

- Denver Water will provide engineering support of the exchange right, including a water availability analysis and exchange potential analysis. As needed, Denver Water will assist BLNC's water resources engineer by providing information needed to describe the operation of the plan for augmentation.
- Operations:
  - Once a decree is adjudicated, BLNC will be responsible for payment of the System Development Charge (\$66,930) and ongoing operation of the plan (\$263.94/acre foot purchased), including installation and maintenance of required measurement structures, accounting, and notifying Denver Water of replacement amounts.
  - Denver Water will be responsible for lease accounting for substitute supplies and delivering needed augmentation supplies. Securing and contracting for any required water quality treatment facilities.
- Other:
  - Addressing any water rights compliance issues with the Colorado State Engineer (Division Engineer) and adjusting the augmentation water schedule as appropriate.
  - Conducting any required ongoing monitoring and maintenance.
- Securing Additional Funds:
  - The success of Phases 1 and 2 of this Aquatic Improvement Habitat Project will greatly help in our attempt to secure additional funding. Since the initial agreement was signed in 2015, BLNC has experienced significant growth as an organization, which has led to additional staff, a higher yearly budget, additional sources of earned income, and a stronger donor base. BLNC was also able, through the support of a generous donor, to establish a \$1,000,000 endowment fund held at the Denver Foundation. The yearly investment proceeds from this fund will be able to be used for needs such as our board decides after 2027. Ongoing water purchases could be such a need, if we are unable to find additional funding elsewhere. We feel confident in our ability to ensure the long lasting success of this project.

**Vegetation Management:** Restoration of wetlands habitat area adjacent to the Lake will involve invasive species removal and planting of native species in sensitive areas along the Lake's edge. This work would be partially conducted by BLNC staff and volunteers, alongside engineering efforts. Specific plants are laid out by line item in the attached budget.

Such changes will significantly improve water conservation and water quality while enhancing the Lake as a bird/wildlife habitat, and will help restore habitat particularly vulnerable to the area's increasing urbanization. In 2020, BLNC visitation increased by 46.7% (from 57,000 visitors in 2019 to 84,000 visitors in 2020). Vegetation Management has become increasingly important as the impacts to the site have grown with increased visitation.

## **Permits, Licenses, Certifications, Approvals, and Professional Engineers' Stamps Required to Complete the Project**

BLNC will work with DW, CDPHE, and contractors to secure any and all necessary permits.

BLNC has consulted with water rights experts at length and has researched the jurisdictional status of the dam. BLNC has been informed by the U.S. Army Corps of Engineers that the Lake is nonjurisdictional waters, but, as it has been determined to be "waters of the State" by CDPHE, BLNC will work to address any requirements associated with such a designation. With respect to water rights, BLNC has conducted and authorized extensive research into this issue.

Unfortunately, at this time, no water rights relating to the Lake appear to have survived. BLNC representatives met with the State Water Commissioner, who recommended: starting the process to obtain a junior water right; including a mechanism for releasing/returning water to Sand Creek when necessary; measuring the capacity of our lake when dry; and coming up with and filing an augmentation plan. BLNC has begun the process of measuring the Lake, filing for the water right, and exploring augmentation plan possibilities, including discussing augmentation water supplies with Denver Water. BLNC believes that completion of this proposed Phase 3 will comply with the State Water Commissioner's recommendations.

### **Brief Background and Work Completed**

In 1970, the Bluff Lake basin was purchased by the City and County of Denver (CCD) to act as a buffer between the Stapleton International Airport (SIA) and surrounding communities. Prior to 1970 and during the ownership by the airport, the land was unmanaged and misused, resulting in erosion and deposition of both hazardous and non-hazardous waste materials, and significant infestations of invasive plant species. In 1992, the Sierra Club filed a lawsuit against CCD for a violation of the Clean Water Act, due to the discharge of pollutants from SIA. Pursuant to a negotiated consent decree, CCD's Department of Aviation was required to develop an open space park and outdoor nature center at what is now BLNC. The decree stated:

"The intent of the parties regarding the park is to preserve and restore a natural area related to water quality and wetlands preservation in urban area.... There shall be no reduction in total acres of wetland or riparian vegetation, although clean-up and restoration of those areas may be required and performed. The integrity of wetland, aquatic, and riparian ecosystems shall be improved and maintained."

The Lake is the 8-acre cornerstone of the larger 123-acre BLNC property, which boasts multiple habitats and 193 bird species identifications in recent years, as well as the full range of mammals, reptiles, and amphibians seen in Eastern Colorado. Currently, surface water comes to the Lake primarily from direct precipitation and stormwater inflows from the City of Aurora and sections of the CCD's Stapleton development area proximate to BLNC.

