



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: August 4, 2015

Bluff Lake Nature Center Aquatic Habitat Improvement Project

Name of Water Activity/Project

Bluff Lake Nature Center

Name of Applicant

Metro

Amount from Statewide Account:

\$200,000

Amount from Basin Account(s):

\$10,000

Total WSRA Funds Requested:

\$210,000

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN: 84-1305302

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Required Exhibits

- A. Statement of Work, Budget, and Schedule
- B. Project Map
- C. As Needed (i.e. letters of support, photos, maps, etc.)

Appendices – Reference Material

- 1. Program Information
- 2. Insurance Requirements
- 3. WSRA Standard Contract Information (Required for Projects Over \$100,000)
- 4. W-9 Form (Required for All Projects Prior to Contracting)

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Instructions

To receive funding from the Water Supply Reserve Account (WSRA), a proposed water activity must be approved by the local Basin Roundtable **AND** the Colorado Water Conservation Board (CWCBC). The process for Basin Roundtable consideration and approval is outlined in materials in Appendix 1.

Once approved by the local Basin Roundtable, the applicant should submit this application **with a detailed statement of work including budget and schedule as Exhibit A** to CWCBC staff by the application deadline.

WSRA applications are due with the roundtable letter of support 60 calendar days prior to the bi-monthly Board meeting at which it will be considered. Board meetings are held in January, March, May, July, September, and November. Meeting details, including scheduled dates, agendas, etc. are posted on the CWCBC website at: <http://cwcb.state.co.us> Applications to the WSRA Basin Account are considered at every board meeting, while applications to the WSRA Statewide Account are only considered at the March and September board meetings.

When completing this application, the applicant should refer to the WSRA Criteria and Guidelines available at: <http://cwcb.state.co.us/LoansGrants/water-supply-reserve-account-grants/Documents/WSRACriteriaGuidelines.pdf>. In addition, the applicant should also refer to the [Supplemental Scoring Matrix](#) applied to Evaluation Criteria Tiers 1-3 for Statewide Account requests .

The application, statement of work, budget, and schedule **must be submitted in electronic format** (Microsoft Word or text-enabled PDF are preferred) and can be emailed or mailed on a disk to:

Craig Godbout - WSRA Application
Colorado Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203
Craig.godbout@state.co.us

If you have questions or need additional assistance, please contact Craig Godbout at: 303-866-3441 x3210 or craig.godbout@state.co.us.

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Part I. - Description of the Applicant (Project Sponsor or Owner);

1.	Applicant Name(s):	Bluff Lake Nature Center			
	Mailing address:	4755 Paris St. #190			
	FEIN #:	84-1305302			
	Primary Contact:	Jeff Lamontagne	Position/Title:	Executive Director	
	Email:	jlamontagne@blufflake.org			
	Phone Numbers:	Cell:	303-517-6368	Office:	720-708-4174
	Alternate Contact:	Chris Story	Position/Title:	Site Manager	
	Email:	cstory@blufflake.org			
	Phone Numbers:	Cell:	303-945-6717	Office:	720-708-4147

2. Eligible entities for WSRA funds include the following. What type of entity is the Applicant?

- ☐ Public (Government) – municipalities, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities and the local entity should be the grant recipient. Federal agencies are eligible, but only if they can make a compelling case for why a local partner cannot be the grant recipient.
- ☐ Public (Districts) – authorities, Title 32/special districts, (conservancy, conservation, and irrigation districts), and water activity enterprises.
- ☒ Private Incorporated – mutual ditch companies, homeowners associations, corporations.
Bluff Lake Nature Center is a nonprofit 501(c)(3) charity incorporated in the State of Colorado.
- ☐ Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account.
- ☐ Non-governmental organizations – broadly defined as any organization that is not part of the government.

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3. Provide a brief description of your organization

Bluff Lake Nature Center (BLNC) is a 123-acre wildlife refuge and science education center established in 1994 in east Denver, along the Sand Creek Greenway (see Exhibit B, Map 1). We operate our refuge for conservation and educational purposes, the latter primarily with a focus on science education for underperforming schools primarily in Denver, Aurora, and Adams County. Our public programs have expanded in recent years to include summer camps, after school programs, evening fireside discussions, adult learning classes, and service-learning partnerships with corporations. In the 2013-2014 school year, BLNC staff and volunteers interacted directly with more than 5,000 elementary school children and families as part of our programs, including more than 2,500 as part of the school-based science education program. We estimate approximately 40,000 annual visitors to our site. BLNC is free to visitors, and open dawn to dusk.

