

## **Chatfield Reallocation FR/EIS Study Meeting**

**Tetra Tech Conference Room, Lakewood, Colorado**

**Thursday, January 13, 2011: 9:30 am–11:00 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, draft review process and comments, and other project updates), EIS Discussion Items, Public Involvement, Action Items for Unresolved Issues and Tasks, and Wrap-Up.
- Eric Laux (USACE-Omaha) attended the meeting with Gwyn Jarrett.
- Tom informed the group that the Colorado Water Congress will hold its annual convention from January 26 through 28, 2011, at the Hyatt Regency Denver Tech Center.
- A follow-on meeting is planned at 11:00 am, directly after the regularly scheduled Chatfield Reallocation FR/EIS Study meeting, to discuss revisions to the draft FR/EIS based on the NGO comments,
- The group mentioned the recent articles concerning the Chatfield project published in the Denver Post. The media attention shows strong interest in the project on the part of the public, but also indicates that certain aspects of the project have not been effectively communicated to the public. Further discussion about public outreach was deferred to later in the meeting.
- Tom announced that Katie Fendel will have her contract with CWCB extended for the next year to assist with Chatfield and other projects.
- Negotiation is continuing between the DNR (Division of Wildlife and State Parks) and the water providers concerning recreation and environmental issues, including upstream aquatic resources in the South Platte and Plum Creek. Tom mentioned that the meetings have been productive and progress is being made.

### **2) Capitol Representatives Update**

- Marge Price and David Howlett of Capitol Representatives addressed budget issues with the group. In its final act on the FY11 appropriations, the 111th Congress extended the Continuing Resolution (CR) until March 4, 2011. The CR essentially continues funding for most programs at the FY10 level. The 112th Congress, set to convene on January 5, 2011, will take up the task of finishing the appropriations bill as one of its first actions. The level of funding the project realizes depends on the final appropriations bill that is passed. A total of \$267,000 was allocated in the Energy and Water bill, and this figure looks promising at this time. There has been some discussion about reverting funding to FY09 and FY10 levels, but no final action has been taken. If spending is based on FY10 levels then \$210,000 could be allocated. 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.

- Dave asked that anyone who wishes to attend the next trip to Washington, D.C., should make arrangements now. The purpose of the meeting is 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 trip is planned for March 1–3, 2011.
- Dave told the group that the funding request for 2012 needs to be finalized by the end of January/beginning of February. The funding request will be presented during the planned meeting with the Congressional delegation in Washington DC, in early March.
- Dave cautioned that the anticipated funding situation in 2012 will be challenging given the new House majority. Dave was asked about the expected status of earmarks. The project is not part of the president's budget, and has been funded in the past through earmarks. The Colorado agencies and Congress want to see this project completed, but without earmarks funding could be hard to find. Senator Udall has said he will not support earmarks and it is unknown as to whether Senator Bennet plans to support them. Marge and Dave will investigate working through the agencies and with members of the Congressional delegation to support funding of specific budgetary line items, such as general investigation, even if specific projects are not named. This process would not require earmarks. In addition, they will continue to attempt to justify earmark requests, and will write letters to all members of the House delegation to educate them about the project and communicate to the administration the importance of using general investigation funds to support the Chatfield project. It is important for the project to support the Corps' request for general investigation funds.
- If the project anticipates a need for funding in FY 2013, then it should consider positioning the Chatfield project for inclusion in the president's budget.

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

#### **a. Project Management**

##### *i. Study Budget.*

- Gwyn indicated that the Chatfield project received \$10,000 as a result of a funding request to cover labor and contract costs in December and January, and \$1,600 remains as of the time of the meeting. Gwyn is working on the contract modification for Tetra Tech, which should be in place by the end of January. Gwyn noted that this is the last incrementally funded contract in the Omaha District. The contract modification for Tetra Tech will support the comment incorporation and revision effort required to produce the draft FR/EIS for USACE HQ review. Part of the contract modification requires agreement between Tetra Tech and the Corps as to what tasks are included under the contract and what activities are out of scope.
- HQ will perform their review of the draft FR/EIS using internal funds.

