



COLORADO WATER CONSERVATION BOARD



WATER SUPPLY RESERVE ACCOUNT APPLICATION FORM

Today's Date: **November 4, 2015**

Windy Gap Reservoir Modification Project (Bypass Project) - Engineering

Name of Water Activity/Project

Windy Gap Bypass Committee: Northern Colorado Water Conservancy District (NCWCD) Municipal Subdistrict, Colorado River Water Conservation District (CRWCD), Grand County, Middle Park Water Conservancy District (MPWCD), Trout Unlimited, Upper Colorado River Alliance (UCRA), Colorado Parks and Wildlife (CPW)

Name of Applicant

Colorado River Basin Roundtable

Amount from Statewide Account: \$ 0

Amount from Basin Account(s): \$ 30,000

Total WSRA Funds Requested: \$ 30,000

Approving Basin Roundtable(s)

(If multiple basins specify amounts in parentheses.)

FEIN:

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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 (CWCB). 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 CWCB 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 CWCB 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):	<u>Windy Gap Bypass Committee</u> : NCWCD Municipal Subdistrict, CRWCD, Grand County, MPWCD, Trout Unlimited, UCRA, CPW		
	Mailing address:	TU: 1777 N. Kent Street, Suite 100 Arlington, VA 22209 TU Local contact: P.O. Box 1544, Pagosa Springs, Colorado 81147		
	FEIN #:			
	Primary Contact:	Mely Whiting	Position/Title:	Legal Counsel, Colorado
	Email:	mwhiting@tu.org		
	Phone Numbers:	Cell: 720-470-4758	Office:	
	Alternate Contact:	Lurline Curran	Position/Title:	Grand County Consultant
	Email:	lucurran@co.grand.co.us		
	Phone Numbers:	Cell: 970-531-3714	Office:	

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

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | Public (Districts) – authorities, Title 32/special districts, (conservancy, conservation, and irrigation districts), and water activity enterprises. |
| <input type="checkbox"/> | Private Incorporated – mutual ditch companies, homeowners associations, corporations. |
| <input type="checkbox"/> | Private individuals, partnerships, and sole proprietors are eligible for funding from the Basin Accounts but not for funding from the Statewide Account. |
| <input checked="" type="checkbox"/> | 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:

The Windy Gap Bypass Committee is a stakeholder group whose goal is to ensure the construction of the Windy Gap Reservoir Bypass, a project designed to re-connect the Colorado River and its habitat by restoring approximately one mile of the river currently inundated by the Windy Gap Dam and Reservoir by constructing a bypass channel around the reservoir. Members of the Bypass Committee include Northern Colorado Water Conservancy District, Municipal Subdistrict, Colorado Parks and Wildlife, Grand County, Colorado River Water Conservation District, Middle Park Water Conservancy District, Upper Colorado River Alliance, and Trout Unlimited.

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

Trout Unlimited will be the contracting entity. Trout Unlimited is a national, non-profit organization with over 150,000 members nation-wide, approximately 11,000 members in Colorado. Our volunteers and staff engage in partnerships and stakeholder driven efforts with the goal of conserving, protecting, and restoring cold water fisheries and their habitat in a cooperative, constructive setting.

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.

Trout Unlimited will be the contracting entity. TU is a non-governmental organization and is not subject to TABOR.

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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)

☒ Nonconsumptive (Environmental or Recreational)

☐ Agricultural

☒ Municipal/Industrial

☐ Needs Assessment

☐ Education

☐ Other Explain:

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

The primary goal and effect of the project is to improve aquatic habitat and the overall health of the Colorado River. However, the project will also improve the efficiency of Windy Gap municipal/industrial diversions.

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

☒ Study

☒ Implementation

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

New Storage Created (acre-feet)

New Annual Water Supplies Developed, Consumptive or Nonconsumptive (acre-feet)

Existing Storage Preserved or Enhanced (acre-feet)

Length of Stream Restored or Protected (linear feet)

Length of Pipe/Canal Built or Improved (linear feet)

Efficiency Savings (acre-feet/year OR dollars/year – **circle one**)

Area of Restored or Preserved Habitat (acres)

Other -- Explain:

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

Latitude: N40° 6' 17.99"

Longitude: E105° 58' 52.95"

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.