4. If the Contracting Entity is different than the Applicant (Project Sponsor or Owner) please describe the Contracting Entity here.

N/A

5. Successful applicants will have to execute a contract with the CWCB prior to beginning work on the portion of the project funded by the WSRA grant. In order to expedite the contracting process the CWCB has established a standard contract with provisions the applicant must adhere to. A link to this standard contract is included in Appendix 3. Please review this contract and check the appropriate box.

☒ The Applicant will be able to contract with the CWCB using the Standard Contract

☐ The Applicant has reviewed the standard contract and has some questions/issues/concerns. Please be aware that any deviation from the standard contract could result in a significant delay between grant approval and the funds being available.

6. The Tax Payer Bill of Rights (TABOR) may limit the amount of grant money an entity can receive. Please describe any relevant TABOR issues that may affect the applicant.

We are a nonprofit 501(c)(3) corporation. We do not know of any TABOR-related issues that would affect funding that we would potentially receive.

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Part II. - Description of the Water Activity/Project

1. What is the primary purpose of this grant application? (Please check only one)

- | | |
|--|--|
| <input checked="checked" type="checkbox"/> | Nonconsumptive (Environmental or Recreational) |
| <input type="checkbox"/> | Agricultural |
| <input type="checkbox"/> | Municipal/Industrial |
| <input type="checkbox"/> | Needs Assessment |
| <input type="checkbox"/> | Education |
| <input type="checkbox"/> | Other |

Explain:

2. If you feel this project addresses multiple purposes please explain.

Our nonprofit's mission is twofold: to restore and preserve native habitat for all of the ecosystems at BLNC, and to provide environmental education to the community. We have cast our project primarily in terms of habitat improvement, because when Bluff Lake is full, the diversity of species at our site is multiple times what it is compared to when there has been no precipitation for several weeks and Bluff Lake has gone dry. However, we also host approximately 5,000 people (mostly youth) for formal educational programs during the year. Although a dry lake bed provides a "teachable moment," there are manifold educational benefits of a full (or mostly full) lake to our education programs. Much of our curriculum is about the important elements of water cycles and aquatic life, both of which are easier to teach with a full lake, but wildlife sightings (especially migratory birds) are also much more common with a full lake rather than a dry lake bed. Thus, both environmental and educational purposes are served by the project.

3. Is this project primarily a study or implementation of a water activity/project? (Please check only one)

- | | |
|--------------------------------|---|
| <input type="checkbox"/> Study | <input checked="checked" type="checkbox"/> Implementation |
|--------------------------------|---|

4. To catalog measurable results achieved with WSRA funds can you provide any of the following numbers?

- | | |
|----------------------|--|
| <input type="text"/> | New Storage Created (acre-feet) |
| <input type="text"/> | New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet) |
| 53.7 | Existing Storage Preserved or Enhanced (acre-feet) |
| <input type="text"/> | Length of Stream Restored or Protected (linear feet) |
| 250 | Length of Pipe/Canal Built or Improved (linear feet) |
| <input type="text"/> | Efficiency Savings (acre-feet/year OR dollars/year – circle one) |
| 20 | Area of Restored or Preserved Habitat (acres) |

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4. To help us map WSRA projects please include a map (Exhibit B) and provide the general coordinates below:

Latitude: 39.75756

Longitude: -104.859373

5. Please provide an overview/summary of the proposed water activity (no more than one page). Include a description of the overall water activity and specifically what the WSRA funding will be used for. A full **Statement of Work** with a detailed budget and schedule is required as **Exhibit A** of this application.

