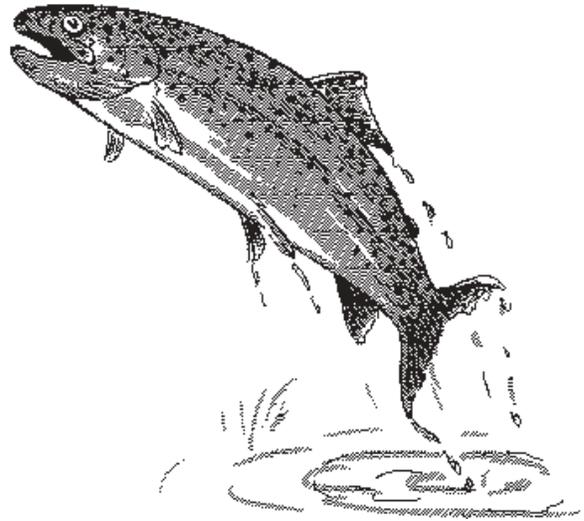


Electric

# The Evergreen Trout



January 2005 The Newsletter of the Evergreen Chapter of Trout Unlimited Vol. 23 No. 1

**From The Prez,**

**Happy New Year Everyone!!!**

I hope you were all able to take some time off over the holidays and enjoy yourselves and families. I want to personally thank all of you volunteers who helped with so many activities this past year -- arguably ETU's most successful year ever.

As you heard by now, our John Fielder event in November was (very unfortunately) cancelled at the last minute due to John's father's passing. Thanks to all who purchased tickets, made donations, etc. for that event, which we are attempting to reschedule for later this Spring. It's too late now, but hopefully you knew there wasn't a general meeting last month. Our annual Holiday Party on December 4th was it for December. If you missed the party, you missed a great get-together. The ETU "Person of the Year" award was presented to Troy Thompson who initiated and spearheaded our big Bear Creek restoration project in O'Fallon Park. Also, a huge thank you goes out to the board for presenting me with a beautiful handmade fly box loaded with flies. I really didn't deserve it, but I'll cherish it forever. The box itself was very custom made by Hal Garwood from Padauk (paddock) wood and featured an inlaid ETU emblem and laser printing among other features. I'll

bring it to the next meeting, which, by the way, will be at **Beau Jo's in downtown Evergreen, on Wednesday, January 19th at 6:30p.** Our featured speaker is none other than Pat Dorsey, unquestionably the leading tailwater fishing expert of our area. Beau Jo's (our new venue for general and board meetings) is refunding 20% of our food/drink tab back to the chapter -- a very nice gesture.

January 12th we had a much needed board meeting to discuss many critical issues. The biggest was attempting to resolve the final paperwork for the O'Fallon project. At this point, Steve Murray has sort of worked things out with the DOW so we can pay off our biggest project costs. ETU will have a short term cash problem as a result, which should be mitigated when we "final" the project. Also, discussed at the board meeting were: nominations for new officers (still looking for a Pres. & a V.P. candidate), new fishing regs., etc., etc. Our next board meeting will be the usual 4th Wednesday (January 26th at 6:30p at Beau Jo's). Please plan to attend these informal get-togethers.

Again, best wishes to all of you for a great new year. See you Wednesday!

Tight lines,  
Rich

The Evergreen Chapter of Trout Unlimited meets the third Wednesday of the month at Beau Jo's Pizzeria in downtown Evergreen (across from the Little Bear). Join us for Dinner/Chapter Business/Classes at 6:00pm followed by the program at ~7:30pm. We look forward to seeing **YOU** there!

## Final Secretary's Report

This will be my final Secretary's report. After 13 consecutive years of serving as treasurer and secretary, I'm laying down my pen. Increased responsibilities at work, at home, and with family make it difficult for me to continue as a board member.

Our last board meeting was held at the Tuscany Tavern on November 17, 2004 and was attended by 11 board members. Of critical importance was our discussion of filling vacating board positions, the most critical of which is President. A four-person nominating committee was formed, and we decided to solicit nominations for President and President-elect. The new president-elect position is intended to groom the next individual for president and to ensure that no one becomes "President for Life," as has nearly been the case with Rich. Please contact John Ellis, Gary Rotolo, Tim Haller, or Randy Huiting if you are interested in any board position.