##### *ii. Project Schedule.*

- Rick McLoud (Centennial) asked about how the schedule has been impacted by delay in the contract modification with Tetra Tech. Gwyn responded that a revised schedule is under preparation, but provided the following estimated timeline:

- Revisions of the draft FR/EIS based on the ATR and NGO comments will be completed by the end of February.
- The revised draft FR/EIS will be submitted for USACE HQ review around the beginning of March 2011.
- The USACE HQ review period is planned for 60 days, so receipt of comments from USACE HQ are anticipated in early May 2011.
- Revisions of the draft FR/EIS based on USACE HQ review incorporated during May 2011.
- Release of the draft FR/EIS is anticipated in June 2011, with a 60-day public comment period.
- Gwyn noted that ATR and Cooperator reviews have been completed, and responses have been formulated for most of the comments, with all comments substantially addressed. The AFB/PGM comments from 2009 have also been addressed (in the June 2010 draft). She reported that the comments include consistency issues, requests for further detail or explanation, developing additional graphics that illustrate reservoir elevations associated with the different alternatives, and expanding the executive summary to provide a comprehensive stand-alone description of the project purpose and intent, alternatives, and recommendations. She does not anticipate that major revisions of the draft FR/EIS will be required. No new studies or analysis will be required to complete the draft FR/EIS for USACE HQ review.

*iii. Other Updates.*

- Gwyn is waiting for a letter/memorandum to be issued by DNR that grants final approval to insert into the draft FR/EIS the proposed language developed by the water providers and representatives from DNR. The proposed language was prepared to identify items that require mitigation, describe the mitigation goal in conceptual terms, and state that mitigation will be implemented. The purpose of the effort is to provide reviewers of the draft FR/EIS with additional information that will help them understand the mitigation components of the project, including the scope of potential mitigation activities. Beth Van Vurst, with the Colorado Attorney General's Office, is working with DNR's negotiation team and water providers to gain approval of the proposed language in time for inclusion in the draft FR/EIS being prepared for USACE HQ review.

**b. EIS Discussion Items**

*i. Public Involvement Process for Public Release.*

- The group discussed the general public involvement process and the steps that should be taken before release of the draft FR/EIS to the public. The major means of communicating information to the public have been through signs installed within Chatfield Park, brochures available at the park, and the Web site. Concerns were

raised that the number of signs provided within the park may be insufficient to reach many visitors, depending on which entrance to the park is used. Brochures are available, but visitors may not be taking the opportunity to obtain them. Suggestions were made to consider installing signs accessible from all entrances, providing brochures at the sign locations, and making brochures available at key locations such as Kingfisher Bridge. The Web site contains a wealth of information, but needs to be accessed by the public.

- The group feels that more outreach prior to the anticipated summer release of the draft FR/EIS could help gain public acceptance of the project. The articles published in the Denver Post suggest that there may be some misunderstanding on the part of the public about some details of the project, particularly effects on habitat, recreation, viewscape, and park operations. Public outreach could be increased to notify the public about the summer 2011 release date; describe the review process; identify the project as a cooperative agreement between the state, water providers, and environmental groups; and clarify where information about the project can be found.
- Some thought needs to be given as to what specific information should be communicated to the public in the near term because final details for project implementation are still being worked on. The articles in the Denver Post referred to loss of habitat, for example, but issues concerning mitigation and habitat loss are still being negotiated between the Division of Wildlife and water providers. Other concerns were raised about the optimum timing for a press release. Preparing a draft release could take a month, and then the appropriate target audience and means to reach them would need to be identified. Potential delay in the release of the draft FR/EIS could also impact the timing of press releases.
- Ideas for notifying the public include:
  - Press releases, perhaps monthly, until release of the draft FR/EIS to the public. The idea is to build public interest about the project and provide accurate information. This could be very important because experience with similar projects shows that most of the public will not read the draft FR/EIS, but will gain most of their knowledge through press releases and published sources.
  - Notices in publications such as local newspapers.
  - New or updated Facebook page. A Facebook page is already available through the Corps, but it is possible that the public is not accessing this source.
  - Inserts with billing statements sent to water customers.
  - Newsletters and member lists associated with the marina and clubs using the park. Special focus on groups that use the park, such as bird watchers, equestrians, and dog owners. E-mail lists may be available for clubs and organizations that could be used to reach members.