Bluff Lake itself was first established in approximately 1884, when early local ranchers built a dam on the north side of the lake. The lake then served irrigation and ranching purposes through the 1920s. In 1970, the Bluff Lake basin, where BLNC now sits, was purchased by the City and County of Denver (CCD) to act as a buffer between the Stapleton International Airport (SIA) and surrounding communities. During the operation of SIA, the land was unmanaged and misused, and significant infestations of invasive plant species occurred. 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 consent decree, CCD's Department of Aviation was required to develop an open space park and outdoor nature center at BLNC "to preserve and restore a natural area related to water quality and wetlands preservation in urban areas....The integrity of wetland, aquatic, and riparian ecosystems shall be improved and maintained." Bluff Lake is now the 10-acre cornerstone of BLNC, which boasts multiple habitats and over 170 bird species identifications in recent years, as well as the full range of mammals, reptiles, and amphibians seen in Eastern Colorado. Currently, water enters Bluff Lake only from storm water inflows from the Cities of Aurora and Denver, and from direct precipitation. However, these inflows are seasonal and unpredictable. In dry years, runoff is too little and the lake loses considerable water through the old dam, which has been degraded by invading roots and by burrowing animals such as muskrat and beaver. In addition, the lake bottom consists at least partially of moderately permeable alluvial soils. Depending on precipitation, the lake can completely dry out in as little as 2-3 weeks. Unable to sustain the aquatic environment or food sources for migratory wildlife, the dry lake results in negative impacts to wildlife habitat quality and profound reductions in wildlife (including migratory bird) activity and diversity result. In addition and perhaps even more alarming, more recent engineering assessments have concluded that if left unimproved, Bluff Lake's dam will breach some day: the lake will be lost and the dam will be fixable only at great expense.

With the goal of fulfilling the objectives of the 1992 decree, ERO Resources Corporation (ERO) was contracted to prepare the *Bluff Lake Natural Area Management Plan* (Management Plan) in 1997, outlining the opportunity to enhance BLNC as wildlife habitat and a community resource. Restoration components of the plan were intended to enhance wildlife resources in the riparian and wetland areas of BLNC. The Management Plan included several suggestions intended to bolster the lake's storage capacity. *Consistent with the Management Plan, the primary goal of our proposal is to make Bluff Lake a year-round lake, in order to improve habitat quality and diversity at BLNC for wildlife, for our education programs, and for our general public visitors.* Multiple recommendations of the Management Plan are the basis for this project proposal.

We've worked closely for several years with civil engineers (Ayres and Associates) to design an effective plan. Task 1 of the plan involves constructing a slurry wall behind the current dam and the installation of an outlet works. The wall will run the length of the dam (1,400 feet) and significantly reduce dam leakage, which we estimate to average tens of thousands of gallons per day. Task 2 involves lining Bluff Lake to slow seepage through the lake bottom. The ideal lake bottom liner would be 12" thick clay and cover the entire lake bottom, though different materials may be used. Task 3 will include re-working areas damaged in Tasks 1 and 2, including the adjacent wetlands, and simultaneously performing modest wetland restoration.

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Task 4 involves tapping into Denver Water (DW)'s recycled water line to supplement lake water during particularly dry periods. We plan to purchase an average of an additional 80 acre-feet of water per year to sustain a reliable aquatic habitat. Visual depictions of the locations and concepts of these four tasks are included in Exhibit B, Preliminary Design Document, Cross-Section of Bluff Lake Dam Slurry Wall and Clay Bottom Liner, and Exhibit B, Project Map of BLNC. A detailed ongoing monitoring and maintenance schedule for 1-, 5-, and 10-year intervals has also been established with our engineers. Funding from the WSRA will be used to partially fund Tasks 2 through 4 of the project.

Part III. – Threshold and Evaluation Criteria

1. Describe how the water activity meets these **Threshold Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines.)

a) The water activity is consistent with Section 37-75-102 Colorado Revised Statutes.¹

To the best of our knowledge, our project will not interfere with any existing water rights or contracts. Our redesigned dam will have an outlet works mechanism to release water in the event of a priority call. Our purchase of supplemental water from DW will allow us to keep the lake at least partially full in such a scenario.

b) The water activity underwent an evaluation and approval process and was approved by the Basin Roundtable (BRT) and the application includes a description of the results of the BRTs evaluation and approval of the activity. At a minimum, the description must include the level of agreement reached by the roundtable, including any minority opinion(s) if there was not general agreement for the activity. The description must also include reasons why general agreement was not reached (if it was not), including who opposed the activity and why they opposed it. Note- If this information is included in the letter from the roundtable chair simply reference that letter.