Windy Gap Reservoir is located along the Colorado River approximately 4 miles west of the town of Granby, in Grand County, Colorado. Aquatic habitat of the Colorado River in the vicinity of Windy Gap is sub-optimal. The Gold Medal trout fishery appears to be in decline over recent years and fish passage is blocked by the dam and impeded in places by shallow riffles. Water temperatures commonly exceed standards set by the Colorado Department of Public Health and Environment during portions of the summer, and recent studies suggest key bio-indicator species are nearly extirpated for many miles below the reservoir.

The primary objective of the Project is to facilitate the recovery of aquatic species by improving existing conditions and physical processes impacted by Windy Gap. Specifically, the primary Project objectives are to:

- Improve sediment transport around or through the reservoir,
- Reduce stream bed armoring downstream of the reservoir,
- Moderate elevated stream temperatures,
- Provide connectivity for aquatic life and fish passage, and
- Enhance aquatic habitat.

The next step in the Project is to conduct field work, preliminary engineering of the major design components, and initiate permitting. Work will include:

- Wetlands delineation, Endangered Species Act assessment, and historic/cultural assessment needed for 404 permit
- Topographic and existing conditions mapping
- Channel design and hydraulic assessments
- Preliminary diversion structure plans
- Refine opinion of probable cost

The estimated cost of this work is \$385,500. The Bypass Committee has secured funding in the amount of \$355,500 and is requesting \$30,000 from the basin roundtable.

See Exhibit A for a full Statement of Work. See Exhibit C for a Budget and Schedule.

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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

The Project is consistent with the statute in that it will not supersede, abrogate or otherwise impair the system of allocating water in the State.

- 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 BRT's 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.

See letter from Roundtable Chair

- 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.

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.

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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This project is listed in the Colorado River Basin Roundtable's Implementation Plan (BIP) and is one of four priority projects for the Grand County Region. Its primary purpose is to protect and restore healthy streams, rivers, lakes and riparian areas (Theme 1). The project is also expected to improve Northern Municipal Subdistrict's conveyance of a water supply to Northern Colorado through the Windy Gap Project. This is a "Tier 1" project in that it is supported by both East and West slope entities.

- 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 but 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)

No funds are being requested from the Statewide Fund. Matching funds for this phase of the project are being provided as follows:

Gates Family Foundation	\$250,000
Grand County	\$ 55,000
Colorado River Water Conservation District	\$ 20,000
Upper Colorado Landowners Alliance	\$ 30,000

The Northern Municipal Subdistrict has contributed over \$300,000 for the feasibility study leading to the selection of the Bypass Project and has committed \$2 million for its construction. The CWCB has committed an additional \$2 million from its construction fund, also for construction.

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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.**

N/A

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.

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).
- 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.
- 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.

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).
- 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.

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.

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- 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.
- h. The water activity assists in the recovery of threatened and endangered wildlife species or Colorado State species of concern.
- i. The water activity provides a high level of benefit to Colorado in relationship to the amount of funds requested.
- j. The water activity is complimentary to or assists in the implementation of other CWCB programs.

Continued: Explanation of how the water activity/project meets all applicable **Evaluation Criteria**.

Please attach additional pages as necessary.

Part IV. – Required Supporting Material

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.

The Project will occur in the Colorado River and is not expected to impact water rights.

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

The Bypass Project was selected out of several evaluated alternatives to facilitate the recovery of aquatic species below Windy Gap Reservoir. The description of the alternatives, including the Bypass Project, is described in the Final Report for Windy Gap Reservoir Modification Study (Tetra Tech 2015)(Exhibit D).

The Bypass Committee held a preliminary meeting with the U.S. Army Corps of Engineers to discuss 404 permitting. Pending the outcome of required field work, the project may qualify for either a nationwide or a regional 404 permit.

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 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 see [Exhibit A](#).

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.

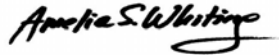
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The above statements are true to the best of my knowledge:

Signature of Applicant:

Print Applicant's Name: Amelia (Mely) Whiting, Trout Unlimited



Project Title: Windy Gap Reservoir Modification (Bypass Project)

Date: November 5, 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