At the board meeting, we also voted to send \$100 to the Mountain Area Land Trust to be used for acquisition of the Beaver Brook property. We also voted to reschedule John Fielder for the spring. I attended the West Denver's hosting of Mr. Fielder in December at the Jeffco Fairgrounds. Having seen 5 or 6 of Fielder's presentations, I'd have to say that this is his best by a long shot. The theme of his presentation is the mountain ranges of Colorado -- also the topic of his most recent book. Other board business included deciding to write the DOW in support of retaining the current fishing regulations on Bear Creek, conducting a book auction (see separate article), and hosting some fly tying sessions and day-long fishing trips.

Ron Belak

## Will EPA Stick To Its Guns?

As of an interview with EPA officials on January 11th, there has still been no final decision on whether or not Bear Creek will be included on the official list of "impaired streams" in Colorado, under the Clean Water Act. Following a report on the scientific water temperature research conducted by ETU and Friends of Bear Creek during the fish kills of 2002, impaired stream status for Bear Creek was recommended to the Colorado Water Quality Control Commission not only by TU but also by the EPA, CDOW and CO Water Quality Control Division scientists and regulators. We lost that battle to Colorado water politics, but under the Clean Water Act, the EPA can overrule the state if they don't do a proper job of listing truly impaired streams (which then requires them to do something about it). We are lucky to have a regional EPA staff of good scientists and dedicated public servants with the guts to insist that without Bear Creek (along with five other stream segments) included on the state list of impaired waters, EPA will not approve it; and under the law, EPA is then obliged to step in and force stream management changes, if necessary, to protect the "Class I Coldwater Trout Stream" status of Bear Creek Canyon.

The decision is now in the hands of EPA regional

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administrator Robbie Roberts, a political appointee of the Bush administration. Despite the unanimous agreement among EPA staff, other pertinent government agencies, independent scientists and community NGO's that Bear Creek has been impaired by human-caused alterations, it is still within the power of Mr. Roberts to overturn his own expert staff and conservation colleagues with a stroke of the pen.

I believe that the future of both organizations, not to mention the beautiful creek we love, will be determined by Mr. Roberts' decision. If he lets the EPA do its job, thus making the state do its job, we will soon go into a new era of partnership, working together as local stakeholders, agreeing to disagree on some things, but overall, seeking ways to solve Bear Creek's problems. If he decides to overrule his own staff, not to mention everybody else but the polluters, we will know we're in for a long, hard, adversarial slog.

Hugh Gardner

## Fishing Regs Up For Renewal

In the spring of 2000, ETU made a push with the Colorado Wildlife Commission to change the fishing regulations on Bear Creek from the standard 8-fish limit, any species, to a 2-fish limit, browns only, using artificial flies/lures only. In conjunction with CDOW biologists and Friends of Bear Creek, a grassroots group of streamside landowners, we produced petitions showing 80% support for this initiative and the regs were changed as requested. The wildlife commission sets such regs in five-year intervals, and the Bear Creek regs (along with all others) are set for renewal or changes this spring.

The chief arguments we used before were the impacts of Whirling Disease (on naturalized rainbows in particular), overharvest by bait fishermen, vandalistic trespass on private property, and the wishes of the local community for a sustainable fishery. The same arguments still apply today, even more so with recent water shortages and habitat degradation related to drought and poor discharge management. In the summer of 2002, virtually all adult trout were killed by preventable dead-pool conditions from the reservoir to Lair O' the Bear, and many more downstream. There has been encouraging recolonization by surviving brown trout and an infusion of 5,000 cuttbow fry by CDOW (now 6"-8"), but adult fish numbers in the creek are still depressed. This is no time to relax the regs and allow more killing; indeed, no-kill altogether would be more appropriate until the fishery has fully recovered.

We're not asking that, but we will be asking the Commission to keep our current regs in place for 2006-2010. ETU and FOBC leaders will be testifying at Commission hearings March 10-11. ETU members who wish to comment independently on retaining or changing existing Bear Creek regs (or any other fishing regs) may do so by accessing a new online comment form at the CDOW website, <http://wildlife.state.co.us/anglersurvey>. Comments may also be made at a special forum at the International Sportsmens Expo on January 29th at the Denver Convention Center.