BLNC's Executive Director gave a presentation to the Metro Roundtable on July 8, 2015 about the project and answered questions that ensued. While the project was not formally approved at that meeting, BLNC received the following communication from Mr. Tim Murrell after the meeting:

"Thanks for your presentation today...."

¹ 37-75-102. Water rights - protections. (1) It is the policy of the General Assembly that the current system of allocating water within Colorado shall not be superseded, abrogated, or otherwise impaired by this article. Nothing in this article shall be interpreted to repeal or in any manner amend the existing water rights adjudication system. The General Assembly affirms the state constitution's recognition of water rights as a private usufructuary property right, and this article is not intended to restrict the ability of the holder of a water right to use or to dispose of that water right in any manner permitted under Colorado law. (2) The General Assembly affirms the protections for contractual and property rights recognized by the contract and takings protections under the state constitution and related statutes. This article shall not be implemented in any way that would diminish, impair, or cause injury to any property or contractual right created by intergovernmental agreements, contracts, stipulations among parties to water cases, terms and conditions in water decrees, or any other similar document related to the allocation or use of water. This article shall not be construed to supersede, abrogate, or cause injury to vested water rights or decreed conditional water rights. The General Assembly affirms that this article does not impair, limit, or otherwise affect the rights of persons or entities to enter into agreements, contracts, or memoranda of understanding with other persons or entities relating to the appropriation, movement, or use of water under other provisions of law.

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“I am happy to communicate that the Metro Roundtable (MRT) membership would like you to move forward in the submission of a WSRA application for your project. ...

“We will make time on our August MRT meeting for consideration of approval of your request.”

Accordingly, even though there has not been formal approval of the project, we have been urged to prepare and submit this application anyway, based on the initial presentation and invitation to come back and present at greater length.

- c) The water activity meets the provisions of Section 37-75-104(2), Colorado Revised Statutes.² The Basin Roundtable Chairs shall include in their approval letters for particular WSRA grant applications a description of how the water activity will assist in meeting the water supply needs identified in the basin roundtable’s consumptive and/or non-consumptive needs assessments.

The nonconsumptive needs assessment identifies the area that includes BLNC, specifically “Denver Metro/South Metro/South Platte River: Below Chatfield Reservoir to Sand Creek,” as being appropriate for focus on whitewater boating and a municipal recreational corridor. Although whitewater boating is not something that’s possible at BLNC (both because of the prohibited uses of our site from our land transfer agreement from the City of Denver, and because of the character of Sand Creek through our site), we believe that many of the uses of our site are consistent with what’s intended in the “municipal recreation corridor” use, which is further commented upon in the South Platte Basin Implementation Plan:

“The overall environmental and recreational goal of the SP-BIP is to enhance the health and vitality of rivers and streams in the South Platte Basin, sustaining ecosystems and providing important environmental, societal, and economic benefits to the region. The environmental and recreational assets within the basin include ... metropolitan corridors and areas of recreational opportunity.”

This section that identifies basin assets as including metropolitan corridors, goes on to specifically emphasize “Important Riparian Habitat” and “Migratory Bird Viewing.” These ideas are further explained in the SB-PIP’s “Goals and Measurable Outcomes” in Section 1.9.7, “Environmental and Recreational Goal,” which includes the following goal:

“E&R MO #2 – Protect and Enhance Economic Values to Local and Statewide Economies Derived from Environmental and Recreational Water Uses, Such as Wildlife Watching...and Hiking....”

Specific strategies named for reaching this goal include to: “[m]aintain or increase [water] surface area” and “[m]aintain or increase the ... total area for birding ... and wildlife viewing.” Our Year-Round Lake project fits

² 37-75-104 (2)(c). Using data and information from the Statewide Water Supply Initiative and other appropriate sources and in cooperation with the on-going Statewide Water Supply Initiative, develop a basin-wide consumptive and nonconsumptive water supply needs assessment, conduct an analysis of available unappropriated waters within the basin, and propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate. Basin Roundtables shall actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and shall propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the Interbasin Compact Committee and other basin roundtables for analysis and consideration after the General Assembly has approved the Interbasin Compact Charter.

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squarely within the SP-BIP's goals and guidelines. Through this project, we are specifically looking to enhance habitat and wildlife diversity, as well as recreational and aesthetic opportunities. We are known statewide as a birding "hotspot," and as a unique urban wildlife refuge.

