COLORADO
Colorado Water Conservation Board
Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203

February 17, 2017

Trout Unlimited, Inc.
1777 N. Kent Street, #100
Arlington, VA 22209
c/o Mr. Richard Gytenbeek, Co. River Outreach Coordinator
115 N. 5th Street, Suite #409
Grand Junction, CO 81507

RE: Notice to Proceed – WSRF Grant – POGG1 2017-749 Ware and Hinds Fish Bypass Project in the Colorado River Basin

Dear Richard,

This letter is to inform you that purchase order/contract to assist in the above WSRF grant project has been approved. The original contract documents in the email serve as your copy.

With the executed agreement, you are now able to proceed with the project and invoice the State of Colorado for costs incurred through December 31, 2018. Please provide the project name, CTGG1/POGG1 number, and basin when corresponding with or invoicing for your project along with back-up documentation of cost incurred for the WSRF portion of the grant according to the original scope of work tasks. Upon receipt of your invoice(s), the State of Colorado will provide payment no later than 30 days after review and signed approval of the project manager.

Please refer to the WSRF Criteria & Guidelines for reporting requirements for the six month progress report and final deliverable requirements in order to avoid a delay in payment. A 30-day advance notice is required in the event you are seeking an amendment to the term of the POGG1 and will require an official letter of request to the CWCB project manager and approval briefly describing the need for the extension, updated insurance certificates and updated schedule reflecting the specific tasks that require additional time to complete.

If you have any questions or concerns regarding the project, please contact Craig Godbout, Project Manager at 303-866-344, ext. 3210 or at craig.godbout@state.co.us. When submitting invoices and progress reports, please cc both PM and myself at Dori.vigil@state.co.us. You can contact me at 303-866-3441 ext. 3250 for additional invoicing and payment disbursement questions.

Thank you.

Sincerely,

//s//

Doriann Vigil
Program Assistant II
O 303-866-3441 ext. 3250
1313 Sherman Street, Rm. 719, Denver, CO 80203
Dori.vigil@state.co.us / cwcb.state.co.com

Attachments

STATE OF COLORADO
Department of Natural Resources

ORDER
Number: POGG1 PDAA 201700000749
Date: 02/15/17
Description:
PDAA 2500 WSRF TROUT Ware&Hinds Fish By-pass in CO Basin
Effective Date: 02/14/17 Expiration Date: 12/31/18

BUYER
Buyer:
Email:

VENDOR
TROUT UNLIMITED INC
1777 N KENT ST
100
ARLINGTON, VA 22209-2133

Contact: R. Gytenbeek
Phone: .

**** IMPORTANT ****
The order number and line number must appear on all invoices, packing slips, cartons and correspondence

BILL TO
COLORADO WATER BOARD CONSERVATION
1313 SHERMAN STREET, ROOM 718
DENVER, CO 80203

SHIP TO
COLORADO WATER BOARD CONSERVATION
1313 SHERMAN STREET, ROOM 718
DENVER, CO 80203

SHIPPING INSTRUCTIONS
Delivery/Install Date:
F.O.B: FOB Dest, Freight Allowed
VENDOR INSTRUCTIONS:

Line Item	Commodity/Item Code	UOM	QTY	Unit Cost	Total Cost	MSDS Req.
1	G1000		0	0.00	$31,750.00	☐

Description: PDAA 2500 WSRF TROUT Ware&Hinds Fish By-pass in CO Basin

Service From: 02/14/17 Service To: 12/31/18

Line Item	Commodity/Item Code	UOM	QTY	Unit Cost	Total Cost	MSDS Req.
2	G1000		0	0.00	$31,750.00	☐

Description: PDAA 2500 WSRF TROUT Ware&Hinds Fish By-pass in CO Basin

Service From: 02/14/17 Service To: 12/31/18

TERMS AND CONDITIONS
https://www.colorado.gov/osc/purchase-order-terms-conditions

DOCUMENT TOTAL = $63,500.00

Exhibit A - Ware and Hinds Fish Bypass-Detailed-Statement of Work

(including: Project Scope, Budget and Schedule)

Project Summary:

The project is located on Elk Creek, approximately 0.8 miles upstream of its confluence with the Colorado River, near New Castle, Colorado. The project would include the construction of a fish bypass channel around the Ware and Hinds Ditch diversion dam, enabling migrating trout and native fishes to access 3.3 miles of excellent spawning and rearing habitat upstream of the dam, habitat which is currently under-utilized. The diversion structure spans the entire width of Elk Creek, and as such, acts as a barrier to migrating fishes of the Colorado River. The diversion structure provides irrigation water to downstream users for agricultural purposes. The lower portion of Elk Creek (downstream of the diversion dam) is typically dewatered during part of the irrigation season, July through September. The senior water rights associated with the Ware Hinds Ditch, however, ensure sufficient water upstream of the diversion dam throughout the irrigation season. This irrigation practice will assist in maintaining nursery and rearing habitats upstream of the diversion dam for the progeny of adult fishes from the Colorado River. The fish bypass channel will allow fish passage and use of approximately 3.3 miles of stream habitat upstream of the Ware Hinds Ditch that currently is not accessible to downstream fishes.

