

Chatfield Reallocation FR/EIS Study Meeting

Tetra Tech Conference Room, Lakewood, Colorado

Thursday, February 24, 2011: 9:30 am–11:30 am

1) Introductions and General Announcements (Colorado Water Conservation Board [CWCB]):

- Tom Browning (CWCB) welcomed the group and introduced the agenda. Topics included Capitol Representatives Update, Study Update (budget/schedule, and other project updates), EIS Discussion Items, Action Items for Unresolved Issues and Tasks, and Wrap-Up.

2) Capitol Representatives Update

- Marge Price and David Howlett of Capitol Representatives provided an update on the annual trip to D.C. planned for March 1–3, 2011. The purpose of the meetings are to meet with members of Congress to reinforce the need for Denver Metro area water supply solutions, meet with the Corps HQ, and discuss the importance of the storage reallocation project, timeline, and funding mechanisms. The funding request for 2012 will be presented during the planned meeting with the Congressional delegation in Washington DC, in early March. Nine meetings in total are planned for the trip and will include meeting with the office of the Army Assistant Secretary for Civil Works, and USACE Headquarters.
- The project has requested funding through the Omaha district budget which includes the Chatfield project. The project will know more about the status of funding after March 4, 2011, but language in the appropriations bill should see the project through the end of the year. The budget could be funded as general investigations for the USACE.
- David warned the group that the government may shut down March 4th, 2011. It has happened before, in 1996, and might slow the project schedule.
- Tom Browning concluded this discussion by thanking the participants for attending meetings in D.C., the decision makers at USACE Headquarters need to know the importance of the project in order to provide ongoing support.

3) FR/EIS Study Update—Gwyn Jarrett (USACE-Omaha [Corps]):

i. Cooperator/Advisor Confidentiality Agreements

- Tom Browning addressed the issue of the level of confidentiality that is appropriate for the organizations participating as technical advisors. Tom summarizes that most of these discussions are not for public disclosure. The public website should be used as a guide of what is appropriate to discuss with organization members since information on the website has already been approved for public release. All releases on the website have been carefully vetted by the USACE. However, information on the FTP site (managed by Tetra Tech) is considered confidential.
- When in doubt about release of information, check with the USACE, they have a Public Relations department. If a technical advisor would want to distribute information that is on the FTP site, or discussed in confidentiality, they must get approval from the USACE.

- Items like mitigation and the CMP must be kept confidential until release of the FREIS. These items will be part of a public document, but it has not yet been released to the public.
- The agreement for Brighton's withdrawal from the project has not been finalized yet. It is anticipated that their portion of the storage would go to upstream users. This change will need to be addressed in the FR/EIS. Currently there is a placeholder in the FR/EIS indicating that a change will be needed when the agreement has been finalized.

ii. Study Budget and Schedule.

- Gwen gave an update on the current status of the Tetra Tech contract. Funding is available for incorporating the remaining comments into the FREIS. Gwen distributed the Project schedule of the FREIS reviews. This schedule is based on meeting several critical path items on time in the next few weeks.
- The critical components include:
 - Finalizing the contract modification for Tetra Tech; the RFP is expected to be sent to Tetra Tech by Friday or early next week.
 - DOW and Parks need to resolve key issues with the Water Providers
 - The costs for mitigating impacts to the Marina need to be resolved.
 - The project participants and state and federal government entities need to finalize the framework of their agreements for allocation.
- The Plans for Public meetings are being discussed, and the meetings are planned for early July, 2011, after release of the Public Draft FR/EIS.

iii. Contract Discussions (Federal/State/Participants)

- There have been ongoing discussions between the Federal and state government entities and the water users regarding storage space contracts that may affect the DFREIS to some extent. Tom did not have any updates to report besides that they were working through negotiations. Tom explained that these detailed contracts do not have to be completed for the DFREIS, but the general framework needs to be agreed upon for inclusion.
- The question was asked; what guides the USACE in determining when the contracts/negotiations are finalized enough to include that information in the DFREIS. The CWCB and USACE have been having ongoing discussions about the level of information that is appropriate to include illustrating the impacts and/or project components. The USACE will try to make the FR/EIS as complete as possible with respect to information contained in those contracts.
- The CDOW added that, for the other water projects they are involved in, mitigation, typically part of the contract agreement, is typically not dealt with until after a DEIS is released, and that the Chatfield Project is ahead of the curve in that the CMP will be part of the Draft FR/EIS.
- All agreed that the best interest for public consumption of the DFREIS is to have the most complete package possible and clearest picture of the agreements.

