

**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 4 — DECLARATION OF GENE REETZ

I, Gene Reetz, 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. In reference to my interest in birding and my concern over the unmitigatable impacts of the Chatfield Reallocation Project (Project), as explained in my earlier declaration, (Gene Reetz Decl. ¶6, ECF 49-2), I have become very concerned about the irreparable harm that the construction work of the Project will cause.

3. I have looked at the Chatfield Reallocation project website and attended the two public meetings sponsored by the project proponents in order to be informed on construction activities.

4. Given that the available information was limited, I contacted Mr. Tim Feehan, Construction Manager of the Chatfield Mitigation Company (“CRMC”) via e-mail on November 7, 2017 (Attachment A) with specific questions about what was occurring and what was planned regarding on-site construction activities.

5. Mr Feehan responded back, via e-mail on November 8, 2017 (Attachment B), that they were developing a response to my e-mail and would get back to me.

6. On November 20, 2017, Mr. Tom Browning (Project Manager, CRMC) sent me an e-mail (Attachment C) which referred me to the project website (which I was already familiar with), but did not answer any of my specific questions. Mr. Browning specifically stated that: “Our main source of information moving forward will be on the web at www.chatfieldreallocation.org,” and that the source of the tree management plan can be found at <https://chatfieldreallocation.org/environment/#treemanagement>.

7. I visited the Park on Thursday, December 7, and noticed that construction work has already started at the Park. I took the photos below of the construction equipment at the site and the closed access roads because of construction. I have visited the Park many times and am familiar with the Park. I took the below photos myself. The photos show a fair and accurate representation of the site as of December 7, 2017.



8. I am aware of the Construction Schedule and have read the Tree Management Plan (Attachments D and E) that I downloaded from the Project's website that Mr. Browning from CRMC referred me to, and I am concerned about the adverse impacts to Chatfield State Park. Consequently I hope that we can have the construction work at Chatfield State Park stopped to avoid irreparable harm, until the court respectfully decides on the merits.

9. I declare under the penalty of perjury that the foregoing is true and correct and was executed this 7th day of December, 2017.

/s/ Gene Reetz

Gene Reetz

Attachment – A

Mr. Gene Reetz's email message to Mr. Tim Feehan, Construction Manager of the Chatfield Mitigation Company (CRMC) on November 7, 2017

Mr. Feehan,

The original FEIS and associated documents for the Chatfield Reallocation Project basically called for cutting & clearing all vegetation below the 5,444 ft elevation. This would have been disastrous for Chatfield State Park, particularly all the wildlife for which the cottonwood gallery forest and under-story vegetation are crucial. Fortunately, the subsequent adaptive management and tree management plan seem to indicate a more responsive approach.

Some of the information on the project website, as well as the two "open houses" partially clarify what is currently envisioned. However, I would appreciate further clarification so that I fully understand what is intended.

< It is my understanding the the Colorado State Forest Service has, or will be, developing the "tree management plan". When will this be available for public review?

< The blue marked trees and debris are scheduled to be removed. Regardless of the location, if there is no blue flagging that vegetation will remain, correct?

< Aluminum tags indicate tree that are to be monitored over time. Who will actually do the monitoring and what will they be looking for?

< What exactly does the pink, yellow, and orange flagging on trees/vegetation indicate ?

< Will all the trees and other vegetation remain as is in the Deer Creek area?

< Apparently there will be different "prescriptions" for tree/vegetation management for different elevations. What are those prescriptions and for what elevations?

On a separate issue, during a recent visit to the Park, I notice extensive flagging (red, blue, and yellow) on the ground at various locations. What do the various colors indicate?

If meeting in person would be a better way of responding to my questions, I would be pleased to come to your office at some mutually convenient time.

Lastly, I know that questions regarding project impacts and mitigation are shared by many other folks and I would encourage the mitigation company to consider hosting a half-day, on-site, at key locations session to discuss tree management plans and other on-the-ground activities associated with the reallocation. While the off-site "open houses" were somewhat useful, an on-site/on-the-ground perspective would be much more informative.

Thanks for your consideration.