Hugh Gardner

## ETU Presents Pat Dorsey

**F**ly fishing the South Platte can be both an exhilarating and frustrating experience -- sometimes simultaneously! Regardless of your fly fishing prowess, it's hard to find a more beautiful area, located so close and with such good public access. One of the masters at fly fishing the South Platte, is Pat Dorsey. Pat is a native of Colorado, and is the Guide Director and co-owner of the Blue Quill Angler. He's a five time winner of the annual Cheesman Canyon Master Fly Tournament, recipient of the prestigious Orvis Guide-of-the-Year Award, and spends over 200 days per year on the water. Further, he is a master fly tyer, tying commercially up to 28,000 flies per year. Pat also has a new book coming out summer 2005, *Fly Fishing Guide to the South Platte*. His very comprehensive weekly stream report can be found at [www.bluequillangler.com/stream.html](http://www.bluequillangler.com/stream.html). Please join us for an evening where Pat will reveal ALL OF HIS SECRETS about fly fishing the South Platte (well, maybe not ALL of his secrets), but enough of them to help the rest of us have a more rewarding experience when we take on this formidable river!

Randy Huiting

## MT's Private Water Leasing Program

**M**ontana's private instream water leasing program has been successful in benefiting both the state's fisheries and agricultural producers, according to a report prepared by Trout Unlimited.

The report, entitled, *Private Water Leasing - A Montana Approach*, examines the 10-year history of the leasing program, its successes, and the opportunities for expanding and improving stream flows in the state by making the program permanent. The law authorizing the program is scheduled to expire in 2005, unless the Legislature acts to renew it.

Established by the Montana Legislature in 1995, the private instream water leasing program is designed to improve stream flows for trout while benefiting the farming or ranching operation that holds the water right. While the concept of water leases between a water right holder and a private entity for the purpose of protecting habitat was initially controversial, the unique program has bridged many of the differences that have often existed between the conservation and agriculture communities.

"The water leasing statute has allowed unprecedented

Continued on page 5

## Kudos...

...to Dale Hoffman, Tim Stechert, Andrew Norman, Karen Christopherson, Jamie Macbeth, Larry Drury, Troy Fox, Phil Waters, Ted Schaefer, Tom Krol, and Martin Trinkino for their support of ETU.

...to Hugh Gardner, the entire Huiting family, Rich "For the last time..." Reynolds, Ron "Me too!" Belak, and Ken Neubecker for their help with the newsletter.

...to Master Printers Inc. of Evergreen for copying and folding.

Ed.

## Controversial Hydro Project Loses Water Rights

**A** proposed hydroelectric power project which could have taken more than 1,000 cfs of water from the Gunnison River has relinquished its water rights, eliminating a substantial threat to the Black Canyon of the Gunnison National Park.

Trout Unlimited opposed the water rights in water court because the AB Lateral Hydropower Project would have diminished the amount of water available to the trout fishery in the Gunnison and would have caused flooding, erosion and other adverse environmental impacts in the Uncompahgre basin as well.

"Had this project been allowed to go forward, it would have had devastating impacts on both the Uncompahgre and Gunnison Rivers, including the reach of the Gunnison flowing through the Black Canyon of the Gunnison National Park," said Drew Peternell, an attorney for Trout Unlimited's Colorado Water Project.

The Uncompahgre Valley Water Users' Association held two conditional water rights for the proposed AB Lateral Hydropower Project. Currently, the Association receives Gunnison River water for irrigation use in the Uncompahgre Valley through the Bureau of Reclamation's Gunnison Tunnel facility, which diverts Gunnison water immediately upstream of the Black Canyon. Under the conditional water rights, instead of taking water only during the irrigation season, the Water Users would have diverted 1135 cfs of Gunnison water to the Uncompahgre basin year-round for hydropower production.

The Water Users' Association filed applications with the Division Four Water Court in Montrose in November 2002 asking the court to allow its conditional, or unused, water rights to remain in effect. Trout Unlimited opposed the applications, and a trial was scheduled on the applications for June of 2005.

In preliminary pleadings to the water court, TU argued that there is not enough water available in the Gunnison River to support the project, that the project was economically infeasible, and that there were substantial regulatory hurdles, including the need for congressional legislation, before the project could be completed. Late last month, the Water Users' Association asked the water court to dismiss the applications and cancel the conditional water rights.

"It is likely that the arguments we made in our preliminary filings caused the Water Users' Association to reassess the prudence of continuing to pursue this project," said Peternell. "The case represents a major victory in Trout Unlimited's continuing effort to protect and restore the trout fishery in the Black Canyon and demonstrates that conservation groups can use the water courts to block ecologically harmful water projects."

CTU Press Release - 1/5/05

## More Trans-Basin Diversions On Tap

The rivers of the Colorado headwaters provide some of the best trout fishing in the world. These rivers, from the Roaring Fork and the Frypan to the Eagle, Blue and Colorado itself, have suffered from the drought. As bad as the drought has been, the impacts from Trans-Basin diversions have been even worse. Ever increasing depletions and operational management more tailored to toilets than natural rivers have taken their toll. And this draining of the rivers may get worse.

