

**Chatfield Reallocation FR/EIS Study Meeting
Tetra Tech Conference Room, Lakewood, Colorado
Thursday, October 30th, 2008: 9:00 am — 11:30 am**

1) Introductions

- Tom Browning (Colorado Water Conservation Board (CWCB)) welcomed meeting attendees and mentioned that the Chatfield group email list was lost during an agency migration to an updated version of MS Outlook. He is currently rebuilding the list and will make revisions as needed. He asked that Cooperators let him know if they did not get a summary from the last Washington D.C. trip and he will get that out to anyone who needs it.

2a and 2b) Study Logistics: Budget and Schedule

- Eric Laux (U.S. Army Corps of Engineers (COE)) distributed copies of the budget to meeting attendees. Currently there is \$300,000 in the budget for the seismic studies, Tetra Tech contract modifications, the topographic study, the updated water quality analysis, and travel. There is also \$10,000 in additional costs for the Independent Technical Review (ITR), model certification, and supervision and administration costs (which have increased). The second page of the handout has a schedule with basic line items for all the studies and the Alternative Formulation Briefing (AFB).
- The handout also contains a draft schedule for the FR/EIS and the ROD. Eric added that Tetra Tech's modification of the water quality analysis is going smoothly and that the recreation modification study has a 90-day schedule beginning October 2nd. The estimated timeframe for the completion of the Environmental Mitigation Plan is mid-January.
- The release of the draft FR/EIS is planned for March. The first public meeting will be held at the end of March or early April. From there, the schedule depends on the level of public response. Eric feels that all the major issues that could come up during the public comment period have been identified and addressed.
- Tom B added that the State has received the Schedule and Cost Change Request (SACCR) and they have accepted it and will be sending a letter to the COE.
- Eric said that for fiscal year 2009, the COE has received \$54,000. This amount is related to the Continuing Resolution. As the SACCR funds run out the COE will look for money from the State.
- Question from Kent Wiley (Audubon Society of Greater Denver) to Eric: If you receive a request to change the public comment period from 45 to 60 days does it affect the budget? Eric answered that it does not affect the budget it just pushes out the timeframe for completion. Kent added that he is thinking the Audubon Society will probably request this extension because they feel that it is a complicated FR/EIS and that the public will need more time to review it. Eric feels that at this time 15 more public comment days will not make or break the schedule. He is hoping at this

point that they will have a ROD by the end of fiscal year 2009. They don't want it to carry over into fiscal year 2010.

- Question from Rick McCloud (Centennial Water and Sanitation District) to Eric: Do you think the AFB can be held without the BBC Research socioeconomic study and Betty Peak's (COE) Unit Daily Value (UDV) study complete? Eric thinks this will be OK and added that the AFB requires that 70% of the report be complete. Recently they have been leaning towards 100% completion but Eric is hoping they will be OK with 70%.
- Sandy Rayl (COE) pointed out that the Colorado State Parks Department has not submitted their comment package and this might affect when the draft can go out to the public. Dave Geiger (Colorado State Parks Department) said that he has over 200 comments on the incomplete draft and he cannot move this up his chain of command until he has the rest of the document and added that the best way to speed things up is to get them the entire document.
- Eric told the attendees that since the Chatfield project is completely funded by the Cooperators it should not have to undergo the same scrutiny as COE-funded projects. He also added that on the model certification issue that since they are not COE-created models they should not be held to the same review standards as COE models. If they determine that the models do need to go through the same review process it will take additional time and money. He is hoping that it does not come up in the AFB that they will have to certify all the models.
- Question from Rick to Tom B: Do you think the funds that the State has currently will be enough or are you going to need more money from the Cooperators? Tom B answered that he does not see a need for more participant money at this time.
- Eric clarified that some of the increased project-management costs are because he is supposed to transition this project over to a new Project Manager sometime before the AFB. The new Project Manager has not been identified at this time. Katie Fendel (Leonard Rice Engineers for City of Brighton) said that it is so close to the study being complete that it seems like bad timing for Eric to transition out now. Eric responded that his department can't function properly as it is currently configured due to the heavy workload and that the project needs to get changed over to new hires in the Omaha District.