Gene R. Reetz, Ph.D.
470 Clayton Street
Denver, CO 80206

Phone: 303-333-2164
E-mail: greetz470@comcast.net

Attachment – B

Mr. Tim Feehan's reply to Mr. Gene Reetz on November 8, 2017

Re: Chatfield Reallocation Project: Tree management & recent flagging

Tim Feehan

Sent Tim Feehan On: Nov 11/08/17 4:37

By: PM

To: Gene

Cc: Rick McLoud; Scott Roush; Rob Harris; Bill Ruzzo; David Howlett; polly reetz; Ann Bonnell; Tom Browning

Message

Hi Gene:

Thanks for your e-mail. We are currently working on developing a response to your e-mail. We should have a response back to you by next week.

On Tue, Nov 7, 2017 at 2:58 PM, Gene Reetz <grreetz470@comcast.net> wrote:
Mr. Feehan,

The original FEIS and associated documents for the Chatfield Reallocation Project basically called for cutting & clearing all vegetation below the 5,444 ft elevation. This would have been disastrous for Chatfield State Park, particularly all the wildlife for which the cottonwood gallery forest and under-story vegetation are crucial. Fortunately, the subsequent adaptive management and tree management plan seem to indicate a more responsive approach.

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Appendix – C

. Tom Browning's reply (Project Manager, CRMC) to Mr. Gene Reetz on November 20, 2017

Chatfield Reallocation - Tree Management

Tom Browning

Sent Tom Browning On: Nov 11/20/17 9:08

By: AM

To: grreetz470@comcast.net

Cc: Tim Feehan; Rick McCloud; Roush -
DNR, Scott; rob harris; Bill; david; polly
reetz48; abonnell@juno.com

Message

Good morning, Gene-

I'm responding to an earlier message you had sent to Tim regarding questions about tree management for the reallocation project. Our team has been spending a significant amount of time updating the project website in order to keep the public informed about current and planned activities.

We invite you to view the following web information to help answer your specific questions:

<https://chatfieldreallocation.org/environment/#treemanagement>

Thanks for your suggestion about additional open house events. We don't have any planned at this time. Our main source of information moving forward will be on the web at www.chatfieldreallocation.org along with social media postings, small cards and fact sheets at the park entrance stations (coming soon), and e-newsletters.

I hope you and Polly are doing well. Feel free to stop by the office sometime for a cup of coffee. It would be great to catch up with Ann too.

Take care, and Happy Thanksgiving!

Regards,
Tom Browning

email: tombrowning.crmc@gmail.com
mobile: 720-289-1264

Appendix – D

Chatfield Construction Schedule



Chatfield Storage Reallocation Project (CSRP)

The CSRP is a partnership between federal and state entities and eight water providers in the Denver Metro area and northeast Colorado.

The project stakeholders have been working for more than two decades to prepare for this project and want the mitigation work to be done with as little impact on visitors as possible. Project benefits include:

- Increased sustainable water supply for present and future generations
- Enhanced valuable ecological resources such as:
 - Planting of over 100,000 plants, trees, and shrubs
 - Stream restoration and stabilization
 - Extensive erosion and sediment control

Existing recreational amenities and facilities will again be offered upon completion of the project.

- New ADA compliant structures and facilities in reallocated areas
- Improved road surfaces; trails replaced in-kind

About 10% of the added water storage is dedicated to the Environmental Pool, increasing the flow of the South Platte River, enhancing the river's health, increasing recreational activities and supporting agricultural operations downstream.

The Adaptive Tree Management Plan will protect visitors and dam operations by removing debris and unhealthy trees from the fluctuation zone while also conserving healthy trees and maintaining important bird and wildlife habitat.

CONSTRUCTION

The project participants have formed the Chatfield Reservoir Mitigation Company, Inc. (CRMC) to implement the CSRP. The CRMC is committed to minimizing the impact to park visitors and has scheduled construction activities for the fall, winter and spring months. Please refer to the reverse side of this handout for 2017 / 2018 construction activities. For the most current updates on construction, please visit our website chatfieldreallocation.org/construction.