Both the Northern Colorado Water Conservancy District (Northern) and Denver Water have plans to increase their Trans-Basin diversions. Northern is planning to expand its Windy Gap project for up to 28,000 acre feet more from the Colorado River. Denver is planning on increasing its diversions from the Fraser, through the Moffat tunnel, by as much as 18,000 acre feet.

So what does this mean for the rivers like the Colorado and Fraser, the fisheries and TU? It means less water in the rivers, which is not a good thing. Northern and Denver will likely come for even more water in the future.

Both these projects require an Environmental Impact Statement (EIS). This is when the public, TU members and others can get involved and influence the outcome. We need to let the principal regulatory agency, the Corps of Engineers, know that there are *cumulative impacts* which need to be considered in all of the EIS alternatives. Windy Gap and Moffat are being treated as separate projects, as if one will not have an impact with the other except immediately below Windy Gap. They are also taking this view regarding other possible projects and diversions at Williams Fork, Green Mountain, Dillon, Wolcott, Homestake, Ruedi, and others.

To say that there are no cumulative impacts as they take more here and more there, all within the same headwaters drainage is patently absurd. As Windy Gap and Moffat each take more out of the upper Colorado and Fraser, the Colorado River below Windy Gap will be out as much as a combined 46,000 acre feet. Denver also plans to take more from Williams Fork and Dillon, further shrinking the Colorado downstream.

The Corps own regulations require that the EIS consider "...cumulative effects on conservation, economics, aesthetics, environmental concerns, wetlands, historic properties, fish and wildlife, flood hazards, land use, erosion, recreation, water supply and conservation, and water quality." (33CFR § 320.4) The Council of Environmental Quality regulations for implementing NEPA, of which the EIS is a part, define a cumulative impact as "The impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions regardless of what agency or person undertakes such other action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR 1500).

If all these projects in the Colorado Headwaters do not create a "cumulative impact", then I don't know what does. Since 1905 the flow of the Colorado at Hot Sulphur Springs has dropped approximately 88%. This huge decrease in the flows reflects the cumulative diversions from these supposedly 'separate and un-related' projects. If you throw

## The Evergreen Trout

in lower flows from Williams Fork and the Blue, then the possibility of losing the Shoshone Call and a reservoir at Wolcott the situation could get much worse.

CTU and the Colorado Water Project have been working hard to make sure that any future diversions and operations of existing diversions don't harm the Colorado headwaters any more. All of us in TU will need to be involved in these projects, now and when the draft EIS's come out and the real action begins.

So PLEASE WRITE A LETTER requesting that cumulative impacts with all existing and "reasonably" foreseeable projects throughout the upper Colorado and over the past 100 years, as required by regulations, be considered with all of the alternatives in both the Windy Gap Firming and Moffat Collection System draft EIS's. We will keep everyone posted as the draft EIS's come out for public comment as well. This is just the beginning.

Send letters to:

**Chandler Peter**, US Army Corps of Engineers, 2232 Dell Range Blvd., #210, Cheyenne, WY 82009; **Will Tully**, U.S. Bureau of Reclamation, PO Box 449, Loveland, CO 80537; and **Gene Reetz**, EPA Region 8, 999 18<sup>th</sup> Street, Denver, CO 80202

Copies can also be sent to:

**Dave Little**, Denver Water, 1600 W. 12<sup>th</sup> Avenue, Denver, CO 80204-3412; and **Don Carlson**, Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513

Ken Neubecker - CTU West Slope Organizer

## Greenback Management In RMNP

Rocky Mountain National Park is reconsidering their participation in Greenback Cutthroat recovery and management. The current Greenback Recovery Plan developed in 1982 calls for continued introduction into high mountain lakes and streams. Now the park is preparing its own plan, outside the overall inter-agency recovery plan, that would change the way Rocky Mountain National Park responds to Greenback recovery within its boundaries. The park is considering three alternatives:

Alternative 1 would maintain current populations of Greenback Cutthroat Trout with little or no expansion of range or populations. Some lakes and streams now containing non-native species and targeted for greenback reintroduction would become fishless. Under this alternative, the Park would not use chemicals to remove non-native fish (such as antimycin or rotenone), thereby eliminating the possibility of any significant new Greenback restoration projects.

