

GC Commissioners approve 1041 permit for Windy Gap Firming Project

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By Tonya Bina

Grand County Board of commissioners approved the 1041 permit for the Windy Gap Firming Project, with a long list of negotiated conditions and related agreements designed to protect the Colorado River and Grand Lake from continuing degradation.

In a 2-1 vote, with Commissioner Gary Bumgarner dissenting, commissioners granted the Northern Water Municipal Subdistrict a boost in their plans to build the Chimney Hollow Reservoir west of Carter Lake near Loveland.

During the board's initial approval on Nov. 20, Commissioner James Newberry called the arrival to a consensus among various parties "a historic moment." The words echoed from the signing of the Colorado River Cooperative Agreement earlier this year, which also drew the interest various West Slope stakeholders.

"I think this is bigger than the Denver agreement by far," Newberry had said.

The permit's package includes critical measures that may resuscitate the Upper Colorado River, listed by the Colorado Water Quality Control Commission as being impaired due to high water temperatures.

A commitment from the subdistrict, Trout Unlimited, Grand County and the Upper Colorado River Alliance spells out how a possible river bypass at Windy Gap may be paid for.

And in spite of Northern's earlier contention that the Windy Gap 2012 permit — allowing for a greater supply of water to municipalities on the Front Range — should not be weighted down by past ruins of the federal Colorado-Big Thompson Project, an agreement tied to the permit secures the Northern Colorado Water Conservancy District's support for addressing Grand Lake's clarity along with the Bureau of Reclamation.

The municipal subdistrict is expected to formally accept the permit conditions on Thursday.

But Commissioner Bumgarner, a Middle Park rancher, is still not convinced the collaboration that resulted in these agreements is enough to save the river and repair the "cloud" that plagues Colorado's largest natural lake.

"The river is in decline now. I'm not sure how taking more water out of it is going to make it better," he said after Tuesday's vote. Of the conditions and agreements tied to the permit, "there's no guarantee that's happening," he said, saying he fears the firming project may just be the "straw that breaks the camel's back."

The permit package has the support from Colorado's Trout Unlimited, as well as expected endorsements from the Upper Colorado River Alliance, The Middle Park Water Conservancy District and the Colorado River Water Conservation District, among key players.

"These permit conditions provide critical measures for protecting the health of the Upper Colorado River and its world-class trout fishery," said Mely Whiting, counsel for Trout Unlimited, in statements released on Tuesday. "TU has not been able to support this project in the past. But the subdistrict and the project participants have gone the extra mile to try to address our concerns and do what's right for the river."

In the permit package, Grand County gains up to 4,500 acre feet of Windy Gap water stored in Lake Granby for release to benefit aquatic life in the Colorado River, based on an agreement between Grand County, the subdistrict, Middle Park Water Conservancy District, the Colorado River District and the Northwest Colorado Council of Governments. This is in addition to more than 5,400 acre-feet of water to be released each year to help endangered fish while also increasing flows in the Colorado River between Grand County and Grand Junction.

On the Windy Gap bypass through or around Windy Gap in order to improve river habitats, the Municipal Subdistrict is committing \$2 million for it to be built. An additional \$2 million would be available from the Colorado Water Conservation Board if approved by the Colorado Legislature during its upcoming session. Grand County and an alliance of landowners and Trout Unlimited also are committed to helping finance the bypass.

The construction of the bypass would be based on findings from a \$250,000 study the subdistrict is currently funding, a report expected to be out by October 2013.

Before voting for approval, Grand County Commission Chair Nancy Stuart said she asked those in the room — attorneys, representatives of various organizations, citizens — whether they felt the river would be better off than it is now. She heard it would be.

“With the amount of work and all the issues that have come up and have been addressed, I cannot see any other way of moving forward to fix the river,” Commissioner James Newberry said in his approval of the permit conditions on Nov. 20.

“The permit conditions, along with the benefits they will provide to the Colorado River, demonstrate a great deal of dedication and commitment from the 13 firming project participants to address Grand County’s concerns,” said Jeff Drager, Northern Water’s project manager, in statements.

The subdistrict’s participants of 10 cities, two rural water districts and a power provider, are relying on the proposed Chimney Hollow Reservoir to help meet their growing water needs. The U.S. Bureau of Reclamation is expected to issue a final decision on the firming project in 2013.

Permit-related agreements

- Grand Lake clarity project — Provides a long-term commitment to attaining the state clarity standard in Grand Lake
- Windy Gap bypass funding — Addresses West Slope interest in a bypass around or through Windy Gap Reservoir
- WGFP agreement — Enhancements to water supply for Middle Park and Windy Gap water to Grand County delivered in a manner to benefit aquatic life in the Colorado River
- Northern Water agreement — Commitment to provide 5,400 acre-feet per year from Lake Granby in perpetuity
- Learning by Doing — Engage in cooperative process to do what’s best for the aquatic environment of the Colorado, Fraser, Williams Fork River basin, and upstream of the Colorado River confluence with the Blue River.