2c) Study Logistics: Cost of Storage Policy Exception

- Eric informed the meeting attendees that the COE will work internally tomorrow to get the updated Cost of Storage submitted and he will work on moving that up the chain next week.
- Eric distributed a handout on the updated Cost of Storage at the meeting and he will also distribute it via email. The current updated Cost of Storage is 34.5 million dollars.

- Question from Mike Mueller (Sierra Club): If Alternative 2 is accepted and the Cooperators are not using the storage space, can it be used by other water users? Eric answered that no, they would not be able to utilize the unused space because the Cooperators entering into the agreement now are responsible for all construction and mitigation costs. Another question from Mike: What if there was an agreement that the water users would pay back the Cooperators for those costs? Eric said that would not be possible—if something like that were proposed there would have to be another FR/EIS study conducted. The current Cooperators are under contract with the CWCB and the CWCB is under contract with the COE.
- Mike asked about the possibility of some of his colleagues in western Colorado bringing water from the western slope and filling Chatfield with more water than is proposed in the current FR/EIS. Eric reiterated the point that that is changing everything that is agreed on in the current FR/EIS and it would require an entirely new study.
- Bill Ruzzo (Denver Botanical Gardens at Chatfield) pointed out that on page two of the memoranda of records there is the high cost of yield of \$14,000 per acre foot and he asked Eric if that number was correct. Eric clarified that the \$14,000 includes mitigation costs as well as other costs and that the Cooperators will not pay that amount. At this point that amount is just for demonstration purposes.

3a) EIS Discussion Items: Water Quality Analysis

- Gary informed the Cooperators that Tetra Tech received the contract modification from the COE so they have been working on the revision to the water quality analysis. He is expecting an internal draft before Thanksgiving with a final draft complete by the end of the year.
- Bill asked Gary what they should expect from the updated analysis. Gary said that it is basically an update to the report everyone has seen before however, they are refining the bracketing of the results by adding less conservative scenarios to the range of scenarios that have been evaluated.
- Kent asked if there will be any updates to the E. coli issue at the swim beach in the new water quality analysis. Gary confirmed that there are no modifications to the E. coli findings in the update and added that in order to accurately model E. coli would be a big step up from what they have done. Ken asked if Tetra Tech and the COE are prepared to address public comments on this issue. Eric does not think it should be a big issue—what has been covered in the study is what they feel is appropriate. Rick added that there could be an adaptive management process to go through if there are issues that arise with E. coli at the swim beach in the future.
- Mike asked if the adaptive management contract will include changes in water quality standards. Kristi Livedalen (Jackson Kelly) answered that there is a meeting on November 10th to look at those water quality standards and that there are always proposals to change the standards

- that are out there now. This is a review that takes place every few years. Eric clarified that in the EIS they are just trying to show the changes in water quality and they cannot address future changes. Kristi suggested that Mike contact her for more detailed information on this issue. Mike said that he has heard that the public is saying that there is a proposal out there trying to weaken water quality standards before this reallocation takes place. Rick said that there is always a potential that water quality standards can change but all they can do is look at the existing conditions
- Mary Powell (ERO Resources) said that an EPA official was at the environmental mitigation meeting on Tuesday and that she was very concerned about potential changes in water quality standards. Rick said there are people at the State and Federal level watching this process so they are not flying under the radar.