Alternative 2 would continue current management with removal of non-native trout and reintroduction of Greenback Cutthroat Trout into suitable habitats, including lakes and streams above natural barriers that now contain non-native trout. Other waters would continue to support wild populations of non-native trout.

Alternative 3 would return park waters to a "Pre-European Settlement" condition, with waters believed to have been fishless then, returned to a fishless state. Other waters (below natural barriers) would be proposed for Greenback Cutthroat Trout restoration, including through the construction of artificial barriers.

When the National Park ceased stocking of non-native fish in 1969, over fifty percent of park waters went fishless over the next ten years because they could not sustain wild trout. Where trout remain, they are wild, self-sustaining populations. Under Alternative 3, more of the high altitude lakes and streams in Rocky Mountain National Park would be made fishless by the use of chemical or other means. If this alternative had been applied earlier, there would have been virtually no Greenback recovery in Rocky Mountain National Park. The barriers that indicate prehistorically fishless conditions are the very barriers that today protect the Greenback populations from encroachment by downstream non-native trout. There is no feasible way to recover Greenback populations in lower elevation waters without building artificial barriers, which would in themselves be a violation of the "no human disturbance" policy, and artificial barriers in other locations have often proven to be ineffective over the long term.

The high elevation waters that would be made fishless contain some of the best trout habitat and populations in Rocky Mountain National Park. These are proven wild trout waters that have supported healthy populations for the 35 years since the Park ended its stocking program -- and they include some of the most promising waters for potential greenback recovery. Some have been in place for over a hundred years and are extremely popular with anglers. The removal of these populations without replacing them with native trout populations would be a poor use of the Park's scarce resources for fish management.

The Park Service is preparing their draft document now. To make your views known contact:

Park Superintendent at: Rocky Mountain National Park, Estes Park, CO 80517 or; Fax: (970) 586-1359 or; e-mail: ROMO\_Superintendent@nps.gov

To learn more about the Park's proposals, visit their website on the management plan: <http://www.nps.gov/romo/planning/planningdocs.html>

While there will be additional opportunities for comment, the Park Service has requested initial comments on its three alternatives by January 14th, 2005, so please write today!

Thank you.

Dan Cohen - Colorado Trout Unlimited

### New Things Coming To ETU Meetings

Have you ever thought you might like to try fly tying, but didn't want to spend a couple hundred bucks to find out? Well, have no fear! ETU is here!

Starting in February, we will be offering free instruction in several phases of fly tying, before our monthly meetings. We will start at 6:00p and go until the program starts. We have a mighty talented bunch of tyers in this outfit, and some of them can even teach! We will start with The Basics, so come on down to Beau Jo's and join us for Fly Tying 101. We will have several vices set up and several folks to show you the difference between a bodkin and a hackle plier. You'll also have the opportunity to tie a fly or two. The only thing you need to bring is you.

We are also wide open to suggestions for other pre-meeting mini-classes. Maybe YOU could even teach one? Contact any board member with your ideas.

Tim Haller

### Montana Program Should Be Made Permanent

Continued from page 3

cooperation between agricultural and conservationist interests who are working together to find flexible common sense ways to benefit agriculture and fisheries," said Laura Ziemer, the director of TU's Montana Water Project.

Under private leasing, consumptive-use water rights (typically agricultural irrigation rights) are leased to a private entity for the purpose of improving stream flows. Water right holders may also convert their water right to instream flows without entering into a lease with anyone, by changing the use of their water right to an instream use. Both leases and private conversions can run for up to ten years with a possibility of one renewal.

Since its adoption by the Legislature, there have been 20 private leases approved statewide. Rivers like the Blackfoot, the Missouri, the Clark Fork, the Madison, and the Yellowstone, to name a few, have benefited from the leasing program. Instream leases or conversions have also benefited lesser-known streams, like Rock Creek and Cold Spring Creek.

In some cases, the leases have allowed irrigators to improve their management flexibility to the long-term benefit of their businesses. In several cases, the program has shown that an irrigator's water needs can continue to be fully met - - through the introduction of new labor saving technologies - - while at the same time providing water for fish. Others have received payments for signing a lease.

Experience under the leasing program has also shown that changing a water right to instream uses for fishery purposes is most effective on relatively small tributaries. "Tributaries are vital to the health of wild trout fisheries because they often provide critical habitat for spawning and rearing," said Stan Bradshaw, an attorney with TU who has negotiated a number of leases. "In many locations in the state, they are quite literally the spawning and rearing factories for wild fish."

