

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-02749-PAB

AUDUBON SOCIETY OF GREATER DENVER,
Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS, Omaha District,
Respondent,

CASTLE PINES METROPOLITAN DISTRICT,
CASTLE PINES NORTH METROPOLITAN DISTRICT,
CENTENNIAL WATER AND SANITATION DISTRICT,
CENTER OF COLORADO WATER CONSERVANCY DISTRICT,
TOWN OF CASTLE ROCK, and
COLORADO DEPARTMENT OF NATURAL RESOURCES,
Intervenors-Respondents.

EXHIBIT 1 — DECLARATION OF MARY KEITHLER

I, Mary Keithler, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and experience. If called as a witness, I could and would testify to these facts. As to those matters that reflect an opinion, they reflect my personal opinion and judgement on the matter.
2. I have been a member of Audubon Society of Greater Denver (“Denver Audubon”) for around 25 years. I have visited and enjoyed Chatfield State Park (“Park”) over that time on trips with my family, as a part of birding excursions put on by Denver Audubon, and on individual birding trips. I help lead Denver Audubon’s monthly “Walk the Wetlands” program, and have been birding for about

twelve years. The Park provides rich habitat for birds. The numerous creeks and South Platte River that flow through the Park, combined with Chatfield Reservoir and the land surrounding it, offer a cornucopia of food and nesting opportunities for a diversity of species.

3. These species include several rare, interesting birds such as the Yellow-Billed Cuckoo, as well as more common, but nonetheless interesting, robins, sparrows, raptors and numerous other species of birds. To birders, the viewing of these species is highly prized.

4. My passion for birding has been greatly enhanced by Denver Audubon's programs and services. These programs and services, including the master birder program which I completed, gave me the opportunity to learn from trained biologists, ornithologists, and entomologists.

5. These educational opportunities along with many years of hands on experience have given me a unique skillset in birding.

6. The proposed Chatfield Reallocation Project ("Project") seems ecologically damaging to me. It seems poorly planned, and likely to ruin aspects of the Park that are the biggest reasons it is one of the most visited state parks in Colorado. I believe it will diminish the rich bird habitats throughout the park and will harm Denver Audubon's ability to offer its programs and services. If construction for the Project begins, these negative effects will be felt immediately, causing me to visit the Park less frequently.

7. The Project will drive scores of birds away and adversely affect Denver Audubon, both through the noise and disruption caused by construction and the changes the Project will bring to the Park.

8. The noise and disruption of the serene nature of the Park caused by the Project's construction will drive the more skittish bird species away from the Park. The reclusiveness and rarity of these species is the major factor in why they are highly sought-after by birders. The Park currently has habitat for these birds that is easily accessible to birders. I fear that if construction begins and the Park becomes too noisy and bird habitat is destroyed, birds will leave the Park. Even if removed trees and other habitat is to be replaced as part of the Project's mitigation efforts, it will be years before the Park's current accessibility to birding will be replicated. This will reduce my desire to visit the Park in the future.

9. Furthermore, insects and larvae are mostly found in the leaf litter below the trees and shrubs. The birds eat these insects and larvae as an energy source and to enable reproduction. Removing these standing dead trees, shrubs, ground cover, and leaf litter during construction will result in losing this important source of food and shelter for migrating and breeding birds. This will drive birds away, inhibiting the ability of Denver Audubon and myself to bird in some of the best locations within the Park to do so.

10. The removal of the underbrush will also negatively impact rodents, a main source of food for raptors.

11. The closing of the West entrance to the Park during construction will be an impediment to myself and others looking to access the Park, as it provides the most

convenient entrance for people coming from C-470, and is much easier to find and access than the East entrance. The convenience of entering the Park is part of its appeal, if the West entrance is closed and I am forced to use the East entrance, this convenience will diminish which contributes to why I will visit the Park less should the Project go through.

12. Many resident bird species rely on the Park's having an abundance of trees and vegetation in close proximity to the edge of the reservoir. They will not be able to live at the Park in dry years, when low-water levels create a ring of mudflats between the reservoir and the remaining vegetation, and will likely not return in wet years. For birders, having to traverse the equivalent of several city blocks of mudflats from the proposed new parking areas in order to get to good birding spots may be prohibitively difficult.

13. Should the Project be allowed to go forward, I will visit the Park less frequently and will be forced to bird elsewhere, something I do not wish to do. The loss of habitat, the increased difficulty of accessing birding spots and overall diminished aesthetic value of the Park the Project will cause are negative consequences of this Project which seem to have few positive benefits. These changes to the Park will be a big loss for me personally, for Denver Audubon, and for all the people who value the Park for its birding opportunities.

I declare under the penalty of perjury that the foregoing is true and correct and was executed this 6th day of December, 2017.

/s/ Mary Keithler
Mary Keithler