- d) Matching Requirement: For requests from the Statewide Fund, the applicants will be required to demonstrate a **25 percent** (or greater) match of the total grant request from the other sources, including by not limited to Basin Funds. A minimum match of 5% of the total grant amount shall be from Basin funds. A minimum match of 5% of the total grant amount must come from the applicant or 3rd party sources. Sources of matching funds include but are not limited to Basin Funds, in-kind services, funding from other sources, and/or direct cash match. Past expenditures directly related to the project may be considered as matching funds if the expenditures occurred within 9 months of the date the contract or purchase order between the applicant and the State of Colorado is executed. Please describe the source(s) of matching funds. (NOTE: These matching funds should also be reflected in your Detailed Budget in **Exhibit A** of this application)

We have estimated the overall cost of the project, including cash and in-kind requirements, to be approximately \$3.1 million. The cornerstone of our project's funding is an approximately \$1.1 million cash allocation from the State of Colorado, through two Natural Resources Damages (NRDs) Settlement Funds, specifically from the Lowry Landfill and the Rocky Mountain Arsenal NRDs funds. We have worked with the State's NRDs Trustees for four years to get those funds allocated and to refine this project. Included in the budget approved by the State are almost \$300,000 in cash and in-kind commitments from BLNC, including staff time, volunteer hours, and purchase commitments primarily through ongoing budgets. In addition, a \$1.3 million in-kind gift from DW was recognized by the State because DW extended its recycled water line to near our site border partly so that BLNC could utilize DW recycled water. In order to unlock all of the cash funding from the State, we need to raise approximately \$375,000 in matching funds. To date, we have raised approximately \$150,000 of this \$375,000 total, primarily through approximately 250 donations from individuals, foundations, and corporations. We believe that these numbers fully satisfy the matching requirements outlined in this question, and a detailed budget has been attached in Appendix A of this application. We are glad to provide additional specifics about our funders to date upon request.

2. For Applications that include a request for funds from the **Statewide Account**, describe how the water activity/project meets all applicable **Evaluation Criteria**. (Detailed in Part 3 of the Water Supply Reserve Account Criteria and Guidelines and repeated below.) Projects will be assessed on how well they meet the Evaluation Criteria. **Please attach additional pages as necessary.**

Evaluation Criteria – the following criteria will be utilized to further evaluate the merits of the water activity proposed for funding from the Statewide Account. In evaluation of proposed water activities, preference will be given to projects that meet one or more criteria from each of the three "tiers" or categories. Each "tier" is grouped in level of importance. For instance, projects that meet Tier 1 criteria will outweigh projects that only meet Tier 3 criteria. The applicant should also refer to the Supplemental Scoring Matrix applied to Evaluation Criteria Tiers 1-3 for Statewide Account requests. WSRA grant requests for projects that may qualify for loans through the CWCB loan program will receive preference in the Statewide Evaluation Criteria if the grant request is part of a CWCB loan/WSRA grant package. For these CWCB loan/WSRA grant packages, the applicant must have a CWCB loan/WSRA grant ratio of 1:1 or higher. Preference will be given to those with a higher loan/grant ratio.

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Tier 1: Promoting Collaboration/Cooperation and Meeting Water Management Goals and Identified Water Needs

- a. The water activity addresses multiple needs or issues, including consumptive and/or non-consumptive needs, or the needs and issues of multiple interests or multiple basins. This can be demonstrated by obtaining letters of support from other basin roundtables (in addition to an approval letter from the sponsoring basin).

The project does not meet the need of multiple basins; however, as described above in Questions II. 2. and III.1(c) above, the project does address multiple needs and issues. First, with respect to our mission and our legal obligations as outlined in City of Denver's Land Transfer Agreement to BLNC, this project serves both vital habitat improvement/land restoration goals, as well as optimizing the conditions for environmental education programs that serve thousands each year. Second, many elements of the SP-BIP, are accomplished by this project. Section S.3.6 of the SP-BIP declares generally:

"Preservation and enhancement of the environmental and recreational aspects of the South Platte River is important to Colorado's economy and quality of life. Water is needed to maintain aquatic, riparian and wetlands habitats that are essential for ecological diversity. The important environmental and recreational values in the South Platte Basin must be considered when planning for Colorado's water future. Many of these attributes currently suffer due to current water diversions and infrastructure operations."