Bradshaw said a little bit of water in a tributary can go a long way in restoring a mainstem fish population. Of the 20 leases or changes that have been completed, 19 were on relatively small tributaries.

In addition to highlighting the leasing program's effectiveness, the report made a number of recommendations for the future of the program. Those recommendations include that the Montana Legislature should renew the law and make it permanent; the leasing statute should allow for permanent transfers of water rights to instream use, should an agricultural producer decide that to be in his or her best interest; since the initial application process is so thorough and restrictive, the leasing statute should allow for automatic renewals of the instream use upon the expiration of the lease term, if the water rights holder asks for it; and, that water rights holders should be allowed to renew their instream uses as many times as they would like to, rather than be limited to one renewal.

TU Press Release - 12/14/04

### P.S. Yeah, We Know...

Yes, we know we promised you a survey, and YES, it is still going to happen. It has proved more challenging than we anticipated to 'keep it simple' and still gather useful information.

Coming soon to a newsletter near you...

ETU Board

**??? What's Happening ???**

January 2005

- 19th (W) ETU Chapter Meeting  
**REMEMBER: New meeting place  
Beau Jo's (Evergreen) - 6:30p**  
Pat Dorsey - Flyfishing the South Platte
- 21st (F-Su) Int'l Sportsmens Expo - Convention Center
- 26th (W) ETU Board Meeting  
Beau Jo's - 6:30p

February 2005

- 8th (Tu) Fly Tying Class
- 9th (W) Mount Evans Outdoor Lab 9:30a - noon  
Contact Len Wheaton if you can help
- 16th (W) ETU Chapter Meeting PLUS...  
**SOMETHING NEW!!!**  
6:00p **Beginning fly tying - Join us before  
the meeting for Fly Tying 101. Go ahead,  
give it a try. ALL are welcome!**  
7:30p John Felt of Arkanglers
- 23rd (W) ETU Board Meeting  
Beau Jo's - 6:30p

New Members

Please join me in welcoming **Barry Johnson, Don Myers, Allen Neuls, Jon Ridolfo, John Hall, Bret Gardener, Bryan Walz, Mark Lightsey, Ed Mahardy, Rachel Gaffney, H. Gulbrandsen, Gary Ervick, and Jake Goin** to ETU.

If you need help with a membership problem of any kind, call me and I'll do my best to get it straightened out.

Creel count: 374

Randy Huiting

Chapter Contacts

The Prez	Rich Reynolds <joansew@aol.com>	674-4861
Vice President	JohnEllis <jellis@enbcolorado.com>	674-1017
Treasurer	Steve Murray <murray_sp@msn.com>	670-7942
Secretary	Ron Belak	674-2239
Progs/Members	Randy Huiting <rhuiting@att.net>	670-5083
News	Tim Haller <troutguy@speedtrail.net>	674-5426
Youth Ed/Trips	Peggy Linn	674-2239
Special Projects	Hugh Gardner <hgardner@dimensional.com>	697-5876
At Large	Wayne Kosloske	674-4092
At Large	Mike Goldblatt <mike@lamtree.com>	674-7122
At Large	Len Wheaton	674-4243
At Large	Kirk Deeter <kirkdeeter@aol.com>	838-8708
At Large	Gary Rotolo <gdrotolodds@aol.com>	679-1114
At Large	Hal Garwood <hgarwood@earthlink.net>	526-2901
Webmaster	Karen Christopherson <kc@coloradofishing.net>	674-0252
CTU Office	Various nice folks	440-2937

On the web - [www.tu.org](http://www.tu.org); [www.cotrout.org](http://www.cotrout.org); [www.evergreentroutrout.org](http://www.evergreentroutrout.org)  
Contact any of us with questions, suggestions, or spare time.

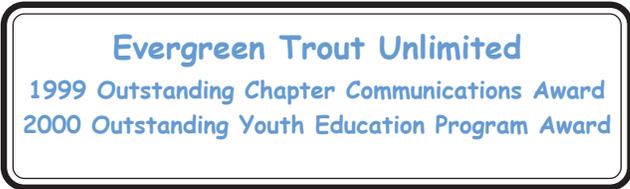
Editorial Policy

All submissions to the newsletter must be received by the Editor by the **1st Friday of the month**. Submissions may be on 3 1/2" disc or e-mailed. All items are subject to editing/space limitations. Articles are copyrighted by the author unless otherwise noted. **All phone numbers are Area Code 303 unless otherwise noted.** Call me for additional information.

Evergreen Trout Unlimited  
P.O. Box 1974  
Evergreen, CO 80437-1974



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