- Sending updates to contacts who have accessed the Web site, including the approximately 120 government contacts.
- Updating the Web site frequently. WebPR created the site and is available to update the site.
- The group elected to form a work group to explore the public outreach issues raised during the meeting. Mark Shively (Castle Pines North) offered to contact WebPR and to help organize the public outreach efforts. Gwyn said that the Corps Outreach and Public Affairs representatives could work with the work group. The work group will present their ideas to the group at the next meeting.

***ii. Remaining Tasks and Unresolved Issues***

- *Denver Water:* A question was raised about the potential role Denver Water could have in the future. If Denver Water were to store more water in the reservoir; this could increase the level of the reservoir during the summer to support recreation, wildlife, and habitat. The issue has been put on hold until Denver Water can meet with the new director of DNR.

Text inserts for the FR/EIS have been drafted that summarize the Denver Water issue and the meetings that have been held. Steve Dougherty (ERO) is keeping EPA updated monthly on the status of the Denver Water issue. He has included a discussion of the Denver Water option in the Compensatory Mitigation Plan (CMP). Denver Water's participation could increase the water providers cost of storage because water would be held in the reservoir for longer time periods. Eric Laux indicated that it is possible that this issue could lead to a "Supplemental EIS" or a "Record of Environmental Consideration."

**c. Other Items/New Business**

***i. Preble's Jumping Mouse Critical Habitat Designation.***

- In December 2010 the Fish and Wildlife Service revised the critical habitat designation for the Preble's meadow jumping mouse, designating approximately 411 miles of rivers and streams and 34,935 acres of streamside habitat in seven Colorado counties. This revision to the previous critical habitat designation affects habitat along Plum Creek. The FR/EIS will need to address the new rule and how impacts to Preble's critical habitat along Plum Creek will be mitigated. ERO is revising the CMP to address this issue.

***ii. Update on Consulting Firms Working with Marina.***

- Consultants JJR and Atlantic-Meeco are working with the Marina staff to resolve issues associated with the Chatfield project. Tom plans a meeting with State Parks on January 14, 2011, to discuss alternatives to support operations at the Marina during construction and after the project is completed.

***iii. Status of Brighton Storage Reallocation.***

The CWCB signed a resolution, following execution of all necessary documents by the water providers, that approved a redistribution agreement between the water providers and the City of Brighton. Under this agreement, Brighton relinquished its 1,425 acre-feet of allocated storage space in Chatfield Reservoir. CWSD (1,181 acre-feet), Castle Pines Metropolitan District (125 acre-feet), and Castle Pines North Metropolitan District (119 acre-feet) picked up the redistributed storage space in the agreement. The agreement is being closed.

*iv. Action Items.*

- Plan for outreach/news release.
- Provide letter/memo from DNR to the Corps concerning use of proposed language in draft FR/EIS.
- Contact WebPR to expand public outreach.
- Meeting to discuss NGO comments and how the Corps will address the comments.
- CWCB to renew contract with Katie Fendel to support the project
- Evaluate Marina Report and impacts on project
- Make reservations for Washington, D.C. trip.

**4) Wrap-up—Next Meeting Date:**

- Next meeting date: Thursday, February 24, 2011, at 9:30 am, Tetra Tech conference room on 10th floor (Gary will check on availability of the Conference Room and notify Tom).