In 2016, thanks to previous NRDs funding, BLNC was able to complete Phases 1 and 2 of the Aquatic Habitat Improvement Project. Phase 1, which included reinforcement of the dam (circa 1884) was begun in July 2016 and was completed as envisioned in the original proposal. To provide reinforcement to the leaking dam, a new slurry wall was constructed next to the old dam. The slurry wall is not visible on the surface. It runs the entire length of the old dam. The slurry

wall is approximately 1,100 feet long, 28 feet deep, and 2 feet thick/wide. The bottom depths are sunk into bedrock at least 5 feet along the entire length of the wall. Phase 2 of the project involved dredging the Lake to a clay layer providing increased hydrological mixing with additional depth. Dredging the Lake helped to create a new, deeper water habitat in the Lake, allow more water to be stored over dry periods, allow for a more viable, ongoing aquatic population, and reduce the percentage of water lost to evaporation. This phase is complete.

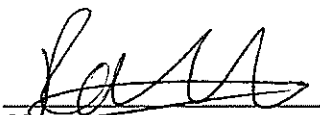
In the original proposal, Phase 3 involved working with Denver Water to acquire recycle water directly into the Lake. BLNC worked diligently understanding and complying with the water quality permitting requirements of CDPHE, and understanding and complying with Denver Water's recycled water program so as to be eligible for its recycled water. BLNC was unable to reach an agreement to secure recycled water, and as a result, our initial schedule to complete Phase 3 became unrealistic and has taken longer than anticipated. Irrespective of these delays, BLNC has continued to work and now has an agreement with Denver Water for an augmentation plan that will outline the water court responsibilities costs, engineering responsibilities and costs, and operation and maintenance issues.

The total water volume in the Lake comes from annual runoff combined with annual precipitation at the site and is estimated to average approximately 525 acre-feet per year. However, the water flows are seasonal and unpredictable.

**Point-of-Contact Name, Address, Phone and FAX Number, and E-mail Address:**

Rachel Crouch, 4760 Oakland St Suite 200, Denver CO 80239, Phone: (303) 506-4168, Fax: (720) 649-5901, [rcrouch@blufflake.org](mailto:rcrouch@blufflake.org)

**Signature of an Authorized Representative of Project Proponent, and Signature Date:**

|                                                   |                                                                                            |                 |
|---------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------|
| <u>Rachel Crouch</u><br><u>Executive Director</u> | <u></u> | <u>3/9/2021</u> |
| Name and Title                                    | Signature                                                                                  | Date            |