4. EIS Discussion Items

i. Alternatives

- The group discussed an email that Gene Reetz from the Audubon Society of Greater Denver (AGSD) sent regarding the adequacy of the alternatives analysis. He is concerned that the FREIS does not look closely enough at all feasible alternatives per CEQ regulations. Gene stated that this project could be litigated and the alternatives would be vulnerable to scrutiny. He also asked that the Project consider that a combination of small alternatives can achieve the same goals of the Chatfield project.
- Gwen responded that USACE water supply experts have helped to review the alternatives analysis and that the project is compliant with NEPA, and the PNGs. She did state that perhaps it needed to be made clearer why certain alternatives have not been pursued as feasible alternatives. She added that even with Chatfield and other water projects in Denver, there would be a water deficit in the area. Other water projects would continue to be developed, but should not be considered as alternatives to Chatfield.
- John Hendrick (Centennial Water Supply District) went on to describe that Centennial has done their own exhaustive screening process for what would be their best water supply solution.
- Gary Drendel noted that the alternatives analysis, Chapter 2 in the EIS, was greatly expanded in the September draft, and it considers many concepts and alternatives.
- The group agreed that there is a need to bolster the discussion in the FREIS to show how the alternatives have been extensively screened, and why other alternatives have not been analyzed due to such factors as cost, impacts, and feasibility. The water users have a good sense for this screening, but these concepts should be communicated more clearly in the DFREIS.

ii. Website review, press releases, and public relations update

- Mark Shively (Castle Pines North) presented an update of recent website and public involvement activities. A website review meeting was held last week at the CWCB offices, and hosted 10 participants, that provided 42 total comments on updates to the website. These have been sent to Gwen to determine responses to the comments.
- The team discussed the flyer that is being passed out to park visitors. This flyer states that the DEIS release is in 2009. The question was posed to the group to determine if we want to reprint the flyer to say the DEIS release is in 2011. In addition, Gene Reetz indicated that the phone numbers on the signs in the park are not correct and need to be corrected. The question was posed to the group if those signs should be replaced or fixed. No resolution was made for either of these items.
- Paul Day of the local CBS news affiliate will do a story on state budget which may include information on loans for water projects, and perhaps mention the Chatfield Project. The group should be aware of that report.
- Gwen has organized a Public Outreach plan with four key methods that will be used to announce the comment period and DFREIS release meetings:

1. The USACE will issue a press release on the report and start of the comment period

2. The USACE will post the Draft FR/EIS to the Corps' website 3. The USACE will issue a press release on the public meetings dates and locations

- 4. The USACE will issue a display advertisement in the *Denver Post* announcing public meetings dates and locations. The press releases will also be distributed to the Corps' facebook page, the Study website, and to Cooperator websites (e.g., CWCB and Parks).
- Polly Reetz suggested that local newspapers be used in addition to the *Denver Post* for the press releases and display advertisements.
- The group discussed that the water users and the technical advisors should take on some responsibility for announcing meetings. All participants and NGOs should be sending out email notices and news releases. Counties can post the news on the internet.

5. Other Items/New Business

- Gene Reetz suggested that the public should be shown a clear picture of how the water levels will fluctuate. He said it is not clear when reading the executive summary and it is too cumbersome to dig into the details in this document. The public needs to understand fluctuations and what it would look like. Gwyn indicated that the length of the Executive Summary needs to be kept to a reasonable limit, and that the hydrology information can be found in the water control manual and Hydrology modeling appendix. Gary Drendel indicated that each of the resource impact sections of the FR/EIS (e.g., Recreation, Wildlife, Vegetation) include discussions of the water fluctuations they pertain to that resource, such as magnitude and duration of inundation for trees. John Hendrick said that the uncertainty and randomness of hydrologic conditions from year to year needs to be kept in mind, and that exact numbers on pool level and fluctuations are not possible. Steve Dougherty (ERO) provided a brief update on the Denver Water issue. The CMP has been revised to include a description of reservoir operations with and without Denver Water's involvement in the Chatfield project. Denver Water is currently addressing mitigation issues with DOW/DNR on the Moffat water supply project. They will turn their attention to the Chatfield project after they complete their work on the Moffat Project, probably about mid-May. Given this timeframe, Steve indicated that the language in the revised CMP will likely remain as is for the Public Draft.

6. Action Items

- David Howlett will distribute the memorandum to the delegation in response to the *Denver Post* article.
- Make a decision on updating the phone numbers on the signage at Chatfield State Park
- Make a decision on updating the public information flyer to indicate the DFREIS will be released in 2011
- Revise the language in the document to better define the alternatives analysis

4) Wrap-up—Next Meeting Date:

- Next meeting date: Thursday April 14th 2011, at 9:30 am, Tetra Tech conference room on 10th floor (Gary will check on availability of the Conference Room and notify Tom).