Although mentioned in conjunction with stream flows specifically, this section continues by touting the "essential" importance of "general aesthetics near waterways, including greenways, trails and wildlife viewing." The response to Question III.C. above further describes additional elements of the SB-PIP and how BLNC's project meets those needs. Again, BLNC's project fits squarely within the SP-BIP's goals and guidelines. Our organization was formed, and our land was set aside along a prominent urban greenway, for just these purposes. Through this project, we are specifically looking to enhance habitat and wildlife diversity, as well as recreational and aesthetic opportunities. We are known statewide as a birding "hotspot," and as a unique urban wildlife refuge.

It should be noted that past data collection at BLNC aligns with what's known about other wetlands systems, in that our cattail-dominated wetlands have a strong "filtering" impact on the storm water entering our site, so that the water that enters our lake is much cleaner after having travelled through the cattails, than it was when it entered our property as storm water.

As suggested in the question above for this section, our answers are included in attached pages at the end of this portion of the application for responses to the remainder of the Evaluation Criteria questions.

Part IV. – Required Supporting Material

Suggested Format for Scope of Work

1. **Water Rights, Availability, and Sustainability** – This information is needed to assess the viability of the water project or activity. Please provide a description of the water supply source to be utilized, or the water body to be affected by, the water activity. This should include a description of applicable water rights, and water rights issues, and the name/location of water bodies affected by the water activity.

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Bluff Lake itself was first established in approximately 1885 on a ranch owned by Cyrus Greenwood Richardson, the namesake of Greenwood Village. Its original source of water may have been Sand Creek, or it may have been the Sand Creek lateral of the High Line Canal. The lake then served irrigation and ranching purposes through the 1920s. It also was used as a source of water for Clayton College. It is unclear what use, if any, was made of the lake during the mid-20th Century, prior to its acquisition by Denver. Bluff Lake is now filled by flows from two storm water outfalls that drain portions of the cities of Denver and Aurora. Despite Bluff Lake's age and history, we have been unable to locate a court decree confirming a storage right for the lake. We have retained the services of a law firm specializing in water rights, Trout, Raley, Montañño, Witwer & Freeman, as well as the engineering firm Martin & Wood, to assist us with this issue. We have also secured a commitment from Denver Water to provide Bluff Lake with fully consumable water from its nearby recycled water line to keep the lake full during periods of priority administration on the South Platte River. We may also apply to water court for a decree confirming our right to store water in the lake. Completion of our planned water activity will significantly reduce seepage losses from Bluff Lake, reducing the amount of water needed to maintain the lake at optimum levels. Outlet works will also be added to the Bluff Lake dam to make it possible to comply with priority calls. The potential combined gifts from the Metro Roundtable and State WSRA will also help fund the purchase of supplemental water from Denver Water.

2. Please provide a brief narrative of any related studies or permitting issues.

There is a small area (less than 1 acre) on the lake's north side that remains wet much of the year from water that is leaking from the lake and through the dam. We are currently seeking a U.S. Army Corps of Engineers Section 404 wetlands permit to determine how to address the potential loss of this wetland created by leaking dam water. We are currently working with our engineers at Ayres and Associates to initiate this work.

In addition, our planned use of recycled water supplies from Denver Water will require a permit from the Colorado Water Quality Control Division. We have discussed permitting issues with Division staff, who have expressed the view that our application is "straightforward." The Water Quality Control Division and the federal Environmental Protection Agency, which will not be involved in our permit application, recently issued a similar permit to the Rocky Mountain Arsenal National Wildlife Refuge to use Denver Water's recycled water as a supplemental supply for their lakes and wetlands. We are scheduling a meeting with Division staff to discuss a few remaining issues and plan to submit our permit application soon after.