**BLNC Aquatic Habitat Improvement Budget Spreadsheet  
2021**

|    | Expense Items: Cash                                                                                              | Quantity   | Cost per Unit    | NRDs Proposal Request | BLNC Matching Contribution | Total Cost for Item | Notes                                                           |
|----|------------------------------------------------------------------------------------------------------------------|------------|------------------|-----------------------|----------------------------|---------------------|-----------------------------------------------------------------|
| 1  |                                                                                                                  |            |                  |                       |                            |                     |                                                                 |
| 2  |                                                                                                                  |            |                  |                       |                            |                     |                                                                 |
| 3  | <b>Phases 2 &amp; 3, Cash Expenses (Proposed From Award)</b>                                                     |            |                  |                       |                            |                     |                                                                 |
| 4  | Riparian Seed & Mulch                                                                                            | 1.5 acres  | \$1,500/acre     | \$2,250               | \$0                        | \$2,250             | includes delivery                                               |
| 5  | Lowland Riparian Seed & Mulch                                                                                    | 2.5 acres  | \$1,500/acre     | \$3,750               | \$0                        | \$8,000             | "                                                               |
| 6  | Wetland Seed                                                                                                     | 0.5 acres  | \$1,000/acre     | \$500                 | \$0                        | \$500               | "                                                               |
| 7  | Planting Trees (1- 5 in diameter)                                                                                | 120 trees  | \$225/tree       | \$27,000              | \$0                        | \$27,000            | "                                                               |
| 8  | Planting Shrubs (1-gallon)                                                                                       | 60 shrubs  | \$35/shrub       | \$2,100               | \$0                        | \$2,100             | "                                                               |
| 9  | Cottonwood Poles                                                                                                 | 30 poles   | \$20 per pole    | \$600                 | \$0                        | \$600               | "                                                               |
| 10 | Herbaceous Wetland Plugs                                                                                         | 4000 plugs | \$3 per plug     | \$12,000              | \$0                        | \$12,000            | "                                                               |
| 11 | Engineering Fees- Martin and Wood (for water court)                                                              | 1          | \$40,000         | \$40,000              | \$0                        | \$40,000            |                                                                 |
| 12 | Additional Court Fees                                                                                            | 1          | \$10,000         | \$10,000              | \$0                        | \$10,000            |                                                                 |
| 13 | Additional Water Level Management Infrastructure                                                                 | 1          | \$10,000         | \$10,000              | \$0                        | \$10,000            | Gauges                                                          |
| 14 | OMM (Ayres Associates, 5 and 10 years after dam project completion)                                              | 2 visits   | \$1500 per visit | \$3,000               | \$0                        | \$3,000             | Engineering firm estimate                                       |
| 15 | Annual Dam Construction Integrity Inspections (Ayres Associates, annually notwithstanding 5- and 10-year visits) | 3 visits   | \$750 per visit  | \$2,250               | \$0                        | \$2,250             | Engineering firm estimate                                       |
| 16 | <b>Subtotal</b>                                                                                                  |            |                  | <b>\$113,450</b>      | <b>\$0</b>                 | <b>\$113,450</b>    |                                                                 |
| 17 | Contingency on Phase 2 and 3 Costs                                                                               |            |                  | \$11,345              | \$0                        | \$11,345            | 10% of above                                                    |
| 18 | <b>Subtotal, Phases 2 and 3, Expenses with Contingency, Minus Water Fees</b>                                     |            |                  | <b>\$124,795</b>      | <b>\$0</b>                 | <b>\$124,795</b>    |                                                                 |
| 19 | Denver Water Augmentation Systems Development Fee                                                                | 1          | \$66,930         | \$66,930              | \$0                        | \$66,930            |                                                                 |
| 20 | Water Use Fees (Full Payment for First Five Years)                                                               | 1          | \$79,182         | \$79,182              | \$0                        | \$79,182            | \$263.94/acre foot, assume 60 acre feet/year = \$15,836.40/year |
| 21 | Supplemental Water Use Fees as needed                                                                            | 1          | \$20,000         | \$20,000              | \$0                        | \$20,000            | If over 60 acre/ft in given year, and assumed rate changes      |
| 22 | <b>Subtotal, Phases 2 and 3, Expenses with Contingency and Water Fees</b>                                        |            |                  | <b>\$290,907</b>      | <b>\$0</b>                 | <b>\$290,907</b>    |                                                                 |
| 23 | <b>Phases 2 and 3, Matching Cash Contributions</b>                                                               |            |                  |                       |                            |                     |                                                                 |
| 24 | Water use fees (BLNC portion) (full purchase years 6-20) (NRD-related match)                                     | 1          | \$237,546        | \$0                   | \$237,546                  | \$237,546           | \$15,836.4 for years 6-20                                       |
| 25 | Supplemental Water Use Fees as needed                                                                            | 1          | \$80,000         | \$0                   | \$80,000                   | \$80,000            | If over 60 acre/ft in given year, and assumed rate changes      |
| 26 | <b>Phases 2 and 3, Subtotal, Matching Cash Contributions</b>                                                     |            |                  | <b>\$0</b>            | <b>\$317,546</b>           | <b>\$317,546</b>    |                                                                 |