Trout Unlimited (TU) and Colorado Parks and Wildlife (CPW) have been collaborating with the Ware and Hinds Ditch Company and other stakeholders, including the affected private landowners, in order to gain their support and receive their approval to proceed with the project. The bypass channel will not hinder the operation or structural integrity of the current Ware and Hinds diversion structure. The bypass channel will be in operation during high water conditions in the spring and early summer and during low water conditions in the fall and through the winter. This will enable migrating fish from the Colorado River, primarily salmonids, to access existing habitat upstream of the diversion dam that is currently not accessible and under-utilized.

This project is intended to serve as an additional source of fishes to the Colorado River by providing access to spawning, nursery, and rearing habitats. Native and non-native fishes will have the opportunity to recruit both within the Elk Creek drainage and downstream to the Colorado River. Natural recruitment of fishes to the Colorado River drainage will assist Colorado Parks and Wildlife (CPW) in meeting performance goals within the agency's Strategic Plan (2015); specifically, Goal I, Objectives, A, B including Strategy 5, D Strategy 12, and Goal VI, Objective C. Increased access to spawning areas will also assist CPW in achieving the goal of the 2007 Range-Wide Conservation Agreement and Strategy for Roundtail Chub, Bluehead Sucker and Flannelmouth Sucker: to ensure the persistence of the these "three species" throughout their ranges. The States of Arizona, Colorado,

Nevada, New Mexico, Utah, and Wyoming in addition to the Bureau of Land Management State offices in Colorado, New Mexico, Utah, and Wyoming, as well as the Intermountain Region of the National Park Service and Jicarilla Apache Nation have collaborated in developing a strategy for the long-term conservation of the three species. The completion of this project would increase public angling opportunities for wild trout, and in doing so, has the potential to benefit local businesses that rely on these increased recreational opportunities and associated revenues.

Purpose and Need:

Connectivity in riverine systems is crucial to maintaining healthy fish populations in Colorado and throughout the West. Fish migrate diurnally and seasonally to spawn and find food and cover throughout their life cycles. Barriers to up and down stream migration created by roads, water diversion structures and other impediments limit access to habitat and consequently limit population size and health. These barriers not only create environmental problems, but can also limit recreational opportunities and the businesses that rely on them.

The Ware and Hinds Ditch diversion dam spans the entire width of Elk Creek. The ditch has some of the most senior water rights on the creek and provides irrigation water to agricultural producers along the north side of the Colorado River from New Castle to Silt, Colorado. While the diversion structure creates a barrier to upstream fish migration, its location just upstream from the main-stem Colorado River and its senior water rights also provide an opportunity to restore fish populations of the Elk Creek drainage and the Colorado River, without negative impacts to agricultural producers or their water rights.

Staff from CPW, recognizing this opportunity, partnered with TU to explore the possibility of a fish passage structure at the Ware and Hinds Ditch diversion dam. Since 2013, these organizations have worked with the Ware and Hinds Ditch Company, affected landowners on Elk Creek, water engineers, and contractors to develop a fish passage project that benefits Colorado River fishes while concurrently satisfying stakeholder needs and concerns. Project partners would like to complete project construction drawings and contract with a qualified contractor to build the project in a construction window between late November 2016 to late April 2017 (based on field conditions). Upon project completion, CPW will assume responsibility for maintenance of the fish bypass structure.

Project Goals:

The project goals are as follows:

1) To reconnect 3.3 miles of the lower Elk Creek drainage to the Colorado River main-stem for diurnal and seasonal fish migration and spawning by incorporating a fish passage structure into the Ware Hinds Ditch diversion structure.
2) To create a fish passage structure that enables a variety of fishes to pass the diversion dam which is a barrier to upstream fish migration. Fish species that could benefit from this passage structure include rainbow trout, brown trout, mountain whitefish, bluehead sucker, flannelmouth sucker, roundtail chub, mottled sculpin, and speckled dace.

3) To improve populations of sport fish in a highly accessible reach of the Colorado River for recreational angling opportunities.
4) To contribute to restoration of populations of all fish in Elk Creek and the Colorado River main-stem for environmental health.
5) To demonstrate the viability of projects of this type in the middle Colorado River section (Glenwood Springs to De Beque) as similar conditions exist elsewhere in this part of the basin.
6) To continue building a precedent of cooperation between consumptive and non-consumptive water users in the Colorado River basin that results in improved rivers and streams. Healthy rivers are crucial to agriculture, environment and the communities that rely on them.