Chatfield State Park

While the Corps owns and operates the dam and reservoir, it leases land and the reservoir to Colorado Parks and Wildlife (CPW) to operate Chatfield State Park, Colorado's most visited state park with more than 1.6 million visitors annually.

History

Chatfield Reservoir, built in 1975 by the U.S. Army Corp of Engineers (Corps) as flood control, also provides storage space for multipurpose water including municipal, industrial, agricultural, and recreational uses, as well as maintenance of fisheries and wildlife habitat. Since 1986, the Corps and stakeholders studied the water supply benefits of additional water storage in Chatfield Reservoir and determined that up to 20,600 acre-feet could be reallocated for additional water storage, raising the water level by 12 feet, with no impact to the reservoir's flood control function.

On May 29, 2014, the Corps approved the final Feasibility Report/Environmental Impact Statement for the Chatfield Storage Reallocation Project (CSRP) that allowed the recreation and environmental mitigation efforts to move forward.

Colorado's population is projected to nearly double by 2050, according to Colorado's Water Plan. The additional water storage at Chatfield Reservoir will serve as an integral part of storing surface water and reducing dependency on non-renewable groundwater.

CONTACT US

Website: chatfieldreallocation.org/construction
Phone: 1-855-387-4660

Facebook: facebook.com/ChatfieldReallocation/
Twitter: twitter.com/ChatfieldWater
Instagram: instagram.com/chatfieldreallocation/