3b) EIS Discussion Items: Environmental Mitigation Plan

- Mary met with Brad Johnson at the University of Colorado Boulder about the wetlands assessment model and is making progress on that portion of the Environmental Mitigation Plan.
- Mary said that a good part of Monday's Environmental Subcommittee meeting was devoted to the Colorado Division of Wildlife's (DOW) comments on Chapter 4 aquatic issues. Paul Winkle (DOW) added that the DOW has comments about how South Platte River flows below the reservoir will be affected by the reallocation. They need daily flow values below the dam to better assess habitat for aquatic species. They need more information on the daily averages to assess physical habitats.
- Paul added that, in winter months, between Alternative 3 and Alternative 1 the base flow varies by 12 cubic feet per second (cfs). At some points in the winter the flow is only 12 cfs which would mean that the river would be dry below the dam during those time periods. Rick pointed out that water will be stored in times of high flows and then will be released in times of low flow to ensure that the river will never be dry. Also, Centennial Water and Sanitation is releasing water from their treatment plant continually so that even in winter they will be releasing around 8 cfs. Paul said that the stretch below the dam to the effluent release point is a short stretch but it is stocked with coldwater trout species so the flows will be important.
- Cecily Mui (South Suburban Parks and Recreation/South Platte Park) said that another big concern that came up in the meeting with the DOW is that there is a three-mile reach of the river that is not channelized and is susceptible to incision during times of increased flows. South Platte Park is a flood-plain park that is designed to overflow but it will change if there are higher flows. She added that the Environmental Mitigation Plan needs to state when high flows are going to be released and how the flow is going to change downstream characteristics. She will be submitting that as an official comment so it can be addressed.

- Mary said that advanced mitigation opportunities might get lost if Cooperators don't get moving on some of the possibilities that are coming up now. Rick noted that one of the reasons they haven't started pursuing this is because of the seismic issue and that if they can get that resolved in the next couple of months they will be more willing to start pursuing this. Brooke Fox (Chatfield Basin Conservation Network) thinks that there is some interaction with private parties that could start happening now and she wants to meet with Tom Ryon (Ottertail Environmental) about projects with the Forest Service.
- Katie said that it is tough for a far-downstream user to invest at Chatfield unless they can recover the cost if the reallocation does not go through.
- Tom R. clarified that the Sugar Creek Forest Service project is already complete but there should be other opportunities in the future. Eric clarified that it is acceptable to work on Forest Service land as long as it is clear that the project would be "above and beyond" anything the Forest Service is working on. Accelerating a schedule would also count as "above and beyond".
- Steve Dougherty (ERO Resources) said that they can work between now and when the seismic issue gets resolved on gathering a list of potential mitigation projects so that they will be ready. Katie requested that they announce the subcommittee meeting where they will discuss potential projects so that the Cooperators know when to attend.
- Question from Haley McKean (Webb PR): Is there any worries about public outcry related to mitigating outside of the park? Mary responded that there is a limited amount of on-site mitigation and that is outlined now. Eric added that the COE is not going to do any eminent domain requests to expand the park boundaries for mitigation purposes but if there is anyone that wants to donate or sell connected land they can look at this.
- Peter Plage (U.S. Fish and Wildlife Service) added that for the Preble's critical habitat unit there is only a set amount of acceptable habitat in the park so they will have to go outside the park boundaries to obtain the total amount of critical habitat needed. Brooke reiterated that this is the reason she wanted to have this conversation now because if there is a mitigation opportunity that arises that is connected to the park they need to identify this now. Mary added that it's good to have some potential mitigation opportunities identified before the impact to offset the temporal lag that can occur.
- Mary concluded that Tetra Tech has placeholders in the Environmental Mitigation Plan where her portions will fit in and then the Plan should just require some tweaking to make sure everything flows. Gary added that everything is on schedule to have this done in January.

3c) EIS Discussion Items: FR/EIS Chapters and Appendices

- Gary reported that the COE has Chapter 4 and Betty is going through all the comments. The ITR Team is reviewing the document now as well.

There are place holders in Chapter 5 for some components but it will go out to Cooperators soon. The ITR Team already has Chapter 5.

