

**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 NORM LEWIS

I, Norm Lewis, 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 judgment on the matter.
2. I have been a member of the Audubon Society of Greater Denver (“Denver Audubon”) for 20 years.
3. I have been birding for 33 years, and I am an experienced field ornithologist.
4. I am the past president of Denver Ornithologists, and I lead all of the birding trips for the Denver Museum of Nature and Science.

5. In both my personal capacity and in my capacity as an educator, I frequently bird and lead birding expeditions throughout Chatfield State Park (“the Park”). On these expeditions I often visit the densely vegetated areas surrounding the Swim Beach, the Marina, the Plum Creek Delta and the Southwest day use areas.

6. Based on the specialized knowledge I have acquired through my 33 years of experience as a field ornithologist, I can confidently say that Chatfield is one of the most important birding areas in the state of Colorado. This is because, through the maturation of vegetation, the Park has developed a diverse ecosystem consisting of multiple different types of habitats.

7. The removal of this habitat will destroy the recreational value of the park in terms of birding. The bird habitat located in the woodlands around the shore, including the Swim Beach and Southwest day use areas, contains all three necessities for bird life: food, water, and shelter. If this habitat is destroyed it will likely take decades for a similar ecosystem to develop forcing the birds that currently live in this area to move elsewhere.

8. Furthermore, aside from the removal of habitat, the noise, vibrations, and dust created from construction related activities in these areas would likely clear the area of any wildlife. Birds are creatures of habit that do not tolerate disturbance, and the effects of this construction will likely cause a disturbance that forces them out of the area. This would make these areas useless from a birding perspective and would eliminate my ability to peacefully use and enjoy them.

9. Lastly, the eventual flooding of the park and the mud ring that would surround the reservoir in dry years will cause further damage to the birding habitat throughout the Park.

10. In my opinion as an individual, birding is my life, and all three of the major consequences of this Project will diminish my ability to bird at Chatfield in the name of urban sprawl. This is likely to keep me from returning to the Park in the future.

11. In my opinion as a member of Denver Audubon, the implementation of this project would be a major setback for the organization. The organization established its headquarters in the Park because it is one of the best birding destinations in Colorado, is very close to the Denver Metro Area, and has the unique benefit of having the infrastructure of one of the State's most utilized parks. The degradation of the birding environment that this project would cause through construction disturbance, removal of habitat, and ultimately, the flooding of the park will have significant negative impacts on the organizations ability to fulfill its mission of "connecting people with nature through conservation, education, and research."

/s/ Norm Lewis