|    |                                                                                                    |            |             |           |           |           |                                            |
|----|----------------------------------------------------------------------------------------------------|------------|-------------|-----------|-----------|-----------|--------------------------------------------|
| 27 | <b>Phases 2 and 3, Matching In-Kind Contributions</b>                                              |            |             |           |           |           |                                            |
| 28 | Volunteer Services:<br>Upland riparian seeding<br>and mulching                                     | 30 hours   | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$816     | \$816     |                                            |
| 29 | Volunteer Services:<br>Lowland riparian seeding,<br>mulch                                          | 50 hours   | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$1,360   | \$1,360   |                                            |
| 30 | Volunteer Services:<br>wetland seeding                                                             | 10 hours   | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$272     | \$272     |                                            |
| 31 | Volunteer Services: Tree<br>planting                                                               | 120 hours  | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$1,632   | \$1,632   |                                            |
| 32 | Volunteer Services: Shrub<br>planting                                                              | 30 hours   | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$816     | \$816     |                                            |
| 33 | Volunteer Services: Willow<br>stakes (harvest and install<br>100 stakes)                           | 100 hours  | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$2,720   | \$2,720   |                                            |
| 34 | Volunteer Services:<br>Cottonwood poles                                                            | 15 hours   | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$408     | \$408     |                                            |
| 35 | Volunteer Services:<br>Herbaceous wetland plugs                                                    | 333 hours  | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$9,058   | \$9,058   |                                            |
| 36 | Volunteer Services:<br>Grassland, tree watering                                                    | 800 hours  | \$27.20/hr. |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$21,760  | \$21,760  | 160 hours years 1-5                        |
| 37 | Volunteer Project Support<br>(water, snacks, etc)                                                  | 1488 hours | \$0.5/hr    |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$744     | \$744     |                                            |
| 38 | Probono Legal Support<br>(Years 1-20)                                                              | 550 hours  | \$188/hr    |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$103,400 | \$103,400 | 50 hours years 1-5, 20 hours<br>years 6-20 |
| 39 | Volunteer supervision,<br>work, and water monitoring<br>by site management staff<br>(Years 1-20)   | 750 hours  | \$27/hr.    |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$20,250  | \$20,250  | 60 hours years 1-5, 30 hours<br>years 6-20 |
| 40 | Executive Director<br>Augmentation Admin and<br>project oversight                                  | 540 hours  | \$36/hr.    |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$19,440  | \$19,440  | 36 hours years 1-5, 24 hours<br>years 6-20 |
| 41 | Denver Water's Water<br>Court Filing (estimate)                                                    | 1          | \$100,000   |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$100,000 | \$100,000 |                                            |
| 42 | <b>Total, Phases 2 and 3,<br/>Matching In-Kind<br/>Contributions</b>                               |            |             |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$282,676 | \$282,676 |                                            |
| 43 |                                                                                                    |            |             |           |           |           |                                            |
| 44 | <b>Total, Phases 2 and 3, All<br/>Matching (Cash and In-<br/>Kind) Contributions</b>               |            |             |           |           |           |                                            |
|    |                                                                                                    |            |             | \$0       | \$600,222 | \$600,222 |                                            |
| 45 |                                                                                                    |            |             |           |           |           |                                            |
| 46 | <b>Total, Phases 2 and 3, All<br/>Expenses (Matching, In-<br/>Kind, and RMANWR<br/>NRDs Funds)</b> |            |             |           |           |           |                                            |
|    |                                                                                                    |            |             | \$290,907 | \$600,222 | \$891,129 |                                            |





**COLORADO NATURAL RESOURCES TRUSTEES  
RESOLUTION OF MARCH 24, 2021  
CONCERNING THE BLUFF LAKE NATURE CENTER PROPOSAL FOR  
THE ROCKY MOUNTAIN ARSENAL NATURAL RESOURCE DAMAGES  
RECOVERY FUND MONEY**

**WHEREAS**, the Colorado Natural Resources Trustees (“Trustees”) are responsible for the management and direction of Colorado’s natural resource damages program;

**WHEREAS**, the Trustees are responsible for administering State funds to restore, replace, or acquire the equivalent of injured natural resources;

**WHEREAS**, the Rocky Mountain Arsenal (“RMA”) natural resource damages settlement established a fund of \$17.4 million for Natural Resource Damages (“NRDs”) projects (“Recovery Fund”);

**WHEREAS**, on March 9, 2021 the Bluff Lake Nature Center (“BLNC”) requested \$290,907 from the Recovery Fund for the Bluff Lake Aquatic Habitat Improvement Project (“Project”); and

**WHEREAS**, the Project will (1) allow BLNC to secure augmentation water and annually purchase augmentation water from Denver Water, allowing BLNC to maintain water levels in Bluff Lake for habitat and educational purposes, and (2) fund revegetation around the Bluff Lake dam.

**NOW THEREFORE**, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release to BLNC \$290,907 from the Recovery Fund to fund the Bluff Lake Aquatic Habitat Improvement Project, subject to the following conditions:

1. This resolution will expire March 23, 2026, and the funds will no longer be available, unless a contract consistent with this resolution is executed by that date.
2. Release of the funds is contingent on BLNC demonstrating to Trustee Staff that the Northeast Greenway Corridor group supports the Project.
3. Release of the funds is contingent on compliance with all laws and regulations, including but not limited to: State and Federal laws, local ordinances, permitting and zoning requirements, and water rights requirements.

Colorado Natural Resources Trustees Resolution 2021-03-24-3

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Philip J. Weiser  
Colorado Attorney General

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Date

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Jill Hunsaker Ryan,  
Executive Director, CDPHE

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Date

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Dan Gibbs, Executive Director, DNR

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Date

ITEM #11

No Documents