Expected Results & Benefits:

Construction of the fish bypass channel in conjunction with the hydrology of Elk Creek represents a unique opportunity to increase population stocks of resident fishes in the Colorado main-stem. Annual hydrographs for Elk Creek indicate high Spring runoff flows followed by very low flows throughout the remainder of the year. These conditions are optimal for spring and early summer spawners such as rainbow trout, and flannelmouth and bluehead suckers, and workable for fall spawning fish such as brown trout and mountain whitefish. Adult fish that access the reach above the diversion will spawn and then return to the Colorado River main-stem as water levels drop in summer and winter conditions prevail later each year. Adequate water and habitat for eggs, fry and young fish will remain upstream of the diversion structure; largely because the Ware and Hinds Ditch Company has senior water right on Elk Creek and "calls" water throughout the irrigation season ensuring a viable water supply. Once upstream connectivity is restored, this portion of the Elk Creek drainage will essentially act much like an anadromous fishery in which adult fish access to spawn but then return to the main-stem for the remainder of the year. As such, Elk Creek will provide a continuous supply of young, wild fish to the Colorado main-stem increasing the numbers of sport fish accessible to anglers on this very heavily used reach.

The applicant believes that the project addresses both environmental and recreational needs. Environmentally the project will provide accessibility to 3.3 miles of the Elk Creek drainage to spawning sport and native fishes. Access to previously inaccessible spawning and rearing areas will increase recruitment to fish populations in the middle Colorado River system. Recreationally, healthy fish populations mean improved sport fishing opportunities in this highly accessible reach of the Colorado River. These benefits can be realized without negative impact to existing agricultural beneficial use of Elk Creek water through the Ware and Hinds Ditch, which will continue to irrigate Peach Valley as it has historically and without any loss or reallocation of water rights yield.

Project Tasks, Schedule and Budget

TU has been awarded a grant from the CPW Fishing is Fun grant program to fund the balance of budget items noted in the following table. Specifically these include: completion of construction drawings, project construction and project construction management and inspection.

Task	Description	Target Start Date	Target Completion	CWCB-WSRA State and Basin Funds (50%-50% split)	CPW-FiF Grant	Cash Funding Amt./Funder (*See Note)	In-Kind Amt./Funder (* See Note)	Totals
1	W-H Ditch Board Approval	N/A	Complete	0.00	0.00	0.00	$1500.00	$1500.00
2	Landowner Approvals	N/A	Complete	0.00	0.00	0.00	$ 500.00	$ 500.00
3	Landowner negotiation, property survey for easements	N/A	Complete	0.00	0.00	0.00*	$ 500.00*	$ 500.00*
4	Temp. construction easement.	Oct. 2016	May 2017	0.00	0.00	0.00*	0.00*	$ 0.00*
5	Permanent access easement.	April. 2017	June 2017	0.00	0.00	0.00*	0.00*	$ 0.00*
6	Misc. Project Mgt and Costs (printing, etc.)	N/A	Complete	0.00	0.00	0.00	$1600.00	$1600.00*
7	Conceptual Project Design-Site Survey	N/A	Complete	0.00	0.00	$4880.00	$7950.00	$12,830.00
8	Construction Drawings (50%)	Feb. 2017	Feb. 2017	$4250.00	$4250.00	0.00	0.00	$8500.00
9	Construction Drawings (100%)	Feb. 15, 2017	Mar. 3, 2017	$4500.00	$4500.00	0.00	0.00	$9000.00
10	Construction Permits (ACOE, EPA, Town N. Castle)	Dec 15,-2016	Mar. 17-2017	0.00	0.00	0.00	$4500.00	$4500.00
11	Project Construction	Mar. 27-2017	May 1, 2017	$50,000.00	$65,000.00	0.00	0.00	$115,000.00
12	Project Construction Mgt./Inspection	March 2017	May-2017	$4750.00	$4750.00	0.00	$3000.00	$12,500.00
	Totals			$63,500.00	$78,500.00	$4880.00	$19,550.00	$166,430.00

*Note: The Ware and Hinds Fish Bypass project is seeking funding from the CWCB-State and Colorado Basin Roundtable-WSRA funding pool. As stated, TU has been granted the balance of project funding from the Colorado Parks and Wildlife-Fishing is Fun (CPW-FIF) grant program. CPW-FIF grant funds are U.S. Fish and Wildlife funds (Wildlife Restoration Act and the Sport Fish Restoration Act) administered as "matching" type grant funding through state agencies such as CPW. As the administering agency, CPW's contributions of cash and personnel hours cannot be counted in the CPW-FIF grant application. For consistency between grants, their contributions are not included in the "Project Tasks, Schedule and Budget" table presented above.

Notwithstanding, CPW (and TU) personnel have invested many hours working to make this important project a reality. Further, CPW has (or is committed to provide) $8500.00 in cash to the project for surveying and easements costs. Our organizations have accomplished, and will continue to accomplish the ancillary project components (stakeholder approvals, additional design and planning decisions, permit acquisition, etc.) necessary to keep the project moving forward and to use our two primary grants (CPW-FIF and CWCB-WSRA) exclusively for construction related project costs.