Finally, we will also be pursuing the following permits as construction nears. We believe that these permits will be fairly routine from an administrative point of view:

- CCD Construction Activities Stormwater Discharge Permit (CASDP) – requires PE signature and stamp and owner signature
- CCD Sewer Use Discharge Permit (SUDP) for floodplain construction – requires PE stamp
- State of Colorado Construction Dewatering Permit (Department of Health)
- State of Colorado Construction Stormwater Discharge Permit (Department of Health) – requires signatures by owner and engineer

3. Statement of Work, Detailed Budget, and Project Schedule

The statement of work will form the basis for the contract between the Applicant and the State of Colorado. In short, the Applicant is agreeing to undertake the work for the compensation outlined in the statement of work and

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budget, and in return, the State of Colorado is receiving the deliverables/products specified. **Please note that costs incurred prior to execution of a contract or purchase order are not subject to reimbursement.** All WSRA funds are disbursed on a reimbursement basis after review invoices and appropriate backup material.

Please provide a detailed statement of work using the template in Exhibit A. Additional sections or modifications may be included as necessary. Please define all acronyms and include page numbers.

Exhibit A is included as a separate attachment.

REPORTING AND FINAL DELIVERABLE

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 statement 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.

PAYMENT

Payment will be made based on actual expenditures and invoicing by the applicant. Invoices from any other entity (i.e. subcontractors) cannot be processed by the State. The request for payment must include a description of the work accomplished by major task, and estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent, identification of any major issues and proposed or implemented corrective actions. The last 10 percent of the entire water activity budget will be withheld until final project/water activity documentation is completed. 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 help promote the development of a common technical platform.

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The above statements are true to the best of my knowledge:

Signature of Applicant:



Print Applicant's Name:

JEFF LAMONTAGNE, EXECUTIVE DIRECTOR,

Project Title:

BLUFF LAKE NATURE CENTER
AQUATIC HABITAT IMPROVEMENT

BLUFF LAKE NATURE
CENTER

Date:

AUGUST 4, 2015

Return an electronic version (hardcopy may also be submitted) of this application to:

Craig Godbout – WSRA Application
Colorado Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203
303-866-3441, ext. 3210 (office)
303-547-8061 (cell)
craig.godbout@state.co.us

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Continuation of Evaluation Criteria Responses:

Tier 1: Promoting Collaboration/Cooperation and Meeting Water Management Goals and Identified Water Needs

- b. The number and types of entities represented in the application and the degree to which the activity will promote cooperation and collaboration among traditional consumptive water interests and/or non-consumptive interests, and if applicable, the degree to which the water activity is effective in addressing intrabasin or interbasin needs or issues.

The project has been reviewed and supported by the State of Colorado's Attorney General office, as well as the State's Department of Public Health and Environment, and Parks and Wildlife Division. These three agencies have been supportive and collaborative on an ongoing basis for more than three years, and these three agencies form the Trusteeship through which BLNC is receiving \$1.1 million in funding. Bluff Lake has also had extensive conversations with Denver Water (DW) about use of their recycled water for purposes of this project, and we have negotiated an agreement with DW toward that end. We also estimate 40,000 visitors a year, primarily from all over northeast metro Denver, and including over 5,000 from the public that come specifically for our education programs. As part of our education programs, we collaborate extensively with multiple local school districts, including Denver Public Schools, Aurora Public Schools and Adams County's Mapleton School District. We also collaborate to a lesser extent with other school districts. The intrabasin needs and issues that are being met are addressed in greater detail in the response to part a. of this question.

- c. The water activity helps implement projects and processes identified as helping meet Colorado's future water needs, and/or addresses the gap areas between available water supply and future need as identified in SWSI or a roundtable's basin-wide water needs assessment.

This activity helps to meet Colorado's future water needs by ensuring environmental and recreational water use opportunities at one of the most important locations in terms of biodiversity in the metro corridor. It does not address the gap areas between available water supply and future needs identified in SWSI or a roundtable's basin-wide water needs assessment.

Tier 2: Facilitating Water Activity Implementation

- d. Funding from this Account will reduce the uncertainty that the water activity will be implemented. For this criterion the applicant should discuss how receiving funding from the Account will make a significant difference in the implementation of the water activity (i.e., how will receiving funding enable the water activity to move forward or the inability obtaining funding elsewhere).