FALL 2017 — SPRING 2018 PARK CLOSURES

NORTH BOAT RAMP

CLOSED December 1, 2017
Anticipated to reopen April 1, 2018

MASSEY DAY USE AREA

CLOSED December 4, 2017
Anticipated to reopen May 1, 2018

EAGLE COVE DAY USE AREA

CLOSED January 15, 2018
Anticipated to reopen May 1, 2018

DEER CREEK DAY USE AREA / BALLOON LAUNCH

CLOSED December 4, 2017
Anticipated to reopen May 25, 2018

SWIM BEACH

CLOSED December 4, 2017
Anticipated to reopen May 25, 2018

JAMISON DAY USE AREA

CLOSED December 4, 2017
Anticipated to reopen May 25, 2018

CATFISH FLATS DAY USE AREA

CLOSED December 4, 2017
Anticipated to reopen July 1, 2018

FOX RUN DAY USE AREA

CLOSED December 4, 2017
Anticipated to reopen July 1, 2018

PLUM CREEK DAY USE AREA

CLOSED November 20, 2017
Anticipated to reopen Spring 2018

PLUM CREEK NATURE AREA

CLOSED November 13, 2017
Anticipated to reopen Fall 2018

FALL 2017 — SPRING 2018 ROAD CLOSURES

WEST PERIMETER ROAD

Swim Beach to west of King Fisher

CLOSED 24/7
December 4, 2017 - May 25, 2018

North of Swim Beach to Dog Off Leash Area

Open Daily: 5:00 am - 10:00 pm
CLOSED NIGHTLY: 10:00 pm - 5:00 am

Construction Traffic Begins at 6:00 pm
December 4, 2017 - March 1, 2018

PERIMETER ROAD

King Fisher to south of Heron Viewing Area

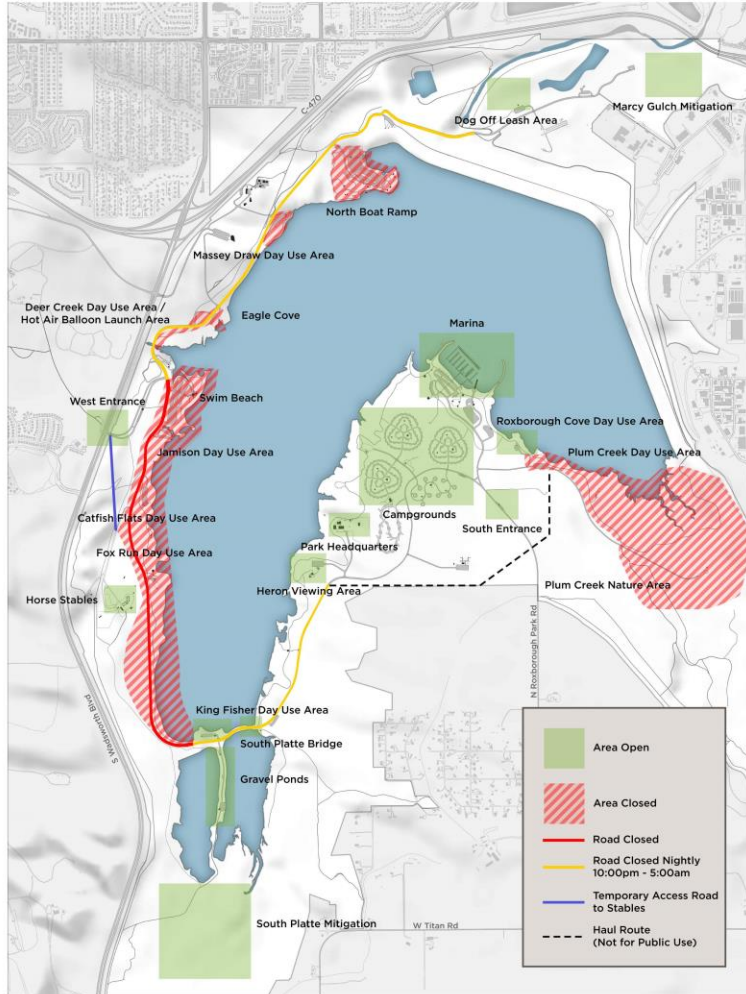
Open Daily: 5:00 am - 10:00 pm
CLOSED NIGHTLY 10:00 pm - 5:00 am

Construction Traffic Begins at 6:00 pm
December 4, 2017 - March 1, 2018

PEDESTRIAN AND BIKE TRAILS

All pedestrian and bike trails along the west side of the park from North Boat Ramp to King Fisher Day Use Area

CLOSED December 4, 2017
Anticipated to reopen May 25, 2018



FALL 2017 — SPRING 2018 OPEN AMENITIES

DOG OFF LEASH AREA

Access via West Park Entrance only

MARINA

Access via South Park Entrance only

CAMPGROUNDS

Access via South Park Entrance only

ROXBOROUGH COVE DAY USE AREA

Access via South Park Entrance only

MODEL AIRPLANE RUNWAY

Access via South Park Entrance only

HERON VIEWING AREA

Access via South Park Entrance only

KING FISHER DAY USE AREA

Access via South Park Entrance only

GRAVEL PONDS

Access via South Park Entrance only

HORSE STABLES

Access via temporary access road from West Park Entrance only

PARK HEADQUARTERS & ENTRANCES

Park Headquarters and the West and South Entrances will remain open during normal park hours



For a quick overview, watch the [Chatfield Storage Reallocation Project Video](#)

Call us toll free at: **1-855-387-4660**
or contact us at: info@chatfieldreallocation.org

Attachment – E

Tree Management Plan

CHATFIELD STORAGE REALLOCATION PROJECT

TREE MANAGEMENT

OBJECTIVES: Protect safety of Park visitors by removing dead trees and debris that will be below the higher lake level and keep healthy trees along the new shoreline



ASSESSMENT

Summer 2017

- Blue paint markings on dead/dying trees and invasive trees
- Map location and tag healthy trees and wildlife areas
- Establish 3 tree monitoring plots (5 year monitoring)



DEMONSTRATION

Summer 2018

- Establish a demonstration plot (10 to 15 acres)
- Remove blue marked trees and wood debris
- Tag healthy trees and wildlife habitat to stay
- Evaluate best methods and cost basis for tree management



MANAGEMENT

Fall 2018

- Remove blue marked trees and wood debris in the fluctuation zone around the lake
- Leave important wildlife, bird and endangered species habitat intact
- Monitor the health of trees for 5 years

What can you do to help us improve the health of trees in the Park? Leave flagging and aluminum tags in place.

TO LEARN MORE, VISIT OUR WEBSITE, EMAIL OR CALL OUR HOTLINE AT:
www.chatfieldreallocation.org | info@chatfieldreallocation.org | 1-855-387-4660



**Chatfield Storage
Reallocation Project**