

**Water Supply Reserve Account – Grant and Loan Program
Water Activity Summary Sheet
Agenda Item 21c**

Applicant: Painted Sky Resource Conservation and Development Council

Water Activity Name: Hartland Diversion Dam Fish Passage Feasibility Study

Water Activity Purpose: Study or Analysis of Structural Project

County: Delta

Drainage Basin: Gunnison

Water Source: Gunnison River

Amount Requested: \$22,100 (Gunnison Basin Account)

Matching Funds: \$1,000

Staff Recommendation
The proposed project meets a non-consumptive water supply need in the Gunnison River Basin while protecting consumptive uses of water. Due to the special circumstances, staff recommends that the Board waive the application deadline requirement. Staff also recommends approval of up to \$22,100 from the Gunnison Basin Account to fund the Hartland Diversion Dam Fish Passage Feasibility Study contingent on resolution of the items in the issues/additional needs section.

Water Activity Summary:

The proposed project consists of a feasibility study of the Hartland Diversion Dam, and will include a conceptual design for fish and/or boater passage, an up-to-date cost estimate of construction and permitting costs, and analysis of any environmental compliance requirements pursuant to potential Army Corps of Engineers jurisdiction over the project. Requested funds will not be used to physically alter the diversion structure, but will only assess cost and methods for doing so.

Painted Sky proposes to study and design a structure in conjunction with the existing Hartland Diversion Dam, which enables upstream fish passage while preserving the current volume of water diverted by the structure for private use. Pending successful completion of the study and design, Painted Sky has been informed that approximately \$700,000 has been allocated to construct the fish passage structure; however, requested funds in this proposal are required to bring the project to a “Shovel-Ready” status, in order to access stimulus funds for project implementation.

The Hartland dam is a barrier to fish of all varieties including a growing game fish population. It is also a complete barrier to the Federally listed Colorado pike minnow (*Ptychocheilus Lucius*) and razorback sucker (*Xyraucheu Texanus*). The Hartland diversion structure is 3.7 miles upstream of designated critical habitat which extends from the Gunnison confluence in Grant Junction to the mouth of the Uncompahgre River at Delta. However, this reach of the river from the Uncompahgre confluence to the base of Hartland dam is known to be occupied habitat because sampling studies have shown both Colorado pike minnow and razorback suckers are readily found in this reach of the river. The U.S. Fish and Wildlife Service strongly believe that passage at the Hartland diversion is in the best interest of endangered fish because it provides additional habitat. However, the project has not been a high priority since biologists have determined that low water temperatures upstream of the Dam are unlikely to support large populations of endangered fish.

Besides providing passage for endangered and native fish, game fish passage has the potential to increase recreational opportunities upstream, which will increase fishing opportunities and provide a positive impact to the economy of the City of Delta and surrounding communities.

The Hartland Dam is a dangerous barrier to boaters. The extreme safety hazard is caused when boats get caught in the lateral wave at the toe of the dam. A number of near drownings have occurred when boats going over the dam and get caught in the hydraulic (re-circulating wave) at the toe. In 2002, two young boys drowned while swimming at the base of the dam. Although partners are not seeking boat passage as a major ultimate objective of the planning project, it is an issue that is of interest to Hartland Irrigation Company for reasons of liability.

Threshold and Evaluation Criteria

The application meets all four Threshold Criteria. No Statewide funds are being requested, therefore the evaluation criteria does not apply.

Funding Overview

Grant funding in the amount of \$22,100 is requested from the Gunnison Basin Account. The applicant are confident that they will successfully utilize these funds to prepare and be awarded a USFWS grant in excess of \$700,000.

Discussion:

This applicant submitted a well-prepared application. The applicant did a good job describing the issues associated with the existing dam and how improvements can allow for important environmental and recreational attributes to be improved upon. Most significant is the anticipated benefits to the Federally listed Colorado pike minnow and the razorback sucker. In fact, this project was identified in 1996 by USFWS biologist as an action items for RIPRAP or Recovery Implementation Program Recovery Action Plan. In addition to the endangered fish species, the project would provide benefits to sports fish and allow a safe passage for boaters.

It is necessary to note that the application was received by the CWCB staff on April 15, 2009 whereas the application deadline was March 20, 2009. Due to this, the applicant is requesting a waiver from the 60 day requirement. Realizing the importance of holding to deadlines, staff believes that the applicant attempted in good faith to receive approval by the Gunnison basin roundtable at the March 2, 2009 meeting but did not get approval due to a minor technical reason. Upon returning to the basin roundtable on April 6, 2009, the application was approved. The most compelling reason provided by the applicant is that the \$700,000 in federal stimulus money is available only for 'shovel ready' projects. Specifically, the applicant must be ready for implementation 180 days from the identification of the funding by the Secretary of the Interior, which was in February 2009. If the Board denied the request for a waiver of the 60 day requirement, the applicant would exceed the 180 day timeline for stimulus funds.

Issues/Additional Needs:

- Please specify all deliverables. On page 11 of the application it appears that the deliverables will include analysis of existing physical conditions, outlined a proposed alternative, and identified project materials sources and specifications with cost estimates—please confirm.

- Please provide documentation of the USFWS commitment of up to \$700,000 in Federal stimulus funding to complete final engineering and construction of the project.
- Please include a more detailed budget and scope of work.
- The budget indicates that \$2,000 would be used for indirect costs. The State Controller's Office will not pay for indirect costs.

Staff Recommendation:

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All products, data and information developed as a result of this grant must be provided to the CWCB in hard copy and electronic format as part of the project documentation. This information will in turn be made widely available to Basin Roundtables and the general public and will help promote the development of a common technical platform.

Reporting: The applicant shall provide the CWCB a progress report every 6 months, beginning from the date of the executed contract. The progress report shall describe the completion or partial completion of the tasks identified in the scope of work including a description of any major issues that have occurred and any corrective action taken to address these issues.

Final Deliverable: At completion of the project, the applicant shall provide the CWCB a final report that summarizes the project and documents how the project was completed. This report may contain photographs, summaries of meetings and engineering reports/designs.

Engineering: All engineering work (as defined in the Engineers Practice Act (§12-25-102(10) C.R.S.)) performed under this grant shall be performed by or under the responsible charge of professional engineer licensed by the State of Colorado to practice Engineering.