Funding from this Account will nearly guarantee that the water activity will be implemented. To summarize what was written earlier in the application, in approximate numbers, \$1.6 million of the \$3.1 million project is accounted for through in-kind donations. The State of Colorado has allocated just over \$1.1 million. Of the remaining approximately \$375,000 dollars, we have already raised \$100,000 cash-in-hand and have a \$50,000 commitment from the Gates Family Foundation. Accordingly, gifts of \$200,000 from the State WSRA and

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\$10,000 from the Metro Roundtable would nearly conclude our fundraising efforts and leave us approximately \$15,000 from our goal. We believe that we have funders that would quickly make up that difference, and allow us to meet the matching goal set by the State. The State of Colorado will not release its portion of the funding for the project until we've met this matching goal. Please note that these are approximately numbers for the sake of understanding; many of these numbers are presented in more detail in the attached budget.

- e. The amount of matching funds provided by the applicant via direct contributions, demonstrable in-kind contributions, and/or other sources demonstrates a significant & appropriate commitment to the project.

We strongly believe that matching funds provided by BLNC—from direct contributions, in-kind contributions, and from other sources—are significant and appropriate. As noted above, the State has already allocated more than \$1.1 million to the project through two Natural Resources Damages accounts administered by Trustee representatives from the Attorney General's office, the Department of Public Health and Environment, and the State's Parks and Wildlife Division. We have approximately \$1.6 million in in-kind donations committed, including well over \$200,000 from BLNC. In addition, BLNC is committing over \$100,000 in cash through its annual budgets, and another \$150,000 that's been raised through our campaign to finance the final matching funds for this project. This has been a major priority for the organization several years in the planning, and we are marshalling all of our resources to make it a reality. The \$210,000 in potential combined gifts from the Metro Roundtable and State WSRA represent only approximately 6% of the total project cost, and a little over 10% of the cash cost. While such donations would be generous and incredibly helpful, we believe that the amount that we've already arranged and raised represents a significant and appropriate amount.

Tier 3: The Water Activity Addresses Other Issues of Statewide Value and Maximizes Benefits

- f. The water activity helps sustain agriculture & open space, or meets environmental or recreational needs.

The water activity does not help sustain agriculture, but succeeds greatly in sustaining open space and environmental needs. *Bluff Lake Nature Center is the largest open space managed as native habitat in the state's largest city.* It is highly unusual anywhere in the United States for a parcel of land within the city limits in a city the size of Denver to be managed primarily as native habitat. Because of the mix of habitats in the city, BLNC is one of the most popular birding spots in the state, as measured by online reporting of bird sightings. We have had more than 170 bird species identified at our site in recent years, again more than any other spot in Denver. Of course, many of these species were identified when the lake was full or mostly full, and there are far fewer species at BLNC when the lake is dry. Visited by 40,000 per year, including by 5,000 for formal environmental education programming, there are few open spaces in Colorado equal to BLNC in terms of combined environmental value and close access to substantial urban development.

- g. The water activity assists in the administration of compact-entitled waters or addresses problems related to compact entitled waters and compact compliance and the degree to which the activity promotes maximum utilization of state waters.

The water activity does not assist in the administration of compact-entitled waters or address problems related to compact entitled waters or compact compliance.

- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern.

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There are no federally listed endangered or threatened species at BLNC. However, Colorado State University's Colorado Natural Heritage Program prepared a "Survey and Assessment of Critical Urban Wetlands" for the City and County of Denver in June 2015, and on its Target Lists for Denver County were the Bald Eagle and Ovenbird, both of which are found at BLNC in much greater numbers when Bluff Lake itself is full or mostly full and thus the overall habitat of our site is much healthier.

- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.

We strongly believe that the water activity does provide a high level of benefit to Colorado in relationship to the amount of funds requested. Again, for \$200,000, BLNC will be able to effectively complete a \$3.1 million project that significantly enhances the centerpiece of the largest native habitat open space in the state's largest city, amidst a congested urban area. Our 40,000 annual visitors will gain from the project's success either through our education programs, their own study of nature, or aesthetically. Perhaps most convincing with respect to the project's importance to Colorado is that the Trustees of the State's Natural Resources Damages funds reviewed our applications for funding over several years and agreed that it was an important enough benefit such that they allocated more than \$1.1 million to the project.

- j. The water activity is complimentary to or assists in the implementation of other CWCB programs.

While we believe that there are manifold benefits that the project represents and many issues that the project addresses, we don't believe that the activity is directly complimentary to or assists in the implementation of other CWCB programs.