- Chuck Hillerson (Tetra Tech) and Gene Sturm (COE) are working to fine tune the updated Cost of Storage. Eric added that Chuck, Gene, and Betty need to talk about the decisions made before the update goes out to the Cooperators.

3d) EIS Discussion Items: Dam Safety and Seismic Review

- Eric said that they had another vertical team meeting with COE engineers and they said that the likelihood of the dam being classified as a critical structure is unlikely. One reason for this is, because of the dam's small output, it does not have the capacity to lower the lake level in a day.
- The recently-drilled cores have come back for the lab and they are moving forward on that study. The geotechnical models are being worked on. Eric hopes that everything is fine—there is \$40,000 set aside for other hydraulics studies that would not have to take place if the dam is not classified as a critical structure. If there is an issue Eric has no idea on what the future schedule will be.
- In response to your request, the CWCB Watershed/Flood Section is involved with the following studies and projects within the counties you listed:
- Tom B said that one of the members of the COE technical advisory committee wrote an email saying that he does not support the findings of the ground motion study at Chatfield and Cherry Creek. The committee member feels that part of the analysis is not adequate and more work is required. Eric said he will track this down and follow up.

4a) Recreation Analysis: EDAW Recreation Modification Study

- Dave informed the attendees that the State and the COE have come to a final understanding and they are in agreement of where structures can be relocated in the park. EDAW can now proceed with their study. He wanted to thank Tom B and Rick for working out the funding necessary to put EDAW under a 90-day contract starting on October 2nd.
- Eric said he wants update meetings during this 90-day contract period.

4b) Recreation Analysis: BBC Socioeconomic Study

- Dave talked with BBC Research and they said that they are waiting to have the EDAW study 70-80% complete before they can start the study on how the park will transition during the reallocation. BBC Research will probably have to get their contract extended to complete the report. Dave thinks sometime in late January they should be done. He added that Betty is also waiting for the EDAW and BBC Research studies to be complete before she can complete her UDV study.
- Dave said that a major issue that EDAW is working on right now is how to anchor the marina so that it can't break away and hit the dam during large water-level fluctuations.

- Rick suggested that EDAW should present their study conclusions to the Cooperators at the December meeting.

5) Public Involvement

- Brooke and Haley passed out a copy of the revised flyer and website content. They are requesting comments on the website content from Gary, Eric, and Tom B, but added that if anyone else wants to submit comments to please turn them in by the end of next week.
- They are not accepting comments on the flyer because it is ready to go to the printer. They will have 5,000 copies printed for winter distribution at Chatfield. Brooke has Gary's mailing list for the flyer distribution but if anyone else has an additional list of recipients they want it mailed to let them know. They will also provide an electronic version to anyone who wants it for an email list.
- Haley added that if there are any other graphics besides the map that should be evaluated to be placed on the website please provide them to her.
- Rick confirmed that they are printing a smaller amount of flyers for the winter so that they can distribute an updated flyer with public comments in the spring.
- Mike suggested that they call the "hotline" a "comment line" since it is not staffed by an actual person. Haley clarified that when people call the hotline, it goes to a voicemail system where people can leave comments and then she responds as necessary.
- Dave pointed out that the green border on the map is mislabeled—it is the COE boundary not the State Park boundary.
- Bill suggested that, on the website, the Denver Botanical Gardens should be listed as an upstream user not a downstream user and that it should say "Denver Botanical Gardens at Chatfield" to help clarify where the water is going to be used.
- Brooke gave the fax number for Cooperators to send any website changes to: (303) 955-2219.
- Haley explained that the technical terms used in the website will have links to a glossary and that the Frequently Asked Questions section of the website will be updated as questions come in on the website and hotline.

6) Wrap-up: Summary of Next Steps & Next Meeting Date

- Next meeting date: Thursday, December 11th, 9:00 am — 11:30 am. Gary will check on Tetra Tech conference room schedule.